

## **TOWN OF EAST MONTPELIER PERSONNEL POLICY**

### **I. AUTHORITY**

The Town of East Montpelier Selectboard has adopted this policy 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 and at any time, with or without notice. This Personnel Policy will be administered and interpreted by the Selectboard. [The Selectboard may appoint a Town Administrator who shall serve as the Chief Administrative Officer of the Town. The Town Administrator shall have oversight of all town employees, including appointees. The Selectboard retains responsibility for the hiring, termination, and compensation of all town employees, including appointees.](#)

### **II. PURPOSE**

The following Personnel Policy has been developed in the interest of assuring efficient Town operations, clarifying rules for employee conduct, outlining employee benefits and their implementation, fostering fairness and promoting high employee morale.

### **III. PERSONS COVERED**

The Personnel Policy shall apply to all employees, [including those appointed to non-elective offices](#), of the Town of East Montpelier. Elected officials 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 desiring benefits shall execute a separate contractual document between the elected official and the Selectboard. Where a conflict exists between this Policy and any collective bargaining agreement or individual employment contract, the latter will control.

### **IV. DEFINITIONS**

- A. Close Relative: A close relative includes a spouse, civil union partner, domestic partner, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law and sibling-in-law.
- B. Eligible employee: An employee eligible for benefits as outlined in this policy works at least 24 hours per week on a regular and continuing basis, [except in circumstances falling under the Vermont Earned Sick Time Act \(21 V.S.A. §§481-487\), in which case the minimum is 18 \(eighteen\) hours per week on average during a year.](#)
- C. Employee: An individual hired by the Selectboard to serve the Town of East Montpelier in the capacity for which s/he was hired.
- D. Full-time Employee: An employee who works at least 30 (thirty) hours per week on a regular and continuing basis.
- E. Immediate Family Member: An immediate family member includes a child, stepchild, civil union partner, domestic partner, spouse, parent or step-parent.
- F. Non-exempt employee: An employee who qualifies for overtime pay under the federal Fair Labor Standards Act. (FLSA).
- G. Part-time Employee: An employee who works fewer than 30 hours but at least 24 (twenty-four) hours per week on a regular and continuing basis, [except in](#)

[circumstances falling under the Vermont Earned Sick Time Act \(21 V.S.A. §§481-487\), in which case the minimum is 18 \(eighteen\) hours per week on average during a year.](#) -

- H. Town refers to the Selectboard or an individual or board designated by the Selectboard to carry out a function on its behalf.

## V. **STATEMENT OF NON-DISCRIMINATION**

It is the policy of the Town of East Montpelier that no qualified and eligible person be excluded from participation in or be denied the benefit of employment with the Town on the basis of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, age, or disability or any other category under local, state or federal law. The Town of East Montpelier is an equal opportunity employer and complies with the Americans with Disabilities Act.

## VI. **APPOINTMENT AT-WILL**

- A. This Personnel Policy does not constitute a contract of employment with the Town of East Montpelier.
- B. Employment is at-will and not for any definite period or succession of periods of time except where Vermont law provides otherwise.
- C. The Town or the employee may terminate employment at any time, with or without notice.
- D. This policy does not alter the at-will status of the employee. No oral or written statement or conduct of any agent of the municipality shall alter the employee's at-will status unless the Selectboard provides written consent.

## VII. **TERMS OF EMPLOYMENT**

- A. **Hiring Process:** The Selectboard shall be responsible for all recruitment and hiring. The Selectboard shall be solely responsible for decisions regarding recruitment, internal promotion, advertising, application forms, interview process, and selection for all positions except where [the East Montpelier Charter or other](#) Vermont law provides otherwise.
- B. **Forms:** New employees are required to complete Form W4 for payroll tax withholdings, Form I-9 for verification of United States citizenship or authorized alien status prior to starting work, and any other documents or other requirements deemed necessary for compliance with local, state or federal law.
- C. **Training and Professional Development:** The Town expects that all employees will take advantage of training opportunities approved by the Selectboard. Employees will be paid for such time and reimbursed for mileage and appropriate expenses when approved in advance by the Selectboard.
- D. **East Montpelier Conflict of Interest Ordinance:** All Town employees are expressly subject to, and required to act in conformance with, the East Montpelier Conflict of Interest Ordinance.
- E. **Hours of Service:**
  - 1. The Selectboard or the employee's supervisor will establish regular work schedules.
  - 2. The normal accepted work week is 40 hours.

