MUNICIPAL POLICIES AND CODES (FORM MP-1)

Consistent with the provisions of the Vermont Community Development Program, and federal law, the (check one) [ ] Town [ ] City [ ] Village of _____ has adopted the following policies and codes:

Equal Employment Opportunity Policy (required by 24 CFR 570.904 and modeled on the State of Vermont's State Government EEO Plan for FY 2022):

A. It is the policy and practice of this municipality to assure that no person will be discriminated against, or be denied the benefit of any activity, program, or employment process, in any area of employment, including but not limited to recruitment, advertising, hiring, promotion, transfer, demotion, lay off, termination, rehiring, rates of pay, benefits, development opportunities, and/or other compensation. This municipality is strongly committed to non-discrimination and equal opportunity in all employment actions for qualified persons without regard to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identification, or disabling condition. It is the policy of this municipality to provide a workplace that is free of harassment for being a member of a protected class, and this municipality prohibits retaliatory action for any protected activity. With this in mind, the following policy is set in place.

1. This municipality shall consider all qualified applicants for available positions without regard to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identity, or disability, provided the individual is qualified to perform the work available. Attempts will be made to contact known sources of minority and women potential applicants to maximize the participation of such applicants.
2. All recruitment advertisements will include the municipality's commitment to Equal Employment Opportunity, and job specifications/descriptions should be reviewed periodically and properly identify job-related requirements.
3. EEO posters shall be placed and maintained in conspicuous locations.
4. Advancement to positions of greater responsibility is based on an individual's demonstrated performance.
5. Compensation, benefits, job assignments, layoffs, employee development opportunities, and discipline shall be administered consistent with federal and state laws, and without bias to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identity, or disability.
6. Executive, management and supervisory level employees have the responsibility to further the implementation of this policy and ensure conformance by subordinates.
7. Any municipal employee who engages in discrimination of a member of a protected class or unlawful harassment may be subject to appropriate discipline.
8. Any supervisory or managerial employee who knows of unlawful discrimination or harassment in the workplace, and fails to take immediate and appropriate corrective action, may be subject to disciplinary action.

B. The municipality is committed to its Equal Employment Opportunity Policy, and as part of the Equal Employment Opportunity Plan will:

1. Recruit, hire, upgrade, train, and promote in all job classifications without regard to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identity, or disability;
2. Base employment decisions on the principles of Equal Employment Opportunity and with the intent to further the municipality's commitment to workplace diversity;
3. Ensure that all other personnel actions such as compensation, benefits, municipal-sponsored training, educational tuition assistance, social and recreational programs shall be administered without regard to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identity, or disability;
4. Provide reasonable accommodations for applicants and/or employees with disabilities, which will enable them to successfully perform the essential job functions;
5. Ensure that employees and applicants are not subjected to intimidation and/or harassment, threats, coercion, or discrimination because they have filed a complaint, assisted or participated in an investigation or any other activity, or opposed any act or practice made unlawful;
6. Investigate claims of discrimination and unlawful harassment in the workplace; and
7. Promote inclusion and diversity in all levels of the workforce.

Fair Housing Policy (required by 24 CFR 570.904 and modeled on 24 CFR Part 6):

The policy set forth herein applies to all housing programs, both present and future, funded through the Vermont Community Development Program.

A. This municipality will not, directly or through contractual, licensing, or other arrangements, take any of the following actions on the grounds of race, color, national origin, religion, or sex:

1. Deny any individual any facilities, services, financial aid, or other benefits provided under any CDBG-DR funded program or activity;
2. Provide any facilities, services, financial aid, or other benefits that are different, or are provided in a different form, from that provided to others under any CDBG-DR funded program or activity;
3. Subject an individual to segregated or separate treatment in any facility, or in any matter of process related to the receipt of any service or benefit under any CDBG-DR funded program or activity;
4. Restrict an individual's access to, or enjoyment of, any advantage or privilege enjoyed by others in connection with facilities, services, financial aid or other benefits under any CDBG-DR funded program or activity;
5. Treat an individual differently from others in determining whether the individual satisfies any admission, enrollment, eligibility, membership, or other requirements or conditions that the individual must meet in order to be provided any facilities, services, or other benefit provided under any CDBG-DR funded program or activity;
6. Deny an individual an opportunity to participate in any CDBG-DR funded program or activity as an employee;

7. Aid or otherwise perpetuate discrimination against an individual by providing CDBG-DR funded financial assistance to an agency, organization, or person that discriminates in providing any housing, aid, benefit, or service;
8. Otherwise limit an individual in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by other individuals receiving the housing, aid, benefit, or service;
9. Use criteria or methods of administration that have the effect of subjecting persons to discrimination or have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to persons of a particular race, color, national origin, religion, or sex; or
10. Deny a person the opportunity to participate as a member of planning or advisory boards.

B. In determining the site or location of housing, accommodations, or facilities, this municipality will not make selections that have the effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination on the ground of race, color, national origin, religion, or sex. This municipality will not make selections that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of this policy.

