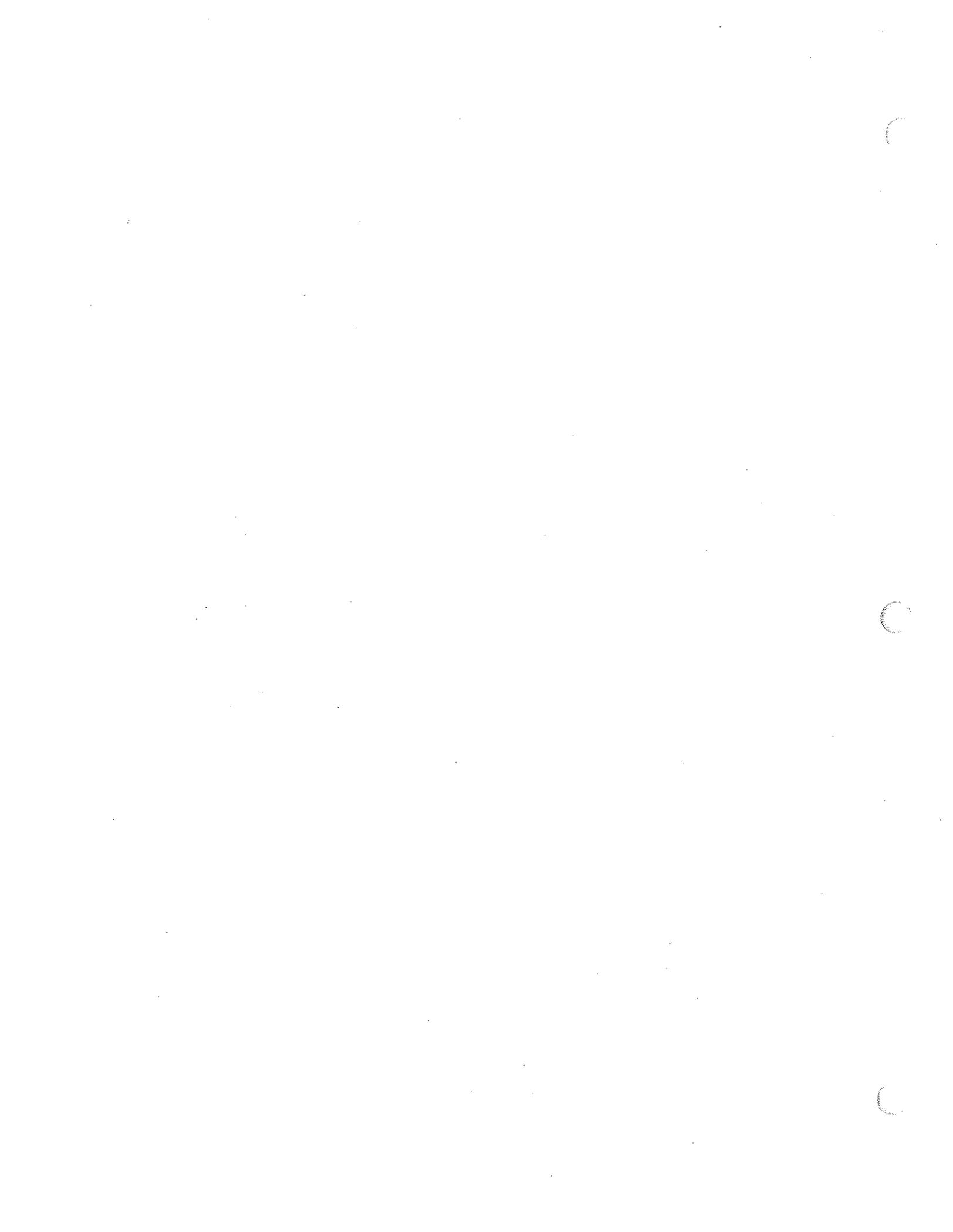




# Town of Westminster Personnel Policy

Adopted October 22,

**2013**



# Town of Westminster Personnel Policy

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## Article I. Purpose

The purpose of this manual is to provide employees, officials and applicants with important information concerning employment with the Town of Westminster (Town); to provide for a uniform policy for handling personnel matters, and to handle and clarify situations applicable to all employees and officials.

