

## TOWN OF NORWICH PERSONNEL POLICY - Adopted Oct. 23, 2024

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## **TOWN OF NORWICH, VERMONT**

### **Section 1: TITLE AND AUTHORITY**

This Policy shall be known as the Town of Norwich Personnel Policy. It has been adopted by the Town of Norwich (hereinafter “Town”) Selectboard pursuant to 24 V.S.A. §§ 1121 and 1122 on October 23, 2024.

This Policy will be in effect until superseded, but should be reviewed on a regular basis by the Town Manager and the Selectboard, with a formal review being completed no later than once every three years.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

Should any provision of this Policy 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.

Where a conflict exists between this Policy and any individual employment contract, the latter will control. Certain sections of the Personnel Policy may apply to employees covered by a collective bargaining agreement to the extent agreed by the applicable Union and the Town.

This Personnel Policy will be administered by the Town Manager.

### **Section 2: PURPOSE**

It is the purpose of this Policy to establish procedures, which will serve as a guide to administrative action concerning the personnel activities and transactions of the Town. The Policy is intended to set forward the customary and most reasonable method of fulfilling the objectives of personnel administration. The Policy is 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.

### **Section 3: PERSONS COVERED**

This Personnel Policy applies to all employees of the Town. Appointed officials and volunteers are covered by the rules and prohibitions stated in this Policy’s sections on equal employment, conflicts of interest, drug and alcohol use, tobacco use, use of Town equipment, use of Town computer systems, public records, harassment and discrimination, and sexual harassment.

Persons who provide the Town with services on a contract basis shall be required to observe the prohibitions stated in this Policy’s sections on drug and alcohol use, tobacco use, use of Town equipment, use of Town computer systems, public records, harassment and discrimination, and

sexual harassment. Elected officials shall be covered by this Policy only to the extent set forth in a separate written agreement or resolution.

For purposes of this Policy, a full-time employee is an employee who works at least 40 hours per week on a regular and continuing basis. A part-time employee is an employee who works fewer than 40 hours per week on a regular and continuing basis. Seasonal employees and paid volunteer fire fighters are employees under this Policy but are not full-time or part-time employees.

Employee Type	Number of hours/week	Eligible for Insurance?	Receives Paid Time Off (sick, vacation, holiday, personal)?
Full-time	40 or more hours/week	Yes	Yes
Part-time	32-39 hours/week	Yes - Prorated according to number of hours worked	Yes – prorated according to number of hours worked
Part-time	18-31 hours/week	No	Yes – prorated according to number of hours worked
Part-time	1-17 hours/week	No	No

See also Section 20, page 12, *infra*.

For employees subject to a collective bargaining agreement, this Policy applies only as to provisions which do not constitute mandatory subjects of bargaining and which do not conflict with such agreement. For employees subject to an individual employment contract, this Policy applies only to the extent it does not conflict with such contract.

## **Section 4: EQUAL EMPLOYMENT OPPORTUNITY**

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

## **Section 5: PROBATIONARY PERIOD**

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

## **Section 6: CONDUCT OF EMPLOYEES**

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

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

Should an employee object to an action or decision taken by their supervisor, the employee should notify the Town Manager directly.

## **Section 7: CONFLICTS OF INTEREST**

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

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

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

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

An employee may accept a nominal gift or gratuity in connection with an action associated with their official duties on behalf of the Town with an estimated monetary value not exceeding twenty dollars (\$20.00) once per calendar year, with the understanding that employees may not directly or indirectly ask, demand, exact, solicit, accept or receive any gift, gratuity, act or promise beneficial to that individual, or another, which could influence any action or inaction associated with their official duties on behalf of the Town, or create the appearance of impropriety in connection with any actions or inactions associated with their official duties on behalf of the Town. Nor shall any employee authorized to procure or to recommend procurement of materials, supplies or services, directly or indirectly, ask, demand, exact, solicit, seek, accept, receive or agree to receive for the employee or another person, any benefit or benefits from the person providing or soliciting the provision of such materials, supplies or services with the exception of items of a de minimus nature valued \$20.00 or less (such as vendor booth

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

## **Section 8: HOURS OF SERVICE**

Regular work hours for persons employed shall be determined by the employee’s supervisor.

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

All employees are expected to be in attendance during regular work hours. Remote work may be allowed, as appropriate, subject to the supervisor’s approval and discretion and are subject to potential withdrawal or alteration of prior granted permission.

Employees who will be absent from work are expected to notify their supervisor in advance whenever possible. Employees who are calling in sick are expected to notify their supervisor as soon as possible.

## **Section 9: OUTSIDE EMPLOYMENT**

The primary occupation of all full-time employees shall be with the Town. Employees may not engage in any outside business activities during their paid working hours. Employees are prohibited from undertaking outside employment that interferes with their job performance or constitutes a conflict of interest, as defined in Section 7 of this Policy.

