

# Personnel Policies Town of Moretown, Vermont

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## Section 1: Title and Authority

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

This personnel policy does not constitute a contract of employment. Employment with the Town of Moretown 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.

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

## Section 2: Persons Covered

This personnel policy applies to full-time and part-time employees of the Town of Moretown. Except as stated herein, elected officers and their statutory assistants, members of Town boards and commissions, volunteers, seasonal employees and persons who provide the Town with services on a contract basis are not covered by this policy. This policy does not apply to temporary or seasonal employees.

For purposes of this policy, a full-time employee is an employee who works at least 30 hours per week on a regular and continuing basis. A part-time employee is an employee who works fewer than 30 hours per week on a regular and continuing basis.

A temporary employee may work up to 40 hours a week and is paid hourly. Temporary employees are employed up to 12 months and may be extended an additional 6 months in case of emergency, e.g. recruitment difficulty, unforeseen vacancies or extended employee absence.

Seasonal employees working on an irregular basis each year, e.g. summer mowing, are paid hourly and receive no paid leave or benefits.

### **Section 3: Equal Employment Opportunity**

The policy of the Town of Moretown is to provide 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.

### **Section 4: Probationary Period**

All new employees will be required to complete a one - year 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. Notwithstanding any other provision of this policy, an employee terminated during the probationary period will have no right to appeal such termination.

### **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 and elected officials. Employees are expected to perform all duties safely whether on town property or when operating town equipment on town state and federal highways (including observing speed limits and obeying all traffic laws.)

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 hall or other town offices shall be 7 a.m. to 3 p.m., Monday through Friday, unless the Select Board agrees otherwise.

Regular work hours for the road crew shall be 7:00 a.m. to 3:30 p.m., Monday through Friday, October 1<sup>st</sup> through April 30<sup>th</sup>. May 1<sup>st</sup> through September 30<sup>th</sup>, will be four ten-hour days consisting of 6:00 a.m. to 4:30 p.m. with a half an hour allowed for lunch, unless the road foreman and the Select Board agree otherwise.

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 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 as soon as possible, but no later than 7 a.m. unless unavoidable.

### **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.

### **Section 8: 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.

Prior to accepting any outside employment, employees will disclose their intent in writing and obtain prior clearance from the Selectboard that such employment does not constitute 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 9: 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 official, 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 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 10: 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 11: Alcohol and Drug 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 a work-related event.

As a Town employee, you are prohibited from working, or presenting yourself for work, while under the influence, or severe after effects, 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 also are 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 at the workplace and/or during working 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, or during work-related events.

For the purpose 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 instructions. Controlled substances include but are not limited to the following substances: marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), barbiturates, benzodiazepine, methadone, methaqualone and propoxyphene.

Violation 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 statues. (Controlled substances may be taken pursuant to a properly issue 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 essential functions of his or her job.)
- Distributing, transferring, displaying, transporting, selling, or possessing with the intent to distribute illegal and controlled substances.
- Possessing or using drug paraphernalia except when used for legal substances and in a legally prescribed manor.
- 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.

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 by the Selectboard. The Town expects all attendees at such a function to behave in a professional manner and in accordance with the 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 work place.

The illegal use of prescription drugs is also prohibited. If an employee is legally taking a prescription drugs that affect the employee's ability to safely perform any of the essential functions of his or her job, his or her supervisor or the Selectboard will determine whether or not the employee should continue his or her functions until concern regarding safety can be addressed. Medication 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 Towns CMV Drug and Alcohol Policy.

### **Section 12: Tobacco Use including e-cigarettes**

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.

### **Section 13: Performance Evaluations**

Employees may be subject to job performance evaluations at such times and in such manner as the Select Board or its authorized representative deems reasonable. The results of such evaluations will be submitted to the employee, the employee's supervisor, the Select Board and will become a part of the employee's personnel file.

All employees are strongly encouraged to attend at least one training a year to increase their knowledge and skills relevant to their work.

### **Section 14: 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 15: Use of Town Equipment**

The use of Town equipment or property for personal use is strictly prohibited.

## **Section 16: 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. All confidential passwords shall be kept on file with the Select Board and any changes to confidential passwords shall be immediately communicated to the Select Board or to the Clerk to the Select Board. Employees shall not share passwords, or provide email/voice mail access to an unauthorized user, or access another user's email/voice mail without prior authorization. Employees shall not post, display or make easily available any systems access information, including, but not limited to, passwords, host names, addresses, etc. Employees shall not leave files, sessions, or connections open, unattended or otherwise available.

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.

Email messages that are intended to be temporary, non-substantive communications may be routinely discarded. However, employees must recognize that emails 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, 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.

### **Section 17: Eligibility for Benefits**

The town offers health insurance for full time regular employees working 30 or more hours including the Town Clerk and Town Treasurer and may include other benefits. Health insurance and short-term disability is effective on the first of the month following 30 days of employment.

Part-time employees who are regularly scheduled to work between 17 ½ hours and less than 30 hours, are eligible to receive the health insurance subject to the eligibility requirements of the insurance carrier, at the employees' full cost.

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 30 days advance notice of any change in the contribution rate.



