

Norwich Selectboard
Special Meeting – March 29, 2023 – 6:30 p.m.
Participation: Hybrid

Physical Location: Tracy Hall meeting room and Zoom Webinar
ZOOM access information: <https://us06web.zoom.us/j/88354948799>
Meeting ID: 883 5494 8799

Via telephone: 646-931-3860 (Press *9 to raise hand; Press *6 to unmute after Chair’s recognition.

1. Welcome
2. Agenda Review

Informational Items – Time to share important information for which there may be neither any immediate action nor public comment.

No items.

Reports Submitted – On occasion, reports from appointed committees, departments, or other town-related entities are submitted without comment or request for agenda time. The chair will identify such reports as part of the record, and the SB may or may not determine action is necessary.

No items.

Action Items – Introduction by the chair on items being decided, any related correspondence, public comment, SB discussion, SB action.

3. Approve AP Warrant.....Motion required.
4. Town Manager request to move monies to cover unanticipated expenses.....Motion(s) possible.
5. Town Manager open position updates, Executive Session possible under 1 V.S.A. §313(a)(3) regarding the employment or evaluation of a public employee, which provides that the public body shall make a final decision to hire or appoint in an open meeting and explain the reasons for the decision during open meeting.Motion(s) possible.
6. Review of COLA Bonus inconsistencies.....Motion(s) possible.
7. SB Planning Schematic and Calloway cover memo.....Motion(s) possible.

Discussion Items – No motions are anticipated on these critical issues which are being framed for future action. Order of process: introduction by the chair, any related correspondence, public comment, SB discussion.

8. IREC report dated February 2023, submitted to the SB in the 03/22/2023 packet, and Calloway memorandum to SB

Future Agenda Items

<u>April 12, 2023</u>	<u>April 26, 2023</u>
Item	Item
Item	Item
Item	Item

Adjournment

Town of Norwich Accounts Payable
Check Warrant Report # 987 Current Prior Next FY Invoices
For checks For Check Acct 03(General) 03/29/23 To 03/29/23

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
AAAPOLICE	AAA POLICE SUPPLY	BC22934 PD-BATON & SAFETY FLAGS	235.90	0.00	235.90	12944	03/29/23
ANYTIME	ANYTIME CARPET CARE & CLEANING	963470 PD-STATION CLEANING	360.00	0.00	360.00	12945	03/29/23
CARGILL	CARGILL INC-SALT DIVISION	2908074656 DPW-65,600 LBS SALT	2820.80	0.00	2820.80	12946	03/29/23
CARGILL	CARGILL INC-SALT DIVISION	2908078651 DPW-64,220 LBS SALT	2761.46	0.00	2761.46	12946	03/29/23
CHASESITE	CHASE SITE SERVICES, INC.	16775 DPW-WINTER PLOWING SRVCS	15712.00	0.00	15712.00	12947	03/29/23
CIVES	CIVES CORPO	4523919 DPW-TRUCK 2 SHOE MUSHROO	391.46	0.00	391.46	12948	03/29/23
COMCAST	COMCAST	301PDINT PD-MARCH 23 INTERNET	440.42	0.00	440.42	12949	03/29/23
DELTA DEN	DELTA DENTAL	APR23DENTAL TH-APRIL 23 DENTAL INS	1236.64	0.00	1236.64	12951	03/29/23
DHMC	DARTMOUTH-HITCHCOCK	309SCREEN PD-DRUG SCREEN NEW OFFIC	78.00	0.00	78.00	12950	03/29/23
EVANSMOTO	EVANS GROUP, INC.	0045508-IN DPW-DIESEL 200 GALLONS	630.08	0.00	630.08	12952	03/29/23
FASTENAL	FASTENAL	NHWES97006 DPW-NUTS & SCREWS	99.74	0.00	99.74	12953	03/29/23
FIRSTLIGH	FIRSTLIGHT FIBER	13818667 TH-FEB 23 PHONE	35.89	0.00	35.89	12954	03/29/23
GMPC	GREEN MOUNTAIN POWER CORP	316ACDMYLT5 ACDMY RD LTS 05119200003	38.53	0.00	38.53	12955	03/29/23
IACP	INTERNATIONAL ASSOCIATION OF C	0281511 PD-MEMBERSHIP 3/1-12/31	190.00	0.00	190.00	12956	03/29/23
MACKINNON	JON MACKINNON	320FLOWPIN DPW-FLOW PIN STOCK	60.00	0.00	60.00	12957	03/29/23
MCGEEFORD	MCGEE FORD OF MONTPELIER	307CRUISER PD-2023 FORD INTERCEPTOR	43828.00	0.00	43828.00	12959	03/29/23
NAT'L INS	MADISON NATIONAL LIFE INS CO.,	1549155 TH-APRIL 23 LIFE INSURAN	876.82	0.00	876.82	12958	03/29/23
R&R	R&R COMMUNICATIONS INC	59989 PD-REPROGRAM 2WAY RADIOS	837.50	0.00	837.50	12960	03/29/23
SABIL	SABIL & SONS INC	44193 DPW-WIPER BLADES	32.94	0.00	32.94	12961	03/29/23
SABIL	SABIL & SONS INC	97337 DPW-AAX955 INSPECTION	110.00	0.00	110.00	12961	03/29/23
SABIL	SABIL & SONS INC	97341 DPW-AAX995 INSPECTION	110.00	0.00	110.00	12961	03/29/23
UNIFIRST	UNIFIRST CORPORATION	1070212999 DPW-UNIFORM CLEANING	299.17	0.00	299.17	12962	03/29/23
USBANK	US BANK	31523BOND VMBNOR176 BOND PAYMENT	22946.87	0.00	22946.87	12963	03/29/23
VTDMV	VERMONT DMV	320PDREG PD-CDX964 REGISTRA RENEW	76.00	0.00	76.00	12966	03/29/23
WEMASON	W.B. MASON CO., INC.	236833549 PD-ASSORTED OFFICE SUPPL	51.86	0.00	51.86	12965	03/29/23
WEMASON	W.B. MASON CO., INC.	236906585 TC-HIGHLIGHTERS, LABELS	41.32	0.00	41.32	12965	03/29/23
WEMASON	W.B. MASON CO., INC.	236906995 PD-TOWELS & FLOOR CLEANE	56.84	0.00	56.84	12965	03/29/23
WEMASON	W.B. MASON CO., INC.	236989017 DPW-PAPER	38.72	0.00	38.72	12965	03/29/23

03/27/2023
03:36 pm

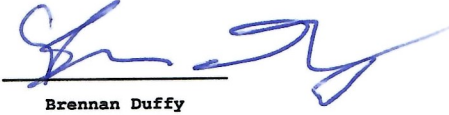
Town of Norwich Accounts Payable
Check Warrant Report # 987 Current Prior Next FY Invoices
For checks For Check Acct 03 (General) 03/29/23 To 03/29/23

Page 2 of 2
ashleyw

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
Report Total			94,396.96	0.00	94,396.96		

To the Treasurer of Town of Norwich, We hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating \$ ****94,396.96
Let this be your order for the payments of these amounts.

Staff Accountant: 
Ashley Wohler

Town Manager: 
Brennan Duffy

SELECTBOARD:

Marcia Calloway Chair
Mary Layton Vice Chair
Priscilla Vincent
Roger Arnold
Pam Smith

Agenda Item #4 – Town Manager Request to move monies to cover unanticipated expenses

Unanticipated expenses total for FY23 = \$86,354, being:

- TM severance & vacation = \$70,431
- Town Clerk vacation = \$15,923

Notes:

Finance Director = total unanticipated expense be determined at end of fiscal year

Contracted Auditor expense = budgeted \$14,250, YTD \$29,430 (\$15,180 over budget)

Legal Services = budgeted \$90,000, YTD 145,091 (\$55,091 over budget)

Agenda Item # 5 – Town Manager open positions update

- Unexpended Budget for unfilled DPW Admin. Asst. position, Salary in FY23 = \$24,097
- Assistant to the TM Salary for FY23 as budgeted vs Additional funds required for increased job responsibilities through the end of FY23 = \$1,380
- Finance Director
- Planning Director
- Other positions

TOWN OF NORWICH

PERSONNEL POLICIES

2006

July 1, 2006

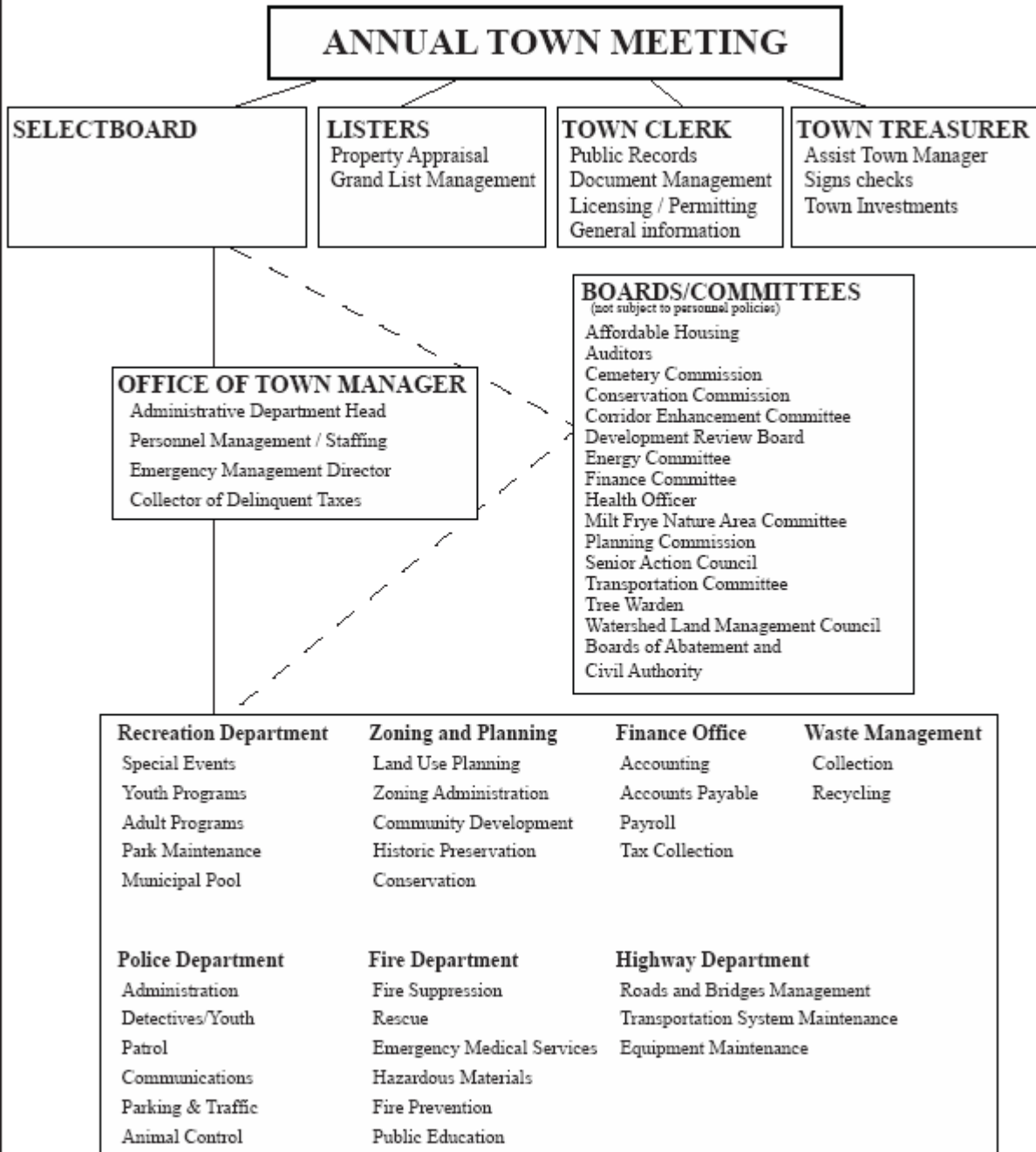
Updated:
August 16, 2006
August 7, 2007
May 28, 2008
September 10, 2008
May 27, 2009
August 26, 2009
September 7, 2010

NORWICH ORGANIZATIONAL CHART

Chart prepared by Steve Soares and Chuck Wise, TRORC

February 2006

— Direct Responsibility
 - - Indirect Responsibility and/or collaboration



These groups work on behalf of Town of Norwich residents but are not directly governed by the Selectboard.

**MARION CROSS
SCHOOL**

**DRESDEN SCHOOL
DISTRICT**

**NORWICH FIRE
DISTRICT**

**OTHER AGENCIES
& ORGANIZATIONS**

STATEMENT OF EMPLOYMENT CONDITIONS

The Norwich Selectboard has adopted the following statement of policy concerning employees of the Town of Norwich.

Except for Section 5.B., “no employee, officer, agent or other representative of the Town of Norwich subject to these policies has any authority to enter into any agreement for employment for any specified period of time or to make any agreement or representation, verbally or in writing, which alters, amends, or contradicts the foregoing provisions. Any exceptions to this policy of “at-will” employment must be expressly authorized in writing by the Selectboard of the Town of Norwich.”

No statement in these Town of Norwich Personnel Policies should be construed to grant any employee an employment contract of fixed duration nor should this or any other personnel manual be interpreted as making an implied or express contract of employment. This will serve notice to all employees that the employment relationship is at-will, and may be terminated by either the Town of Norwich or the employee at any time for any reason. All sections contained in these Town of Norwich Personnel Policies are intended as a general policy statement containing broad internal policy guidelines and not as a contract or any other commitment. The policies/guidelines set forth herein do not represent all terms and conditions of employment applicable to Town of Norwich employees.

**Town of Norwich, Vermont
Personnel Policies**

** ADOPTED BY THE NORWICH SELECTBOARD ON JULY 12, 2006. **

1. <u>TABLE OF CONTENTS</u>	<u>Section</u>	<u>Page</u>
Table of Contents	1	.....1
Definitions	2	.....2
Purpose	3	.....4
Adoption and Authority	4	.....5
Applicability	5	.....5
Equal Employment Opportunity	6	.....5
Recruitment	7	.....5
Employee Classification	8	.....7
Fire Department	9	.....8
Physical Examination	10	.....10
Proof of Citizenship	11	.....10
Promotions and Transfers	12	.....10
Rights and Responsibilities of Employees	13	.....11
Disciplinary Action	14	.....12
Appeals to Disciplinary Action	15	.....17
Grievance Procedure	16	.....17
Reduction in Force	17	.....18
Recall	18	.....18
Holidays	19	.....19
Performance Evaluation	20	.....20
Leaves	21	.....20
Employee Benefits	22	.....25
Pay Plan	23	.....29
Effective Date of Adoption	24	.....31
Appendices to Personnel Policies	25	.....32
Appendix I – Sexual Harassment Policy .....		.....33
Appendix II – Drug-Free Workplace Policy .....		.....37
Appendix III – Smoking & Tobacco Policy .....		.....40
Appendix IV – Workplace Violence Policy .....		.....41
Appendix V -- Code of Ethics Policy		43
Appendix VI – Policy on Personnel Records .....		.....47
Appendix VII – Policy of Nondiscrimination .....		.....51
Appendix VIII– Use of Computers/Electronic Messaging Policy .....		.....52
Appendix IX – Nonunion Compensation Schedule .....		.....58
Appendix X – Safety Policy Mission Statement .....		.....61
Appendix XI – FLSA: Exempt Employees .....		.....62
Appendix XII – Employee Acknowledgement .....		.....63

2. DEFINITIONS

- A. "The Policy" - refers to the Town of Norwich Personnel Policies as adopted and amended.
- B. "The Town" – refers to the Town of Norwich.
- C. Town Buildings – refers to Tracy Hall, Highway Garage and buildings, Transfer Station facilities, Police/Fire Stations and all other Town-owned buildings or structures.
- D. "Benefits" - life, health, dental, vision, flexible benefit plan, accidental death and dismemberment insurances, retirement benefits, and disability plans.
- E. "Privileges" - sick leave, vacation leave, bereavement leave, medical appointment leave, holiday leave and other such privileges as described within the Policy.
- F. "Full-time Employee" - as described in Section 8, paragraph B, of the Policy.
- G. "Part-time Employee" - as described in Section 8, paragraph C, of the Policy.
- H. "Temporary Employee" - as described in Section 8, paragraph D, of the Policy.
- I. "Salaried and Contract Employees" – as described in Section 8, paragraphs E and F, of the Policy.
- J. "Fire Department Employee" – a member of the Fire Department.
- K. "Town of Norwich Selectboard" - shall be the governing board.
- L. "He" - For the purposes of this Policy, the pronoun He shall be construed to indicate female and male employees.
- M. "Spouse" – For the purposes of this Policy, the term "Spouse" shall be construed to mean the legally married or civil union partner of an employee.
- N. Department Head - for the purposes of these Personnel Policies
Department Heads are:

Finance Officer	Fire Chief
Director of Public Works	Town Manager
Police Chief	Recreation Director
Town Clerk	Zoning Administrator/
Listers	Planning Coordinator

O. Town Departments are:

Town Finance	Town Clerk
Town Public Works	Town Listers
Town Recreation	Town Zoning/Planning
Town Fire	Town Police
Town Administration	

P. "Personnel File" refers to the permanent record maintained by the Town for each employee, and which shall contain at a minimum a history of the dates of employment of the employee, the positions the employee has filled, the rates of pay for the employee, the annual evaluations completed by the Employee's Supervisor, and the records of any disciplinary action as noted in Section 14 of these policies. The file may also contain records such as application forms and results of reference checks related to initial employment, employee benefit plan selections, employee authorizations for payroll deductions, and any other documents which are deemed by the Town Manager to be relevant to the individual's employment.

Q. "Compensatory time". Pursuant to Section 7(o) of the Federal Fair Labor Standards Act (FLSA), the Town of Norwich offers its non-exempt employees compensatory time off in lieu of overtime compensation. Compensatory time is provided at the rate of one and one-half hours of compensatory time for each hour of overtime worked.

An employee may accumulate not more than 100 hours of compensatory time. Any employee who has accrued 100 hours of compensatory time off shall, for additional overtime worked, be paid overtime compensation at the rate of one and one-half times the employee's regular rate of pay.

At the time of hiring, a non-exempt employee must elect to receive either compensatory time or payment of overtime compensation. This election may be changed in writing by an employee, but only once each fiscal year, by informing the Department Head and the Finance Office.