C. This municipality will not, directly or through contractual, licensing, or other arrangements, solely on the basis of handicap:

1. Deny a qualified individual with handicaps the opportunity to participate in, or benefit from, any CDBG-DR funded housing, aid, benefit, or service;
2. Afford a qualified individual with handicaps an opportunity to participate in, or benefit from, any CDBG-DR funded housing, aid, benefit, or service that is not equal to that afforded to others;
3. Provide a qualified individual with handicaps with any CDBG-DR funded housing, aid, benefit, or service that is not as effective in affording the individual an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
4. Provide different or separate CDBG-DR funded housing, aid, benefits, or services to individuals with handicaps or to any class of individuals with handicaps from that provided to others unless such action is necessary to provide qualified individuals with handicaps with housing, aid, benefits, or services that are as effective as those provided to others;
5. Aid or perpetuate discrimination against a qualified individual with handicaps by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any housing, aid, benefit, or service to beneficiaries in the recipient's federally assisted program or activity;
6. Deny a qualified individual with handicaps the opportunity to participate as a member of planning or advisory boards;

7. Deny a dwelling to an otherwise qualified buyer or renter because of a handicap of that buyer or renter or a person residing in or intending and eligible to reside in that dwelling after it is sold, rented or made available; or
8. Otherwise limit a qualified individual with handicaps in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by other qualified individuals receiving the housing, aid, benefit, or service.

D. This municipality will not, directly or through contracting, licensing, or other arrangements, use age distinctions or take any other actions that have the effect, on the basis of age, of:

1. Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a CDBG-DR funded program or activity; or
2. Denying or limiting individuals in their opportunity to participate in any CDBG-DR funded program or activity.

Use of Excessive Force Policy (42 USC sec. 5304(l):

This municipality (1) prohibits the use of excessive force by its law enforcement agencies against any individuals engaged in nonviolent civil rights demonstrations; and (2) prohibits its law enforcement agencies from physically barring entrance to or exit from a facility or location that is the subject of a nonviolent civil rights demonstration.

Policy on the Use of CDBG-DR Funds for Federal Lobbying (Byrd Anti-Lobbying Amendment, 31 U.S.C. 1352 and 43 CFR part 18, New Restrictions on Lobbying. Submission of an application also represents the applicant's certification of the statements in 43 CFR part 18, appendix A, Certification Regarding Lobbying):

This municipality will not allow the use of CDBG-DR funds to pay any person for the influencing or attempting to influence an officer of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any federal contract, grant, loan or cooperative agreement.

Code of Ethics for Administration of Community Development Block Grant Disaster Recovery Program (24 CFR 570.489(h)):

The following code of ethical conduct for public officials, employees and/or affected contractors covers all aspects of the CDBG-DR program, whether or not specifically cited.

1. Goods and services shall be procured in a manner which maximizes free and open competition.
2. Officers and employees shall not participate in any decision concerning matters in which they

have a financial interest.

3. Conflicts, and the appearance of conflicts, of interest shall be avoided in order to assure public confidence in the operations of governments.
4. Every effort will be made to actively recruit woman-owned or minority-owned businesses and to provide opportunities for local residents and businesses, consistent with Section 3 of the Housing and Urban Development Act of 1968.
5. All procurement actions shall be conducted in public and all records related thereto will be open to public review.

The Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.):

Requires Grantees to certify and assure the Department that they will establish a formal written policy that informs employees that the manufacture, distribution, possession and use of illegal drugs in the workplace are prohibited, and an ongoing drug-free awareness program.

If this municipality does not already have a drug-free workplace policy that is at least as robust as the following, it hereby establishes that:

As an employer, the {Municipality} is responsible for maintaining safe, efficient working conditions for its employees by providing a drug-free workplace. Therefore, municipal employees shall not engage in the unlawful manufacture, distribution, possession or use of controlled substances (drugs) on the job or on any municipal work site.

1. The illegal use, possession, sale, distribution, or manufacture of controlled substances in or on property belonging to the municipality will not be tolerated and is considered to be grounds for review and termination of employment at the discretion of the employee's supervisor.
2. Any employee of the municipality who has a controlled substance dependency, or any other controlled substance-related problem, shall immediately seek professional assistance or counseling.
3. Any employee of the municipality who is convicted of violating any criminal drug statute must inform his or her supervisor within 5 days after the conviction. The criminal conviction of any employee of this municipality for the use, possession, sale or distribution of a controlled substance may be considered grounds for review and termination of employment at the discretion of the employee's supervisor.
4. If an employee who is convicted of violating any criminal drug statute works in a federally funded program, the municipality shall notify the agency that provides the federal funding within ten (10) days of the municipality's receiving the notice of the conviction. In the case of the Vermont Community Development Program, notify the Department of Housing and Community Development.
5. Any employee on municipal premises who appears to be under the influence of, or who

possesses illegal or non-medically authorized drugs, or who has used such drugs on municipal premises, may be temporarily relieved from duty pending further investigation.