The following benefits are provided to employees working 30 or more hours per week:

**Health Insurance:** Town pays 100% of the single plan premium for an employee and 50% of the additional premium for an employee's dependents on a 2-person or family plan.

**Health Reimbursement Account:** Town pays 100% of deductibles, copays and coinsurance for an employee and 50% of deductibles, copays and insurance for an employee's dependents.

**Short Term Disability:** Town pays 100% of an employee's premium (excludes elected officials).

All employees working 24 or more hours are also eligible to participate in a municipal retirement plan. Contributions are per rules of the Vermont Municipal Employees Retirement System.

### **Section 18: Holiday Leave**

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

- New Year's Day (January 1)
- Martin Luther King Jr. Day (3<sup>rd</sup> Monday in January)
- President's Day (3<sup>rd</sup> Monday in February)
- Town Meeting Day (1<sup>st</sup> Tuesday in March)
- Memorial Day (last Monday in May)
- Juneteenth (June 19)
- Independence Day (July 4)
- Battle of Bennington Day (August 16)
- Labor Day (1<sup>st</sup> Monday in September)
- Veteran's Day (November 11)
- Thanksgiving Day (4<sup>th</sup> Thursday in November)
- Christmas Day (December 25)

**Employees can elect to work two holidays and take two other days off after approved by their supervisor.**

Employees will receive holiday leave pay at the employee's regular rate of pay. Part-time employees will receive prorated holiday leave pay based on the number of hours the employee is regularly scheduled to work.

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

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

A non-exempt 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, for the actual hours worked in addition to the regular holiday pay compensation.

If a non-exempt employee is not required to work on a holiday, hours paid for the holiday will be counted as hours worked when determining overtime compensation.

### **Section 19: Vacation Leave**

1 year of employment	5 days (eligible after 6 months of employment)
2 – 5 years of employment	10 days per year
6 – 10 years of employment	15 days per year
11-15 years of employment	15 days per year, plus 1 day for each year of employment over 10 years <u>up to a maximum of 20 days of vacation per year.</u>

20 days is the maximum number of days of vacation leave any employee shall have per year.

After two years of employment, 3 days of vacation time may be accrued/carried to the next year.

Employees are strongly encouraged to take an annual vacation. Any unused vacation days will be forfeited. There will be no payment in lieu of vacation taken. Time off for vacation must have prior approval from the supervisor.

Full-time employees will receive vacation leave pay at the employee's regular rate of pay. Part-time employees will receive prorated vacation leave pay based on the number of hours the employee is regularly scheduled to work in a week. A day of vacation leave shall be equivalent to the average number of hours the employee is regularly scheduled to work in a day.

An employee who resigns from employment with the Town will be compensated for unused vacation leave prorated from the month in which the employee resigns, provided that the employee gives at least two weeks written notice of the resignation.

## **Section 20: Sick/Personal/Bereavement Leave**

Employees will receive 5 paid sick/personal/bereavement leave days per year. An employee may use sick leave for an illness or injury that prevents the employee from performing the employee's job duties. An employee may also use sick/personal/bereavement leave to attend the following appointments that cannot be held outside normal working hours:

- A medical appointment
- An appointment eligible for short-term family leave under the provisions of the Vermont Parental and Family Leave Act (21 V.S.A. § 472a)
- A funeral
- Any other appointments or personal business authorized in advance by the employee's supervisor.
- 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 his or her long-term care.
- The employee is arranging for a social or legal service to obtain 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 the victim of domestic violence, sexual assault, or stalking or who is relocating as a result of domestic violence, sexual assault or stalking. As used in this section, "domestic violence" and "stalking" shall have the same meanings as in 15 VSA 1151.
- The employee cares for parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, because of school or business where that individual is normally located during the employee's workday is closed for public health or safety reasons.

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

Sick/personal/bereavement leave will not be cumulative and must be approved by the supervisor.

## **Section 21: Short Term Family Leave<sup>i</sup>**

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, step-child, foster child, or ward;
- To attend or accompany the employee's child, step-child, foster child, ward, 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 child, stepchild, foster child, ward, or other family member who lives with the employee or the employee's parent, spouse or parent-in-law.

The Town may require that leave (including vacation and personal time) 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 where the required seven-day notice could have a significant adverse impact on the family member of the employee.

## **Section 22: 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 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.

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, seniority, etc.) will not accrue during the unpaid leave period.

## **Section 23: 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 24: Jury Leave**

The Town will compensate employees at their regular rate of pay for the services 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.

If a town employee is called to service as a juror or witness on a scheduled work day the town will compensate the employee their regular rate of pay up to but not exceeding their scheduled hours for that day.

### **Section 25: Salary Loans**

The Town recognizes that employees may have a rare or extraordinary need to receive a short-term loan against their future earnings. While the Town does not encourage this practice, it does allow for it under the following conditions:

1. The employee or the employee's supervisor must come before the Selectboard to request the salary loan. As with all personnel issues, the Selectboard may go into executive session with the employee to discuss the request. Any action taken will be in open session. The Selectboard reserves the right to deny a request for any reason.
2. Once a request is approved, the employee must sign a Salary Loan Contract, which indicates the amount of the loan and repayment amounts. No monies will be released by the Treasurer without a signed contract on file.
3. Loan amounts should not exceed the gross base salary earned in one typical pay period. Approved salary loans must be paid back in full within one calendar year of the disbursement. Bimonthly payments will be automatically deducted from the employee's future pay. These payments will begin on the first pay period following the disbursement of the loan.

