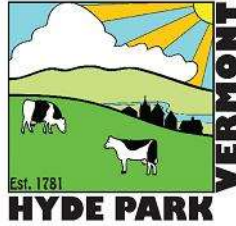


Town of Hyde Park, Vermont



PERSONNEL POLICY

Adopted and Effective January 9, 2014

Amended and Effective: September 11, 2014
Section XI: Add Short-term Disability Insurance

Amended: June 9, 2016
Section XI: Pro-rated Benefits for 32-39 hours per week
Effective: July 1, 2016

Amended: September 12, 2016
Section XI: Add Extended Health Benefits
Effective: September 12, 2016

Hyde Park Selectboard

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PERSONNEL POLICY

I. NAME OF ADMINISTRATIVE RULES AND AUTHORITY

These rules shall be known as the Hyde Park Personnel Policy (referred to herein as the "Policy"). The Hyde Park Selectboard hereby adopts this Policy, to be effective upon adoption, pursuant to the provisions of Title 24, Vermont Statutes Annotated, Section 872 (Selectboard; general powers and duties), Section 1121 (Legislative board authority to adopt Personnel Rules) and Section 1122 (Procedure for adoption is by majority vote of legislative body). This Policy replaces prior town policies.

Employment with the Town of Hyde Park is not for any definite period or succession of periods, and may be terminated either by the employee or by the town at any time without notices, except as provided by this Policy. Wages or salary and any accrued and unused leave time allowable under this Policy to be paid, shall be due to the employee only to the day and hour of termination.

This Policy and the provisions contained herein do not constitute a contract of employment in whole or in part. The town reserves the right to add, amend or delete any benefit or policy stated herein at any time, except as otherwise committed to by formal contract or written agreements signed by both the employee and town. The Selectboard is responsible for administering this Policy and ensuring compliance with its rules and procedures. The Selectboard's authorized representative, as found throughout this Policy, is designated by vote of the Board.

II. PERSONS COVERED

This Policy shall be applicable to all persons employed by the Town of Hyde Park, including volunteer firefighters and the zoning administrator, with the exception of Elected Officers, Library Employees (unless this policy is adopted by the Library Trustees), members of Boards, Committees and Commissions, employees of the School District, persons employed in a professional capacity to make special and temporary studies, investigations and/or inquiries and other positions to which no compensation is attached. Notwithstanding the above, all members of boards, committees and commissions are expected to adhere to the same conduct rules as for employees under Section X, Conduct of Employees, of this Policy. For purposes of this Policy, a full-time employee is an employee who works at least 40 hours per week on a regular and continuing basis. A part-time employee works fewer than 40 hours per week on a regular and continuing basis.

III. ADMINISTRATION

This Policy shall be administered by the Selectboard or its authorized representative. Amendments to this Policy shall be by majority vote of the Selectboard occurring at a public meeting warned for such purpose.

Equal Employment Opportunity

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

IV. RECRUITMENT

Applications for positions will be posted internally for at least 5 business days before the Selectboard solicits external candidates to provide current employees an opportunity to request promotion or transfer before external candidates are interviewed.

As part of the pre-employment procedure, former supervisors; employers; and references provided by the applicants shall be checked as a precaution against obtaining undesirable employees. Reference checks made by personal or telephone contact shall be documented. These reference checks shall be completed prior to an offer of employment and the information shall be made part of the application file.

When an emergency appointment situation is declared by the Selectboard, any or all of the application process requirements may be waived to ensure provision of continuous Town services to its citizens.

V. SELECTION

All appointments to positions in the service of the Town of Hyde Park, paid and volunteer, shall be made based on merit and fitness. Education, experience, aptitude, knowledge, skills, character, physical fitness (where necessary for the essential functions of the position) personality, and all other qualifications deemed necessary for the satisfactory performance of the duties of the position to be filled shall be considered with weights assigned to each factor as may be deemed proper by the Selectboard or its authorized representative or such advisory selection committee as may be appointed.

VI. APPOINTMENT/PROBATIONARY PERIOD

A. Type of Appointments

Regular Employees:

1. Full-Time: A full-time employee works at least 40 hours per week on a continuing basis (indefinite term). The full-time employee is subject to all rules and regulations and receives all benefits and rights as provided by the Policy.
2. Part-time Employees: Are employees who work less than 40 hours per week and are not eligible for employee benefits, except that the Selectboard may grant leave time, including holiday pay, based on the terms and conditions of the position and the employee shall use or lose all leave time by the end of each fiscal year.

Special Appointments:

3. Student Appointments: Student appointments have the purpose of affording students of public administration or other professional areas an opportunity to gain actual work experience and provide service to the town. Such appointments are for a definite period of time, not to exceed 12 months, and require approval of the Selectboard or its authorized representative, and may be paid or non-paid. Student appointees shall not be eligible for employee benefits but shall be subject to all personnel rules pertaining to performance and conduct.
4. Emergency Appointments: In order to prevent stoppage of public business or loss or serious inconvenience to the public, appointment of employees on a temporary basis may be authorized by the Supervisor with the approval of the Selectboard or its authorized representative in accordance with these rules for a period not to exceed sixty (60) days. Such appointees shall not be eligible for employee benefits.
5. Limited-term Appointments: Limited term appointments are made when a special project requires the addition of employees for a specific time, or to fill a position of an employee on a leave of absence. Such employees shall be subject to all rules and regulations and receive all benefits and rights as provided by this Policy, as applicable, during their term of employment.

6. Seasonal Employee Appointments: Are employees hired for a specific project or job duty for a specific duration and are not eligible for employee benefits, except that the Selectboard may grant leave time, including holiday pay, based on the terms and conditions of the position and the employee shall use or lose all leave time by the end of each seasonal period.

State and Federal laws may require the town to offer certain benefits to full and part-time employees not covered in this Policy.

B. Probationary Period

All appointments for greater than ninety (90) days shall be made with a probationary period of ninety (90) days. A supervisor may extend, with cause, the probationary period with the written approval of the Selectboard or its authorized representative. The total probationary period shall not exceed twelve (12) months. One month prior to the end of the probationary period, the Supervisor shall submit a written or oral report to the Selectboard or its authorized representative, carefully reviewing the work of the new employee. New employees may be paid at a probationary rate during this period. During the probationary period, the Supervisor may remove an employee who is unable or unwilling to perform the duties of the position satisfactorily, or whose performance and dependability do not merit continuance in the service of the Town.

C. Proof of Citizenship

All town employees; regular and special appointments, must provide the Selectboard or its authorized representative, at the time of hire or when requested, with proof of citizenship or legal immigration status in conformance with federal law on or prior to the first day of work. Failure to provide such proof shall result in non-hiring or immediate dismissal.

