Town of Shelburne, Vermont

PERSONNEL MANUAL

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By: The Shelburne Selectboard

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ARTICLE I
PERSONNEL GUIDELINES

1.1 INTRODUCTION

Welcome to the Town of Shelburne! Our Town is dedicated to providing efficient, quality, and economical municipal services to the citizens of our community. The Town organization is committed to providing high quality services and expects each employee to be courteous, friendly and helpful to all citizens, work cooperatively with other employees as a part of a team, care about your work, and to help foster a productive and supportive working environment. We are depending on you, as an employee, to help us continue to provide these quality services. The best way to accomplish these goals is working together with mutual respect and friendly cooperation.

The Town of Shelburne believes that our employees are our greatest asset and our best investment. We strive to provide a safe, pleasant, and enjoyable atmosphere in which to work, and one in which the skills, abilities and creativity of individual employees can flourish. We attempt to provide outstanding incentives and rewards in the form of monetary compensation, fringe benefits, pleasant working conditions, and flexibility in meeting the needs of employees within the context of serving the community. Our ultimate goal is to provide an outstanding place to work and an organization that consistently provides excellent services to the community.

Our employees are important to us. It is also important that employees recognize their commitment to providing service to the Community, and be prepared to provide services in the most effective, efficient and courteous manner possible. Employees should work together as a team, both within individual departments and among the various departments.

Please read this manual carefully. Feel free to offer suggestions, comments and ideas as to how it might be improved. Thank you for your dedication to the organization and the community!

1.2 DEFINITIONS

Unless otherwise provided, the following definitions shall apply to these rules and regulations:

Abandonment

The unexplained and unexcused absence of an employee for three (3) consecutive work days.

Compensatory Time

Leave given to employees at their customary rate of pay, or a payment of wages in lieu thereof, as compensation for overtime work.

Customary Hourly Rate

An employee's salary divided by 52 weeks rate and then divided by the customary hours worked.

Department Heads

The heads of all Town departments.

Exempt Employees

Those employees not subject to the provisions of the Fair Labor Standards Act.

Non-Exempt Employees

Those employees subject to the Employees provisions of the Fair Labor Standards Act.

Fair Labor Standards Act

The Fair Labor Standards Act.

Financial Interest

Any interest which may yield, directly or indirectly, a monetary or other material benefit (other than Town salary or compensation for services) to a Town agent or to any person employing or retaining the services of a Town agent.

Full-time Employee

Any employee that works a minimum of 30 hours a week. Or employment as determined by the Town Manager and Board of Selectmen.

Retirement

Voluntary termination of Town service by an employee at age 65 or more, or at age 62 subsequent to at least twenty (20) years of Town service, or as otherwise determined by the Vermont Municipal Employees Retirement System.

Temporary Employee

Any employee hired by the Town for a fixed term of service. These employees receive no benefits beyond regular pay, workers compensation, and unemployment insurance as required by law.

Town Agents

Any Town employee, officer, or member of a Town Board or Commission.

Work Period

The work period shall be the same as the pay period for each employee.

1.3 PURPOSE

The purpose of these personnel guidelines are: to inform employees of personnel policies of the Town of Shelburne; to establish effective communication between Town employees and management; and to insure equity in the Town's personnel administration.

Please read all of the information presented in this booklet, then keep it as a ready reference. When questions arise which are not answered in these guidelines, do not hesitate to ask your Department Head or the Town Manager for assistance.

1.4 INDIVIDUALS COVERED

Except as otherwise provided elsewhere in this document, these regulations cover all regular, temporary, part-time, full-time, probationary and incidental employees of the Town including employees appointed by the Board of Selectmen. These regulations shall not cover elected officers, appointed officers, school professionals hired on a temporary basis, members of Town Boards, Commissions, and Committees, Volunteer Fire and Rescue persons or any person who serves the Town without compensation other than reimbursement for expenses. Volunteer Fire and Rescue personnel shall be subject to Articles VI, VII, and VIII of this manual.

Immediate Family

Any employee's spouse, mother, father, sister, brother, son, daughter, grandparents, mother-in-law or father-in-law.

Part-time Incidental Employee

An employee working on a part-time basis, either on a temporary basis or as a fill in on a non-scheduled basis. These employees would receive no benefits beyond regular pay or workmen's worker's compensation, and unemployment insurance as required by law.

Pay Period

The period from one pay check to the next. Currently Thursday through Wednesday.

Pay Rate

The salary level fixed for each employee under the Town's pay plan.

Personal Interest

An interest which arises from family, Interest business or political association, whether or not any financial interest is involved.

Probationary

Any Town employee during the initial six Employee months of service, or police officer during the initial twelve months of service.

Regular Employee

Any part-time or full-time Town employee hired for an indefinite term.

Regular Part-time Employee

An employee engaged on a yearly part-time basis whose hours, though regularly scheduled, do not regularly total the required 30 hour minimum to constitute a so called full-time employee and who works a minimum of 87 hours per month or 1,040 hours per year. These employees may accrue annual leave and sick leave on a proportional basis.

1.5 ADMINISTRATIVE RESPONSIBILITY

The Town Manager has primary responsibility for administering these rules and regulations. However, each department head shall be responsible for the administration of these regulations in respect to employees of his/her department.

1.6 PERSONNEL RECORDS

a) Maintenance. The personnel records for each Town employee shall be kept in the office of the Town Manager. These records are confidential in nature and should be accessible only to the Town Manager, or designee, and the employee. Requests for specific information regarding employees shall be made to the Town Manager.

b) Release of Information. Personnel records of Town employees are considered confidential. Requests for information concerning an employee's or former employee's job history, job performance, and circumstances of job termination, and for access to personnel records other than by Town officers, employees and agents who need such access for bona fide Town purposes shall be denied, except as follows:

(1) a current employee may inspect his/her own personnel file during regular business hours; and

(2) a current employee or former employee's dates of employment and job title(s) will be provided upon request to the appropriate Town personnel; and

(3) upon receipt of a written waiver and consent to a full release of information executed by the employee or former employee, requests for further specific information will be answered by the Town.

Notwithstanding any of the above, where the privacy rights of others, or public policy interests of the Town are involved, Town Officers may exercise their discretion in limiting access to and copying of information in personnel files, even in the event of employee waiver and consent.

1.7 APPLICABLE TIME PERIODS

The accumulation of annual leave, sick leave and personal leave shall commence with the date of hire, except as otherwise provided. For all other purposes, the term "year" shall refer to the July 1 - June 30 fiscal year.

1.8 SUPPLEMENTAL POLICIES

In some instances, operations manuals and policies may need to be formulated in a specific department to cover specific circumstances unique to that department and to maintain efficient and effective operations. Departments may adopt their own operational policies, provided these policies do not conflict with this manual. These policies must be approved by the Town Manager.

ARTICLE II

EMPLOYMENT PRACTICES

2.1 VACANT POSITIONS

Whenever any vacancy occurs, or is anticipated, in any Town position, the department head shall, as soon as practicable, notify the Town Manager of that vacancy. At the time of providing said notice, the department head may suggest, as he or she deems necessary, the elimination of the vacant position, filling of the vacancy by promotion from within the department, or revision of the relevant job description.

Whenever a department head desires to create and fill a new position, he/she may submit to the Town Manager a proposed job description including suggested pay rate together with a written statement substantiating the need for the proposed position. No new position will be established without prior approval by the Town Manager and the Board of Selectmen.

2.2 TRANSFERS

The Town Manager shall have the authority to transfer a person to a different position between Town Departments without advertising.

2.3 ADVERTISING AND APPLICATION

Whenever the Town Manager deems necessary, he/she may publicly advertise any vacancy in a newspaper of general circulation within the Town. He/she may also place advertisements in one or more professional or trade journals. Such advertisement should include title of position, salary range, date of availability, and brief description of necessary skills and duties to be performed. The inclusion of the salary range shall not preclude providing the successful candidate an initial salary higher than that advertised. This may be done with the recommendation of the Town Manager and upon consent of the Selectboard. Prior to filling any position, a notice of vacancy shall be posted in appropriate locations accessible to all Town employees.

