Personnel Policy
Highway Department
Town of Corinth, Vermont

Section 1: Title and Authority

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

This personnel policy does not constitute a contract of employment. Employment with the Town of Corinth 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 Board of Selectmen 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 Board of Selectmen or its authorized representative.

Section 2: Persons Covered

This personnel policy applies to all highway employees of the Town of Corinth. 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 40 hours per week on a regular and continuing basis. A part-time employee is an employee who works fewer than 24 hours per week on a regular and continuing basis. A temporary employee is one who is hired for a period of limited or specific duration. Both part-time and temporary employees must stay within the work hour limits imposed by the Vermont Municipal Employee Retirement System (VMERS) of regularly working less than 24 hours a week and less than 1,040 hours a year.

All Town of Corinth highway job applicants shall complete an approved job application form for inclusion in their personnel file.

All prospective highway employees will be required to have a physical examination before employment and a certificate signed by their physician will be forwarded to the Board of Selectmen, to be filed in their personnel file, stating their ability to perform the tasks required.

Section 3: Equal Employment Opportunity

The policy of the Town of Corinth 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 full-time 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, the employee will receive all employee benefits but 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 their interactions with the public and other employees.

All employees are expected to faithfully execute the duties and responsibilities of their position to the best of their ability and in compliance with the provisions of this personnel policy.

Section 6: Hours of Service & Payroll

All employees are expected to be in attendance during regular work hours. Employees who plan to be absent from work must arrange with their supervisor in advance. An employee absent due to emergency or illness should inform his supervisor by the beginning of his scheduled work time.

The regular winter work week is Monday through Friday, eight hours a day. The regular summer work week is Monday through Thursday, ten hours a day. Regular work hours will be determined by the supervisor in consultation with the Road Commissioner and Board of Selectmen. 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.

There are 52 regular pay periods in a year. The Town of Corinth's pay period commences on Sunday and ends on Saturday. Time sheets must be completed and presented to the immediate supervisor for signature then forwarded to the Town Treasurer for payment at the end of each pay period. Payday normally occurs on the following Tuesday. There will be no advance or deferred payments in payroll.

Allowable payroll deductions are:

Federal Withholding Taxes
State Withholding Taxes
Social Security and Medicare
Health Insurance
Eye Care Insurance
Retirement Plan
Child Support

Compensation Rate

Straight time (regular pay) ....appointed or established hourly rate (example $10.00/hour)

Overtime.....current straight time rate x 1.5 (example $10.00 x 1.5 = $15.00/ hour) for actual time worked over 40 hours in a week

Holiday pay.....current straight time rate for regularly-scheduled hours (example $10.00/hour) plus double-time rate for any hours actually worked on the day the Town has established to observe the holiday (example $10.00/hour x 2 = $20.00/hour)

Leave pay.....current straight time rate (example $10.00/hour)

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 with 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.

Section 9: 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. Possession or sale of illegal drugs during work hours or on town property is also strictly prohibited. Such cases will be referred to law enforcement authorities and may result in immediate dismissal without appeal.

Section 10: 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, any outside area where flammable materials are present, and in all Town vehicles.

Section 11: Performance Evaluations

Employees will be subject to annual job performance evaluations in such manner as the Board of Selectmen or its authorized representative deems reasonable. The results of such evaluations will become a part of the employee's personnel file.

Section 12: Personnel Records

Personnel records will be maintained for each employee of the highway department. 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 13: Use of Town Equipment

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

Section 14: Use of Town Computer System

Town computer systems are to be used by employees for the purpose of conducting Town business.

Employees should have no expectation of privacy regarding anything created, sent or received on Town computer systems. 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 systems. All files, documents, data and other electronic messages created, received or stored on Town computer systems 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 systems 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 Town computer systems.

Employees who have a confidential password to access any of the Town's operating systems 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.

However, employees must recognize that emails sent, received, or stored on the Town computer systems are subject to Vermont's Public Records Law and may be covered by the State of Vermont's retention schedule for municipal records.

