



# TOWN OF ARLINGTON VERMONT

## **Personnel Policies – Please keep for your records.**

### **Section 1: Title and Authority**

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

This personnel policy does not constitute a contract of employment. Employment with the Town of Arlington is **at will** and not for any definite period or succession of periods of time. The Town or the employee may terminate employment at any time, with or without notice. The Select Board reserves the right to amend any of the provisions of this personnel policy for any reason and at any time, with or without notice.

This personnel policy will be administered by the Arlington Select Board.

### **Section 2: Persons Covered**

This personnel policy applies to full-time and part-time employees of the Town of Arlington, except as stated herein; elected officers and their statutory assistants, members of Town boards and commissions, volunteers, seasonal employees, and persons who provide the Town with service on a contract basis are not covered by this policy.

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

Where a conflict exists between this policy and any collective bargaining agreement or individual employment contract, the latter will control.

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

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

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

All new employees will be required to complete a six-month probationary period. The purpose of this probationary period is to determine whether the employee is suited for the job. During the probationary period, an employee may be terminated at any time at the sole discretion of the Town. Notwithstanding any other provision of this policy, an employee terminated during the probationary period will have no right to appeal such termination and is not eligible to receive accumulated vacation time.

### **Section 5: Conduct of Employees**

All employees are considered representatives of the Town and as such are expected to conduct themselves in a courteous, helpful and respectful manner in all their interactions with the public and other employees.

All Employees are expected to faithfully execute the duties and responsibilities of their office to the best of their ability and in compliance with the provision of this personnel policy.

## **Section 6: Hours of Service**

Regular work hours for persons employed at the Town Hall or other Town Offices shall be 9:00 a.m. to 2:00 p.m., Monday through Thursday, with one half hour allowed for lunch. The Town Administrator may shift their own work hours to accommodate work done outside of these regular work hours without notice. The Town Administrator is authorized to work from home outside of the regular work hours listed above. The Finance Administrator/Treasurer may work remotely a maximum of 10 hours per week. The Town Administrator may authorize the Select Board Assistant to work remotely in advance of weather events or disaster emergencies as appropriate.

Regular work hours for the road crew shall be 6:00 a.m. to 4:30 p.m., Monday through Thursday, with one half hour allowed for lunch from May 1 to December 1, subject to adjustment by the Highway Supervisor, and 6:00 a.m. to 2:30 p.m. Monday through Friday from December 2 to April 30. Highway Department work hours are subject to change as needed if the road foreman and the Town Administrator agree on the change.

Regular work hours in the Arlington Recreation Park staff shall be 6:30 a.m. to 2:30 p.m. Monday through Friday, April 1 through December. At all other times of the year, regular work hours follow the schedule for road crew.

Regular work hours may be changed, and employees may be expected to work additional hours that may exceed forty hours in a given week, as circumstances require.

All employees are expected to be in attendance during regular work hours. Employees who will be absent from work are expected to notify their supervisor in advance whenever possible. Employees who are calling in sick are expected to notify their supervisor as soon as possible, but no later than one hour before their regular start time.

## **Section 7: Workplace Attire**

All employees shall dress appropriately for their work, including wearing attire required to comply with federal and Vermont occupational health and safety rules. In roles where the Town pays for workplace attire, employees are expected to wear the clothing and/or shoes provided.

## **Section 8: Gratuities and Gifts**

Employees may not directly or indirectly ask, demand, exact, solicit, accept or receive a gift, gratuity, act or promise beneficial to that individual, or another, which could influence any action or inaction associated with their official duties on behalf of the Town, or create the appearance of impropriety in connection with any actions or inactions associated with their official duties on behalf of the Town.

## **Section 9: Conflict of Interest**

Specific rules regarding conflicts of interest are included in the Town of Arlington Conflict of Interest policy, with the version applicable being the edition currently in place at the time a situation arises.

