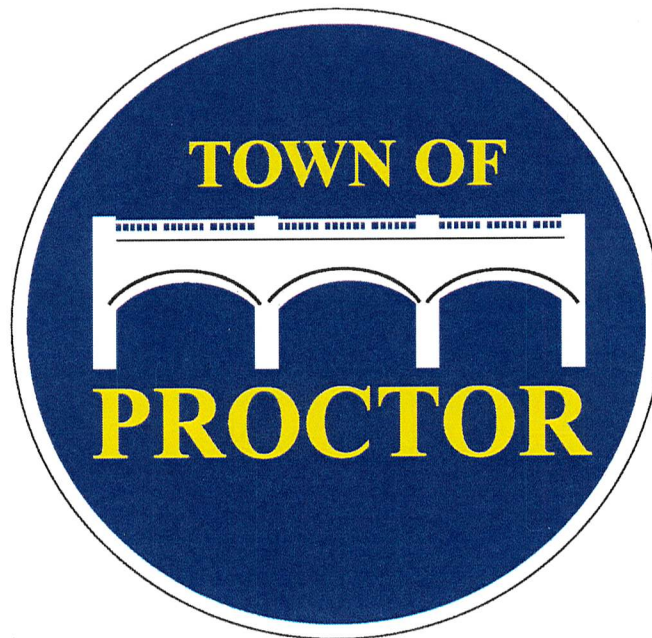


Town of Proctor

Employee Benefits and Policies



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Section 1: TITLE AND AUTHORITY

This Policy shall be known as the Town of Proctor Personnel Policy. It has been adopted by the Town of Proctor (hereinafter "Town") Selectboard pursuant to 24 V.S.A. §§ 1121 and 1122.

The selectboard reserves the right to amend any of the provisions of this Personnel Policy for any reason, at any time, with or without notice.

This Personnel Policy will be administered by the Town Manager.

It is the intention of the Town to fully comply with all State and Federal laws regarding wage and hour benefits, paid and unpaid leave, and equal employment opportunities. All provisions of this policy should be interpreted to comply.

Section 2: PERSONS COVERED

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

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

Section 3: EQUAL EMPLOYMENT OPPORTUNITY

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

Section 4: PROBATIONARY PERIOD

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

Section 5: CONDUCT OF EMPLOYEES

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

All employees are expected to faithfully execute the duties and responsibilities of their office to the best of their ability.

Section 6: CONFLICTS OF INTEREST FOR EMPLOYEES

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

Every employee of the Town shall carry out their job in a way that avoids conflicts of interest so that the public trust will be preserved. All decisions made by Town employees shall be made based on the best interest of the community at large rather than the interests of any particular individual or employee.

An employee shall not participate in any official action if the employee has a conflict of interest in the matter under consideration. An employee shall not personally, or through any member of their household, business associate, employer or employee, represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application or other matter pending before the Town.

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

An employee may accept a nominal gift or gratuity in connection with an action associated with their official duties on behalf of the Town with an estimated monetary value not exceeding \$20 once per calendar year, with the understanding that employees may not directly or indirectly ask, demand, exact, solicit, accept or receive any gift, gratuity, act or promise beneficial to that individual, or another, which could influence any action or inaction associated with their official duties on behalf of the Town, or create the appearance of impropriety in connection with any actions or inactions associated with their official duties on behalf of the Town. Nor shall any employee authorized to procure or to recommend procurement of materials, supplies or services, directly or indirectly, ask, demand, exact, solicit, seek, accept, receive or agree to receive for the employee or another person, any benefit or benefits from the person providing or soliciting the provision of such materials, supplies or services with the exception of items of a de minimus nature valued \$20 or less (such as vendor booth "freebies"). An employee may

attend a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of Town business or where official attendance is appropriate. An employee may accept an award publicly presented in recognition of public service.

Section 7: HOURS OF SERVICE

Regular work hours for persons employed at the Town hall or other Town offices shall be 8 a.m. to 4 p.m., Monday through Friday, with 30 minutes unpaid time allowed for lunch.