Section 15: Health Benefits

The Town offers a health insurance program to its regular full-time highway employees and will contribute to its cost as a benefit for those employees. Part-time and temporary employees are not eligible to participate in the health insurance program.

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.

For each full-time highway department employee the Town of Corinth will pay 100% of a single-person plan health insurance premium and, for employees so enrolled, 80% of the difference between the single-person premium and the two-person plan premium or family plan premium. No cash payment will be made in lieu of the health insurance premium benefit. The employee will pay any balance of the premium via payroll deduction payable a month in advance. When an employee's employment terminates, the Town will cover their health insurance benefit to the end of the month containing their last day of employment.

Section 16: Retirement Plan

The Town of Corinth provides a retirement plan through the Vermont Municipal Employees' Retirement System (VMERS) for employees regularly working 24 hours or more a week or at least 1,040 hours a year. Participation in the VMERs program is mandatory. Reference is made to the literature on said plan for a more specific enumeration of its details.

Section 17: Holiday Leave

Full-time employees will receive pay, as indicated below, for the following holidays:

- New Year's Day (January 1)
- Town Meeting Day (1st Tuesday in March)
- Memorial Day (last Monday in May)
- Independence Day (July 4)

- Labor Day (1st Monday in September)
- Veterans' Day (November 11)
- Thanksgiving Day (4th Thursday in November)
- Christmas Day (December 25)

Employees will receive holiday pay at their regular rate of pay. In addition, those who work on a scheduled holiday will also receive double-time pay for actual hours worked.

EXAMPLES:

a. Non-worked holiday will be paid as eight hours x straight time rate (or 10 hours if the holiday falls with the summer work schedule)

b. 6 hours worked on a holiday will be paid as six hours x double-time rate plus eight hours straight time for the holiday

6 hours x $20.00/hour = $120.00 (double time rate)
8 hours x $10.00/hour = 80.00 (straight time rate)
14 hours $200.00

c. 10 hours worked on a holiday will be paid as 10 hours x double-time rate plus (8) hours straight time for the holiday

10 hours x $20.00/hour = $200.00 (double time rate)
8 hours x $10.00/hour = 80.00 (straight time rate)
18 hours $280.00

If Independence Day falls on either a Friday or Saturday it will be observed the preceding Thursday, which is the last scheduled work day of the week according to the summer schedule . All other holidays falling on a Saturday will be observed the preceding Friday. Holidays falling on a Sunday, including Independence Day, will be observed the following Monday.

Should an employee take leave time that includes a Town recognized holiday during that time, that day will be paid as "holiday" time and not charged against leave, and the remaining days will be paid as leave time.

Part-time and temporary employees are not eligible for holiday pay.

Section 18: Leave Time

The Town of Corinth has adopted a unified leave policy, in which one category of leave – designated simply as "leave"– takes the place of separate categories of leave for vacation, illness, personal time, etc.

Full-time employees will accrue leave at the following rates:

Years of Service	Annual Rate of Accrual
1st and 2nd year	2 hours per week (104 hours per year)

3rd through 9th year	3 hours per week (156 hours per year)
10th and subsequent years	4 hours per week (208 hours per year)

Full-time employees will receive leave pay at their regular rate of pay. Employees may not receive pay in lieu of leave. Part-time and temporary employees are not eligible for leave time.

Employees are strongly encouraged to take leave. If an employee does not use all accrued leave in a year, unused leave may be carried forward to the next calendar year up to a maximum of one year's worth of earned leave time. At no time, therefore, may an employee have more than two year's leave on the books; any leave earned that exceeds this limit will be lost without compensation ("use or lose").

An employee who resigns from employment with the Town will be compensated at the current hourly rate for unused leave on the books as of the date of termination of employment, provided that the employee gives at least two weeks written notice of the resignation.