### **Section 26: Overtime**

In accordance with the Fair Labor Standards Act, the Town compensates all employees eligible for overtime at the rate of one and one-half hours for each hour actually worked in excess of forty hours in any workweek. Employees employed in executive, administrative or professional capacities as defined by the FLSA are exempt from this requirement.

Any overtime should be worked only due to extreme conditions and must be approved by a supervisor.

In accordance with the federal Fair Labor Standards Act, the Town compensates full time employees at the rate of one and one-half hours for each hour actually worked in excess of forty hours in any workweek. Sick time, and vacation time does not count as hours worked for purpose of calculating overtime.

## **Section 27: Employment 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 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, and any other category protected by state or federal law. It is also unlawful to retaliate against employees or applicants who have alleged employment discrimination.

Employees are encouraged to bring any complaints alleging unlawful discrimination to the attention of the employee's Select Board or his/her designee who will arrange a meeting to discuss the matter. If the Town receives a complaint, be sure to contact PACIF do you can get free legal assistance through EPL Referral Program. The meeting will take place as soon as reasonably possible, but in no case later than seven calendar days from receipt of notification. If the Supervisor or his/her designee is unable to resolve the matter during this meeting, the aggrieved party may submit to the Selectboard or his/her designee a written, signed complaint within seven additional calendar days. The Selectboard or his/her designee will then have an additional fifteen calendar days in which to conduct an investigation and to issue a report with recommendations to the Selectboard. The Selectboard will, within ten calendar days, notify the aggrieved part of its decision.

## **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:

Town Of Moretown  
79 School St, Moretown, Vt 05660  
Tel: (802) 882-8219  
[mselectboard@moretownvt.net](mailto:mselectboard@moretownvt.net)  
[tjmar106@gmail.com](mailto:tjmar106@gmail.com)

OR

Tom Martin  
Selectboard Chair  
Tel: (802) 343-8123

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)  
(888) 745-9195 (toll free VT)  
(802) 828-3665 (TTY)  
Fax: (802) 828-2154  
Email: [afo.civilrights@vermont.gov](mailto:afo.civilrights@vermont.gov)  
<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 (Voice)  
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 29: Employee Discipline**

The Town of Moretown 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 officers and their statutory assistants. However, an elected officer 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 of a Supervisor or 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.
- Willful violation of Town rules or policies.

### **Section 30: Employee Termination Process**

The Town of Moretown 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 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 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 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 select board 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 select board. 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 of 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 select board 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 Select Board will render a written decision within fourteen days after close of the hearing, unless otherwise agreed upon by the parties.

**Section 31: Severability**

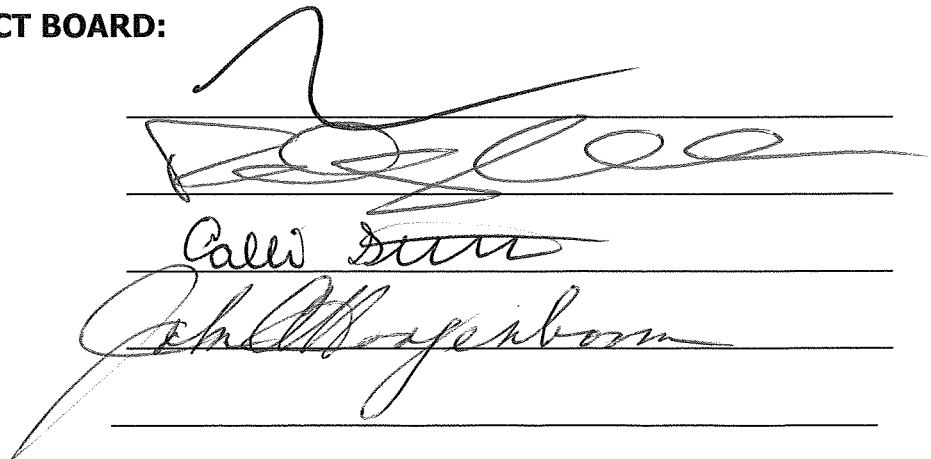
If any provision of this personnel policy or the application hereof to any person or a circumstance(s) is held invalid, this invalidity does not affect other provisions or applications of the personnel rules which can be given effect without the invalid provision or application. For this purpose, this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

Town of Moretown Personnel Policies

ADOPTED 30th day of March, 2009

ADOPTED AS REVISED this 5<sup>th</sup> day of June, 2023.

**SIGNATURES of SELECT BOARD:**



The image shows three handwritten signatures in black ink, each written over a horizontal line. The first signature is a stylized, cursive 'M'. The second signature is 'Calle' followed by a cursive name. The third signature is 'John Hoyerborn' in a cursive script.