In all instances a Town of Norwich employee or elected official’s priority will be to serve the best interests of the Town. As such, Town employees and elected officials will not hold other jobs, roles, or titles which may represent competing interests to those of the Town or take public positions on behalf of another entity that are deemed counter to the best interest of the Town.

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

## **Section 10: POLITICAL ACTIVITY**

No employee may use their official authority for the purpose of interfering with or affecting the nomination or election of any candidate for public office, or demand or solicit from any individual direct or indirect participation in any political party, political organization, or support

of any political candidate. Employees are prohibited from using Town facilities, equipment, or resources for political purposes and from pursuing political activities while working.

This Personnel Policy is not to be construed to prevent employees from becoming or continuing to be members of any political party or organization, from attending political party or organization meetings or events, or from expressing their views on political matters, so long as: 1) these views are clearly articulated as being those of the individual and not of the Town, 2) these activities do not interfere with the individual's ability to effectively perform their duties, and 3) these activities take place or are expressed during non-working hours. This Personnel Policy is not to be construed as prohibiting, restraining, or in any manner limiting an individual's right to vote with complete freedom in any election.

## **Section 11: NEPOTISM**

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

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

Seasonal or temporary employees may be excluded from this restriction, based on Town Manager approval.

## **Section 12: DRUG AND ALCOHOL USE**

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

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

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

controlled substances, and/or alcohol during work hours, on work premises, while engaged in work activities away from work premises, and/or during work-related events.

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

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

Prohibited Conduct:

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

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

An employee must notify the employee’s supervisor in writing if they are convicted of a violation of a criminal drug statute occurring in the workplace and must do so no more than five (5) calendar days after the conviction.

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

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

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

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

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

### **Section 13: TOBACCO USE**

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

### **Section 14: PERFORMANCE EVALUATIONS**

Employees will be provided with written job performance evaluations at least once annually on or before the anniversary of the employee's date of hire and in such manner as the Town Manager or authorized designee deems reasonable. The results of such evaluations will be provided by the supervisor and reviewed and discussed with the employee. The employee will have the opportunity to respond in writing to the evaluation. The evaluation and any written employee response will become a part of the employee's personnel file.

### **Section 15: PERSONNEL RECORDS**

Personnel records will be maintained for each employee of the Town. Any employee or the employee's designated representative may inspect or copy their personnel file at a mutually agreeable time during regular office hours. Access by a designated representative must include a signed authorization from the employee. The Town reserves the right to have its representative present at the time its files are examined or copied.

### **Section 16: USE OF TOWN EQUIPMENT**

Except as provided in Section 16, the use of Town equipment or property for personal use is strictly prohibited. Employees should have no expectation of privacy regarding anything stored in or on Town-owned property or Town-owned equipment, including but not limited to desks,

filing cabinets, lockers, and vehicles. Employees should expect that such areas may be searched at any time to retrieve work-related materials or to investigate suspected violations of workplace rules.

## **Section 17: USE OF TOWN COMPUTER SYSTEM**

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

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

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

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

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

Transmission of electronic messages on the Town computer system shall be treated with the same degree of propriety, professionalism, and confidentiality as written correspondence. The following are examples of prohibited uses of the Town computer system:

- Communications that in any way may be construed by others as disruptive, offensive, abusive, discriminatory, harassing, or threatening;
- Communications of sexually explicit images or messages;
- Transmission of chain letters or solicitations for personal gain, commercial or investment ventures, religious or political causes, outside organizations, or other non-job-related solicitations during or after work hours;
- Access to Internet resources, including websites and news groups, that are inappropriate in a business setting;
- Unauthorized disclosures. Unauthorized disclosures include disclosures of non-public information, unless the disclosure is authorized by law; and the dissemination of confidential, proprietary, or privileged information.
- Any other use that may compromise the integrity of the Town and its business in any way.

Nothing in this section, nor any other provision of this Policy, will be interpreted or applied in a manner that interferes with employee rights to organize, form, join, or assist labor organizations, to bargain collectively through representatives of their choosing to the extent allowed by law, or to engage in other concerted activities for the purpose of addressing the terms and conditions of employment.

## **Section 18: PERSONAL USE OF SOCIAL MEDIA**

This section applies to employees using social media in their personal, non-official capacity. Personal or non-official use of social media means day-to-day use of social media by employees that is unrelated to their official work duties. Employees' personal or non-official use of social media may occur during work or off-duty hours. Consistent with Section 17, occasional, brief, and appropriate personal use of social media is permitted during work hours provided it is consistent with this Policy, does not interfere with an employee's job duties and responsibilities, and does not have a detrimental effect on employee productivity or the Town's operations.

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

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

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

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

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

## **Section 19: PUBLIC RECORDS**

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

## **Section 20: ELIGIBILITY FOR BENEFITS**

The Town offers group insurance and other insurance benefit programs to its eligible full and part-time employees and elected officials. Details about those benefits, as they exist on the date of hire, can be obtained from the Town Manager's office.

Part-time employees who are regularly scheduled to work at least 32 hours a week are eligible to receive the above benefits on a prorated basis, subject to the eligibility requirements of the insurance carrier.

