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AMENDMENT: FEB. 4, 2016
see previous versions of personnel policy
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# Personnel Rules, Benefits, and Guidelines For the Employees of the Town of Highgate, Vermont

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## Article I – General Provisions

### 1.1 Purpose

These provisions are adopted so as to establish a uniform personnel system for the Town of Highgate

The Town of Highgate is an at-will employer. Just as the Town of Highgate employees are free to terminate their employment for any reason, at any time, so too is the Town free to terminate the employment relationship for any reason not against the law. While there is no time specific term of employment with the Town, the term of employment shall be construed to be coextensive with the existence of the position filled by the employee, or for a shorter period, at the choice of either the employee or the Town. Authority 24 V.S.A. Chapter 313, Subchapter 11, Section 1121 and 1122.

### 1.2 Scope of Coverage

This Handbook applies to all Town of Highgate employees. However, library employees shall also be subject to the policies set by the Library's governing board of trustees as required by Vermont law. Elected officials shall comply with this handbook to the fullest extent possible. Unless specifically provided for, the provisions of this Handbook do not apply to temporary or part time employees.

### 1.3 Administration

The Selectboard has the final authority over the interpretation of the Personnel Policy. The Town Administrator, in cooperation with the Town Clerk and Town Treasurer, has the responsibility for the day to day administration of the policy.

### 1.4 Revision of This Document

The content of this document will be reviewed annually, with or without notice by the Selectboard in order to carry out the above stated purpose. Any and all previous personnel policies are hereby rescinded and shall not be utilized after this policy is approved by the Selectboard.

### 1.5 Full time Employees

Those employees with more than six (6) months of continuous service and whose regular work schedule is thirty (30) hours or more per week.

### 1.6 Part time Employees

Those employees who work a yearly average of fewer than thirty (30) hours per week.

### 1.7 Temporary Employees

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Those employees hired to work a period of less than six (6) months. Temporary employees are employed on an at-will basis like other employees of the Town.

**1.8 General**

A) No employee or elected official shall have the right to make any contracts or commitments for or on behalf of the Town without first obtaining the written consent of the Selectboard.
B) Participation in fund raising activities of organizations comprised of Town of Highgate employees shall not be mandatory.
C) In the event that an employee of the Town of Highgate becomes an employee of another department on a part time basis, it is understood that his/her first priority is with the original department of employment. Should his/her supervisor deem that his/her presence is necessary in the first department of employment, he/she shall be released from his /her part time duties as soon as possible when requested by his/her supervisor. Employment in a part time position in another Department must be approved in writing by the Selectboard and the Town retains the discretion to withhold permission for such dual employment.
D) All employees and elected officials must properly and accurately account for their time on their daily time cards. All time within their normal work hours (daily/weekly) must be accounted for. All other work done must also be accounted for. All hours not directly related to the employee's job spent working in other Town of Highgate jobs must be vouched in accordance with this handbook.
E) The Town encourages an "open door" policy with respect to the handling of employee complaints. Under circumstances in which the use of the chain of command is not appropriate or when no response has been received within the times specified in Article V of this Handbook, the employee has the option to contact the Selectboard directly. Please also refer to Article V of these policies which establishes a grievance procedure.
F) It is the policy and the intent of the Town that each and every job and job skill have a back-up person who has both the skills and the authority to perform that function and duties should the prime employee not be available for either short or long periods.

**1.9 Personnel Records**

A) Contents. Information related to each employee's history with the Town of Highgate will be recorded and kept in the employee's personnel file. Regular performance reviews, change of status records, commendations, corrective action, warnings and educational attainment records are examples of records maintained in the personnel file.
B) Inspection. An employee's personnel file is available for his/her inspection and copying upon appointment with the Selectboard or its designee.
C) Notification of Changes. The employee is responsible for notifying the Town of Highgate of changes in address, telephone number, and/or family status (births, marriage, death, divorce, legal separation, etc.) , as income tax status and group insurance may be affected by these changes. This responsibility includes employees on lay-off status and leaves of absence.
D) Access to Personnel Files. Access to personnel files is restricted to the Selectboard, its designee, and clerical staff who maintain the files, all on a "need to know" basis. Personnel files are the property of the Town of Highgate and may not be removed from the Town of Highgate's premises.
E) Information Requests and Employment References. Requests for information from employee files and inquiries from outside the Town of Highgate, including requests for references of former employees, will

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be directed to the Selectboard. The Town will only provide dates of employment and positions held. Elected officials and employees are prohibited from providing employment references on ex-employees or current employees.

F) Production of Employee Personnel Records. The Town will notify an employee, or, to the extent practicable, a former employee, in writing when it provides personnel records in response to a subpoena. In responding to a subpoena, the Town will comply with applicable state laws related to producing personnel records to a party in a civil court action. Without a subpoena, the Town will not provide personnel records to a third party. Therefore, if an employee or former employee seeks to provide such records to a third party, he or she must access and copy the portions of his or her personnel record to be provided.

G) Medical Information. All medical information about Town of Highgate employees is kept in separate locked cabinets. Such information will be kept confidential in compliance with the Americans with Disabilities Act and other State and Federal requirements. It includes, but is not limited to, documentation as to the necessity for Vermont Parental and Family Leave for Vermont employees, physician certifications of ability to return to work or excuse for absences. Only authorized personnel may access this information. Supervisors will be provided with medical information only on a need to know basis. An example of such a need to know is to implement medical restrictions about an employee's performance of his or her duties.

