

PERSONNEL POLICY TOWN OF NEW HAVEN

Purpose:

The mission of the Town of New Haven is to provide the highest quality town services to its citizens. The Town is committed to maintaining fair and equitable personnel policies for all Town employees, and to do so in accordance with all applicable Federal and State Laws.

The Town's personnel policies will reflect the belief that its workforce is made up of considerate, highly motivated and committed employees who strive to meet the Town's goals of providing high-quality municipal services.

Each employee is expected to be fully familiar with the policies contained in the personnel policy as soon as possible after hire and to maintain awareness of any policy changes (each employee will receive policy changes).

The Town regards all personnel as public employees who are governed by high ideals of honor and integrity in all public and personal conduct so as to merit the trust and confidence of the general public and co-workers.

Section 1: Title and Authority

This policy shall be known as the Town of New Haven personnel policy. It has been adopted by the Town of New Haven Selectboard pursuant to 24 V.S.A. §§ 1121 and 1122.

This personnel policy does not constitute a contract of employment. Employment with the Town is at will and not for any definite period or succession of periods of time, except elected officials or personnel whose term of employment is otherwise established by statute. The Selectboard reserves the right to amend any of the provisions of this personnel policy for any reason and at any time, with or without notice.

This personnel policy will be administered by the Selectboard, Town Administrator or its authorized representative.

Section 2: Persons Covered

For the purposes of this policy, a full-time employee is an employee who works at least 30 hours and a part-time employee is an individual who works less than 30 hours. The full time Road Crew and the Town Administrator shall work a minimum of 40 hours per week. This policy applies to full-time and part-time employees who work on a regular and continuing basis. Elected Officials working a minimum of 30 hours per week (or a combination of positions totaling 30 hours per week) shall be eligible for the benefits available to regular employees.

The Selectboard and Town Administrator will annually evaluate and negotiate a contract or agreement which establishes the compensation and expectations for hours worked, work to be completed, vacation and holidays to be observed for salaried employees.

With the following exceptions:

Elected officers and their statutory assistants, members of Town boards and commissions, volunteers, seasonal (one who works less than 120 days per year) and temporary employees. Persons who provide the Town with services on a contract basis are not covered by this policy.

Section 3: Equal Employment Opportunity

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

Section 4: Probationary Period

All new employees will be required to complete a 6-month probationary period. The purpose of this probationary period is to determine whether the employee is suited for the job. The Selectboard or Town Administrator will do a 3 and 6-month review of the probationary employee. During the probationary period, an employee may be terminated at any time at the sole discretion of the Town. Notwithstanding any other provision of this policy, an employee terminated during the probationary period will have no right to appeal such termination. During the probationary period, a probationary employee will not be eligible for benefits during the first 3 months including but not limited to health insurance, holiday pay, or vacation pay, except as required by law. The following holidays may be observed during the probationary period: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.

Section 5: 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 and other employees.

All employees are expected to faithfully execute the duties and responsibilities of their office to the best of their ability and in compliance with the provisions of this personnel policy.

Section 6: Hours of Service

Regular work hours for persons employed at the Town Office will be as determined by the Selectboard, unless otherwise determined in Statute.

The full time Road Crew and Town Administrator shall work 40 hours per week, not including lunch. Up to 30 minutes of break time maybe taken during an 8-hour workday. The regular work hours for the road crew shall be set by the Road Commissioner with the approval of the Selectboard. Regular work hours may be changed to accommodate projects, weather, or other circumstances, including limiting overtime when possible. Employees may be expected to work additional hours that may exceed forty hours in a week, as circumstances require. Employees may also be called in on an as needed basis. A Road Crew member who is called in for an "issue" will be considered to have worked a minimum of 2 hours regardless of how long it takes to deal with the issue.

All employees are expected to be in attendance during regular work hours. 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 or, if they have no supervision, a co-worker as soon as possible.

Section 7: Gratuities and Gifts

Employees may not directly or indirectly ask, demand, exact, solicit, accept, or receive a gift, gratuity, act, or promise beneficial to that individual, or another, which could influence any action or inaction associated with their official duties on behalf of the Town, or create the appearance of impropriety in connection with any actions or inactions associated with their official duties on behalf of the town. Small gifts of appreciation under \$20.00 are acceptable.