The Town reserves the right to change insurance carriers or to add, delete, or amend insurance or other benefit programs in its sole discretion. The Town also reserves the right to change the amount or percentage of its contribution to the cost of any group health insurance program. Employees will be provided with advance notice of any change in the contribution rate. Workers’ compensation insurance applies to all employees. Employees may be covered by workers’ compensation insurance if their injury arises out of and is in the course of employment. Questions should be posed to the Town Manager.

Employee Type	Number of hours/week	Eligible for Insurance?	Receives Paid Time Off (sick, vacation, holiday, etc.)?
Full-time	40 or more hours/week	Yes	Yes
Part-time	32-39 hours/week	Yes - Prorated according to number of hours worked	Yes – prorated according to number of hours worked
Part-time	18-31 hours/week	No	Yes – prorated according to number of hours worked
Part-time	1-17 hours/week	No	No

See also Section 3, page 3, *supra*.

## Section 21: HOLIDAY LEAVE

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

- New Year’s Day (January 1)
- Martin Luther King, Jr.’s Birthday (3<sup>rd</sup> Monday in January)
- Presidents’ Day (3<sup>rd</sup> Monday in February)
- Memorial Day (last Monday in May)
- Juneteenth National Independence Day (June 19)
- Independence Day (July 4)
- Labor Day (1<sup>st</sup> Monday in September)
- Indigenous Peoples’ Day (second Monday in October)
- Veterans’ Day (November 11)
- Thanksgiving Day (4<sup>th</sup> Thursday in November)
- Day after Thanksgiving
- Christmas Day (December 25)

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

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

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

## **Section 22: VACATION LEAVE**

Full-time employees will accrue vacation time at the following rates based on length of service or an approved accrual rate:

Years of Service	Annual Accrual Rate	Monthly Accrual Rate
0-3 years	10 days	6.667 hours
4-9 years	15 days	10.000 hours
10-19 years	20 days	13.334 hours
20+ years	25 days	16.667 hours

Part-time employees who work at least twenty (20) hours per week will accrue a pro-rated amount of vacation based on their normal work schedule.

Vacation leave accrual begins on the date of hire on a monthly basis. However, an employee may take vacation during the employee’s probationary period. An increase in the annual rate of accrual of vacation time will occur on the anniversary of the date of hire.

Full-time employees will receive vacation leave pay at the employee’s regular rate of pay. Part-time employees will receive vacation leave pay based on the number of hours the employee is regularly scheduled to work in a week. Vacation leave must be taken in a minimum of one-hour increments.

Employees are strongly encouraged to utilize earned vacation time. Requests for vacation should be submitted to the employee’s supervisor as soon as possible. Vacation requests for less than two consecutive days must be made in writing not less than 48 hours in advance of the requested time off. Vacation requests for more than two consecutive days must be made in writing not less than two weeks in advance of the requested time off. This notice may be waived at the discretion of the employee’s supervisor.

An employee can accumulate up to a maximum of twice their annual accrual. Unused vacation hours up to the employee’s maximum accumulation will be paid in cash in the event of separation from the Town, provided that the employee has given at least two weeks’ written notice of termination or intent to retire. Any employee who terminates during their probationary period will not be entitled to compensation for any accrued vacation time.

Maximum accumulation of vacation time:

Annual Accrual	Maximum Accumulation (days)	Maximum Accumulation (hours)
10 days	20 days	160 hours
15 days	30 days	240 hours
20 days	40 days	320 hours
25 days	50 days	400 hours

### **Section 23: PERSONAL LEAVE**

Full-time employees shall receive 16 hours of personal leave in each fiscal year. Eligible part-time employees will receive personal leave pay based on the number of hours the employee is regularly scheduled to work in a week. Personal leave will be added to the employee record on July 1 of each year and may be taken as days or hours at any time during the year with the approval of the employee’s supervisor. Unused personal leave cannot be carried forward from year to year.

### **Section 24: SICK LEAVE**

Definition

For the purposes of this Section of the Policy, the following definition shall apply: “eligible employee” means an employee or an elected official of the Town who: (a) is age 18 or older; (b) works an average of 18 or more hours per week during the year; and (c) is expected to work more than 20 weeks in a 12-month period. This definition includes newly hired employees and those who are still in their probationary period of employment. This definition does not include an individual who: (i) works on a per diem or intermittent basis; (ii) works only when he or she indicates that he or she is available to work; (iii) is under no obligation to work for the Town; and (iv) has no expectation of continuing employment with the Town.

Earned Sick Leave

Eligible full-time employees will earn eight (8) hours of paid sick leave for every calendar month worked by that employee.

Eligible part-time employees will accrue a pro-rated amount of sick leave based on their normal work schedule.

Accrual Limit

Eligible full-time employees can accumulate up to a maximum of 288 hours. Unused sick leave may be carried forward from year to year but cannot exceed the limit of 288 hours.