H) Retention of Records. The Town of Highgate generally maintains personnel records for the duration of an employee's employment and for six years thereafter.

## Article II – Recruitment and Selection

### 2.1 Employment Policy

It shall be the policy of the Town of Highgate to base decisions on each applicant's experience, ability and qualifications.

### 2.2 Non-Discrimination Policy

It shall be the policy of the Town of Highgate to provide equal employment opportunities to all regardless of race, religion, color, sex, marital or civil union status, disability, ancestry, age, national origin, veteran status or sexual orientation.

### 2.3 Advertising

Vacant positions may be advertised simultaneously for outside candidates so that all interested persons may apply at the same time. However, Town of Highgate employees (internal candidates) of equal qualifications generally have priority over external candidates.

### 2.4 Applications

Applications for employment shall be made on a standard form. All applications will be filed with the Town Administrator for his/her review, recommendation to the Selectboard and safe-keeping for a period of one year. However, an applicant must specify the position that he or she seeks in order to be considered a candidate.

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### 2.5 Hiring Practice

A) The Selectboard shall be responsible for the hiring of all employees except Assistant Town Clerk.
B) It is the responsibility of the Town Administrator to make announcements concerning all vacancies at the direction of the Selectboard. The announcement should include at least the title of the position, the salary qualifications and closing date for applications. The announcements will be made by a procedure determined by the Selectboard or delegated to the Town Administrator.
C) It is the policy of the Town of Highgate that immediate family, by blood marriage or civil union, as well as other relatives by blood marriage or civil union not be allowed to supervise one another as a regular arrangement or evaluate the supervisor of an immediate family member. If employees become related after beginning employment, a conflict of interest in terms of supervision may result. The Town will attempt to resolve any conflicts; however, in some cases, termination of employment may be necessary.

### 2.6 Probation Period

All employees hired by the Town of Highgate shall be on probationary status for twelve (12) months. An employee whose employment terminates during this period-regardless of the reason- shall not be entitled to any accrued benefits or to the right to the grievance procedure. The successful completion of the probation period shall in no way cause alteration of the employment "at will" status of Town of Highgate employees.

### 2.7 Promotions

All promotions shall be based on experience, qualifications, ability and evaluation history. It will be the prerogative of the Town to make promotions of Town employees when deemed appropriate.

### 2.8 Dismissals

A) The Selectboard shall have sole responsibility for the dismissal of any employee.

### 2.9 Suspensions

A) The Selectboard shall have the sole responsibility for suspending any employee.

## Article III – Compensation

### 3.1 Authority

The Selectboard establishes the budget for employee benefits and compensation for all Town of Highgate employees, elected officials and appointed officials.

### 3.2 Compensation Plan

A) A compensation plan will be established annually by the Selectboard in December. The plan will be implemented on the first day of July following approval of the annual Town of Highgate budget, as

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approved at Town Meeting. A listing of each employee, employee position, and corresponding salary shall be on file in the Town Treasurer's office.

### 3.3 Pay Period

A) Employees shall be paid bi-weekly. Pay day shall be Thursday for the previous pay period. If a payday falls on a holiday, payment shall be on the last working day prior to the holiday. Direct deposit is strongly encouraged.

### 3.4 Overtime

A) Town Administrator, Town Clerk, Town Treasurer and Public Works Director are excluded from the overtime provision unless approved by the Selectboard.
B) Eligible employees shall be compensated at the rate of time and one-half of their basic rate of pay for hours worked over forty (40) hours per week. Only actual hours worked, holidays, and compensatory time off shall count as hours worked when computing overtime.
C) Scheduled overtime – all full time employees who are scheduled to work outside their regular shift will be paid at one and one-half (1 ½) times their basic rate of pay.
D) All full-time employees who are called in to work during their regular scheduled day off will receive a minimum of 4 hours pay at one and one-half (1 ½) their basic rate of pay. If the employee gets another call out within the original 4 hour call out, hours worked are considered as part of the original call out. Additional time worked after the 4 hours will be paid at one and one-half (1 ½) their basic rate of pay.
E) Overtime is paid for actual hours worked over 40 hours per week. Vacation time cannot count toward hours worked in calculating overtime.

### 3.5 Salary Increases

All employees shall receive an annual written appraisal of their performance by their supervisor or the Selectboard. The purposes are to evaluate performance, to thank for a job well done, set goals, and provide direction for correction of any performance or behavior issues. Salary increases will be based on merit and will reflect the annual written evaluation. In January, an overall wage and salary review will be conducted by the Selectboard and a budget will be established for salaries and benefits that establishes the range of salary increases, if any.

### 3.6 Health Insurance

A) All full time employees, including family and dependents are eligible to participate in the health insurance program through the Town of Highgate 90 days after their date of hire. Cost sharing of the insurance premiums between the Town of Highgate and the employee shall be determined annually by the Selectboard in December to become effective July 1st of the following year.

### 3.7 Retirement Program

Full time employees will be enrolled in the Vermont Municipal Employee's Retirement System, as provided for in Title 24 V.S.A. sections 5051-5064, and in accordance with the Plan.