Section 8: Conflicts of Interest

Every employee of the Town shall carry out his or her job in a way that ensures that neither the individual employee nor any other employee of the municipality will gain a personal or financial advantage from his or her work for the municipality so that the public trust will be preserved. All decisions made by municipal employees

shall be made based on the best interest of the community rather than the interests of any particular individual or employee.

An employee shall not participate in any official action if he or she has a conflict of interest in the matter under consideration. A "conflict of interest" shall mean a direct or indirect personal or financial interest of the employee, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother- or sister-in-law, business associate, employer or employee, in the outcome of a cause, proceeding, application, or any other matter pending before the employee or before the municipality.

An employee shall not personally, or through any member of his or her 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 municipality.

Section 9: Outside Employment

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

A conflict of interest means a direct or indirect personal or financial interest of an employee, his or her close relative, household member, business associate, 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.

Section 10: Political Activity

No employee may use his or her 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, including exhibiting political buttons, signs, etc.

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 these views are clearly articulated as being those of the individual and not of the Town, and these activities do not interfere with the individual's ability to effectively perform his or her duties and take place or are expressed during non-working hours. Nor is this personnel policy to be construed from 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 where a close relative is responsible for supervising or evaluating the work performance of another close relative 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 supervision 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.

Section 12: Alcohol and Drug Use

Working under the influence of alcohol or drugs is strictly prohibited, unless the drug is prescribed and used in the manner prescribed by a duly licensed physician or dentist. Employees may be required to submit to random drug screening as required for maintenance of CDLs, or upon reasonable suspicion of drug use.

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 in all publicly owned buildings, offices and enclosed areas, and in all Town vehicles, including the use of e-cigarettes and vaping.

Section 14: Performance Evaluations

Employees may be subject to job performance evaluations at such times and in such manner as the Selectboard, Town Administrator or an authorized representative deems reasonable. The results of such evaluations will be submitted to the employee, the employee's supervisor, and the Selectboard and will become a part of the employee's personnel file. The Selectboard or Town Administrator will review job descriptions and devise an evaluation form for the purpose of performance evaluations.

Section 15: Personnel Records

Personnel records will be maintained for each employee of the Town. In accordance with Vermont's Public Records Law, any employee or the employee's designated representative may inspect or copy his or her personnel file at a mutually agreeable time during regular office hours. The Town reserves the right to have its representative present at the time its files are examined or copied.

Section 16: Use of Town and Personal Equipment

The use of Town equipment or property for personal use is strictly prohibited. Use of personal tools and equipment is discouraged. The Town is not responsible for any damage or replacement of the personal equipment if it is lost or damaged.

If Town employees use their personal vehicles on Town business, they shall be reimbursed for mileage at the Federal rate unless otherwise determined by the Selectboard for each year during the budgeting process. Proof of insurance will be provided to the Town on an annual basis prior to use of a personal vehicle. No reimbursement will be made for mileage commuting to or from home to the Town offices or Town garage.

Section 17: Use of Town Computer System

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 regarding anything created, sent or received on the Town computer system. The Town may monitor any and all computer transactions, communications and transmissions to ensure compliance with this policy and to evaluate 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 explicit prior 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 operating 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.

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 uses of the Town computer system which are prohibited:

- 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 web sites and news groups, that are inappropriate in a business setting;
- Any other use that may compromise the integrity of the Town and its business in any way.

E-mail messages that are intended to be temporary, non-substantive communications may be routinely discarded. However, employees must recognize that e-mails sent, received, or stored on the Town computer system are subject to Vermont's Public Records Law and may be covered by the State of Vermont's retention schedule for municipal records.

For purposes of this section, computer system means all computer-related components and equipment including, but not limited to, host computers, file servers, workstation terminals, laptops, e-pads, notebooks, software, 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.

In addition, employees and volunteers must recognize that under the Vermont Supreme Court case *Brady C. Toensing v the Attorney General of Vermont* (No 2017-090) all communications through all electronic devices pertaining to Town business are subject to the Public Records Law and may be open to inspection.