Regular work hours for the road crew shall be 6:30 a.m. to 2:30 p.m. in the Spring/Summer and 8:00 a.m. to 4:00 p.m. Fall/Winter, Monday through Friday, with 30 minutes allowed for lunch, unless the Public Works Foreman and the Town Manager agree otherwise.

Employees are allowed two (2) fifteen (15) minute breaks during the work day.

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

Section 8: OUTSIDE EMPLOYMENT

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

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

Section 9: POLITICAL ACTIVITY

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

This Personnel Policy is not to be construed to prevent employees from becoming or continuing to be members of any political party or organization, from attending political party or organization meetings or events, or from expressing their views on political matters, so long as:

1) these views are clearly articulated as being those of the individual and not of the Town, 2) these activities do not interfere with the individual's ability to effectively perform their duties, and 3) these activities take place or are expressed during non-working hours. This Personnel Policy is not to be construed as prohibiting, restraining, or in any manner limiting an individual's right to vote with complete freedom in any election.

Section 11: DRUG AND ALCOHOL USE

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

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

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

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

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

Prohibited Conduct:

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

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

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

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

The illegal use of prescription drugs is prohibited. If an employee is legally taking prescription drugs that affect the employee's ability to safely perform any of the essential functions of their job, their supervisor or the Town Manager will determine whether the employee should continue to perform their functions until concerns regarding safety can be addressed. Medical certification may be required.

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

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

Section 12: TOBACCO USE

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

Section 13: PERFORMANCE EVALUATIONS

Employees may be provided job performance evaluations at such times and in such manner as the Town Manager deems reasonable. The results of such evaluations will be discussed with the employee, the employee's supervisor, the Selectboard and will become a part of the employee's personnel file.

Section 14: PERSONNEL RECORDS

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

Section 15: USE OF TOWN EQUIPMENT

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

Section 16: USE OF TOWN COMPUTER SYSTEM

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

All electronic communications regarding Town business should be, to the furthest extent possible, conducted via official Town computer systems. A Town employee should avoid conducting Town business using their personal computer, device, or account unless authorized by the Town. The Town computer system is to be used by employees for the purpose of conducting Town business. Occasional, brief, and appropriate personal use of the Town computer system is permitted, provided it is consistent with this Policy and does not interfere with an employee's job duties and responsibilities.

Employees should have no expectation of privacy or confidentiality regarding anything created, sent, or received on the Town computer system. The Town may monitor at any time its computer system without warning or any specific notice to employees, including any and all computer transactions, communications, and transmissions for any reason including, but not limited to ensuring compliance with this Policy and evaluating the use of its computer system. All files, documents, data, and other electronic messages created, received, or stored on the Town computer system are open to review and regulation by the Town and may be subject to the provisions of Vermont's Public Records Law.

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

Employees who have a confidential password to access the Town's computer system should be aware that this does not mean the computer system is for personal confidential communication, nor does it suggest that the computer system is the property of that person. Additionally, employees who have a confidential password to access the Town's computer system, or to access any Town-sponsored computer networks, or software-as-a-service, shall provide access to the Town Manager upon request.

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 prohibited uses of the Town computer system:

- 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 websites and news groups, that are inappropriate in a business setting;
- Unauthorized disclosures. Unauthorized disclosures include disclosures of non-public information, unless the disclosure is authorized by law; and the dissemination of confidential, proprietary, or privileged information.
- Any other use that may compromise the integrity of the Town and its business in any way.

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

Section 17: PERSONAL USE OF SOCIAL MEDIA

This section applies to employees using social media in their personal, non-official capacity. Personal or non-official use of social media means day-to-day use of social media by employees that is unrelated to their official work duties. Employees' personal or non-official use of social media may occur during work or off-duty hours. Consistent with Section 16, occasional, brief, and appropriate personal use of social media is permitted during work hours provided it is consistent with this Policy, does not interfere with an employee's job duties and responsibilities, and does not have a detrimental effect on employee productivity or the Town's operations.