Eligible part-time employees will accumulate a pro-rated maximum amount of sick leave based on their normal work schedule.

#### Use of Sick Leave

Eligible employees may use paid sick leave in increments no smaller than one hour.

An employee may use sick leave for the purposes below:

- The employee is ill or injured.
- The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.
- The employee cares for a sick or injured parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment, or accompanying the employee's parent, grandparent, spouse, or parent-in-law to an appointment related to their long-term care.
- The employee is arranging for social or legal services or obtaining medical care or counseling for the employee or for the employee's parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, who is a victim of domestic violence, sexual assault, or stalking or who is relocating as the result of domestic violence, sexual assault, or stalking. As used in this section, "domestic violence," "sexual assault," and "stalking" shall have the same meanings as in 15 V.S.A. § 1151.
- The employee cares for a parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, because the school or business where that individual is normally located during the employee's workday is closed for public health or safety reasons.

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

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

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

At the sole discretion of the Town Manager and/or a supervisor, an employee using leave for illness may be required to produce reasonable proof that an absence from work is for one of the purposes for which paid sick leave may be used.

#### Compensation at Time of Separation from Employment

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

## **Section 25: BEREAVEMENT LEAVE**

Full-time employees may be provided with up to three (3) paid bereavement leave days (pro-rated for part-time employees) related to the death of a close family member, domestic partner or member of an employee's household. The exact amount of time off depends upon the circumstances and is subject to supervisor approval. Eligible part-time employees will receive bereavement leave pay based on the number of hours the employee is regularly scheduled to work in a week. For purposes of this Policy, "close family member" is defined as the following: spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt, uncle, niece, nephew, parent-in-law, or sibling-in-law.

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

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

## **Section 26: PARENTAL AND FAMILY LEAVE**

Eligible employees\* may receive leave as described in the Vermont Parental and Family Leave Act (VPFLA). This State law will determine employee eligibility, the qualifying reasons for such leave, and the length of leave.

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

For the purposes of determining the 12-month period in which an employee may be entitled to VPFLA and/or FMLA leave, the Town will use a rolling 12-month period measured backward from the date an employee uses such leave.

*\*eligible employees are defined in the referenced statute (VPFLA, 21 V.S.A. §470 et seq.)*

## **Section 27: SHORT TERM FAMILY LEAVE**

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

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

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

*\*eligible employees are defined in the referenced statute (VPFLA, 21 V.S.A. § 470 et seq.)*

## **Section 28: CRIME VICTIM LEAVE**

In accordance with 21 V.S.A. § 472c, eligible employees who are crime victims may be entitled to take unpaid leave for the purpose of attending a deposition or court proceeding related to:

- a criminal proceeding when the employee has a legal right or obligation to appear at the proceeding;
- a relief from abuse, neglect, or exploitation hearing when the employee is the plaintiff; or
- hearings concerning an order against stalking or sexual assault, when the employee seeks the order as plaintiff.

A “crime victim” is a person who has:

- obtained a relief from abuse order against a family or household member;
- obtained a court order against stalking or sexual assault;
- obtained a court order against abuse of a vulnerable adult; or
- sustained physical, emotional or financial injury as the direct result of the commission or attempted commission of a crime or act of delinquency and is identified as

a crime victim in an affidavit filed by law enforcement official with a prosecuting attorney. This includes the victim's child, foster child, parent, spouse, stepchild or ward of the victim who lives with the victim, or a parent of the victim's spouse, provided that the individual is not identified in the affidavit as the defendant.

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

## **Section 29: LEAVE OF ABSENCE WITHOUT PAY**

A request to take unpaid leave from employment for the purpose of attending town meeting must be made at least seven days prior to the date of the town meeting. Such leave will be granted provided that it does not cause an interruption of the essential operation of town government.

Other requests for leaves of absence without pay for any reason other than those covered by federal or state law must be submitted in writing to the employee's supervisor and must set forth the purpose for which the leave is requested. All leave requests must be for a definite period of time and include a specified date of return. All such requests are subject to discretion of the Town.

If a leave of absence without pay is granted, the employee may, at the Town's sole discretion, continue the employee's group health plan coverage by paying the required premium in accordance with the payment schedule established by the Town. Other employee benefits (e.g., sick leave, vacation, seniority, etc.) will not accrue during an unpaid leave period that exceeds thirty (30) consecutive days.

## **Section 30: MILITARY LEAVE**

The Town will comply with the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4303 et seq., and 21 V.S.A. §§ 491 et seq. Employees who take military leave subject to the provisions of these laws will be granted leave without pay. At the option of the employee, any paid leave accrued prior to the commencement of the leave may be used.

## **Section 31: JURY LEAVE**

The Town will compensate employees for their service as jurors or witnesses when unrelated to their status as a Town employee. Employees serving on jury duty shall receive from the Town the difference in pay between what is received for jury duty and the amount of the employee's normal pay. In accordance with 21 V.S.A. § 499, employees will otherwise be considered in the service of the Town for purposes of determining seniority, benefits, credit towards vacations, sick leave, and other rights, privileges, and benefits of employment.