All applications for employment shall be on forms supplied by the Town Manager if available. Said forms shall include information concerning the applicant's identity, work experience, references and any other matter deemed relevant by the Town Manager. All applications shall be signed by the applicant attesting to the truth of the matters stated. Any material false statement shall be grounds for rejection of any application or dismissal from the Town's service.

Written employment applications may be rejected from any applicant:

a) Whose application clearly indicates that minimum qualifications required are not fulfilled.

b) Whose employment has been terminated from a department of the Town.

c) Who has practiced or attempted fraud or deception in any statement of fact pertinent to the application.

2.4 APPOINTMENT

Upon reviewing all applications received, and conducting interviews as appropriate, the Town Manager, together with the relevant department head, shall select for employment the applicant whose qualifications, experience and references indicate that he/she is the individual possessing the most integrity and is the person best qualified to fill the vacancy. The applicant selected shall be notified by the Town Manager or relevant Department Head and shall be given a copy of these rules and regulations. Prior to the commencement of work and final award of position, every new employee may be required to undergo a physical examination by a physician of his/her choice, the cost of which shall be paid by the Town.

All appointments shall be subject to a six (6) month probationary period, except police officers who shall serve a twelve (12) month probationary period, during which every new employee may be discharged with or without cause. During said period, the grievance procedure set forth in Section 7.2 of this manual, shall not apply and benefits shall be limited to those specifically provided for probationary employees in Article IV below.

2.5 WORK SHIFT

Each employee's work shift shall be as designated by the Town Manager and Board of Selectmen. All employees are expected to be punctual in reporting to work, and all unexpected absences shall be reported as soon as possible. An employee failing to report to work, without explanation, for three consecutive work shifts, shall be considered to have abandoned his/her position.

2.6 PROMOTIONS

Every non-probationary employee shall be eligible for promotion or transfer. All transfers and promotions shall be evaluated after a six-month period.

2.7 PERFORMANCE EVALUATIONS

The Town has a performance evaluation process whereby each employee is evaluated by his/her immediate supervisor and/or Department Head on at least an annual basis. More frequent evaluations are encouraged any may be done on a periodic basis by particular departments. The primary purpose of the evaluation is to discuss formally the performance objectives for each employee, discuss areas of strong performance and areas that may need improvement, develop a plan of action for meeting departmental and organizational objectives, and for establishing a dialogue between the employee and his/her supervisors to discuss the department, employees performance, and other related issues. The evaluation process and appropriate forms will be developed by the Town Manager.

2.8 EXIT INTERVIEW

Any employee terminating employment with the Town shall be offered the opportunity for a confidential exit interview with the Town Manager. The purpose of this interview is to give employees the opportunity to discuss their employment with the Town and offer suggestions of ways in which the organization can improve.

Any employee may resign at any time by submitting a written letter of resignation to the Department Head and the Town Manager. The employee will be asked to provide the Town with at least a two week notice.

2.9 LAYOFF

Any Town employee may be laid off whenever it is necessary to reduce the number of employees in any department because of change in the function or organization of a department, financial restrictions, changes in work demands, elimination of job categories, or related reasons. Employees so affected shall be notified ten (10) working days in advance of the action to be taken.

To the extent possible, layoffs within a department shall be made in inverse order of seniority. However, seniority shall not be the determining factor regarding layoff upon receipt by the Town Manager of a written recommendation submitted by the relevant Department Head which specifies:

a) The special contributions, skills and performance of a less senior department employee.

b) Reasons why departmental operations would be best maintained through the retention of a position filled by a less senior employee.

Recall shall be in reverse order of any layoffs. In the event that a laid off Town employee is unable to find other employment, the Town shall allow him/her to buy the current medical insurance coverage up to eighteen months at the group rate th Town pay if this arrangement does not conflict with the carrier's regulations.

2.91 TERMINATION

Upon an employee's termination of service with the Town, an employee shall be reimbursed for accrued but unexercised compensatory time and vacation time, annual leave as provided for in Article III. Salaried employees exempt from the FLSA shall not be compensated for compensatory time.

Reimbursement for annual leave shall be at the rate of pay equal to the average daily wage during the final twelve (12) months of employment. Any payment due a terminating employee in light of vested interests in the Town's retirement program shall be determined according to the terms of the retirement system.

For unused compensatory time, non-exempt employees shall be compensated at the final regular rate of pay, or the average regular rate received during the last thirty-six (36) months of employment, whichever is greater.

Upon termination or resignation, an employee will receive two checks: 1) a check for completed work week and 2) a check for total accrued [vacation time] annual leave allowed, [sick leave,] and compensatory time as applicable. However, upon mutual agreement of the terminating employee and the Town Manager, the accrued time payment may be spread out over a period of weeks.

In addition to the above provisions, employees who were employed by the Town prior to March 31, 1984, will be entitled reimbursement of up to sixty day for sick leave properly earned and not previously taken by the employee. This reimbursement shall be computed at a rate equal to the average daily wage of the employee during the final twelve (12) months of employment with the Town. No reimbursement will be given where an employee is separated from the Town by means other than retirement or resignation.

Individual employees terminating employment with the Town are entitled to continue with health care benefits under the terms of the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). Information on this option should be obtained from the Town Manager's Office.

ARTICLE III

COMPENSATION

3.1 PAY AND CLASSIFICATION PLAN

A) The Town of Shelburne has a Pay and Classification Plan which shall provide pay grade and steps to be used as guidelines for establishing pay rates for each employee. This plan is attached as Appendix A to this manual.

B) The Classification and Pay Plan shall be reviewed annually by the Town Manager. Subsequent to this review, the Town Manager may, with approval of the Board of Selectmen, make adjustments to the plan.

C) The Town Manager, with the approval of the Selectboard, shall award salary increases on an annual basis in a manner consistent with the Pay and Classification Plan. The annual salary increases shall be based on one or all of the following factors: 1) Employees past performance with the Town; 2) The length of service of an employee with the Town of Shelburne; and 3) the increase in the cost of living in the area, using generally accepted sources for determining [a] fair cost of living adjustments.

D) Employees whose positions assume more responsibility and authority during the course of a year shall have their positions evaluated by their Department Head and Town Manager. If found to be warranted, the position shall be reclassified and necessary adjustments made.

E) When new positions are created, a job description will be prepared by the Department Head and submitted to the Town Manager for classification.

F) Job descriptions shall be maintained for all Town positions. These shall be reviewed at least once every three years by the employee, Department Head, and the Town Manager to determine if each is still relevant to the position.

3.2 ADMINISTRATION

The pay plan shall be reviewed annually by the Town Manager. Adjustments may be recommended to the Selectboard by the Town Manager. All pay scales shall consider, among other items, the following: a) The length of employees' service with the Town.

3.3 OVERTIME COMPENSATION

Overtime work is authorized work performed in excess of forty (40) hours in a single work period. Compensation will be by monetary reimbursement at the rate of 1 1/2 times the employee's customary hourly rate, for those employees paid on an hourly basis.

Concerning issues of overtime compensation, Department Heads shall be responsible for ensuring compliance with the following procedures:

a) With the exception of unforeseeable circumstances, all employees shall notify department heads or, if none, the Town Manager, in advance of the need to perform overtime work. No overtime work shall be reimbursed without prior approval of the Department Head or Town Manager.

b) Each employee shall, within the pay period in which overtime work is performed, notify his/her Department Head of the amount of overtime work performed.

c) If an employee is called back to work after a normal workday has terminated, or before his/her next regular workday, he/she will receive no less than two (2) hours at the rate of one and one-half times his/her regular pay rate. This policy will be applicable to all call-back situations, and will be based on a per occurrence basis.

d) There will be an equal distribution of scheduled overtime work among all members of a department.

3.4 SHIFT DIFFERENTIAL

Effective July 1, 1991, any employee scheduled to work an eight (8) hour shift commencing between 3:00 pm and 11:00 pm shall receive an extra $.40 per hour in addition to the employee's regular hourly rate. Any employee scheduled to work an eight (8) hour shift commencing between 11:00 pm and 7:00 am shall receive an extra $.50 per hour in addition to the employee's regular hourly rate. This differential applies only to the eight (8) hour shift that an employee is scheduled to work.

