Personnel Policy
Town of Middlesex, Vermont

Section 1: Title and Authority

This policy shall be known as the Town of Middlesex personnel policy. It has been adopted by the Town of Middlesex 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 Middlesex 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 *Select Board.*

Section 2: Persons Covered

This personnel policy applies to full-time and part-time employees of the Town of Middlesex. 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 services 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 32 hours per week on a regular and continuing basis. A part-time employee is an employee who works fewer than 32 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 Middlesex is to provide equal opportunity to all employees and applicants without regard to race, color, religion, sex, sexual orientation, age, nationality origin, marital status, disability, veteran's status or any other category under local, state or federal law.

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.

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 provisions of this personnel policy.

Section 6: Hours of Service and Pay Period

Regular work hours for persons employed by the Town of Middlesex are as established by the Select Board. The regular pay period runs from 12:00 am Saturday – 11:59 pm Friday.

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. When an employee's time is expensed to executing a federal award, activity reports differentiating hours worked on town business from those expensed to the federal government must be prepared and maintained.

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 8:30 a.m.

Payroll is distributed on a bi-weekly basis and issued on Thursday of the pay week. If payroll falls on a holiday, payroll will be generated on Wednesday of the pay week.

Section 7: 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 8: Outside Employment

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 to their manager in writing and obtain prior clearance from the Town that such employment does not constitute a conflict of interest.

A conflict of interest means a direct or indirect personal or financial interest of an employee, his or her close relative, household member, business associate, employer or employee. A close relative includes a spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law and sibling-in-law.

Section 9: 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 10: 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.

Section 11: 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 licensed physician or dentist. In accordance with Omnibus Transportation Employee Testing Act of 1991 all Town Employees who are required to hold a commercial drivers' license shall be subject to pre-employment and regular random drug and alcohol testing in accordance with the Department of Transportation rules and procedures.

Employees who are found to be using illegal drugs or alcohol on the job will be subject to immediate dismissal.

Section 12: 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 13: Performance Evaluations

Employees may be subject to job performance evaluations at such times and in such manner as the manager authorized representative deems reasonable. The results of such evaluations will be submitted to the employee and will become a part of the employee's personnel file.

Section 14: 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 15: Use of Town Equipment

The use of Town equipment or property for personal use is strictly prohibited.

Section 16: Use of 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 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 manager. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the Town computer system.

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

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

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

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

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

Section 17: Eligibility for Benefits

The Town offers the following group insurance programs for the benefit of its eligible full time employees: health insurance, health insurance savings account, long term disability insurance and life insurance.

The Town reserves the right to change insurance carriers, or to add, delete or amend insurance benefit programs in its sole discretion. The Town also reserves the right to change the amount or percentage of its contribution to the cost of any group health insurance program. Employees will be provided with advance notice of any change in the contribution rate.

Health Insurance: The Town of Middlesex pays 100% of the employee's monthly health insurance premium. Dependent(s) including civil union partners,' coverage can be added and the Town of Middlesex pays 50% of the premium for dependent(s) and civil union partners. The premium for dependents is deducted from the employee's payroll check. If an eligible employee chooses not to take the health insurance coverage and has other coverage in force, the Town will pay $150.00 per month as health insurance compensation to the employee.

Long Term Disability/Life Insurance: Employees will have deducted from their payroll check $6.37 per month for premiums for Long Term Disability/Life Insurance. The Town of Middlesex will pay the balance of the monthly premium.

Retirement Plan: The Town of Middlesex participates in the Vermont Municipal Employees Retirement System (VMERS). The plan is set by the Select Board. Annually, the Legislature sets the rates of the contributions to this plan for both employer and the employee. These changes are effective on July 1st for the following 12 months. Notices will be provided to the employees prior to any rate change.