An employee who has accrued compensatory time and requested use of this time shall be permitted to use such time off within a reasonable period after making the request, if such use does not unduly interrupt the operations of the employee's department. A request to use compensatory time may be turned down when the Department Head reasonably and in good faith anticipates that the employee's use of the time will impose an unreasonable burden on the department's ability to provide services of an acceptable quality and quantity for the public during the time requested without the use of the employee's services.

An employee who has accrued compensatory time off shall, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than the average regular rate received by such employee during the last three years of employment or the final regular rate received by such employee, whichever is higher.

- R. “Non-Exempt Employees”. Are those employees who are not classified as “exempt” under the FLSA.
- S. “Exempt Employees”. There are three primary exempt categories for municipalities under FLSA rules:
- Executive
 - Administrative
 - Professional
- All have a salary threshold and all have separate duties/tasks. (See Appendix XI for detailed descriptions.) Elected officials are also classified as exempt.
- T. “Timesheets”. For the purposes of filling out timesheets, the workweek starts on a Sunday and finishes on the following Saturday. Employees are paid every two weeks. NOTE: Fire Department submits timesheets quarterly or biannually.

Each supervisor is responsible for assuring the timely submission of a timesheet for each employee under their supervision every two weeks. The number of regular, overtime, call back hours, compensatory hours accumulated, compensatory hours used, holiday, vacation and sick hours shall be entered. The timesheet shall be approved and signed by the employee’s supervisor and submitted to the Finance Office. Timesheets are filed in each department and the Finance Office. Each employee has the responsibility to check his timesheet and report any errors.

3. PURPOSE

It is the purpose of these policies to establish procedures, which will serve as a guide to administrative action concerning the personnel activities and transactions of the Town. The policies are intended to set forward the customary and most reasonable method of fulfilling the objectives of personnel administration. The policies are also adopted as the mechanism by which to inform the employees of the Town of conditions of employment within the Town.

This manual and the provisions contained herein do not constitute a contract to employment in whole or in part. The Town reserves the right to add, amend or delete any benefit or policy stated herein at any time, except as otherwise committed to by formal contract agreements.

4. ADOPTION AND AUTHORITY

These Personnel Policies of the Town of Norwich dated July 1, 2006 (Updated: August 16, 2006, August 7, 2007, May 28, 2008, September 10, 2008, August 26, 2009 and September 7, 2010), are hereby adopted under authority set forth in State Statutes Annotated, Title 24, Sec. 1121 - 1122, and by their adoption supersede any policies previously in force.

These policies will be in effect until superseded, but should be reviewed on a regular basis by the Town Manager and the Selectboard, with a formal review being completed no later than once every three years. However, these Personnel Policies will not be negated for lack of review within the specified schedule.

5. APPLICABILITY

- A. These policies shall be applicable to all persons employed by the Town except where specifically superseded by a collective bargaining agreement for employees who are members of the collective bargaining unit A.F.S.C.M.E. Council 93, Local 3797, AFL-CIO and other employees excluded by this section.
- B. These policies shall be applicable to the Town Manager except as they may be covered specifically by any employment contract between the Town Manager and the Selectboard, in which case the employment contract will take precedence.
- C. Sections 7, 8, 12, 14, 15, 16, 17, 18, 19, 20 and 21 do not apply to employees of the Fire Department.
- D. Severability Clause. Should any provision of these policies be held to violate a Federal or State law, only those specific provisions shall be invalid, and all other provisions shall remain in full force.

6. EQUAL EMPLOYMENT OPPORTUNITY

The policy of the Town is to maintain and promote equal employment opportunity. The Town will select candidates for employment on the basis of the candidates' qualifications for the position and will consider them with respect to compensation and opportunity for training and advancement including up-grading and promotion, without regard to age, sex, race, color, ancestry, sexual orientation, place of birth, physical or mental condition, religion, national origin, marital status or political affiliation. Equality in such opportunities continues to be the basic policy of the Town.

7. RECRUITMENT

- A. The Town Manager shall post notice of every Town vacancy in all Town buildings for a period of at least five business days. The Town Manager may also post notice of vacancies in newspapers, on the Town website, and in such other appropriate media. Note as exception hereto: The Fire Department, as a volunteer/call department, recruits on a continuous basis.
- B. Notice shall specify the vacant position, salary range, nature of the work and full job description when available, required qualifications of the applicants, closing date for receiving applications and other such information as required. Notice shall include verification that the Town does promote Equal Employment Opportunity.
- C. It is the policy of the Town that immediate relatives shall not directly supervise immediate relatives. Temporary employees may be exempted from this provision where the possibility of any conflict of interest is deemed to be minimal and with prior approval of the Town Manager. For the purpose of this subsection, immediate relative shall include (step) mother, (step) father, parents-in-law, sister (in-law), brother (in-law), spouse, son, daughter, (step) children. Members of the Fire Department are exempt from this provision, as long as the Fire Department continues to operate as a Call Department.
- D. Policies stated in this section are not to be construed as to conflict with any law or regulations mandated by state statutes required for police hiring practices or any other department that may also be affected by laws or statutes.
- E. As part of the pre-employment procedure, former supervisors, employers, and references provided by applicants shall be contacted to confirm application information. Motor vehicle, criminal background and/or credit checks may be conducted with written authorization from the applicant. Reference checks may be conducted personally, by telephone, electronically, or by other methods and shall be documented. These reference checks shall be completed prior to an offer of employment and the information shall be made part of the application file. All such information is to be handled as privileged and confidential.
- F. Steps Before Starting to Hire. Before starting to fill a new or existing position, the following items must be determined:
 - (1) The position title, the nature of work to be performed and a job description, when available, listing essential tasks of the position. Existing job descriptions will be updated where needed. New or changed job descriptions must be approved by the Town Manager prior to advertising the position.
 - (2) The job classification, exempt or non-exempt status under FLSA and the hourly pay rate must be determined.

- (3) The position may be full-time or part-time, permanent or temporary (seasonal). Both must be determined before hiring, including the number of hours per week for a part-time position.
- (4) The starting date must be agreed upon.
- (5) No position may be advertised unless the necessary funds are included in the current budget for the position.
- (6) The position must be advertised. The final date for receiving applications must be stated. It is not necessary to advertise the pay rate. Job descriptions should be available for applicants if they want them. Advertisements will be posted in at least three places in Town and in the Valley News. Advertising costs will be charged to the department hiring the employee.
- (7) Normally the Department Head will be responsible for screening the applications, conducting interviews and making hiring recommendations to the Town Manager. However, the Town Manager may decide to participate in the screening and interviewing and if he wishes to do so, he will indicate his intention before the hiring process starts.
- (8) The Town Manager will approve all hiring decisions on an individual basis, before a job offer is made, unless he specifically delegates this authority to the Department Head.

8. EMPLOYEE CLASSIFICATION

- A. Probationary Employee. A probationary employee is any new employee or any employee returning from a break in service of one year or more (except for an employee returning from active military service). The probationary status of an employee shall be completed when the employee has worked at least one year and has received favorable reviews at 90 days and 180 days from the Department Head which have been accepted by the Town Manager. The probationary period may be extended at the discretion of the Town Manager, but shall not exceed eighteen months. Probationary employees receive all the benefits and privileges provided by these Personnel Policies. Probationary employees are not subject to the disciplinary and discharge procedures set out in Section 14.
- B. Full-Time Employee. A full-time employee is an employee who has completed the probationary period and works a regularly scheduled forty (40) hour work week. The employee is subject to all policies and regulations and is eligible to receive all benefits and privileges as provided by the Personnel Policies.
- C. Part-Time Employees. All those working less than 40 hours per week up to and including 39 hours per week.

- D. Temporary Employee. A temporary employee is one who is hired with an expected employment duration of less than one (1) year. A temporary employee shall not enjoy nor be entitled to the privileges and benefits provided by these policies, but may be paid a 15% differential above the hourly rate for the position held.
- E. Salaried and Contract Employees. Salaried and contract employees are not considered hourly employees.
- F. Independent Contractor. An independent contractor is hired to perform one or more defined tasks, and is paid at a negotiated rate of remuneration. No overtime is paid and there are no fringe benefits payable. As an alternative to a fixed contract, the person may be paid at an hourly rate based on the number of hours needed to complete the task. Again, no overtime or fringe benefits are paid. All independent contractors must get a signed contract before starting work. Health, injury and third party insurance are the responsibility of the independent contractor.

9. FIRE DEPARTMENT

Members of the Fire Department are employed on an on-call basis and shall be excluded from coverage of the Personnel Policies and shall not be entitled to any rights or benefits contained in these Personnel Policies except as specifically provided in these policies. Members of the Fire Department shall have the right to present grievances, except grievances relating to promotion, demotion, discipline or discharge and shall have the right to report instances of sexual harassment to the Fire Chief or the Town Manager in accordance with Appendix I. In the case of a conflict between this section and any other portions of these policies, this section will govern.

Members of the Fire Department serve as “at will” employees and may be demoted or terminated by the Fire Chief with the approval of the Town Manager at any time without cause. These Personnel Policies do not constitute an employment agreement between the employer and the employee and are subject to change at the sole discretion of the employer as the needs of the employer and requirements of the department change.

A. Recruitment

The Fire Department shall provide appropriate notice of vacancies. Recognizing that the department has vacancies on a fairly continual basis and is consistently recruiting, official notice of vacancies is not required.

The following are the minimum requirements for becoming a member of the Fire Department:

- Minimum of 18 years old
- High School graduate

- Physically fit and able to perform duties associated with EMS services and Fire/Rescue services as appropriate.
- No felony conviction.
- No misdemeanor conviction involving moral turpitude or pattern of misdemeanor convictions.
- No pending misdemeanor or felony charges.
- Holder of a valid driver's license with no suspensions in last three years and no habitual or serious traffic offenses.
- Not a habitual drunkard or gambler.
- No use of illegal drugs in the past three years.
- Never sold illegal drugs.
- No use of mind-altering drugs within the past 5 years.
- Able to attend regular training and drills.
- Able to respond to calls on a regular basis.

The applicant will fill out an application on a form provided by the Fire Chief with the necessary releases to allow a background investigation.

The Fire Chief is responsible for screening the applications, conducting interviews and making hiring recommendations to the Town Manager. The Town Manager may participate in the screening and interviewing process.

The Police Department will perform a background investigation of all applicants.

Applicants for membership in EMS division shall pass a medical evaluation in accordance with 29 CFR 1910.134 before being appointed.

Members of the fire/rescue division shall pass a medical evaluation in accordance with 29 CFR 1910.134 before being qualified for interior firefighting or other tasks requiring the use of SCBA.

Appointments to the Fire Department are made by the Town Manager based on a recommendation of the Fire Chief.

B. Promotions

To the extent feasible appointment as a Fire Department officer, with the exception of the chief, should be made from within the department.

Application for a promotion shall be made on a form provided by the Fire Chief with the necessary releases to allow a background investigation. The selection process will be based on the requirements of the job description and may include review of education, training and experience; appropriate testing and interviews; background check; physical agility; drug screening and, where appropriate, pre-appointment medical examination. The Town Manager may participate in the screening and interviewing process.

Appointments as a Fire Department officer in the fire/rescue division are made by the Town Manager based on a recommendation from the Fire Chief. The Fire Chief makes appointments to staff positions and assigns other duties as required.

C. Performance Evaluation

Written performance evaluations shall be conducted at least once annually for all Fire Department officers using a form prepared by the Fire Chief and approved by the Town Manager.

10. PHYSICAL EXAMINATION

All prospective employees, including current employees being promoted or transferred or transitioned from temporary employment to a new position, may be required to undergo a physical examination at the expense of the Town after an offer of employment has been made. Appointment to a position may be conditioned upon satisfactory results of the examination demonstrating that the prospective employee has the physical and mental capacity to perform the jobs essential functions with reasonable accommodations, if necessary. Pre-employment medical examinations for applicants shall be conducted only under circumstances allowed by the Americans with Disabilities Act.

11. PROOF OF CITIZENSHIP

All new Town employees must provide the Town with proof of citizenship or legal immigration status in conformance with federal law. Failure to provide such proof shall result in non-hiring or immediate dismissal.

12. PROMOTIONS AND TRANSFERS

A. Vacancies in positions in any department in the Town should be filled as far as practicable by the promotion or transfer of well-qualified employees (based on past performance reviews) and recommendation of Department Heads. Promotion in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of effecting an increase in compensation. In no case shall a promotion be effected without just compensation.

- B. All promotions and transfers shall be subject to a one year evaluation period. If, during this evaluation period the Town Manager with consultation of the Department Head determines that the employee cannot satisfactorily perform the duties of the position, the employee shall be notified in writing as to the reasons for the decision and, subject to a pre-demotion hearing, may be removed from the position. If the employee's old position, or some other position for which the employee is qualified, is vacant, the employee will be returned to his former or other equivalent job. Otherwise, the employee will be subject to the Layoff Provisions under these policies. A decision by the Town Manager, after consultation with the Department Head, during the evaluation period to remove a promoted or transferred employee from the new position shall be final and not subject to appeal.

13. RIGHTS AND RESPONSIBILITIES OF EMPLOYEES

- A. Every employee shall fulfill to the best of his ability the duties and responsibilities of his position. Each employee shall, during his hours of duty, devote his full time, attention and efforts to his position and employment. An employee shall not use his position to secure special privileges or exemptions for himself or others. An employee shall not use Town property or equipment for his private use or for any use other than that which serves the public interest.
- B. An employee shall not disclose confidential information gained by him by reason of his position except as authorized or required by law, nor shall he otherwise use such information for his personal gain or benefit.
- C. The obvious responsibility of an employee of the Town is to the Town. No conduct or action which is contrary to the best interests of the Town will be permitted.
- D. If, in the opinion of the Town Manager, secondary employment interferes with an employee's performance of duties, the Town Manager shall provide written notice to the employee of his observations and of the possibility of imposition of disciplinary action including, but not limited to, termination.
- E. Town employees are expressly prohibited from soliciting or accepting any gratuity (except mementos or novelties of nominal value) from any person, company firm or corporation to which any purchase or contract is or might be awarded.
- F. An employee may not be absent from duty without the permission of his Department Head. Any absence of an employee from duty which is not authorized under provisions of these policies shall be investigated by the Department Head and reported to the Town Manager. Any employee who is absent without authorization may be subject to forfeiture of compensation for the period of absence and other forms of discipline up to termination.

- G. Salaried personnel shall be entitled to reasonable time off as compensation for hours worked in excess of forty hours per week, providing prior notice and approval is secured by the Town Manager. This time off shall constitute the only compensation for said additional work hours.
- H. Political Activity: An employee shall not use his or her official authority for the purpose of interfering with or affecting the nominations or election of any candidate for public office in the Town of Norwich. This rule is not to be construed to prevent an 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.
- I. Sexual Harassment: In accordance with state statute, the Town has adopted a comprehensive Sexual Harassment Policy. See the full policy in the appendices for further information.
- J. Smoking Policy: In accordance with state statute, the Town has adopted a smoking policy. See the full policy in the appendices for further information.
- K. Drug Free Workplace: In accordance with state statute, the Town has adopted a drug free workplace policy. See the full policy in the appendices for further information.
- L. Workplace Violence Policy: The Town has adopted a policy dealing with violence in the workplace. See the full policy in the appendices for further information.
- M. Personnel Files: An employee, upon request to the Town Manager, may make an appointment to review his own Personnel File. Such review shall occur at the Town offices and shall be supervised. Employees may receive copies of any documents contained in their own files, but may not remove or destroy any such documents.

14. DISCIPLINARY ACTION

- A. The Town exists to provide services to its citizens and, therefore, has a responsibility to perform these services in the most effective and efficient manner possible. The same is required of its Town employees. Discipline will result from any action or inaction resulting in anything less than satisfactory performance. All full-time and part-time employees will be fairly and consistently subject to the disciplinary and discharge procedures, given the facts of the individual case. The termination and disciplinary procedures outlined in these Policies do not apply to probationary or temporary employees.
- B. Disciplinary action may be initiated by the Department Head and/or Town Manager. Discipline will be administered for cause and initiated for reasons which include but are not limited to:

- No employee shall, directly or indirectly, corruptly ask, demand, exact, solicit, accept, receive a gift or gratuity, or a promise to make a gift or to do any act beneficial to the employee or another with the understanding that the employee will be influenced thereby in any action within the employee's official capacity or employment. Nor shall any employee authorized to procure or to recommend procurement of materials, supplies or services corruptly, directly or indirectly, ask, demand, exact, solicit, seek, accept, receive or agree to receive for the employee or another person, any benefit or benefits from the person providing or soliciting the provision of such materials, supplies or services.
 - absenteeism including tardiness;
 - any violation of any employee duties as set forth in these policies, or a violation of any other duties or work rules, whether or not specified herein;
 - any action or inaction resulting in anything less than satisfactory performance;
 - insubordination;
 - unacceptable job performance;
 - possession or use of alcohol on the job;
 - possession or use of illegal drugs on the job;
 - misuse of prescription or non-prescription drugs which impairs the performance of the employee;
 - unauthorized use of Town equipment or property;
 - destruction of public and/or private property;
 - falsification of documents concerning payroll or any other departmental operations;
 - abusive and/or obscene language directed at supervisors, other employees or the public;
 - failure to comply with safety regulations;
 - sexual harassment;
 - dishonesty of any kind, including theft of public or private property;
 - violation of confidentiality;
 - other actions or conduct adversely affecting or impairing the efficiency of Town service.
- C. All disciplinary actions shall be communicated to the employee in writing. The discipline documentation shall provide a space for comments from the employee and space for the employee to sign with language indicating that the employee's signature denotes the receipt of a copy of the document, but does not necessarily indicate the employee's agreement with its content. Refusal to sign the document may be considered insubordination on the part of the employee, and could be cause for additional disciplinary action.