3.5 ON-CALL PAY

It is recognized that certain jobs and departments may require employees to be on-call and readily available after hours and on weekends to handle emergency situations. Employees on-call in a particular department are expected to respond in a prompt fashion to emergency situations. In return for this, employees on-call shall be compensated a flat amount on a weekly basis for the period they are required to be on-call. The amount of on-call pay will be established by the Town Manager with the approval of the Selectboard. More specific and detailed on-call policies may be adopted by individual departments upon approval of the Town Manager.

3.6 HOLIDAY COMPENSATION

Any employee required to work the holidays listed in Section 4.3 of this manual shall be compensated at the rate of two (2) times their customary hourly rate of pay for hours worked, in addition to pay for the holiday.

3.7 COMPENSATORY TIME

Compensatory time is time off in lieu of overtime pay. The compensatory time policy is as follows:

a) For non-exempt employees, as defined by the Fair Labor Standards Act and designated by the Town, time worked in excess of 40 hours per week will be awarded on the basis on 1 1/2 hour for each hour worked. [in excess of 40 hours.] For employees who work less than a 40 hour week, compensatory time will be awarded on an hour for hour basis for each hour worked above the regular weekly work schedule up to 40 hours per week. Compensatory time may be taken in lieu of overtime pay if mutually agreed upon in writing by the employee and Department Head.

b) For exempt employees, as defined by the FLSA and designated by the Town, compensatory time will be awarded on an hour for hour basis for time worked in excess of 40 hours per week.

c) The following restrictions apply to use of compensatory time.

1) Compensatory time may not be accumulated in excess of 60 hours.

2) All compensatory time taken must be scheduled and approved by the employee's supervisor.

3) The Town may, at its option, decide to award overtime pay in lieu of compensatory time for non-exempt employees.

d) Non-exempt employees will be compensated for any time upon termination of employment with the Town. Exempt employees will not be compensated unless agreed to by the Board of Selectmen Selectboard upon recommendation of the Town Manager.

e) Existing non-exempt employees who have more than 60 hours of compensatory time will retain this time and be able to use such time according to the regulations noted above. This time will be reduced to the maximum accumulation of 60 hours over a period of three years from the date of passage of this manual, as amended June 14, 1988. In addition, these employees will not be allowed to accumulate additional compensatory time above their existing total of accumulated hours without prior approval of the Town Manager.

f) A listing of exempt and non-exempt positions shall be maintained in the office of the Town Manager.

3.8 PERSONAL PROPERTY

a) The Town shall reimburse an employee for personal property damaged, provided that the damage was in no way caused by the negligence of the employee; and adequate proof is made that the damage was incurred in performance of job related functions.

b) The amount of reimbursement due from the Town shall be reduced by any reimbursement the employee receives from other sources.

3.9 MILEAGE REIMBURSEMENT

Employees who use their personal vehicles for Town business will receive mileage reimbursement at the prevailing federal mileage rate. The use of personal vehicles must be authorized by the Department Head. Mileage reimbursement will be paid on a monthly basis.

ARTICLE IV

EMPLOYEE BENEFITS

The Town offers and maintains a comprehensive benefits package for its employees; these are described therein.

4.1 INSURANCE AND RELATED BENEFITS

a) Life Insurance

The Town maintains enrollment in a group life insurance program. The Town contributes 100% of the employee's payment to that program. A description of the terms and qualifications of the life insurance policy is available from the Town Manager's office.

b) Health Insurance

The Town's employees are enrolled in a health insurance Program toward which the Town contributes 100% of each employee's premium. Upon written request submitted to the Manager, the Town will furnish family and dependent medical coverage at no additional cost to the employee. The Town's primary program is through the Vermont Leaque of Cities and Towns Health Trust. The terms of the medical insurance program can be obtained from the Town Manager's office.

The Town offers the Community Health Plan as an alternative to the primary Town Health Insurance Plan. Employees can enroll in this plan as an alternative to the Town's primary program.

The Town offers a payment-in-lieu of health insurance program. This programs pays a cash value of 1/3 of the insurance premium for employees whose spouse has equal or better coverage through their employer. Employees must request this in writing, and must show proof of the insurance. The payment will be made in a lump sum at the beginning of the fiscal year. If an employee terminates with the Town within twelve (12) months from payment, a pro-rated share of the payment must be repaid to the Town.

c) Dental Insurance

The Town's employees are enrolled in a Dental Plan Program toward which the Town contributes 100% of each employee's premium. Also included are insured eligible dependents spouse, children to age 19 and to age 23 if unmarried and enrolled as a full time student in college, trade or vocational school. Upon written request submitted to the Town Manager, the Town will furnish family and dependent medical coverage at no additional cost to the employee.

d) Disability

The Town maintains a group employee long-term disability policy. The Town provides 100% of the employees' premiums. This policy covers long term disability, commencing after the 90th day of disability and paying the employee 2/3rds of his/her salary until age 65.

e) Retirement Program

Town employees are enrolled in the Vermont Municipal Employees Retirement System. The terms, conditions, and qualifications for that system are as set forth in Title 24, Vermont Statutes Annotated Chapter 125 as amended from time to time. Upon retirement, as defined in these regulations as well as in 24 V.S.A., Chapter 125, each Town employee shall be entitled to the benefits set forth by statutes.

f) ICMA Deferred Compensation

The Town also offers the ICMA Deferred Compensation Plan to employees. This program is voluntary and contributions to the Plan are made by the employees. Information on this plan can be obtained from the Town Manager or Town Clerk's office.

g) Employee Assistance Program

The Town is enrolled in an Employee Assistance Program which provides counseling services to Town employees. Information on this program can be obtained from the Town Manager's office.

h) Statutory Benefits

To the extent required by law, all eligible Town employees will be enrolled in the statutory Social Security, Workers Compensation and Unemployment Compensation Benefit Programs. The benefits, limitations, and contributions required of the Town and its employees under those programs will be determined by reference to applicable statutes and regulations.

i) These benefits may be reviewed annually by the Town to determine if coverages are adequate, if cost savings can be made by substituting carriers, or for other reasons deemed necessary by the Town.

j) Eligibility

All full-time employees are eligible for the benefit programs offered by the Town. Regular part-time employees who work 20 hours a week or more may elect to participate in the Town's benefit programs. The Town will pay a proportionate share of the cost of the programs based on the ratio of hours worked to 40 hours per week with the employee responsible for the balance.

4.2 REGULAR HOLIDAYS

The following are the regular holidays observed by the Town of Shelburne:

New Year's Day
President's Day
Town Meeting Day
Memorial Day
Independence Day
Bennington Battle Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Any listed holiday which falls on a Sunday shall be observed on the following Monday and any such holiday which falls on a Saturday shall be observed on the preceding Friday. Any employee who wishes to work on a holiday may, with the approval of their Department Head, take an alternate day.

4.3 PERSONAL HOLIDAY AND LEAVE

A) Each employee is entitled to ~~one~~ 3 day~~s~~ of personal leave per year. This personal leave day may be taken at the discretion of the employee subject to the approval of the appropriate Department Head.

B) Any eligible employee who works on a holiday and elects not to take holiday pay shall be entitled to one personal holiday which may be taken on any date selected by the employee with the concurrence of his/her Department Head. Employees may work on holidays only with the approval of his/her Department Head. The following limitations apply to personal holidays:

1) No employee is entitled to take a personal holiday until he/she has been in the Town's service for at least thirty (30) days.

2) Employees who wish to observe religious holidays which fall on a normal workday shall use their personal holiday for that purpose.

3) Personnal holidays and leave must be taken in the year in which they are earned. Personal holidays and leave are not reimbursable, upon termination. Personal leave shall not be accumulated and must be taken in the year earned.

4.4 EMPLOYEE DEVELOPMENT

The Town encourages employees to continue their education and has established a reimbursement program for 100% of the direct costs of the course or program that an employee is enrolled in. In order to receive reimbursement for a course four requirements must be met. First, the course must be approved by the Town Manager prior to enrolling; Second, the course must be job related; third, a grade of "c" or better must be obtained; and fourth, adequate funds must be available in the Town's budget. An employee may be reimbursed for one course per semester. Reimbursement will also be given to full time employees who have satisfied the above requirements for a course confirming conferring credit for a high school diploma or GED. Courses taken under this provision shall be outside of the employee's working hours, except with approval of the Department Head and the Town Manager.