### 3.8 Funeral Leave

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A) Funeral leave of not more than three working days, without loss of pay shall be granted to a full time employee, with the approval of the Selectboard, for the death of one of the following of the family of an employee: Wife or Husband, Civil Union Partner, Father, Mother, Brother, Sister, Son, Daughter, Parents-in-Law, Grandparents, Grandchildren, Domestic Partner, Domestic Partner's Parents, Children, Grandchildren or Grandparents.

B) A maximum of four (4) hours of funeral leave may be granted to an employee, for the death of a non-immediate family member, with the approval of their supervisor or Selectboard provided he/she can be spared from their work duties. Any exceptions are to be directed to the Selectboard for approval.

### 3.9 Personal Vehicles and Mileage Reimbursement

Town employees and elected officials will use town vehicles to the practical extent possible when performing their town employee and elected official duties. Town employees and elected officials who must use their personal vehicles will be reimbursed for mileage at the standard government rate.

## Article IV – Vacation, Holidays and Time Off

### 4.1 Vacation

A) Vacations are provided for regular full time employees. The maximum amount of vacation allowance for any fiscal year is determined by length of continuous service as of June 30th, of the previous year. Any exception to this policy requires approval by the Selectboard. Maximum allowances are as follows:

| Length of Service | Leave Accumulation* | Annual Leave |
|---|---|---|
| 0 through 5 years | 4 hours / pay period | 13 days |
| 6 through 15 years | 6 hours / pay period | 19.5 days |
| More than 15 years | 8 hours / pay period | 26 days |

*26 pay periods

B) All vacation taken will be in the current year (prior to June 30th) that is earned with the exception of ten (10) days which will be allowed to carry over to the following year. The Town of Highgate will provide part time employees to fill in for planned vacations if required. Vacation days are to be taken in increments of not less than 4 hour periods, or at supervisor's discretion.

C) The Town of Highgate does not make cash payments for any vacation time not used. All employees are encouraged to take their earned vacation and compensatory time to ensure adequate rest and time away from work.

D) The Town of Highgate reserves the right to enter into an agreement with town employees, at the time of hiring only, to allow for alternatives to the earned vacation policy. The Town of Highgate and the employee must sign a Document of Understanding to validate the terms of the agreement.

E) Annual leave shall be taken in increments not less than 4 hours.

### 4.2 Compensatory Time

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A) Nonexempt (non-salaried) employees will be allowed to accrue compensatory time up to a total of 40 hours at a rate of one (1) hours of compensatory time off for each hour of overtime worked. Employees will not be eligible for compensatory time off after they have worked a total of 320 hours of overtime in the current calendar year. All compensatory time is to be taken by June 30th of each year. Any compensatory time not taken by June 30th of each year will be paid to the employee at their regular hourly rate of pay.

**B)** Exempt (salaried) employees will be allowed to accrue compensatory time up to a total of 40 hours at a rate of one hour of compensatory time off for each hour of overtime worked. All compensatory time is to be taken by June 30th each year. Any compensatory time not taken by June 30th will be forfeited. Exempt employees may take compensatory time in increments of one (1) hour.

**4.3 Flex Time**

All employees will be allowed to modify their schedule arrival / departure times as business needs allow while ensuring an eight (8) hour work day (i.e. planned arrival or call-in at 5:00am, employee may depart after completing eight (8) work hours with prior approval).

**4.4 Sick Time**

A) All full time regular employees will be eligible for paid sick time. Sick time is considered an employee benefit and is to be used only for actual illnesses, disabilities, or doctor appointments. Full time employees shall earn sick leave with pay at a rate of one working day for each calendar month of service and may accumulate up to 104 hours of sick leave.

B) A physician's certificate is needed for more than three (3) consecutive days of sick leave, or as needed to protect the employee or the town. Probationary employees shall not be paid for sick leave during the first three (3) months of employment, but will be credited for accumulated sick leave at the conclusion of their probationary period.

C) Any remaining sick leave will be carried over into the next year. An employee who has worked 15 years may be compensated up to 200 hours of unused sick leave upon retirement.

**4.5 Personal Time**

A) The Town of Highgate does not provide personal time off. If an employee has used all of their compensatory time or paid vacation and requires time off, the Town of Highgate may, at its option, grant time off without pay.

**4.6 Holidays**

A) The Town of Highgate approves the following days as paid holidays:
New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day.

B) Full time employees who are excused from work on a designated holiday, shall be paid a holiday allowance of eight hours at their regular rate of pay. All full time employees who are on duty during a designated holiday will receive the normal holiday allowance of eight hours at their regular rate of pay plus time and one half of their regular rate of pay for hours actually worked.

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C) When an employee is absent without an acceptable reason during the day immediately before, and/or during, and/or after an observed holiday, he/she will not be paid the holiday allowance. This will be determined at the sole discretion of the Town Selectboard.

**4.7 Leave of Absence**

A) Federal and State laws mandate the provision of employee family medical leave, as an unpaid leave of absence, for eligible employees (Appendix A explains the provisions.)