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

## **Section 32: OVERTIME AND COMPENSATORY TIME OFF**

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

In place of overtime pay, the Town in its discretion may provide nonexempt employees with compensatory time off ("comp time"), subject to the following conditions:

- Comp time is earned at a rate of one- and one-half hours for each hour worked in excess of forty hours actually worked in any workweek.
- An employee may accrue a maximum of 100 hours of comp time. An employee who has accrued 100 hours of comp time will be paid overtime compensation for additional overtime hours of work.
- The Town may, at its sole discretion and at any time, pay the employee for time worked in lieu of providing comp time. Additionally, the Town may "buy down" the employee's accrued comp time balance, partially or entirely, by paying the employee a sum commensurate with the number of hours being eliminated from the employee's accrued comp time balance.
- An employee receiving payment for accrued comp time will be paid at the regular rate of pay earned by the employee at the time the employee receives such payment.
- Upon termination from employment, an employee will be paid for unused comp time at a rate not less than the average regular rate of pay received by the employee during the last three years of employment or the employee's final regular rate of pay, whichever is higher.

An employee who has accrued comp time and requests use of comp time will be permitted to use such time off within a reasonable period after making the request if such use does not unduly disrupt the Town's operations. Requests for use of comp time must be submitted to the employee's supervisor.

\*"Exempt" and "nonexempt" are defined by 29 CFR part 541.

## **Section 33: EMPLOYMENT HARASSMENT AND DISCRIMINATION**

The Town is committed in all areas to providing a work environment that is free from unlawful harassment and discrimination. Vermont and federal law prohibit employment discrimination or retaliation based on race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, crime victim or veteran status, any other category of person

protected under federal or state law, or against a qualified individual with a disability with respect to all employment practices. Vermont law also prohibits discrimination based on sexual orientation, ancestry, HIV status, and place of birth. It is unlawful to retaliate against employees or applicants who have alleged employment discrimination.

“Harassment” means to engage in unwelcome conduct based on an employee’s race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, crime victim status, or physical or mental condition that interferes with the employee’s work or creates a work environment that is intimidating, hostile, or offensive. Examples of harassment may include the following when based on an employee’s protected category: insulting comments or references; aggressive bullying behaviors; inappropriate physical contact or gestures; or physical assaults or contact. Conduct may constitute harassment regardless of whether the complaining employee is the individual being harassed, the complaining employee acquiesced or otherwise submitted to or participated in the conduct, the conduct is also experienced by others outside the protected class involved in the conduct, the complaining employee was able to continue carrying out the employee’s job duties and responsibilities despite the conduct, the conduct resulted in a physical or psychological injury, or the conduct occurred outside the workplace. Harassment and discrimination need not be severe or pervasive to constitute a violation of this section. Behavior that a reasonable employee with the same protected characteristic would consider to be a petty slight or trivial inconvenience shall not constitute unlawful harassment or discrimination pursuant to this section.

The Town will not tolerate unlawful harassment based on a person's race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, crime victim or veteran status, disability, sexual orientation, ancestry, HIV status, place of birth, or membership in a classification protected by law. Likewise, the Town will not tolerate retaliation against an employee for filing a complaint of harassment or for cooperating in an investigation of harassment.

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

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

Brennan Duffy, Town Manager; [bduffy@norwich.vt.us](mailto:bduffy@norwich.vt.us); 802-649-419 x117

Miranda Bergmeier, Asst. Town Manager; [mbergmeier@norwich.vt.us](mailto:mbergmeier@norwich.vt.us); 802-649-1419 x101

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

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

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

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

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

## **Section 34: SEXUAL HARASSMENT**

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

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

- submission to that conduct is made either explicitly or implicitly a term or condition of employment;

- submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or
- the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Harassment and discrimination need not be severe or pervasive to constitute a violation of this section. Examples of sexual harassment include, but are not limited to, the following, when such instances or behavior come within one of the above definitions:

- explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- touching or grabbing a sexual part of an individual's body;
- touching or grabbing any part of an individual's body after that party has indicated, or it is known, that such physical contact was unwelcome;
- continuing to ask an individual to socialize on- or off-duty when that person has indicated they are not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- retaliating in any way for having filed or supported a complaint of sexual harassment (e.g., ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);
- making derogatory or provoking remarks about or relating to an employee's sex, sexual orientation, or gender identity;
- directing harassing acts or behavior against a person on the basis of their sex, sexual orientation, or gender identity;
- any off-duty conduct which falls within the above definition and affects the work environment.