Upon completion of the course, a receipt for the course and an official statement of grades earned must be received by the Town Manager's Office. These items must be turned in before a reimbursement check will be issued.

4.5 CREDIT UNION

Optional deductions on a weekly basis can be credited to an employee's saving account with the Burlington City Employees Credit Union. For more information contact the Town Clerk. Information on this program can be obtained from the Town Manager and Town Clerks Office.

4.6 TOWN BEACH

All Town employees will be entitled to a one free Town beach sticker. Stickers are for Town employee's personal vehicles only and they will be issued with paychecks at the beginning of the summer.

4.7 MISCELLANEOUS BENEFIT PROVISIONS

The Town reserves the right to provide to employees alternate benefits through an alternate plan or carrier provided that: 1) the benefits provided are equal to or better than the present plan and; 2) that the employee be provided with full information concerning any change at least thirty (30) days in advance.

4.8 INFORMATION

Specific information on these benefit programs is available from the Town Manager's Office.

ARTICLE V

LEAVES OF ABSENCE

5.1 VACATION/ANNUAL LEAVE

a) It is the policy of the Town of Shelburne to encourage every employee to take some time away from the job at least once every year to relax and enjoy the leisure time that has been earned.

b) Restrictions - No vacation time, annual leave may be taken in the first six months of employment. If an employee is terminated from employment with the Town during the first twelve (12) months of employment, he/she will not be entitled to be compensated for any accrued vacation time, annual leave.

c) Schedule: employees are eligible for paid vacation days according to the following schedule:

LENGTH OF SERVICE	DAYS ACCUMULATED PER YEAR	
0 to 4 completed years	1 day per month	(12 days/year)
5 to 10 completed year	1 1/3 days per month	(15 days/year)
more than 10 completed years	1 2/3 days per month	(20 days/year)

d) All vacation/annual leave is figured from the date of hire.

e) All vacation leave will be accrued on a monthly basis and will be credited at the end of each month.

f) Limitations - The following limitations shall apply to the exercise of vacation benefits annual leave.

1) Subsequent to the first year of employment, each employee is required to take a minimum of five days vacation, annual leave during each calendar year of employment.

2) Employees may accrue annual leave, up to a maximum of 30 days. Upon termination employees are entitled to payment for all unused annual leave up to a maximum of 30 days.

3) Vacation days, Annual leave may be taken in increments of no less than half-days periods.

4) The scheduling of vacation time annual leave shall be the responsibility of Department Heads. Scheduling shall accommodate, to the greatest extent possible, preference expressed by department employees. Subject to the discretion of department heads, preference shall be given to seniority in regards to conflicts in employees vacation time, annual leave.

5) In the event that a regular holiday falls during a scheduled vacation annual leave period, a vacation an annual leave day will not be charged to the employee for that day.

6) Upon the exhaustion of all available sick leave by an eligible employee, accumulated vacation time annual leave may be exercised by any employee unable to work by virtue of extended illness, maternity leave, accident or layoff.

5.2 SICK LEAVE

a) If an employee is sick and cannot report for work, he/she must notify his/her supervisor as far in advance of normal working hours as possible. If an employee is sick and cannot report for work, he/she must notify her/his immediate supervisor as far in advance of the employee's scheduled work time as possible. If the immediate supervisor is not available, the next supervisor in the line of command to the employee shall be notified.

b) All permanent full time employees of the Town shall be entitled to sick leave as follows:

SICK LEAVE	DAYS ALLOCATED
after 1 month to 4 completed years	1 day per month (12 days/year)
more than 4 completed years	1 1/2 days per month (18 days/year)

c) Any employee who commences work for the Town on or after the 16th day of any month shall not be awarded sick leave for that month.

d) Employees may accumulate sick leave from year to year to a maximum of 90 days.

e) Any employee whose absence for reasons of sickness extends beyond three (3) consecutive workdays shall provide the Department Head with a statement from a licensed physician attesting to the employee's inability to work. A statement shall be submitted on a weekly basis for so long as the employee remains absent for reasons of sickness.

f) Any employee who has accumulated a total of 60 sick leave days may convert additional days to annual leave days as follows:

2 sick days TO 1 vacation day

Up to 10 additional annual leave days may be obtained through conversion per year.

g) In special circumstances, employees may donate up to 10 days of their sick leave to another employee with the approval of the Town Manager. A maximum of sixty (60) days per occurence may be donated to an employee, after which the employee must utilize the long-term disability program. Any unused donated sick leave will be returned to the employees who donated on a pro-rata basis.

h) An employee may use sick leave for the following purposes:

1) Period of personal illness or injury.

2) A death in the immediate family, with a maximum of ten (10) days granted per occurrence unless additional time is granted by the Town Manager.

3) Serious illness of the immediate family where the employee's attendance is required.

4) Medical appointments for the employee or his/her child, spouse, parents or in-laws.

5) Pregnancy and related medical conditions.

i) An employee who does not take any sick leave within any twelve month period commencing with the date of original employment will receive one (1) additional annual leave day.

5.3 COURT LEAVE

Jury duty - In recognition by the Town that it is a civic obligation of each Town employee to serve jury duty if called, all employees shall be reimbursed at their customary rate of pay for work absences due to jury duty or appearing as a witness under legal compulsion. Payments by the town under this provision shall be reduced to the extent of any amount received by an employee as compensation for jury duty or appearance as a witness. An individual taking court leave shall be required to submit documentation as to any pay received from the Court.

5.4 MILITARY LEAVE

Any person who is a duly qualified member of the "reserve components" of the armed forces, who is a member of the ready reserve and who is a member of an organized unit may take military leave to attend required weekend training exercises and one required extended training exercise not exceeding 15 days in one calendar year. The Town will pay the difference between an employee's regular weekly salary and the training allowance which an employee receives while on military leave under this Section if the training allowance is less than the employee's regular salary. Additional leaves of absence for military purposes shall be subject to the provisions of Section 5.92 and 5.93 of these regulations.

a) Any officer or employee of the Town who is a duly qualified member of the reserve components of the armed forces, of the ready reserve, or of an organized unit, and (1) who, in order to receive military training with the armed forces of the United States, not to exceed 15 days in any one calendar year, leaves a position other than a temporary position, and (2) who gives evidence defining the date of departure and the date of return for purposes of military training 30 days prior to the date of departure, and (3) who shall further give evidence of the satisfactory completion of such training immediately thereafter, and (4) who is still qualified to perform the duties of such position, shall upon return be entitled to be restored to his/her previous or similar position with the same status, pay and seniority. In such circumstances, seniority shall continue to accrue during such period of absence. Such period of absence shall be construed as an absence with leave. Under such circumstances, the Town shall pay the officer or employee the difference between what he/she is paid by the military during such training period, and what he/she would have earned during a normal work week with the Town. Such period of absence shall not be deducted from the employee's annual leave pay, or counted as annual leave time. Any individual taking military leave shall be required to submit documentation as to any pay received from the military.

b) Each officer and employee shall also have such other reemployment rights as provided by (and subject to the conditions of) 38 U.S.C. $2024.

5.5 PARENTAL LEAVE

a) Maternity leave of up to 90 days for the birth or adoption of a child will be granted. Any combination of annual leave, sick leave, compensatory time and/or leave without pay may be used at the employee's choice. Accumulated sick leave may be used for maternity leave prior to delivery date. Leaves longer than 90 days may be granted upon request and with the approval of the Department Head and Town Manager.

b) Up to ten (10) working days of paternity leave will be granted for the birth or adoption of a child. Paternity leave beyond that may be granted by the Department Head and the Town Manager. Sick leave, annual leave, compensatory time and/or leave without pay may be used by the employee with the approval of the Department Head and the Town Manager.

c) Upon return from parental leave, an employee shall be offered the same or comparable job, at the same level of compensation, employment benefits and seniority existing on the day the parental leave began.

5.6 LEAVE FOR BEREAVEMENT / DEATH IN THE FAMILY

All employees shall be entitled to a bereavement leave with pay for absence caused by the death or serious illness of a member of any employee's immediate family. Paid leave shall be limited to five (5) days per occurrence for full time employees. An employee may use accumulated sick or vacation time for any additional leave time, subject to approval by the Department Head and Town Manager.