B) An employee who, for personal or medical reasons, will be away from his /her position in excess of accumulated earned time may request a leave of absence without pay beyond that provided for Family Medical Leave. The maximum leave that can be granted in any single block of time is six (6) months. All requests for leave of absence without pay shall be submitted, in writing, to the Selectboard and shall set forth the purpose for which the leave is requested. The granting of such a leave is subject to the approval of the Selectboard, and subject to the terms addressed in 4.3A if applicable.
The benefit and salary or wage payments during a leave of absence without pay are as follows: The Town of Highgate shall make no contributions to the employee's pension fund, medical plan, or insurance plan and shall make no salary or wage payments to the employee while on leave of absence without pay. Employees may continue their benefits at the Town of Highgate rate by making advance payments to the Town Treasurer at the first of every month.
The employee earns no service credit or compensation adjustment during such period away from work, but retains the service credit that he or she had at the commencement of the leave. Employees accrue all benefits during Family Leave periods. (See Appendix A.)

**4.8 Military Leave**

Employees of the Town who have short-term (up to fifteen (15) work days per year) military service training obligations shall be entitled to take a leave of absence for that purpose and be restored to their positions in accordance with State and Federal laws. Employees who take such annual short-term military training leave may either: (a) receive payment from the Town of Highgate for the difference between their military pay and their regular pay up to a limit of two work weeks per year (pro-rated for part-time employees); or (b) apply earned time to such a period of annual military training. However, if an employee applies earned time toward the military training period, the Town of Highgate will pay only for the earned time in addition to any compensation received from the military. During such annual military training, employees will continue to accrue Town of Highgate employment benefits and seniority.
Employees who are absent on military leave for a longer period (normally no longer than five (5) years) will continue to accrue benefit and seniority rights (i.e., not the benefits themselves) and not be paid. Such individuals engaged in military service will be entitled to the same or a comparable position upon their return to the Town of Highgate, to the extent required by the Federal Uniformed Services Employment and Reemployment Act and in compliance with State law.

**4.9 Jury / Witness Duty**

Time off for mandatory jury or witness duty will be granted; the Town agrees to pay the employee the difference between compensation received for said duty and employee's regular wages. This leave period will be considered to be time in Town service for purposes of calculating seniority, fringe

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benefits, credit towards vacation, and other benefits. An employee serving as a juror or witness is expected to report for work when it does not conflict with court obligations. It is the employee's responsibility to keep his/her supervisor or Selectboard periodically informed about the amount of time required for jury duty or witness appearances.

### 4.10 Highway Department – Summer Work Hours

Highway Department regular work hours are Monday through Friday, 7:00am-3:30pm (1/2 hour for lunch). Highway Department employees may work summer hours from May 1 – October 1. Summer work hours are Monday through Thursday, 6:00am-4:30pm (1/2 hour for lunch). Summer work hours are subject to annual review by the Selectboard.

## Article V – Discipline & Grievances

### 5.1 Disciplinary Action

The Selectboard shall exercise its right to discipline by reprimand, warning, suspension, demotion, or discharge any employee for good and just cause, as defined in Section 5.2.

### 5.2 Cause for Disciplinary Action

If a Town of Highgate employee has violated any of the following, he or she will be subject to disciplinary action:

1) Been convicted of a felony.
2) Knowingly or willfully violates the laws of the United States, the State of Vermont, the ordinances of any city, country, or municipality of the State, or any Town of Highgate rule or regulation.
3) Uses obscene or abusive language or behaves in an obscene or offensive manner to Town of Highgate officers or fellow employees or to members of the public.
4) Is under the influence of controlled substances or alcohol, uses or possesses alcohol or controlled substances while on the job or Town of Highgate property, or is considered by the Town to be in an unsafe condition for work. (See Appendix B.)
5) Is absent from work without reasonable cause.
6) Is tardy without reasonable cause.
7) Failure to observe safety rules and regulations.
8) Refuses or fails to perform job assignments.
9) Refuses or fails to follow the orders of a supervisor.
10) Gambles while on the job.
11) Is incompetent in his or her job performance.
12) Falsifies municipal record, e.g., employment application, time card, facility records, etc.
13) Has possession of a personal weapon while on the job or on Town of Highgate premises.
14) Misappropriates or willfully damages municipal property.
15) Loiters during working hours.
16) Engages in horseplay during working hours.
17) Fights while on the job or Town of Highgate premises.
18) Leaves work without permission during the employee's work hours.
19) Posts unauthorized notices or other material on Town of Highgate's bulletin boards or premises.
20) Engages in conduct unbecoming to a municipal employee.

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21) Engages in political activity on the job.
22) Seeks or obtains unauthorized special privileges from the Town of Highgate for him/herself or others.
23) Sleeps while on the job.
24) Engages in harassment. (See Appendix C.)
25) Violates the Town of Highgate smoking policy. (See Appendix D.)
26) Engages in other jobs resulting in unacceptable job performance per Town of Highgate Policy.

This list is given by way of example only, and is not exhaustive. Other conduct, behavior and performance problems may be the subject of disciplinary action.