The Town of Westminster Personnel Policy is adopted by the Town of Westminster Selectboard pursuant to 24 V.S.A. § 1121 and 1122, for the purpose of governing the relationships between the Town of Westminster and its employees and officials, as well as the work environment in which they serve.

The contents of this Personnel Policy are for the use and information of management, officials, staff, and the Selectboard. This personnel policy does not constitute a contract of employment. The Town or the employee may terminate employment at any time, with or without notice. All individuals employed by the Town are employed "at will."



## **Article II. Administration of Personnel Policy**

The Town Manager, or a designee, shall administer the Town's personnel policies, rules, and regulations. Amendments to the Town's Personnel Policy shall be by resolution of the Selectboard. The Selectboard reserves the right to amend any of the provisions of this personnel policy for any reason and at any time, with due notice.

## **Article III. Persons Covered**

This Personnel Policy applies to full-time and part-time employees of the Town of Westminster. Except as stated herein, elected officers without benefits and their statutory assistants, members of Town boards and commissions, volunteers, seasonal employees and persons who provide the Town with services on a contract basis are not covered by this policy. Elected officials who receive compensation should adopt and adhere to the Town of Westminster Personnel Policy. Other elected members of Town boards and commission should similarly adopt and adhere to these policies. Full time elected officials shall be offered participation in all insurance programs, leaves, holidays, and other benefits offered to non-elected Town Employees.

Where a conflict exists between this policy and any individual employment contract, the latter will prevail.

## **Article IV. Statement of Town Principles**

The Town of Westminster values its employees and applicants, and adheres to the following Statement of Principles to ensure a safe workplace free of discrimination, harassment and corruption.

### **Section 4.01 Equal Opportunity Employment**

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

Employees and officials are encouraged to bring any complaints alleging unlawful discrimination to the attention of the Supervisor or the Town Manager 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 (7) calendar days from receipt of notification. If the Supervisor or Town Manager is unable to resolve the matter during this meeting, the aggrieved party may submit to the Supervisor or Town Manager a written, signed complaint within seven (7) additional calendar days. The Supervisor or Town Manager will then have an additional fifteen (15) calendar days in which to conduct an investigation and to issue a report with recommendations to the Selectboard. The Selectboard will, within ten (10) calendar days, notify the complainant of its decision.

## **Section 4.02      Sexual Harassment**

### **(a) Sexual Harassment Policy Purpose**

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 and officials 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 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 and officials are required to read this policy before signing the Personnel Policy Acknowledgement form.

### **(b) Sexual Harassment Defined**

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 they are 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, letters, or communications 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 to not support the complaint, adversely altering that person's duties or work environment,

- etc.);
- harassing acts or behavior directed against a person on the basis of their gender or sexual orientation;
  - off-duty conduct which falls within the above definition and affects the work environment.

**(c) Sexual Harassment Reporting**

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

Any employee who wishes to report sexual harassment should report such behavior to their immediate supervisor. If the report involves immediate supervisor one should contact the Town Manager. Employees may, at any time, report such behavior to the Town Manager. If there is behavior concerning the Town Manager, or an appropriate resolution is not found, an individual may contact the Chair of the Selectboard.

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, suspension 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 05609-1001  
Tel: (802) 828-3171 (voice/TODD)

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

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

**(d) Sexual Harassment Retaliation**

Retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying or participating in the investigation of such a complaint is illegal, in itself, regardless of the facts of the underlying complaint, and is prohibited by the Town and by state and federal statutes.

## **Section 4.03      Drug and Alcohol Policy**

### **(a) Drug and Alcohol Policy Purpose**

To ensure the efficient operation of municipal service, the Town of Westminster's policy is to employ a work force that is free from the use of illegal drugs and abuse of alcohol. This abuse places Town property, equipment, employees, and operations at risk. It is the intent of the Town of Westminster to maintain a safe, healthy work environment for all employees and the Westminster community.

### **(b) Drug and Alcohol Policy Scope**

This policy applies to all Town employees and elected officials.