- D. Employees shall be notified in writing at the time of any disciplinary action as to their rights of appeal. Comments written by the employee on the documents referenced in Section C above do not constitute the basis for an appeal.
- E. Any and all documents related to disciplinary actions shall become a permanent part of the employee's personnel file. Except for records of Verbal Reprimands, as noted below, or when removal of a record is authorized by the Town Manager,
- F. Disciplinary action need not follow a sequential order and is not necessarily limited to the following procedures:
 - (1) Verbal Reprimand. The Department Head may verbally warn employees of areas which need improvement or of a specific incident. The warning should be informal in nature and include specific steps for performance improvement or corrective action. A record of such reprimand will be placed in the employee's personnel file and retained for a period of up to one year. If no other disciplinary action beyond a verbal warning occurs during that period, the record of the verbal reprimand will be removed from the employee's personnel file after the employee's next annual evaluation.
 - (2) Written Reprimand. The Department Head may issue a written reprimand to an employee for a repeat offense, continual lack of performance or a more serious offense than warrants a verbal warning. The reprimand will include the nature of the offense and possibility of future disciplinary action. Remedial suggestions will be included in the reprimand. A written reprimand will remain in the employee's personnel file for three years, unless removed by request of the Department Head and approved by the Town Manager.
 - (3) Suspension (without pay). The Department Head, with the approval of the Town Manager, may suspend an employee without pay for up to thirty days for recurring offenses or a more serious offense than that which warrants a written reprimand; said suspension without pay is subject to written notice and a pre-suspension hearing where circumstances allow. In those instances where a pre-suspension hearing cannot be afforded, an immediate post-suspension hearing will be provided. The length of the suspension shall be based on the seriousness of the offense. In situations where the employee is insubordinate or may endanger himself, the public or other employees, the Department Head may take immediate action to suspend, and review the matter with the Town Manager subsequent to the action. Employees will receive confirmation of the suspension in writing with the date, time and nature of the offense, the length of the suspension, remedial suggestions and methods to appeal.

Employees are not to be present at their workplace for any reason during any suspension without the prior approval of the Town Manager.

- (4) Suspension (with pay). The Town Manager may elect to suspend an employee with pay for an indefinite period of time pending an investigation of an alleged incident or offense when the employee's continued performance of his duties would erode public confidence in the department or the Town organization. The employee should receive written notice and a pre-suspension hearing. Employees are not to be present at their workplace for any reason during any suspension without the prior approval of the Town Manager.

- (5) Dismissal. The Town Manager may dismiss an employee whose performance or actions over time have been such that the employee has an established negative pattern of actions or performance. In addition, the Town Manager may immediately dismiss an employee when the nature of the act, offense, or misconduct triggering discipline so warrants. There are certain types of conduct which are expressly forbidden and which may result in immediate termination from the Town. Conduct constituting just cause for immediate termination includes, but is not limited to:
 - Theft;
 - Unauthorized possession of weapons;
 - Falsification of records or documentation;
 - Possession or use of alcohol on the job;
 - Possession or use of illegal drugs on the job;
 - Fighting or threatening other employees or supervisors;
 - Willful destruction or abuse of property;
 - Sexual harassment;
 - Reporting to work under the influence of drugs or alcohol;
 - Disregard of safety rule;
 - Misuse or unauthorized use of Town property;
 - Conviction of a crime, which adversely affects or impairs the ability of the employee to perform Town services;
 - Refusal to obey orders of the individual's Supervisors or the Town Manager;
 - Unauthorized operation of machines, tools or equipment;
 - Absence without reasonable cause;
 - Leaving work during business hours without permission;
 - Coercing or intimidating other employees or Supervisors
 - Misuse or removal from work, without proper authorization, of employee lists, blueprints, records of confidential information of any nature;
 - Gambling during working hours.

The foregoing list of conduct which may trigger immediate termination is not intended to be exclusive and in no way modifies the right of the Town to immediately terminate an employee for other conduct not listed.

Prior to dismissal:

- (a) The employee will be provided with written notice of the basis for termination and an opportunity to present his or her side of the story to the individual with supervisory authority over the employee. During this initial pre-termination hearing, the employee is entitled to be represented by counsel and may have an opportunity to present witnesses if he or she so chooses. The hearing will be tape recorded.
- (b) If the supervisor makes an initial finding of grounds for termination, then a hearing date should be set before the Town Manager.
- (c) The employee will be provided with at least seven days (but not more than fifteen days) written notice of the hearing date, together with the specific grounds for discharge. The notice will also provide: the employee's right to be represented by counsel and to present witnesses and supporting documents, the right to have the matter heard in executive session as opposed to a public hearing.
- (d) The Town Manager will make arrangements in advance of the hearing for a tape recording of the proceedings.
- (e) After the supervisor presents each of his witnesses, if any, before the Town Manager, the employee or his counsel will have the right to cross-examine the witnesses. Both parties have a right to lodge objections to witness testimony and documents and the Town Manager must rule on those objections. Once the supervisor completes his case, the employee then has a right to present his own witnesses and documents and the supervisor, or his attorney, has a right to cross-examination. The Town Manager has a right to ask questions of the witnesses at any time during their testimony.
- (f) After the hearing closes, the Town Manager issues a written decision and forwards it to the parties or their counsel.

- (6) Demotion. An employee holding a position of rank or supervisory capacity or a capacity of increased responsibility with a corresponding increase in pay may be demoted when his performance has deteriorated to a level where the employee is no longer fulfilling the duties of the position. In every case where appropriate, the demotion will be made by the Department Head only after consultation with, and concurrence by, the Town Manager. In instances where there is no Department Head, the Town Manager shall have sole authority to make such demotions. Any demotion will be accompanied by a corresponding decrease in salary. Demotion shall also require a written notice of the intention to demote and the opportunity for a pre-demotion hearing.

15. APPEALS TO DISCIPLINARY ACTION

- A. There is no appeal to verbal reprimand.
- B. Appeals to disciplinary action beyond verbal reprimand shall be subject to the grievance procedure as described in Section 16.

16. GRIEVANCE PROCEDURE

Definition - A grievance is a claim by an employee or group of employees stating the employee(s) has received inequitable treatment through a misapplication or misinterpretation of these Personnel Policies.

Procedure

- A. The employee(s) originating the grievance shall present the matter to his immediate supervisor and attempt to resolve the matter at that level. The grievance shall be brought to the attention of the supervisor in writing within ten working days of the date the grievance came to the attention of the employee.
- B. The supervisor shall provide a written response to the grievant within ten working days.
- C. If the matter is not resolved to the employee's satisfaction at the supervisor's level, the grievance shall be brought in writing (including copies of the original grievance and the supervisor's response) by the employee to the next supervisory level within ten working days. The supervisor shall provide a written decision within ten working days of receipt of the grievance.
- D. Step C is continued until such time as the grievance is settled to the employee's satisfaction or until the process is completed through the level of the Town Manager.

- (1) All time limits contained in the appeal procedure shall consist of "regular" work days (Monday through Friday, excluding holidays). Failure by any party to comply and adhere to a specified time period as provided herein shall result in a decision against the non-complying party.
- (2) Time limits for any step of the appeals process may be extended by mutual written consent of the parties to the appeal.
- E. Time limits for any step of the grievance process may be extended by mutual written consent of the parties or by previously scheduled absences.
- F. The Town Manager's decision is final.

17. REDUCTION IN FORCE

A reduction in force will be undertaken only when in the best interest of the Town. Any reduction in force will be undertaken in a manner which minimizes the adverse effects on the Town and affects the fewest number of employees as possible. In the event that a reduction in force is necessary, lay-off within the affected department or classification shall be at the sole discretion of the Town Manager after consultation with the appropriate Department Heads.

18. RECALL

- A. It is the policy of the Town to recall employees who have been laid off as vacancies occur for which the employees are qualified. Such recall shall be used to fill vacancies before new employees are recruited or hired.
- B. The Town Manager will determine whether an employee has the skills or qualifications to perform available work. The Town Manager will use an evaluation process which fairly measures an employee's past work, present job abilities, and the employee's potential for improvement.
- C. An employee who is on lay-off and is recalled must notify the Town Manager in writing of his intention to return to work on a certain date within five work days of their recall notice. The employee must report to work no later than thirty days after notice of recall. Failure to notify the Town or report to work within these periods shall result in a loss of further recall consideration.
- D. An employee recalled within one year of being laid off shall have all seniority and benefits restored to the level at which they existed prior to the layoff, except for those benefits for which the employee may have already been compensated.

- E. An employee who is on lay-off and who has not received notification of recall within one (1) year from the date of lay-off shall lose all seniority and recall rights.

19. HOLIDAYS

- A. All full-time employees shall be compensated for holidays recognized under these Personnel Policies.
- B. If a holiday falls on a Saturday, the holiday will be observed on the Friday before. If the holiday falls on a Sunday, the holiday will be observed on the following Monday.
- C. Full-time employees whose scheduled day off falls on a legal holiday, shall receive another day off with pay, the day to be determined at the discretion of the Department Head. Reasonable efforts will be made to accommodate the schedule request of the employee.
- D. Holidays not used within the fiscal year will be forfeited. NOTE: The Town Manager may allow some flexibility with this provision; if special facts, information and circumstances warrant.
- E. In the event that work is required of any non-salaried, full-time employee on any of the scheduled legal holidays, that employee shall be paid time and one-half for all hours worked on said holiday, plus holiday pay computed at his regular base pay. This shall constitute the only compensation for employees who work on a holiday. No compensatory time may be accumulated on a holiday.
- F. Temporary employees are not eligible for holidays. Temporary employees who are required to work on a holiday shall be paid at one and one-half times their normal hourly rate for all hours worked on said holiday.
- G. Legal holidays are as follows:

<u>Holiday</u>	<u>Date</u>
New Year's Day	January 1
Martin Luther King's Birthday	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day After Thanksgiving	Fourth Friday in November
Christmas Day	December 25

20. PERFORMANCE EVALUATION

Written performance evaluations shall be conducted at least once annually for all employees in a manner and format prescribed by the Town Manager. Evaluations for employees should be conducted between May 1 and June 30 of each year. If said evaluation reveals deficiencies in an employee's working characteristics, the Town Manager may take such action as is provided for within the text of these policies. Further, the performance evaluations will be part of the criteria by which performance increases shall be determined.

21. LEAVES

A. Accounting of Employee Leaves. Employees shall request leave in all circumstances by filing application for leave on a standard form provided by the Town. For all leaves other than leaves for illness, the employee shall request in advance for the time off. The request shall be responded to in timely fashion by the Department Head and/or Town Manager and the leave recorded in records of the Town.

B. Vacation:

- (1) Vacation leave shall be credited based upon an employee's length of service to the Town. An employee is eligible to use accrued vacation after six months of service. After completion of six months of service, vacation time earned shall be accrued and available for use monthly according to the schedule listed below.
- (2) Full-time employees are entitled to accrue vacation time for each completed month of service. The rate of accumulation depends on the length of employment with the Town of Norwich.

<u>Length of Service</u>	<u>Vacation Time</u>		<u>Accumulation Rate per Month</u>	
	<u>Days</u>	<u>Hours</u>	<u>Days</u>	<u>Hours</u>
1 through 6 years	10	80	0.833	6.664
7 through 13 years	15	120	1.250	10.00
14 through 19 years	20	160	1.666	13.326
20 and over	25	200	2.08	16.64

Earned vacation days may be accumulated up to a maximum of twice the annual allowance.

<u>Length of Service</u>	<u>Maximum accumulation of vacation time</u>		
1 through 6 years	20 days	or	160 hours
7 through 13 years	30 days	or	240 hours
14 through 19 years	40 days	or	320 hours
20 and over	50 days	or	400 hours

Any days over the maximum will be forfeited. Unused vacation days up to the maximum accumulation allowed will be paid in cash in the event of voluntary separation from the Town or on retirement.

Employees must have the approval of their supervisor before taking vacation days.

Vacation may only be taken after it has been earned. Vacation time must be used in four-hour time blocks.

- (3) Vacation scheduling is the exclusive prerogative of the Department Head for subordinates. Leave must be requested in advance by the employee and is subject to approval by the Department Head. Vacation days shall not be advanced for use prior to their being earned without approval by both the Department Head and the Town Manager.
- (4) Part-time employees are not ordinarily eligible for vacation, except by approval of the Town Manager.
- (5) Temporary employees shall not be entitled to vacation time.
- (6) With the approval of the Town Manager, compensation may be offered in lieu of earned vacation time. This policy shall be implemented only under special circumstances arising from the needs of the employee or Town.
- (7) Upon voluntary termination or retirement from employment, an employee will be eligible for pay in lieu of vacation based on the total number of days accrued and unused at the time of termination or retirement provided that the employee has given at least two weeks' written notice of termination or intent to retire.
- (8) Absence due to illness, injury or disability in excess of that afforded the employee under these policies, may, at the request of the employee and with the approval of the Department Head and Town Manager, be charged against earned vacation time.
- (9) Vacation leave will not accrue during any type of uncompensated leave of absence.

C. Leaves For Reasons Of Illness And Non-Occupational Injury

- (1) Leave for illness with pay shall be granted to all full-time employees at the rate of one day (eight hours) per month (twelve days per year) and shall accumulate to a maximum of thirty-six days (288 hours).

- (2) Leave for illness shall begin to accrue at the end of an employee's first complete month of employment.
- (3) Employees shall not be entitled to any compensation for accumulated leave for illness upon termination of employment (voluntary or involuntary) with the Town.
- (4) An employee who will be absent for reasons of illness shall notify his supervisor or Department Head within one hour of the time he is scheduled to report to work. Notice of intended absence for illness on subsequent days shall be reported on each day unless prior notification arrangements have been made.
- (5) At the sole discretion of the Town Manager and/or a Department Head, an employee using leave for illness may be required to produce a physician's certificate or other proof of illness to substantiate his absence from work. Department Heads may require a physician's statement as proof of illness in the event of three (3) consecutive days of absence resulting from illness prior to the employee being allowed to return to work.
- (6) Leave for illness is not a privilege to be used at an employee's discretion. Abuse of leave for illness shall be considered sufficient cause for disciplinary action.
- (7) Leave for illness with pay shall not be given whenever an employee is eligible to receive Accident and Sickness Insurance for the pay period when said sick leave would otherwise be paid.
- (8) Use of leave for illness is restricted to the following purposes:
 - (a) Personal illness or physical incapacity resulting from causes beyond the employee's control.
 - (b) Enforced quarantine of the employee in accordance with health regulations.
 - (c) Care for an ill or disabled immediate relative (step) mother, (step) father, parents-in-law, sister (in-law), brother(in-law), spouse, son, daughter, (step) children.) residing outside the employee's household, or any relative who resides in the employee's household shall be granted at the discretion of the Town Manager. The Town reserves the right to request verification of validity of need for above stated absences in any case.

- (d) If an employee uses all accrued leave for reasons of illness, the employee may use accrued vacation time for any subsequent absence related to an employee's illness.
- (e) For any other purpose set forward in these Personnel Policies.

D. Personal Days

Each full-time employee is entitled to two personal days in each fiscal year. The entitlement will be added to the employee record on July 1 each year and may be taken as days or hours at any time during the year with the approval of the employee's supervisor. Personal time for new hires will be prorated by the month of the year in which they start. Unused personal days cannot be carried forward from year to year, and are not compensated for at the time of termination.

E. Dental and Medical Appointments

An employee may be granted up to two hours leave to attend personal medical and dental appointments, or other illness prevention measures. Such absence will not be charged against any other leave category, but will be subject to the approval of the Town Manager and/or Department Head. Employees are urged to schedule personal health appointments at times outside the regular work day. Leave for part-time employees shall be prorated upon the number of scheduled hours worked. This appointment leave shall not be used to attend to the personal care of a relative (refer to the use of sick leave for this purpose in Section 21 C (8) (c) above).

F. Occupational Injury Leave

- (1) An employee who is absent from his duties because of a job related injury (related to employment with the Town) shall be eligible for such Worker's Compensation benefits as provided by the laws of the State of Vermont, except as modified below. First Report of Injury forms should be filed within 72 hours of the accident and are available at the Town Manager's Office.
- (2) Absences related to an occupational injury shall not be charged against leave of illness or annual leave, except that an employee may elect to use illness or vacation leave to cover the initial unpaid 3 days of an occupational injury leave. If the leave extends past ten days, and the Worker's Compensation insurance then reimburses the employee for the first three days, then the employee shall reimburse the Town for the amount paid by worker's compensation, and the Town shall reinstate to the employee the illness or vacation time charged.

- (3) Work related injuries must be reported to the supervisor or Department Head and the Town Manager as soon as practical, but not later than seventy-two (72) hours.

G. Special Leaves Of Absence

Special leaves of absence, normally not to exceed ten (10) working days, may be granted with or without pay under exceptional circumstances, with the written approval of the Town Manager.

H. Parental And Family Leave

Vermont state law guarantees the right to take both long and short term leaves for full-time employees who work more than thirty hours per week. These rights are spelled out in 21 V.S.A. 471, 472, 472a and 472b. Copies of these statutes can be obtained at the Vermont Legislatures web site, or by requesting copies from the Town Manager's Office.

I. Jury Leave

Jury leave will be granted in compliance with 21 V.S.A. 499. Employees serving on jury duty shall receive the difference in pay between what is received for Jury Duty and the amount of their normal pay.

J. Military Leave

Military leave shall be granted in compliance with 21 V.S.A. 491-493. Employees on military leave will receive the difference in pay between what is received for weekly military pay and the amount of their normal week's pay. This applies only to the two week annual field training which all reserve component members must attend. Employees on military leave have the right to elect to continue their existing Town-based health plan coverage including dependents for up to 24 months while in the military. The Town will continue to also pay its share for up to six months. Employees on military leave for greater than six months shall not receive any direct benefits and privileges, but shall have such protection with regard to their employment as may be provided by State and Federal Statutes.

K. Bereavement/Emergency Leave

In the event of the death of a member of an employee's immediate family, the employee may be granted up to three days of absence with full pay. For the purpose of this subsection, immediate family shall be defined as: (step) mother, (step) father, son, daughter, (step) children, brother(in-law), sister(in-law), grandmother, grandfather, spouse, parents(in-laws), ward or any relative residing at the employee's home. At the discretion of the Town Manager additional leave may be granted.

One day's leave for death of cousins, aunts and uncles may be granted to an employee. At the discretion of the Town Manager additional leave may be granted.

If, under extenuating circumstances, more time is required, it may be granted with the express approval of the Town Manager.

22. EMPLOYEE BENEFITS

A. Federal Social Security

- (1) The Town participates in the Social Security program. The social security system provides disability, retirement and Medicare services to qualified employees.
- (2) All employees must participate in the Social Security program. Employees contribute from their pay a percentage of wages as established by the federal government. The Town contributes an equal amount toward the employees' accounts.