Employees using social media in their personal capacity are expected to be truthful, courteous, and respectful toward supervisors, co-workers, residents, customers, and other persons or entities associated with or doing business with the Town.

When posting content or commenting on town business in their personal capacity, employees must use a disclaimer which establishes that their posted content or comments represent their own opinions and do not represent those of the Town. Employees must not attribute personal statements or opinions to the Town when engaging in the use of social media and if, through their identification or posts, any confusion as to whether their statements might be attributable to the Town arises, they must clarify that their posts are their own and not those of the Town.

Personal use of social media should not be tied to the Town's business and employees must not use their town email account or password in conjunction with a personal social media platform.

Personal use of social media that adversely or negatively affects or impacts the workplace is prohibited. The following is a non-exhaustive list of examples, situations, or activity when personal use of social media may adversely or negatively affect an employee's duties or the workplace:

- Name calling and personal attacks or other such demeaning behavior;
- Friendships, dating or romance between co-workers;
- Cyber-bullying, stalking, or harassment;
- Release of private or confidential data;
- Unlawful activities;
- Misuse of town social media;
- Inappropriate use of the Town's name, logo, or the employee's position or title;
- Using town-owned computer systems or equipment for extensive personal social media use; or
- Violating federal, state, or local law.

Section 18: PUBLIC RECORDS

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

Section 19: HOLIDAY LEAVE

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

- New Year's Day (January 1)
- Martin Luther King, Jr.'s Birthday (3rd Monday in January)
- Presidents' Day (3rd Monday in February)
- Memorial Day (last Monday in May)
- Juneteenth National Freedom Day (June 19th)
- Independence Day (July 4)
- Labor Day (1st Monday in September)
- Indigenous Peoples' Day (second Monday in October)
- Veterans' Day (November 11)
- Thanksgiving Day and Day After (4th Thursday in November)
- Christmas Day (December 25)
- Floating Holiday (Anytime)

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

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

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

Section 21: VACATION LEAVE

For full-time employees, vacation leave may be taken as earned time after completion of six (6) months of continuous service. Thereafter, each employee shall be entitled to earn annual vacation leave on the basis of the following table:

6 months through completion of 1 year	5 working days
1 year through completion of 5 years	10 working days
6 years through completion of 10 years	15 working days
In excess of 10 years	20 working days

The anniversary date for vacation leave shall be June 30. For new employees, vacation leave shall be prorated from the date of hire to the following June 30.

Vacation leave will not be earned during any type of leave of absence without pay.

Employees are eligible to take their full earned vacation leave at any time between July 1 and June 30 of the current fiscal year with the approval of the Town Manager depending on the employee's department.

Vacation leave may not be carried over from year to year. The Town has a "use it or lose it" policy on vacation leave. All vacation leave must be used by the end of the fiscal year (i.e., June 30 of the current year).

In the event of adverse weather conditions or other emergencies, public works personnel who are on vacation, may be called to return to perform municipal services (e.g., snow removal, water filter plant maintenance). Employees shall either be paid overtime for hours

An employee who resigns from employment with the Town and provides a 2-week notice will be compensated for unused, accrued vacation leave, with the exception that any employee who terminates during their probationary period will not be entitled to compensation for any accrued vacation time.

Section 22: SICK LEAVE

Definition

For the purposes of this Section of the Policy, the following definition shall apply: "eligible employee" means an employee or an elected official of the Town who: (a) is age 18 or older; (b) works an average of 18 or more hours per week during the year; and (c) is expected to work more than 20 weeks in a 12-month period. This definition includes newly-hired employees and those who are still in their probationary period of employment. This definition does not include an individual who: (i) works on a per diem or intermittent basis; (ii) works only when he or she

indicates that he or she is available to work; (iii) is under no obligation to work for the Town; and (iv) has no expectation of continuing employment with the Town.