### **(c) Drug and Alcohol Behavior Guidelines**

- 1) The consumption, possession, manufacture, distribution, dispensing of alcohol beverages and/or illegal substances by employees or officials while at work or while on Town property at any time is strictly prohibited.
- 2) Being under the influence of alcohol, illegal drug, or a controlled substance, not authorized by a physician, or an illegal drug in Town buildings, on location, in Town-supplied vehicles, or during working hours is prohibited due to the potential adverse impact on job performance, putting yourself and others in harms way, and exposure of the Town to increased liability.
- 3) Employees shall notify the Town Manager in writing, of their conviction for a violation of a criminal drug statute, no later than five (5) calendar days after such conviction.
- 4) An employee or official is not allowed to report to work when they use any controlled substance, except when a physician who has advised the employee the substance does not adversely affect the ability to operate a vehicle or other machinery, prescribes the use.
- 5) All Town employees and elected officials covered by this Personnel Policy may be subject to random drug and alcohol testing.

### **(d) Drug and Alcohol Policy Violation Consequences**

- 1) Violation of this policy may result in disciplinary action, up to and including termination.
- 2) Employees found to be in violation of this policy may be referred to the Town's Employee Assistance Program, if available.

## **Section 4.04      Employee Conduct**

All employees and officials 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 within the work environment.

All employees and officials 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.

All employees and officials shall not disclose confidential information gained by them by reason of their position, except as authorized or required by law, nor shall they otherwise use such information for his or her personal gain or benefit. Employees and officials shall not use their

positions to secure special privileges or exemptions for themselves or others

#### **Section 4.05 Political Activity**

An employee or official shall refrain from all political activities which undermine public confidence in the Town. Town employees or officials shall not use their official authority for the purpose of interfering with or affecting the nomination or election of any candidate for public office in the Town of Westminster. This rule is not to be constructed to prevent a Town employee from becoming or continuing to be a member of any political party, or from attending political meetings, or signing petitions for a candidate for public office.

#### **Section 4.06 Gratuities and Gifts**

Employees and officials may not directly or indirectly ask, demand, exact, solicit, accept, or receive a gift, gratuity, act or promise beneficial to that individual, or another, which could influence any action or inaction associated with their official duties on behalf of the Town, or create the appearance of impropriety in connection with any actions or inactions associated with their official duties on behalf of the Town. Any employee who receives a gift in excess of \$20.00 or is offered a gratuity of any sort by virtue of the fact that they are a town employee shall within twenty-four (24) hours inform the Town Manager. Failure to report such gifts or gratuities, or offer thereof, may present grounds for suspension or dismissal. The Town Manager will decide whether or not such gifts and/or gratuities may be accepted.

#### **Section 4.07 Nepotism**

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

A close relative includes a spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law and sibling-in-law.

#### **Section 4.08 Contracts**

No official or employee of the Town of Westminster shall be beneficially interested, directly or indirectly, in any contract with Town, regardless of amount; or furnish any material, or perform any labor, except in the discharge of their official duties, unless such contract shall have been awarded upon bids following the Town's Purchasing Policy. No officer or employee of the Town shall take part in any decisions concerning the business of the Town in which they have a direct or indirect financial interest (aside from salary as an officer or employee) that is greater than any other citizen or taxpayer in the Town. This section shall not apply in the event of an emergency where immediate action shall be deemed more important to the Town than the receipts of formal bids.

## **Article V. Recruitment and Hiring Practices**

### **Section 5.01 Recruitment of Employees**

Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified candidates for the various types of positions. In cases where residents of Westminster and non-residents are equally qualified for particular vacant positions, Town residents shall receive first consideration in filling such vacancies.

### **Section 5.02 Notification**

The Town Manager shall advise employees of the existence of vacancies to which they are qualified to be promoted. Such notice will be posted in the Town Office for a period of five (5) days prior to advertising in the local media except in emergency hiring situations.

Announcements shall specify the title, the nature of the work performed, the desired qualifications of applicants, the closing date for receiving applications, and other information as required. A copy of the job description can be obtained in the office of the Town Manager.

### **Section 5.03 Pre-Employment Physical**

All new permanent employees who are hired for positions in which health or physical abilities are important for the performance of the essential functions of the job shall be required to have a physical examination at the expense of the Town after an offer to employment has been made. Appointment to position may be conditioned on positive results of the examination. The specific criteria will be determined by the Town Manager but will be based on the specific requirements of the essential functions of the job. All information obtained as part of the medical exam shall remain confidential and shall not be placed in the employee's personnel file, but in a separate medical file.