3. Highway Department personnel are required to be on-call and available for winter road work and emergencies.
4. Regular work hours may be changed, and employees may be expected to work additional hours that exceed 40 hours in a given week as circumstances require.

**F. Employee Conduct:**

**1. Lateness or Absence:**

- a. All employees are expected to be in attendance during regular work hours.
- b. Employees shall notify their supervisor and appropriate colleagues prior to or as soon as reasonably possible if they will be late or absent from work.

**2. Town Representative:**

- a. All employees are considered representatives of the Town and as such are expected to conduct themselves in a courteous, helpful and respectful manner in all their interactions with the public and other employees.
- b. All employees are expected to faithfully execute the duties and responsibilities of their office to the best of their ability and in compliance with the provisions of this Personnel Policy.

**G. Compensation:**

1. Overtime: In accordance with the Fair Labor Standards Act, the Town compensates non-exempt employees at the rate of one and one-half hours for each hour actually worked in excess of 40 hours in any work week.
  - a. “Actually worked” does not include the use of holiday, sick or vacation leave.
  - a.b. Regardless of whether a non-exempt, full-time employee has actually worked 40 hours in a work week, any hours outside the employee’s established regular work week required to be worked on Saturday, Sunday, or both those days, are eligible for compensation at the rate of one and one-half hours per hour worked.
2. **Pay Schedule:** Employees are paid on a schedule determined by the Selectboard. The standard week for compensation purposes runs from Friday to Thursday.
3. **Reimbursements:**
  - a. Town-related expenses: The Town prohibits employees from personally purchasing products and/or services on behalf of the Town without the prior approval of the Selectboard.
  - b. Mileage: The Town will reimburse employees who are required to use their personal vehicles to fulfill their job requirements as approved by the Selectboard. The Selectboard or its representative will set the rate of reimbursement.
  - c. All reimbursements will be paid through the payroll system.
  - d. Any employee wishing reimbursement must submit proper documentation submitted to the payroll department. Mileage

reimbursement requests must be submitted with proper documentation as required by the IRS on a monthly basis.

**H. Employee Evaluation:**

1. Job performance evaluations may be completed annually or upon request of the employee, [the Town Administrator](#), or the Selectboard in a format established by the Selectboard.
2. Employee-requested evaluations will be conducted within 60 days of the request.
3. The Selectboard may delegate evaluations to the employee's appropriate department supervisor.
4. The results of such evaluations will be submitted to the employee, the employee's supervisor, [the Town Administrator](#), and the Selectboard and will become part of the employee's personnel file.

**I. Termination of Employment:**

1. Employees who voluntarily separate from employment with the Town shall give a minimum of two weeks notice in advance of termination as a requirement to receive accrued and unused vacation leave.
2. Employees not satisfying this requirement will forfeit that proportion of unused vacation leave hours by which the notice is deficient.
3. Employees are expected to fulfill their job responsibilities during this two-week period. Employees neglecting to fulfill job responsibilities may forfeit their right to accumulated vacation pay.
4. Wages or salary and any accrued and unused vacation leave allowable under these policies shall be due to the employee only to the day and hour of termination.
5. The Town shall have the prerogative of asking a terminated employee to leave the premises immediately.

**VIII. PERSONNEL RECORDS**

- A. **Personnel Files:** Personnel files for each employee shall be kept by the Selectboard or its designee. Personnel records will be maintained for each employee of the Town in accordance with Vermont's Public Records Law, 1 V.S.A. §317(b).
1. Employees or their designated representatives may inspect or copy their personnel file at a mutually agreeable time during regular office hours.
  2. The Town reserves the right to have its representative present at the time its files are examined or copied.
- B. **Record Maintenance:** It is the responsibility of the Selectboard to maintain the files and determine what kinds of information should be included therein and retained according to the State of Vermont Retention Timetable for Municipal Records.

**IX. GRATUITIES AND GIFTS**

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

their official duties on behalf of the Town. See Town of East Montpelier Conflict of Interest Ordinance.