B. Retirement

(1) Regular Employees

- (a) The Town offers an employee pension plan which consists of a defined benefit plan or a defined contribution plan.
- (b) Pension plan - All employees working 24 hours or more per week and not less than 1,040 hours per year shall participate in the Vermont Municipal Employees Retirement System (VMERS). Each employee's contribution will be deducted from their biweekly paycheck. The Town also contributes to the program on behalf of each enrolled employee. The Town has elected to participate in three (3) plans; Plan B, Plan C and Plan DC which require employees to contribute 4.5%, 9% and 5%, respectively, of gross wages while the Town contributes 5%, 6% and 5%, respectively. Detailed rules for this program, vesting periods and benefits paid on retirement are published by VMERS. A copy of the current rules is available in the Town Manager's Office, or may be obtained from VMERS by going online to <http://www.tre.state.vt.us/retirement/muni/groups.html>.

- (c) The Town also offers its employees a deferred compensation plan through the State of Vermont in accordance with Internal Revenue Code Section 457. The plan permits employees to defer a portion of their salary until future years. Deferred compensation is not available to employees until termination, retirement, death or unforeseeable emergency.

C. Equipment and Safety

- (1) Department of Public Works. Department of Public Works personnel are provided with equipment as required and pursuant to a collective bargaining agreement.
- (2) Custodial, Solid Waste employees and Fire Fighters are provided with work clothes and safety equipment as required. Police personnel are provided with equipment as required and pursuant to a collective bargaining agreement.
- (3) OSHA (including VOSHA) Rules. All employees shall comply with these safety rules. A copy is available in the Town Manager's Office and also in work areas.

D. Group Life, Accidental Death and Dismemberment Insurance

- (1) The Town provides Life, Accidental Death and Dismemberment Insurance for full-time employees.
- (2) Eligible employees are automatically enrolled in the life insurance program effective on the first day of the month following employment.

E. Group Disability Insurance

- (1) The Town provides long-term disability (LTD) insurance for its employees. This coverage for continuous illness or disability commences on the ninetieth (90) calendar day (or the date your insured short-term disability payments end, if applicable) following the onset of the accident or illness as measured by the first day of work missed, and continues until maximum age specific targets are reached as listed in the policy. The insurance pays 60% of an employee's pre-disability monthly earnings, reduced by deductible income, up to a maximum benefit of \$6,250 per month.
- (2) The Town provides a short-term disability (STD) program which would provide 66 2/3% of the employee's weekly earnings up to a maximum benefit of \$600 per week, reduced by deductible income. This coverage commences on the first day for disability due to an injury and the eighth day for sickness, and continues for a maximum period of thirteen weeks.

- (3) Employees may elect to use any available vacation or other accrued paid leave to extend the time of full pay prior to commencement of either short-term or long-term disability. An employee who has accrued vacation time on the books and who is disabled for one year will be paid for the accrued vacation time at the last regular rate of pay prior to commencement of the disability.
- (4) If an employee does not have sufficient sick leave or other available accrued paid leave time to reach the beginning of STD, that employee will be placed on unpaid leave until eligible for STD.
- (5) If an employee does not exhaust all accrued sick leave prior to becoming eligible for LTD, those sick days will be kept on the books for one year so that in the event that the employee does return to work within that time period, the days will be available for use.
- (6) Fire Department personnel are eligible to receive supplemental loss of life, medical and disability insurance under the Fire Department insurance policy.

F. Group Hospital, Major Medical Insurance, Dental Insurance and Vision Plan

- (1) Group Hospital and Major Medical Insurance
 - (a) Hospital and medical insurance is available to eligible employees of the Town. The Town offers two medical plans to employees. The plans are administered by the Vermont League of Cities and Towns and the plans are insured through CIGNA Health Care. The current plans are HP 10/20 C (VHPF) Open Access Plus and HDHP \$1,500/\$3,000 (VHSA 1).
 - (b) The Town contributes to the cost of the premium annually as determined by the Selectboard:

HP 10/20 C	95% in 2009/90% in 2010
HDHP	100%

The Town will also pay 100% of the HDHP deductible in 2009 and 50% of the deductible in 2010.

- (2) Dental Insurance
 - (a) Effective July 1, 2008, the Town will provide dental insurance through the Delta Dental Plan #2 (excluding orthodontics) for eligible employees at no cost to the employee. Employee(s) may also choose to obtain 2 person or family coverage from the same dental provider, but the employee will be responsible to pay the difference for such coverage above the cost of the individual plan offered by the Town. Such payments shall be made through biweekly payroll deductions.

(3) Vision Service Plan

- (a) Effective July 1, 2008, the Town has chosen to enroll in the VLCT Standard Voluntary Vision Plan. All full-time and part-time employees who work a regular schedule of more than 15 hours per week are eligible to enroll. The employee is responsible to pay for such coverage through biweekly payroll deductions.

(4) Details of the plans and choices may be obtained through the Town Manager's Office.

G. Town of Norwich Flexible Benefit Plan – As of February 1, 2009, the Town of Norwich has adopted a Flexible Benefit Plan. The intention of the Plan is to qualify as a “Cafeteria Plan” within the meaning of Section 125 of the Internal Revenue Code of 1986, as amended. As such, benefits which an employee elects to receive under the Plan are excludable from the employee's income under Section 125(a). Further information and forms are available in the Town Manager's Office.

H. Consolidated Omnibus Budget Reconciliation Act (COBRA) is a mandated benefit to provide extended health insurance coverage for employees who are laid off, terminated or resign. The former employee must assume 100% of the financial obligation for this coverage. The Town has elected to use Choice COBRA as their COBRA provider. Choice COBRA will notify employees directly within 14 days of their receiving notification from the Town that a qualifying event has occurred.

I. Employee Assistance Program

The Town provides an employee assistance program to all employees at no cost to them. The program provides counseling and assistance for a variety of personal or workplace problems including financial counseling, drug and alcohol counseling, depression and anxiety counseling, parenting issues, and a host of other concerns. Contact information is posted on various bulletin boards and is available through the Town Manager's Office.

J. Direct Deposit

Direct deposit of paychecks and other deduction programs are available to employees through the Finance Office. There are no charges for these services.

K. Employee Professional Development

In order to maintain and improve the quality of services provided to the public, the Town encourages the continuing professional development of all employees. Toward this end, the Town provides a number of opportunities to employees as follows:

- (1) Training opportunities may be provided in a variety of ways, including one-on-one training, small and large group training, and internet training. All costs of mandatory training sessions are borne by the Town. Employees required to attend training sessions which are scheduled during their non-scheduled working time and above the regular 40 hour week are compensated at time and one half their hourly rate.
- (2) Training seminars, conferences and single college courses which are directly related to job responsibilities may be considered by the Town Manager. The Town will pay all or portions of the related costs of these activities, including payment for meals and overnight accommodations as may be required to allow attendance. Receipts for all expenses must be provided in order for an employee to be reimbursed for travel, meals and lodging. Paid time off from work is included if the course, conference or seminar cannot be scheduled during non-working hours.
- (3) Courses of study leading to college degrees may be supported by the Town subject to budgetary limits and under the following conditions:
 - (a) After twelve months of employment with the Town and at the Town Manager's sole discretion, the program is deemed to be directly related to the employee's responsibilities, or could be related to future responsibilities through promotion to another position or department within the Town.
 - (b) Upon presentation of proof of payment and proof of satisfactory completion of the course (B or better grade or pass in a pass/fail course), the employee shall be reimbursed the tuition costs.

NOTE: Part-time employees are entitled to benefits only as described within the text of these policies.

23. PAY PLAN

A. Pay Status

- (1) Salaried Employees (other than elected officials) will consist of the following: Town Manager, Director of Public Works, Chief of Police, Fire Chief, Planning/Zoning Administrator, Finance Officer, Recreation Director and any other position so authorized by the legislative body.
- (2) Hourly Wage Employees will comprise all other Town employees working on a 40 hour per week basis.

B. Compensation (to include full-time and part-time)

- (1) The compensation schedule lists current positions and wages for a fiscal year period. The Town Manager will update the plan annually to reflect Selectboard approved cost of living increases.
- (2) A new employee normally enters employment at the minimum salary or wage for the position in which he is employed. In case, however, of difficulty in finding qualified personnel or in hiring of an extremely qualified person for a position, the beginning salary or wage may be adjusted to a pay level commensurate with experience.

C. Review of Pay Plan (to include full-time and part-time)

From time to time, on the Town Manager's recommendation and agreement by the Selectboard, the pay plan may be reviewed in its entirety to assure that the Town remains competitive with the regional labor market and maintains the ability to recruit and maintain a high quality staff.

D. Method of Pay (to include full-time and part-time)

- (1) An hourly wage employee shall be paid for the actual number of hours worked in a pay period, reported on a biweekly timesheet.
- (2)
 - (a) Salaried employees shall be paid an annual rate divided by the number of pay periods per year. Salaried employees shall consider their normal work week those number of hours necessary to do the job. All salaried employees shall turn in hours worked on a biweekly schedule.
 - (b) The Town recognizes that salaried employees work excessive hours from time to time. Therefore, salaried personnel shall be entitled to reasonable time off as compensation for hours worked as described above, provided prior approval is secured from the Town Manager. This time off shall constitute the only compensation for said additional hours worked.

- (3) An employee absent without leave may forfeit his pay at the discretion of his Department Head. When absent on authorized sick or vacation leave, each employee shall be paid his regular rate of pay.
- (4) Overtime pay will be paid to hourly employees, for authorized hours worked in excess of 40 hours per week, by multiplying one and one half times the number of hours worked over 40.
- (5) Call Back Pay. In the event any non-salaried, full-time employee is called back to work (outside of his regularly scheduled 40 hour work week) the employee shall receive a minimum of two hours pay at time and one-half pay.
- (6) Call Back Pay (Firefighters). Fire/Rescue Division members are paid a minimum of two hours of pay for normal workday calls between 0700-1700 and a minimum of one hour for all other times, including EMS calls.
- (7) Drill Pay (Firefighters/Emergency Medical Technicians). Fire/Rescue Division members and EMS Division members are paid a stipend for attending the first and third Monday of the month normal training sessions.
- (8) Town of Norwich Compensation Schedules are detailed in Appendix IX.

24. EFFECTIVE DATE OF ADOPTION

These policies adopted by the undersigned Selectboard of the Town of Norwich on July 12, 2006, effective on July 1, 2006.

Signed: (See Original Document)

Alison M. May, Chair

Date Adopted: 7/12/2006

John C. Candon

Ben Ptashnik

Edwin S. Childs

Gerard Chapdelaine

Date Effective: 7/1/2006

25. APPENDICES TO PERSONNEL POLICIES

The following Appendices are hereby adopted as a part of the Personnel Policies, and knowledge of and adherence to them are required of all employees:

Appendix I	Sexual Harassment Policy
Appendix II	Drug-Free Workplace Policy
Appendix III	Smoking & Tobacco Policy
Appendix IV	Workplace Violence Policy
Appendix V	Code of Ethics Policy
Appendix VI	Policy on Personnel Records
Appendix VII	Norwich Policy of Nondiscrimination
Appendix VIII	Use of Computers/Electronic Messaging Policy
Appendix IX	Nonunion Compensation Schedule
Appendix I	Safety Policy Mission Statement
Appendix XI	FLSA: Exempt Employees
Appendix XII	Employee Acknowledgement of Receipt of these Policies

APPENDIX I

TOWN OF NORWICH SEXUAL HARASSMENT POLICY

I. PURPOSE:

The purpose of this policy is to provide Town employees with guidelines regarding sexual harassment.

II. POLICY:

It is the policy of the Town of Norwich that there shall be a workplace free from sexual harassment. It is against the policies of the Town, and illegal under State and Federal law, for any employee or official (elected or appointed), male or female, to sexually harass another employee. The Town is committed to providing a workplace free from unlawful conduct. It is a violation of this policy for an employee or official to engage in sexual harassment.

III. DEFINITIONS:

1. WHAT IS “SEXUAL HARASSMENT”?

- 1.1 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:
 - 1.11 Submission to that conduct is made either explicitly or implicitly a term or condition of employment;
 - 1.12 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
 - 1.13 The conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.
- 1.2 Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:
 - 1.2.1 Unwelcome sexual advances;
 - 1.2.2 Suggestive or lewd remarks;

- 1.2.3 Unwanted hugs, touches, kisses or similar unwelcome physical contact;
 - 1.2.4 Requests for sexual favors;
 - 1.2.5 Displaying or transmitting pornographic pictures, posters, cartoons, drawings;
 - 1.2.6 Unwelcome sexual jokes and banter;
 - 1.2.7 Retaliating for complaining about sexual harassment;
- 1.3 Retaliation against a person for reporting sexual harassment or cooperating in an investigation of sexual harassment is unlawful. It shall be a violation of this policy for any person who learns of a complaint or investigation to take, or cause another person to take, any retaliatory action which affects the employment environment of any person involved in the complaint or investigation. Persons who believe that they are being retaliated against should follow the complaint procedures of this policy. Retaliation includes but is not limited to any form of intimidation, reprisal or harassment based on reporting sexual harassment or for cooperating in an investigation of sexual harassment.

2. WHAT SHOULD YOU DO IF YOU BELIEVE YOU HAVE BEEN HARASSED

- 2.1 Any employee who believes that he or she has been the victim of sexual harassment, or believes he or she has been subjected to retaliation for having brought, supported, or cooperated in the investigation of a complaint of harassment, is encouraged to report the incident(s) as soon as possible. Employees need not be a person target of harassment to file a complaint. Complaints may be filed with the employee's supervisor or may be reported to the Town Manager. If a complaint involved the Town Manager the incident should be reported to the Chair of the Selectboard who will fulfill the responsibilities that would have been the Town Manager's under this policy.
- 2.2 Supervisory Town employees who witness or receive a report, written or oral, of sexual harassment shall promptly report the harassment to the Town Manager. Failure by a supervisor or supervisory personnel to appropriately report or address such sexual harassment complaints shall be considered to be in violation of this policy.

3. WHAT THE TOWN WILL DO UPON A COMPLAINT OF SEXUAL HARASSMENT – INVESTIGATION

- 3.1 In the event the Town (a supervisor or Town Manager) receives a complaint of sexual harassment, or otherwise has reason to believe that sexual harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. Every supervisor is responsible for promptly responding to, or reporting, any complaints or suspected acts of sexual harassment. Supervisors should report allegations of sexual harassment to the Town Manager.
- 3.2 The Town shall conduct an investigation as soon as is practicable following receipt of a report or complaint, written or oral, alleging sexual harassment. Generally, investigations shall be completed within (15) business days following receipt of a report or complaint. The investigator may interview individuals involved, and any other persons who may have knowledge of the circumstances giving rise to the complaint and may use other methods and documentation. Upon completion of the investigation, the investigator shall determine if a violation of this policy has occurred and report that decision.
- 3.3 Upon the completion of an investigation, the supervisor or the Town Manager shall assure that the complainant and the accused are notified whether the allegation of sexual harassment was found to be validated, whether a violation of the policy was found, and, what action, if any, was taken. Such notification shall occur within fifteen (15) business days of the completion of the investigation.
- 3.4 The Town will respect the privacy of the complainant, the individual(s) against whom the report is directed and the witnesses, to the extent possible, consistent with the Town's obligations to investigate, take appropriate actions, and conform with any disclosure obligations.
- 3.5 The Town shall take appropriate action in all cases where this policy is violated. Any official, employee, supervisor, or agent found by the Town to have violated this policy shall be subject to appropriate consequences and/or remedial action including, but not limited to: warning, exclusion, censure, suspension, transfer, dismissal, termination of contractual agreements, remedial action such as training, education, or counseling.
- 3.6 The Town shall take appropriate action against any employee, staff member or officer who makes a false report of sexual harassment knowing it to be false.

4. EXTERNAL REPORTS

Although employees are encouraged to file their complaint of sexual harassment through the Town's complaint procedure, an employee may file a complaint of sexual harassment with the following agencies:

Vermont Attorney General's Office, Civil Rights Unit
109 State Street
Montpelier, VT 05609
(802) 828-3171 (voice/TDD)

Equal Employment Opportunity Commission
1 Congress Street
Boston, MA 02114
(617) 565-3200 (voice), (617) 565-3204 (TDD)

5. WHERE CAN I GET COPIES OF THIS POLICY?

5.1 A copy of this policy will be provided to every employee, and extra copies will be available from the Town Manager's office. A copy of this policy will be conspicuously posted in all Town offices.

Reasonable accommodations will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment, upon advance request.

6. In an effort to assist supervisors with the investigation of a Harassment Complaint/Report; we have added four checklists to this policy. The checklists shall be completed and used as guides when processing a Harassment Complaint.

The checklists require investigators to answer a series of questions which will provide necessary documentation in the event that a prosecution or administrative action becomes necessary.

Forms Listed Below are Retained in the Town Manager's Office:

- Interview Checklist (Initial Complaint)
- Interview Checklist (Witness)
- Interview Checklist (Person alleged to have engaged in harassing conduct)
- Investigation Findings, Conclusions and Recommendations

Readopted by Selectboard 1/11/2012

APPENDIX II

TOWN OF NORWICH DRUG-FREE WORKPLACE POLICY

PURPOSE AND POLICY STATEMENT

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

An employee who is under the influence of any drug on the job may pose serious safety and health risks not only to the user but to co-workers and the general public at large.

DEFINITIONS

Controlled Substance: As used in this policy shall mean a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined in regulation at 21 CFR 1300.11 - 1300.15.

Conviction: Means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

Criminal Drug Statute: Means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use of possession of any controlled substance.

Illegal Drug: Any drug which is not legally obtainable, or which is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and not being used for prescribed purposes.

Legal Drug: Includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured

Under the Influence: means, for the purpose of this policy, that the employee is noticeably affected by a drug.

Workplace: is defined to include non-Town owned property which is used in the conduct of Town business, including property used temporarily for business related purposes, such as lodging sites rented for seminars, training, or other Town activities.