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

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

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

Brennan Duffy, Town Manager; [bduffy@norwich.vt.us](mailto:bduffy@norwich.vt.us); 802-649-419 x117

Miranda Bergmeier, Asst. Town Manager; [mbergmeier@norwich.vt.us](mailto:mbergmeier@norwich.vt.us); 802-649-1419 x101

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

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

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

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

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

## **Section 35: EMPLOYEE DISCIPLINE**

The Town will determine, in its sole discretion, when employee conduct must be addressed by discipline. Most often, employee conduct that warrants discipline results from unacceptable behavior, poor performance, or violation of the Town's policies, practices, or procedures. However, discipline may be issued for conduct that falls outside of these identified areas. The Town also reserves the right to impose discipline for off-duty conduct that adversely impacts the legitimate interests of the Town.

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

Employees are prohibited from engaging in conduct listed below and may receive discipline, up to and including termination, for doing so. This list has been established to provide examples of behavior that could warrant a range of disciplinary sanctions. This list is not exhaustive.

- Engaging in any illegal activity.
- Refusing to do assigned work.
- Being inattentive to duty, including sleeping on the job.
- Falsifying a time card or other record or giving false information to anyone whose duty is to make such record.
- Being repeatedly or continuously absent or late, being absent without notice or satisfactory reason or leaving one's work assignment without appropriate authorization.
- Conducting oneself in any manner that is offensive, abusive or contrary to reasonable community standards and expectations of public employees.
- Engaging in any form of unlawful retaliation or discrimination, including sexual harassment.
- Misusing, misappropriating, or willfully neglecting Town property, funds, materials, equipment or supplies.
- Unlawfully distributing, selling, possessing, using or being under the influence of alcohol or drugs when on the job or subject to duty.
- Fighting, engaging in horseplay or acting in any manner which endangers the safety of oneself or others. This includes acts of violence as well as threats of violence.
- Stealing or possessing without authority any equipment, tools, materials or other property of the Town or attempting to remove them from the premises without approval or permission from the appropriate authority.
- Marking or defacing walls, fixtures, equipment, tools, materials or other Town property, or willfully damaging or destroying property in any way.
- Failure to search for or disclose public records upon request.
- Willful violation of Town rules or policies.

## **Section 36: EMPLOYEE TERMINATION PROCESS**

The Town has adopted an employment termination process.

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

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

Within seven calendar days of the date of the meeting, which time period may be extended if necessary, the Town will provide the employee with a written notice informing the employee whether they have been terminated. If the employee has been terminated, the notice will provide the general reasons therefore and will also inform the employee of the opportunity to request a post-termination hearing before the selectboard by giving written notice to the indicated Town representative within seven calendar days. The employee will be informed that the employee’s failure to make a timely request for a post-termination hearing will result in such hearing being waived.

If a request for a post-termination hearing is made, the Selectboard will provide the employee with a notice informing the employee of the date, time, and place of the post-termination hearing before the selectboard. The notice will inform the employee of their right to be represented by counsel and of the hearing process described below.


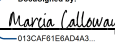
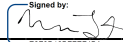
The Selectboard may hold the post-termination hearing in executive session, but the employee can elect for the hearing to be held in open session. A Town representative will present the evidence and grounds supporting termination, and the employee or their attorney may cross-examine witnesses presented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

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

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

**ADOPTED this 23<sup>rd</sup> day of October, 2024.**

**SIGNATURES of SELECTBOARD:**

<hr/>  <p><small>Signed by: Roger Arnold 0FF195A79C04EE</small></p>	<hr/>  <p><small>DocuSigned by: Maria Callaway 013CAF91E8AD4A3</small></p>	<hr/>  <p><small>Signed by: E2F8D128F8F4BA</small></p>
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## ADDENDUM A: Personnel Acknowledgement

I, \_\_\_\_\_ (*employee name*), acknowledge that:

- A. I received a copy of the Town’s Personnel Policy on \_\_\_\_\_ (*date*) and it is my responsibility to familiarize myself with its contents;
- B. I understand that it is my responsibility to ask questions if there is anything in the Policy that I do not understand;
- C. I understand that the language used in this Personnel Policy is not intended to create, nor should it be construed to create, a contract or agreement for employment between myself and the Town;
- D. I understand that this Policy replaces any and all prior versions and that the Town reserves the right to add, amend, or discontinue any of the provisions of this Policy for any reason or none at all, in whole or in part, at any time, with or without notice.

\_\_\_\_\_  
Employee’s Signature

\_\_\_\_\_  
Date

## **ADDENDUM B: Agreement by Independently Elected Officer to be Bound by Personnel Policy**

This is an agreement between the Town of the Norwich and [ \_\_\_\_\_ ] (*insert name and title of independently elected officer*) (hereafter “Elected Town Official”) collectively referred to as "parties."

Elected Town Official agrees to be bound, in connection with their own workplace conduct, by the provisions of the Town of Norwich Personnel Policy regarding equal employment opportunity, conduct of employees, conflicts of interest, outside employment, drug and alcohol use, tobacco use, use of Town equipment, use of Town computer systems, public records, harassment and discrimination, and sexual harassment. Elected Town Official further agrees to adhere to the Personnel Policy in connection with their appointment, management, supervision, and discipline of employees appointed by Elected Town Official, and that such appointed employees shall be subject to the Policy and shall be provided the benefits set forth in the Policy to the extent of such persons’ eligibility. In consideration of the provisions set forth herein, the Selectboard agrees that it or its designees shall make available or facilitate payroll, benefits, and personnel records keeping services for Elected Town Official and employees appointed by Elected Town Official, as well as other services as the parties may agree.