Section 18: Eligibility for Benefits

The Town offers the following group insurance programs for the benefit of its eligible full-time employees:

- Health Insurance
- Dental Insurance

Employees of the Town who are regularly scheduled to work 30 hours or more are entitled to participate in the health and dental insurance programs. The Town will pay 100% of the cost of individual coverage for the Dental Insurance offered by the Town. Employees will be responsible for 7% contribution toward their Platinum Plan health insurance. If an eligible employee (after the probationary period) declines insurance from the Town due to coverage from another policy, the Town will pay \$5,000 in extra compensation in lieu of insurance coverage, to be prorated in the year of hire and paid monthly (Proof of coverage must be provided to the Town). If an employee is eligible for Medicare, the Town will pay for supplemental health insurance coverage up to but not exceeding the amount it pays for employees on the Town insurance plan. Vision insurance is available to employees at their own expense. Employees and their families may also be eligible for extended health insurance benefits pursuant to COBRA in the event of eligible family status changes and/or termination.

The Town reserves the right to change insurance carriers, or to add, delete or amend insurance 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.

An employee who earns at least \$5,000.00 in compensation during any 2 preceding calendar years and is expected to receive \$5,000.00 during the calendar year may participate in the Simple IRA Plan. The Selectboard will match up to a 3% contribution.

The Town will reimburse a full time Road Crew employee for a CDL exam when necessary.

Section 19: Worker's Compensation

The Town maintains Worker's Compensation benefits for Town employees. An employee must immediately report all work-related injuries to his or her supervisor. Failure to report such injuries may result in a delay or loss of Worker's Compensation benefits. Worker's Compensation reports and claims must be given to the Town Administrator for submission to the insurance company and for appropriate follow-up. This report must include the completion of a First Report of Injury form.

Section 20: Holiday Leave

Full-time employees will receive paid leave for the number of hours they are regularly scheduled to work, not including seasonal employees, for the following holidays:

- New Year's Day (January 1)
- Martin Luther King Jr.'s Birthday (3rd Monday in January)
- Presidents Day (3rd Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Bennington Battle Day (August 16)
- Labor Day (1st Monday in September)
- Indigenous Peoples Day (second Monday in October)
- Veterans' Day (November 11)
- Thanksgiving Day & Friday after Thanksgiving
- Christmas Day (December 25)

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

An employee who is required to work on a holiday will be compensated at the rate of one and one-half times the employee's regular rate of pay.

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

Employees will receive holiday pay at the employee's regular rate of pay. Full-time employees accrue vacation time on a monthly basis. The following annual rates of accrual are based on a 40-hour work week and prorated based on an employee's regularly scheduled hours.

Every full-time permanent employee shall accrue the following amounts of annual vacation leave: An increase in the annual rate of accrual will be based on an employee's anniversary date and will be paid at the employees' current rate of pay.

When a full-time employee has worked for six months, he/she shall be entitled to five days (actual hours to be based on a regular workday) of paid vacation. 2.5 days of this vacation leave shall be deemed to have been accrued during the first six months of employment (and thus can be used immediately), and 2.5 days shall accrue during the remainder of the year. During the second through fifth years, employees shall be entitled to 10 days per year, accruing at the rate of .8 day per month. After five years, employees shall receive 15 days of vacation per year, accruing at the rate of 1.25 days per month.

A vacation is for relaxation and to get away from the daily routine. For this reason, unless there are special circumstances and approval is given, an employee is expected to take a vacation. Vacations must be used within the calendar year unless prior arrangements are made with the Selectboard. An employee will be allowed to carry 5 days of accrued vacation time into the next year.

An employee who resigns from employment with the Town will be compensated for unused accrued vacation pay for that year, provided that the employee gives at least two weeks written notice of the resignation.

Section 21: Sick & Personal Leave

Sick Leave - Full-time employees will accrue 6 days of paid sick leave per year. An employee may use sick leave for an illness or injury that prevents the employee from performing the employee's job duties.

Effective January 1, 2018, part-time employees who are over 18 years old, work 18 or more hours per week, and expect to work more than 20 weeks in a 12-month period, shall accrue 1 hour of paid sick leave for every 52 hours worked. The accrual shall begin with the first day of work. The maximum accrual shall be 40 hours per year.