APPLICABILITY AND GENERAL POLICY CONDITIONS

The following conditions shall be applicable to all employees of the Town:

1. Employees shall be required, as a condition of their employment, to abide by the terms and conditions of this Drug-Free Workplace Policy.
2. An employee shall notify his Department Head and/or the Town Manager of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Failure to do so will result in discipline, up to and including dismissal.
3. If a convicted employee works in a federally funded program, the involved federal grant agency shall be notified of the conviction within ten (10) days of the Town's receiving the notice of the conviction. In the case of the Vermont Community Development Program, notify the Department of Housing and Community Affairs.
4. An employee convicted under any criminal drug statute for a violation occurring in the workplace, while on or off duty, or on duty away from the workplace, shall be immediately dismissed for the first offense.
5. In the absence of compelling mitigating circumstances, an employee convicted under any criminal drug statute for a violation not occurring in the workplace while not on duty shall be subject to immediate dismissal for the first offense if convicted of a felony. If the conviction is not a felony, discipline up to and including dismissal may be imposed, including for the first offense, provided that there is a nexus between the offense and the job of the employee.
6. Appropriate disciplinary and/or corrective action is to be taken within thirty (30) days after the Town receives notice of a conviction. This, however, is not to be construed to limit the authority of the employer to take such action thereafter. Any disciplinary action must comply with the collective bargaining agreement, Section 504 of the Rehabilitation Act of 1978, and the Americans with Disabilities Act, if applicable.
7. An employee **not convicted** under any criminal drug statute, but who engages in the illegal manufacture, distribution, dispensation, possession or use of controlled substances in any Town workplace while on or off duty, or on duty away from the workplace, shall be subject to discipline up to and including dismissal for the first occurrence. An employee engaging in such actions while off duty and away from the workplace may be subject to discipline, up to and including dismissal, including for the first offense, provided there is a nexus to the employee's job and just cause for the discipline.
8. Any employee on Town 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 Town premises, may be temporarily relieved from duty pending further investigation.

9. If the use of legal drugs endangers safety, management may (but is not required to) reassign work on a temporary or permanent basis.
10. Employees must observe other work rules established by their employing departments regarding the use, possession or presence of drugs involving their employment.
11. Each employee of the Town will make a good faith effort to maintain a drug-free workplace and uphold and promote this policy.

USE OF DRUGS

Legal Drugs: For certain positions, the legal use of a drug can pose a significant risk to the safety of the employee or others. Employees who feel or have been informed that the use of such a drug may present a safety risk, are to report such drug use to their immediate supervisor.

Illegal Drugs: The use, sale, purchase, transfer or possession of an illegal drug by an employee while in a Town facility, while performing Town business, or while on the job is prohibited. Being under the influence of any illegal drug while conducting Town business, while on Town property or in a Town facility, or while operating any Town equipment is prohibited. Misuse of prescription drugs is considered to be the illegal use of drugs. This includes both the use of such drugs in a manner inconsistent with the prescribed use and any use of prescription drugs by persons for whom they are not prescribed.

RESPONSIBILITIES:

Town: It is the responsibility of the Department Head and/or the Town Manager to advise each employee of this policy; to post the policy annually at each worksite; and to include a copy of this policy in each new employee's orientation.

Employee: It is the responsibility of each employee to be aware of and to abide by this policy.

Administration: It is the responsibility of the Town Manager to ensure that supervisors and employees receive training and orientation regarding the implementation of this policy.

Readopted by Selectboard 1/11/2012

APPENDIX III

TOWN OF NORWICH

SMOKING & TOBACCO POLICY

The Town of Norwich, in order to comply with the provisions of 18 VSA 1421, et seq., has established this policy to protect workers by prohibiting smoking and use of smokeless tobacco products in the workplace.

Whereas, the United States Surgeon General, in his 1986 report on Involuntary Smoking, concluded:

- Involuntary Smoking is a cause of disease, including lung cancer, in healthy nonsmokers;
- The simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to environmental tobacco smoke.

And whereas, in 1993, the Environmental Protection Agency (EPA) classified environmental tobacco smoke as a Group A carcinogen, that is, a substance known to cause cancer in humans. The EPA recognizes no safe level of exposure for Group A carcinogens.

Smokeless tobacco is a significant health risk and is not a safe substitute for smoking cigarettes. According to the Centers for Disease Control, smokeless tobacco contains 28 cancer-causing agents (carcinogens). It is a known cause of human cancer, as it increases the risk of developing cancer of the oral cavity, other oral health problems, and can lead to nicotine addiction and dependence.

In light of these findings, smoking and use of smokeless tobacco products are strictly prohibited within all Town of Norwich-owned vehicles and within the Town of Norwich offices, hallways, restrooms, kitchen, meeting rooms and all other work areas. It is also prohibited within 30 feet of all exterior doors or where an outside air intake is located.

This policy applies to all employees, clients, contractors and visitors. Smoking may only occur at a reasonable distance (e.g., 30 feet or more) outside any enclosed area where smoking is prohibited to insure that environmental tobacco smoke does not enter the area through entrances, windows, ventilation systems or any other means. A copy of this policy is posted on the Tracy Hall bulletin board and in a conspicuous place at each work location.

Readopted by Selectboard 1/11/2012

APPENDIX IV

TOWN OF NORWICH WORKPLACE VIOLENCE POLICY

It is the policy of the Town of Norwich that the workplaces and the operations of the Town shall be safe and free of violence or the threat of violence against any employee or other person during the conduct of Town business. Therefore, it is against the policy of the Town for any employee to be subject to or engage in any intimidation, violence, or threatening of violence in the workplace either by or against any person.

The Town is committed to providing a workplace that is as free as possible from intimidation, threats of violence and acts of violence.

Intimidation: an intentional act toward another person, causing the other person to reasonably fear for his safety or the safety of others.

Threat of Violence: an intentional act that threatens bodily harm to another person or damage to the property of another.

Act of Violence: an intentional act that causes bodily harm, however slight, to another person or damage to the property of another.

Examples of violence in the workplace include, but are not limited to the following, when such acts or behavior come within one of the above definitions:

- Unwelcome name-calling, obscene language, and other abusive behavior
- Intimidation through direct or veiled verbal threats
- Throwing objects in the workplace regardless of the size or type of object being thrown, or whether a person is the target of the thrown object
- Physically touching another person in an intimidating, malicious, or harassing manner, including such acts as hitting, slapping, poking, kicking, pinching, grabbing, and pushing
- Physically intimidating others including such acts as obscene gestures, shouting, and fist shaking.

Threats, threatening behavior, acts of violence, or any related conduct which disrupts another's work performance or the Town's ability to execute its mission will not be tolerated.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on Town owned or leased property may be removed from the premises pending the outcome of an investigation. Threats, threatening behavior, or other acts of violence executed off Town owned or leased property but directed at Town employees or members of the public while conducting official Town business, is a violation of this policy. Off-site threats include but are not limited to threats made via the telephone, fax, electronic or conventional mail, or any other communication medium.

Violations of this policy will lead to disciplinary action that may include dismissal, arrest, and prosecution. In addition, if the source of such inappropriate behavior is a member of the public, the response may also include barring the person(s) from Town owned or leased premises, termination of business relationships with that individual, and/or prosecution of the person(s) involved.

Employees are responsible for notifying their Department Head or the Town Manager of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Employees should also report any behavior they have witnessed which they regard as threatening or violent when that behavior is job related or might be carried out on Town owned or leased property or in connection with Town employment.

Each employee who receives a protective or restraining order which lists Town owned or leased premises as a protected area is required to provide their Department Head or the Town Manager with a copy of such order.

Readopted by Selectboard 1/11/2012

APPENDIX V

TOWN OF NORWICH CODE OF ETHICS POLICY

POLICY:

It is the policy of the Town of Norwich to ensure that municipal employees:

- A. are aware of what constitutes a conflict of interest or breach of trust
- B. are aware of the level of conduct and integrity which is expected of municipal employees

1.0 Specific Objectives

1.1 The objectives of this policy are to:

- A. provide municipal employees with guidelines for identifying potential conflicts of interest and breaches of trust
- B. help ensure that municipal employees do not place themselves, or permit themselves to be placed, in a position which would constitute a conflict of interest or breach of trust
- C. promote high standards of professional conduct and values among municipal employees

2.0 Responsibilities

2.1 The Norwich Selectboard (or its designated committee) will:

- A. review the municipality's Code of Ethics Policy as required and make any amendments considered appropriate
- B. review, consider or take other action concerning any violation of the municipality's Code of Ethics Policy which is referred to the Selectboard by the Town Manager, or raised by a member during the course of Selectboard discussions

Where there is any conflict between the policies adopted by the municipality and the policies set forth in the appropriate collective agreement, or policies set forth in a statute of the State or federal government, collective agreements or the State or federal statute shall supersede such other policies.

2.2 The Town Manager will:

- A. implement, administer and promote the Code of Ethics Policy
- B. ensure that Department Heads promote the ethical standards expressed within the Code of Ethics Policy to their employees

- C. recommend amendments to the Code of Ethics Policy to the Selectboard
- D. investigate and review any reported violation of the Code of Ethics Policy and approve and/or administer any subsequent corrective action

2.3 Department Heads will:

- A. ensure that all employees of their department are familiar with the municipality's Code of Ethics Policy
- B. advise the Town Manager of any perceived violation of the Code of Ethics Policy by a member of staff, and institute appropriate preventative or corrective action
- C. recommend to the Town Manager any changes to the Code of Ethics Policy which are considered appropriate

2.4 Responsibilities of Municipal Employees

- A. Municipal employees are agents of the public whose primary objective is to address the needs of the citizens. As such, they are entrusted with upholding and adhering to the bylaws of the municipality as well as all applicable federal and State laws. As public servants, they must observe a high standard of morality in the conduct of their duties and faithfully fulfill the responsibilities of their offices, regardless of their personal or financial interest.
- B. Dedicated Service: All employees of the municipality should faithfully work towards developing programs to address the needs of its citizens. In the course of their duties, employees should strive to perform at a level which is expected of those who work in the public's interest.
- C. Employees should not exceed their authority, breach the law, or ask others to do so, and should work in full cooperation with other public officials and employees, unless prohibited from doing so by law or by formally recognized rules of confidentiality.
- D. Use of Public Property: No employee shall request or permit the use of municipal-owned vehicles, equipment, materials, or property for personal convenience or profit, except where such privileges are granted to the general public.
- E. Obligations to Citizens: No employee shall grant any special consideration, treatment, or advantage to any citizen or group of citizens beyond that which is accorded to all citizens.
- F. Conflict of Interest: No employee shall engage in any business transaction or have a financial or personal interest, direct or indirect, which is incompatible with the proper discharge of their duties or would impair their independence of judgment or action in the performance of their duties. Personal interest, rather than financial, includes any interest arising from family or marriage relationships or close business or political associations. The following are situations which constitute conflicts of interest for municipal employees:

- **Incompatible Employment:** No employee shall engage in or accept private employment or render services for private interests when such employment or services are incompatible with the proper discharge of their duties or would impair his/her independence of judgment or action in the performance of his/her duties.
- **Disclosure of Confidential Information:** No employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the municipality; nor shall he/she use such information to advance the financial or personal interest of him/herself or others.
- **Gifts and Favors:** In keeping with established private-public business practices, no employee shall show favoritism or bias toward any vendor, contractor, or others doing business with the municipality. Employees are prohibited from accepting gifts or favors from any vendor, contractor or others doing business with the municipality that would tend to influence them in the proper discharge of their duties.
- **Representing Private Interests before a Municipal Agency:** No employee whose salary is paid by the municipality shall appear on behalf of private interests before any agency or court of the municipality without the consent of the Town Manager. The employee shall not represent private interests in any action or proceeding against the interests of the municipality or in any litigation to which the municipality is party. Furthermore, no employee shall accept compensation or a retainer which is conditional upon the actions of a municipal agency.
- **Contracts with Municipalities:** No employee of the municipality shall have any interest, direct or indirect, in any legal municipal contract.
- **However, an employee of the municipality may enter into a legal contract with the municipality or any agency thereof for the sale and purchase of supplies, materials, or equipment or for the construction of public improvements if:**
 - They are not authorized by law to act on behalf of the municipality or any agent thereof in the awarding of the contract
 - The tender is let in a written, public, and openly competitive manner
 - All bids received and all documents pertaining to the awarding of the contract are made available for public inspection for at least three (3) months following the date of the awarding of the contract
 - **Disclosure of Interest:** Any municipal employee who has a financial or personal interest in any proposed legislation, and

who participates in discussion with or gives an official opinion to the Selectboard, shall disclose on the records of the Selectboard the nature and extent of the interest

- H) Political Activity: No employee of the municipality shall perform work, either volunteer or paid, on behalf of any political party during his/her hours of employment with the municipality.

3.0 Reporting Breaches of the Code

- 3.1 Employees who have reason to believe that this Code of Ethics Policy has been breached in any way are encouraged to bring their concerns to the Town Manager. No adverse action shall be taken against any employee who, acting in good faith, brings forward such information.

4.0 Corrective Action

- 4.1 Violation of this Code of Ethics Policy by a municipal employee may constitute a cause for disciplinary action. Any reported violation of this policy will be subject to investigation by the Town Manager and/or Selectboard. If an investigation finds an employee guilty of a breach of the Code of Ethics Policy, the corrective action pursued against the employee shall be commensurate with the nature and severity of the violation.

5.0 General

- 5.1 When administering this policy, employees must adhere to any State Acts governing municipalities and all relevant legislation pertaining to the subjects covered in this policy. The administration of this policy is further subject to the provisions of applicable collective agreements for unionized municipal employees.

Adopted by the Norwich Selectboard on May 26, 2010

APPENDIX VI

TOWN OF NORWICH

POLICY ON PERSONNEL RECORDS

General provisions

Four types of records are identified:

Financial Records.

Personnel Records.

Hiring (employment) Records. Convenience Records.

Financial records

The Town Manager's Office will keep a file for each employee of the Town. This file will contain:

1. Information on payroll deductions; Form W-4; Form I-9; elections for health insurance, life insurance, disability insurance, voluntary withholding and pension plan (VMERS); and other related documents.
2. Job title with current rate of pay.
3. A notation of status - full-time or part-time showing the number of hours authorized.
4. A notation if the employee is "exempt" under FLSA rules (that is salaried).
5. Any special personnel actions, such as authorized leave without pay, educational time off, family or maternity leave.
6. Any other related financial records.

Personnel records

These files are maintained by the Town Manager's Office. This file will contain:

1. Hiring documents (may include some or all of the following) letters of interest, job application, interview data, written references, background checks, credit checks, driving record, medical examination reports, personality inventories, Supervisor's recommendation to hire, letters offering employment and acceptance letters.
2. Additional employment records such as special ADA information, accommodations requested and provided.
3. Performance evaluations
4. Changes in job title or job status
5. Records of disciplinary actions
6. Termination records
7. Other documents such as letters of commendation, requests to review the personnel records contents, authorization to release records to others, etc.

Records of random drug tests carried out under the Federal Commercial Drivers License (CDL) monitoring program. (see note below in Access to Records) are kept in a separate folder.

Hiring (employment) records

These files are kept by the Department Head when hiring a new employee. As the hiring process proceeds this file will contain: letters of interest, job application, interview data, written references, background checks, credit checks, driving record, personality inventories etc. Supervisor's recommendation to hire. Additional notes.

When the hiring process is complete:

For the successful candidate the following documents must be placed in a new Personnel file: Correspondence with the new employee, job application, completed background checks of all types, medical examinations reports, written references, recommendations to the Selectboard, the written offer of employment and acceptance.

For those candidates not hired the files should be bundled, marked with "Destroy on {date two years ahead}" and placed in a secure place by the person in charge of the search. Access to these files will be on the written request of the Selectboard.

Convenience records

Each supervisor may keep a "convenience file". This file could contain copies of evaluations, personnel actions and other documents which have been filed in the central Personnel Record file.

The Convenience file can also contain notes made by the Supervisor about employees relating to the day to day running of his department and are intended to assist the Supervisor in his task. This file may contain training records, copies of timesheets etc.

Convenience records are confidential and access is restricted to the Supervisor, the employee (and/or his designated representative) and to Town counsel.

On termination, any relevant documents such as training records should be placed in the central Personnel Record file, the remainder must be destroyed.

Access to the records

Personal documents relating to an employee of the Town of Norwich, including information in any files maintained to hire, evaluate, promote or discipline any employee of the Town of Norwich, and any information in any files relating to personal finances, medical or psychological facts concerning any individual or corporation, are exempt from public inspection and copying under the Vermont Access to Public Records Law 1 V.S.A. § 317(c)(7). This exemption does not apply to an employee's compensation and the value of employment benefits provided to such employee 1 V.S.A. § 317(b). Information regarding employee compensation and benefits may be disclosed in accordance with the provisions of 1 V.S.A. § 316 and 318.

1. Financial. These are usually maintained and used only by the Town Manager's Office or Finance Office. Information contained in the files is confidential.

2. Personnel. The Town Manager's Office maintains the files. The contents are strictly confidential and access is limited to the following:

Employees current, separated or retired may have access to their own file or they may designate a representative to have access. The request must be submitted in writing and signed by the employee. A fax request will be honored providing it is verified by a telephone call. The written signed request must be filed in the personnel file after examination. Access will be during regular Town office hours. The file must be examined in the presence of the Town Manager or Town Manager's Assistant. Employees or their representatives may request that copies of documents be made at the standard copy charge.

Department Heads and their appointed legal counsel may have access for employment related purposes only on a stated need-to-know basis and with approval of the Town Manager. A record of any access to the personnel file shall be kept by the Town Manager's Office.

Access by others. Since all personnel files are strictly confidential the files and their contents must not be made available to anyone besides the above named people, except by court order.

Requests from others such as the press, or members of the public, to examine a personnel file must be made in writing to the Town Manager's Office. Each request must be approved by the Town Manager and the employee in writing before releasing the personnel record. This written authorization will then be filed in the personnel record.

If a separated employee, who has had drug tests performed under the CDL random drug test program (see Personnel Records, paragraph 8 above) is being hired by a new employer to drive using a CDL, then the new employer has the Statutory right to obtain the drug test results from our personnel files. If such a request is received, permission to copy and deliver these reports must be approved by the Town Manager.

3. Employment. These are the private files relating to the hiring process before a job offer is made. They are kept securely by the Department Head. For those hired, the contents are either transferred to the Personnel Record or are destroyed. Requests to examine the files of those not hired should be submitted to the Town Manager in writing.

Maintaining the Personnel files

As documents that are part of the permanent Personnel File are generated by Department Supervisors, the Finance Office or the Town Manager, they will be delivered to the Town Manager's Office.

Personnel files may only be opened in the presence of the Town Manager or his assistant. The Town Manager is responsible to ensure that no documents are permanently removed from the file or destroyed.

APPENDIX VII

TOWN OF NORWICH

POLICY OF NONDISCRIMINATION

It is the policy of the Town of Norwich that all Town programs and facilities shall be provided and made available to all without discrimination on the basis of age, sex, race, ethnic background, religion or sexual preferences. There will be no discrimination on the basis of disability, either physical or otherwise.