Earned Sick Leave

Employees shall earn a total of 40 hours of sick leave per year. For new employees earned Sick Leave shall be prorated from ninety (90) days after the date of hire to June 30 following the date of hire.

Sick leave may not be carried over from year to year. The Town has a “use it or lose it” policy on sick leave.

Use of Paid Leave

An employee may use sick leave for the purposes below:

- The employee is ill or injured.
- The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.
- The employee cares for a sick or injured parent, grandparent, spouse, child, stepchild, ward, 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 their 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, stepchild, ward, 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, stepchild, ward, 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.

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

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

Use of this paid leave does not diminish the rights that an employee may have under the Vermont Parental Family Leave Act.

Compensation at Time of Separation from Employment

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

Certificate of Illness

If the Town Manager has reason to believe that an employee under his/her supervision may be taking sick leave unnecessarily, or if an employee is out of work for three (3) consecutive working days due to illness, the Town Manager, to determine sick leave eligibility, may require:

- A certification of disability from his/her physician (specifying the expected length of the sick leave and/or any work restrictions or light-duty assignments upon return to work) in order to be eligible for benefit for that particular absence (unless otherwise agreed to, a certificate of disability from a physician shall be the responsibility of the employee).

Work Related Injury Reporting

An employee injured on the job, however slightly, must report the incident/accident immediately to his/her supervisor. If necessary, the employee shall seek medical attention immediately. The supervisor must file a "First Report of Injury" form by the end of the next normal workday with the Town Manager for processing, and the incident/accident will be reported to a VLCT claims representative.

Section 23: PERSONAL LEAVE

Employees shall earn a total of 40 hours of personal leave per year. For new employees. Personal Leave shall be prorated from ninety (90) days after the date of hire to June 30 following the date of hire.

Employees are eligible to take their full earned personal leave at any time between July 1 and June 30 of the current fiscal year with approval of the Town Manager, depending on the employee's department. 8 Personal leave may not be carried over from year to year. The Town has a "use it or lose it" policy on personal leave. All personal leave must be used by the end of the fiscal year (i.e., June 30 of the current year).

Upon separation, an employee shall not be eligible for personal leave pay that has not been used. There is no payout at year end for earned and unused personal time. Personal leave may not be carried over from year to year. The Town has a "use it or lose it" policy on personal leave.

Section 24: BEREAVEMENT LEAVE

Employees may be provided with up to 3 paid bereavement leave days (pro-rated for part-time employees) related to the death of a close family member, domestic partner or member of an

employee's household. The exact amount of time off depends upon the circumstances and subject to supervisor approval. For purposes of this Policy, "close family member" is defined as the following: spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt, uncle, niece, nephew, parent-in-law, or sibling-in-law.

If additional time off is needed, or if time off is needed for the funeral of a friend or a relative who is not included above, the employee's supervisor may grant, on a case-by-case basis, the use of a reasonable amount of accrued sick leave, if available, or unpaid leave is unavailable. The amount of such time off, if approved, will depend upon the individual circumstances such as the distance to be traveled, closeness of the employee's relationship with the person who died or the employee's family, and the employee's level of responsibility in making funeral or other arrangements.

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

Section 25: PARENTAL AND FAMILY LEAVE

Any full-time employee shall be entitled to take unpaid leave for a period not to exceed twelve (12) weeks in a twelve (12) month period during the employee's pregnancy and following the birth or adoption of his/her child. The twelve (12) month period begins on the first day of leave.

Written notice of intent to take parental leave shall be given to the Town Manager or Town Clerk including the date of leave expected to commence and estimated duration of the leave, four (4) weeks prior to the anticipated commencement of the leave. Upon approval of the Town Manager, an employee may commence or return from leave earlier or later than estimated.

Upon return from parental leave, the employee shall be offered the same or comparable job at the same level of compensation, employment benefits, seniority or any other term or condition of employment existing on the day leave began.

Any full-time employee shall be entitled to take unpaid family leave for a period not to exceed twelve (12) weeks in a twelve (12) month period to care for a seriously ill spouse, child, stepchild, ward, foster child, parent, or parent of the employee's spouse. The twelve (12) month period begins on the first day of leave.

