

PERSONNEL POLICY

TOWN OF PEACHAM

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1. Adoption and Authority

This Personnel Policy, dated April 18, 2007, is hereby adopted pursuant to 24 V.S.A. §§ 1121-1122, and by its adoption supersedes any personnel policy or manual previously in force.

This personnel policy does not constitute a contract of employment. Employment with the Town of Peacham is *at-will* and not for any definite period or succession of periods of time. The Town or the employee may terminate employment at any time, with or without notice. The Selectboard reserves the right to amend any of the provisions of this personnel policy for any reason and at any time, with or without notice.

2. Applicability

This policy shall apply to full time and part time employees of the Town of Peacham within the jurisdiction of the Selectboard. Currently this includes:

- Road Foreman
- Road Crew members
- Transfer Station Attendant(s)
- Cemetery Sextons
- Zoning Administrator
- Any new employment position the Selectboard chooses to create

Further, the Selectboard cannot require, but respectfully requests that certain policy provisions listed here be adhered to by all elected officers and their statutory assistants, members of Town boards and commissions, and seasonal employees:

- 5. Conduct of Employees (p.4)
- 11. Gratuities and Gifts (p.10)
- 12. Prohibition of Retaliation (p.10)
- 13. Prohibition of Sexual Harassment (p.10)
- 18. Drug-Free Workplace (p.13)
- 19. Tobacco Products (p.13)
- 21. Prohibition of Discrimination (p.14)
- 22. Proof of Citizenship (p.15)

24. Town Computers (p.15)

Vermont law offers a Town Clerk and Treasurer jurisdiction to appoint and manage assistants. If the Town Clerk or Treasurer chooses to apply all provisions of this policy (in addition to those listed above) to any such assistants, the Town Clerk or Treasurer shall notice that in writing to the appointed assistants and notify the Selectboard.

3. Severability

Should any provision of these rules 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.

4. Equal Employment Opportunity

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

5. Conduct of Employees

All employees (and elected officers and their statutory assistants, members of Town boards and commissions, and seasonal employees) are considered representatives of the Town. As such, they are expected to conduct themselves in a courteous, helpful and respectful manner in all their interactions with the public and other employees. All are expected to faithfully execute the duties and responsibilities of their office to the best of their ability, and in compliance with applicable provisions of this personnel policy and law.

6. Full / Part Time, Seasonal Status and Hours of Work

Under the Health Care Affordability Act, the definition of a full-time employee is one who works at least 30 hours per week (lunch breaks are not included in that computation). An employee who works less than 30 hours per week is part-time.

Vermont health care affordability regulations define seasonal employees as those who work up to 120 days per year; if any seasonal-type employee works more than 120 days cumulatively in a calendar year s/he counts as either a full-time or part-time employee for state Health Care Affordability Act purposes.

For purposes of computing time worked under the Fair Labor Standards Act ("FLSA"), the workweek shall be Monday through Sunday.

FLSA has two categories for employees: exempt and non-exempt. Different rules apply to each category. For example, exempt (salaried, usually in executive, professional, or managerial) employees would be expected to work more than forty hours per week to complete necessary work within their job description without additional compensation.

Job descriptions will ideally state whether an employee is exempt or non-exempt under FLSA however if the Town's job description is silent, the default shall be non-

exempt status. At the time of this writing, there are no exempt employees under FLSA within the jurisdiction of the Selectboard.

Normal work hours are set at the discretion of the Selectboard, or by the Road Foreman as to the road crew. Road crew hours may change seasonally. For example, at the time of this writing summer hours run from 6am to 4:30pm (which includes a 30-min. lunch break) Monday-Thursday. Winter hours run 6am to 2:30pm (which includes a 30-min. lunch break) Monday-Friday. However the Road Foreman has the discretion to dismiss a road crew member to go home at any time of day.

Transfer Station Attendant normal hours at this writing run Saturdays from 7:00am-4:00pm with an occasional meeting outside of normal hours. Other positions operate on an as-needed basis. Any changes to the normal workweek for an employee must be approved by their supervisor on a case by case basis in consideration of providing to its citizens the best possible municipal service. Employees who will be absent from work are expected to notify their supervisor as far in advance as possible.