All new Town employees may be subject to pre-employment drug and alcohol testing.

### **Section 5.04 Probationary Period**

Every person appointed or promoted to a position in the Town of Westminster shall be required to successfully complete a probationary period, which shall be of sufficient length to enable the supervisor to observe the employee's ability to perform the various principal duties pertaining to the position. The probationary-period shall begin immediately upon appointment or promotion and shall continue for not less than six (6) consecutive months. A Supervisor may extend the probationary period with the approval of the Town Manager, except that the total probationary period shall not exceed twelve (12) months.

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.

### **Section 5.05 Promotion Policy**

Vacancies in positions with the Town shall be filled, as far as practical, by the promotion of employees already in the Town's service. Promotion in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of affecting an increase in compensation.

### **Section 5.06 Residency**

The Town Manager may require that a new employee establish residency within the Town of Westminster, or relocate within a specified number of miles from Town, as a condition of employment, or continued employment.

### **Section 5.07 Appointment**

All appointments to positions in the service of the Town of Westminster shall be made based on merit and fitness. Education, experience, aptitude, knowledge, skills, character, physical fitness (where necessary for the essential functions of the position), personality, and all other qualifications deemed necessary for the satisfactory performance of the duties of the position to be filled shall be considered with importance assigned to each factor as may be deemed proper by the Town Manager or such advisory examining committee as may be appointed.

### **Section 5.08 Type of Appointments**

#### **(a) Full-Time:**

A full-time employee works at least 37.5 hours per week on a continuing basis (indefinite term). The full-time employee is subject to all rules and regulations and receives all benefits and rights as provided by the Personnel Policy.

#### **(b) Emergency Appointments:**

In order to prevent a stop, loss or serious inconvenience of public service, appointment of employees on a temporary basis may be authorized by the Town Manager or his authorized representative in accordance with these rules for a period not to exceed sixty (60) days. Such appointees shall not be eligible for employee benefits.

#### **(c) Permanent Part-Time Employees:**

A permanent part-time employee works less than the normal week but on a regular basis. Permanent part-time employees working 30 or more hours per week shall be subject to all rules and regulations and receive all benefits and rights as provided by the Personnel Policy, on a prorated basis.

#### **(d) Part-Time Employees:**

Part-time employees who fewer than 30 hours per week shall be subject to all rules and regulations and are not eligible for employee benefits under this Personnel Policy.

**(e) Limited Term Appointments:**

Limited term appointments are made when a special project requires the addition of an employee, or employees, for a specific time period, or to fill a position of an employee on a leave of absence.

**Article VI. Employee Records**

Personnel records will be maintained for each employee and official of the Town. In accordance with Vermont's Public Records Law, any employee or official, or a designated representative, may inspect or copy the employees 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 6.01 Attendance Records**

The Personnel Department within the Town Manager's Office shall maintain daily attendance records for all compensated officials. The form and scope of these records will be determined by the Town Manager.

**Article VII. Compensation: Wages and Salary**

**Section 7.01 Salary, Pay, and Compensation**

**(a) Pay Plan**

All paid employees shall be paid in accordance with a pay plan approved by the Selectboard.

**(b) New Employees**

New employees normally enter employment at the minimum salary or wage level for the position for which they were hired. However the Town Manager is authorized to hire an employee at a salary and/or wage above the minimum level with the concurrence of the Selectboard.

**(c) Direct Deposit**

Employees at time of hire will be provided information on enrolling in the Town's direct deposit program. Current employees will similarly have the option to enroll in electronic direct deposit.

**(d) Bi-Weekly Payroll**

Payroll shall be bi-weekly, with employee and official pay and compensation being provided every two weeks. An hourly individual shall be paid for the actual number of hours worked during each pay period. A salaried individual shall be paid their annual rate as determined by the Town.

**Section 7.02 Hours of Service**

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

**(a) Town Hall Hours of Operation**

The regular work schedule for persons employed in Town Hall, non-Highway Department functions, shall be Monday through Friday 8:30 a.m. to 4:00 p.m.