Paid sick leave may only be used for:

- Employee is sick or injured.
- Employee obtains professional diagnostic, preventive, routine, or therapeutic health care.
- Employee cares for a sick or injured parent, grandparent, spouse, child, sibling, parent-in-law, grandchild, or foster child, including obtaining professional diagnostic, preventive, routine, or therapeutic health care.
- Employee is arranging for social or legal services or obtaining medical care or counseling or the employee or for his/her parent, grandparent, spouse, child, sibling, parent-in-law, grandchild, or foster child who is a victim of domestic violence, sexual assault or stalking or who is relocating as a result of domestic violence, sexual assault or stalking as defined in 15 VSA 1151.
- Employee cares for a grandparent, spouse, child, sibling, 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 other reasons as approved by the employee's supervisor.

Personal Leave - An employee may also take up to 3 days of personal paid leave per year.

In accordance with the Vermont Short Term Family Leave Law, eligible employees may be entitled to take unpaid leave not to exceed four hours in any thirty-day period and not to exceed twenty-four hours in any twelve-month period for the following purposes:

- To participate in preschool or school activities directly related to the academic educational advancement of the employee's child, stepchild, foster child, or ward;
- To attend or accompany the employee's child or other family member 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 family member.

The Town may require that leave be taken in a minimum of two-hour segments. At the option of the employee, accrued paid leave may be used. An employee shall make a reasonable attempt to schedule appointments for which leave may be taken 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 the case of an emergency.

Full-time employees will receive sick and personal leave pay at the employee's regular rate of pay. Part-time employees regularly scheduled to work at least 30 hours per week will receive prorated personal leave pay based on the number of hours the employee is regularly scheduled to work in a week.

Employees may carry a maximum of 5 paid sick leave days (40 hours) forward to the next year. An employee will not be compensated for unused sick leave. Personal leave may not be carried over.

Upon separation from employment, an employee will not be compensated for unused paid sick leave and unused personal leave.

Section 22: Parental and Family Leave

Eligible employees may receive leave as described in the Family and Medical Leave Act (FMLA) and the Vermont Parental and Family Leave Act (PFLA). These federal and state laws will determine employee eligibility, the qualifying reasons for such leave and the length of leave.

The Town reserves the right to designate any qualifying leave of absence granted under this policy as leave under FMLA or the PFLA. Where an employee's leave request is covered by the PFLA 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 PFLA and FMLA, the leave periods will run concurrently.

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

Section 23: Leave of Absence Without Pay

All 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 Selectboard 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.

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 the payment schedule established by the Town. Other employee benefits (e.g. sick leave, vacation, etc.) will not accrue during the unpaid leave period.

Section 24: 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 25: Jury Leave

The Town will compensate employees for their service as jurors or witnesses. In accordance with 24 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 26: Overtime and Compensatory Time Off

In accordance with the federal Fair Labor Standards Act, the Town compensates all non-exempt 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.

There will be times when the road crew will be required to work longer than their scheduled time. Under these circumstances, employees may be asked to take the additional hours off later during the same pay period, workload permitting, or be paid "overtime" for the additional hours worked.

Section 27: 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, 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 also unlawful to retaliate against employees or applicants who have alleged employment discrimination.

Examples of harassment include the following: insulting comments or references based on a person's race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, veteran status, disability, sexual orientation, ancestry, HIV status, place of birth; 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 for participating in an investigation of a complaint of harassment.

Petty slights, annoyances, and isolated incidents (unless serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

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, 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 individual who believes that he or she has been the target of this type of harassment, or who believes he or she has 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 contact: Any member of the Selectboard

Once the Town receives a complaint of harassment, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. If harassment is found to have occurred, the Town will take appropriate action, ranging from a verbal warning up to and including dismissal.

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

Vermont Attorney General's Office Civil Rights Unit

109 State Street

Montpelier, VT 05609-1001

Tel: (802) 828-3171 (voice) (802) 828-3665 (TTY) Email: 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: (800) 669-4000(voice), (800) 669-6820 (TODD) (844) 234-5122 (ASL Video) Online: www.ccoc.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 28: 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 have the right to work without being subjected to insulting, degrading or exploitative treatment on the basis of their gender. 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. § 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.