The Road Foreman and Road Crew members are expected to be on-call every hour every day when road conditions are potentially hazardous, for example, to salt icy roads, remove downed trees, or deal with extreme weather events. To compensate for these inconvenient hours, travel time and efforts, when any road employee responds to a hazardous condition outside of normal work hours, that employee will be compensated for a minimum of two hours of work even if the travel time and work takes less time. In on-call situations, the Road Foreman will call a Road Crew member's home, cell and pager in which case the Road Crew member will have 30 minutes (or such time as reasonable given distance and driving conditions) to report to work.

In general, travel time to and from work is noncompensable under the FLSA unless the travel is outside the non-exempt employee's normal commuting travel area. Also noncompensable under the FLSA is a non-exempt employee's attendance at or travel time to training programs when the training is outside of his or her regular work hours and the training is not required by the Town and/or the employee does not have the permission of the employee's supervisor.

7. Overtime and Compensatory (Comp) Time off

In accordance with the Fair Labor Standards Act, the Town compensates all non-exempt employees at the rate of one and one-half hours for each hour worked in excess of forty hours in any workweek. Overtime and compensatory time do not apply to exempt employees (defined in Section 7).

In lieu of overtime pay, non-exempt employees may accrue 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 in any workweek. To designate comp time rather than overtime, the employee must assert they are choosing the comp time on the same timesheet as the documented overtime.
- Electing comp time instead of overtime pay is the choice of the employee. However, an employee may accrue a maximum of eighty hours of comp time (80 hours of comp time represents 53.34 hours of actual overtime work). An employee

who has accrued 80 hours of comp time will be paid overtime compensation for additional overtime hours of work. Comp time must be used before the end of the year and will not be carried over to the following year.

- 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 end of 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 requested use of comp time will be permitted to use such time off within a reasonable period after making the request, if such use does not unduly disrupt the Town's operations. Requests for use of comp time must be submitted to the employee's supervisor, who will have sole discretion to grant or deny the request, however requests for use of comp time will not unreasonably be withheld.

Each employee must keep and submit weekly journals describing the date, hours and type of work performed, or time taken off as applicable. Road crew employees are expected to work extra (compensated) hours as required by the Road Foreman or the Selectboard as road circumstances may require. With the exception of the Road Foreman, non-exempt employees must obtain the approval of their supervisor prior to working overtime.

8. Medical Insurance

The Town will provide medical insurance coverage to its full-time employees, the Town Clerk and Assistant Town Clerk. All employees enrolled in the town medical plan will receive a Health Reimbursement Account (HRA) in the amount of \$2,400 for an employee and \$4,800 for an employee/spouse, employee/children, employee/family. If the employee chooses a more costly plan, the remainder will be paid by the employee as a payroll deduction. The Selectboard has the authority to provide supervisors or department heads a different plan with a vote of the majority of the board.

If an employee provides his/her own health insurance or chooses to be covered under a family member's policy, and can provide verification of the amount paid or to be paid for the employee's coverage the same year, the Town will contribute an amount toward the family member's payment of the premium for the employee's coverage in an amount not to exceed the cost to cover that employee under the policy described in the paragraph above. Such payments will be prorated on a weekly basis.

9. Retirement Contribution

Full time employees of the Highway Department, the Town Clerk/Treasurer, and the Assistant Town Clerk/Treasurer are required, as a condition of employment, to participate in the Vermont Municipal Employees Retirement System (VMERS) Plan "B". All required participants will have a payroll deduction in the amount determined by the State Legislature.

10. Employee Leaves

A. Holidays

All full-time, regular employees shall be entitled to the following holidays with pay:

1. New Year's Day (January 1st)
2. Martin Luther King Jr Day (3rd Monday in January)
3. President's Day (3rd Monday in February)
4. Town Meeting Day (1st Tuesday in March)
5. Memorial Day (May)
6. Independence Day (July)
7. Battle of Bennington Day (August 16th)
8. Labor Day (1st Monday in September)
9. Columbus Day (October)
10. Veterans Day (November)
11. Thanksgiving Day (4th Thursday in November)
12. Christmas Day (December 25)
13. A Floating Holiday (Employee's Birthday)

Employees regularly scheduled to work less than 30 hours per week are ineligible for holidays with pay. Whenever a holiday falls on a Saturday or Sunday, the previous Friday or the following Monday will be observed as the holiday, as determined by the Selectboard. Holidays that occur during vacation shall not be charged against such leave. Employees may choose an alternative holiday to Christmas provided they give at least 2 weeks' advance notice to their supervisor before taking it.