Section 18: Safety Approved Footwear (Highway Department Employees Only)

The Town of Middlesex requires all employees working in the highway department to wear safety-toed footwear which meets the ASTM F2413-11 certification standard. This footwear is required to ensure that employees don't sustain foot crush and ankle sprain/strain injuries while on the job.
The Town of Middlesex offers a boot allowance to all full-time highway department employees up to $200 per fiscal year to purchase footwear that meets the ASTM F2413-11 certification standard and has at least an 8" ankle support and safety toe. The Town has set up a voucher purchase program with Lenny's Shoe & Apparel for pre-approved footwear that meets the safety standard outlined in this policy.
Footwear that that does not meet the ASTM certification standard and was not pre-approved by the Town may not be worn during regularly scheduled work hours. All footwear must be fully laced at all time to ensure full ankle support.
This is a zero tolerance policy.

Section 19: Dress Code (Highway Department Employees Only)

The Town of Middlesex requires all employees working in the highway department to take part in the town supplied uniform program. These uniforms (11 shirts, 11 pants, 2 jackets) are supplied and laundered by the Town. All employees are responsible for the care of these garments and will bring dirty garments with them Friday to drop off for laundering services. Clean uniforms will be available Friday as well through the uniform company.
Undershirts with vulgar printing or depictions and ripped/torn garments will not be permitted. Torn garments pose a safety hazard to the employee and should be replaced or discarded.
During cold/hot months of the year, VOSHA describes necessary clothing as job oriented. The supervisor will dictate if/when more or less apparel will be permitted beyond the supplied uniforms.
Employees are allowed to wear shorts and a t-shirt during the summer months provided that the specific task does not pose a hazard to the employee's legs. Pants must be worn while performing tasks such as cutting brush, weed whacking, grinding, vehicle maintenance, or during any task that requires the employee to kneel. Tasks that would permit shorts and a t-shirt are but not limited to:

- Equipment operation
- Truck operation

- Administrative work

Extra clothing may be required during winter months such as winter hats, thicker gloves, snow pants, more layers. During this time, the employee will be responsible for such garments.

Section 20: Safety Equipment (Highway Department Employees Only)
The Town of Middlesex is required as an employer to provide all the necessary safety equipment to each employee to safely perform all tasks at hand. Personal Protective Equipment (PPE) the Town will provide are but not limited to:

- Hard hats
- Gloves (insulated and non-insulated)
- Chain saw chaps and helmets
- Eye, face, and ear protection (Goggles, face shield, ear plugs/muffs)
- Fluorescent and reflective vests & jackets (insulated and non-insulated)
- Safety approved footwear (See Section XX)

All of these items will be kept in good working condition to ensure safety, visibility, and functionality. All PPE listed will be updated as needed based on condition and expiration dates, and will meet the current standards based on VOSHA Regulations.
It will be the employees' responsibility for the direct care of these safety items. Safety items must be worn any time a task listed in the PPE Assessment is being conducted. It will be the employees' job to wear these items during such tasks after being trained on proper equipment use during the task. The supervisor is responsible for enforcing that all safety items are being used when the job requires such equipment.

Section 21: Holiday Leave
Full-time employees will receive the following paid holiday leave:

- New Year's Day (January 1)
- Martin Luther King Day (3rd Monday in January)
- Presidents Day (3rd Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (1st Monday in September)
- Columbus Day (2nd Monday in October)
- Veterans Day (November 11)
- Thanksgiving Day & the Day after Thanksgiving (4th Thursday in November)
- Christmas Day (December 25)

Affected employees will receive holiday leave pay at the employee's regular rate of pay.

Holidays falling on a Saturday will be observed the preceding Friday. Holidays falling on a Sunday will be observed the following Monday.

An hourly employee who is required to work on a holiday will be compensated at the rate of one and one-half times the employee's regular rate of pay. If an hourly employee is not required to

work on a holiday, hours paid for the holiday will be counted as hours worked when determining overtime compensation.

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

Section 22: Vacation Leave
Fulltime employees will accrue vacation at the following annual rates:

Years of Service	Annual Rate
1st - 4th year	10 days or 80 hours
5th through 10th year	15 days or 120 hours
10th and subsequent years	20 days or 160 hours

Full-time employees will receive vacation leave pay at the employee's regular rate of pay.