5.7 EDUCATION LEAVE

Leaves of absence without pay may, with the approval of the Department Head and Town Manager, be granted for attendance at any full time degree granting college or university, provided it is for courses related to the employee's line of employment. The employee's position will be made available upon completion or return from the particular program.

5.8 SPECIAL LEAVES OF ABSENCE

The Town Manager, with the concurrence of the Board of Selectmen and appropriate Department head may authorize leaves of absence during which employment benefits are preserved but no salary is paid. The Town may fill an absent employee's position by temporary appointment. Each such job shall be held open for the return of the employee for a period of two years in the case of a disability caused by an accident in the line of duty; for one year in the case of sickness or accident not caused in the line of duty; and no longer than one year for other leaves of absence. In each case the time period shall be measured from the date that the leave of absence began.

ARTICLE VI

STANDARD OF CONDUCT AND ETHICS

6.1 STANDARDS OF CONDUCT

Because of the public trust invested in Shelburne Town Government, it is the duty of every Shelburne employee to conduct his/her office in a professional manner. High standards of conduct are essential to good municipal service and are expected of each employee. In an effort to encourage professionalism, efficiency and the effective delivery of services by Town personnel, all employees shall comply with the following conduct guidelines.

a) Outside Employment - An employee may engage in employment beyond his/her position after notifying receiving approval from his/her department head and the Town Manager. Such employment shall be deemed inappropriate and it may be reason for termination if it would impair the employee's performance of Town duties or if such outside employment presents a reasonable possibility of conflict of interest.

b) Physical Condition - Each employee shall attempt to maintain the physical capacity to perform the functions described in his/her job description and every employee shall undergo a physical examination at least once during every two years of tenure with the Town, if so requested by the Town Manager or the Department Head. No employee shall use any controlled substance during working hours and no employee shall use any such substance outside of work when such use will or could have the effect of impairing job performance.

c) Work Relationships - All employees shall attempt to maintain productive relationships.

d) Discharge of Job Duties - Each employee shall faithfully discharge all obligations relating to his/her position with the Town. Work shall be performed in an efficient, timely and effective manner. All employees shall strive to acquire, develop and expand the skills required by his/her position.

e) Job Safety - All employees shall conduct themselves in the discharge of job obligations in a manner which exposes himself/herself, fellow employees, and Town property to the least risk of injury or damage. All employees should report unsafe equipment and any hazardous working conditions to his/her department head. All employees shall, as soon as practical, report any accident which results in personal injury regardless of severity, or property damage to his/her department head.

If, while operating a Town owned vehicle, an employee is involved in an accident that results in any personal injury or property damage, he/she shall:

1) Notify the Police Department immediately.

2) Insist that all parties and property concerned remain at the scene of the accident until police officers investigate.

3) Report the accident, no matter how small, to his/her Department head. No employee shall discuss any such accident with anyone but the investigating officer and their Department Head.

f) Town Property - Town employees shall not use Town property and facilities for personal purposes. Employees shall not use Town equipment and vehicles while under the influence of a controlled substance.

g) Public Respect - Because the Town must maintain public confidence that its work force is composed of responsible and professional individuals, no employee should engage in any public conduct or private conduct which if publicly disclosed, would have the effect of impairing the employer's reputation for reliability, trustworthiness, and efficiency.

h) Political Activity - No Town employee shall engage in partisan political activity during the course of working hours. No employee shall solicit from any other Town employee during working hours whether orally or in writing, contributions in relation to any political organization or in support of any candidate for public office.

i) Town employees may not serve on Volunteer Boards, Commissions, and Committees of the Town, except for employee and other organizational committees appointed by the Town Manager or Department Heads.

6.2 EMPLOYEE ETHICS

In order that public confidence in the effective operation of Town government is maintained through the equal and impartial treatment of all citizens and the avoidance of actual and potential conflicts of interest, compliance with the following provisions is required:

a) Favoritism - No employee of the Town shall provide to any person, consideration, treatment, or advantage which is distinct from the treatment normally accorded to members of the public at large.

b) Financial or Personal Interest - With the exception noted below, no Town employee shall have any personal interest or financial interest in transactions in which the Town is a participant. Whenever the performance of a Town employee's official duties requires that individual to take action in respect to any matter in which the individual has a personal or financial interest, he/she shall disclose the nature and extent of such interest and shall be disqualified from in any manner participating in the Town's consideration or disposition of that matter.

c) Incompatible Employment - No employee of the Town shall engage in private employment with, or render services for, any entity which has business transactions with the Town unless he/she fully discloses to the Town the nature and extent of his/her relationship to the employer. No Town employee shall appear on behalf of any private person, before any Town board, commission, council or other public body.

d) Gifts - No employee of the Town shall accept any gift, money, thing, favor, loan, or promise that is intended, or could be considered as payment for special treatment or an effort to affect the employee's discharge of official duties.

e) Confidentiality - No employee of the Town without prior authorization from the Town Manager, shall disclose any confidential information relating to the officers, employees, transactions, property, or affairs of the Town nor shall any Town employee use or assist in the use of any such confidential matter to advance the financial interest of said agent or any other individual.

f) Nepotism - No employee of the Town shall appoint or attempt to influence the appointment of any person related to him/her by blood or marriage to any position for which compensation is received from the Town.

ARTICLE VII

EMPLOYMENT POLICIES

7.1 EQUAL EMPLOYMENT OPPORTUNITIES

The Town is dedicated to a policy against discrimination on the basis of age, race, color, religion, ancestry, sex, physical handicapping condition, sexual orientation, place of birth, political affiliation or national origin in relation to hiring, tenure, terms and conditions of employment, and treatment in the workplace. The Town will not interfere with employees' exercise of rights protected by the Vermont Municipal Labor Relations Act.

7.2 SMOKING POLICY

It is the policy of the Town to make the working environment for the Town employees as pleasant, healthy and safe as possible. There will be no smoking permitted in any Town buildings, except in areas designated by the employees in each building. Any areas so designated may not be the primary work areas of employees or primary public meeting spaces. Each building with a designated smoking area shall post the location in a conspicuous place within the building.

7.3 SEXUAL HARASSMENT POLICY

a. Purpose

The purpose of this policy is to inform all employees of the Town of Shelburne about the policy of prohibiting sexual harassment in the workplace.

b. Statement of Policy

Sexual harassment of any employee of the Town by any Town employee, official or co-worker is contrary to Town policy and will not be tolerated. Violation of this policy will be grounds for immediate and severe disciplinary action up to and including termination of employment.

c. Definition of Sexual Harassment

1). Sexual harassment refers to behavior of a sexual nature which is unwelcome and personally offensive to its recipients. Sexual harassment is a form of employee misconduct which is demeaning to another person and undermines the integrity of the employment relationship.

2). Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

(a) submission to such conduct is made either explicitly or implicitly; a term or condition of an individual's employment; or

(b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(c) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

3). Sexual harassment includes threats or insinuations, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development.

4). Other sexually harassing conduct in the workplace, whether committed by supervisors or co-workers, is also prohibited. This includes: offensive sexual flirtations, advances, or propositions; verbal abuse of a sexual nature; graphic verbal comments about an individual's body; sexually degrading words used to described an individual; the display in the workplace of sexually suggestive objects or pictures; and/or unwelcome touching or physical contact.

d. Responsibility and Procedure

1). Management: Each supervisor has an affirmative duty to maintain his/her workplace free of sexual harassment and intimidation. Therefore, it is the responsibility of supervisors to:

(a) Discuss this Policy with their employees and assure them that they can work in security and dignity, and are not required to endure insulting, degrading, or exploitative sexual treatment.

(b) Immediately report to the Town Manager [or the Board of Selectmen,] any complaints received from their employees concerning sexual harassment.

2). Employees: Any employee who is the victim of sexual harassment or abuse, whether from supervisors or co-workers, should report the matter to his or her supervisor, the Town Manager, or the Board of Selectmen Selectboard. Any such complaint will be handled with complete confidentiality dealt with by utilizing the grievance procedure outlined in 3). below.

No person will be adversely affected in employment with the Town as a result of bringing complaints of sexual harassment.