In addition to the foregoing, an employee may place and carry indefinitely up to three weeks (120 hours) of accrued leave in a "medical leave bank" reserved strictly for use in the event of a catastrophic or extended medical condition that has exhausted all other available leave. Its use requires medical certification. Leave in the "bank" will not count against the limit on the amount of leave that can be carried over from year to year, but it will expire without compensation upon termination of employment.

Section 19: 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 20: 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, usually not to exceed six months, 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 100% of the required premium in accordance with the payment schedule established by the Town. Other employee benefits (e.g. leave, seniority, etc.) will not accrue during the unpaid leave period.

Section 21: 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. In this case, the Town of Corinth will pay the balance between reserve service pay and the employee's regular pay, if any, provided the affected employee has furnished the Town of Corinth with a two-week written advance notice of the dates of the reserve duty and a statement of reserve service pay. Alternatively, at the option of the employee, any paid leave accrued prior to the commencement of the military leave may be used with no additional compensation for the difference between the reserve service pay and the employee's regular pay.

Section 22: Jury Leave

The Town of Corinth will reimburse full-time highway employees for their service as jurors or other than work-related witnesses at the rate of $10/hour to a maximum of $80/day for un-worked time, based on a regular eight (8) hour workday, for physical attendance at the court house for this civic duty. In accordance with 21 V.S.A. § 499, employees will otherwise be considered in the service of the Town for purposes of determining seniority, benefits, credit towards leave, and other rights, privileges, and benefits of employment.

Section 23: Overtime Compensation

In accordance with the Fair Labor Standards Act, the Town compensates all Town of Corinth highway employees at the rate of one and one-half hours of pay for each hour actually worked in excess of forty (40) hours in any workweek. The Town does not grant compensatory time for overtime hours worked.

Section 24: 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 the Road Commissioner, 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 meeting fails to produce a resolution of the matter, the aggrieved party may submit to the supervisor or Road Commissioner a written, signed complaint within seven additional calendar days. The supervisor or Road Commissioner will then have an additional fifteen calendar days in which to conduct an investigation and to issue a report with recommendations to the Board of Selectmen. The Board of Selectmen will, within ten calendar days, notify the aggrieved party of its decision.

Section 25: Sexual Harassment

The Town of Corinth's Sexual Harassment Policy, adopted October 11, 1999, is on file in the Town Clerk's Office. All Town of Corinth highway employees are required to sign an acknowledgment that they have read and understood said policy. A copy of the signed acknowledgment will be filed in their personnel file.

Section 26: Employee Discipline

The Town of Corinth has adopted a progressive discipline process to identify and address highway department 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.

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 imposed 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. 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 a superior.
- 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 while on town time 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 27: Employee Termination Process

The Town of Corinth has adopted an employment termination process. Most often, employee conduct that warrants termination results from unacceptable behavior, poor performance, or violation of the Town'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.

The Town also retains the right to unilaterally eliminate a position and thus terminate employment or reduce the work hours for some or all employees 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. In such case, this termination process does not apply. The Board of Selectmen may choose to issue two weeks severance to an employee terminated under such circumstances.

Probationary employees are not subject to the Town's 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 employee's supervisor.

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 supervisor will provide the employee with a written notice informing the employee whether he/she has been terminated. If the employee has been terminated, the notice will provide the general reasons therefore and will also inform the employee of the opportunity to request a post-termination hearing before the Board of Selectmen 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 Board of Selectmen will provide the employee with a notice informing the employee of the date, time, and place of the post-termination hearing before the Board. The notice will inform the employee of his or her right to

be represented by counsel, to present and cross-examine witnesses and to offer supporting documents and evidence. The notice will also inform the employee of his or her right to have the hearing conducted in executive session in accordance with 1 V.S.A. § 313.