VII. PROMOTIONS

Promotions are at the discretion of the Selectboard or its authorized representative.

VIII. EVALUATIONS, DISCIPLINE AND DISMISSAL

A. EVALUATIONS

All regular employees of the Town of Hyde Park will be evaluated a minimum of once a year, generally in June. Annual reviews will be documented by filing a written report in the employees personnel file.

Any annual evaluation with a rating of less than satisfactory may result in a sixty (60) to ninety (90) day probationary period; See Section VI, B, Probationary Period. Improved performance and subsequent evaluation can result in the probationary status concluding. Failure to improve during the probationary period may result in suspension with pay or termination. During the probationary period there will be no reduction in pay or loss of fringe benefits.

B. DISCIPLINE AND DISMISSAL

1. General Policy

The Town of Hyde Park exists to provide services to its citizens and therefore has a responsibility to perform these services in the most effective and efficient manner possible. The same is required of all town employees. Discipline and/or discharge will result from any action or inaction resulting in anything less than satisfactory performance. All employees will be fairly and consistently subject to the disciplinary and discharge procedures, given the facts of the individual case.

2. Employee Actions or Inactions Resulting in Disciplinary Action and/or Dismissal

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

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

The Town also retains the right to unilaterally eliminate positions or reduce the work hours of a position or positions due to economic conditions, shortage of work, organizational efficiency, and changes in departmental functions, reorganization or reclassification of positions resulting in the elimination of a position or for other related reasons.

Probationary employees are not subject to the Town's progressive discipline process. Notwithstanding any other provision of this policy, an employee terminated during the probationary period will have no right to appeal such termination. The Town will normally adhere to the following progressive disciplinary process, but reserves the right to bypass any or all steps of progressive discipline when it determines, in its sole discretion, that deviation from the process is warranted: (1) verbal warning; (2) written warning; (3) suspension; and (4) termination.

Employees are prohibited from engaging in conduct listed below and may receive discipline, up to and including termination, for doing so. The below list has been established to provide examples of behavior that could warrant a range of disciplinary sanctions. Appropriate levels of discipline may be based on the severity of employee conduct.

This list of prohibited conduct is not exhaustive.

- Refusing to do assigned work or failing to carry out the reasonable assignments of a Supervisor or Selectboard.
 - Being inattentive to duty, including sleeping on the job.
 - Falsifying a time card or other record or giving false information to anyone whose duty is to make such record.
 - Being repeatedly or continuously absent or late, being absent without notice or satisfactory reason or leaving one's work assignment without appropriate authorization.
 - Conducting oneself in any manner that is offensive, abusive or contrary to reasonable community standards and expectations of public employees.
 - Engaging in any form of harassment including sexual harassment.
 - Misusing, misappropriating, or willfully neglecting Town property, funds, materials, equipment or supplies.
 - Unlawfully distributing, selling, possessing, using or being under the influence of alcohol or drugs when on the job or subject to duty.
 - Fighting, engaging in horseplay or acting in any manner which endangers the safety of oneself or others. This includes acts of violence as well as threats of violence.
 - Stealing or possessing without authority any equipment, tools, materials or other property of the Town or attempting to remove them from the premises without approval or permission from the appropriate authority.
 - Marking or defacing walls, fixtures, equipment, tools, materials or other Town property, or willfully damaging or destroying property in any way.
 - Willful violation of Town rules or policies.
- b. Other violations of Town work rules or these Personnel Rules or employee actions or inactions, including those listed as follows shall result in a vocal or written reprimand, suspension with pay, suspension without pay or dismissal as detailed below: abuse of earned time off, failure to request leave in advance, leaving without permission, unexcused absences, chronic absenteeism, unexcused and/or excessive lateness; carelessness, negligence, short cuts, horseplay, gambling, sleeping on duty, theft, disregard for safety rules, possession of firearms or dangerous weapons on duty without supervisor's permission, willful damage to company property and falsifying work records. This list is not inclusive and is exemplary only.

C. Oral and Written Reprimands

1. For the first violation or any violation immediately following six months of no disciplinary actions against the employee of any rule, inaction or prohibited action as defined above not, in the opinion of the Supervisor or Selectboard serious enough for dismissal, the Supervisor or Selectboard may issue an oral reprimand to the offending employee. The Supervisor or Selectboard may put a written record of oral reprimand in the employee's personnel folder.
2. A violation of any rule, inaction or prohibited action within six (6) months of an oral reprimand or where more severe initial action is warranted, can result in the Supervisor or Selectboard issuing a written reprimand to the offending employee. The reprimand will be issued to the employee in conference with the Supervisor or Selectboard with a witness present and shall detail the incident necessitating the action and the rule or rules violated. A written record of oral reprimand signed by the Supervisor or Selectboard and conference witness shall be entered in the employee's personnel folder.

D. Suspension Without Pay or Suspension With Pay

A violation of any rule, inaction or prohibited action, or any other behavior warranting disciplinary action within six (6) months of an oral reprimand or where more severe initial action is warranted, can result in the Supervisor or Selectboard suspending an employee without pay or with pay and for a term to be determined by the Selectboard. Such suspended employee shall be immediately notified of such action in writing during a conference with the Supervisor or Selectboard and with a witness present. The written notification will include a description of the incident necessitating the action and/or the rule or rules violated. A copy of the written notification signed by the suspending officer and the conference witness shall be entered in the employee's personnel folder.

The Selectboard or its authorized representative may immediately dismiss (1) any employee whose actions or inactions violate the Policy; or (2) any employee whose action or inaction violates the Policy within a six (6) month period following disciplinary suspension.

E. Dismissal

The Town has adopted an employment termination process. Most often, employee conduct that warrants termination results from unacceptable behavior, poor performance, or violation of the employer's policies, practices, or procedures. However, termination may result from conduct that falls outside of those identified areas. The Town need not utilize this termination process but may take whatever action it deems necessary to address the issue at hand.

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

An employee being considered for termination will be provided with a written notice. The notice will contain a brief statement of the reasons termination is being considered and the date, time and place of a pre-termination meeting with the Town Administrator.

At the pre-termination meeting, the employee will be afforded an opportunity to present the employee's response to the reasons for termination. If the employee declines to attend the pre-termination meeting, the employee may submit written response to the pre-termination notice not later than the scheduled date of the meeting. Within seven days of the date of the meeting, the Town Administrator will provide the employee with a written notice informing the employee whether he/she has been terminated. If the employee has been terminated, the notice will provide the general reasons therefore and will also inform the employee of the opportunity to request a post-termination hearing before the Selectboard by giving written notice of such request to the supervisor within seven days. The employee will be informed that the employee's failure to make a timely request for a post-termination hearing will result in such hearing being waived.