3). Grievance Procedure.

a. Availability: Any employee who believes he/she has been subjected to sexual harassment in violation of Section 7.3 above, or to discrimination in violation of Section of 7.1 above, may use the grievance procedure outlined below to seek redress of his/her grievance.

b. Procedure for Filing Grievance:

1. The grievance must be initiated within thirty (30) days after a complainant knew, or should have known, of the alleged discrimination.

2. Level I. Where the complainant has a supervisor other than the Town Manager, the complainant will first meet informally with his/her immediate supervisor. If the complainant's concerns are not clear, or cannot be resolved through informal discussion, the supervisor may request that the complaint be put to him/her in writing. The supervisor shall respond to the complainant in writing within seven (7) working days of the receipt of the written complaint.

3. Level II. In the event that a grievance or complaint is not satisfactorily resolved at Level I, or where the complainant's immediate supervisor is the Town Manager, the complainant shall meet with the Town Manager. The complainant shall present his/her grievance to the Town Manager in writing, describing specifically the time, place and nature of, and the participants in the alleged discriminatory acts or policies.

The Town Manager shall conduct any investigation necessary to resolve the complaint, including a discussion with the complainant, the person(s) against whom the complaint was filed, other witnesses, and a review of relevant documents. The Town Manager shall respond to the complainant in writing within ten (10) working days of receipt of the written complaint. In the event that a response from third parties is necessary, the Town Manager may designate up to ten (10) additional working days for investigation of the complaint. An additional period of time, with the complainant's consent, may be allowed for resolution of the grievance.

4. Level III. If the problem cannot be resolved at Level II, the complainant shall have the right to request a hearing before the Selectboard. Any such request must be made in writing within twenty (20) working days after receipt of the decision of the Town Manager. The Selectboard shall hear the grievance at its next regular meeting, unless the request for hearing is received three (3) working days or less before such next regular meeting, in which case, the Selectboard may set the hearing for either such next regular meeting, or, in its discretion, for the first regular meeting subsequent to such next regular meeting. The Selectboard shall provide an opportunity to the complainant to be represented by counsel at his/her own expense, to present information relevant to the grievance at the hearing, and to hear or examine and respond to any and all opposing witnesses and information, and shall render its written decision within ten (10) working days of the hearing. The decision of the Selectboard shall be final.

5. In the event that a grievance is against the individual responsible for the grievance process at any level, the complainant may address the grievance directly to the next appropriate level.

6. In the event a written decision is not issued in a timely manner at Level I or II, the running of the time for such written response shall be treated as a denial of the grievance, and the complainant may file his/her complaint at the next appropriate step, within the time allowed.

c) Remedy not Exclusive. The existence of this Grievance Procedure does not affect the right of any individual or group to pursue any other procedure provided for by contract, or by state or federal law.

d) Retaliation. Retaliation in any form for the filing of a grievance, the reporting of instances of discrimination, or any participation in the grievance procedure is prohibited. Such participation shall not in any way affect the status or work assignments of the complainant.

7.3A PROHIBITION of HARASSMENT POLICY

a. Purpose

The purpose of this policy is to inform all employees of the Town of Shelburne about the prohibition of harassment in the workplace.

b. Statement of Policy

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

c. Definition

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

d. Responsibility and Procedure

Employees who violate this policy will be subject to disciplinary action, up to and including discharge. An employee subject to harassment is encouraged to report it before it becomes severe or pervasive. He/she shall notify their Supervisor, or if necessary the Town Manager or the Chair or Vice Chair of the Shelburne Selectboard. Names, addresses and telephone numbers of the Shelburne Selectboard Chair and Vice Chair can be found on the Town web site, www.shelburnevt.org, under "Contacts." A prompt, thorough and impartial investigation will be conducted and employee confidentiality will be protected to the extent possible. If it is determined that unlawful harassment has occurred, the Town will take immediate and appropriate corrective action.

In the event that disciplinary action is invoked, Article VIII of the Town of Shelburne Personnel Manual and/or Sections 705 and 706 of the current Collective Bargaining Agreement with AFSCME, Council 93, AFL-CIO, Local 1343, shall be used.

Employees may also contact the State of Vermont Attorney's General Office, 109 State Street, Montpelier (828-3171) or the federal Equal Employment Opportunity Commission, JFK Federal Building, 475 Government Center, Boston, MA, 02203, (800) 669-4000.

Approved: 10/28/2008 by the Town of Shelburne Select Board
date

7.4 SUBSTANCE ABUSE POLICY

a. Substance Abuse. The illegal use, possession, distribution, cultivation or manufacturing of any drug (including alcohol) while on Town premises (including all buildings and grounds), or while on the job, is strictly prohibited, and any violation of this prohibition is cause for termination. Being under the influence of drugs (including alcohol) while on the job is also prohibited, and is in itself a ground for discipline, including termination. Any illegal substance confiscated will be turned over to the appropriate law enforcement agency and may become the basis for prosecution.

b. Prescription Medications. Medications prescribed by accredited physicians and used by the person for whom prescribed, at the prescribed dosage levels, do not fall within the prohibition of 7.4 (a) above. However, employees who must take prescribed medications during the work day are responsible for the safe keeping of the medication(s). Failure to store the medication(s) safely and securely is cause for disciplinary action. In order that the Town may protect the health and safety of all employees, and maintain the professional standards required in fulfilling its duties to the public, each employee has the duty of reporting his/her use of any prescription medication which may affect job performance to his/her department head prior to reporting to work while using the medication(s), so that appropriate safeguards may be discussed and arranged where necessary. Failure to comply with this requirement is cause for disciplinary action.

7.5 SAFETY AND HEALTH POLICY

A) The health and safety of each employee is important to the Town of Shelburne. The Town Manager will appoint a safety committee which will: 1) Develop a health and safety plan for Town employees; 2) Review and update the plan on an annual basis; and 3) Provide advice and guidance to the Town Manager on employees' safety and health matters.

B) The Town of Shelburne is committed to reducing or eliminating risks to the health and safety of its employees. The Town has a moral obligation to ensure the physical welfare of its employees, a legal obligation to satisfy federal and state statutes relating to occupational safety and health, and a fiscal obligation to reduce expenditures resulting from accidents. The Town's Safety and Health Program is designed to ensure that these obligations are met. All employees must accept responsibility for following the procedures outlined in the program. The Town Manager will update the Safety and Health Program as needed to comply with regulations of the Vermont Occupational Safety and Health Office.

7.6 USE OF TOWN VEHICLES

Town vehicles shall be used for Town business purposes only. Employees authorized to drive vehicles to and from home to work shall restrict the use to Town purposes and incidental personal use while traveling to and from home to work.

ARTICLE VIII

GROUNDS FOR DISCIPLINARY ACTION

8.1 GROUNDS FOR DISCIPLINARY ACTION

Town employees may be subjected to disciplinary action as set forth below for any of the following reasons:

a) Repeated tardiness, unexcused absence, or job abandonment.

b) Use of controlled substances during working hours while operating Town vehicles and equipment or in a manner which affects job performance.

c) Failure to respond to direction or supervision by the employee's Department head or supervisor, or inability to relate to, work with and perform job tasks with fellow employees, supervisor or Department head.

d) Breach of the provisions and standards set forth in Standards of Conduct and Ethics Sections, Town employment policies, departmental policies, and any other requirements set forth in this Personnel Manual.

e) Lack of productivity, failure to discharge job obligations, inefficiency, or incompetence.

f) Action during working hours which constitutes a threat to the safety of the public or fellow employees or to Town property.

g) False representations on job applications; improper use of Town property, facilities, or funds; conviction of a criminal offense; or engaging in prohibited political activity.

h) Any other conduct which impairs the efficiency and effectiveness of Town Government or which could cause public mistrust of an employee's professionalism.