Non-exempt employees (defined in Section 7) shall charge to holiday leave the number of hours actually used as holiday time, whether taken as full days or partial days. If a non-exempt employee is required to work on a holiday, they will be compensated at the rate of one and one-half times the employee's regular rate of pay. Exempt employees, if any, shall charge to holiday leave only full days taken as holiday time.

B. Annual Vacation Leave

After 1 full year of employment full time regular employees are entitled to 5 days annual vacation leave per year, after 2 years 10 days per year, after 5 years 15 days, and after 10 years 20 days of annual vacation leave. All vacation leave must be scheduled with the employee's supervisor.

At the discretion of the Selectboard, an employee without adequate vacation leave may be advanced vacation leave only when the Selectboard has reasonable assurances that the employee will be able to restore the amount credited prior to the end of that employee's employment and that the employee understands that any vacation leave advanced shall be deducted from any balance of any other pay due to the employee at the end of their employment.

Employees are strongly encouraged to take an annual vacation. No employee may carry beyond the end of the calendar year annual vacation leave. Accumulated unused annual vacation leave at the end of the calendar year will be paid in cash. In the event of separation from the Town, the value of accumulated unused annual vacation leave will be paid to the departing employee with deductions made for any sick leave that may have been advanced in excess of sick leave credits.

Regular part-time employees shall earn vacation leave in the same pro rata amount as holiday pay. Both exempt and non-exempt employees shall charge to vacation leave the number of hours actually used as vacation, whether taken as full or partial days.

C. 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.

Sick leave is considered an employee benefit. Eligible employees shall earn sick leave with pay at a rate of 1 hour per every 26 hours worked. Sick leave may be accumulated up to a maximum of thirty (30) days. There is no compensation for unused sick leave. A departing employee is not compensated for accumulated sick leave upon separation from employment. Sick leave accumulates from the first day of the month following the day of employment or change in work hours.

Both exempt and non-exempt employees shall charge to sick leave the number of hours actually used as sick time, whether taken as full days or partial days.

The employee shall notify his or her immediate supervisor by 6:00 AM. in the case of sick leave usage. Sick leave may only be used when an employee is unable to perform work duties by reason of illness or injury, except as provided below. The immediate supervisor may require an employee to furnish a doctor's report to verify the reason for any absence of more than two days in a month.

Those employees without adequate sick leave credit may be advanced sick leave with the approval of the Selectboard as long as the total days advanced do not exceed the amount of sick leave credit accumulated. When an employee's illness or injury qualifies him/her for workers' compensation and/or disability insurance payments, the employee shall be eligible to charge her/his sick leave

accumulation enough to compensate for any difference between his or her actual salary and the amount paid from the insurance. Where such insurance payments exceed salary, sick leave shall not be used.

Sick leave may also be used for the purpose of attending medical appointments(for himself/herself and immediate family members) for a doctor, dentist, hospital for tests, or any other medical appointments that cannot be held outside of normal working hours without undue hardship for the employee. The immediate supervisor may require an employee to provide proof that such appointments cannot be held outside normal working hours.

D. Parental and Family Leave

Because the Town employs fewer than 10 individuals who are employed for an average of at least 30 hours per week during a year, the Town is not a “covered employer” for either the federal Family and Medical Leave Act, or for the Vermont Parental and Family Leave Act. See 29 U.S.C. § 825.108(d), 21 V.S.A. § 471(d).

E. Court Leave

Regular employees who are consistently scheduled to work and who work 36 hours or more per week who are called for jury duty, shall be paid by the Town the difference between their regular pay and their juror's pay. The Town will pay the differences only when the employee’s pay from the Town exceeds his/her court pay.

F. Military Leave

Regular employees who are consistently scheduled to work and who work 36 hours or more per week who take military training leave subject to 21 V.S.A. § 491 or are called to active duty by the President of the United States or Governor of the State of Vermont shall be paid the difference between their regular pay and their military pay for such period of training or active duty. The Town will pay the differences only when the employee’s pay from the Town exceeds his/her military pay. The Town shall also continue to provide employees who take military training leave subject to 21 V.S.A. § 491 or are called to active duty by the President of the United States or Governor of the State of Vermont with health insurance provided under this Policy until such time as the employee is covered by health insurance provided through such military service.

G. Bereavement Leave

A full-time regular employee may be granted up to three days of paid leave for a death in the employee’s family (spouse, parents, spouse’s parents, sibling or child), subject to the approval of his or her immediate supervisor. Pay for bereavement leave will be at the employee’s regular rate of pay. Part-time employees will receive prorated bereavement leave pay based on the number of hours the employee is regularly scheduled to work in a week.