## **Section 10: Political Activity**

No employee may use his or her official authority for the purpose of interfering with or affecting the nomination or election of any candidate for public official, or demand or solicit from any individual direct or indirect participation in any political party, political organization, or support of any political candidate. Employees are prohibited from using Town facilities, equipment, or resources for political purposes and from pursuing political activities while working.

This personnel policy is not to be construed to prevent employees from becoming or continuing to be members of any political party or organization, from attending political party or organization meetings or events, or from expressing their views on political matters, so long as these views are clearly articulated as being those of the individual and not of the Town, and these activities do not interfere with the individual's ability to effectively perform his or her duties and take place or are expressed during non-working hours. Nor is this personnel policy to be construed from prohibiting, restraining or in any manner limiting an individual's right to vote with complete freedom in any election.

### **Section 11: 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 evaluation another close relative.

A close relative includes a spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law and sibling-in-law.

### **Section 12: Alcohol and 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 license physician or dentist. All employees are subject to the Town of Arlington Drug and Alcohol Policy, a separate document that includes specific rules regarding such matters.

### **Section 13: Tobacco Use**

In recognition of the hazards that tobacco poses to the health of employees, and in accordance with 18 V.S.A §§ 1421 et seq. and §§1741 et seq., the Town hereby prohibits employees' use of tobacco in any form in all publicly owned buildings, offices, and enclosed areas, and in all Town vehicles.

### **Section 14: Performance Evaluations**

Employees may be subject to job performance evaluations at such times and in such manner as the Arlington Select Board deems reasonable, not less than once per calendar year. The results of such evaluation will be submitted to the employee, the employee's supervisor, and the Arlington Select Board, and will become part of the employee's personnel file.

### **Section 15: Personnel Records**

Personnel records will be maintained for each employee of the Town. In accordance with Vermont's Public Records Law, any employee or the employee's designated representative may inspect or copy his or her personnel file at a mutually agreeable time during regular office hours. The Town reserves the right to have its representative present at the time its files are examined or copied.

### **Section 16: Use of Town Equipment**

The use of Town equipment or property for personal use is strictly prohibited. For the purposes of this section of the policy, there shall be a de minimis threshold of five U.S. cents worth of equipment or equipment time. On separation from employment by the Town, employees shall promptly return all town objects assigned to them. The Select Board shall not offer use of any particular piece of Town equipment for personal use as a workplace benefit without a unanimous vote of the Select Board.

### **Section 17: Use of the Town Computer System**

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

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

For purposes of this section, computer system means all computer-related components and equipment including, but not limited to, host computers, file servers, workstation terminals, laptops, software, internal or external communication networks, the World Wide Web (www), the Internet, commercial online services, bulletin board systems, backup systems and the internal and external e-mail systems accessed via the Town's computer equipment.

## **Section 18: Health Insurance Benefits**

### **18.1 - Purpose**

The Town offers health insurance programs for the benefit of eligible employees in accordance with policies established by the Select Board.

### **18.2 - Eligibility**

Employees who are regularly scheduled to work forty (40) hours per week are considered full-time and are eligible to participate in the Town's group health insurance plan, along with their spouse and dependent

children under the age of 26. The Town shall contribute ninety percent (90%) of the premium and maximum out of pocket costs and the employee shall contribute ten percent (10%) unless otherwise determined by the Select Board.

#### **18.2.2 – Health Insurance in Lieu of Coverage**

Eligible full-time employees may elect to decline participation in the Town’s group health insurance program and instead receive a health insurance stipend of \$5,500 per year in lieu of coverage. The Stipend shall be paid in equal installments in accordance with the Town’s payroll schedule.

#### **18.2.3 – Designated Positions**

The following positions shall receive the health insurance stipend of \$5,500 annually in lieu of participation in the Town’s group health insurance plan, unless otherwise authorized by the Select Board: Town Clerk, Town Treasurer, and Select Board Administrative Assistant.

#### **18.2.4 – Benefit Eligibility Date**

Eligibility for either participation in the Town’s health insurance plan or receipt of the health insurance stipend shall begin upon the employee’s commencement of employment, unless otherwise determined by the Select Board.