8.2 DISCIPLINARY ALTERNATIVES

In response to conduct which is listed above as grounds for disciplinary action, the Town Manager, upon consulting the Department Head, may take any of the actions described herein. In determining whether disciplinary action is necessary and, if so, what disciplinary action is appropriate, the Town Manager and Department Head shall consider the nature and severity of the objectionable conduct, the employee's prior performance/ disciplinary record, the effect of the employee's activity on municipal operations, employee morale and the efficient operation of Town government, the effect of the employee's activity upon public confidence in Town government, and the past and potential contribution by the employee to the Town service. The following disciplinary alternatives shall be available:

a) Verbal warning - A verbal warning from the employee's supervisor and/or Department Head notifying the employee of conduct considered inappropriate and actions and procedures necessary to improve the conduct. The date and time of the verbal warning shall be documented by the supervisor. The employee shall be notified that a verbal warning has been given by the supervisor.

b) Reprimand - A written statement, signed by the relevant supervisor and Department Head, notifying an employee of conduct considered objectionable, actions necessary to improve the situation, and specifying that recurrence of the same or similar activity will result in more severe disciplinary action. The reprimand shall be filed with the employee's personnel records.

c) Suspension Without Pay - The temporary removal of an employee from the performance of job functions for a period ranging from one work day up to but not exceeding thirty (30) work days in any twelve-month period of employment. A suspended employee shall remain on the active roster of regular Town employees for the purposes of the accrual of benefits; however, he/she shall not receive any salary during the period of suspension. Department heads shall have the authority to order suspensions of no more than five (5) days without consulting the Town Manager.

d) Demotion - The reduction of an employee's rate of pay. Demotion shall be limited to a maximum of ten (10%) percent of an employee's salary within any consecutive twelve (12) month period of employment.

e) Dismissal - The permanent termination of an employee's working relationship with the Town, subject only to the payment of any accrued earnings or benefits.

8.3 GRIEVANCE AND PROCEDURE FOR CORRECTION

In the matter of grievances affecting the employee's work or conditions of employment, any permanent or probationary employee shall have the right to make the employee's grievances known to the proper authority in the following manner:

a) Within forty-eight (48) hours of the occurrence of a grievance, the employee shall submit the grievance in writing to the employee's immediate supervisor.

b) The immediate supervisor of the aggrieved employee shall, within forty-eight (48) hours of receipt of the grievance, discuss the grievance according to the supervisor's discretion and findings with the aggrieved employee. The supervisor shall within three (3) working days of the discussion submit the supervisor's answer in writing to the aggrieved employee. If the issue being grieved is not resolved, the employee may file a request to have the Department Head consider the grievance. Such request must be made within forty-eight (48) hours of receipt of the supervisor's decision.

c) The Department Head shall meet with the supervisor and the aggrieved employee within three (3) working days of receipt of the grievance from the employee. The Department Head shall submit the Department Head's answer in writing to the aggrieved employee within five (5) working days after the meeting. If no solution to the grievance can be reached by the Department Head, the matter shall be submitted in writing to the Town Manager by the department head. If the issue is not resolved, the employee may file a written request to have the grievance heard by the Town Manager. within five (5) working days of the Department Head's decision.

d) The Town Manager shall, within five (5) working days of receipt of, the request for hearing, arrange a meeting with the Department Head, supervisor and the aggrieved employee to hear the grievance. The Town Manager shall within ten (10) working days after the meeting, submit the Manager's answer in writing to the aggrieved employee and the Department Head. The method and manner of conducting a hearing relative to grievances shall be at the discretion of the Town Manager.

e) If, following the answer of the Town Manager, no satisfactory solution to the grievance has been achieved, the employee may then request a hearing before the Selectboard by written notice delivered to the Town Manager, within five (5) working days after receipt of the answer from the Town Manager. Within five (5) working days after receipt of the employee's request for a Selectboard hearing, the Town Manager shall schedule a meeting of the Selectboard. The meeting of the Selectboard shall be held within a reasonable time after the expiration of the said five (5) working day period.

f) The employee, while appearing before the Selectboard, has the right to be represented by counsel and to present any material, witnesses, or evidence helpful to the employee's case. The administration has similar rights. The decision of the Selectboard shall be final.

g) Working days when used in this section shall mean Monday through Friday inclusive, excluding Saturdays and Sundays and days on which the Town Office building is closed.

ARTICLE IX

ADOPTION AND AMENDMENT

9.1 The Personnel Regulations adopted June 2, 1987 are hereby amended in their entirety in the manner set forth in this amendment.

9.2 The Chief of Police with the approval of the Town Manager is authorized to develop a policy and procedure manual applicable to Police Department operations. Said manual may supplement this regulation but shall not without approval of the Town Manager and Selectboard, contain provisions which are inconsistent, or in conflict with, this regulation.

9.3 These rules and regulations may be amended from time to time, by resolution of the Selectboard in a manner the Board deems necessary to improve employee relations or the effective delivery of governmental services to Shelburne residents. Upon adoption of any such amendment, a copy thereof shall be posted in appropriate locations accessible to all Town employees.

9.4 The invalidity of any provision of these rules and regulations shall not invalidate any other part.

9.5 These rules and regulations shall become effective upon adoption by the Shelburne Selectboard.

Attach to Personnel Manual

TOWN OF SHELBURNE
Personnel Policies

Subject: DRUG-FREE WORKPLACE POLICY

Effective Date: August 10, 1993

Applicable To: All municipal employees.

Issued By: William H. Finger, Town Manager

Approved By: Board of Selectmen
Legislative Body

PURPOSE AND POLICY STATEMENT

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

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

DEFINITIONS

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

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

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

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

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

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

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

APPLICABILITY AND GENERAL POLICY CONDITIONS

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

1. Employees shall be required, as a condition of their employment, to abide by the terms and conditions of this Drug-Free Workplace Policy.

2. An employee shall notify his/her Supervisor/Manager of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Failure to do so will result in discipline, up to and including dismissal.

3. If a convicted employee works in a federally funded program, the involved federal grant agency shall be notified of the conviction within ten (10) days of the municipality's receiving the notice of the conviction. In the case of the Vermont Community Development Program, notify the Department of Housing and Community Affairs.

4. An employee convicted under any criminal drug statute for a violation occurring in the workplace, while on or off duty, or on duty away from the workplace, shall be immediately dismissed for the first offense.

5. In the absence of compelling mitigating circumstances, an employee convicted under any criminal drug statute for a violation not occurring in the workplace while not on duty shall be subject to immediate dismissal for the first offense if convicted of a felony. If the conviction is not a felony, discipline up to and including dismissal may be imposed, including for the first offense, provided that there is a nexus between the offense and the job of the employee.

6. Appropriate disciplinary and/or corrective action is to be taken within thirty (30) days after the employer receives notice of a conviction. This, however, is not to be construed to limit the authority of the employer to take such action thereafter. Any disciplinary action must comply with the collective bargaining agreement, Section 504 of the Rehabilitation Act of 1978, and the

Americans with Disabilities Act, if applicable.

7. An employee not convicted under any criminal drug statute, but who engages in the illegal manufacture, distribution, dispensation, possession or use or controlled substances in any municipal workplace while on or off duty, or on duty away from the workplace, shall be subject to discipline up to and including dismissal for the first occurrence. An employee engaging in such actions while off duty and away from the workplace may be subject to discipline, up to and including dismissal, including for the first offense, provided there is a nexus to the employee's job and just cause for the discipline.

8. Any employee on municipal premises who appears to be under the influence of, or who possesses illegal or non-medically authorized drugs, or who has used such drugs on municipal premises, may be temporarily relieved from duty pending further investigation.

9. If the use of legal drugs endangers safety, management may (but is not required to) reassign work on a temporary or permanent basis.

10. Employees must observe other work rules established by their employing departments regarding the use, possession or presence of drugs involving their employment.

11. Each employee of the municipality will make a good faith effort to maintain a drug-free workplace and uphold and promote this policy.

USE OF DRUGS

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

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

RESPONSIBILITIES:

Employer: It is the responsibility of each municipal Supervisor/Manager to advise each employee of this policy; to post the policy annually at each worksite; to include a copy of this policy in each new employee's orientation.

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

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

Approved
Legislative Body:

8/10/93
Date of Adoption
by Legislative Body

Kenneth P. Albert

Ann B. Dutton

Barbara F. Mann

Sally C. Martel

Alice C. Winn, Chair

filename/drugs.pol

END OF DOCUMENT

TOWN of SHELBURNE
SAFETY and HEALTH MISSION and POLICY

The Town of Shelburne recognizes its employees as a most important asset. The Town of Shelburne's Safety and Health Mission is to provide a safe and healthy workplace for our employees and visitors, and to support healthy behaviors and lifestyle choices for our employees and their families both on and off the job. The Town's safety and health programs recognize that the safe and healthy behavior of each employee is key to meeting this mission.