If an employee does not use all of the employee's bereavement leave in a year, the employee may not carry the unused leave forward to the next year. Upon separation from employment, an employee will not be compensated for unused bereavement leave.

H. Leave Without Pay

A full-time regular, or part-time regular employee may be granted a leave of absence without pay by the Selectboard, at its discretion, for a period and/or reasons requested by the employee for the purpose of leave. The Road Foreman may grant leaves without pay of one day or less for employees he supervises.

If a leave of absence of more than 15 days without pay is granted, the employee may, at the Town's sole discretion, continue the employee's 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, etc.) will not accrue during the unpaid leave period.

11. Gratuities and Gifts

Town employees are expressly prohibited from soliciting or accepting any money, entertainment with monetary value, gifts or gratuities (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 or from any resident or taxpayer of the Town, in connection with the performance of the employee's duties. No employee shall perform any action in exchange for a gift or gratuity offered by another person, with the understanding that such gift will cause the employee to perform any action as an employee of the Town.

12. Prohibition of Retaliation

The Town shall not retaliate, nor take negative employment action, nor shall the Town discharge or discriminate against an employee because such employee has asserted a claim for benefits, reported any allegations of wrongdoing under any law of any state or under any law of the United States, or cooperated in an investigation of any of the foregoing. This policy prohibits retaliation for asserting a claim for benefits, reporting alleged discrimination, cooperating with any employment-related investigation, including those alleging discrimination on any basis, or participating in any complaint process. If retaliation against an employee is demonstrated, it shall be considered a violation of this policy and will result in discipline, up to and including dismissal, depending on the seriousness of the violation.

13. Prohibition of Sexual Harassment

Sexual harassment in the workplace is unlawful. It is further unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of sexual harassment. Employees have the right to work without being subjected to insulting, degrading, or exploitative treatment on the basis of gender or sexual orientation. Sexual harassment by Town employees in any form is strictly prohibited. Likewise, the Town will not tolerate retaliation against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of sexual

harassment. Further, the Town will address complaints regarding sexual harassment committed in the workplace by employees against non-employees and committed by non-employees (such as vendors, customers, board members, and other workplace visitors) against employees to the extent possible.

A. Definition

Sexual harassment is a form of sex discrimination. It involves behavior that may include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct. Examples of sexual harassment include the following: abusing an employee through insulting or degrading sexual remarks or conduct; threats, demands or suggestions that an employee's work status is contingent upon the employee's tolerance of, or acquiescence to, sexual advances; conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment; or retaliation against an employee for complaining about the behaviors described above.

B. What the Town Will Do If It Learns of Possible Sexual Harassment

In the event this employer 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. The Town is committed, and required by law, to take action if it learns of potential sexual harassment, even if the aggrieved employee does not wish to formally file a complaint. Employees who violate this policy will be subject to disciplinary action up to and including discharge.

C. What You Should Do If You Believe You Have Been Harassed

An employee subject to such harassment is encouraged to report it before it becomes severe or pervasive; he/she shall notify any member of the Selectboard. A prompt, thorough and impartial investigation will be conducted and employee confidentiality will be protected to the extent possible. If it is determined that unlawful sexual harassment has occurred, the Town will take immediate and appropriate corrective action.

Employees may also contact the State of Vermont Attorney General's Office, 109 State Street, Montpelier, tel: (802) 828-3171, or the federal Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA, 02214, tel: (617) 565-3200.

14. Prohibition of Harassment

The Town will not tolerate unlawful harassment based on race, sex, religion, national origin, age, disability, color, ancestry, place of birth, or sexual orientation or any other protected status defined by applicable 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. Further, the Town will address complaints regarding harassment committed in the workplace by employees against non-employees and committed by non-employees (such as vendors, customers, board members, and other workplace visitors) against employees to the extent possible.

A. Definition:

Unlawful harassment is a form of discrimination based on membership in a classification protected by law. It involves behaviors that are viewed as offensive or harassing. Examples of harassment include the following: insulting comments of a sexual, racial, or religious nature or references to an individual's age, sexual orientation or disability; aggressive bullying behaviors; inappropriate physical contact or gestures, physical assaults or contact that substantially interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment; retaliation against an employee for complaining about the behaviors described above or for participating in an investigation of a complaint of harassment.