ADA Coordinator

The Town Manager shall serve as the coordinator to administer and oversee this policy.

Procedure for the Resolution of Complaints

1. Complaints of discrimination or about difficulty in accessing structures or programs should be discussed informally with the ADA Coordinator in the first instance.
2. If informal discussion does not resolve the problem, then the complaint must be submitted in writing to the ADA Coordinator. The Coordinator will respond in writing within 10 days of receiving the complaint. Records of the complaint and the actions taken shall be kept on file.
3. If this enquiry and response still fails to satisfy the individual who filed the complaint, the matter shall be brought to the Selectboard for a hearing. The Selectboard will render a written response within 14 days of this hearing.

Important note: The Town of Norwich is making a good faith effort to eliminate discrimination and resolve problems fairly and it expects the public to use this procedure to attempt a good faith resolution of any perceived problem.

APPENDIX VIII

TOWN OF NORWICH

USE OF COMPUTERS/ELECTRONIC MESSAGING POLICY

I. PURPOSE:

The purpose of this policy is to describe operational procedures for the general use of computers and other electronic messaging devices (EMD) within Town Departments.

II. POLICY:

The availability and use of the personal computer within the work environment have provided many opportunities for enhancement of productivity and effectiveness. These technologies also entail the opportunity for rapid transfer and broad distribution of sensitive information that can also have damaging effects on the Town, its employees, and the public if not managed properly. Therefore, it is the policy of the Town that all employees abide by the guidelines set forth herein when using personal computers and the services of both internal and external databases and information exchange networks, and where applicable, voice mail, mobile digital terminals, and related electronic messaging devices.

III. DEFINITIONS:

Electronic Messaging Device (EMD): For purposes of this policy, electronic messaging devices include personal computers, electronic mail systems, voice mail systems, paging systems, electronic bulletin boards and internet services, mobile digital terminals, and facsimile transmissions.

System Administrator: For purposes of this policy, the person designated with responsibility for managing all aspects of electronic messaging through individual Town computers and computer networks.

Personal Computer: Any Town or personally owned computer that provide access to Town Departments or personnel.

Email (Electronic Mail): Messages, usually in text, sent from one person to another via computer. Email can also be sent automatically to a large number of addresses (mailing list).

Internet: The vast collection of inter-connected networks that provide information and communication for its users.

Intra-Office Communications: The internal communications electronic mailing system for the Town of Norwich.

Login: To gain computer access to the Town of Norwich system.

Password: A code word(s) used to gain access to a locked system.

WWW (World Wide Web): The whole assortment of resources that can be accessed using an appropriate browser, providing information, text, graphics and sounds for the user.

IV. PROCEDURES:

A. General

1. The following procedures apply to all media which are:
 - a. Accessed on or from Town premises;
 - b. Accessed using Town computer equipment or Town paid access methods;
 - c. Communications that make reference to the Town in a manner; and/or
 - d. Used in a manner that identified the employee with the Town.
2. Transmission of electronic messages and information on communications media provided for employees of the Town shall be treated with the same degree of propriety, professionalism, and confidentiality as official written correspondence, or verbal communication.
3. The Town encourages authorized and trained personnel with access to EMDs to utilize these devices whenever necessary. However, use of any of these devices is a privilege that is subject to revocation.
4. EMDs and their contents – with the exception of personally owned software authorized for installation on Town computers – are the property of the Town and intended for use in conducting official business with limited exceptions noted elsewhere in this policy.

V. GENERAL GUIDELINES AND CONSIDERATIONS:

- A. The Town of Norwich computer system is at all times considered the property of the Town of Norwich and may only be used for official or work related purposes.
- B. Employees have no right to privacy regarding any document or information created in, sent from or to the Town of Norwich computer system.

VI. TRAINING:

- A. The Town of Norwich shall provide direct assistance and training services to employees for necessary computer programs and software.

- B. Training on computer hardware (computer stations, printers, faxes, etc.) consists of a general overview of the utility, its proper function and the staff usage.
- C. Training on computer software consists of a general overall and when possible, in depth training on specific training software programs. All who are responsible for the use of a particular software application shall receive training in the purpose, function and proper use of the software.
- D. Training will include, wherever possible, user documentation in the form of a written guide and/or on-line help which assists the user in developing competency in the use of particular software.
- E. Outside training will be provided when needed by the Town of Norwich and will be coordinated on the basis of need, schedules and fiscal budgets. Such outside training is provided to improve competency or to develop basic proficiency in the use of a new or upgraded hardware or software programs.

VII. TECHNICAL SUPPORT

The System Administrator will coordinate replacements of hardware/software, computer workstations, printers, modems and other peripheral devices via recommendations to the Town Manager.

VIII. RESPONSIBILITIES OF TOWN OF NORWICH EMPLOYEES

- A. All employees of the Town of Norwich are responsible for care of computers, shall ensure that computers are properly used and report repair work immediately to the System Administrator.
- B. Any electrical maintenance work to be performed which may affect the electric power supply to any and all automated information systems must be scheduled and conducted with the knowledge and approval of the System Administrator and the Town Manager
- C. The System Administrator will not alter computer equipment with regard to the hardware configuration, its location, wiring, connections or software configurations without prior notice and consent of the Town Manager.
- D. Under no circumstances will computer software be added or removed from any system without the approval of the System Administrator.
- E. Each employee is expected to utilize due care and judgment regarding computer use to ensure that any and all related hardware, software, or instructional documentation is protected from physical damage or loss from improper or careless use or foreseeable environmental hazards.

IX. ACCESS TO COMPUTER SYSTEM

- A. All Town of Norwich employees who are allowed access to a Town computer are provided with a user name, as well as a password for systems access. Employees are required not to share user names or passwords, except as authorized by the System Administrator.
- B. When employees leave their workstations for the day, the computer should be shut down.
- C. Should an employee be unfamiliar with a particular aspect of a piece of hardware or software in the system, he is expected to get help.

X. ACCESS TO TOWN OF NORWICH INTRA-OFFICE ELECTRONIC MAILING

- A. Town of Norwich employees are responsible for meeting the general operational guidelines for the email program when saving, creating, forwarding or sending email throughout our internal and external systems.
 - 1. Employees are not permitted to perform any type of intentional electronic tampering with the email program. This includes any unauthorized duplication, installation, alteration or destruction of data, programming or software. Users should respect all copyright laws that protect software owners, artists or writers. Plagiarism in any form will not be tolerated.
 - 2. Employees are not permitted to install or use any other inter-office email system than the program authorized by the Town of Norwich, nor will employees be able to install the email program onto an unauthorized computer terminal.
- B. Any inter-office email created, sent, forwarded, received or saved on a Town of Norwich email system will be considered the property of the Town of Norwich and not be considered private conversation between two or more employees. All emails created on the Town of Norwich inter-office email system is subject to retrieval and disclosure at any time.
- C. As all email is understood to be A RECORD for legal, fiscal, administrative and historical purposes, the email program will create a record of usage which can be retained indefinitely. The Town of Norwich reserves the right to monitor and review periodically all data contained within this program to protect the integrity of the system and to insure compliance with the policies, rules and regulations of the Town of Norwich. Email is considered a public record for the purposes of the Freedom of Information Act. Email is subject to litigation discovery, subpoena, Freedom of Information Act requests, audits and investigations.
 - 1. The System Administrator, the Town Manager and others so authorized by the Town Manager have access to these records to detect possible abuses within the system.

2. All monitoring of an employee's email will abide by the state and federal laws pertaining to this issue, including the Electronic Communications Privacy Act (Title 18 US Code, sections 2510 et seq. And 2701 et seq.)
- D. When using email, employees will always conduct themselves with the utmost professionalism and exercise generally accepted rules of computer etiquette. Employees should act in a responsible, ethical and polite manner when transmitting or receiving email from others.
- E. All information contained in the Town of Norwich computer system is for Town of Norwich purposes only and may not be disclosed to unauthorized persons by any member of the Town of Norwich. Unless specifically authorized by the Town Manager, no employee will transmit, receive, submit, disclose or publish any information that has been deemed:
 1. Confidential
 2. Information that may be protected by the Vermont Statutes Annotated.
 3. Attorney-client information
- F. Employees will not transmit and shall make every attempt not to receive any discriminatory, defamatory, inaccurate, abusive, obscene, profane, sexually orientated, pornographic, threatening, culturally, racially or religiously offensive or illegal language or images on the Town of Norwich inter-office email.

XI. ACCESS TO TOWN OF NORWICH INTERNET SERVICES

- A. To enhance the communication, educational and information gathering efforts of the Town of Norwich employees, internet services will be provided to those employees who have received authorization.
- B. All users of the Internet service and the Internet "email" service are expected to act in a spirit of mutual respect and cooperation, while adhering to the regulations set forth in this policy. Any violation may result in the loss of Internet accessibility, as well as any other disciplinary or legal action deemed appropriate. The Town of Norwich employees who have access to this technology will be subject to all local, state and federal laws pertaining to Internet use.
- C. Internet accessibility within the Town of Norwich will be considered a privilege, not a right. Employees who have access to this technology may be denied access by the Town Manager for abusive usage, unprofessional purposes or a violation of policies.
- D. Employees who have received authorization for Internet and/or Internet email usage will be responsible for adhering to the following procedures:

- a. Access to the Internet and/or Internet email usage is limited to authorized Town of Norwich employees. Employees who have access to the Internet may assist other employees with obtaining information from the Internet for related purposes.
- b. Excessive use of the Internet is not permitted. Employees will not allow other duties and responsibilities within the Town of Norwich to be compromised or suffer due to excessive Internet use.
 - i. While employees may use the Internet and/or Internet email service for incidental personal purposes (i.e. email data collection) such use must always be limited, reasonable and not compromise their duties/responsibilities for the Town of Norwich.

XII. MAINTENANCE OF COMPUTER EQUIPMENT

- A. Each Town of Norwich employee should take care whenever eating or drinking near his workstation.
- B. In order to ensure proper ventilation and prohibit heat damage, Town of Norwich employees should not place papers or other objects on monitors, printers, keyboards or any other heat generating equipment.

APPENDIX IX

TOWN OF NORWICH

NONUNION COMPENSATION SCHEDULE

The following compensation schedule represents salaries/wages through Fiscal Year 2011 (July 1, 2010 to June 30, 2011) for Town of Norwich employees, excluding Norwich Department of Public Works and Police Department employees who work within the confines of a collective bargaining agreement.

NOTE 1: The rate of pay may change each fiscal year as directed/approved by the legislative body (Selectboard), by using the prior November Consumer Price Index (CPI-U) Northeast Region and the Town's financial position as guides.

TOWN OF NORWICH
NONUNION COMPENSATION SCHEDULE

		% INCREASE 0.037	% INCREASE 0.023	% INCREASE 0.04	% INCREASE 0.03	% INCREASE 0.00
FULL TIME	05-06	06-07	07-08	08-09	09-10	10-11
Custodian	\$13.60 \$1,088.00 \$28,288.00	\$14.10 \$1,128.26 \$29,334.66	\$14.43 \$1,154.21 \$30,009.35	\$15.00 \$1,200.37 \$31,209.73	\$15.45 \$1,236.39 \$32,146.02	\$15.45 \$1,236.39 \$32,146.02
Buildings & Grounds				\$16.35 \$1,307.69 \$34,000.00	\$17.32 \$1,385.60 \$36,025.60	\$17.32 \$1,385.60 \$36,025.60
Asst. to the Town Manager	\$16.18 \$1,294.40 \$33,654.40	\$16.78 \$1,342.29 \$34,899.61	\$17.16 \$1,373.17 \$35,702.30	\$17.85 \$1,428.09 \$37,130.40	\$18.39 \$1,470.93 \$38,244.31	\$18.39 \$1,470.93 \$38,244.31
Recreation Director (Salary)	\$17.45 \$1,396.28 \$36,303.40	\$18.50 \$1,480.06 \$38,481.60	\$18.93 \$1,514.10 \$39,366.68	\$19.68 \$1,574.67 \$40,941.35	\$20.27 \$1,621.91 \$42,169.59	\$20.27 \$1,621.91 \$42,169.59
Finance Officer (Salary)	\$18.42 \$1,473.60 \$38,313.60	\$19.10 \$1,528.12 \$39,731.20	\$19.54 \$1,563.27 \$40,645.02	\$20.71 \$1,656.75 \$43,075.59	\$21.33 \$1,706.46 \$44,367.86	\$21.33 \$1,706.46 \$44,367.86
Town Clerk (Elected Salary)	\$18.42 \$1,473.81 \$38,319.17	\$19.16 \$1,532.77 \$39,851.94	\$19.60 \$1,568.04 \$40,769.00	\$20.77 \$1,661.82 \$43,207.27	\$21.40 \$1,711.67 \$44,503.49	\$21.40 \$1,711.67 \$44,503.49
Zoning Administrator/ Planning Coordinator (Salary)	\$19.82 \$1,585.32 \$41,218.29	\$20.55 \$1,643.98 \$42,743.37	\$21.02 \$1,681.79 \$43,726.46	\$21.86 \$1,749.06 \$45,475.52	\$22.52 \$1,801.53 \$46,839.79	\$22.52 \$1,801.53 \$46,839.79
Director Public Works (Salary)	\$27.37 \$2,189.67 \$56,931.33	\$28.38 \$2,270.68 \$59,037.79	\$29.04 \$2,322.91 \$60,395.66	\$31.19 \$2,495.50 \$64,883.00	\$32.13 \$2,570.37 \$66,829.49	\$32.13 \$2,570.37 \$66,829.49
Assessor (Half Time Salary)	\$31.58 \$1,263.27 \$32,845.00	\$33.17 \$1,326.92 \$34,500.00	\$33.94 \$1,357.44 \$35,293.50	\$35.29 \$1,411.74 \$36,705.24	\$35.29 \$1,411.74 \$36,705.24	\$35.29 \$1,411.74 \$36,705.24

		% INCREASE 0.037	% INCREASE 0.023	% INCREASE 0.04	% INCREASE 0.03	% INCREASE 0.00
PART-TIME HOURLY RATE	05-06	06-07	07-08	08-09	09-10	10-11
BCA/BOA Elected and Appointed	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00
Solid Waste Attendant	\$11.58	\$12.01	\$12.28	\$12.78	\$13.16	\$13.16
Finance Clerk	\$12.94	\$13.42	\$14.00	\$14.56	\$15.00	\$15.00
Listers (Elected)	\$12.94	\$17.50	\$17.90	\$18.62	\$18.62	\$18.62
Planning Clerk	\$12.94	\$13.42	\$13.73	\$14.28	\$14.74	\$14.74
Asst. Town Clerk	\$13.61	\$14.11	\$14.44	\$15.02	\$15.47	\$12.05
Solid Waste Lead Attendant	\$13.63	\$14.13	\$14.46	\$15.04	\$15.49	\$15.49
Lister Clerk	\$13.89	\$14.40	\$14.74	\$15.32	\$15.32	\$15.32
Crossing Guard	\$15.95	\$16.54	\$16.92	\$17.60	\$18.13	\$18.13
Part-time Police Officers	\$17.20	\$17.84	\$18.25	\$18.25	\$18.25	\$18.25
Firefighter	\$17.34	\$17.98	\$18.40	\$19.13	\$19.70	\$19.70
EMT	\$17.34	\$17.98	\$18.40	\$19.13	\$19.70	\$19.70
Summer Staff *	8.06-15.00					
STIPENDS						
Selectboard (Elected)	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00
Town Treasurer (Elected)	\$1,500.00	\$1,600.00	\$1,636.00	\$1,636.00	\$1,636.00	\$1,636.00
Fire Dept.-Assistant Chief						
Fire Dept.-Deputy Chief						
Fire Officer Incentive Pay	\$1,927.00	\$2,000.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
CONTRACT SALARY						
	July 05	July 06	July 07	July 08	July 09	July 10
	\$26.25	\$27.56	\$28.94	\$30.39	\$31.91	\$33.50
	\$2,100.00	\$2,205.00	\$2,315.27	\$2,431.15	\$2,552.73	\$2,680.35
Police Chief	\$54,600.00	\$57,330.00	\$60,197.00	\$63,210.00	\$66,371.00	\$69,689.00
				Nov.08	Nov.09	Nov.10
				\$36.06	\$37.14	\$37.14
				\$2,884.62	\$2,971.15	\$2,971.15
Town Manager				\$75,000.00	\$77,250.00	\$77,250.00
				Aug 08	July 09	July 10
				\$32.69	\$24.52	\$24.52
				\$2,615.38	\$1,961.54	\$1,961.54
Fire Chief				\$68,000.00	\$51,000.00	\$51,000.00

Notes:

Minimum Wage VT January 1, 2010/2011 \$8.06/hour
Full Time Wages listed as hourly, biweekly, and 26 pay periods
Contract Salary according to annual contract figure.

APPENDIX X

TOWN OF NORWICH

SAFETY POLICY MISSION STATEMENT

The Town of Norwich recognizes its employees as one of its most important assets. As such, management has set a goal of providing a safe and healthful workplace for all employees. The Town's safety program recognizes that the safe work behavior of each employee is a key to meeting this goal. Our ultimate goal is to achieve an accident-free work environment for our employees.

To help meet these goals, the Town will provide safety training to all employees based on the particular potential hazards of their job duties and compliance with, as a minimum, VOSHA standards. We will also provide the necessary personal protective equipment to help reduce exposure to potential hazards and will allocate resources as needed to correct hazardous conditions that are brought to our attention.

It is the responsibility of each employee to follow all safe work rules and procedures. If an employee is unsure of how to do a particular task safely, they should not proceed until they have received instruction from their supervisor. Each employee is also obligated to report all unsafe working conditions to their supervisor or the Department Head. It is the responsibility of each supervisor to monitor and assist employees in the safe performance of their duties. Safe work behaviors and attitudes are an expected part of each employee's job performance.

This mission statement will be reviewed and revised on an annual basis to allow the Town of Norwich to meet the mutually beneficial goal of zero workplace injuries and illnesses.

Signed: (See Original Document)

Roger Blake, Chair

Date Adopted: 6/28/2006
Readopted: 5/28/2008
8/26/2009
9/7/2010
1/11/2012

Edwin S. Childs

Suzanne Lupien

Uwe Bagnato

Sharon Racusin

APPENDIX XI

FLSA: EXEMPT EMPLOYEES

Executive Exemption:

- Compensated not less than \$455 per week
- Primary duty consists of management of the enterprise, or of a department
- Must customarily and regularly direct the work of two or more other employees
- Must have the authority to hire or fire other employees, or his suggestions and recommendations as to hiring, advancement or promotion must be given particular weight

Possible municipal examples: Town Manager, Police Chief, Road Commissioners/Foremen, Fire Chief.