In support of the Mission, the Town of Shelburne has established a Safety and Health Committee, has adopted a Safety and Health Management Program which includes safety training for employees, and is committed to promoting opportunities and programs for employees and their families to learn skills for physical and mental wellness, physical fitness, stress management, and nutritional awareness.

It is the responsibility of each employee to understand and follow safety procedures that are applicable to his or her job and to ask for instruction when uncertain about a procedure. Each employee has an obligation to report all unsafe or unhealthy working conditions to his or her supervisor or manager. It is the responsibility of each supervisor to monitor and assist employees in the safe performance of his or her duties. Safe and healthy behaviors at work are an expected part of each employee's job performance.

This mission and policy statement will be reviewed at least annually by the Town of Shelburne Safety and Health Committee and revised when necessary by the Town Manager and approved by the Select Board, to emphasize the fact that the Town will work with its employees to meet the mutually beneficial goals of minimal workplace injuries and illnesses, as well as optimal employee and family health and wellbeing.

Approved: October 13, 2009 by Town of Shelburne Selectboard.

Robert Roesler

William Smith

Tim Pudvar

Gary von Stange

Al Gobeille

TOWN of SHELBURNE
SMOKING and TOBACCO POLICY

The Town of Shelburne, in order to comply with the provisions of 18 VSA 1421, et seq., and as amended under Act 32 enacted July 1, 2009, and 18 VSA 1741 et seq., Smoking in the Workplace and Smoking in Public Places, has adopted this policy.

This policy will serve to provide a healthy environment for employees and visitors to Town facilities.

The U.S. Surgeon General, in his 1986 report on Involuntary Smoking concluded: Involuntary smoking is a cause of disease, including lung cancer, in healthy nonsmokers; and further, the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to environmental tobacco smoke.

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

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

In light of these findings, and to achieve the purpose of this policy, smoking and use of smokeless tobacco products are prohibited in all Town owned buildings and vehicles. Further, smoking may only occur at a reasonable distance outside any building where smoking is prohibited to insure that environmental tobacco smoke does not enter a building through entrances, windows, ventilation systems or any other means.

Each employee has a responsibility to report violations of this policy to his/her supervisor or, if not resolved, to the Town Manager. It is the responsibility of supervisors and managers to ensure adherence to this policy and to investigate complaints. If management fails to enforce the policy employees can contact the Vermont Department of Health at 866-331-5622, which will then contact the employer. The law prohibits an employer from retaliating against an employee for assisting in the supervision or enforcement of these laws.

Copies of this policy will be distributed to all employees and lessees of Town-owned buildings, and will be posted wherever required Workplace Posters are displayed.

Approved: Oct. 13, 2009 by Town of Shelburne Selectboard
Date

Robert Roesler

William Smith

Tim Pudvar

Al Gobeille

Gary von Stange

TOWN OF SHELBURNE PERSONNEL REGULATIONS
FRAUD POLICY

Background: The Town of Shelburne Fraud Policy is established to facilitate the development of controls that will aid in the detection and prevention of fraud against the Town. It is the intent of the Town of Shelburne to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

Scope of Policy: This policy applies to any irregularity or suspected irregularity observed by employees involving other employees, elected or appointed officials, consultants, vendors, contractors, outside agencies and/or any other parties that have a business relationship with the Town of Shelburne.

Policy: Management is responsible for the detection and prevention of fraud, misappropriations and other irregularities. Each member of the management team will be familiar with the types of improprieties that might occur within his or her area of responsibility and be alert for any indication of irregularity.

Any irregularity that is detected or suspected must be reported immediately to the employee's supervisor, the Town Manager, Town Clerk/Treasurer or Finance Director. All reports received will be referred to the Town Manager, except for complaints relating to actions by the Town Manager, which will be referred directly to the Selectboard. Investigations will be conducted by the Town Manager or by the Selectboard if the complaint is against the Town Manager. The Town Attorney will be consulted as appropriate.

Definition:

Actions constituting Fraud include but are not limited to:

- Bribery
- Conflicts of Interest
- Theft of money or property
- Breach of fiduciary duty including misappropriation or impropriety in handling funds, securities, supplies or other assets belonging to the Town
- Disclosing confidential information to outside parties

- Accepting or seeking anything of material value from contractors, vendors, or persons providing services or materials to the Town that could be considered as payment for a special act or special treatment. (This provision does not apply to attendance at a hosted meal provided in conjunction with a meeting directly related to the conduct of town business; awards publicly presented in recognition of public service; or gifts of nominal value given as a general thanks to the Town or staff that can be enjoyed or shared by all.)

- Destruction, removal or inappropriate use of records, furniture, fixtures, tools vehicles or equipment.

- Applicable sections of the Town of Shelburne Personnel Manual as amended, including but not limited to Article VI "Standards of Conduct and Ethics"

Investigation Responsibilities: The Town Manager (or Selectboard if the complaint is against the Town Manager) in consultation with the Town Clerk/Treasurer, Finance Director and Town Attorney have the primary responsibility for the investigation of all suspected fraudulent acts defined in this policy. All instances that are investigated will be disclosed to the Auditors responsible for preparing the Town's annual financial audit. If the investigation substantiates that fraudulent activities have occurred, a written report indicating such will be prepared. Decisions to prosecute or refer the examination results to appropriate law enforcement and/or regulatory agencies for independent investigation will be made by the Town Manager (or Selectboard if the complaint is against the Town Manager) in consultation with the Town Attorney, as will final decisions on disposition of the case. Applicable provisions of the Town Personnel Manual and current Bargaining Unit contract regarding disciplinary action will be followed.

Confidentiality: Any employee who suspects dishonest or fraudulent activity will notify their supervisor, the Town Manager, Town Clerk/Treasurer, Finance Director (or Selectboard if the complaint is against the Town Manager) immediately and should not attempt to personally conduct investigations or interviews related to the suspected fraudulent act. The employee or other complainant may remain anonymous. Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate or legal need to know.

Administration: The Finance Director is responsible for drafting revisions concerning the application of this policy. This policy may be amended by resolution of the Selectboard.

Adopted: October 9, 2007 By the Town of Shelburne Selectboard

NOTES: *-Adopted by Slctbd 10/14/08*
- Reference to sections of Collective Bargaining Agreement updated 10 /09 to correspond to new contract 7/1/09 – 6/30/10
- Reviewed by management 10/09

7.3A PROHIBITION of HARASSMENT POLICY

a. Purpose

The purpose of this policy is to inform all employees of the Town of Shelburne about the prohibition of harassment in the workplace.

b. Statement of Policy

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

c. Definition

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

d. Responsibility and Procedure

Employees who violate this policy will be subject to disciplinary action, up to and including discharge. An employee subject to harassment is encouraged to report it before it becomes severe or pervasive. He/she shall notify their Supervisor, or if necessary the Town Manager or the Chair or Vice Chair of the Shelburne Selectboard. Names, addresses and telephone numbers of the Shelburne Selectboard Chair and Vice Chair can be found on the Town web site, www.shelburnevt.org, under "Contacts." A prompt, thorough and impartial investigation will be conducted and employee confidentiality will be protected to the extent possible. If it is determined that unlawful harassment has occurred, the Town will take immediate and appropriate corrective action.

In the event that disciplinary action is invoked, Article VIII of the Town of Shelburne Personnel Manual and/or Sections 704 and 705 of the current Collective Bargaining Agreement with AFSCME, Council 93, AFL-CIO, Local 1343, shall be used.

Employees may also contact the State of Vermont Attorney's General Office, 109 State Street, Montpelier (828-3171) or the federal Equal Employment Opportunity Commission, JFK Federal Building, 475 Government Center, Boston, MA, 02203, (800) 669-4000.

Approved: *(orig. approval 10/14/08)* by the Town of Shelburne Select Board

(Original signed by all 5 Selectboard Members 10/28/08)

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October 9, 2009

Reviewed by: Paul W. Bohne III

Paul W. Bohne III, Shelburne Town Manager