### 5.3 Disciplinary Action

Disciplinary Action will generally take, but is not limited to, one or more of the following nine forms and may be used in any order, up to and including dismissal, at the sole discretion of the Selectboard or Town Clerk in the instance of the Assistant Clerk:

1) Verbal warning / counsel
2) Verbal reprimand
3) Written reprimand
4) Warning / probation
5) Suspension with pay
6) Suspension without pay
7) Demotion or transfer
8) Dismissal
9) Immediate dismissal

### 5.4 Grievance procedure

The Town of Highgate shall provide the opportunity for municipal employees to discuss grievances concerning the application and interpretation of the provisions of this personnel manual.
Grievance procedure:
Section A: The aggrieved employee will discuss the grievance with the appropriate supervisor or appropriate Selectboard department head, within 5 working days of the time in which the grieved action took place. The supervisor or Selectboard department head will give verbal answer within 5 working days after such discussion.
Section B: If the grievance is not resolved through Section A, the aggrieved employee shall, within 5 working days, submit the claim as a formal written grievance to the supervisor or Selectboard department head. The written grievance shall state specifically the events causing the grievance and all actions taken by the employee to resolve it.
Section C: If able, the supervisor or Selectboard department head shall resolve justifiable grievances. If the supervisor or Selectboard department head cannot resolve the grievance, the supervisor or Selectboard department head shall present it to the Selectboard for discussion at their next regularly scheduled meeting. If the grievance concerns the supervisor or Selectboard department head it shall be submitted directly to the Selectboard.
Section D: The Selectboard shall then render a decision on the grievance at the meeting in which it is presented. The Selectboard may postpone a decision to the next regularly scheduled meeting if any additional information is needed. Employees are not entitled to have legal counsel address the

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Selectboard in writing or in person, unless permission is granted, in extreme situations, by the Selectboard.

## Article VI – Conduct of Employees

### 6.1 Hours of Service

The Selectboard shall prescribe the weekly work schedule for all Town of Highgate employees. The hours so established shall be construed as normal work day or work week.

### 6.2 General Obligations

Every employee shall fulfill to the best of his or her ability the duties and responsibilities of the employee's position. The employees shall, during their hours of duty, be subject to such other laws, rules and regulations that pertain thereto, devote their full time attentions and efforts to their office and employment. Employees shall not use their positions to secure unauthorized special privileges or exemptions for the employee or others.

### 6.3 Attendance

No employee of the Town of Highgate shall be absent from duty without permission or an acceptable excuse. Any absence of an employee from duty, including the absence of a single day or a part of a day, which is not authorized under provisions of these rules, shall be investigated by the appropriate supervisor and shall be reported to the Selectboard or authorized representative for action. Subject to the Town's Short-Term Family and Parental Leave policy, any such absence may be cause for disciplinary action by the supervisor or Selectboard up to and including dismissal. Any non-exempt employee who shall absent himself or herself without authorization shall forfeit all compensation for the period of such absence. For a period not exceeding three to four hours and for proper cause, supervisors or Selectboard department heads shall be able to excuse a subordinate from reporting or being present for duty.

### 6.4 Political activity

An employee shall not use his or her official authority for the purpose of interfering with or affecting the nominations or election of any candidate for public office in the Town of Highgate. This rule is not to be construed to prevent a Town of Highgate employee from becoming or continuing to be a member of any political party or from attending political meetings or signing petitions for a candidate for public office while off duty.

### 6.5 Receipt of gifts

No person in the service of the Town of Highgate shall either directly or indirectly give, render, pay or receive any service or other valuable thing for or on account of or in connection with any appointment, proposed appointment, promotion or proposed promotion. Any employee who receives a gift or is offered a gratuity in excess of $50.00 from any source by virtue of the fact that he or she is a Town of Highgate employee shall within twenty-four hours inform the supervisor or Selectboard Department Head. Failure to report such gifts or gratuities, or offer thereof, may present grounds for suspension or

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dismissal. The supervisor or Selectboard Department Head shall, in turn, inform the Selectboard of all gifts and/or gratuities offered, or received or offered. The Selectboard will decide whether or not such gifts and/or gratuities may be accepted.

**6.6 Contracts**

No elected or appointed officer or employee of the town of Highgate shall benefit directly or indirectly in any contract with the Town of Highgate, regardless of amount; or furnish any material, or perform any labor, except in the discharge of his or her official duties, unless such contract shall have been awarded upon bids advertised for by publication. Such publication shall be at least two (2) times in a newspaper having general circulation with the Town of Highgate; the second publication shall be at least seven (7) days prior to the opening of such bids. No officer or employee of the Town shall take part in any decision concerning the business of the Town of Highgate in which he or she has a direct or indirect financial interest, aside from his or her salary as an officer or employee, greater than any other citizen or taxpayer in the Town of Highgate. This section shall not apply in the event of an emergency where immediate action shall be deemed more important to the Town of Highgate than the receipt of formal bids.

**6.7 Designation**

An employee who resigns his or her employment with the Town of Highgate shall be deemed to be terminated in good standing if he or she gives reasonable notice to the Selectboard (its/his or her) authorized representative of the employee's intention to resign and if other circumstances of the termination are such as to justify good standing.

**6.8 Technology Use & Privacy**

1. Purpose

The purpose of this policy is to govern access to and disclosure of electronic data composed, stored, sent or received on the Town of Highgate's computer system. This policy is designed to promote the appropriate use and to protect the safety and security of the town's computer systems, including email and internet use. Any use of the town's computer system carries with it no expectation of privacy as further described in this policy.