**X. OUTSIDE EMPLOYMENT**

- A. 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.
- B. Prior to accepting any outside employment, employees will disclose their intent to work, in writing, and obtain prior approval from the Selectboard that such employment does not constitute a conflict of interest. See Town of East Montpelier Conflict of Interest Ordinance.

**XI. POLITICAL ACTIVITY**

- A. Employees may not use their official authority for the purpose of interfering with or affecting the nomination or election of any candidate for public office or to demand or solicit from any individual direct or indirect participation in any political party, political organization or support of any political candidate.
- B. Employees are prohibited from using Town facilities, equipment or resources for political purposes and from pursuing political activities while working.
- C. The Personnel Policy is not to be construed to prevent employees from becoming or continuing to be members of any political party or organization, from attending political party or organization meetings or events, or from expressing their views on political matters so long as these views are clearly articulated as being those of the individual and not of the Town.
- D. Employees' political activities must not interfere with their ability to effectively perform their duties and should take place or be expressed during non-working hours.
- E. The Personnel Policy is not to be construed to prohibit, restrain or in any manner limit an individual's right to vote with complete freedom in any election.

**XII. NEPOTISM**

The Town of East Montpelier, in recognition of the potential for a conflict of interest to occur in the workplace when an immediate family member is responsible for supervising or evaluating the work performance of another immediate family member, prohibits the hiring or the transferring of relatives when doing so will result in an immediate family member supervising or evaluating another immediate family member, or an immediate family member supervising or evaluating the immediate supervisor of another immediate family member.

**XIII. COMMERCIAL DRIVER'S LICENSE**

The Town of East Montpelier requires all members of the Highway Department to obtain a Commercial Driver's License and have CDL medical certification prior to start of employment.

- A. **Commercial Driver's License:**

1. Highway Department personnel are responsible for maintaining valid Commercial Drivers' Licenses in accordance with state law.
  2. It is the responsibility of employees to secure their initial license at their own expense.
  3. The Town will reimburse the employee for any renewal license required for the operation of Town equipment.
- B. CDL Medical Exam:**
1. All Highway Department personnel are required to maintain medical certification for clearance to operate CDL vehicles.
  2. All new Highway Department personnel must have medical certification prior to start of employment.
  3. The basic medical exam costs of medical certification renewal not covered by the employee's health insurance will be borne by the Town.
- C.** Highway personnel must abide by the Town of East Montpelier CDL Drug & Alcohol Policy for CMV Operators.

#### **XIV. BENEFITS**

- A. Insurance:** The Town offers the following group insurance programs for the benefit of its eligible full- and part-time employees.
1. Health Insurance – Town contributes to plan
  2. Life Insurance – Town contributes to plan
  3. Long Term Disability – Town contributes to plan
  4. Short Term Disability – Town contributes to plan
  5. The Town may also make available to employees voluntary supplemental insurance options. The Town does not contribute to these plans.
  6. Part-time employees are eligible to receive health insurance benefits on a prorated basis, subject to the eligibility requirements of the insurance carrier.
  7. Part-time employees may be eligible to receive other insurance benefits on a prorated basis, depending on the eligibility requirements of the insurance carrier.
  8. The Town reserves the right to change insurance carriers or to add, delete or amend insurance benefits programs at its sole discretion. The Town also reserves the right to change the amount or percentage of its contribution to the cost of any program. Employees will be provided with reasonable advance notice of any change in the contribution rate.
  9. Employees who do not elect to be covered by the Town's health insurance program may be paid a stipend in lieu of receiving such benefits as determined by the Selectboard. The stipend will be paid to part-time employees in an amount proportionate to their hours of work.
- B. Retirement:**
1. The Town participates in the Vermont Municipal Employees Retirement System (VMERS) defined benefit and defined contribution plans. Employees will be contacted by VMERS which will provide information about both plans. Employees will enroll in the plan of their choice.

Employees must work at least 24 hours weekly to be eligible for this benefit.

2. Deferred compensation, also offered through VMERS, provides another savings vehicle for retirement. The Town of East Montpelier does not contribute to deferred compensation plans.