#### **18.3 – Reservation of Rights**

The Town reserves the right to:

- Change insurance carriers.
- Modify plan offerings.
- Adjust employer or employee premium contribution amounts.
- Modify or discontinue benefit programs.
- Adjust the health insurance stipend amount.

Employees will be provided reasonable advance notice of any changes to insurance contributions or stipend amounts.

### **Section 19: Holiday Leave**

#### **19.1 – Paid Holidays**

Employees shall receive the following paid holiday leave:

- New Year’s Day (January 1)
- Martin Luther King Jr’s Birthday (3<sup>rd</sup> Monday in January)
- Presidents Day (3<sup>rd</sup> Monday in February)
- Memorial Day (last Monday in May)
- Juneteenth (June 19<sup>th</sup>)
- Independence Day (July 4)
- Bennington Battle Day (August 16)
- Labor Day (1<sup>st</sup> Monday in September)
- Columbus Day/Indigenous Peoples Day (second Monday in October)
- Veterans’ Day (November 11)
- Thanksgiving Day (4<sup>th</sup> Thursday in November)
- Friday after Thanksgiving Day
- Christmas Day (December 25)

Employees shall receive holiday pay at their regular rate of pay for the number of hours they are normally scheduled to work on that day.

### **19.2 – Holiday Observance**

Holidays falling on a Saturday shall be observed on the preceding Friday, and Holidays falling on a Sunday shall be observed on the following Monday. For employees working a standard Monday-Thursday 4-day work week, when a holiday falls on a Saturday and would thus be observed on the preceding Friday, the holiday shall be observed on the preceding Thursday.

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

### **19.3 – Work Performed on Holidays**

Where hourly employees are required to work on a holiday, pay shall accrue at a rate of 2.5 times the regular rate of pay. For the purposes of this policy, all hours accrued on a holiday shall be considered "overtime" hours, such that the holiday pay rate of 2.5 times the regular rate of pay shall not be paid at any higher rate. This rate applies to observed holidays, including Fridays and Mondays upon-which a holiday falling on a Saturday or Sunday is observed. Holidays are measured from 12:00 am to 11:59 pm on the date of the listed holiday or when the holiday is to be observed. Overnight or other hours occurring as a continuation of work at times outside of the holiday shall accrue at the rate they would accrue had the holiday not been present.

### **19.4 – Paid Holiday Overtime Calculation**

Hours of paid holiday leave shall count toward the calculation of forty (40) hours in a workweek above which overtime compensation is required.

## **Section 20: Paid Time Off**

### **20.1 – Purpose**

The Town of Arlington provides paid time off (PTO) to eligible employees for vacation, personal time, illness or injury (sick), and other qualifying needs. It is the policy of the Town to encourage every employee to take time away from work at least once per year. This policy shall not in any way preclude the Select Board from authorizing flexibility in employee scheduling.

### **20.2 – PTO Eligibility and Annual Allotment**

PTO is front-loaded at the beginning of each calendar year and is available for use as of January 1.

Employees are eligible for the following annual PTO allotments:

Full-time employees (40 hours per week) receive PTO according to years of service:

- 0–5 years of service: 136 hours
- 6–11 years of service: 176 hours
- 12+ years of service: 256 hours

Part-time hourly employees receive a pro-rated allotment based on the ratio of their average weekly hours to 40 hours, applied to the schedule above. In no case shall a part-time employee receive fewer than 10 hours of PTO annually.

PTO is paid at the employee's regular rate of pay.