If a request for a post-termination hearing is made, the Selectboard will provide the employee with a notice informing the employee of the date, time, and place of the post-termination hearing before the Selectboard. The notice will inform the employee of his or her right to be represented by counsel, to present and cross-examine witnesses and to offer supporting documents and evidence. The notice of will also inform the employee of his or her right to have the hearing conducted in executive session in accordance with 1 V.S.A. § 313.

At the post-termination hearing, the employee will be afforded the opportunity to address the basis for termination by hearing and examining the evidence presented against the employee, cross-examining witnesses and presenting evidence on his/her behalf. The Selectboard will make such determinations as may be necessary in the event of evidentiary objections or disputes. When the hearing is adjourned, the Selectboard, under the authority granted by 1 V.S.A. § 313, (a), 3, will consider the evidence presented in the hearing in deliberative session. The Selectboard will render a written decision within fourteen days after close of the hearing, unless otherwise agreed upon by the parties.

IX. GRIEVANCES AND HIPPA PRIVACY

A. Grievance Policy

It is the intent of the Town of Hyde Park to address grievances informally and supervisors as well as employees are encouraged to make every effort to resolve problems as they arise. However, it is recognized that there may be grievances, which will be resolved only after a formal appeal and review. When this is the case the procedure listed hereunder will be followed.

A grievance is any matter considered by the employee as ground for complaint, except in the case of personnel action arising out of discipline, dismissal, demotion or suspension.

B. Grievance Procedure

An employee who believes that inequitable treatment has been received because of some conditions of employment may personally or through representatives appeal for relief from that condition. The employee is expected to initially discuss any grievance with the immediate supervisor.

An employee who has a grievance may present it verbally or in writing to his/her immediate supervisor within ten (10) business days of the occurrence which prompts the grievance. The supervisor shall meet with the employee and give a written answer within five (5) business days of the oral or written presentation of the grievance.

If the matter cannot be settled at that level, the employee may elect to discuss the matter with the Town Administrator.

If the employee feels that the grievance has not been satisfactorily addressed by the Town Administrator, he or she may present it to the Selectboard for consideration.

C. HIPPA Policy and Non-Retaliation Statement

The town does not receive or create any protected health information of (PHI) under federal law 45 CFR Section 164.530(k). All enrollment materials are reviewed to ensure that the individual is not required to waive his or her rights under the Privacy Rule as condition of enrollment or eligibility for benefits.

X. CONDUCT OF EMPLOYEES

A. Hours of Service

The Selectboard shall prescribe the number of hours per day and per week of expected attendance for all employment positions appointed by the Selectboard. The Town Clerk shall prescribe the number of hours per day and per week for the town clerk's office to be open for public service. The hours so established shall be construed as the normal work day or work week. Overtime is discouraged for employees not involved in emergency response duties, but may be approved from time to time for any employee by a supervisor within the constraints of that department's budget.

Work Shift Breaks - All employees are allowed two paid "rest breaks" per shift for no more than 10 minutes each which are not reported as leave time. Additional rest breaks may be approved on a case-by-case basis by the supervisor. Employees are allowed one 30 minute unpaid meal break per work shift that exceeds 6 hours. One additional meal break may be approved by the supervisor if the employee's work shift is longer than 10 hours. Employees that are not free to leave the work site or who perform any work duties while eating a meal shall be paid. Supervisors must give prior approval for any paid meal time in order for that time to not be deducted from the work shift.

Highway Department Only - Established Hours of Service

Summer Hours – A typical workday is ten (10) hours per day Monday through Thursday, 6:00 a.m. to 4:30 p.m. and any hours on Friday are set at the discretion of the Supervisor. The Summer Work Season is set by the Supervisor, but is generally defined as April 15 to October 31.

Winter Hours – A typical workday is eight (8) hours per day, Monday through Friday. Winter hours per day, and the starting and ending times, may be modified at the direction of the Supervisor. The Winter Work Season is set by the Supervisor, but is generally defined as November 1 to April 14.

Winter seasonal employees are expected to report for duty when requested at anytime during the Winter Work Season. No pay is provided for hours the seasonal employee is available to work but does not report for work. When called in, work hours begin when the employee arrives at the work site. Seasonal employees shall inform the highway supervisor of anytime they will not be available for winter seasonal work.

Compensatory time may be available with the approval of the Supervisor, or the Selectboard, but only in conformance with the comp time policy section of this Policy.

Closing of Municipal Departments

A supervisor, after consulting with the Chair of Selectboard, may close the department for a portion of the normal work day, or for the entire work day, for training purposes or inclement weather. However, if the Governor orders no travel on state highways, the town offices and most municipal departments, except highway, shall be automatically closed for the same period of time as set by the Governor for state highways. The employee shall be paid for the entire work day following a decision to close the department if such decision is made after the beginning of the normal business hours. If the department is closed at least 30 minutes before the beginning of a normal work day, the employee is not paid for that day or any consecutive days of closure. Hours not worked are counted as unpaid leave by the employee or submitted for pay as Earned Time Off (ETO) hours, if available.

B. 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 privileges or exemptions for the employee or others. Employees shall not use Town property or equipment without authorization from the Selectboard or the supervisor for the employee's private use or for any use other than that which serves the public interest.

Resignation

An employee who resigns his or her employment with the town shall be deemed to be terminated in good standing if he or she gives reasonable notice to the Selectboard or its authorized representative of the employee's intention to resign and if other circumstances of the termination are such as to justify good standing. Reasonable notice shall be defined as at least two weeks.

Outside Employment

Employees are allowed to work for themselves or others, as long as their job duties and responsibilities with the Town of Hyde Park are not negatively impacted. The primary occupation of all full-time employees shall be to the Town. Employees may not engage in any outside business activities during their normal working hours. Employees are prohibited from undertaking outside employment that interferes with their job performance or constitutes a conflict of interest. Prior to accepting any outside employment, employees will disclose their intent in writing and obtain prior clearance from the Town that such employment does not constitute a conflict of interest. A conflict of interest for the purposes of outside employment means a direct or indirect personal or financial interest of an employee, his or her close relative, household member, business associate, employer or employee. A close relative includes a spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law and sibling-in-law.

Nepotism

The Town – in recognition of the potential for a conflict of interest to occur in the workplace where a close relative is responsible for supervising or evaluating the work performance of another close relative – prohibits the hiring or transferring of relatives, when doing so will result in a close relative supervising or evaluating another close relative, or a close relative supervising or evaluating the immediate supervision of another close relative. A close relative includes a spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law and sibling-in-law.