C. **Uniforms:** Highway Department employees are provided with uniforms on a weekly basis.

## **XV. LEAVE**

A. **Sick Leave:** Full-time and part-time employees will accrue sick leave from the date of employment in the following manner:

- ~~1.~~ Full-time employees will receive 72 hours of paid sick leave per year. The Town of East Montpelier provides sick leave in conformance with the Vermont Earned Sick Time Act (21 V.S.A. §§481-487; “Act”). Employees may use sick leave in any manner allowed under the Act. Any aspect of Sections XV A. 2-13 that is not at least minimally compliant with the Act is hereby amended to meet the minimum standards mandated by the Act.
- ~~1.2.~~ Full-time employees will receive 72 hours of paid sick leave per year.
- ~~2.3.~~ Employees may use sick leave for a personal illness or injury that prevents them from performing their job duties.
- ~~3.4.~~ Sick leave may be taken for injury or illness of a member of the immediate family.
- ~~4.5.~~ Consecutive days of sick leave for the care of an immediate family member shall be limited to five days unless otherwise approved by the Selectboard or the employee’s immediate supervisor.
- ~~5.6.~~ Employees may also use sick leave to attend the following appointments that cannot be held outside normal working hours:
  - a. Medical or dental appointments
  - b. Appointments eligible for short-term family leave under the provisions of the Vermont Parental and Family Leave Act (21 V.S.A. §472a).
- ~~6.7.~~ Full-time employees will receive sick leave pay at their regular rate of pay.
- ~~7.8.~~ Part-time employees will receive prorated sick leave pay based on the number of weekly hours they are regularly scheduled to work.
- ~~8.9.~~ Sick leave accrues on a monthly basis.
- ~~9.10.~~ If employees do not use all of their available sick leave by the end of the Town’s fiscal (July 1 – June 30) year, they may carry a maximum of 240 sick leave hours forward into the next fiscal year. If employees have unused sick leave exceeding 240 hours, the excess number of days will not be carried forward.
- ~~10.11.~~ If an employee carries forward at least 160 hours of available sick leave (up to the maximum of 240 hours described in Section XV A (9) above), the employee may trade up to 40 hours of that sick leave for an equivalent amount of vacation leave. Any sick leave hours used for a trade will be subtracted from the total carried forward under Section XV A (9). The

election to trade sick leave for vacation leave must be made within 30 days of the fiscal year end.

~~11.12.~~ Upon separation from employment, employees will not be compensated for unused sick leave.

~~12.13.~~ The Selectboard may require verification of any sick time taken.

B. **Vacation Leave:** Full-time and part-time employees will accrue vacation leave from the date of employment in the following manner:

<b>Years of Service</b>	<b>Annual Rate of Accrual</b>
1 <sup>st</sup> year through 5 <sup>th</sup> year	80 hours
6 <sup>th</sup> year through 10 <sup>th</sup> year	96 hours
11 <sup>th</sup> year through 15 <sup>th</sup> year	120 hours
16 <sup>th</sup> and subsequent years	144 hours

1. Full-time employees will receive vacation leave pay at their regular rate of pay. Part-time employees will receive prorated vacation leave pay based on the number of weekly hours they are regularly scheduled to work.
2. No vacation time may be taken during the first six months of employment.
3. Vacation leave shall accrue on a monthly basis.
4. If employees do not use all of their available vacation leave by the end of the Town's fiscal (July 1 – June 30) year, they may carry unused vacation leave forward into the next fiscal year up to a maximum of 160 vacation leave hours. Any vacation leave received as a result of a Section XV A (10) trade is in addition to the up-to-160 hours of vacation leave carried forward.
5. Accumulated vacation leave in excess of 160 hours is forfeited unless specifically approved by the Selectboard at least 30 days prior to the end of the fiscal year in which the leave was accumulated.
6. The supervisor or the Selectboard must approve all vacation leave in advance.
7. Employees who resign from employment with the Town will be compensated for unused vacation leave provided that they give at least two weeks written notice of the resignation as outlined in Section VII H of this Personnel Policy.