2. Ownership and Control

The Town of Highgate, Vermont (hereafter "the town") relies heavily upon internal and external electronic hardware and software information systems used to efficiently store, retrieve and process information (hereafter "the system"). The system includes all information composed, stored, sent or received and is the property of the town. The system is not the private property of any authorized user. For the purposes of this policy, town-related data on an employee's personal computer equipment (such as a home computer, laptop, notebook or cell phone) is part of the system. Further, personal equipment used for work purposes must meet the specified security guidelines and restrictions of the town outlined in the sections below and its use must be approved in advance by the network administrator. The security, reliability and integrity of the system are of vital importance to the continued successful operation of the town.

A network administrator appointed by and directly answerable to the Selectboard shall have administrative responsibility for the system. With the prior approval of the Selectboard, the network administrator may contract with qualified consultants to assist in the administration and maintenance of the system.

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Subject to review by the Selectboard, the network administrator shall have authority to grant access to Town employees, elected officials, contracted consultants, and volunteers to use the town's system (hereafter "authorized users"). Usage of the system is a privilege provided for the purpose of facilitating the town's objectives. This privilege may be limited and/or revoked by the network administrator or the Selectboard upon written notice to the authorized user.

It is the responsibility of all authorized users to ensure that the system is used appropriately and primarily for the town's purposes and in a manner that does not compromise confidentiality.

3. Operational Guidelines

The following guidelines shall govern the use of the system:

a) Authorized users shall not delete, erase, alter or format drives, directories, disks, files or folders nor copy or otherwise create an image of any program without authorization of the network administrator.

b) Only software authorized by the network administrator or Selectboard may be installed, loaded, or otherwise used on the system.

c) Authorized users experiencing difficulty in operating a workstation should not turn off or unplug the computer unless authorized by the network administrator.

d) No computer shall be equipped with or attached to an external communication device designed for remote operation or connection without prior written authorization from the network administrator or Selectboard.

e) In order to prevent unauthorized access to the town's computer system from an outside source, any desktop computers equipped with network access and an external communication device shall not be left powered on during non-working hours.

f) All users shall access the system with their own unique identity and not use another's identity.

g) In the interest of security, users shall not leave desktop workstations unattended and unprotected.

h) Authorized users shall notify the network administrator of any security issues, guideline violations or safety issues so that corrective action can be taken.

i) Private use of the system must be occasional, brief, appropriate and not interfere with the town's objectives. It must be consistent with this policy and not interfere with a user's job duties and responsibilities.

j) All email is subject to review by the network administrator.

k) All users shall execute the attached Agreement on the Use of Town Computer System.

4. Confidentiality and Privacy

Authorized users may be given computers and/or access to the system to assist them in the performance of their jobs to further the town's objectives. Authorized users should have no expectation of privacy in anything they create, store, send or receive using the town's system.

Pursuant to Vermont's Open Meeting Law, all emails relating to town business are public records. They are subject to public disclosure and must be preserved. Violations are subject to fines and other penalties. Emails involving communications with the Town Attorney regarding legal advice are considered privileged and not subject to public disclosure.

Emails 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's system are subject to Vermont's Public Records Law and may be covered by Vermont's retention schedule for municipal records.

The network administrator shall assign a network log-in name and initial network log-in password to all authorized users. The assignment or use of a system password implies no ownership rights or any expectation of privacy on any town computer resource. Authorized users must use only their own

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identity to access the system. Authorized users shall provide all keys or passwords to files that have been encrypted or password protected upon request of either the network administrator or Selectboard.

5. Improper Usage

Improper use of the system includes but is not limited to the following non-exhaustive list of activities:

a) Obtaining information or using any town resource in violation of law, regulation, policy, procedure, or other rule.

b) Release or use of records for personal or financial gain, or to benefit or cause injury to a third party.

c) Use of any town resource for access to or distribution of indecent or obscene material or child pornography.

d) Harassing others, or tampering with any computing systems, and/or damaging or altering the software components of same.

e) Use of town resources for fundraising, commercial or political purposes, benevolent association activities, or any other activities not specifically related to a business necessity of the town.

f) Any activity which adversely affects the availability, confidentiality, or integrity of any system resource and/or related data.

## Article VII – Workplace Safety

### 7.1 Safety

1) All town highway personnel, town employees and elected or appointed officials are required to wear a fluorescent vest and hard hat while performing traffic control or while out in a town vehicle while working in the highway right-of-way or on a site visit per OSHA regulations 1926.651(d). No town employee will perform traffic control for more than four (4) consecutive hours.

2) The Town of Highgate provides working uniforms to all full time and part time highway department employees at no cost to the employee.

3) Reporting Accidents: you shall report every injury or illness immediately to your supervisor or Selectboard Department head so that prompt attention may be given and circumstances investigated to prevent reoccurrence.

4) When injured you or your supervisor must IMMEDIATELY contact the Town Administrator or Selectboard Department Head to verbally report the accident.

5) As soon as possible after the accident you and the Town Administrator must complete and submit a copy of the First Report of Injury form. Your supervisor or Selectboard Department Head must follow up with you to ensure that this has been done promptly.

6) Within 72 hours of the accident, the completed and signed First Report of Injury form must be sent to the applicable state agency and to the insurance carrier.