C. Attendance

No employee of the Town of Hyde Park shall be absent from duty without permission. 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. Any such absence may be cause for disciplinary action by the Supervisor. Any non-exempt employee who shall absent himself or herself without authorization shall forfeit all compensation for that period of such absence. For a period not exceeding four hours, and for proper cause, Supervisors shall be able to excuse a subordinate from reporting or being present for duty. The 4-hour unpaid leave provision expands the minimum leave rights granted by the State; see Section XIII, Parental and Family Leave in this Policy.

D. 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 Hyde Park. This rule is not to be construed to prevent a town 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.

E. Receipt of Gifts

No person in the service of the Town of Hyde Park 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 personal gift or is offered a gratuity, from any source by virtue of the fact that he or she is a town employee, shall refuse the gift and inform their Supervisor. Gifts to the Town of Hyde Park shall be delivered to the Town Administrator or Selectboard Chair who shall then discuss the process to accept and thank the person, if known, or reject the gift. The acceptance or rejection shall be entered into the next Selectboard meeting minutes.

F. Dress Code

The Town of Hyde Park has established a casual business attire policy; therefore we ask that employees dress and be groomed in a manner that is appropriate for the job being performed and not distracting to other employees or visitors. Remember that employees of the Town of Hyde Park are town representatives and we expect all employees to present themselves accordingly. The nature of the work environment and the services we perform are taken into consideration in the following guidelines:

Employees are required to wear relaxed business attire or uniforms. Business casual is defined as middle ground between business formal wear and street wear. Tattered jeans, short-shorts, halter tops, or shirts with spaghetti straps, or torn, ruffled, or dirty appearing clothing are not permitted. There are instances where the dress policy will be revised because an activity the staff person is involved in requires different dress and the Supervisor will inform any potentially affected persons of this temporary modification to the dress code. Uniforms shall be consistent in design and color for the department. Supervisor's may notify an employee that their clothing is unsafe for the task and offer specific correction measures to the employee to take before attempting or completing a task, including leaving the work site without compensation for the time away from the work site.

If your supervisor feels your attire and/or grooming is out of place, you may be asked to leave your workplace until you are properly attired and/or groomed. Employees who violate dress code standards may be subject to appropriate disciplinary action and pay will be withheld for the time spent away from the work place to change attire. An employee may elect to grieve the supervisor's decision, but shall first leave work and return when properly attired and/or groomed or the specific safety issue with the clothing is corrected.

G. Use of Town Equipment and Town Computer System

Except as provided in Section XVI, F, Personal Use of Town Vehicles by Town Employees of this Policy, the use of Town equipment or property for personal use is strictly prohibited.

The Town computer system is to be used by employees for the purpose of conducting Town business. Occasional, brief, and appropriate personal use of the Town computer system is permitted, provided it is consistent with this Policy and does not interfere with an employee's job duties and responsibilities.

Employees should have no expectation of privacy regarding anything created, sent or received on the Town computer system. The Town may monitor any and all computer transactions, communications and transmissions to ensure compliance with this Policy and to evaluate the use of its computer system. All files, documents, data and other electronic messages created, received or stored on the Town computer system are open to review and regulation by the Town and may be subject to the provisions of Vermont's Public Records Law.

Employees may not introduce software from any outside source on the Town's computer system without explicit prior authorization from their supervisor. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the Town computer system.

Employees who have a confidential password to access the Town's operating system should be aware that this does not mean the computer system is for personal confidential communication, nor does it suggest that the computer system is the property of that person.

Transmission of electronic messages on the Town computer system shall be treated with the same degree of propriety, professionalism, and confidentiality as written correspondence. The following are examples of uses of the Town computer system which are prohibited:

- Communications that in any way may be construed by others as disruptive, offensive, abusive, discriminatory, harassing, or threatening;
- Communications of sexually explicit images or messages;
- Transmission of chain letters or solicitations for personal gain, commercial or investment ventures, religious or political causes, outside organizations, or other non job-related solicitations during or after work hours;
- Access to Internet resources, including web sites and news groups, that are inappropriate in a business setting;
- Any other use that may compromise the integrity of the Town and its business in any way.

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

For purposes of this section, computer system means all computer-related components and equipment including, but not limited to, host computers, file servers, workstation terminals, wireless devices, laptops, software, internal or external communication networks, the world wide web, the Internet, commercial online services, bulletin board systems, back up systems and the internal and external e-mail systems accessed via the Town's computer equipment.

H. Sexual Harassment

It is against the policies of the Town of Hyde Park, and illegal under state and federal law, for any employee, male or female, to sexually harass another employee. The Town of Hyde Park is committed to providing a workplace free from this unlawful conduct. It is a violation of this Policy for an employee to engage in sexual harassment.

What is "sexual harassment?"

Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature when:

- 1) submission to that conduct is made either explicitly or implicitly 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 decisions 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 s/he 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 affects the work environment.

What this employer will do if it learns of possible sexual harassment.

In the event this employer receives a complaint of sexual harassment, or otherwise has reason to believe that sexual harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. The employer is committed, and required by law, to take action if it learns of potential sexual harassment, even if the aggrieved employee does not wish to formally file a complaint. Every supervisor is responsible for promptly responding to, or reporting, any complaint or suspected acts of sexual harassment. Supervisors should report to the Town Administrator then to the Chairperson of the Selectboard. Failure by a supervisor to appropriately report or address such sexual harassment complaints or suspected acts shall be considered to be in violation of this Policy.

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

If the allegation of sexual harassment is found to be credible, this employer will take appropriate corrective action. The employer 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 sanctions appropriate to the circumstances, ranging 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 person 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 sexual harassment, or who believes she or he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop. 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 the employee's Supervisor or Town Administrator, if those contacts are not possible, then to the Chairperson of the Selectboard. 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.

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

- 1.) Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05602, tel. (802) 828-3171 (voice/TDD). Complaints should be filed within 300 days of the adverse action.
- 2.) Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114, tel. (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 probable cause or reasonable grounds to believe sexual harassment occurred, it may take the case to court. Although employees are encouraged to file their complaint of sexual harassment through this employer's complaint procedure, an employee is not required to do so before filing a charge with these agencies. The use of this procedure does not preclude any victim of sexual harassment from pursuing any other legal remedy.

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 in the Town Office for employees or the general public.

Reasonable accommodations will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment, upon advance request.

XI. HOSPITALIZATION, MEDICAL AND DENTAL INSURANCE & SHORT-TERM DISABILITY INSURANCE

Employees or elected officials regularly working 30 hours per week or more for 20 or more consecutive weeks will become eligible for group health coverage as then offered by the town. Health and dental coverage eligibility is set forth in the employee’s letter of hire and generally will begin on the first day of the month following the date of hire. While health coverage premiums are paid at the same amount for all eligible employees, dental coverage for employees is only eligible to employees regularly working at least 32 hours per week and less than 40 hours per week on a pro-rated basis. For example, 40 hour employees will have dental insurance paid at 100% for the employee, while an employee working 36 hours per week (90% of a 40-hour work week) will have 90% of the premium paid by the Town and the employee must contribute the remaining 10%. The health and dental benefit plan, if offered by the municipality or another agency, may be changed by the Selectboard at any time. Application to enroll in this plan must be made through the Town Clerk’s Office.