### **20.3 – Sick and Safe Leave Component**

In accordance with Vermont's Earned Sick Time Act, 21 V.S.A. §§ 481 et seq., a minimum of 40 hours of each employee's annual PTO allotment (outlined above) is designated as sick and safe leave and may be used for any of the following purposes:

- An illness or injury that prevents the employee from performing their job duties
- A medical appointment
- An appointment eligible under the Vermont Parental and Family Leave Act, 21 V.S.A. § 472a
- A funeral not eligible under Section 23
- A meeting with the employee's personal attorney
- An appointment for the closing, purchase, sale, or refinancing of a primary residence
- Needs related to domestic violence, sexual assault, or stalking affecting the employee or a family member, including obtaining medical care, seeking legal assistance, participating in safety planning, or attending related court proceedings
- Any other appointment authorized in advance by the employee's supervisor or the Town Administrator

The Town front-loads the full annual PTO allotment at the start of each year, unused PTO does not carry over to the following calendar year, except as provided in Section 20.4.

#### **20.4 – PTO Carryover**

An employee may carry over up to forty (40) hours of unused PTO from one calendar year to the next. Unused PTO exceeding the carryover limit shall be forfeited at the end of the calendar year unless otherwise authorized by the Select Board.

#### **20.5 – PTO and Separation from Employment**

Upon separation from employment, employees shall be compensated for all accrued unused PTO at the employee's regular rate of pay at the time of separation.

In the event an employee separates from employment while their PTO balance is negative, any negative hours will be deducted at the regular hourly rate from the employee's final paycheck.

#### **20.6 – Documentation**

If an employee is absent for four (4) or more consecutive days, a note from a medical professional is required prior to returning to work.

### **Section 21: Vacation Black-Out Periods**

The Select Board acknowledges that certain times of year require staff to be available for work such that PTO and compensatory time off as outlined in Section 29 may not be used on short notice. At the times outlined below, all requests for use of PTO must be submitted to the employee's supervisor at least one week in advance using a form provided by the Town Administrator. These requests are subject to review or denial by the supervisor based on an expected need for the employee to be available for work.

Black-Out Periods:

- Highway Department – December 1 until April 1 (winter plowing season)
- Finance Administrator – Calendar week immediately preceding the date tax bills are issued and the calendar week immediately preceding and following when taxes are due as approved by the voters at Town Meeting.
- Town Administrator – Between 40 days and 10 days immediately preceding Town Meeting (window in which the Town Meeting warning must be posted and the Town Report completed, printed, and distributed).

### **Section 22: Bereavement Leave**

Full-time employees and the Select Board Assistant will receive 30 work hours paid bereavement leave per year. Employees may use bereavement leave for the death of a close relative or any person in whose life the employee was meaningfully involved. Bereavement leave must be used within 6 months of the death of the person the leave is being used on behalf of.

Part-time employees shall receive 6 hours of paid bereavement leave per year.

Pay for bereavement leave will be at the employee's regular rate of pay.

If an employee does not use all the employee's bereavement leave in a year, the employee may not carry the unused leave forward to the next year. Upon separation from employment, an employee will not be compensated for unused bereavement leave.

### **Section 23: Parental and Family Leave**

Eligible employees may receive leave as described in the Family and Medical Leave Act (FMLA) and the Vermont Parental and Family Leave Act (PFLA). These federal and state laws will determine employee eligibility, the qualifying reasons for such leave and the length of leave.

The Town reserves the right to designate any qualifying leave of absence granted under this policy as leave under FMLA or the PFLA. Where the employee's leave request is covered by the PFLA and the FMLA, the Town will adhere to the law that provides the most benefits to the employee. If an employee is entitled to leave under both the PFLA and FMLA, the leave periods will run concurrently.

For purposes of determining the twelve-month period in which an employee may be entitled to PFLA and/or FMLA leave, the Town will use a rolling twelve-month period measured backward from the date an employee uses such leave.