Accrued vacation, sick, or personal leave may be used by the employee during parental or family leave. However, utilization of vacation, sick, or personal leave shall not extend the twelve (12) weeks allowed for parental and family leave if the weeks are taken continuously.

The Town of Proctor shall continue employment benefits for the duration of the parental or family leave.

Section 26: SHORT TERM FAMILY LEAVE

In accordance with 21 V.S.A. § 472a, eligible employees may be entitled to take unpaid leave not to exceed four hours in any 30-day period and not to exceed 24 hours in any 12-month period for the following purposes:

- To participate in preschool or school activities directly related to the academic educational advancement of the employee's child, stepchild, foster child, or ward who lives with the employee, such as a parent-teacher conference;
- To attend or accompany the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse or parent-in-law to routine medical or dental appointments;
- To accompany the employee's parent, spouse or parent-in-law to other appointments for professional services related to their care and well-being; or
- To respond to a medical emergency of the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse or parent-in-law.

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

Section 27: CRIME VICTIM LEAVE

In accordance with 21 V.S.A. § 472c, eligible employees who are crime victims may be entitled to take unpaid leave for the 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; or
- hearings concerning an order against stalking or sexual assault, when the employee seeks the order as plaintiff.

A "crime victim" is a person who has:

- obtained a relief from abuse order against a family or household member;
- obtained a court order against stalking or sexual assault;
- obtained a court order against abuse of a vulnerable adult; or

- sustained physical, emotional or financial injury as the direct result of the commission or attempted commission of a crime or act of delinquency and is identified as a crime victim in an affidavit filed by law enforcement official with a prosecuting attorney. This includes the victim's child, foster child, parent, spouse, stepchild or ward of the victim who lives with the victim, or a parent of the victim's spouse, provided that the individual is not identified in the affidavit as the defendant.

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

Section 28: LEAVE OF ABSENCE WITHOUT PAY

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 an unpaid leave period that exceeds 30 days.

Section 29: MILITARY & VOLUNTEER 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.

An employee who is a member of a volunteer fire department shall be excused from his/her normal work schedule for the period necessary to perform such duty with the approval of his/her supervisor.

Section 30: JURY LEAVE

The Town will not compensate employees for their service as jurors or witnesses when unrelated to their status as a Town employee. In accordance with 21 V.S.A. § 499, employees will otherwise be considered in the service of the Town for purposes of determining seniority, benefits, credit towards vacations, sick leave, and other rights, privileges, and benefits of employment.

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

Section 30: OVERTIME AND COMPENSATORY TIME OFF

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

The Town does not offer comp time.

Section 31: EMPLOYMENT HARASSMENT AND DISCRIMINATION

The Town is committed in all areas to providing a work environment that is free from unlawful harassment and discrimination, and does not tolerate deviance from this standard. Vermont and federal law prohibit employment discrimination or retaliation based on race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, crime victim or veteran status, any other category of person protected under federal or state law, or against a qualified individual with a disability with respect to all employment practices. Vermont law also prohibits discrimination based on sexual orientation, ancestry, HIV status, and place of birth. It is unlawful, and the town will not tolerate retaliation against employees or applicants who have alleged employment discrimination.

All employees, including supervisors and other management personnel, are expected and required to abide by this Policy. Employees who are found to have engaged in harassment may face disciplinary action up to and including termination. Any employee who believes that they have been the target of this type of harassment, or who believes they have been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop.