Extended Health Benefit

Extended health benefits (not including dental) for employees is available under COBRA (where the employee pays 100% of the premium after termination of town employment), however for long-term employees, defined below, the town will pay some of the employee’s health care premium cost on the following schedule:

<u>Length of Service (from date of hire)</u>	<u>Town Pays</u>	<u>for # of Months</u>
10 years to 19 years	89%	2 months
20 years to 29 years	89%	3 months
30 years or more	89%	6 months

Short Term Disability (STD) Insurance

- A.** Short-term disability insurance provides income for employees who are temporarily disabled due to a non work related accident or illness.
- B.** All employees that are hired to regularly work at least 40 hours per week are eligible. Employees regularly working at least 32 hours per week but less than 40 hours per week are eligible on a pro-rated basis. For example, 40 hour employees will have STD Insurance paid 100%, while an employee working 36 hours per week (90% of a 40 hour work week) will have 90% of the premium paid by the Town and the employee must contribute the remaining 10%.
- C.** An employee who is disabled due to an accident or illness is eligible for an amount equal to pay at one-half his or her regular rate and must follow all insurance policy conditions in order to receive benefit payments.
- D.** If the disability is a result of an accident or illness, short term disability pay begins after 8 calendar days; using ETO leave benefits hours to maintain 8 hours of pay for normally scheduled work days.
- E.** An employee may be directed or allowed to return to work in a designated light duty position or in his/her normal position at reduced hours. In either case, the Town will also pay one-half the difference between regular pay and light duty pay or one-half the difference in the pay for reduced hours and pay for normal hours.
- F.** Maximum coverage is set by the insurance policy in place at the time of the injury or illness.

- G. Successive disabilities will be considered by the insurance provider as either one disability or a second disability.
- H. All time away from work while receiving short term disability pay will be considered as leave under the Family and Medical Leave Act Policy.
- I. It is the employee's responsibility to provide sufficient documentation from a qualified physician that substantiates the employee's inability to work during the period of disability. Failure to provide this documentation will result in the discontinuation of short term disability pay.

XII. RETIREMENT AND LIFE INSURANCE

The Town of Hyde Park participates in the Social Security Program and all employees are required to participate in this program. Enrollment in the Vermont Municipal Employees Retirement System is mandatory for all qualified employees hired on or after July 1, 2005. Further information is available from the Town Clerk's Office. After one year of continuous service, employees averaging 40 or more hours per week (calculated on an on-going basis to confirm eligibility) are eligible to receive a life insurance policy paid by the town for an amount of \$10,000. Employees regularly working at least 32 hours per week but less than 40 hours per week are eligible on a pro-rated basis. For example, 40 hour employees will have life insurance paid 100%, while an employee working 36 hours per week (90% of a 40 hour work week) will have 90% of the premium paid by the Town and the employee must contribute the remaining 10%. Life insurance benefits may be continued after termination, if paid by the former employee and not the Town.

XIII. PARENTAL AND FAMILY LEAVE

- A. Any employee as defined in 21 VSA Section 471, who works over 30 hours per week, shall be entitled to take unpaid leave as allowed by 21 VSA 472 for a period not to exceed twelve (12) weeks during the employee's pregnancy and following the birth or adoption of his or her child.
- B. Any employee as defined in 21 VSA Section 471, who works over 30 hours per week, shall be entitled to take unpaid family leave as allowed by 21 VSA 472 for a period not to exceed twelve (12) weeks to care for a seriously ill spouse, child, stepchild, ward, foster child, parent, or parent of employee's spouse.
- C. Any employee as defined in 21 VSA Section 471, who works over 30 hours per week, shall be entitled to take short-term unpaid leave as allowed by 21 VSA 472(a) not to exceed four hours in any 30-day period and not to exceed 24 hours in any 12-month period to:
 - 1.) To participate in preschool or school activities directly related to the academic educational advancement of the employee's child, stepchild, foster child or ward who lives with the employee, such as a parent-teacher conference.
 - 2) To attend or to accompany the employee's child, stepchild, foster child or ward who lives with the employee or the employee's parent, spouse or parent-in-law to routine medical or dental appointments.
 - 3) To accompany the employee's parent, spouse or parent-in-law to other appointments for professional services related to their care and well-being.

- 4) To respond to a medical emergency involving the employee's child, stepchild, foster child or ward who lives with the employee or the employee's parent, spouse or parent-in-law.
- D.** Accrued earned time off (ETO), consistent with existing policy, may be used by the employee during parental or family leave.
 - E.** The employer shall continue employment benefits for the duration of the leave. Written notice of intent to take parental leave shall be given the employer, including date of leave expected to commence and estimated duration of the leave, six weeks prior to the anticipated commencement of the leave. Upon approval by the Selectboard or its authorized representative, an employee may return from leave earlier or later than estimated.
 - F.** Upon return from parental leave, the employee shall be offered the same or comparable job at the same level of compensation, employment benefits, seniority or any other term or condition of employment existing on the day leave began. 21VSA 472.
 - G.** Except for serious illness, an employee who upon completion of family leave does not return to the employment of the Town of Hyde Park, will have to return to the Town the value of any compensation paid to or on behalf of the employee during the leave except payments for accrued earned time off (ETO).

XIV. LEAVES OF ABSENCE

A. General Policy

The following types of leaves of absences are officially established: holiday, personal days, earned time off (ETO), civil, jury and military leave, bereavement, and leaves of absence without pay. All leaves may be granted by the Supervisor in conformance with rules established for each type of leave. The Town Clerk's Office shall maintain permanent records of any absence from duty of their employees and these shall be given to the Town Treasurer who is the official timekeeper. Leave benefits shall be given annually at the beginning of the fiscal year, July 1st. Any carry-forward from year to year shall be as specifically allowed in this Policy.

B. Holidays and Personal Days

The following holidays shall be official holidays together with any other day so proclaimed by the Selectboard and shall be used on the designated day, except for Floating Holidays, which may be used on any regular work day with prior approval of the Supervisor. Holiday hours not utilized within the fiscal year of July 1 to June 30 are lost, and are not compensable if not utilized by June 30 and may not be carried forward to a subsequent fiscal year.

Holiday hours are available each fiscal year to regular full and part-time employees, including seasonal employees, but not temporary, probationary or contractual employees. Holiday hours are pro-rated for seasonal employees and employees working less than 40 hours per week. Pro-rate means calculated the number of hours based on 8 hours per holiday, multiplied by the number of holidays per fiscal year, multiplied by the percentage of part-time hours worked compared to fulltime hours (40 per week or 2080 per year)

1. Official Town Holidays:

- a. New Year's Day (January 1)
- b. Martin Luther King Day (3rd Monday in January)
- c. Presidents' Day (3rd Monday in February)
- d. Town Meeting Day (1st Tuesday in March) – FLOATING HOLIDAY
- e. Memorial Day (last Monday in May)
- f. Independence Day (July 4th)
- g. Labor Day (1st Monday in September)
- h. Columbus Day (2nd Monday in October) - FLOATING HOLIDAY
- i. Veterans' Day (November 11th)
- j. Thanksgiving Day (4th Thursday in November)
- k. Christmas Day (December 25th)

2. Holidays on Weekends

All municipal departments and offices shall observe any legal holiday which falls on a Saturday on the preceding Friday and any legal holiday which falls on a Sunday on the following Monday. Holiday Hours are Hours Worked for overtime calculation. Full-time hourly employees shall be compensated for holidays as though the employee has worked his or her normal workday and thus holiday hours shall count toward the minimum 40 hours required to be met before overtime pay is required. Any full-time or part-time regular hourly employee who is required to work on a holiday shall, in addition to the holiday pay, be paid at his regular rate and if the combination of holiday hours and hours worked exceeds 40 in any week, those hours in excess of 40 shall be paid as overtime pay (1 and ½ hours of pay for time worked).

3. Personal Days

In addition to the above-specified holidays, one personal day per fiscal year shall be granted to each full-time employee who shall be compensated for this day as though he/she had worked a normal working day with such hours counting as hours worked for overtime calculation purposes. This one personal day off must be approved by the Supervisor twenty-four hours in advance unless approved otherwise and the employee shall use or lose all personal leave time by the end of each fiscal year.

C. Earned Time Off (ETO)

Annual time off (ETO) is based on continuous service and shall be granted and available for use each July 1st, on the following basis for all regular employees.

However, if the employee terminates employment prior to the end of the fiscal year, the Town Administrator shall calculate the value, if any, of ETO and any other earned benefits to be paid upon termination. Such calculation shall be confirmed by the payroll clerk and reviewed by the employee. For example, if an employee is granted 100 hours of ETO on July 1, then uses 40 hours by December 31 (50% of the fiscal year), which is also the last day of work, then employee would be owed for 10 hours of untaken but earned ETO, even though the payroll records would show 60 hours of ETO available for use in the remaining fiscal year.

From the employee's hire date to the employee's Year 1 anniversary date all leave time shall be specifically detailed in the employee's letter of hire, typically pro-rated based on 40 hours of work per week and the remaining months of the fiscal year. The Selectboard may elect to not allow time off within the first 90 days of the date of hire

ETO SCHEDULE

At hire (No paid time off unless agreed by Selectboard)	by agreement
At completion of probation; annually on July through Year 4	150 hours
At Year 5	200 hours
At Year 10	250 hours

Earned Time Off (ETO) utilized will be calculated as hours worked in a typical workday and thus ETO hours shall count toward the minimum 40 hours required to be worked before overtime pay is required. ETO may only be utilized following a request to the employee's supervisor. The request for use of ETO may only be denied if the Supervisor determines that the absence of the employee will unduly disrupt the operations of the

department. All Earned Time Off (ETO) days may be used in any increment, such as 4 hours, 8 hours, etc. but shall only accrue to a maximum of 300 hours. ETO hours will be lost and shall not accrue in excess of 300 hours. ETO hours will be paid in full at termination and may not be paid in cash prior to termination.

D. Civil Duty and Jury and Military Leave

All full-time employees entitled to vote in national, state, and municipal elections shall, when necessary, be allowed sufficient time off with pay to exercise this right. Approval of such leaves shall be given by the Supervisor.

Should any full-time employee be called for jury or military duty within any state or federal judicial court or for any division of the military, the town shall pay to the employee the difference between the employee's town wage and that received from the court or through military pay for each hour spent on jury or military duty. The employee is responsible for submitting documentation and a contact person sufficient for the town treasurer to verify the amount paid by the court or military. This compensation is limited to payment of up to 40 hours per town work week and no more than 120 hours per fiscal year. Civil duty, Jury and Military leave hours do not count toward the calculation of overtime.

E. Leave of Absence Without Pay (Benefits)

All requests for leaves of absence without pay shall be submitted in writing to the appropriate Supervisor and shall set forth the purpose of which the leave is requested. Supervisors will recommend approval or disapproval of the request to the Selectboard for their final decision. Hours of leave taken without pay do not count toward hours worked for the purposes of calculating overtime. The Selectboard will determine in their decision to allow unpaid leave, including when an employee has no more paid leave benefit hours, whether town-paid benefits will be at the cost of the employee or town.

F. Bereavement Policy

Employees shall be granted up to three (3) days per event for paid bereavement leave to allow the employee to attend services or be with other family members upon the death of a family member. Family member definition: spouse, child, stepchild, ward, foster child, parent, or parent of employee's spouse. Any additional days or bereavement leave for non-family members will be granted may be granted as unpaid leave at the discretion of the Selectboard. Hours of paid leave taken count toward hours worked for the purposes of calculating overtime. Hours of leave taken without pay do not count toward hours worked for the purposes of calculating overtime. Part-time employees will only be paid bereavement leave if taken on the days the employee is otherwise required to work and is limited to (3) days, regardless of the number of work hours on that day. For example, a part-time worker that normal works a four hour day and is approved for bereavement leave will be paid for 4 hours for that day.

XV. PAY PLAN

A. Overtime Pay

In accordance with the provisions of the Fair Labor Standards Act, as amended, it shall be the policy of the Town of Hyde Park to pay one and one half (1 ½) times the hourly rate of pay to all employees (except elected official and exempt employees) for required work performed in excess of forty (40) hours during a given weekly pay period. Each employee shall fill out and sign his/her weekly time sheet and submit same to his/her Supervisor for approval. No employee may work over forty (40) hours in a given week without authorization of his/her supervisor.

The provisions of these regulations shall prevail except in cases where a contrary written agreement exists between the employee and the Selectboard.

B. Work Hours and Breaks

With only a few exceptions, all of the time an employee is required to be at the premises of the employer is work time. All regular shift time is work time. This includes "breaks" (if there are breaks of 10 minutes or less), and "nonproductive" time (for example, time spent by a truck operator waiting for another employee to return to the work site to then continue the work).

C. Compensatory Time and Flexible Schedules

1. Compensatory Time

FLSA allows municipal employees to accrue compensatory time (future leave time with pay) in lieu of overtime pay for any hours worked in excess of 40 hours in one pay period. The town may require that an employee accept compensatory time in lieu of overtime pay or the employee may request use of compensatory time in lieu of overtime pay, per the procedures and terms of this Policy.

In accordance with the Fair Labor Standards Act, the Town of Hyde Park compensates all non-exempt employees at the rate of one and one-half hours for each hour actually worked in excess of forty hours in any workweek. Non-exempt employees are highway department employees and library staff. Employees employed by municipalities, and defined by the FLSA as exempt, are not eligible for overtime pay under this requirement. Employees that are exempt are the elected Town Clerk/Treasurer, appointed Assistant Clerk, appointed Assistant Treasurer, and Town Administrator.

In lieu of overtime cash payment, overtime hours may be taken as compensatory time off ("comp time") subject to the following conditions:

- Comp time is earned at a rate of one and one half hours for each hour worked in excess of forty hours in any workweek.
- For highway department employees, comp time may accrue to a maximum of 240 hours per employee. For all other town employees, comp time may accrue to a maximum of 40 hours per employee.
- Upon termination from employment, an employee will be paid for all unused comp time at the regular rate of pay earned by the employee at the time the employee receives such payment or the average rate of pay for the previous three year's, which ever is greater.
- An employee who has accrued the maximum number of comp time hours will be paid at the overtime rate of pay and receive cash compensation for any hours worked.
- Each year, unused comp time will be paid out in the pay period which includes December 1 so that no more than 80 hours of comp time is held by any employee following this annual cash out payment.

An employee who has accrued comp time and requests use of comp time will be granted the request if such use of comp time does not unduly disrupt the Town's operations. Requests for use of comp time must be submitted, in writing, to the employee's supervisor, who will have sole discretion to grant or deny the request. Requests for use of comp time will not unreasonably be withheld and the decision shall be written on the employee's written request, with the date of the decision, and filed in the employee's personnel file by the supervisor.

The Selectboard requires that the highway department employees accept comp time, instead of being paid cash for overtime work, after 200 hours of overtime has been paid to the employee in each fiscal year. The Selectboard does not allow comp time within other town departments, unless the amount of comp time accrued is less than 40 hours at any time. Comp time hours shall be kept on record as earned and shall be reported as the number of hours worked in excess of 40 hours in one week multiplied by 1.5.

Comp time may not be cashed out by request from the employee. The Selectboard may choose to cash out comp time at any time and in any amount, by written letter to the town treasurer. Employees will be paid for accrued comp time at termination at a rate not less than the average regular rate of pay received by the employee during the last three years of employment or the employee's final regular rate of pay, whichever is higher. 29 C.F.R. § 207(o). Each December, employees will be paid for any comp hours in excess of 80 by the town treasurer and without the requirement of a Selectboard letter.

2. Flexible Work Schedule and Work From Home Hours [Telecommuting]

All full-time employees may work intermittent flexible work days which differ from the “Hours of Service” in Section X, Conduct of Employees, of this Policy, as long as 1) the posted public hours of the department remain adequately staffed, and 2) hours worked in the pay period when flexible time was used remain at 40 hours. Flexible hours provide time for employees to take time away from the office during the normal work week, with the approval of their supervisor. For example, an employee that normally works 8 hours per day may elect to work one 10 hour day and one 6 hour day during the same work week. If the employee submits for less than 40 hours worked in any week, the employee’s pay for that week will be reduced accordingly. If the use of flexible time results in reduced performance, insufficient work hours being performed or a negative impact on services to the community, then future use of flexible time by the employee or the entire department may be terminated by the Selectboard. Flexible work hour arrangements may be agreed to between the town and employee, in writing, and as long as job duties and public service requirements are met. Working from home is acceptable in all instances with the prior approval of the employee’s supervisor. Improper use of hours not in the office or worksite, include not being available to the public or other employees, failing to complete tasks assigned when out of the office. Improper use of work at home allowance may result in discontinuance of work from home hours, as well as disciplinary action.

XVI. WORKPLACE HEALTH AND SAFETY AND FRINGE BENEFITS

A. Vermont Occupational Safety Hazards Act (VOSHA)

In the interest of the safety and well being of town workers, all employees shall acquaint themselves with the rules and regulations of the Vermont Occupational Safety Hazards Act (VOSHA). All Supervisors shall be responsible for enforcing safety rules as required by VOSHA and/or adopted by the Town.

All employees shall conduct themselves in a safe manner at all times in accordance with these regulations and shall not violate VOSHA regulations. Any defective, unsafe equipment, or practice or any known medical or psychological condition which creates a danger to the worker, a co-employee or the public shall immediately be brought to the attention of the Supervisor, Selectboard or its authorized representative, and use of such unsafe equipment or practice shall cease immediately.

B. Smoking Policy

In accordance with Vermont Statutes Annotated Title 18, Section 1421, et seq., and 1742, the Town of Hyde Park is committed to providing a smoke free workplace. Smoking in any form is prohibited in all enclosed indoor places of publicly owned buildings and offices. Smoking within town owned vehicles may be prohibited by the department's supervisor and is not allowed when two or more individuals are in a town owned vehicle. Upon request of an employee, and with the agreement of other employees, a smoking area may be designated in an unenclosed, outdoor place of the publicly owned building. An employee's failure to comply with the smoking policy shall constitute cause for disciplinary action, and the failure of the town to implement or enforce the policy shall be grounds for a grievance procedure by an aggrieved employee, and any violations shall be promptly remedied.

C. Drug Testing and Alcohol and other Drug Use

Reporting to work or working under the influence of alcohol or drugs is strictly prohibited, unless the drug is prescribed and used in the manner prescribed by a duly licensed physician or dentist.

Any employee found to be using illegal drugs or alcohol on the job will be subject to immediate dismissal.

An employee may be given a drug test if the employer has probable cause that the employee is using or is under the influence of a drug on the job. An employee will not be terminated after a positive test if he or she successfully completes an employee drug assistance program provided by the Town, however an employee may be terminated if, after completion of an employee drug assistance program, a subsequent drug test produces a positive result.