**(b) Highway Department Hours of Operation**

Regular work hours for Highway Department operations shall be forty hours (40) per week. Hours shall be scheduled Monday through Friday 6:00 a.m. to 2:30 p.m. with a half-hour lunch period. From the second week in May, to the second week in September, the Highway Department, with the approval of the Town Manager and Road Foreman, may flex their hours.

**Section 7.03 Overtime**

In accordance with the Fair Labor Standards Act (FLSA), 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. Employees employed in executive, administrative or professional capacities as defined by the FLSA are exempt from this requirement.

No hourly employee or official may work over forty (40) hours in a given week without the authorization of their supervisor.

**Section 7.04 Mileage Reimbursement**

All full-time employees, permanent part-time employees, or qualified elected officials of the Town of Westminster when required to use their personal vehicles for Town business are eligible to be reimbursed by the Town for such use at a rate identified by the US Internal Revenue Service. To receive reimbursement an employee shall submit an invoice to the Town indicating the date of travel, the number of miles traveled, and the purpose of the trip. Employees shall not be reimbursed for traveling to work at the beginning of a shift or travel from work at the end of a shift.

**Section 7.05 Standby Pay**

**(a) General Policy**

During all weekends falling between December 1st of each year and April 1st of the following year all road crew workers available for weekend work will be paid an additional \$25.00 for each weekend day (12:01 AM Saturday through 12:00 PM Sunday) whether they work or not.

**(b) Forfeiture of Standby Pay**

Any employee not available during the weekend, or any one day of the weekend, must notify his supervisor in advance, and is not eligible for standby pay.

If any employee chooses to receive standby pay for a weekend day and is not available when called in to work during that time, the employee forfeits standby pay for the weekend.

**Section 7.06 Call In Pay:**

A member of the road crew called in to work as part of an unscheduled event shall receive Call In pay compensation at a rate equivalent to overtime. Employees shall receive a minimum of three (3) hours of pay for each unscheduled event. When employees are called to service, and receiving Call In Pay, they may be required to work the entire Call In period. If this time extends

into regular work hours, then hours in excess of Call In pay minimum shall be paid at straight time.

## **Article VIII. Leave & Other Compensatory Time**

### **Section 8.01 General Leave Policy**

All employees are expected to be in attendance during regular work hours. Leave is any authorized absence during regularly scheduled work hours that is approved by proper authority. Leave may be authorized with or without pay. All requests for leave shall be made in writing.

Employees who will be absent from work are expected to notify their supervisor in advance whenever possible. Employees who are calling in sick are expected to provide reasonable notice to their Supervisor, as soon as possible prior to the start of the workday. Employees should also be certain to speak directly with a supervisor during the regular Town hours to confirm their absence.

### **Section 8.02 Civil & Jury Duty**

#### **(a) Jury Duty**

If an employee is called to serve on a jury, the Town will compensate the employee for the difference between their regular rate of pay and their compensation as a jury member.

### **Section 8.03 Bereavement Leave**

Employees will receive up to three (3) paid bereavement leave days for the death of an immediate family member, unless otherwise approved by their Supervisor in consultation with the Town Manager.

Pay for bereavement leave will be at the employee's regular rate of pay. Part-time employees will receive prorated bereavement leave pay based on the number of hours the employee is regularly scheduled to work in a week.

### **Section 8.04 Holidays**

All Town employees shall observe the following holidays:

New Year's Day  
Presidents' Day  
Martin Luther King Jr. Day  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day

Veterans' Day  
Thanksgiving Day  
Day after Thanksgiving  
½ Day before Christmas Day  
Christmas Day  
½ Day before New Year's Day

**(a) Weekend Holiday**

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

**(b) Holiday Compensation**

Employees will receive holiday leave pay 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.

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.

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

**(c) Exemption**

Employees shall not be paid for holiday leave unless they work and/or are paid for the work day prior to the holiday and/or the first working day after the holiday or unless approved by the Town Manager.

**Section 8.05 Injury Leave and Workers Compensation**

The Town, in case of injury leave, shall supplement the payments of the worker's compensation insurance company so that the employee will receive full pay during their absence, for a period not to exceed one year. In the cases where the employee is able to recover damages from a third party, the Town shall be reimbursed for that amount of pay, which represents the difference between the employee's full pay and worker's compensation. Lost time under Injury Leave shall not be charged to vacation or sick leave accruals.