Elected Town Official agrees and acknowledges:

- They have received a copy of the Town’s Personnel Policy and understand it is their responsibility to become familiar with its contents;
- They have been given an opportunity to ask questions about said Policy and have been provided with satisfactory information in response to those questions;
- The Selectboard may amend any of the provisions of the Personnel Policy for any reason, at any time, with or without notice;
- They understand the Town’s Personnel Policy and agrees to comply with its provisions to the extent described above; and
- They shall provide a copy of this Policy to appointed employees and shall secure a signed acknowledgement form from all such persons.

The parties agree that this agreement shall not constitute a contract for employment.

If any term of this agreement, the provisions of the Personnel Policy, or the application hereof of either to any person or a circumstance(s) is held invalid, this invalidity does not affect other provisions or applications of the agreement’s terms, which can be given effect without the invalid term(s) or application(s). For this purpose, this agreement is severable.

**Entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_**

**BY: Elected Official:**

**For the Selectboard:**

\_\_\_\_\_

\_\_\_\_\_

## **ADDENDUM C: Policy for Drug and Alcohol Testing for Commercial Driver's License Holders**

### Drug and Alcohol Testing for Commercial Driver's License-Qualified Employees

Drug and Alcohol testing for Town employees is conducted in accordance with regulations issued by the Federal Department of Transportation and other Federal and State Laws and regulations. These regulations require controlled substance and alcohol use testing for all drivers that are required to have a Commercial Driver's License (CDL).

The purpose of this policy is to provide safer roads and highways for members of the community. Commercial drivers are selected for drug and alcohol testing procedures in these regulations because of their frequent use of the roads and highways while operating commercial motor vehicles.

Drug and alcohol testing is required for all Town employees who are required to hold a CDL (CDL Qualified employees). Drug and alcohol testing will be performed under the following circumstances:

Pre-employment drug testing will be conducted for all CDL Qualified applicants who receive a conditional offer of employment from the Town. Employment will begin upon receipt by the Town of a negative test result from the pre-employment drug test.

Reasonable suspicion testing for alcohol and/or drugs will be conducted when a CDL Qualified employee's appearance or conduct are indicative of use of alcohol and/or drugs. The actions or observations of the driver must occur while the driver is on duty or just preceding the work period, or just after the period of the workday. The conduct, appearance, or actions of the driver must be observed by a supervisor or Town official trained in detection of probable alcohol and/or drug use.

Random testing for alcohol and drugs will be conducted in accordance with Federal and State regulations.

Post Accident testing for alcohol and drugs will be conducted in accidents in which a fatality occurs or in an accident which results in a citation issued to the driver by a law enforcement authority for a moving violation or in accidents where reasonable suspicion indicates misuse of alcohol or drugs.

Return-to-Duty and Follow-Up Testing are required when a driver who has violated the prohibited alcohol conduct standards (as outlined in articles #1 through #8 below) or has tested positive for drugs, returns to performing safety-sensitive duties. These tests will be conducted in accordance with Federal and State regulations.

Drug testing will consist of urine sampling and alcohol testing will use breath sampling. The testing program followed by the Town will be done in conjunction with the Vermont League of Cities and Towns Property and Casualty Inter-municipal Fund (VLCT-PACIF) consortium for CDL Qualified employees of the cities and towns of Vermont. The testing procedures will be conducted through a contractual arrangement between VLCT-PACIF and Medical Testing Services (MTS), using a laboratory designated by the Department of Health. All

testing procedures will follow the drug and alcohol testing procedures as outlined in the Federal and State Regulations.

The testing program for drugs will be limited to the five following drug types:

- marijuana,
- cocaine,
- opiates,
- amphetamines, and
- phencyclidine (PCP).

A record of the type of test (e.g., pre-employment, random, reasonable suspicion, post accident return-to-duty or follow-up), date of collection, location of collection, entity performing the collection, name of the laboratory, name of the Medical Review Officer, and the test results will be kept in each CDL Qualified employee's confidential personnel file.

If a CDL Qualified employee refuses to submit to alcohol or drug testing, he or she shall not be permitted to perform or continue to perform safety sensitive functions in the workplace and shall be subject to the disciplinary actions for a First Offense or Second Offense for Alcohol and/or Drugs as outlined below.

As per the federal regulations, refusal to sign the certification in part 2 of the U.S. Department of Transportation Breath Alcohol Testing form shall be regarded as a refusal to take a test. Not providing an adequate amount of breath may also be regarded as a refusal to take a test.

In drug testing, intentional failure to provide sufficient urine may constitute a refusal.