## APPENDIX A

### Vermont Parental and Family Leave Policy

A. Parental and Family Leave: the Town of Highgate guarantees eligible employees the right to unpaid leave for family or medical reasons. Eligible employees are those employees who have worked for the Town for at least twelve months for an average of at least 30 hours per week.

B. The Town will provide twelve weeks of leave during any 12-month period for the following reasons:

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C. The birth of a child;
D. The placement of a child with the employee for adoption or foster care;
E. The serious illness of the employee's child, stepchild, or ward who lives with the employee, foster child, parent, spouse or parent of the employee's spouse, or
F. The employee's own serious illness.

G. Serious illness means an accident, disease or physical or mental condition that:
H. Poses imminent danger or death;
I. Requires inpatient care in a hospital, or
J. Requires in-home or hospice care under the direction of a health care provider.

K. The leave may be taken up to twelve weeks in duration. It may be taken on an intermittent or reduced schedule.
L. The leave will be unpaid except for portions that are used for accrued paid vacation, rescheduled time, family or sick leave. Employees have the right to use any amount of accrued paid leave for any part of the 12-week period. Vacation leave may not be used to extend this leave.
M. Notice of leave is required when it is foreseeable. The employee must provide reasonable notice of his/her intention to take leave. If the necessity for leave is based on planned medical treatment, the employee must provide at least 30 days' notice and make a reasonable effort to schedule the treatment so as to not unduly disrupt the operation of the Town of Highgate, subject to the approval of the employee's health care provider.
N. The Town will notify an eligible employee when it designates time away from work as being taken for Parental and Family Leave.
O. The Town may require that any leave request that is based on a serious illness of the employee or family member, or that is for an intermittent or reduced schedule is supported by certificate of the health care provider. The Town may request periodic re-certifications or medical reports as deemed necessary to verify the condition and the amount and the necessity for the leave requested.
P. If the employee chooses not to return to work at the expiration of the leave, the Town shall have the right to recover the premium paid in maintaining group health plan and dental benefits during the leave if for a reason other than the continuation of a serious health condition. Upon return from leave, an employee shall be restored to his/her old job, or to an equivalent position with equivalent pay, and to benefits and other terms and conditions of employment. Employment benefits shall continue to accrue while on leave. The Town may require the employee to contribute to the cost of benefits during the leave at the existing rate of employee contribution.
Q. After written and verbal notice to the employee, the town may deny job restoration to employees, in accordance with the Vermont Parental and Family Leave Law, when such an employee performs unique services and it is necessary to hire a permanent replacement in order to avoid substantial and grievous economic injury.
R. The Town posts notice as to the above-outlined rights.
S. VPFLA leave shall be used concurrently with any absence for a serious health condition resulting from an injury which falls under the Vermont Workers' Compensation statute.

**Short Term Leave**

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The Town of Highgate employees are also entitled to take up to 4 hours off – unpaid – in any 30-day period, but not more than a total of 24 hours in any 12-month period, for the following reasons:

- To take part in pre-school or school activities directly related to the education of the employee's child, stepchild, foster child or ward who lives with the employee. (An example of such an activity would be a parent-teacher conference.)
- To go to routine medical or dental appointments with an employee's child, stepchild, foster child or ward who lives with the employee, or the employee's parents, spouse or parent-in-law.
- To go to other kinds of appointments for professional services related to the care of well being of an employee's parent, spouse or parent-in-law.
- To respond to a medical emergency concerning the employee's child, stepchild, foster child or ward who lives with the employee, or the employee's parents, spouse or parent-in-law.
-

Please take note that, whenever possible, employees should try to schedule all such appointments outside of working hours. Additionally, employees may be required to take this unpaid leave time in a minimum of two-hour segments. Additionally, you should inform your manager of your intent to take off this unpaid leave time as early as possible, but no later than seven days in advance, other than in an emergency. "Emergency" means you could not have known in advance, and imposing the 7-day notice requirement would have a significantly negative impact on your family member. For all the above absences from work, you may, instead, use accrued paid leave, including vacation and personal leave.

**APPENDIX B**

**Town of Highgate Drug Policy**

This policy clearly states that illegal use of drugs will not be tolerated. This policy will work to maintain a work environment that is free from the effects of drugs in order to maintain a healthy and safe workplace. The Town is committed to providing a safe work environment for the wellbeing and health of its employees. This commitment is jeopardized when any employee illegally uses drugs on the job, comes to work under the influence, or possesses or distributes drugs in the workplace.

1) It is a violation of the Town of Highgate policy for any employee to possess, sell, trade or offer for sale illegal drugs, or use illegal drugs on the job.
2) It is a violation of the town of Highgate policy for anyone to report to work under the influence of illegal drugs or alcoholic beverages or to consume or possess illegal drugs or alcoholic beverages on Town of Highgate property.
3) It is a violation of the town of Highgate policy for anyone to use prescription drugs illegally. However, nothing in this policy applies to the correct use of legally prescribed medications. Employees on physician prescribed medication must notify a designated supervisor or Selectboard Department Head if there is a likelihood that such medication could affect job performance or safety.
4) Violations of this policy are subject to disciplinary action up to and including termination.
5) Where evidence warrants, the Town will bring matters of illegal drug or alcohol use to the attention of appropriate law enforcement authorities. Drugs that are illegal under federal, state, local laws include any Stimulant, Depressant, Hallucinogens or other drugs not prescribed by an accredited physician.
It is not each department's supervisor or Selectboard Department head's job to counsel employees or diagnose personal problems or drug problems. Supervisors or Selectboard Department Head's will report any violation of this policy and encourage such employee(s) to seek help from available resources listed.