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

The Town Manager: 802-459-3333 Ext. 13

The Selectboard Chair: Written Letter to 45 Main Street, Proctor, VT, 05765

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

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

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

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

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

Section 32: SEXUAL HARASSMENT

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

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

- submission to that conduct is made either explicitly or implicitly a term or condition of employment;
- submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or

- the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

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

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

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

The Town Manager: 802-459-3333 Ext. 13

The Selectboard Chair: Written Letter to 45 Main Street, Proctor, VT, 05765

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

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

Civil Rights Unit

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109 State Street

Montpelier, VT 05609-1001

Tel: (802) 828-3657 (voice)

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Online: <http://ago.vermont.gov/about-the-attorney-generals-office/divisions/civil-rights/>

Equal Employment Opportunity Commission

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Tel: 1 (800) 669-4000 (voice)

1 (800) 669-6820 (TTY)

1 (844) 234-5122 (ASL Video)

Fax: 617-565-3196
Email: info@eeoc.gov
Online: www.eeoc.gov

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

Section 33: EMPLOYEE DISCIPLINE

The Town will determine, in its sole discretion, when employee conduct must be addressed by 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 these 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 will normally adhere to the following progressive disciplinary process: (1) verbal warning; (2) written warning; (3) suspension; and (4) termination. In connection with issuing discipline, the Town may consider prior disciplinary action, regardless whether the prior discipline was for the same or similar employee conduct. Additionally, the Town may bypass one or more steps of progressive discipline when it reasonably determines circumstances warrant, most often based on unusually or extremely serious conduct. Bypassing progressive discipline may also be warranted, for example, when employee conduct irretrievably damages credibility or destroys the confidence of supervisors or management in the employee's ability to continue effectively in the position.

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. This list is not exhaustive.

- Engaging in any illegal activity.
- Refusing to do assigned work.
- Being inattentive to duty, including sleeping on the job.
- Falsifying a time card or other record or giving false information to anyone whose duty is to make such record.
- 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 unlawful retaliation or discrimination, including sexual harassment.
- Misusing, misappropriating, or willfully neglecting Town property, funds, materials, equipment or supplies.

- Unlawfully distributing, selling, possessing, using or being under the influence of alcohol or drugs when on the job or subject to duty.
- Fighting, engaging in horseplay or acting in any manner which endangers the safety of oneself or others. This includes acts of violence as well as threats of violence.
- Stealing or possessing without authority any equipment, tools, materials or other property of the Town or attempting to remove them from the premises without approval or permission from the appropriate authority.
- Marking or defacing walls, fixtures, equipment, tools, materials or other Town property, or willfully damaging or destroying property in any way.
- Failure to search for or disclose public records upon request.
- Willful violation of Town rules or policies.

Section 34: EMPLOYEE TERMINATION PROCESS

The Town has adopted an employment termination process.

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

An employee being considered for termination will be provided with written notice. The notice will contain a brief statement of the reasons termination is being considered and the date, time and place of a pre-termination meeting with Town representatives. At the pre-termination meeting, the employee will be afforded an opportunity to present the employee's response to the reason(s) termination is being considered. If the employee declines to attend the pre-termination meeting, the employee may submit a written response to the pre-termination notice not later than the scheduled date of the meeting.

Within seven calendar days of the date of the meeting, which time period may be extended, if necessary, the Town will provide the employee with a written notice informing the employee whether they have 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 to the indicated Town representative within seven calendar 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 their right to be represented by counsel and of the hearing process described below.

The Selectboard may hold the post-termination hearing in executive session, but the employee can elect for the hearing to be held in open session. A Town representative will present the

evidence and grounds supporting termination, and the employee or their attorney may cross-examine witnesses presented by the Town. The employee or their counsel may then present the employee's witnesses and evidence, subject to cross-examination by the Town. Opening and/or closing statements will be accepted. The selectboard will decide any evidentiary objections or disputes. After the hearing and Selectboard meeting are adjourned, the Selectboard, under the authority granted by 1 V.S.A. § 312(e), will deliberate over matters presented in the hearing.

The Selectboard will render a written decision within fourteen calendar days after close of the hearing, which time period may be extended if necessary.

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

Section 35: EMPLOYEE BENEFITS

Full-time employees and qualified elected or appointed officials are eligible for complete group health coverage as offered by the Town of Proctor. Employees become eligible to participate in the plan thirty (30) days after their date of hire. Application to enroll in the plan must be made to the Town Clerk.