Employees are strongly encouraged to take an annual vacation. If an employee does not use all of the employee's vacation leave in a year, the employee may carry up to 15 unused vacation days (or 120 hours) forward to the next year.

Vacation days are fully earned after May 1st of each year. Prior to that date vacation days will be prorated. An employee who resigns from employment with the Town will be compensated for unused earned vacation leave, provided that the employee gives at least two weeks written notice of the resignation. Employees are not eligible for vacation days during the probationary period. The Town has the right to consider previous relevant experience when determining vacation time for a new employee.

Section 23: Sick Leave

Employees will receive 6 days (or 48 hours) of paid sick leave per year. An employee may use sick leave for an illness or injury that prevents the employee from performing the employee's job duties. Full-time employees will receive sick leave pay at the employee's regular rate of pay.

If an employee does not use all of the employee's sick leave in a year, the employee may carry up to 6 days (or 48 hours) of unused sick leave into the following year. An employee may accumulate a maximum of 90 days (or 720) hours of sick leave.

Upon separation from employment, an employee will not be compensated for unused sick leave.

Section 24: Personal Leave

Those employed full time by the Town on January 1st will on that day receive 3 days of paid personal leave per year. Anyone hired for a full-time position after January 1st will receive 3 days of paid personal leave the following January 1st, provided said employee is still employed full time by the Town. Pay for personal leave will be at the employee's regular rate of pay.

If an employee does not use all of the employee's personal 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 personal leave.

Section 25: 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 an 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 the 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 26: 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, step-child, foster child, or ward;
- To attend or accompany the employee's child or other family member to 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; or
- 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 27: 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 manager 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 the payment schedule established by the Town. Other employee benefits (e.g. sick leave, vacation, seniority, etc.) will not accrue during the unpaid leave period.

Section 28: 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 29: Jury Leave

The Town will not 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 vacations, sick leave, and other rights, privileges, and benefits of employment.

Section 30: Overtime

In accordance with the Fair Labor Standards Act, the Town compensates all hourly employees at the rate of one and one-half hours for each hour actually worked in excess of forty hours in any workweek. Employees employed in executive, administrative or professional capacities as defined by the FLSA are exempt from this requirement.

Section 31: 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 manager 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 manager is unable to resolve the matter during this meeting, the aggrieved party may submit to the manager a written, signed complaint within seven additional calendar days. The manager 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 32: 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:

- submission to that conduct is made either explicitly or implicitly a term or condition of employment;
- 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
- 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 sexual harassment include, but are not limited to, the following when such instances or behavior come within one of the above definitions:

- either explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- touching or grabbing a sexual part of an 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:

Town Clerk, 5 Church Street, Middlesex, VT 05602 (802) 223-5915

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
Tel: (802) 828-3171 (voice/TODD)

Equal Employment Opportunity Commission
1 Congress Street
Boston, MA 02114
Tel: (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 33: 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 23rd day of June, 2015, Revised on the 8th day of September, 2015, on the 11th day of April, 2017 and on January 7, 2020.

Signed by the Middlesex Select Board January 21, 2020.

Peter O. Hood, Chair: _____

Mary Just Skinner, Vice Chair: _____

Philip Hyjek: _____

Steven Martin: _____

Elizabeth Scharf: _____

Recorded in the Middlesex Town Records on January 22, 2020, I so attest:

_____

Sarah Merriman, Town Clerk/Select Board Assistant

Addendum A: Personnel Acknowledgement

I, _____, acknowledge that:

A. I received a copy of the Town's personnel policy on _____;

B. I have been given an opportunity to ask questions about said policy and I have been provided with satisfactory information in response to my questions;

C. I understand that the language used in this personnel policy is not intended to create, nor should it be construed to create, a contract of employment between myself and the Town;

D. I acknowledge that the Town reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or none at all, in whole or in part, at any time, with or without notice;

F. I acknowledge that I understand the Town's personnel policy and I agree that I will comply with all of its provisions.

_____ _____

Employee's Signature Date