**(a) Reporting Injuries**

All on-the-job accidents and injuries or occupational-incurred illnesses must be reported within seventy two (72) hours to the employee's supervisor. This is for the protection of the employee as well as the Town. The employee's supervisor will, in turn, complete a supervisory report and forward it to the Town Manager's Office.

**Section 8.06 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.

**Section 8.07 Military Leave**

The Town will comply with the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. § 4303 et seq., and 21 V.S.A. § 491 et seq. Employees who take military leave subject to the provisions of these laws will be granted leave

without pay. At the option of the employee, any paid leave accrued prior to the commencement of the leave may be used.

#### **Section 8.08 Personal Leave**

Two personal days per year shall be granted to each full-time employee beginning 30 days from the date of hire. The employee will be compensated for these days as though they had worked a normal working day. Use of personal days must be approved by the Supervisor a minimum of twenty-four (24) hours in advance unless approved otherwise. Unused personal days shall not accumulate from year to year. Unused personal days will not be paid upon termination of employment.

#### **Section 8.09 Sick Leave**

##### **(a) General Policy**

Employees will receive paid sick leave days as listed below. An employee may use sick leave for an illness or injury that prevents the employee from performing the employee or officials' job duties. An employee may be granted up to two hours leave to meet medical and dental appointments, or other sickness prevention measures, at the discretion of the Supervisor. Such time will not be charged against sick leave. This leave will be limited to a maximum of two appointments per month.

An employee may also use sick leave to attend the following appointments that cannot be held outside normal working hours:

- 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 8.
- Any other appointments authorized in advance by the employee's supervisor.

Full-time employees will receive sick leave pay at the employee's regular rate of pay. Part-time employees will receive prorated sick leave pay based on the number of hours the employee is regularly scheduled to work in a week.

##### **(b) Sick Leave Benefit**

All full-time employees are entitled to one (1) day of sick leave per month, based upon date of hire. Sick leave shall begin to accrue at the end of the first full month of employment. Sick leave accrual and usage shall be based upon hours worked- i.e. if fulltime employment is a 7.5 hour day, the sick leave shall be 7.5 hours, and for 8 hour days, 8 hours of sick leave. A maximum of 60 days sick leave may be accumulated. All Permanent part-time employees are entitled to sick leave benefits on a prorated basis.

##### **(c) Notice of Sick Leave**

Employees who are calling in sick are expected to provide reasonable notice to their Supervisor as soon as possible. Employees shall also directly connect with their supervisor during regular business hours to confirm their absence, if notice was given by leaving a message outside of regular business hours. Notice of intended absence for illness on subsequent days shall be reported on each day unless prior notification arrangements have been made.

At the sole discretion of the Town Manager or a Supervisor, an employee using leave for illness may be required to produce a physician's certificate or other proof of illness to substantiate absence from work. More than two (2) consecutive workdays of absence to be compensated under this section shall require a certificate from a licensed physician.

**(d) Non-use of Sick Leave**

Employees and officials who do not use sick leave in a given quarter are entitled to one (1) Personal Day, not to exceed three (3) Personal Days in a four (4) quarter period.

**(e) Donation of Sick Leave**

In instances where an employee becomes ill for a prolonged period, and has exhausted their sick leave hours, the Town Manager may permit other employees and officials to donate their accumulated sick leave.

**(f) Sick Leave at Separation**

Upon retirement or termination in good standing from employment, an employee will be compensated for half of their unused sick leave at their normal rate of pay.

**Section 8.10 Parental and Family Leave**

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

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

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

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

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

**Section 8.11      Vacation Leave**

Years of Service	Yearly Vacation Days	Max. Days Carried Over	Total Available Days
0-1	5	5	5
2-7	10	5	15
8-14	15	5	20
15-19	20	5	25
20 +	25	5	30

**Clarification:**

An employee accrues annual vacation as set forth above. If the employee desires, and upon approval by the Supervisor or Town Manager, a maximum of the equivalent of five days' accrued vacation may be rolled over into the following year. In no event shall the total of unused accumulated vacation exceed thirty (30) days.

**(a) Usage of Vacation Leave**

Vacation time may be taken any time after it is earned. The scheduling and use of vacation days must be authorized by the Town Manager and/or the individual's supervisor.