Administrative Exemption:

- Employee must be paid more than \$455 per week
- Primary duty must consist of performance of office or nonmanual work directly related to management policies or general business operations of employer
- Includes work requiring the exercise of discretion and independent judgment with respect to matters of significance

Possible municipal examples: Town Managers, Police Chiefs, perhaps others.

Professional Exemption:

- Salary test
- Primary duty consists of work requiring knowledge of an advanced type in a field of science or learning, customarily acquired by a prolonged course of specialized intellectual instruction
- Requires the consistent exercise of discretion and judgment

Most common municipal examples: Town Engineer, In-house Accountant, Town Planner, In-house Town Attorney.

APPENDIX XII

**EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT OF THESE PERSONNEL
POLICIES**

These Personnel Policies have been compiled to provide employees with general information about some of the benefits and policies established by the Town.

The provisions of these policies are subject to change at any time at the sole discretion of the Selectboard of the Town.

I understand that these Personnel Policies are not a contract of employment.

I acknowledge receipt of these Personnel Policies and I recognize my responsibility to read and to abide by the provisions set forth herein.

Following review of the policies, do not hesitate to discuss any questions you might have with your supervisor, with the Finance Office, or with the Town Manager.

Employee Name: _____

Employee Signature

Date Received/Signed

Agenda Item #6 Review of COLA Bonus inconsistencies

The FY23 bonus payout received approval by the SB on July 13, 2022 with the following motion excerpted below. However, no documentation of this motion nor the meaning of “employed” nor the method of calculation of payouts was found in the finance department.

The Board entered public session at 10:11

Calloway moved (2nd Layton) to approve a one-time cost of living allowance bonus of 5% for all employees currently employed by the Town of Norwich and hired by September 1, 2022 to be paid in four equal installments to begin immediately and ending June 30, 2023. **Motion approved unanimously.**

Layton (2nd Calloway) **moved** to adjourn. **Motion approved unanimously.**

Meeting adjourned at 10:13

By Roger Arnold

Approved by the Selectboard on _____ July 27, 2022

The question the motion raises is how did the SB intend to define “employees”? How does the Selectboard want to address the current discrepancy?

TO: Norwich Selectboard
FROM: Marcia Calloway
DATE: March 26, 2023
RE: Selectboard Work Issues and Planning and attached Draft Schema

Schema purpose

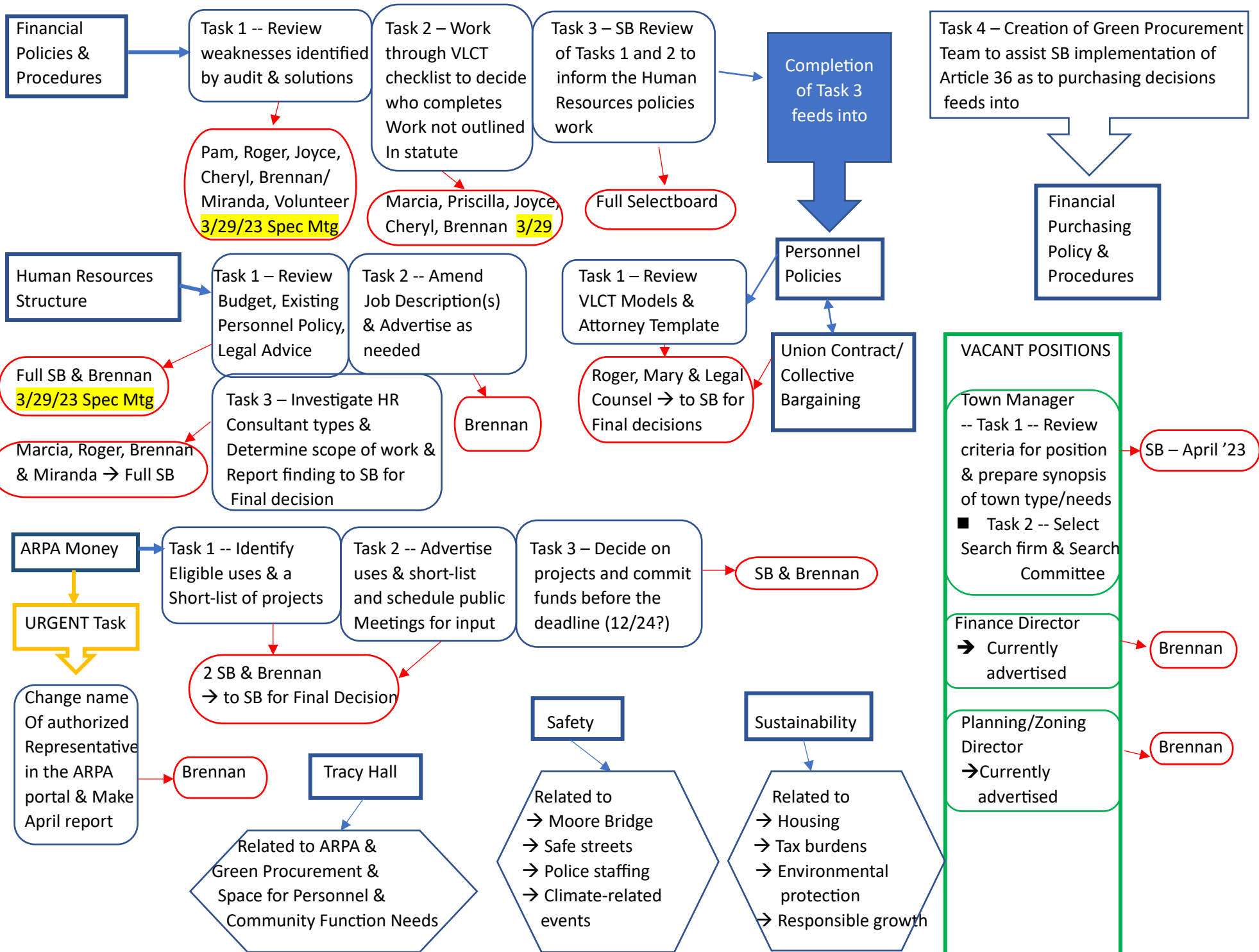
- identify the tasks needed to accomplish each issue/goal;
- think about how to break down the work so that two SB members begin the work, with others, and bring it back to the full SB for decisions;
- keep track of the inter-related issues/goals so that the board can simultaneously make progress on multiple related topics.

Schema Issues

- Financial Policies & Procedures
 - Financial Purchasing Policy & Procedures
- Personnel Policies Related to Collective Bargaining
- Human Resources Structure
- ARPA Money
- Tracy Hall
 - Related to ARPA Money & Green Procurement & Space for Personnel and Community Function Needs
- Safety
 - Related to Moore Bridge, Safe streets, Police staffing, Climate-related events
- Sustainability
 - Related to Housing & Tax burdens & Environmental protection & Responsible growth
- Vacant Positions
 - Town Manager, Finance Director, Planning/Zoning Director

Schema legend

- Tasks under a big issue are in rounded boxes which are touching and have the tasks numbered.
- The red ovals are for deciding on assignments for each task.
- Yellow highlighted dates show when we intend to discuss the topic at a board meeting.



**IREC Progress Report
Town of Norwich
February 2023**

- Jeff Grout joined TRORC as the IREC. Jeff is a Certified Energy Manager (CEM) and Project Manager (PMP). He is very excited to continue on with the work of past IREC Geoff Martin in partnership with the town of Norwich.
- The IREC Residential Building Energy Standard (RBES) working group has developed strategies to increase compliance and has contributed to ZA training that is scheduled for April 27.
- Worked with the IREC Steering Committee and sub-group to complete the IREC Climate Action Plan (CAP). It has been posted on the TRORC website and is intended as a guide that lists specific actions that municipalities can take to reduce their energy spend and meet their climate goals.
- Completed a "Community Action for Individuals" page on the TRORC web site as a sub-group of the CAP. This site lists specific actions and resources that your residents can take to increase energy efficiency and reduce the money that they spend on energy in their homes and businesses.
- Tracy Hall: Reviewed proposals for a new boiler and controls from EEI and Living Buildings. Currently working to develop the preferred project plan and investigating funding sources including MERP and USDA Community Facilities grants.
- Municipal Energy Resilience Program (MERP). TRORC has been providing assistance to the Vermont Department of Buildings and General Services (BGS) as they roll out the program. There is a TRORC web page dedicated to this program with information and links to additional information.
- The MERP Community Capacity mini grant is now open. Follow the link on the TRORC web page and apply today! The \$4000 grant may be used to:
 - ✓ Send mailers to residents regarding efficiency programs, weatherization programs, and/or rebates
 - ✓ Host a community energy fair or similar public energy event (can be used to provide refreshments, print/distribute materials, etc.)
 - ✓ Translation services for energy-related materials
 - ✓ Hire a consultant to oversee project invoices
 - ✓ Hire a grant writer to apply for other state and federal grants to stack with MERP (you can hire TRORC to do this)
 - ✓ Training for municipal officials/town staff on energy efficiency topics (basics of weatherization, heat pumps, etc.)

Gerald Fredrickson, Chair ~ Peter G. Gregory, AICP, Executive Director
128 King Farm Rd. Woodstock, VT 05091 ~ 802-457-3188 ~ trorc.org

MEMORANDUM

TO: Norwich Selectboard
CC: Jeff Grout, TRORC; Charlie Lindner and Linda Grey, Norwich Energy Committee
FROM: Marcia Calloway, Selectboard Chair
DATE: March 27, 2023
RE: February 2023 IREC Progress Report

In the selectboard packet for the 03/22/2023 regular meeting, the IREC Progress Report dated 2023 included the following bullet point which has highlighted some gaps in our procedures.

Tracy Hall: Reviewed proposals for a new boiler and controls from EEI and Living Buildings. Currently working to develop the preferred project plan and investigating funding sources including MERP and USDA Community Facilities grants.

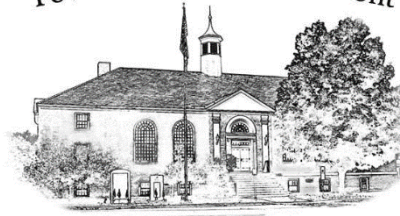
First, going forward, I am going to place an Item on each selectboard agenda for identification of reports which are submitted, and which are otherwise not mentioned in the agenda. This will help the board focus on what has been submitted and give an opportunity to comment or otherwise identify issues for future selectboard meetings.

Second, as to the above-captioned bullet point in the recent IREC report, I am concerned as follows:

1. The selectboard has been discussing the issue of the Tracy Hall boiler for some time. Those conversations have included the understanding that purchase of a new/replacement system would be decided by the selectboard, not by other entities, and the decision would include myriad other Tracy Hall issues as well as the town's use of ARPA funds. Further, no decisions have been made by the selectboard about changes in the use of Tracy Hall space, but changes are likely; thus any decisions about infrastructure such as boilers or other units for heating/cooling/air circulation are premature and need to include broader selectboard planning.
2. The selectboard's renewal of the IREC contract was predicated on the town's intent to engage with the region on climate-based initiatives, and to benefit from town-specific recommendations. Decisions about how the town will choose to engage were not understood to be separate from, or an abdication of, the selectboard's financial and policy-making jurisdiction to make decisions affecting the town.
3. The existence of any "proposals for a new boiler and controls from EEI and Living Buildings," are unknown to the selectboard.
 - a. Any "proposals" should be submitted to the selectboard to be part of the official record for the town, and for the selectboard to exercise its prerogative to request more information and/or schedule the issue for an agenda item or update.
 - b. EEI was the company previously proposed by the Energy Committee and Norwich Selectboard for a geothermal project at Tracy Hall. Although initially approved by voters, the project was petitioned by voters and rescinded by voters. The selectboard should be advised about what is now being discussed or proposed on behalf of the town, especially when vendors/bid requirements, etc. are involved.
 - c. The Living Buildings proposal was expressly promised to the selectboard during a selectboard meeting attended by the former IREC personnel and representative from Living Buildings. We were told that a report would be forthcoming in January. No report has been received by the selectboard nor in the Town Manager's office. If there is now a proposal, the selectboard would want the courtesy of receiving both the promised report as well as any other "proposal."
4. If there is a "preferred project plan" being developed by IREC, the selectboard would respectfully request that any such plan be shared with the selectboard, and that it be apprised of the funding sources being investigated on behalf of the town. As the selectboard begins its work this year, planning for use of ARPA monies are critically important and it is the selectboard's responsibility to consider both the use of those funds as well as what additional monies are sought on behalf of the town.

Third, to avoid future failures of communication, I am suggesting (a) an agenda item for the 04/12/2023 meeting to invite Jeff Grout and the Energy Committee; (b) creation of a bi-monthly Chairs' Roundtable to meet with all committees, commissions, etc. to ensure coordination and communication; and, (c) monthly meetings with committees, commissions, etc. as a regular agenda item.

Town of Norwich, Vermont



CHARTERED 1761

Town of Norwich Selectboard Procedure for Receipt of Resident Correspondence

Resident correspondence is defined as letters, memos, emails and other documents sent to the Board by Norwich townspeople. Such information should be sent to the Selectboard email address: selectboard@norwich.vt.us

All correspondence to be received at a Selectboard meeting must be received in the Town Offices before 12:00 pm of the Thursday preceding a regular Wednesday meeting. Late submissions will be held for the next regularly scheduled Selectboard meeting.

The Selectboard respects all correspondence received from Norwich citizens as important statements of concern for the Town. The correspondence will be included in each regular meeting packet. It is the responsibility of each Selectboard member to consider three criteria for acceptance:

1. Informational needing no response;
2. Information needing a delegated response; or,
3. Information which should be incorporated into an existing agenda item or a future agenda item or action.

The Selectboard as a whole will respond accordingly at the meeting for which the packet was prepared, unless otherwise delegated by the Board to one or more Board members for future reply. The Selectboard notes that full responses to correspondence are not always immediately possible, especially where the issue would benefit from more information so that the Selectboard may make the best decision for the Town; however, that need for more information can be conveyed to the person raising the issue.

When correspondence is received in the Town Offices, a letter or email will be sent to the sender to acknowledge the Board's receipt of same. The acknowledgement of receipt will indicate at what Selectboard meeting the correspondence will formally be received.

The entire content of correspondence will not be read during Selectboard meetings in order to conserve time; however, writers may attend the meeting and ask to read excerpts of their correspondence into the record.

Adopted by the Norwich Selectboard on March 29, 2023, by:

Marcia S. Calloway, Chair

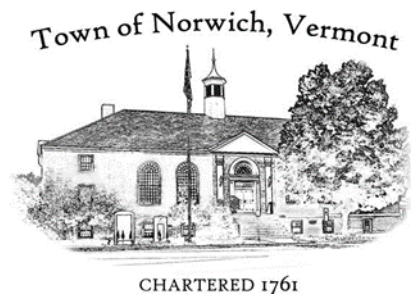
Mary D. Layton, Vice Chair

Roger Arnold

Pamela Smith

Priscilla Vincent

DRAFT



Norwich Selectboard Rules of Procedure

Statutory Authority

The Selectboard of the Town of Norwich, State of Vermont, incorporates by reference the Vermont Statutes which govern the meetings of public bodies and the rights of public citizens pertaining to such meetings. Pertinent statutes include but may not be limited to the following which are found in Title 1, Chapter 5: Common Law; General Rights; Subchapters 2 (Public Information) and 3 (Access to Public Records), cited below. A printed copy of these statutes will be compiled and located in the physical meeting room for each selectboard meeting and will be appended to these rules and found on the Town of Norwich, Selectboard website at <http://norwich.vt.us/selectboard-policies/>

- Public Information
 - 1 V.S.A. § 310(1) through (4)
 - Definitions: “Business,” “Deliberations,” “Meeting,” “Public body”
 - 1 V.S.A. § 312(a)(1) through (2)
 - Right to attend meetings of public agencies
 - 1 V.S.A. § 312(h)
 - “...public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting...”
 - 1 V.S.A. § 313
 - Executive Sessions
 - 1 V.S.A. § 314
 - Penalty and enforcement
- Public Records
 - 1 V.S.A. § 317a
 - Management of public records

Preface as to Language

Throughout this document the words “selectboard,” “public body,” or “body” are used to refer to the Norwich Selectboard. The word “selectboard” is capitalized only when used with the word “Norwich.”

Organization

1. The body shall annually elect a chair and a vice-chair. The chair of the body or, in the chair's absence, the vice-chair shall preside over all meetings. If both the chair and the vice-chair are absent, a member selected by the body shall act as chair for that meeting.
2. The chair shall preserve order in the meeting and shall regulate its proceedings by applying these rules and making determinations about all questions of order or procedure. At all times members will be respectful to each other and to the public.
3. A majority of the members of the body shall constitute a quorum. If a quorum of the members of the body is not present at a meeting, no meeting shall take place.
4. No single member of the body shall have authority to represent or act on behalf of the body unless, by majority vote, the body has delegated such authority for a specific matter at a duly noticed meeting and such delegation is recorded in the meeting minutes.
5. Motions made by members of the body require a second. The chair of the body may make motions and may vote on all questions before the body. A motion will only pass if it receives the votes of a majority of the total membership of the body.
6. All comments must be clear and audible to all present physically or virtually. A member may speak or make a motion only after being recognized by the chair. Motions to close or limit debate will be entertained.
7. Any member of the body may request a roll call vote. Pursuant to 1 V.S.A. 312(a)(2), when one or more members attend a meeting electronically, a roll call vote is required, and any time a vote is not unanimous.
8. Meetings may be recessed to a time and place certain.
9. These rules may be amended by majority vote of the body and must be readopted annually.

Agendas

1. Each regular and special meetings of the body shall have an agenda, with meeting time allotted for each item of business to be considered by the body. Those who wish to be added to the meeting agenda shall contact the selectboard through its email address, selectboard@norwich.vt.us, which is monitored by the Town Manager's office, to request inclusion on the agenda. The chair shall determine the final content of the agenda with input from the Town Manager's office and majority support of the board.
2. At least 48 hours prior to a regular meeting and at least 24 hours prior to a special meeting, a meeting agenda shall be posted in or near the municipal office and on the following websites: Town of Norwich Selectboard Agenda tab <http://norwich.vt.us/selectboard-agendas/> and the Norwich listserv norwich@lists.vitalcommunities.org. The agenda must also be made available to any person who requests such agenda prior to the meeting.
3. All business shall be conducted in the same order as it appears on the noticed agenda, except that any addition to or deletion from the noticed agenda must be made as the first act of business at the meeting. No additions or deletions from the agenda shall be considered once the first act of business at the meeting has commenced. Any other adjustment to the noticed agenda, for example, changing the order of business, postponing or tabling actions or agenda items, may be made by majority vote of the body.