6. If the use of legal drugs endangers safety, management may (but is not required to) reassign work on a temporary or permanent basis.
7. All current and future employees shall be informed of this policy and shall acknowledge in writing their understanding and acceptance of this policy.

Subrecipient Oversight Monitoring Policy (required by Uniform Guidance, 2 CFR Part 200):

The policy set forth herein must be adopted by all municipalities using CDBG-DR funds. Adoption of this policy certifies the Grantee shall be responsible for oversight monitoring of grant funds that are dispersed to a sub-recipient, to ensure the funds are properly managed.

To ensure such funds are managed according to the agreements and requirements of the granting agency, the Municipality will designate a municipal individual responsible for subrecipient monitoring**.** At a minimum, this will include:

1. Closely monitoring and reviewing the requisition of funds to the funding agency on a regular basis;
2. Reviewing the Subrecipient's financial management systems, internal control procedures, separation of duties, ensuring that different individuals review the invoices for payment and accuracy, from someone who writes the check, to someone who authorizes or signs the check, to someone who reconciles the Bank statements;
3. Reviewing the Subrecipient's procurement policies to ensure that they meet the requirements of 2 CFR Part 200, Uniform Federal Guidance;
4. Reviewing Labor Standards, if applicable, and the appropriate wage rates; securing payrolls and reviewing them for accuracy, and in the event there are any errors securing proof of restitution;
5. Ensuring that contractors are being paid appropriately, and lien waivers and other releases are secured from the contractors;
6. Closely monitoring the progress of the funded project through the review of required progress reports; and
7. Obtaining and reviewing the independent audit if required for the sub-recipient (expenditure of $750,000 or greater in one fiscal year); or the municipality may determine that its own single audit may be expanded to include the scope of federal funds expended at the subrecipient level; or the subrecipient may be eligible to have a program specific audit.
8. Authorized representatives of the Secretary of the Agency, the Secretary of HUD, the Inspector General of the United States, or the U.S. General Accounting Office shall have access to all books, accounts, records, reports, files, papers, things, or property belong to, or in use

by, any Subgrantee or Subrecipients pertaining to the receipts of CDBG-DR funds as may be necessary to make audits, examinations, excerpts, and transcripts.

Whistleblower Protections:

A. The Municipality shall not discriminate or retaliate against a municipal employee or agent for engaging in the following:

1. Providing to a public body a good faith report or good faith testimony that alleges an entity of municipal or state government, a municipal employee or official, or a person providing services to the municipality under contract has engaged in a violation of law or in waste, fraud, or abuse of authority, or an act threatening health or safety.
2. Assisting or participating in a proceeding to enforce the provisions of this policy.

B. Neither the Municipality nor any municipal officer or employee shall attempt to restrict or interfere with, in any manner, a municipal employee's ability to engage in any of the protected activity described in subsection (a) of this policy. Employees are not required to report misconduct to the municipality or its agents prior to reporting to any governmental entity and/or the public.

C. Neither the Municipality nor any municipal officer or employee shall require employees or agents to forego monetary awards as a result of such reports.

Texting While Driving Policy (Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving):

This municipality certifies and assures the Department that it will establish a formal written policy that informs employees that text messaging while operating a municipal vehicle is prohibited, and to conduct initiatives that encourage voluntary compliance with the municipal policy while off duty. If this municipality does not already have a such a policy that is at least as robust as the following, it hereby establishes that:

This municipality (1) prohibits the practice of texting while driving by its employees in municipal vehicles; and (2) requires its employees to adhere to Vermont statute, 23 V.S.A. § 1095b. “Handheld use of portable electronic device prohibited.”

<u>Violence Against Women Act</u> (reauthorization March 2022: VAWA 2022):

This municipality certifies and assures the Department that it will establish formal written policies that support an individual’s, including survivor’s, right to seek law enforcement or emergency assistance, including, but not limited to, making certain forms available to occupants of publicly assisted housing. Further, this municipality shall develop additional requirements to review and report non-compliant local laws and ordinances. If this municipality does not already have a such a policy that is at least as robust as the following, it hereby establishes that:

This municipality shall (1) report on the existence of laws or policies they or their subgrantees (or state grant recipients) adopted that impose penalties based on requests for law enforcement or emergency assistance or based on criminal activity that occurred at a covered property; and (2) make

all required forms available to individuals living in CDBG assisted housing on the municipality's website and as requested.

Accessibility & 508 Compliance requirements (Section 504 Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990):

This municipality certifies and assures the Department that it shall consider and implement required accessibility requirements in its CDBG assisted facilities. Further, the municipality shall consider the accessibility of any materials produced via or related to federal funds and implement accessibility measures.

Adoption

Adopted by the Legislative Body on the _____ day of _____, ____.

LEGISLATIVE BODY

(Typed Name)	(Signature)