The Town offers health insurance through Vermont Health Connect. Employees hired prior to December 23, 2019 shall be eligible to participate in the Platinum Standard plan. Employees hired after December 23, 2019 shall be eligible to participate in the Gold Standard plan. Annually the Selectboard shall set the percent the town will contribute of the model plan.

In the event that employment with the Town of Proctor is terminated, employee and family members who are covered by the plan may continue coverage with the group under federal "COBRA" (Consolidated Omnibus Budget Reconciliation Act) mandates. The former employee must pay the entire premium for coverage.

Full-time employees and qualified elected or appointed officials are eligible for life and accidental death and dismemberment coverage as offered by the Town of Proctor. This is a noncontributory policy with the Town paying one hundred (100) percent of the premium.

Full-time employees and qualified elected or appointed officials are eligible for short-term disability coverage as offered by the Town of Proctor. Qualified employees hired become eligible for the benefits on the first day of the calendar month following the date they were hired.

This is a noncontributory policy with the Town paying one hundred (100) percent of the premium.

The Town of Proctor provides Unemployment Insurance, as established by Federal and State statutes.

The Town of Proctor provides Workers' Compensation Insurance, as established by State statutes.

The Town of Proctor provides all full-time employees and qualified elected or appointed officials with the services of an Employee Assistance Program (EAP). The program is designed to provide personal and/or family counseling in areas such as marital or dependent relationship difficulties, alcohol and drug abuse, stress, legal or financial concerns, problems with children, and emotional problems. These services are provided at little or no cost to the employee or the employee's immediate family members. Participation in the EAP is confidential.

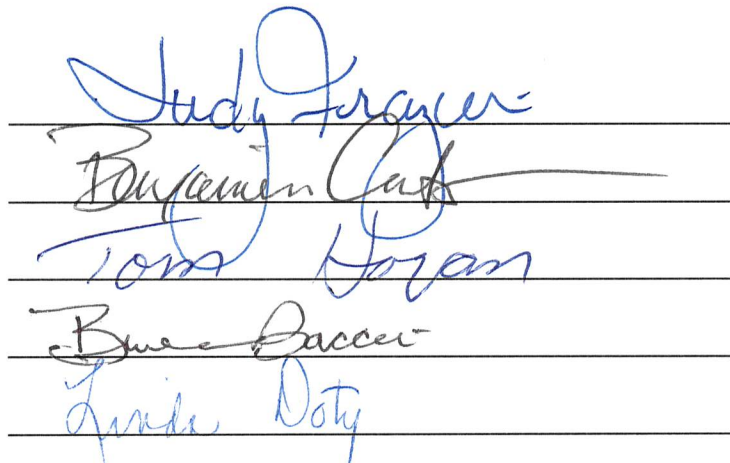
Full-time employees and qualified elected or appointed officials are eligible for retirement benefits as offered by the Town of Proctor. The Town of Proctor provides a Retirement Program for eligible employees in the Vermont Municipal Employees Retirement System (VMERS). All new regular employees who meet the eligibility criteria must participate in VMERS.

The Town will pay the employer's contribution to the system as recommended by the Vermont State Retirement Board. The employee will pay the employee's contribution to VMERS at the rate established by statute. At the present time VMERS features a five-year vesting period.

Full-time employees and qualified elected or appointed officials are eligible for retirement benefits as offered by the Town of Proctor through a 457 Deferred Compensation Plan. Details of this plan are available from the Town Manager.

ADOPTED this 22nd day of May, 2023.

SIGNATURES of SELECTBOARD:


Judy Ferguson
Benjamin Cook
Tom Horgan
Bruce Packer
Linda Doty

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 Proctor and _____ (hereafter "Town Official) collectively referred to as "parties."

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

Town Official agrees to be bound by the provisions of the Proctor 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 _____ 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. In return, said personnel will receive benefits from the Town as follows:

Entered into this ____ day of _____, 20__

BY: Independently Elected Official:

Selectboard:
