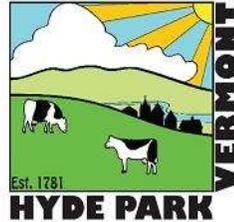


# Town of Hyde Park, Vermont

## 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

Amended and Effective: March 22, 2022

- Paragraph added on Local #300 and added Diversity and Inclusion Statement (page 3).
- Clarify firefighters are paid (not fully volunteer) (page 4).
- Clarified EEO, Accommodations and Fair Labor Standards Act provisions (page 4).
- Added statutory requirement - paid leave for employees working 18 hours or more (page 6).
- Add definition of "On Call" employee (page 7).
- Amend probation period to maximum of 6 months from 90 days (page 7).
- Deleted HIPPA provision; Town does not generate or keep health documents (page 13).
- Replaced Sexual Harassment section to comply with current law (page 19).
- Added requirement for employees & volunteers to follow town social media Policy (page 23).
- Deleted Short Term Policy explanation & refer to policy "approved by the Town" (page 24).
- Added new statutory requirement to "crime victim leave" (page 26).
- Added 12<sup>th</sup> town holiday (previously 11 holidays) as "Juneteenth" (page 27).
- Deleted personal days – ETO time provides this leave time (page 28).
- Added "Leave Time Bank" allowing employees to donate ETO for other's use (page 29).
- Added 2 unpaid bereavement days to 3 paid leave days; expanded to friends (page 30).
- Added paycheck deductions provision to require correction in 2 weeks (page 31).
- Added CDL reimbursement for issuance and renewals (page 33).
- Added prohibition on marijuana use or having aroma of marijuana (page 34).
- Added safety footwear employee allowance up to \$225.00 per fiscal year (page 36).
- Added policy on Travel, Rooms and Meals (not fully addressed in existing policy (page 37).
- Added Vehicle Usage Policy, seat belts, over 18, report license revocations (page 38).
- Replaced his/her and he/she with their/they;
- Clarifications and Statutory changes since last adoption.

Hyde Park Selectboard

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## PERSONNEL POLICY

### Section 1 - 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 (Authority to adopt) 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.

On November 12, 2018, the Town of Hyde Park and the International Brotherhood of Electrical Workers Local #300 / Hyde Park Highway Department, agreed to enter into a Collective Bargaining Agreement or "CBA". Employees are required not only to abide by the CBA, but also to comply with all rules and regulations as made by the Town not inconsistent with the terms of this Agreement. Should there be any doubt as to the employee's obligations they shall, under penalty of discipline, comply with the rules and grieve if they feel wronged.

**Diversity and Inclusion Statement** – The Town of Hyde Park recognizes and values diversity as a vital characteristic of the town. Hyde Park celebrates the diversity of the community it serves and the individuals it employs, embracing the differences in race, color, religious creed, national origin, ancestry, gender, age, handicap, gender identity, sexual orientation, and military background.

The Town of Hyde Park believes it has a responsibility to capitalize on the strength emanating from these differences and has a duty to ensure its employees, citizens, vendors, and the members of the general public are treated with dignity and respect in all of their duties and dealings with the Town of Hyde Park. The Town of Hyde Park believes a workplace that attracts and retains diverse personnel will allow it to serve its citizenry more creatively, strategically, and productively. Awareness of and consistent action toward successfully including diverse people in Town of Hyde Park decision-making and daily operations will ensure these objectives, goals, and priorities are maintained.

*"We may have all come on different ships, but we are all in the same boat now."*  
Martin Luther King, Jr.

## **Section 2. PERSONS COVERED**

This Policy shall be applicable to all persons employed by the Town of Hyde Park, including 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 10, 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.

## **Section 3. 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 employment opportunity to all employees and applicants without regard to race, color, religion, sex, sexual orientation, gender identity, ancestry, age, national origin, citizenship, disability, health coverage status, HIV status, genetic information, military or veteran status, crime victim status, pregnancy or pregnancy-related condition, or any other category under local, state, or federal law.

### **Accommodations**

As required by State and Federal laws, the Town of Hyde Park will provide a reasonable accommodation for a qualified individual with a disability, and for an employee with a pregnancy-related condition, unless such accommodation creates an undue hardship for the Town. Employees' questions or concerns should be referred to the Town Administrator or Hyde Park Selectboard Chair.

### **Fair Labor Standards Act (FLSA)**

FLSA is a federal law which establishes minimum wage, overtime pay eligibility, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in federal, state and local governments. This policy is intended to meet or exceed the mandated and minimum requirements and where this policy is found to not be in conformance then FLSA requirements shall govern.

## **Section 4. 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.

## **Section 5. 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.

## **Section 6. 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. State law requires that part-time employees averaging 18 or more hours per week be eligible for paid time off (or Earned Time Off) in an amount equal to or exceeding their average weekly hours.

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:** 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.
7. **On-Call Status:** On-call employees are not compensated unless classified as Waiting to be Engaged. Employees that are ready to be called into service but are not “engaged to wait” for a call to report for work may refuse to respond for a valid reason. Currently, the Town has no employees that are “engaged to wait” for a call to service. For example, a “major storm” requiring all town resources, could be classified as engaged to wait and be compensated per agreement with the Selectboard. Being designated as an “On-Call” employee means the employee has completed all necessary paperwork to be an active employee but has no requirement to report to work if called and has no expectation of minimum work hours in any week. Examples would be election workers or grounds maintenance worker. On-Call employees may be required to be accessible by phone or pager, but this does not change their on-call status which is not compensated in any way.

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 minimum probationary period of ninety (90) days. A letter of hire or a supervisor may extend the probationary period with the written approval of the Selectboard or its authorized representative. The total probationary period shall not exceed six (6) months. 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 Work Authorization**

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 authorization to work in the United States 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.

## **Section 7. PROMOTIONS**

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

## **Section 8. EVALUATIONS, DISCIPLINE AND DISMISSAL**

### **A. EVALUATIONS**

All regular employees of the Town of Hyde Park will ideally be evaluated a minimum of once a year, generally in June. Annual reviews will be documented by filing a written report in the employee's 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 6, 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 any employee whose actions or inactions violate this Policy.

## **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 they have 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 their right to be represented by counsel and union representation if the employee is a member of the union, to present and cross-examine witnesses and to offer supporting documents and evidence. The notice of will also inform the employee of their 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.

## **Section 9. GRIEVANCES**

### **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 representative 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.

## **Section 10. 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 workday 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 mealtime 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 any time 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 workday, or for the entire workday, 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 workday 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 workday, 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 their 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. Compliance with the Hyde Park Conflict of Interest Policy, last amended, is integral to effective and transparent town operations and is applicable to all employees and volunteers. Employees and volunteers will be provided a copy when hired or appointed, and when the policy is amended.

### Resignation

An employee who resigns their 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 if 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, their 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 13, Parental and Family Leave in this Policy.

#### **D. Political Activity**

An employee shall not use their 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, rumpled, 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 workplace 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 16, F, Use of Personal Vehicles and 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. See Attachment 3 to the Policy, Social Media and Digital Device Policy, for additional standards and procedures.

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, backup systems and the internal and external e-mail systems accessed via the Town's computer equipment.

## **H. Employment Harassment and Discrimination**

The Town is committed in all areas to providing a work environment that is free from unlawful harassment and discrimination. Vermont and federal law prohibit employment discrimination or retaliation based on race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship, ancestry, place of birth, disability, age, pregnancy or pregnancy-related condition, genetic information, crime victim or veteran status, any other category of person protected under federal or state law. It is also unlawful to retaliate against employees or applicants who have alleged employment discrimination.

Sexual harassment in the workplace is unlawful. Harassment because of a person's sex, gender, race, sexual orientation, or the other categories described above, is a form of discrimination and can include name-calling, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual or discriminatory nature when:

- (1) Submission to that conduct is made either explicitly or implicitly a term or condition of employment; or
- (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 work environment.

Examples of unlawful harassment include, but are not limited to, the following, when such acts or behavior come within one of the above definitions: insulting comments or references based on one of the characteristics noted above; aggressive bullying behaviors based on one of the characteristics noted above; inappropriate physical contact or gestures, physical assaults or contact; either explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts) on sexual favors; regularly telling sexual jokes or using sexually vulgar language or language that is derogatory, particularly if it is known or should be known that the person does not welcome such behavior; or retaliation against an employee for complaining about the behaviors described above or for participating in an investigation of a complaint of harassment.

Petty slights, annoyances, and isolated incidents (unless serious) will not rise to the level of illegality. To be unlawful, the conduct must meet one of the above definitions.

The Town will not tolerate unlawful harassment based on a person's race, color, religion, sex, gender identity, national origin, age, pregnancy, genetic information, crime victim or veteran status, disability, sexual orientation, ancestry, HIV status, place of birth, or membership in a classification protected by law. Likewise, the Town will not tolerate retaliation against an employee for filing a complaint of harassment or for cooperating in an investigation of harassment.

All employees, including supervisors and other management personnel, are expected and required to abide by this policy. Employees who are found to have engaged in harassment may face disciplinary action up to and including termination. Any individual who believes that she or he has been the target of this type of harassment, or who believes she or he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop.

Any employee who wishes to report harassment should file a complaint with:

- Town Administrator, 888-2300
- Selectboard Chair, Brian Shackett, PO Box 98, Hyde Park, VT, 888-2568
- A Selectboard member, if the complaint relates to one of the above individuals.

If the Town receives a complaint of unlawful harassment, or otherwise has reason to believe that unlawful harassment is occurring, a prompt, thorough and impartial investigation will be conducted. The Town may be required by law to take action if it learns of potential harassment, even if the aggrieved party does not wish to formally file a complaint. Every supervisor is required to promptly respond to any complaint or suspected acts of unlawful harassment and promptly report them to the Town Administrator.

The Town will try to keep any investigation of a complaint as confidential as possible. It shall be a violation of this policy for any employee who learns of the investigation or complaint to take any retaliatory action which affects the working environment of any person involved. It is also unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation conducted pursuant to this policy.

If it is determined that unlawful harassment has occurred, the Town will take immediate and appropriate corrective action. Both the complaining person and the accused will be informed of the results of the investigation, and the Town will take steps to make the offending behavior stop and to prevent retaliation. No person will be adversely affected in employment with the Town as a result of bringing a complaint of unlawful harassment.

Complaints of harassment or retaliation may also be filed with:

**Civil Rights Unit**

Vermont Attorney General's Office

109 State Street

Montpelier, VT 05609-1001

Tel: (802) 828-3657 (voice)

(888) 745-9195 (Toll Free VT)

(802) 828-3665 (TTY)

Fax: (802) 828-2154

Email: [ago.civilrights@vermont.gov](mailto:ago.civilrights@vermont.gov)

Online: <http://ago.vermont.gov/about-the-attorney-generals-office/divisions/civil-rights/>

**Equal Employment Opportunity Commission**

JFK Federal Building

475 Government Center

Boston, MA 02203

Tel: 1 (800) 669-4000 (voice)

1 (800) 669-6820 (TTY)

1 (844) 234-5122 (ASL Video)

Fax: 617-565-3196

Email: [Info@eeoc.gov](mailto:Info@eeoc.gov)

Online: [www.eeoc.gov](http://www.eeoc.gov)

These agencies may conduct impartial investigations, facilitate conciliation, and, if they find that there is probable cause or reasonable grounds to believe unlawful harassment occurred, they may take a case to court. Although employees are encouraged to file their complaint of harassment through the Town's complaint procedure, an employee is not required to do so before filing a charge with these agencies.

**I. Social Media Policy**

All employees and volunteers are required to read and follow the guidance for use of social media as detailed in the Hyde Park Social Media Policy, which is an addendum to this Policy.

## **Section 11. 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 are available under COBRA (where the employee pays 100% of the premium after termination of town employment), however for long-term employees that have been continuously enrolled in the town's health insurance for the 5 years prior to termination, 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

## **Section 12. RETIREMENT AND LIFE & DISABILITY INSURANCE**

Retirement - 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. All employees are eligible to participate in the State of Vermont 457 Retirement Plan, per the requirements of that Plan currently administered by Prudential. Further information is available from the Town Finance Director.

Life and Disability Insurance - After one year of continuous service, employees averaging 30 or more hours per week (calculated on an on-going basis to confirm eligibility) are eligible to receive a life insurance and disability insurance paid by the town for an amount and terms approved by the Town. Life insurance benefits may be continued after termination, if paid by the former employee and not the Town. The Town allows employees to participate in the AFLAC insurance (125 Plan) at 100% employee cost.

### **Section 13. 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 their 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.** Employees may take crime victim leave as defined in 21 VSA 472.
- E.** Accrued earned time off (ETO), consistent with existing policy, may be used by the employee during parental leave, family leave and crime victim leave. In significant times of need, town employees with accrued ETO hours but have insufficient hours to cover parental, family or crime victim leave, may ask the Selectboard to borrow future hours which will then be earned or repaid to the Town on the employee's accrual rate until paid back in full or at termination.
- F.** 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.
- G.** 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.
- H.** 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).

## **Section 14. LEAVES OF ABSENCE**

### **A. General Policy**

The following types of leaves of absences are officially established: holiday, 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 1<sup>st</sup>. Any carry-forward from year to year shall be as specifically allowed in this Policy.

### **B. Holidays**

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 workday 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-rated means calculating the number of leave benefit hours by multiplying the percentage of part-time hours worked per week compared to full-time 40-hour hours per week. For example, a 36 hour per week employee receives 90% of the leave benefits of a 40-hour employee.

#### **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) – FLOATING HOLIDAY
- d. Town Meeting Day (1st Tuesday in March) – FLOATING HOLIDAY
- e. Memorial Day (last Monday in May)
- f. Juneteenth (June 19)
- g. Independence Day (July 4th)
- h. Labor Day (1st Monday in September)
- i. Columbus Day (2nd Monday in October) - FLOATING HOLIDAY
- j. Veterans' Day (November 11th)
- k. Thanksgiving Day (4th Thursday in November)
- l. 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 their 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 their 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).

### C. Earned Time Off (ETO)

Annual time off (ETO) is based on continuous service and shall be granted and available for use each July 1<sup>st</sup>, 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 may show 60 hours of ETO available for use in the remaining fiscal year.

From the employee's hire date to the next July 1<sup>st</sup>, 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 1 through Year 4	150 hours
At Year 5	200 hours
At Year 10	250 hours

An employee may use ETO for any of the following reasons:

- Vacation
- Personal time and extended Bereavement Leave
- The employee's own illness or injury.
- The employee's own professional diagnostic, preventive, routine, or therapeutic health care.
- To care for an employee's sick or injured parent, grandparent, spouse, child, sibling, parent-in-law, grandchild, or foster child, including helping that person to obtain diagnostic, preventive, routine, or therapeutic care.

- Accompanying the employee's parent, grandparent, spouse, or parent-in-law to an appointment related to long-term care.
- Arranging for social or legal services or obtaining medical care or counseling for the employee or for the employee's parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, who is a victim of domestic violence, sexual assault, or stalking or who is relocating as the result of domestic violence, sexual assault, or stalking.
- Caring for a parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, because the school or business where that individual is normally located during the employee's workday is closed for public health or safety reasons.

Employees must make a reasonable effort to schedule routine or preventative health care appointments outside of regular work hours. An employee must notify their supervisor as soon as practicable of his or her intent to use leave time.

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 1 hour, 4 hours, 8 hours, etc. Accrued but unused ETO shall carry over from year to year 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 at a rate not less than 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, and will not be paid in cash prior to termination.

Leave Time Bank – The Selectboard allows any employee to donate some or all their ETO hours to the ETO Bank. The ETO Bank will hold those hours for use by any employee that is eligible to earn ETO. An eligible employee, or the employee's agent, may request use of available ETO Bank hours if 1) they have no ETO available, 2) are under a physician's care who has provided written documentation of the employee's estimated return to work date, and 3) the employee is not under town suspension. The maximum number of ETO hours to be held in the Leave Time Bank is 200 hours.

#### **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. Approved hours of leave taken without pay do not count toward hours worked for the purposes of calculating overtime and do not affect leave time calculations or level of benefits. 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) consecutive days per event for paid bereavement leave to allow the employee to attend services or be with other family members and friends upon the death of a family member or friend, with additional days unpaid days allowed by the Town Administrator to a maximum of five consecutive workdays. The employee may use their ETO accrued leave time during the extended period.

## **Section 15. 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. Deductions**

Deductions are made from all employees' paychecks as required by law, including, but not limited to, Social Security and Medicare, Federal and State Income Tax and any other court-ordered withholding. In addition, voluntary deductions will be made if requested and documented by the employee in writing. The Town complies with the requirements of the Fair Labor Standards Act and will not make improper deductions from salaries.

If any employee has a question about his or her paycheck, the employee should report the concern to the Town Administrator or Chair of the Selectboard immediately so that compliance with the law can be assured. The Town will investigate the problem within two (2) weeks and will promptly make any appropriate corrections.

### **C. 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).

### **D. 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. Comp time is posted to the employee's wage summary at one and one-half hours, ex. working 42 hours results in the comp time posting of 3 hours for that pay week carried to the next week.
- For highway department employees, comp time may accrue to a maximum of 80 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, whichever is greater. When using comp time, each hour is paid at the employee's regular rate, ex. if the employee has 5 hours of comp time accrued, then the employee could work 35 hours and use 5 comp hours to total the minimum 40-hour work week, all paid at the employee's regular rate.
- 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.

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.

## 2. Flexible Work Schedule and Work from Home Hours [Telecommuting]

All full-time employees may work intermittent flexible workdays 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 when flexible time was used remain at the minimum of 40 hours per week. 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.

### **E. Training, Education and Licenses**

The Town will pay for or reimburse the employee or volunteers for training, education, and license costs as long as funds are provided in the municipal budget, when the license and training is deemed applicable to job duties by the Supervisor, and the employee receives prior authorization from the Selectboard prior to enrolling or incurring expenses in excess of \$500.00.

For regular full-time highway employees, the Town will reimburse the CDL license issuance and renewal fees, while the employee is actively working and during probationary periods but not for reinstatement following CDL suspension.

## **Section 16. 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 or vaping or other forms of legal or illegal substance use in any form is prohibited in all enclosed indoor places of publicly owned buildings and offices. Smoking within town owned vehicles is prohibited. 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. Marijuana use or entering a town parcel or building with the obvious aroma of marijuana is prohibited for employees and volunteers. Persons suspected of recently using or being in close contact with marijuana may be asked to leave the property and return when compliance with this policy can be achieved.

## **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.

Boot Allowance – Highway employees shall be provided with up to \$225.00 per fiscal year for safety footwear to be worn during the workday. Safety footwear shall be OSHA-compliant protective footwear required for the task to be performed. Employees may utilize the allowance to purchase non-protective toed footwear where the work conditions allow for it (e.g. water) or accessory footwear items, such as liners, cushions and insulators.

## **F. Travel, Rooms and Meals –**

The Town will reimburse employees for reasonable expenses which they incur as a result of attending conferences, meetings, or while performing official duties on behalf of the Town. Employees will be reimbursed for reasonable and justifiable expenses after submission of the appropriate documentation. As all Town business is conducted with taxpayer funds, it is expected that all Town employees will exercise good judgement when seeking reimbursement and will make every reasonable effort to reduce costs.

1. **TRAVEL - Eligibility for Reimbursement.** All conferences and other business travel must be directly related to the employee's position, employee development, or possibility of advancement within their department. Consideration should be given to the costs (monetary and personnel time) of the event or training and how those factors compare to the level of benefit they will provide. If feasible, it is the Town's preference to have the Town, rather than the employee, pay directly for approved expenses (i.e. requesting an invoice for a conference registration). All travel must be approved by the employee's immediate supervisor prior to registration or attendance. If the trip involves an overnight stay, requires travel in excess of 100 miles from the Town Clerk's Office, or if the employee will incur an expense eligible for reimbursement of any kind, a request for approval must be submitted in writing to the employee's immediate supervisor. Requests for approval must be acknowledged in writing. Transportation Employees should use the most cost effective and practical mode of transportation for official travel. Air travel is discouraged but may be considered by the Selectboard for trips over 200 miles one way from Burlington, VT and will be reimbursed at coach/economy flight pricing. Flight arrangements should be made as far in advance as possible to take advantage of discounts.
2. **LODGING** - If an employee is required to lodge while traveling, reimbursement should cover only the employee's cost of lodging and should not extend to any family members or other travel companions. Hotel reimbursement will be for no more than the night before through the last night of the event. Hotel accommodations should be both reasonable and practical. When booking an accommodation, where available, employee should take advantage of special event lodging rate unless another option is more cost effective.
3. **MEALS** - Employees may claim meal expenses through the actual cost of their meals for breakfast, lunch, and dinner (substantiated with original receipts), not to exceed the amount set forth on October 1st in the Meals and Incidentals Breakdown, Vermont, Per Diem Rates of the US General Services Administration. Employees are not entitled to a meal reimbursement if a conference or event provides a meal, or where meals are provided complimentary as part of hotel accommodations. Any meal expense in excess of the limits stated in this policy will be borne by the employee. Employees who are required to travel for Town business without an overnight stay, may be eligible for a lunch meal reimbursement if the employee is away from his or her home and official duty station for more than ten hours and the reimbursement requests are occasional and non-routine, unless specified otherwise in a collective bargaining agreement.
4. **GUIDELINES:** • All reimbursements require approval of the Department Head or designee. • **After-Hours Work:** While fulfilling job-related responsibilities, an employee may be required to work late or outside of "normal hours." This policy is meant to cover the most common types of expenses related to employee travel. The Selectboard or designee may approve other reimbursements not explicitly covered by this policy if it is in the best interest of the Town to do so.

## **G. Personal Use of Personal Vehicles and Town Vehicles by Town Employees**

### **INTRODUCTION:**

The operation of vehicles is required in many aspects of local government employment. How each vehicle is handled and maintained directly affects the safety, level of risk, effectiveness, and efficiency of government services. The Town is dedicated to eliminating conditions that adversely affect the well-being of employees and otherwise impact the Town's financial stability through accidents and losses.

### **PURPOSE:**

The purpose of the Vehicle Use and Operation policies and procedures is to ensure that only qualified, authorized drivers operate vehicles on Town business and that vehicles are used across all departments consistent with the Town's objectives for safety and cost-effectiveness.

### **SCOPE:**

This policy applies to those who operate Town-owned vehicles and those who operate their personal vehicles on behalf of the Town, with no regard to frequency or distance traveled.

### **DEFINITIONS:**

Authorized Driver - Any person operating a motor vehicle or other motorized equipment licensed for road use with the pre-authorization by Town or Department Managers or Supervisors in the service of Town business. This includes those using assigned vehicles, department vehicles, rentals, or their own private vehicles. Drivers may include permanent, part-time, hourly or temporary employees, volunteers, and contractors. Authorized drivers may or may not have job descriptions stating that driving is an essential job function. No driver will be deemed "authorized" if under the age of 18 years. With respect to the operation of vehicles, individuals must be at least 18 years of age and hold a valid Vermont Class 1 driver's license to obtain a commercial driver instruction permit. Individuals must be at least 18 years of age to obtain a commercial driver's license and operate a commercial vehicle within Vermont and individuals must be at least 21 years of age to operate a commercial motor vehicle outside of Vermont.

With respect to the operation of police, fire and other rescue equipment, the child labor laws preclude certain "hazardous occupations" for all minors under the age of 18 years, which includes "motor vehicle driving." Thus, at a minimum, employees or volunteers must be at least 18 years of age in order to drive any motor vehicle, including police, fire or other rescue vehicles.

Qualified Driver -The Town considers those drivers who meet the following criteria qualified to operate a vehicle on behalf of the Town:

1. Possess a valid Vermont driver's license of the proper class.
2. Capable of passing a physical and/or vision hearing test as required by the class of license.
3. Capable of passing a physical examination relating to ability to drive when a question of fitness to drive arises because of illness or injury.
4. Capable of passing written tests on driving regulations whenever required.
5. Capable of passing a driving test administered by the Vermont Department of Motor Vehicles.
6. Have demonstrated proficiency with the particular type of vehicle or equipment routine subject to determination by the employee's immediate supervisor.
7. Meets Federal Department of Transportation requirements, when applicable to the operation of a vehicle.

Department Driver Policies - Operations-specific policies maintained in Town departments which address unique conditions, rules, or accountabilities for authorized department drivers. These policies may override or expand some of the aspects of the Town Personnel Policy. Example: Fire Department SOP or Manual

Official Use - Activities directly related to and in execution of duties or services related to Town administration, maintenance, construction, or providing of services. Department Heads are the final arbiters of "Official Use".

**POLICY:**

Employees shall operate all vehicles used for Town business in a safe and economical manner. In order to accomplish this, the following practices will be followed:

**A. Use of Vehicles**

1. Town vehicles shall be driven for official use only.
2. Town vehicles are available for employee use only while on Town business. Employees are encouraged to use Town vehicles instead of their own for official Town business whenever possible.
3. Any employee for whom driving is an essential function of their job or who performs work that requires the operation of a Town vehicle must notify their immediate supervisor in the event of license expiration, suspension, or becomes restricted or revoked, as well as report any event or condition that will cause points to be assessed to the employee's driver's license. An employee who fails to report such license status and continues to operate a Town vehicle on behalf of the Town shall be subject to disciplinary action up to and including termination.
4. Each driver's authorization to operate a vehicle on official Town business extends only if the driver operates the vehicle in a safe, cost-effective manner and in compliance with all related policies. A record of preventable accidents or excessive moving violations, identification of poor driving habits by a supervisor, or misuse of Town-owned vehicles may result in assessment for retraining or appropriate disciplinary action.
5. No unauthorized drivers will be allowed to operate a Town vehicle. Passengers, including family members, are allowed to be passengers only if they are accompanying an employee on Town business. For exceptional circumstances, Department Heads may grant a written authorization to allow the transport of family members.
6. Town vehicles shall not be taken home overnight except when authorized for the convenience and benefit of the Town. This is authorized on a case-by-case basis and is based on operational necessity. Examples include but are not limited to; an employee is returning from an officially authorized out-of-town trip after regular work hours and/or leaving on such a trip before work hours.
7. No personal use of Town Vehicles is permitted. Family members may not drive, move or be passengers in Town vehicles, except as noted in paragraph 5 above.
8. Vehicle storage at an employee's home: The Town vehicle must be parked in a driveway or garage and not on a public street unless no off-street parking is available.

**B. Operation of Vehicles**

1. Town-owned vehicles may not travel a distance greater than 50 miles from the Hyde Park Town limits without prior approval from the Town Administrator.
2. Town vehicles shall be legally and appropriately operated and/or parked at all times. Employees must observe all Vermont traffic laws, rules and regulations. Violations issued to the driver or parking violations, whether using a Town vehicle or a personal vehicle, while on Town business, will be the responsibility of the driver and not the Town and must be immediately reported to their immediate supervisor.
3. Seat belts must be always worn while either operating or riding as a passenger in all Town vehicles and when using a personal vehicle for Town Business.
4. Use of a cellular phone or any other electronic equipment can interfere with the safe operation of the vehicle. For this reason, the use of electronic devices in vehicles is prohibited while the vehicle is moving, unless hands-free devices are utilized.
5. Drivers should visually inspect the vehicle to assure it is in sound operating condition and report any problems with the vehicle to their supervisor. Town vehicles shall not be driven without functioning head, tail, and brake lights, turn signals, and special emergency equipment. This includes a "walk around" of heavy equipment before entering a public highway.
6. Employees driving a personal vehicle on Town business must maintain functioning head, tail, and brake lights and turn signals.

### C. Insurance

Drivers of personal vehicles for Town business will be asked to provide proof of insurance to the Town Clerk's Office each year. The insurance covering the employee's car is considered primary for payment of any claims that result from its operation. The employee is expected to immediately report any claims that result from its operation while on Town business to their auto insurer and to their immediate supervisor. Any employee using a personal vehicle on Town business shall maintain auto liability insurance of at least the following limits:

- Bodily Injury: \$100,000 Each Person, \$300,000 Each Occurrence.
- Property Damage: \$50,000 Each Occurrence.

### D. Driver Operation and Training

1. All drivers must have a valid Vermont driver's license for the appropriate class of vehicle operated
2. Motor Vehicle Records (MVRs) will be obtained and reviewed before hiring for a position requiring driving and ongoing, by town verification through Vermont Department of Motor Vehicles or when they move into a position which requires driving.
3. An employee with an "unacceptable driving record" as defined in Appendix A may be denied authorization to operate a vehicle while representing the Town. If the employee must operate a vehicle as part of their job requirements, such denial of authorization may lead to disciplinary action. Examples of circumstances that may result in the suspension of driving privileges and further disciplinary action include conviction for DUI, negligent collision or loss of a mandatory CDL license.
4. Review of driver qualifications should be made at least annually. In advance of an employee's annual job performance review, supervisors (with the assistance of the town clerk's office), should view unprotected information in personnel files to consider such documents as participation in driver training, records of preventable accidents, driving history, driving certifications, maintenance of adequate insurance levels and other relevant information to determine the employee's suitability for driving while on Town business.
5. For employees holding a commercial license, state and federal law require mandatory random drug testing and physicals. This requirement will be monitored in applicable departments and by the Town Clerk's Office. A report indicating a suspended or revoked license may result in a denial of employee authorization to operate a vehicle while representing the Town.
6. Driver Training. The Town shall periodically administer or arrange for participation in a Driver Safety Course. Assignments for the course shall be made as follows:
  - a. Mandatory attendance for employees who have been involved in a preventable accident or have received a moving violation.
  - b. For employees who demonstrate driving capabilities or habits that increase risk to employee or Town, fail to observe all traffic laws, including speed limits, or other similar deficiencies, as determined by their immediate supervisor, the employee will be provided training assistance to identify driving skills or habits which need improvement.

### E. Accident Investigation

The purpose of this section is to establish guidelines for the investigation of accidents involving Town vehicles or privately-owned vehicles while the driver thereof is actively engaged in official Town business. Vehicle accidents shall be reported and investigated in accordance with the Town's policies. Each Town owned vehicle has an accident reporting kit in the glove box which has instructions to follow in case of accident. If possible, a disposable or digital camera should be kept in each Town vehicle. Pictures of an accident scene and damage should be taken if possible. Drivers of personal vehicles should report accidents in accordance with their insurance carrier requirements.

It is the policy of the Town that if an employee is involved in an accident resulting in personal injury or property damage while operating a Town-owned vehicle, or a privately owned vehicle, in the performance of official duties (driving a privately owned vehicle between work and home is not considered part of an employee's official duties) the employee shall:

1. Request that all parties and properties concerned remain at the scene of the accident if possible until a law enforcement representative has released them.
2. All collisions involving Town vehicles or persons on duty and actively engaged in Town business will be reported to the appropriate police agency and will be investigated by the police agency unless the police agency decides not to respond. Report of collisions must be handled in one of the following ways:
  - a. If occurring outside the Town, the collision must be reported to the police agency having jurisdiction.
  - b. If occurring within the Town and involving property damage or any injury or fatality, the collision must be reported to the Lamoille County Sheriff's Department.
3. Employees should avoid making statements regarding the accident with anyone other than the investigating law enforcement representative, appropriate Town officials, and representatives of their own insurance company if the employee's privately owned vehicle is involved. Statements made to investigating authorities should be confined to factual observations.
4. The employee should complete the information requested in the Vehicle Accident Kit found in the glove compartment of Town vehicles. That information, including any digital photos should be forwarded to the supervisor immediately and no later than one business day after the accident. In addition, a copy of the report should be sent to the Town Administrator.
5. If an employee is injured, procedures should be followed as outlined in the Town's Workers' Compensation (WC) program. Those procedures are outlined on the Town's Personnel Policy and additional information is available through the Town Clerk's Office.
6. The Town's Health & Safety Committee shall review the vehicle accident occurrences for emerging trends or indications of remedial action to be recommended.

#### F. Volunteers and Driver Management

Volunteers who operate vehicles on behalf of the Town must comply with the same qualification, authorization, and safe operating requirements as Town employees. Administration of the volunteer driver program is the responsibility of the Department Head for whom the volunteers work.

#### G. Mileage Reimbursement

Employees using their personal vehicles for authorized Town business are eligible for mileage reimbursement in accordance with town policies and procedures.

#### H. Miscellaneous

1. No animals or pets are allowed in Town vehicles unless authorized by a Supervisor.
2. Smoking in a Town vehicle is prohibited.
3. Any installation of personal equipment in a Town vehicle requires prior written approval by the employee's supervisor.
4. Duplication of Town vehicle keys is prohibited unless expressly authorized in writing by a Department Head.

#### I. Corrective or Disciplinary Action

The employee's Department Head shall take corrective action when the employee fails to comply with this Policy and improperly uses a vehicle or piece of Town equipment. Improper use refers to using the vehicle or equipment in a manner that is prohibited by this policy or determined to be contrary to safe practices as determined by the Town. Corrective action may include discipline up to termination.

## **Section 17. SEVERABILITY**

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

**Adopted by majority vote of the legislative body on the 22<sup>nd</sup> day of March 2022.**

**HYDE PARK SELECTBOARD**

**Attachment 1**  
**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.

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**

**Attachment 2**  
**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**  
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\_\_\_\_\_  
**Date**

Attachment 3  
Social Media & Digital Device Policy

Hyde Park, VT

**SOCIAL MEDIA & DIGITAL DEVICE POLICY**

Section 1: Title and Authority.

This policy shall be known as the Hyde Park Social Media & Digital Device Policy (hereafter “policy”). It has been adopted by the Hyde Park Selectboard pursuant to 24 V.S.A. §§ 1121, 1122, and 872.

The Selectboard reserves the right to amend any of the provisions of this policy for any reason and at any time, with or without notice. This policy is administered by the Selectboard or its authorized representative or designee.

Section 2: Purpose.

The purpose of this policy is to provide standards and procedures for the appropriate use of municipal social media platforms and town-provided digital devices. This policy gives direction to municipal employees, elected officials, volunteers, appointees, public bodies, and other authorized users of municipal social media. This policy also creates guidelines for any public user who accesses or posts content on the municipality’s social media.

While this policy generally applies to the most popular platforms (Facebook, YouTube, Instagram, Snapchat, Twitter), we acknowledge that social media is an evolving communications tool and that new platforms may become available over time. The municipality may utilize social media to communicate information related to the business of the municipality directly to the public as well as to provide members of the public the opportunity to post content or participate in discussions concerning municipal business, including operations and services provided by the municipality. The municipality encourages the use of social media to further the goals of the municipality, the missions of its departments and public bodies, and to contribute to the overall vibrancy of its community and degree of participation by its citizenry, where appropriate.

The municipality has an overriding interest and expectation in deciding what is published on behalf of the municipality through social media and in establishing guidelines for the use of municipal social media by municipal officials and the public.

The municipality also has certain rights and interests in providing digital devices to employees, staff and elected officials, and expects that town-provided digital devices will be used for official town government purposes and not personal use.

### Section 3: Definitions.

The following definitions shall apply to this policy:

**Content** means any post, writing, comment, remark, response, material, document, photograph, graphic, or other information of any kind, regardless of form that is created, posted, shared, distributed, or transmitted via the municipality's social media platform.

**Designated agent** means an individual designated by the Selectboard to receive and respond to notifications of claimed copyright infringement. Once named, the municipality must designate the agent with the United States Copyright Office.

**Digital Device** means any equipment, tool or electronic device that the Municipality provides for the conduct of town government operations.

**Municipality** means the Town of Hyde Park, Vermont.

**Municipal electronic equipment** means all municipal electronic equipment – including computers, cell phones, smart phones, pagers, any associated hardware or software, and any other municipal equipment – that may be utilized to send or receive electronic communications.

**Municipal official** means an employee of the municipality, elected or appointed, or a municipal volunteer.

**Municipal social media** or **municipal social media platform** means the official social media platform of the municipality.

**Municipal social media moderator or moderator** means an individual designated by the Selectboard to monitor, manage, and oversee municipal social media content.

**Municipal website** or **official municipal website** means the official website or domain of the municipality [[www.hydeparkvt.com](http://www.hydeparkvt.com)].

**Social media platform or social media** means a form of information-sharing platforms (such as Facebook, MySpace, Google and Yahoo Groups, Wikipedia, YouTube, Instagram, Snapchat, Flickr, Twitter, LinkedIn, Zoom, Go To Meeting or other news media, virtual meeting software or content-sharing/blogging service) on which online content and dialogue around specific issues or area of interest are created.

**User** means a member of the general public who accesses, posts, creates, distributes, shares, or transmits content to a municipal social media platform.

## Section 4: Conduct of Municipal Officials.

Those persons designated and authorized to utilize municipal social media and digital devices do so with the understanding that they represent the municipality via social media outlets and must always conduct themselves appropriately. Municipal officials must also consider content carefully, understanding that it will be widely accessible, not retractable, and retained or referenced for a long period of time. The municipality expects its officials to be truthful, courteous, and respectful toward their colleagues, residents, customers, members of the general public, and other persons associated with or who do business with the municipality.

Municipal officials' use of municipal social media shall comply with this policy as well as with the municipality's personnel and any other relevant policies, its charter provisions, rules, and regulations. This includes any use of municipal social media from outside of the workplace.

**Official Use of Municipal Social Media Platforms.** Municipal officials who use municipal social media in their official capacity, in the scope of their employment or while on duty, whether as an administrator or as a responder to content, must:

- Make the official's name and title available when they post content in their capacity as a municipal official. Municipal officials may only post and respond to content on those matters that fall within their job description or statutory roles and responsibilities.
- Keep postings factual, accurate, and up to date. If a mistake is made, admit to it and post a correction as soon as possible.
- Reply to content in a timely manner when a response is appropriate. When disagreeing with others' opinions or providing content, be sure that the content is meaningful, respectful, and relevant.
- Never post content on anything related to legal matters, litigation, or any parties with whom the municipality may be in litigation without prior specific approval from the Selectboard.
- Municipal officials are expressly prohibited from disclosing any information via content posted to municipal social media that may be confidential.
- Refrain from expressing personal opinions or positions regarding policies, programs, or practices of the municipality, its officials, or other public agencies, political organizations, private companies, or non-profit groups. Under no circumstances should a municipal official post, or direct another municipal official to post, a personal opinion or statement held by an individual municipal official.
- Never engage in name-calling or personal attacks or other behavior that may be considered to be demeaning.

Information posted to municipal social media is public and is subject to Vermont’s Public Records Law, Open Meetings Law, and all other applicable laws, rules, policies, municipal charter provisions, and regulations. Municipal officials should have no expectation of privacy regarding the information posted on municipal social media nor in anything created, sent, or received on municipal electronic equipment. The municipality may investigate and monitor any transaction, communication, and transmission to ensure compliance with this policy and the use of its equipment.

The municipal social media moderator will monitor the content posted by municipal officials and the public on each of the municipality’s social media to ensure it complies with this policy for appropriate use, messaging, and branding and that it is consistent with the goals of the municipality.

All authorized municipal officials must be provided with a copy of this policy and sign the Acknowledgement of Official Use by Municipal Officials form (see Addendum A) prior to utilizing municipal social media.

#### Section 5: Designation of Social Media Platforms.

For each of the municipality’s social media platforms, the Selectboard has identified and designated the type of speech forum, its purpose, and rules, as follows:

##### **1. Government Speech Forums.**

The following social media platforms are hereby designated as government speech forums:

[www.hydeparkvt.com](http://www.hydeparkvt.com)

These platforms do not allow any public user content. They are reserved for the municipal government to engage in its own expressive conduct, to promote its own message, and to distribute information.

##### **2. Limited Public Forums.**

The following social media platforms are hereby designated as limited public forums:

Go To Meeting

In a limited public forum, public user content is restricted, based on designated categories for which the forum (i.e., the social media platform) has been opened. Designated categories are those matters raised by municipal content on the social media platform. Public users posting or responding to content constitutes participation in a limited public forum.

## Section 6: User Content: Rules and Guidelines.

This section applies to all users who access or post, create, share, distribute, or transmit content on municipal social media. The rules and guidelines apply to all municipal social media. This section's provisions governing user content on municipal social media and its terms of use shall be displayed (or made available by hyperlink from the municipality's official website) on all municipal social media platforms that have been designated in Section 5 of this policy as a limited public forum. Users from the general public shall be informed that agreeing to its terms is a prerequisite to participating in the municipality's social media. The rules and guidelines to display as applicable and relevant are as follows:

### Terms of Use

The purpose of this site is to discuss matters of public interest in and to the municipality as identified and raised by the municipality. The municipality encourages the general public to submit content, but it must address the specific topic(s) discussed. This is a forum limited to the specific topics identified and raised by the municipality. By virtue of such use, users who submit content to this social media platform agree that they have read, understand, and agree to the following terms and conditions:

1. I am submitting content voluntarily and on my own behalf;
2. The content I post reflects my own original thoughts or work;
3. I understand that the municipality has the right to re-post or share any content that I submit on this or other municipal social media;
4. I have read and understand the policy, including the right of the municipality to remove or archive content as described in this policy and as may be allowed by law;
5. I understand that any content I provide will be considered a public record under Vermont's Public Records Law;
6. I understand and agree that, unless specifically identified as a resource for receiving requests for information under Vermont's Public Records Law, municipal social media platforms are not proper vehicles for making requests for public information or public records under Vermont law, and any such requests must be made to the appropriate custodian of the record(s);
7. I understand and agree that my and others' content is subject to removal, in whole or in part, from this site if my or their content violates the conditions of this policy;
8. I understand that the views and content expressed on this site only reflect those of the content's author, and do not necessarily reflect the official views of the municipality or its municipal officials;

9. I agree to the following waiver of liability: Because various laws exist that create liability for various actions, including but without limitation defamation, invasion of privacy, false light, breach of contract, procurement violations, violations of due process among many potential areas of exposure for which the municipality accepts no responsibility based on the actions of others or for creating this municipal social media platform, I, for myself, successors and assigns, release and hold harmless and agree to indemnify the municipality, including its municipal officials, from any and all actions, claims, liabilities and damages of whatever kind and nature that arise out of or are in connection with my use of the municipal social media platform.

By posting, sharing, distributing, or transmitting content, I acknowledge that I understand and accept these terms of use.

The municipality is interested in hearing the opinions of the public. Vigorous, constructive conversations are encouraged through posted and created content. The municipality does not discriminate based on viewpoint but it may remove content and restrict access to users who violate this policy. The municipality reviews content on all its limited public forum social media platforms.

All users must clearly identify themselves; anonymous posting is not allowed. Content created, posted, shared, or transmitted by a member of the public on any municipal social media platform is their opinion only. Publication of content does not imply endorsement of, or agreement by, the municipality, nor does such content necessarily reflect the opinions or policies of the municipality. The municipality is not responsible for content that appears on external links. The municipality does not guarantee the authenticity, accuracy, appropriateness, or security of posted hyperlinks, external websites, or content linked thereto and assumes no liability for damages resulting from reliance upon or accessing such content. The municipality reserves the right to delete links and embedded content that violate this policy.

Content posted by authorized municipal officials or the general public shall conform to this policy, including comments or hyperlinks to other content. The following prohibited content shall not be permitted on any municipal social media and shall be subject to removal by the municipal social media moderator:

- profane, obscene, sexual, or pornographic language or images;
- content that promotes, fosters, or perpetuates discrimination based on race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation;
- solicitations of commerce, including advertising of any business or product for sale;
- links to any unauthorized site or content;
- the promotion or endorsement of a political campaign or candidate;

- personally identifiable information or sensitive personal information that, if released, violates federal or state law;
- disruptively repetitive content;
- conduct or encouragement of illegal activity;
- information that may tend to compromise the safety or security of the public or public systems;
- information that directly interferes with or compromises ongoing investigations, public safety tactics, or the safety of public safety officers;
- malicious or harmful software (malware);
- defamatory or personal attacks;
- threats of violence or threats to public safety;
- confidential, private, or exempt information or records as defined by state or federal law;
- conduct that violates any federal, state, or local law;
- copyrighted materials in violation of state or federal law; or
- content that is clearly unrelated to the subject matter of any post made on the platform by or on behalf of the municipality.

The municipal social media moderator is authorized to remove content or links that do not conform with the requirements of this policy in a viewpoint neutral and consistent manner. The municipality will not edit or delete any content unless authorized by this policy or allowed by law. Users should understand that third parties having control of a social media platform may edit or delete content independently of the municipality and without the consent, authority, or control of the municipality.

Users who violate this policy may be temporarily or permanently restricted from accessing municipal social media. The municipality reserves the right to deny any user who repeatedly violates this policy access to posting to municipal social media. To appeal the editing or removal of content or the restriction of access to a municipal social media platform, the user must submit a written statement to the municipal social media moderator. The statement should provide grounds for reinstatement of access to or right to publish the edited or removed content. Requests will be addressed in a reasonably timely manner; content or access, as applicable, will be restored if it is determined that the grounds for reinstatement are sufficient. A statement that the user will abide by this policy in the future may be sufficient. The municipal social media moderator's decision to an appeal will note the basis for the decision. If the user is unsatisfied with the decision, they may appeal to the *[insert legislative body or manager/administrator]*, who will render a reasonable timely response noting the basis for the decision. The decision by the *[insert legislative body or manager/administrator]* shall be the final administrative decision of the municipality.

Users may contact the municipal social media moderator at any time to identify content or other conduct on the municipal social media that violates this policy. Users should avoid and ignore responding to content in violation of this policy, or, if responding, do so in a manner that conforms with this policy.

All content posted to any municipal social media platform is bound by that platform's applicable statement of rights and responsibilities or terms of service. The municipality reserves the right to report any violation of that platform's or site's statement of rights and responsibilities or terms of service to the platform's or site's provider with the intent of the provider taking appropriate and reasonable responsive action.

### **Section 7:** Account Management.

Municipal officials may only establish or use municipal social media on behalf of the municipality after approval by the Selectboard or its authorized representative or designee. The Selectboard or its authorized representative will review all requests by municipal officials to contribute to municipal social media and has the sole authority to authorize their use and establish and/or terminate municipal social media accounts. In this role, the Selectboard or its authorized representative will evaluate all requests for usage, verify staff authorized to use municipal social media tools, and confirm completion of online training for social media, if deemed necessary. The Selectboard or its authorized representative will also be responsible for maintaining a list of all social media platforms in use, the names of all administrators of these accounts, as well as the associated usernames and active passwords.

All municipal social media platforms shall be created by a duly designated municipal information technology (IT) officer with the approval and under the direction of the Selectboard or its authorized representative, and shall be published using approved municipal social networking platform and tools administered by the municipal IT officer.

## Section 8: Municipal Social Media Moderator.

The Selectboard or its authorized representative shall designate a municipal social media moderator to monitor, manage, and oversee all content on each social media platform to ensure adherence to this policy, including appropriate use, messaging, and branding that is consistent with the interests and goals of the municipality.

Any content edited or removed by the municipal social media moderator must be retained in accordance with the relevant public records retention schedule. The edit or removal shall be accompanied by a description of the reason such content was deemed unsuitable for posting along with the time, date, and identity of the poster, when available.

The municipal social media moderator or his/her authorized representative or designee retains the sole authority to remove content from the municipality's social media outlets.

Designated department heads and/or other authorized municipal officials are responsible for the content and upkeep of any municipal social media they create.

Wherever possible, content the municipality posts to the municipality's social media will also be available on the municipality's official website. Municipal social media should complement rather than replace the municipality's existing website resources. Content posted on the municipality's social media should contain links directing users to the municipal's official website for additional information, forms, documents, or online services necessary to conduct business with the municipality.

All municipal social media platforms shall clearly indicate that they are maintained by the Town of Hyde Park, VT and shall prominently display necessary contact information. All municipal social media platforms shall include the prominent placement of the official municipal seal, if available, along with the following notification:

*This is the official [insert Facebook, Twitter, YouTube, etc.] platform for the Town of Hyde Park, Vermont. If you are looking for more information about the municipality, please visit the official municipal website at [www.hydeparkvt.com](http://www.hydeparkvt.com). The purpose of this social media platform is to provide general public information only. If you require a response from the municipality or wish to request a municipal service, please visit the town website or contact the municipality at 802-888-2300.*

## Section 9: Copyright Infringement Notification.

The municipality complies with the provisions of the Digital Millennium Copyright Act of 1998 (DMCA). Federal law makes it illegal to download, upload, or distribute in any fashion copyrighted material in any form without permission or a license to do so from the copyright holder.

The municipality respects the intellectual property of others and requires users of municipal social media to do the same. In accordance with the DMCA and other applicable law, the municipality may remove content on municipal social media that is copyrighted and may deny access to the municipal social media users who are deemed to be copyright infringers pursuant to this policy.

The following notification shall be made accessible on all municipal social media platforms and on the municipality's official website:

*If you believe that any material on the Town of Hyde Park, VT's official website or municipal social media platforms infringes on any copyright which you own or control, or that any link on municipal social media directs users to another website that contains material that infringes on any copyright that you own or control, you may file a notification of such infringement with the designated agent as set forth below. Notifications of claimed copyright infringement must be sent to the Town of Hyde Park, Vermont's designated agent, for notice of claims of copyright infringement. The municipality's designated agent may be reached as follows:*

*Designated Agent: Hyde Park Town Clerk, Kim Moulton*

*Physical Address: 344 Route 15 West, Hyde Park, VT 05655*

*Telephone Number: 802-888-2300*

*Email Address: [kim@hydeparkvt.com](mailto:kim@hydeparkvt.com)*

## Section 10: Public Records Law – Compliance.

Municipal social media platforms and their related content are subject to Vermont's Access to Public Records Law. Any records produced or acquired in the course of municipal business, including material posted to municipal social media, may be a public record. Therefore, there should be no expectation of privacy regarding the information posted on municipal social media. Public records, regardless of format, are available for inspection and copying during customary business hours unless there is a specific statute exempting the record from public disclosure in whole or in part. Those records exempt from public inspection and copying are set out at 1 V.S.A. § 317(c).

The official municipal website and municipal social media shall clearly indicate that any content posted or submitted for posting in whatever format is subject to public disclosure. Content related to municipal business shall be maintained in an accessible format so that it can be produced in response to a public records request. Users shall be notified that public disclosure requests must be directed to the proper custodian of public records. The name, title, and contact information for the proper custodian of public records shall be posted on each municipal social media platform.

#### Section 11: Public Records Law – Retention

Municipal officials must comply with Vermont’s Public Records Law when using municipal social media. Relevant records retention schedules apply to content on the official municipal website as well as to municipal social media. Content posted or submitted for posting shall be retained pursuant to Vermont’s Public Records Law in its standard format and in accordance with applicable disposition orders and retention schedules as established by the Vermont State Archivist and be available for copying and inspection during customary business hours.

Any content edited or removed by the municipal social media moderator must be retained in accordance with the relevant public records retention schedule.

#### Section 12: Open Meeting Law – Compliance.

Municipal officials must comply with Vermont’s Open Meeting Law when using municipal social media. All posts by members of the municipality’s public bodies that relate to municipal business are subject to the Open Meeting Law. Members (elected or appointed) of any municipal public body should refrain from using municipal social media to discuss the business of the public body or to take official action in violation of the Open Meeting Law. A member of a public body who “likes,” “shares,” “tweets,” or otherwise engages in another member’s content on municipal social media may be communicating municipal business and the Open Meeting Law may apply. Furthermore, members of public bodies should refrain from posting content on or responding to inquiries related to quasi-judicial matters within the subject matter jurisdiction of their respective public bodies.

Members of municipal public bodies may utilize municipal social media for gathering public input and fostering public discussion related to the role with which the public body has been charged by statute or the Selectboard, provided that the use is authorized in accordance with Vermont law and conforms to this policy.

Information posted by the municipality on its social media will supplement, not replace, required notices and standard methods of providing warnings, postings, and notifications required to be made with regard to public meetings and hearings under Vermont law.

### Section 13 – Enforcement against Municipal Officials.

Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment in compliance with the municipality’s personnel policy, employment contract, or collective bargaining agreement, as appropriate.

Appointees and volunteers found in violation of this policy may be subject to removal from their respected public posts.

Elected officials found in violation of this policy may be subject to private or public admonishment and/or may be asked to resign their office.

The municipality may seek all appropriate legal remedies including damages or a court-ordered injunction to enforce compliance with this policy.