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**As a condition of employment, employees must abide by the terms of this policy and must notify the** Town in writing of any violations occurring in the workplace no later than five calendar days after such incidents have occurred.

**APPENDIX C**
**Harassment Policy**

It is against the policies of the Town of Highgate and illegal under state and federal laws, for any employee, male or female to harass another employee on the basis of that individual being a member of a protected classification as a results of his or her race, creed, color, religion, sex, marital status, civil union, national origin, ancestry, place of birth, age, disability, veteran status, or sexual orientation. The Town if committed to providing a workplace free from this unlawful conduct.

What is "Sexual Harassment?"
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:

1) Submission to that conduct is made either explicitly or implicitly as a term or condition of employment;
2) Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decision affecting that individual; or
3) The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include, but are not limited to the following, when such acts 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 employee's body;
- Touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact was unwelcome;
- Continuing to ask an employee 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 or sexual orientation;
- Harassing acts or behavior directed against a person on the basis of his or her sex or sexual orientation;
- Off duty conduct which falls within the above definition and effects the work environment.

Complaint Procedure

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In the event that the Town of Highgate receives a complaint of such harassment based on an individual being in the above-listed protected classification, or otherwise has reason to believe that sexual harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. The Town is committed, and required by law, to take action if it learns of potential harassment on the basis of membership in a protected classification, even if the aggrieved employee does not wish to formally file a complaint. Every supervisor and Selectboard Department Head is responsible for promptly responding to, or reporting, any complaint or suspected acts of sexual harassment. Supervisors and Selectboard Department Heads should report to the Selectboard. Failure by a Supervisor or Selectboard Department Head to appropriately report or address such harassment complaints or suspected acts shall be in violation of this policy.

Care will be taken to protect the identity of the person with the complaint and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation. It shall be a violation of this policy for any employee who learns of the investigation or complaint to take any retaliatory actions, which affect the working environment of any person involved in this investigation.

If the allegation of harassment is found to be credible, the Town will take appropriate corrective action. The Town will inform the complaining person and the accused person of the results of the investigation and what actions will be taken to ensure that the harassment will cease and that no retaliation will occur. Any employee, supervisor, or agent who has been found by the employer to have harassed another employee will be subject to the full range of sanctions, from a verbal warning up to and including dismissal.

If the allegation is not found to be credible, the person with the complaint and the accused personal shall be so informed, with appropriate instruction provided to each, including the right of the complainant to contact any of the state or federal agencies identified in this policy notice.

What you should do if you believe you have been harassed

Any employee who believes that she or he has been the target of harassment, or who believes she or he has been subject 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. If the employee does not wish to communicate directly with the alleged harasser, or harassers, or if direct communication has been ineffective, then the person with the complaint is encouraged to report the situation as soon as possible to your Supervisor or Selectboard Department Head. It is helpful to an investigation if the employee keeps a diary of events and the names of people who witnessed or were told of the harassment, if possible.

If the complainant is dissatisfied with the employer's action, or is otherwise interested in doing so, she or he may file a complaint by writing or calling any of the applicable State or Federal agencies:

State Agencies:

- Vermont Attorney General's Office, Civil Rights Union, 109 State Street, Montpelier, VT 05602. Telephone 802-828-3171: TDD 802-828-3665. Complaints should be within 300 days of the adverse action.
- Vermont Human Rights Commission, 133 State Street, Montpelier, VT 05633-6301. Telephone 802-828-2480 (voice / TDD). (Only if you are employed by a Vermont State Agency.) Complaints must be filed within 360 days of the adverse action.

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- Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114. Telephone 617-565-3200 (voice); 617-565-3204 (TDD). Complaints must be filed within 300 days of the adverse action.

Each of these agencies can conduct impartial investigations, facilitate conciliation, and if it finds that there is probably cause or reasonable grounds to believe harassment occurred, it may take the case to court. Although employees are encouraged to file their complaint of harassment through the procedure, an employee is not required to do so before filing a charge with these agencies.

In addition, a complainant also has the right to hire a private attorney, and to pursue a private legal action in state court.

Where can I get copies of this policy?
A copy of this policy will be provided to every employee, and extra copies will be available upon request. Reasonable accommodations will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment, upon advance request.

**APPENDIX D**
**Town of Highgate Tobacco Policy**

All Town of Highgate employees, elected officials, customers and visitors are expected to comply with the tobacco regulations detailed in this policy.

TOBACO PROHIBITED AREAS:
- All areas in all Town of Highgate buildings, vehicles and lands.

**These Personnel Rules supersede any and all previous adopted Personnel Rules and/or policies.**

**Dated at Highgate, Vermont this** 4 **day of** February**, 2016.**

**THE TOWN OF HIGHGATE SELECTBOARD**

**Jeff Towle, Chair**

**Chris Yates, Vice-Chair**

**Randall Connelly**

Diana O'Hara

**Diana O'Hara**

**Paulette Tatro**

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Witness:

Heidi Britch-Valenta

**Heidi Britch-Valenta, Town of Highgate Administrator**