The federal Omnibus Transportation Employee Testing Act requires drug and alcohol testing of municipal employees in “safety sensitive positions.” This includes everyone who has a commercial driver’s license (CDL). Town employees who drive commercial motor vehicles (most town highway trucks and municipal or school busses) all have a CDL and must be tested. Testing is required pre-employment, randomly, where there is reasonable suspicion and post-accident. It may also be required upon return to work or as a follow-up. The VLCT Property and Casualty Intermunicipal Fund (VLCT PACIF) runs a program for testing on behalf of the town. The Town has a separate “CDL Alcohol and Alcohol Policy and Guidance Document”, attached to this Policy, which provides for additional rules applicable only to those employees with a CDL license. Finally, the Drug Free Workplace Act of 1988 requires any federal grant recipient to certify that it will provide a drug-free workplace or lose the grant. Certification requirements adopted by the town are:

- publishing and providing each employee with a statement notifying them that drug use, possession, or sale is prohibited, and specifying actions to be taken against those who do so;
- establishing an ongoing drug-free awareness program for employees; requiring employees to abide by the statement above and notify the employer of any drug conviction occurring in the workplace within five days;
- notifying the granting agency of such convictions; taking appropriate personnel action, up to and including termination; or requiring the convicted employee to participate satisfactorily in a drug abuse assistance program.
- For more information on the Drug Free Workplace Act, visit the United States Department of Labor’s website at:
<http://www.dol.gov/elaws/drugfree.htm>.

D. Uniforms

If uniforms are provided by the town, they are a condition of employment. If uniforms are worn during off-duty hours, then all rules of conduct in this Policy shall apply and the employee is subject to the payment of a fringe benefit tax based on the value of the uniform value, see Section E, below.

E. Working Conditions Benefits Policy

Non-taxable working conditions apply to all employees.

A working condition benefit is any property or service provided to an employee to the extent that, if the employee paid for the property or service, the payment would be allowable as a trade or business deduction under Internal Revenue Code Section 162, or as a depreciation deduction under Section 167. In order to qualify as a working condition benefit that is excludable from an employee’s income, the employer must require the employee to:

1. use the payment for expenses in connection with specific or pre-arranged activity for which a deduction is allowable under Internal Revenue Code Section 162 or Section 167;

2. verify that the payment is actually used for such expenses; and
3. return to the employer any part of the payment not so used.

If all three conditions are satisfied, the payment to the employee is not subject to payroll and income taxes.

Examples of working condition benefits include an employee's use of a Town vehicle for business and job-related education provided to an employee.

Uniform Allowances and Clothing Reimbursements – Nontaxable

Clothing reimbursements and uniform allowances, in order for the amounts to be nontaxable, must meet the accountable plan rules below:

1. be specifically required as a condition of employment;
2. not be adaptable to general usage as ordinary clothing; and
3. not worn for general usage.

It is not enough that an employee wear distinctive clothing, the Town must specifically require the clothing. Nor is it enough that the employee does not, in fact, wear the work clothes away from work. The clothing must not be suitable for taking the place of regular clothing.

Example: The cost and upkeep of work clothes for a police patrol officer would be nontaxable to the employee since the above criteria have been met.

Uniform Allowances and Clothing Reimbursements - Taxable:

If clothing does not qualify as a deductible expense (i.e. is a uniform) then, according to IRS Regulations, these payments must be treated as a taxable fringe benefit and will be paid through payroll, subject to all employment taxes.

Example: A highway department employee's work jeans, denim shirt with logo and related clothing, since they are suitable for everyday wear, do not qualify as a uniform and would be taxable to the employee.

Protective Clothing - Protective clothing reimbursements are nontaxable if for such items as safety shoes or boots, safety glasses, hard hats, and work gloves.

F. Personal Use of Town Vehicles by Town Employees

The Town recognizes that certain employees are required to be “on-call” during off-duty hours. This Policy is intended to assure that these employees are able to have municipal vehicles at their disposal necessary to fulfill the duties of their positions while at the same time ensuring only that vehicles are utilized for authorized purposes.

The Town will use the current edition of the IRS Publication 15-B, Employer’s Tax Guide to Fringe Benefits, Section 3, Commuting Rule, in determining any tax liability and automatically update changes to the rate made by the IRS. The Town will update this value automatically to match future IRS changes. <http://www.irs.gov/publications/p15b/index.html>

The Highway Department Road Commissioner and Road Foreman are authorized to take home a municipal vehicle to allow them, during off-duty hours, to respond to calls which require conducting an inspection of road conditions or responding to emergency calls for service. Because commuting to and from work is a taxable benefit under IRS regulations, the commuting miles will be treated as personal use and taxed as a taxable fringe benefit. . Any other personal use of the Highway Department vehicles during off-duty hours is strictly prohibited. All drivers and operators of town vehicles and equipment must be town employees and be authorized and trained to operate the vehicle or piece of equipment.

XVII. SEVERABILITY

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

HYDE PARK SELECTBOARD

ADOPTED and EFFECTIVE this 9th of June, 2016.

Receipt of and Certification of Hyde Park Town Clerk that this adoption occurred at a regular Hyde Park Selectboard meeting held on 06/09/2016.

Hyde Park Town Clerk

**EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT OF HYDE PARK'S
PERSONNEL POLICY**

I, the undersigned, hereby acknowledge receipt of a copy of the Hyde Park Personnel Policy.

The contents were reviewed with me by my supervisor, _____, on the _____
day of _____, 20____.

I have been given an opportunity to ask questions about the Policy and I have been provided with satisfactory information in response to my questions.

I understand that the language used in this Policy is not intended to create, nor should it be construed to create a contract of employment between myself and the Town of Hyde Park, VT.

I acknowledge that the Town of Hyde Park, VT reserves the right to add, amend or discontinue any of the provisions of this Policy for any reason, in whole or in part, at any time, with or without notice.

I acknowledge that I understand the Hyde Park Personnel Policy and that it applies to me as a town employee and I agree that I will comply with all of its provisions.

Employee Signature _____

Printed Name _____

Date Signed _____

Supervisor:

Please sign, date and provide employee with copy of this certification when submitted by the employee.

Supervisor's Signature

Date

**EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT OF HYDE PARK'S
PERSONNEL POLICY AND ATTACHED CDL DRUG AND ALCOHOL POLICY**

(this form for CDL LICENSED EMPLOYEES ONLY)

I, the undersigned, hereby acknowledge receipt of a copy of the Hyde Park Personnel Policy and Drug and Alcohol Policy.

The contents were reviewed with me by my supervisor, _____, on the _____ day of _____, 20____.

I have been given an opportunity to ask questions about the Policy and I have been provided with satisfactory information in response to my questions.

I understand that the language used in this Policy is not intended to create, nor should it be construed to create a contract of employment between myself and the Town of Hyde Park, VT.

I acknowledge that the Town of Hyde Park, VT reserves the right to add, amend or discontinue any of the provisions of this Policy for any reason, in whole or in part, at any time, with or without notice.

I acknowledge that I understand the Hyde Park Personnel Policy and that it applies to me as a town employee and I agree that I will comply with all of its provisions.

Employee Signature _____

Printed Name _____

Date Signed _____

Supervisor:

Please sign, date and provide employee with copy of this certification when submitted by the employee.

Supervisor's Signature

Date