Meetings

1. Regular meetings shall take place on the second and fourth Wednesdays of the month at 6:30 p.m. at Tracy Hall Meeting Room, Norwich, Vermont.
2. Special meetings shall be publicly announced at least 24 hours in advance by giving notice to all members of the body unless previously waived; to the Norwich listserv; and to any person who has requested notice of such meetings. In addition, notices shall be posted in the municipal clerk's office.
3. Emergency meetings may be held without public announcement, without posting of notices, and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.
4. A member of the body may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location, so long as the member identifies him or herself when the meeting is convened and is able to hear and be heard throughout the meeting. Whenever one or more members attend electronically, voting that is not unanimous must be done by roll call. If a quorum or more of the body attend a meeting (regular, special, or emergency) without being physically present at a designated meeting location, the agenda for the meeting shall designate at least one physical location where a member of the public can attend and participate in the meeting, except where act of law otherwise allows.

Public Participation

1. All meetings of the body are meetings in the public, not of the public. Members of the public shall be afforded reasonable opportunity to express opinions or give information about matters considered by the body, so long as order is maintained according to these rules.
2. After each agenda item is introduced by the chair, the selectboard will have opportunity discuss first, but before any action is taken by the public body at each meeting, there may be reasonable time afforded for open public comment. The chair may suggest commenters conclude their remarks within three (3) minutes.
3. Comment by the public or members of the body must be addressed to the chair or to the body as a whole, but not to any individual member of the body or public.
4. Members of the public must be acknowledged by the chair before speaking.
5. If a member of the public has already spoken on a topic, he or she may not be recognized again until others have first been given the opportunity to comment. If a member of the public wishes to make the same comment as someone else, they should concur with a previous speaker and not reiterate the point.
6. Order and decorum shall be observed by all persons present at the meeting. Neither members of the body, nor the members of the public, shall delay or interrupt the proceedings or the peace of the meeting or interrupt or disturb any person while speaking. Members of the body and members of the public are prohibited from making personal, impertinent, threatening, or profane remarks.
7. Members of the body and members of the public shall obey the orders of the chair or other presiding member. The chair should adhere to the following process to restore order and decorum of a meeting, but may bypass any or all steps when he or she determines in his or her sole discretion that deviation from the process is warranted:

- a. Call the meeting to order and remind the members of the applicable rules of procedure.
- b. Declare a recess or table the issue.
- c. Adjourn the meeting until a time and date certain.

ADOPTED this _____ day of March, 2023, by:

Marcia S. Calloway, Chair

Mary D. Layton, Vice-Chair

Roger Arnold

Pamela Smith

Priscilla Vincent

DRAFT

VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

Title 1 : General Provisions

Chapter 005 : Common Law; General Rights

Subchapter 002 : Public Information

(Cite as: 1 V.S.A. § 310)

§ 310. Definitions

As used in this subchapter:

(1) “Business of the public body” means the public body’s governmental functions, including any matter over which the public body has supervision, control, jurisdiction, or advisory power.

(2) “Deliberations” means weighing, examining, and discussing the reasons for and against an act or decision, but expressly excludes the taking of evidence and the arguments of parties.

(3)(A) “Meeting” means a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action.

(B) “Meeting” shall not mean any communication, including in person or through e-mail, telephone, or teleconferencing, between members of a public body for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, provided that:

(i) no other business of the public body is discussed or conducted; and

(ii) such a communication that results in written or recorded information shall be available for inspection and copying under the Public Records Act as set forth in chapter 5, subchapter 3 of this title.

(C) “Meeting” shall not mean occasions when a quorum of a public body attends social gatherings, conventions, conferences, training programs, press conferences, media events, or otherwise gathers, provided that the public body does not discuss specific business of the public body that, at the time of the exchange, the participating members expect to be business of the public body at a later time.

(D) “Meeting” shall not mean a gathering of a quorum of a public body at a duly warned meeting of another public body, provided that the attending public body does not take action on its business.

(4) “Public body” means any board, council, or commission of the State or one or more of its political subdivisions, any board, council, or commission of any agency, authority, or instrumentality of the State or one or more of its political subdivisions, or any committee of any of the foregoing boards, councils, or commissions, except that “public body” does not include councils or similar groups established by the Governor for the sole purpose of advising the Governor with respect to policy.

(5) “Publicly announced” means that notice is given to an editor, publisher, or news director of a newspaper or radio station serving the area of the State in which the public body has jurisdiction, and to any person who has requested under subdivision 312(c)(5) of this title to be notified of special meetings.

(6) “Quasi-judicial proceeding” means a proceeding which is:

(A) a contested case under the Vermont Administrative Procedure Act; or

(B) a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunity to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, and the result of which is appealable by a party to a higher authority. (Added 1987, No. 256 (Adj. Sess.), § 1; amended 2013, No. 143 (Adj. Sess.), § 1; 2017, No. 166 (Adj. Sess.), § 1.)

The Vermont Statutes Online

Title 1 : General Provisions

Chapter 005 : Common Law; General Rights

Subchapter 002 : Public Information

(Cite as: 1 V.S.A. § 312)

§ 312. Right to attend meetings of public agencies

(a)(1) All meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title. No resolution, rule, regulation, appointment, or formal action shall be considered binding except as taken or made at such open meeting, except as provided under subdivision 313(a)(2) of this title. A meeting of a public body is subject to the public accommodation requirements of 9 V.S.A. chapter 139. A public body shall electronically record all public hearings held to provide a forum for public comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall have access to copies of such electronic recordings as described in section 316 of this title.

(2) Participation in meetings through electronic or other means.

(A) As long as the requirements of this subchapter are met, one or more of the members of a public body may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location.

(B) If one or more members attend a meeting by electronic or other means, such members may fully participate in discussing the business of the public body and voting to take an action, but any vote of the public body that is not unanimous shall be taken by roll call.

(C) Each member who attends a meeting without being physically present at a designated meeting location shall:

(i) identify himself or herself when the meeting is convened; and

(ii) be able to hear the conduct of the meeting and be heard throughout the meeting.

(D) If a quorum or more of the members of a public body attend a meeting without being physically present at a designated meeting location, the agenda required under subsection (d) of this section shall designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the public body, or at least one staff or designee of the public body, shall be physically present at each designated meeting location.

(b)(1) Minutes shall be taken of all meetings of public bodies. The minutes shall cover all topics and motions that arise at the meeting and give a true indication of the business of the meeting. Minutes shall include at least the following minimal information:

(A) all members of the public body present;

(B) all other active participants in the meeting;

(C) all motions, proposals, and resolutions made, offered, and considered, and what disposition is made of same; and

(D) the results of any votes, with a record of the individual vote of each member if a roll call is taken.

(2) Minutes of all public meetings shall be matters of public record, shall be kept by the clerk or secretary of the public body, and shall be available for inspection by any person and for purchase of copies at cost upon request after five calendar days from the date of any meeting. Meeting minutes shall be posted no later than five calendar days from the date of the meeting to a website, if one exists, that the public body maintains or has designated as the official website of the body. Except for draft minutes that have been substituted with updated minutes, posted minutes shall not be removed from the website sooner than one year from the date of the meeting for which the minutes were taken.

(c)(1) The time and place of all regular meetings subject to this section shall be clearly designated by statute, charter, regulation, ordinance, bylaw, resolution, or other determining authority of the public body, and this information shall be available to any person upon request. The time and place of all public hearings and meetings scheduled by all Executive Branch State agencies, departments, boards, or commissions shall be available to the public as required under 3 V.S.A. § 2222(c).

(2) The time, place, and purpose of a special meeting subject to this section shall be publicly announced at least 24 hours before the meeting. Municipal public bodies shall post notices of special meetings in or near the municipal clerk's office and in at least two other designated public places in the municipality, at least 24 hours before the meeting. In addition, notice shall be given, either orally or in writing, to each member of the public body at least 24 hours before the meeting, except that a member may waive notice of a special meeting.

(3) Emergency meetings may be held without public announcement, without posting of notices, and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.

(4) Any adjourned meeting shall be considered a new meeting, unless the time and place for the adjourned meeting is announced before the meeting adjourns.

(5) A person may request in writing that a public body notify the person of special meetings of the public body. The request shall apply only to the calendar year in which it is made, unless made in December, in which case it shall apply also to the following year.

(d)(1) At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be:

(A) posted to a website, if one exists, that the public body maintains or designates as the official website of the body; and

(B) in the case of a municipal public body, posted in or near the municipal office and in at least two other designated public places in the municipality.

(2) A meeting agenda shall be made available to a person prior to the meeting upon specific request.

(3)(A) Any addition to or deletion from the agenda shall be made as the first act of business at the meeting.

(B) Any other adjustment to the agenda may be made at any time during the meeting.

(e) Nothing in this section or in section 313 of this title shall be construed as extending to the Judicial Branch of the Government of Vermont or of any part of the same or to the Public Utility Commission; nor shall it extend to the deliberations of any public body in connection with a quasi-judicial proceeding; nor shall anything in this section be construed to require the making public of any proceedings, records, or acts which are specifically made confidential by the laws of the United States of America or of this State.

(f) A written decision issued by a public body in connection with a quasi-judicial proceeding need not be adopted at an open meeting if the decision will be a public record.

(g) The provisions of this subchapter shall not apply to site inspections for the purpose of assessing damage or making tax assessments or abatements, clerical work, or work assignments of staff or other personnel. Routine, day-to-day administrative matters that do not require action by the public body may be conducted outside a duly warned meeting, provided that no money is appropriated, expended, or encumbered.

(h) At an open meeting, the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting, as long as order is maintained. Public comment shall be subject to reasonable rules established by the chairperson. This subsection shall not apply to quasi-judicial proceedings.

(i) Nothing in this section shall be construed to prohibit the Parole Board from meeting at correctional facilities, with attendance at the meeting subject to rules regarding access and security established by the superintendent of the facility. (Amended 1973, No. 78, § 1, eff. April 23, 1973; 1979, No. 151 (Adj. Sess.), § 2; 1987, No. 256 (Adj. Sess.), § 2; 1997, No. 148 (Adj. Sess.), § 64, eff. April 29, 1998; 1999, No. 146 (Adj. Sess.), § 7; 2013, No. 143 (Adj. Sess.), § 2; 2015, No. 129 (Adj. Sess.), § 1, eff. May 24, 2016.)

The Vermont Statutes Online

Title 1 : General Provisions

Chapter 005 : Common Law; General Rights

Subchapter 002 : Public Information

(Cite as: 1 V.S.A. § 313)

§ 313. Executive sessions

(a) No public body may hold an executive session from which the public is excluded, except by the affirmative vote of two-thirds of its members present in the case of any public body of State government or of a majority of its members present in the case of any public body of a municipality or other political subdivision. A motion to go into executive session shall indicate the nature of the business of the executive session, and no other matter may be considered in the executive session. Such vote shall be taken in the course of an open meeting and the result of the vote recorded in the minutes. No formal or binding action shall be taken in executive session except for actions relating to the securing of real estate options under subdivision (2) of this subsection. Minutes of an executive session need not be taken, but if they are, the minutes shall, notwithstanding subsection 312(b) of this title, be exempt from public copying and inspection under the Public Records Act. A public body may not hold an executive session except to consider one or more of the following:

(1) after making a specific finding that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage:

(A) contracts;

(B) labor relations agreements with employees;

(C) arbitration or mediation;

(D) grievances, other than tax grievances;

(E) pending or probable civil litigation or a prosecution, to which the public body is or may be a party;

(F) confidential attorney-client communications made for the purpose of providing professional legal services to the body;

(2) the negotiating or securing of real estate purchase or lease options;

(3) the appointment or employment or evaluation of a public officer or employee, provided that the public body shall make a final decision to hire or appoint a public officer or employee in an open meeting and shall explain the reasons for its final decision during the open meeting;

(4) a disciplinary or dismissal action against a public officer or employee; but nothing in this subsection shall be construed to impair the right of such officer or employee to a public hearing if formal charges are brought;

(5) a clear and imminent peril to the public safety;

(6) records exempt from the access to public records provisions of section 316 of this title; provided, however, that discussion of the exempt record shall not itself permit an extension of the executive session to the general subject to which the record pertains;

(7) the academic records or suspension or discipline of students;

(8) testimony from a person in a parole proceeding conducted by the Parole Board if public disclosure of the identity of the person could result in physical or other harm to the person;

(9) information relating to a pharmaceutical rebate or to supplemental rebate agreements, which is protected from disclosure by federal law or the terms and conditions required by the Centers for Medicare and Medicaid Services as a condition of rebate authorization under the Medicaid program, considered pursuant to 33 V.S.A. §§ 1998(f)(2) and 2002(c);

(10) security or emergency response measures, the disclosure of which could jeopardize public safety.

(b) Attendance in executive session shall be limited to members of the public body, and, in the discretion of the public body, its staff, clerical assistants and legal counsel, and persons who are subjects of the discussion or whose information is needed.

(c) The Senate and House of Representatives, in exercising the power to make their own rules conferred by Chapter II of the Vermont Constitution, shall be governed by the provisions of this section in regulating the admission of the public as provided in Chapter II, § 8 of the Constitution. (Amended 1973, No. 78, § 2, eff. April 23, 1973; 1979, No. 151 (Adj. Sess.), § 3, eff. April 24, 1980; 1987, No. 256 (Adj. Sess.), §§ 3, 4; 1997, No. 148 (Adj. Sess.), § 65, eff. April 29, 1998; 2005, No. 71, § 308a, eff. June 21, 2005; 2011, No. 59, § 7; 2013, No. 143 (Adj. Sess.), § 3; 2015, No. 23, § 1; 2017, No. 95 (Adj. Sess.), § 1, eff. April 11, 2018.)

The Vermont Statutes Online

Title 1 : General Provisions

Chapter 005 : Common Law; General Rights

Subchapter 002 : Public Information

(Cite as: 1 V.S.A. § 314)

§ 314. Penalty and enforcement

(a) A person who is a member of a public body and who knowingly and intentionally violates the provisions of this subchapter, a person who knowingly and intentionally violates the provisions of this subchapter on behalf or at the behest of a public body, or a person who knowingly and intentionally participates in the wrongful exclusion of any person or persons from any meeting subject to this subchapter shall be guilty of a misdemeanor and shall be fined not more than \$500.00.

(b)(1) Prior to instituting an action under subsection (c) of this section, the Attorney General or any person aggrieved by a violation of the provisions of this subchapter shall provide the public body written notice that alleges a specific violation of this subchapter and requests a specific cure of such violation. The public body will not be liable for attorney's fees and litigation costs under subsection (d) of this section if it cures in fact a violation of this subchapter in accordance with the requirements of this subsection.

(2) Upon receipt of the written notice of alleged violation, the public body shall respond publicly to the alleged violation within 10 calendar days by:

(A) acknowledging the violation of this subchapter and stating an intent to cure the violation within 14 calendar days; or

(B) stating that the public body has determined that no violation has occurred and that no cure is necessary.

(3) Failure of a public body to respond to a written notice of alleged violation within 10 calendar days shall be treated as a denial of the violation for purposes of enforcement of the requirements of this subchapter.

(4) Within 14 calendar days after a public body acknowledges a violation under subdivision (2)(A) of this subsection, the public body shall cure the violation at an open meeting by:

(A) either ratifying, or declaring as void, any action taken at or resulting from:

(i) a meeting that was not noticed in accordance with subsection 312(c) of this title; or

(ii) a meeting that a person or the public was wrongfully excluded from attending; or

(iii) an executive session or portion thereof not authorized under subdivisions 313(a)(1)-(10) of this title; and

(B) adopting specific measures that actually prevent future violations.

(c) Following an acknowledgment or denial of a violation and, if applicable, following expiration of the 14-calendar-day cure period for public bodies acknowledging a violation, the Attorney General or any person aggrieved by a violation of the provisions of this subchapter may bring an action in the Civil Division of the Superior Court in the county in which the violation has taken place for appropriate injunctive relief or for a declaratory judgment. An action may be brought under this section no later than one year after the meeting at which the alleged violation occurred or to which the alleged violation relates. Except as to cases the court considers of greater importance, proceedings before the Civil Division of the Superior Court, as authorized by this section and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(d) The court shall assess against a public body found to have violated the requirements of this subchapter reasonable attorney's fees and other litigation costs reasonably incurred in any case under this subchapter in which the complainant has substantially prevailed, unless the court finds that:

(1)(A) the public body had a reasonable basis in fact and law for its position; and

(B) the public body acted in good faith. In determining whether a public body acted in good faith, the court shall consider, among other factors, whether the public body responded to a notice of an alleged violation of this subchapter in a timely manner under subsection (b) of this section; or

(2) the public body cured the violation in accordance with subsection (b) of this section. (Amended 1979, No. 151 (Adj. Sess.), § 4, eff. April 24, 1980; 1987, No. 256 (Adj. Sess.), § 5; 2013, No. 143 (Adj. Sess.), § 4; 2015, No. 129 (Adj. Sess.), § 2, eff. May 24, 2016; 2017, No. 113 (Adj. Sess.), § 1.)

The Vermont Statutes Online

Title 1 : General Provisions

Chapter 005 : Common Law; General Rights

Subchapter 003 : Access To Public Records

(Cite as: 1 V.S.A. § 317a)

§ 317a. Management of public records

(a)(1) Public records in general and archival records in particular should be systematically managed to provide ready access to vital information, to promote the efficient and economical operation of government, and to preserve their legal, administrative, and informational value.

(2) Any public agency may seek services from the Statewide Records and Information Management Program, as defined in 3 V.S.A. § 117(b) and administered by the Vermont State Archives and Records Administration, to establish, maintain, and implement an active and continuing internal records and information management program for the agency.

(b) A custodian of public records shall not destroy, give away, sell, discard, or damage any record or records in his or her charge, unless specifically authorized by law or under a record schedule, as defined in 3 V.S.A. § 117(a)(6), that has been approved by the State Archivist. (Added 2007, No. 96 (Adj. Sess.), § 1; amended 2017, No. 100 (Adj. Sess.), § 2.)