C. **Holiday Leave:** Full- and part-time employees will receive the following paid holiday leave:

- New Year's Day (January 1)
- Town Meeting Day (1<sup>st</sup> Tuesday in March)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (1<sup>st</sup> Monday in September)
- Veteran's Day (November 11)
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day (December 25)

1. Full-time employees will receive holiday leave pay at their regular rate of pay. Part-time employees will receive prorated holiday leave pay based on the number of weekly hours they are regularly scheduled to work.
2. Holidays falling on a Saturday will be observed the preceding Friday. Holidays falling on a Sunday will be observed the following Monday.
3. Non-exempt employees who are required to work on a holiday will be compensated at the rate of one and one-half times their regular rates of pay for any hours worked in addition to their regular holiday pay.
4. Hours paid for a holiday will not be counted as hours worked when determining overtime compensation.
5. Holidays that fall during employees' vacation leave will not be charged as vacation leave.

**D. Leave of Absence Without Pay:**

1. Unpaid leave for specific purposes shall be considered by the Selectboard on a case-by-case basis.
2. All requests for leaves of absences 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.
3. All leave requests must be for a definite period of time and include a specified date of return.
4. Sick leave and vacation leave will not accrue during an unpaid leave period.

**E. Bereavement Leave:**

1. Full- and part-time employees may request bereavement leave for the death of a close relative or any other relative if that relative was living in the same household as the employee immediately preceding his or her death.
2. Bereavement leaves are subject to approval by the supervisor or Selectboard.
3. At the discretion of the Selectboard, employees may receive paid bereavement leave.
4. 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 weekly hours the employee is regularly scheduled to work.

**F. Parental and Family Leave:**

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

3. 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.

**G. Short Term Family Leave:**

1. 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:
  - a. 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.
  - b. To attend or accompany the employee's child or other immediate family member to routine medical or dental appointments.
  - c. To accompany the employee's immediate family members to other appointments for professional services related to their care and well-being.
  - d. To respond to a medical emergency of the employee's immediate family member.
2. At the option of the employee, accrued paid leave may be used for these purposes.
3. The Town may require that leave be taken in a minimum of two-hour segments.
4. Employees shall make a reasonable attempt to schedule appointments for which leave may be taken outside of regular work hours.
5. Employees 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 emergency.

**H. Court Duty:**

1. The Town shall compensate employees for their service as jurors to the extent that their regular rate of pay exceeds their compensation as a juror. In this instance the Town will compensate the employee for the difference between their regular rate of pay and their compensation as a juror.
2. The Town shall compensate employees who are called to serve as witnesses in a court proceeding due to their status as employees of the Town. To the extent that their regular rate of pay exceeds their compensation as witnesses, the Town will compensate employees for the difference between their regular rate of pay and their compensation as witnesses.

- I. **Military Duty:** 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.

- J. **Compensatory Time Off:** Non-exempt employees receive overtime pay as described in Section VII ~~F-G~~ of this Personnel Policy.
1. In lieu of earned overtime pay, non-exempt employees may accrue compensatory time off (“comp time”) subject to the following conditions:
    - a. Comp time is earned at a rate of one and one-half hours for each hour ~~worked in excess of forty hours in any workweek~~that would otherwise be compensated by overtime pay.
    - b. An employee may accrue a maximum of forty hours of comp time (40 hours of comp time represents 26.67 hours of actual overtime work). An employee who has accrued 40 hours of comp time will be paid overtime compensation for additional overtime hours of work.
    - c. An employee may, at the Town’s discretion, be paid in cash in lieu of compensatory time off.
    - d. An employee receiving payment for accrued comp time will be paid at the regular rate of pay earned by the employee at the time the employee receives such payment.
    - e. Upon termination from employment, an employee will be paid for unused comp time at a rate not less than the average regular rate of pay received by the employee during the last three years of employment or the employee’s final regular rate of pay, whichever is higher.
  2. An employee who has accrued comp time and requested use of comp time will be permitted to use such time off within a reasonable period after making the request, if such use does not unduly disrupt the Town’s operations. Requests for use of comp time must be submitted to the employee’s supervisor, who will have sole discretion to grant or deny the request. Requests for use of comp time will not unreasonably be withheld.

Adopted this ~~15<sup>th</sup>-6th~~ day of ~~December 2014~~March 2017; Effective ~~January 1, 2015~~July 1, 2017

Town of East Montpelier Selectboard

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~~Steve Sparrow~~Gene Troia

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Seth Gardner

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Carl Etnier

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Casey Northrup

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Kim Swasey