B. What the Town Will Do If It Learns of Possible Harassment

Employees who violate this policy will be subject to disciplinary action, up to and including discharge. An employee subject to harassment is encouraged to report it before it becomes severe or pervasive. He/she shall notify any member of the Selectboard. A prompt, thorough and impartial investigation will be conducted and employee 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.

Employees may also contact the State of Vermont Attorney General's Office, 109 State Street, Montpelier, tel: (802) 828-3171, or the federal Equal Employment Opportunity Commission, JFK Federal Building, 1 Congress Street, Boston, MA, 02214, tel: (617)565-3200.

15. Physical Examination

All prospective employees, including current employees being promoted or transferred to a new position, but not including temporary employees may be required to undergo a physical examination at the expense of the municipality after a conditional 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 essential functions of the job with reasonable accommodations, if necessary. The specific criteria will be determined by the Selectboard, but will be based on the specific requirements of the essential functions of the job.

Any employee performing safety-sensitive functions and/or holding a Commercial Drivers' License may be required to have a physical exam at the expense of the Town at least every year at the discretion of the Selectboard. The Selectboard also may require a physical exam any time there exists a documented health concern about the ability of an employee to safely perform his or her duties.

16. Safety Equipment Policy

Employees will use appropriate safety equipment for the job they are assigned. Such equipment may include but is not limited to high visibility clothing, hard hats, chainsaw helmets and chaps, safety goggles, ear protection, and steel toed boots.

The Town will provide a \$100 allowance toward an employee's purchase of OSHA approved steel toed boots. The Town will pay reasonable costs of annual eye exams for full time road crew employees.

17. Drug Testing

In accordance with the Omnibus Transportation Employee Testing Act of 1991 all Town employees who are required to hold a Commercial Drivers' License shall be subject to pre-employment and regular random drug and alcohol testing in accordance with Department of Transportation procedures.

Employees who are found to be using illegal drugs or alcohol on the job may be subject to immediate dismissal.

An employee required to possess a valid driver's license (including a CDL) must notify his or her supervisor immediately if his or her driver's license is suspended or revoked.

18. Drug-Free Workplace

Town employees are prohibited from the unlawful manufacture, distribution, dispensation, possession or use of illicit drugs or from drinking or keeping alcoholic beverages in the workplace. Illicit drugs are identified in Schedules I through V of Section 202 of the Controlled Substances Act and as further defined by Regulation 21 CFR 1300.11 through 1300.15. Employees will be made aware of the availability of substance abuse programs available within the community or through their insurance program. Employees with substance abuse problems are encouraged to seek help at the earliest stages.

19. Tobacco Products

Employees of the Town will not use tobacco products inside any town building or Town-owned vehicle.

20. Injury Reporting and Administrative Requirements

An employee injured on the job must report the incident/accident immediately to their supervisor, and in his absence, to the Clerk of the Selectboard, or in his/her absence any member of the Selectboard. *Even small accidents must be reported.* The supervisor must file the "Employee's Claim and Employer First Report of Injury" form with the Vermont Department of Labor and the Town's Workers' Compensation carrier within 72 hours of any accident. The carrier will then conduct an investigation to determine whether the accident is compensable. Employees are required to cooperate in any such investigation.

An employee who requires leave from work as the result of a work-related injury shall request sick or vacation leave pursuant to this Personnel Policy. As the Town employs less than 10 employees who work at least 15 hours per week, the Town is not

obligated by law to provide reinstatement or protection of seniority and protection of benefits as provided in 21 V.S.A. § 643b, though the Selectboard may choose to do so as conditions permit.

In accordance with federal and state law, the Town will make reasonable accommodations to return a disabled employee to his/her former position or placement within an available similar position. Alternate work arrangements such as temporary job reassignment or light duty restrictions may be considered.

Depending on the nature and severity of an employee's injury, Workers' Compensation will cover all reasonably necessary medical services and supplies related to an on-the job injury or occupational disease. Additionally, while recovering from a work-related injury, an employee may be entitled to either temporary total disability compensation or temporary partial disability compensation.

Workers' Compensation payments commence following the third day of disability. If the disability continues after the third day for a period of seven consecutive calendar days or more, compensation shall be paid for the whole period of the disability, including the first three days. Workers' Compensation benefits will continue until an injured employee reaches a medical end.

The Town reserves the right to require an independent medical examination (IME) and/or doctor's certificate at any time, at the Town's expense. The employee shall have the right to have a physician present at such examination, paid for by the employee. Refusal to cooperate with an IME may jeopardize coverage of additional benefits. Medical benefit payments are subject to approval by the Town's Workers' Compensation carrier.