Examples of sexual harassment include, but are not limited to, the following when such instances or behavior come within one of the above definitions:

- either 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 he/she is 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;
- retaliation of any kind 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.);
- derogatory or provoking remarks about or relating to an employee's sex;
- harassing acts or behavior directed against a person on the basis of his or her sex;
- off-duty conduct which falls within the above definition and affects the work environment.

It is also unlawful to retaliate against employees for filing a complaint of sexual harassment or for cooperating in an investigation of sexual harassment.

Any individual who believes that she or he has been the target of sexual harassment, or who believes she or he has 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 sexual harassment should contact: Any member of the Selectboard

Once the Town receives a complaint of sexual harassment, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. If sexual harassment is found to have occurred, the Town will take appropriate action, ranging from a verbal warning up to and including dismissal.

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

Vermont Attorney General's Office Civil Rights Unit
109 State Street
Montpelier, VT 05609-1001
Tel: (802) 828-3171 (voice) (802) 828-3665 (TTY) Email: 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: (800) 669-4000(voice), (800) 669-6820 (TODD) (844) 234-5122 (ASL Video) Online: www.ccoc.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 29: Employee Discipline

The Town of New Haven 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.

The progressive discipline process does not apply to elected officials and their statutory assistants. However, an elected official may choose to follow the requirements of this policy for discipline and termination of his or her statutory assistants. A statutory assistant means an individual appointed to his or her position by an elected officer of the Town having express statutory authority to appoint an assistant. Statutory assistants include the assistant clerk and the assistant treasurer.

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, reorganization or reclassification of positions resulting in the elimination of a position or for other related reasons.

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

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; 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.

- Refusing to do assigned work or failing to carry out the reasonable assignments from a superior or the Selectboard.
- Being inattentive to duty, including sleeping on the job.
- Falsifying a timecard 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.
- Willful violation of Town rules or policies.

Section 30: Employee Termination Process

Because the State of Vermont is an "at will" State. The Town or the employee may terminate employment at any time, with or without notice.

In most cases the adopted termination process will be followed.

The Town of New Haven 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, 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 a written notice. The notice will contain a brief statement of the reason's termination is being considered and the date, time and place of a pre-termination meeting with two members of the Selectboard.

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 written response to the pre-termination notice not later than the scheduled date of the meeting.

Within seven days of the date of the meeting, the two members of the Selectboard 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 full Selectboard by giving written notice of such request to the Selectboard 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. The notice will also inform the employee of his or her right to have the hearing conducted in executive session in accordance with 1 V.S.A. § 313.

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 his/her 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. § 313(e), will consider the evidence presented in the hearing in deliberative session.

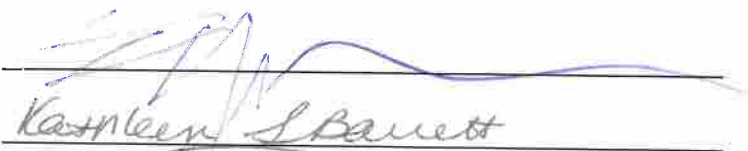
The Selectboard will render a written decision within fourteen days after close of the hearing, unless otherwise agreed upon by the parties.


Section 31: Severability

If any provision of this personnel policy or the application hereof to any person or a circumstance(s) is held invalid, this invalidity does not affect other provisions or applications of the personnel rules which can be given effect without the invalid provision or application. For this purpose, this personnel policy is severable.

Amended Policy Adopted on November 19, 2019

SIGNATURES of SELECTBOARD:


Kathleen S. Barrett



Addendum A: Personnel Acknowledgement

I, _____, acknowledge that:

- A. I received a copy of the Town's personnel policy on _____ ;
- B. I have been given an opportunity to ask questions about said policy and I have been provided with satisfactory information in response to my questions;
- 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 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;
- F. I acknowledge that I understand the Town's personnel policy and I agree that I will comply with all of its provisions.

Employee

Date