At the post-termination hearing, the employee will be afforded the opportunity to address the basis for termination by hearing and examining the evidence presented against the employee, cross-examining witnesses and presenting evidence on his/her behalf. The Board of Selectmen will make such determinations as may be necessary in the event of evidentiary objections or disputes. When the hearing is adjourned, the Board of Selectmen, under the authority granted by 1 V.S.A. § 313(e), will consider the evidence presented in the hearing in deliberative session.

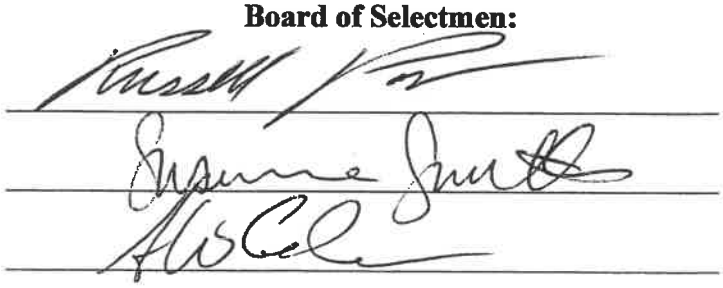
The Board of Selectmen will render a written decision within fourteen days after close of the hearing, unless otherwise agreed upon by the parties.

Section 28: Severability

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

ADOPTED this 8th day of August, 2011, effective August 15, 2011. This policy supersedes all prior versions of the highway department personnel policy.

Board of Selectmen:



LEAVE TIME

Definition

For the purposes of this Section of the Policy, the following definition shall apply: "eligible employee" means an employee or an elected official of the Town who: (a) is age 18 or older; (b) works an average of 18 or more hours per week during the year; and (c) is expected to work 20 more weeks in a 12-month period. This definition includes newly-hired employees and those who are still in their probationary period of employment. This definition does not include an individual who: (i) works on a per diem or intermittent basis; (ii) works only when he or she indicates that he or she is available to work; (iii) is under no obligation to work for the Town; and (iv) has no expectation of continuing employment with the Town.

Earned Paid Leave

Eligible employees will earn one hour of paid leave for every 52 hours worked by that employee. Such leave will accrue to the employee based on hours actually worked by that employee.

Accrual Limit

The amount of hours of leave that an eligible employee may accrue in a 12 month period is limited to twenty four (24) for 2018 and forty (40) hours effective January 1, 2019 and beyond.

Waiting Period

An employee may take leave during his/her probationary period.

Use of Paid Leave

In 2018 an employee may not use more than 24 hours of accrued leave within a 12 month period. In 2019 and beyond an employee may not use more than 40 hours of accrued leave within a 12 month period.

Eligible employees may use paid leave in increments no smaller than fifteen minutes.

Leave may be used for any reason including the following:

- The employee is ill or injured.
- The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.
- The employee cares for a or injured parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment, or accompanying the employee's parent, grandparent, spouse, or parent-in-law to an appointment related to his or her long-term care.
- The employee is 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. As used in this section, "domestic violence," "sexual assault," and "stalking" shall have the same meanings as in 15 V.S.A. § 1151.
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- The employee cares 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 provide notice as soon as practicable of the intent to use earned leave time and the expected duration of the employee's absence. Employees must make reasonable efforts to avoid scheduling routine or preventive health care or other appointments during regular work hours.

Compensation for use of paid leave will be at the employee's regular rate of pay.

Use of this paid leave does not diminish the rights that an employee may have under the Vermont Parental Family Leave Act, 21 V.S.A. § 470.

Carryover of Paid Leave

If an employee does not use all of his or her accrued leave in a 12 month period the accrued, unused leave carries over into the next 12 month period.

Compensation at Time of Separation from Employment

An employee who resigns from employment with the Town will be compensated at the current hourly rate for unused leave on the books as of the date of termination of employment, provided that the employee gives at least two weeks written notice of the resignation.

ADOPTED this 5h day of December, 2017 effective January 1, 2018.

Board of Selectmen:

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File: Policy & Procedures/Payroll/ADOPTED Paid Leave Accrual 30 hrs or more with carry over leave