If, as a result of an employee's injury, he/she is unable to return to his/her pre-injury job, he/she may be entitled to vocational rehabilitation assistance to assist in finding suitable alternative employment as provided in 21 V.S.A. section 631.

21. Prohibition of Discrimination

In consideration of state law, the Town of Peacham will accept all applications for employment, regardless of whether such applicant has asserted a claim for workers' compensation benefits under this chapter or under the law of any state or of the United States. Nevertheless, the Town will not employ an applicant unless the applicant meets the qualifications for the position sought. See 21 V.S.A. § 710.

No supervisor or employee with supervisory authority shall discharge from employment or discriminate against an employee because such an employee has asserted a claim for benefits under 21 V.S.A. § 710 or under the law of any state or of the United States.

Employees may report alleged violations of this policy to the Town of Peacham Selectboard, which will review and investigate potential violations. Employees who are shown to have violated this policy will be disciplined or discharged. Additionally, employees who believe they have been discriminated against or illegally discharged may contact the Vermont Attorney General's Office by telephone at (802) 828-3171.

22. Proof of Citizenship

All new municipal 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. Likewise, any new employee shall complete an IRS W-4 form, including their social security number.

23. Performance Evaluation

The Town may choose to conduct performance evaluations. If the Town conducts such evaluations, it may do so in any manner and at any time it chooses. The Town may conduct evaluations for any purpose it chooses, including for disciplinary reasons or for determining employee pay. At their discretion, the Selectboard may award bonus compensation for extraordinary performance or the performance of duties beyond the scope of an employee's job description. In the event the Town chooses disciplinary measures, such measures shall not be interpreted to establish precedent for future responses.

24. Town Computers

As Town computers are property of the Town, employees shall have no expectation of privacy in their use of such computers. Town computers and related hard drives, servers, backup disks, tapes, and other storage media may be searched at any time with no notice for any reason or for no reason whatsoever.

25. Employee Discipline

The Town of Peacham has adopted a progressive discipline process to identify and address employee and employment-related problems. The Town's progressive discipline process applies to any and all employee conduct that the Town in its sole discretion, determines must be addressed by discipline.

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

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

The Town also retains the right to unilaterally eliminate positions or reduce the work hours of a position or positions 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.

The Town will normally adhere to the following progressive disciplinary process, but reserves the right to bypass any or all steps of progressive discipline when it determines, in its sole discretion, that deviation from the process is warranted: (1) verbal warning; (2) written warning; (3) suspension (with or without pay); and (4) termination.

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

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

26. Employee Termination Process

The Town of Peacham has adopted an employment termination process. Most often, employee conduct that warrants termination results from unacceptable behavior,

poor performance, or violation of the Town's policies, practices, or procedures. However, termination may result from conduct that falls outside of those identified areas. The Town need not utilize this termination process but may take whatever action it deems necessary to address the issue at hand.

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

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 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 the employee's supervisor.

At the pre-termination meeting, the employee will be afforded an opportunity to present the employee's response to the reasons for termination. If the employee declines to attend the pre-termination meeting, the employee may submit 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, the supervisor will provide the employee with a written notice informing the employee whether he/she has 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 of such request to the supervisor within seven 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 his or her right to be represented by counsel, to present and cross-examine witnesses and to offer supporting documents and evidence.

At the post-termination hearing, the employee will be afforded the opportunity to address the basis for termination by hearing and examining the evidence presented against the employee, cross-examining witnesses and presenting evidence on the employee's behalf. The Selectboard will make such determinations as may be necessary in the event of evidentiary objections or disputes. When the hearing is adjourned, the Selectboard, under the authority granted by 1 V.S.A. § 312(e), will consider the evidence presented in the hearing in deliberative session.

The Selectboard will render a written decision within fourteen days after close of the hearing, unless otherwise agreed upon by the parties.

Addendum A

Employee's Acknowledgement

I, _____, acknowledge that:

- A. I received a copy of the Town's Personnel Policy (as last amended _____, 2022);
- B. I understand I may ask questions of my supervisor about the policy and am entitled to receive satisfactory information in response to my questions;
- C. I understand that the language used in this personnel policy should not be construed to create a contract of employment between myself and the Town;
- D. I acknowledge that the Town reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or none at all, in whole or in part, at any time, with or without notice;

Employee's Signature

Date