### **Section 24: Short Term Family Leave**

In accordance with the Vermont Short Term Family Leave Law, eligible employees may be entitled to take unpaid leave not to exceed four hours in any thirty-day period and not to exceed twenty-four hours in any twelve-month period for the following purposes:

- To participate in preschool or school activities directly related to the academic educational advancement of the employee's child, stepchild, foster child, or ward
- To attend or accompany the employee's child or other family member to a routine medical or dental appointments
- To accompany the employee's parent, spouse, or parent-in-law to other appointments for professional services related to their care and well-being
- To respond to a medical emergency of the employee's family member

The Town may require that leave be taken in a minimum of two-hour segments. At the option of the employee, accrued paid leave may be used. An employee shall make a reasonable attempt to schedule appointments for which leave may be taken outside of regular work hours. An employee shall provide the Town with the earliest possible notice of the intent to take short-term family leave, but in no case later than seven days before leave is to be taken, except in the case of an emergency.

### **Section 25: Leave of Absence Without Pay**

All requests for leaves of absence without pay for any reason other than those covered by federal, or state law must be submitted in writing to the employee's supervisor and must set forth the purpose for which the leave is requested. All leave requests must be for a definite period of time and include a specified date of return.

If a leave of absence without pay is granted, the employee may, at the Town's sole discretion, continue the employee's group health plan coverage by paying the required premium in accordance with the payment

schedule established by the Town. Other employee benefits (e.g., sick leave, vacation, seniority, etc.) will not accrue during the unpaid period.

### **Section 26: Military Leave**

The Town will comply with the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4303 et seq., and 21 V.S.A. §§ 491 et seq.

Employees who take military leave subject to the provisions of these laws will be granted leave without pay. At the option of the employee, any paid leave accrued prior to the commencement of the leave may be used.

### **Section 27: Jury Leave**

The Town will compensate employees for their service as jurors or witnesses. In accordance with 24 V.S.A. § 499, employees will otherwise be considered in the service of the Town for purposes of determining seniority, benefits, credit towards vacation, sick leave, and other rights, privileges, and benefits of employment.

When Town employees are called to serve as a witness in a court proceeding due to their status as an employee of the Town, the Town will compensate the employee for the difference between their regular rate of pay and their compensation as a witness. The Town will pay the difference only when the employees' regular rate of pay exceeds their compensation as a witness.

### **Section 28: Overtime and Compensatory Time Off**

#### **28.1 Overtime Compensation**

In accordance with the Fair Labor Standards Act, the Town compensates all non-exempt employees at the rate of one- and one-half hours (1.5 hours) for each hour actually worked in excess of forty hours in any work week.

The eight (8) hours of paid holiday leave for approved Town holidays shall count toward the calculation of the forty-hour threshold.

Employees employed in executive, administrative or professional capacities as defined by the FLSA are exempt from this requirement.

#### **28.2 Holiday Work regarding Overtime Compensation**

As noted under Section 19, all hours worked on a holiday listed in this document shall be considered overtime for the purposes of this policy, paid at a rate of 2.5 times the regular hourly rate, not subject to further increase for any reason.

Holiday overtime shall not be subject to additional overtime calculations.

#### **28.3 – Compensatory Time**

In lieu of overtime pay, nonexempt employees may accrue compensatory time off (“comp time”) subject to the following conditions:

- Comp time is earned at a rate of one- and one-half hours (1.5 hours) for each hour worked more than forty hours in any work week. Comp time accrued through work on a holiday listed in Section 18 is earned at a rate of 2.5 hours per hour worked on the holiday.
- An employee may accrue a maximum of forty-two hours of comp time (42 hours of comp time represents 28 hours of actual overtime work). An employee who has accrued 42 hours of comp time will be paid overtime compensation for additional overtime hours of work. The Select Board reserves the right to authorize an employee to temporarily exceed 40 accrued hours of comp time in the event

the employee files a request with the Select Board to do so, including a specific schedule of when the comp time is to be used. Such requests must be approved by motion of the Select Board, with any proposed excess comp time being paid in cash in the event the request is denied.

- An employee may, at the Town's discretion, be paid in cash in lieu of compensatory time off. Comp time may be carried forward for a maximum of twelve (12) months.
- An employee receiving payment for accrued comp time will be paid at the regular rate of pay earned by the employee at the time the employee receives such payment.
- Upon termination from employment, an employee will be paid for unused comp time 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.