In addition to the restrictions and prohibitions of alcohol and drug use outlined in Section 904, the following conditions shall be required of all CDL Qualified employees (drivers):

1. A driver shall not use alcohol when performing safety sensitive functions nor perform safety sensitive functions within four hours of using alcohol.
2. A driver shall not report for duty or remain on-duty when his or her job requires performing safety sensitive functions if he or she has been using drugs or has tested positive for drug use.
3. A driver is performing a safety sensitive function when:
  - a. waiting at a terminal facility, or other property to be dispatched, unless the driver has been relieved from duty by the Town;
  - b. performing pre-trip inspections or servicing the motor vehicle;
  - c. driving the motor vehicle;
  - d. on the vehicle;
  - e. loading or unloading the vehicle, supervising the loading or unloading, giving receipts for the load, or remaining in readiness to operate the motor vehicle;
  - f. performing duties and services at an accident scene; or
  - g. repairing, obtaining assistance, or remaining in attendance of a disabled vehicle.

4. A driver shall not report for or remain on duty performing a safety sensitive function while having a blood alcohol concentration of 0.04 or greater;
5. A driver shall not abuse controlled substances;
6. A driver shall not be on duty or operate a commercial motor vehicle while possessing alcohol unless the alcohol is manifested and transported as part of a shipment;
7. A driver shall not use alcohol for eight hours following an accident unless the driver has been given a post-accident test; and
8. A driver shall not refuse to submit to a required alcohol and/or drug test involving post-accident, random reasonable suspicion or follow-up testing.

In addition, under the Federal regulations, drivers that report to work on a particular day and are not operating motor vehicles that day are still subject to the testing requirements of the regulation.

Any CDL Qualified employee who violates any part of this policy will be subject to disciplinary action, up to and including termination of employment. The specific consequences for a positive alcohol or drug test are:

#### FIRST OFFENSE - ALCOHOL

If a CDL Qualified employee who tests 0.04 BAC or above in the alcohol test and this is his/her first offense of this policy, he/she:

1. shall not be permitted to perform in a safety sensitive position;
2. shall be advised of available resources for solving drug and alcohol problems;
3. shall be evaluated by a Substance Abuse Professional (SAP);
4. shall comply with the treatment recommendation by the SAP;
5. shall make weekly progress reports to the Town during the treatment period;
6. shall undergo a Return-to-Duty breath test with negative test results; and
7. shall be subject to unannounced follow-up breath tests for up to five years depending on the evaluation of the SAP.

In addition, if a CDL Qualified employee tests 0.04 or above in the alcohol test, he/she shall be suspended without pay until conditions #2 through #6 outlined in the above paragraph are met. If the CDL Qualified employee does not make a good faith effort, in a timely manner (as so determined by the Town), to meet the above described conditions, he or she may be terminated.

If a CDL Qualified employee tests over 0.02 BAC but less than 0.04 BAC in the alcohol test, he/she shall not be permitted to perform safety sensitive functions until the start of the employee's next scheduled duty period, but not less than twenty-four hours following the test. Any work hours lost as a result of this condition shall be considered time lost without pay.

## SECOND OFFENSE – ALCOHOL

If a CDL Qualified employee tests 0.02 BAC or above and this is his/her second offense of this policy, the employee will be terminated immediately.

## FIRST OFFENSE – DRUGS

If a CDL Qualified employee tests positive for drugs and this is his/her first offense of this policy, he/she:

1. shall not be permitted to perform in a safety sensitive position;
2. shall be advised of available resources for solving drug and alcohol problems;
3. shall be evaluated by a Substance Abuse Professional (SAP);
4. shall comply with the treatment recommendation by the SAP;
5. shall make weekly progress reports to the Town during the treatment period;
6. shall undergo a Return- to-Duty drug test with negative test results; and
7. shall be subject to unannounced follow-up drug tests for up to five years depending on the evaluation of the SAP.

In addition, if a CDL Qualified employee tests positive for drugs; he/she shall be suspended without pay until conditions #2 through #6 outlined in the above paragraph are met. If the CDL Qualified employee does not make good faith effort, in a timely manners (as so determined by the Town), to meet the above described conditions, he or she may be terminated.

## SECOND OFFENSE – DRUGS

If a CDL Qualified employee tests positive for drugs and this is his/her second offense of this policy, the employee will be terminated immediately.

The Medical Review Officer (MRO) for the Town will be the MRQ so designated by the VLCT-PACIF consortium.

The Substance Abuse Professional (SAP) for the Town will be the SAP so designated by the VLCT-PACIF consortium or any other Federally certified SAP so designated by the Town.

The Person Identified to answer questions about the controlled substance and alcohol testing policies and programs of the Town is the Business Manager/Personnel Director. Additional information about programs regarding the effect of alcohol and drugs on health, work and personal life, and available drug and alcohol counseling and rehabilitation programs are available through the Town's Employee Assistance Program (Section 310.), or through the Town's Business Manager/Personnel Director, or through the VLCT-PACIF Loss Prevention Program.