**(b) Part-Time Permanent Employees**

Eligible permanent part-time employees will receive prorated vacation leave based on the average number of hours worked per week. Eligible permanent part-time employees are not entitled to carry accumulated vacation time from one fiscal year into the next. Vacations will be scheduled at the discretion of the employee's supervisor upon consultation with the employee.

**(c) Probationary Period Usage of Vacation**

Employees and officials may not take vacation leave during their probationary period. In extraordinary circumstances the supervisor may waive this exemption.

**(d) Retirement**

An employee who resigns or is terminated in good standing from employment with the Town will be compensated for unused vacation leave, provided that the employee gives at least two weeks written notice of the resignation.

**Section 8.12      Absence Without Leave**

An absence of an employee from work, including any absence for a single day or part of a day, which is not authorized by a specific grant of leave of absence under the provisions of these rules, shall be deemed an absence without leave. Any such absence may be cause for disciplinary action including forfeiture of pay at the discretion of the Supervisor or Town Manager.

## **Article IX. Benefits**

### **Section 9.01 Benefits Offered**

The Town provides a variety of benefits to its employees and their eligible dependents. Current benefits offered through payroll deduction include those listed in Insert A attached.

### **Section 9.02 Eligibility**

The following individuals will be eligible for coverage:

- 1) Full-time employees of the Town and their legal dependents.
- 2) A permanent part-time employee working a minimum of 30 hours per week, and their legal dependents, prorated based on the number of hours the employee is regularly scheduled to work in a week.

### **Section 9.03 Coverage Effective & Expiration Dates**

- 1) Coverage for Medical and Dental Insurance begins on the first day of the month following date of hire for permanent employees working 30 hours or more per week. Coverage for Life Insurance is effective immediately upon date of hire for full time employment.
- 2) Medical and Dental Benefits end on the last day of the month in which the employment status change occurs. Life Insurance coverage ends on Termination Date of Employment.

### **Section 9.04 Declining Benefits**

An employee can decline benefits. A form declining benefits shall be signed by the employee or official. An employee or official may decline benefits at Open Enrollment by completing the same form. See the Town Manager for more details.

### **Section 9.05 Enrollment Changes**

Changes can only be made during the year if there is a qualified status change. Examples are events such as marriage, divorce or a birth of a child.

## **Article X. Performance Evaluations**

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

## **Article XI. Discipline and Discharge**

### **Section 11.01 Progressive Discipline**

The Town 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 should be addressed by discipline.

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

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

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

## **Section 11.02 Employee Termination Process**

The Town 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 process 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 reasons termination is being considered and the date, time and place of a pre-termination meeting with the employee's supervisor.

At the pre-termination meeting, the employee will be afforded an opportunity to present the employee's response to the reasons for termination. If the employee declines to attend the pre-termination meeting, the employee may submit written response to the pre-termination notice not later than the scheduled 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 they have been terminated. If the employee has been terminated, the notice will provide the general reasons therefore, and all pay and benefits will stop.

## **Article XII. Usage of Town Equipment, Buildings, and Systems**

### **Section 12.01 Town Electronic, Computer and Technology Systems**

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

The word Technology shall refer to all forms of communication, equipment, and systems including but not limited to: computers, internet, telephones, voice mail, e-mail, facsimile, etc. The word technology will be used hereafter rather than specifying any particular type of technology.

Employees and officials should have no expectation of privacy regarding anything created, sent or received on the Town technology systems. The Town may monitor any and all electronic and computer transactions, communications and transmissions to ensure compliance with this policy and to evaluate the use of the Town's systems. All files, documents, data and other electronic messages created, received, sent 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 and officials may not introduce software from any outside source onto the Town's computer and technology systems without explicit prior authorization from the Town Manager's office. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the Town computer system.

Employees and officials 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, technology, or its contents are the property of that person.

The Town of Westminster recognizes that employees cannot control all communications received through the internet or e-mails and some communications may be received that are against this policy. Employees should delete the items and contact person(s) sending the item to inform them that such items are unacceptable.

### **Section 12.02 Tobacco Usage on Town Property and in Vehicles**

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 prohibits employees' and officials' use of tobacco in any form in all publicly owned buildings, offices and enclosed areas, in all Town vehicles, and on all town-owned land.