An employee who has accrued comp time and requested use of comp time will be permitted to use such time off within a reasonable period after making the request, providing such use does not unduly disrupt the Town's operations. Requests for use of comp time must be submitted 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.

#### **28.4- Call in Work**

Unscheduled work time or "call-ins" as initiated by the Highway Supervisor, Town Administrator, an agency of the State of Vermont (including Vermont State Police) or authorized Select Board member, shall have a minimum overtime payment of 3 hours, regardless of the time spent resolving the unexpected issue.

#### **Section 29: Town Meeting Leave**

In accordance with 17 V.S.A. § 2551, employees are entitled to take up to three (3) hours of unpaid leave on the day of any official Town Meeting, including annual and special meetings, to attend and participate. Employees wishing to use this leave must provide their supervisor with advance notice as early as practicable. The Town will not retaliate against or discipline any employee for exercising this right.

#### **Section 30: Employment Discrimination**

Vermont and federal law prohibit employment discrimination or retaliation based on race, color, religion, sex, or national origin, sex, or age, or against a qualified individual with a disability with respect to all employment practices. Vermont law also prohibits discrimination based on sexual orientation, ancestry, HIV status, and place of birth. It is also unlawful to retaliate against employees or applicants who have alleged employment discrimination.

Employees are encouraged to bring any complaints alleging unlawful discrimination to the attention of the employee's supervisor or his/her designee who will arrange a meeting to discuss the matter. The meeting will take place as soon as reasonably possible, but in no case later than seven calendar days from receipt of notification. If the Supervisor or his/her designees are unable to resolve the matter during this meeting, the aggrieved party may submit to the Arlington Select Board, or his/her designee, a written, signed complaint within seven additional calendar days. The Arlington Select Board, or his/her designee, will then have an additional fifteen calendar days in which to conduct an investigation and to issue a report with recommendations to the Select Board. The Select Board will, within ten calendar days, notify the aggrieved part of its decision.

#### **Section 31: Sexual Harassment**

Sexual harassment in the workplace is illegal under federal and Vermont law and is strictly prohibited. The Town is committed to providing a workplace free from this unlawful conduct. All employees have the right

to work without being subjected to insulting, degrading or exploitative treatment on the basis of their gender. It is against the policies of the Town for any individual, male or female, to sexually harass another individual in the workplace. In accordance with 21 V.S.A. § 495h, the Town has adopted the following sexual harassment policy. All employees are required to read this policy before signing the employee acknowledgement form.

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

- Either explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors
- Touching or grabbing a sexual part of an individual's body
- Touching or grabbing any part of an individual's body after that party has indicated, or it is known, that such physical contact was unwelcome
- Continuing to ask an individual to socialize on or off-duty when that person has indicated he/she is not interested
- Displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome
- Continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior.
- Referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior
- Regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior
- Retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g., ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.)
- Derogatory or provoking remarks about or relating to an employee's sex
- Harassing acts or behavior directed against a person on the basis of his or her sex
- Off-duty conduct which falls within the above definition and affects the work environment

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

Any individual who believes that she or he has been the target of sexual harassment, or who believes she or he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop.

Any employee who wishes to report sexual harassment should provide written notice to the Arlington Select Board.

Once the Town receives a complaint of sexual harassment, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. If sexual harassment is found to have occurred, the Town will take appropriate action, ranging from a verbal warning up to and including dismissal.

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

Vermont Attorney General's Office

Civil Rights Unit

109 State Street

Montpelier VT 05609-1001

802-828-3171 (voice/TODD)

Equal Employment Opportunity Commission

1 Congress Street

Boston MA 02114

617-565-3200 (voice) - 617-565-3204 (TODD)

These agencies may conduct impartial investigations, facilitate conciliation, and, if they find that there is probable cause or reasonable grounds to believe sexual harassment occurred, they may take a case to court.

### **Section 32: Employee Discipline**

The Town of Arlington has adopted a progressive discipline process to identify and address employee and employment related problems. The Town's progressive discipline process applies to any and all employee conduct that the Town, in its sole discretion, determines must be addressed by discipline.

The progressive discipline process does not apply to elected officers and their statutory assistants. However, an elected officer may choose to follow the requirements of this policy for discipline and termination of his or her statutory assistants. A statutory assistant means an individual appointed to his or her position by an elected officer of the Town having express statutory authority to appoint an assistant. Statutory assistants include the assistant clerk and the assistant treasurer.

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

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

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

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

The Town will normally adhere to the following progressive disciplinary process, but reserves the right to bypass any or all steps of progressive discipline when it determines, in its sole discretion, that deviation from the process is warranted: (1) verbal warning; (2) written warning; (3) suspension; and (4) termination.

Employees are prohibited from engaging in conduct listed below and may receive discipline, up to and including termination, for doing so. This list has been established to provide examples of behavior that could warrant a range of disciplinary sanctions. Appropriate levels of discipline may be based on the severity of employee conduct. This list is not exhaustive.

- Refusing to do assigned work or failing to carry out the reasonable assignments of the employee's supervisor or the Arlington Select Board
- Being inattentive to duty, including sleeping on the job
- Falsifying a time card or other record or giving false information to anyone whose duty it is to make such record
- Being repeatedly or continuously absent or late, being absent without notice or satisfactory reason or leaving one's work assignment without appropriate authorization.
- Conducting oneself in any manner that is offensive, abusive or contrary to reasonable community standards and expectations of public employees.
- Engaging in any form of harassment including sexual harassment.
- Misusing, misappropriating, or willfully neglecting Town property, funds, materials, equipment or supplies.
- Unlawfully distributing, selling, possessing, using or being under the influence of alcohol or drugs when on the job or subject to duty.
- Fighting, engaging in horseplay or acting in any manner which endangers the safety of oneself or others. This includes acts of violence as well as threats of violence.
- Stealing or possessing without authority any equipment, tools, materials or other property of the Town or attempting to remove them from the premises without approval or permission from the appropriate authority.
- Marking or defacing walls, fixtures, equipment, tools, materials or other Town property, or willfully damaging or destroying property in any way.
- Willful violation of Town rules or policies.

### **Section 33: Pay Schedule and Payroll Records**

The Town of Arlington operates solely on a biweekly pay schedule. The Town of Arlington does not offer the option of being paid on a weekly pay schedule.

In accordance with 21 V.S.A. §§ 342 and 395, the Town shall provide each employee with a written statement of wages and deductions, commonly referred to as a pay stub, with each paycheck issued on the biweekly schedule described in Section 33. The Town shall maintain true and accurate records of the hours worked by each employee and the wages paid, and shall retain those records for a minimum of two (2) years as required by Vermont law.

### **Section 34: Workers' Compensation**

The Town of Arlington maintains workers' compensation insurance coverage for all employees in accordance with Vermont law, 21 V.S.A. §§ 601 et seq. Any employee who sustains a work-related injury or

illness must report the incident to their supervisor as soon as possible and in no event later than the end of the workday on which the injury or illness occurs. Failure to promptly report a work-related injury or illness may affect the employee's eligibility for workers' compensation benefits. The Town Administrator can provide employees with information regarding the workers' compensation claims process.

**Section 35: Workplace Safety**

The Town is committed to providing a safe and healthful work environment for all employees in accordance with the Vermont Occupational Safety and Health Act (VOSHA), 21 V.S.A. §§ 201 et seq., and applicable federal standards. Employees are expected to follow all applicable safety rules and to use required protective equipment. Any employee who identifies an unsafe working condition is encouraged to report it promptly to their supervisor or the Town Administrator. No employee shall be disciplined or retaliated against for reporting a safety concern in good faith or for exercising any right afforded under VOSHA.

**Section 36: Severability**

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

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signatures of Select Board:

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