### **Section 12.03 Usage of Town Vehicles and Equipment**

Employees and officials shall not use Town property or equipment for private purposes, without authorization from either the Selectboard or Town Manager. The use of Town equipment for personal use is generally prohibited, except in instance where take home vehicle rights have been negotiated by the Town Manager. Vehicles, even those with take home rights, under no circumstances will be used for private business ventures.

### **Article XIII. Exemptions**

The provisions of these regulations shall prevail except in cases where contrary contractual agreement exists between the employee and the town.

### **Article XIV. Severability**

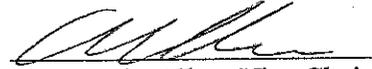
If any provision of this personnel policy or the application hereof to any person or a circumstance(s) is held invalid, this invalidity does not affect other provisions or applications of the personnel rules which can be given effect without the invalid provision or application. For this purpose, this personnel policy is severable.

**Article XV. Adoption**

The Town of Westminster Personnel Policy is adopted this 22nd day of October, 2013:



Nathan Stoddard, Chair



Craig Allen, Vice Chair



Toby Young, Clerk



Peter Barrett



Paul Banik

**Section 16.01 Acknowledgment of Town of Westminster Personnel Policy**

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

- A. I received a copy of the Town's Personnel Policy on \_\_\_\_\_;
- B. I have been given an opportunity to ask questions about said policy and I have been provided with satisfactory information in response to my questions;
- C. I understand that the language used in this Personnel Policy is not intended to create, nor should it be construed to create, a contract of employment between myself and the Town;
- D. I acknowledge that the Town reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or none at all, in whole or in part, at any time, with due notice;
- E. I acknowledge that I understand the Town's Personnel Policy and I agree that I will comply with all of its provisions.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## **Insert A**

### **Employee Benefits**

#### **Medical Insurance -**

Annually, the Selectboard will identify a health insurance plan that will be offered to full-time employees and permanent part-time employees and their dependents. See the Manager for the current policy and cost.

#### **Dental Insurance -**

Annually, the Selectboard will identify a dental insurance plan that will be offered to full-time employees and permanent part-time employees and their dependents. See the Manager for the current policy and cost.

#### **Life Insurance-**

The Town will provide full-time employees and permanent part-time employees with a life insurance policy.

#### **Retirement Plan -**

Employees will be enrolled in a municipal retirement plan managed by the Vermont League of Cities and Towns. See the Manager for details of the program and participation requirements.

## **Insert B**

### **Uniform Policy / Allowance** ***Highway Department Employees***

The Town's Uniform Policy for highway department employees is being revised because of confusion and budget constraints. These changes will go into effect on July 1, 2014.

- 1.) We are going to reimburse you (the employee) up to \$200.00 per year for your choice of work boots. They will need to meet the Town's approval.
- 2.) We are going to reimburse you (the employee) up to \$200.00 per year for your choice of work pants. They will need to meet the Town's approval.
- 3.) You (the employee) will receive from the Town, 5 work T-shirts per year with the Town logo on them.
- 4.) You (the employee) will receive from the Town, 2 sweatshirts per year with the Town logo on them.
- 5.) You (the employee) will receive from the town, 1 jacket per year with the Town logo on it. If a jacket is not needed every year, you (the employee) need not accept it.

**Note:**

Purchase of work boots and work pants may be made from any retail source. Reimbursement for actual cost (up to the allowed amount) will be made to the employee at such time as store receipts are passed in and approved by the Supervisor.

**Insert C**

**New Work Week Schedule  
Highway Department Employees**

**Employees hired after October 1<sup>st</sup>, 2013**

Non-Overtime Days = 40 hrs. per week w/ ½ hour lunch  
6:00 am to 2:30 pm, Monday - Friday

Overtime Days = 40 hrs. per week w/ time and a half over 40 hrs.

**Employees hired before October 1<sup>st</sup>, 2013**

Non-Overtime Days = 42 ½ hrs. per week w/ no lunch as usual  
6:00 am to 2:30 pm, Monday – Friday with no lunch as has  
been past practice; employee must be available for an additional  
½ hour daily if requested by Supervisor.

Overtime Days = 40 hrs. per week w/ time and a half over 40 hrs.

