

1 Deletions

2 Additions

3 TOWN OF BARRE
4 WASHINGTON COUNTY, VERMONT

5
6 AN ORDINANCE OF THE TOWN OF BARRE
7 REPEALING AND REPLACING THE PERSONNEL POLICY IN THE TOWN CODE

8
9
10 WHEREAS, the Town of Barre first ordained a personnel policy in 1981; and

11
12 WHEREAS, the Town of Barre's last adopted significant revisions to the personnel policy
13 ordinance in 1991; and

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15 WHEREAS, labor laws and employee benefits have changed in the last twenty-eight years;

16
17 WHEREAS, the Town of Barre has adopted other policies relating to personnel outside of the
18 personnel policy; and

19
20 WHEREAS, the Town of Barre seeks to consolidate and update its policies relating to
21 personnel.

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23
24 NOW, THEREFORE, BE IT ORDAINED BY THE BARRE TOWN SELECTBOARD
25 THAT:

26
27 SECTION 1

28
29
30 Chapter 2 - Administration, Article III. – Personnel Policy for Town Employees, Sections 2-
31 41 through 2-61 of the Barre Town Code of Ordinances are repealed.

32
33 SECTION 2

34
35 Chapter 2 - Administration, Article III. – Personnel Policy for Town Employees, to read as
36 follows:

37
38 **PART I: Scope**

39 **SECTION 2-41. TITLE AND AUTHORITY**

40 This policy shall be known as the Town of Barre (“the Town”) Personnel Policy. It has been
41 adopted by the Town of Barre Selectboard (the “Selectboard”) pursuant to 24 V.S.A. §§ 1121
42 and 1122.

43 This Policy does not constitute a contract of employment. Employment with the Town of Barre is
44 at-will and not for any definite period or succession of periods of time. The Town or the
45 employee may terminate employment at any time, with or without notice. The Selectboard
46 reserves the right to amend any of the provisions of the Personnel Policy for any reason and at
47 any time, provided that a minimum of two (2) Selectboard meetings are held before the
48 meeting where an amendment is adopted.

49 This Policy will be administered by the Town Manager or their authorized representative.

50 SECTION 2-42. DEFINITIONS

51 For the purposes of this article, the following words and terms shall have the meaning ascribed
52 thereto:

53 Appeal: An application for review of an alleged grievance submitted or instituted by an
54 employee to higher authority.

55 Appointed official: An officer appointed by the Selectboard or Town Manager pursuant to
56 Section 2-21 of the Town of Barre Code of Ordinances ("Ordinances")

57 Class: A position or positions which are similar in respect to duties, responsibilities, and
58 authority and may be designated by the same title. Positions of the same class are equitably
59 compensated from the same range of pay in similar employment conditions.

60 Classification: The act of grouping positions in classes with regard to:

- 61 1. Duties and responsibilities;
- 62 2. Requirements as to education, knowledge, experience, and ability;
- 63 3. Tests of fitness; and
- 64 4. Ranges of pay.

65 Classification plan: The official or approved system of grouping positions into appropriate
66 classes consisting of:

- 67 1. An index to the class specifications;
- 68 2. The class specifications; and
- 69 3. Rules for administering the classification plan.

70 Compensation: The standard rates of pay which have been established for the respective
71 classes of work, as set forth in the compensation plan.

72 Compensation plan: The official schedule of pay approved by the Selectboard assigning one (1)
73 or more rates of pay to each class title.

74 De minimis: Minor and insignificant. In general, having a value that is less than the cost of the
75 amount of time required to calculate the value.

76 Demotion: Assignment of an employee to a position of a lower class which has a lower
77 maximum salary range.

78 Department or division: A major functional or multifunctional unit of the Town government.

79 Department head or division head: A person hired by the Town Manager or appointed by the
80 Selectboard who is responsible for the administration of a department or division.

81 Domestic Partner: A person of the same or opposite sex as the eligible employee who meets
82 the following criteria:

- 83 1. Not related to the employee by blood or adoption;
- 84 2. Unmarried, nor are related by marriage to the employee.
- 85 3. Shares a primary residence and the common necessities of life with the employee.
- 86 4. Over the age of 18 and is mentally competent to enter into a contract;
- 87 5. The sole domestic partner of the employee and has been their sole domestic partner for a
88 period of at least twelve (12) months.
- 89 6. Is responsible for the welfare of the employee, and vice versa.

90 Persons who live together for economic reasons but have not made a commitment to an
91 exclusive enduring relationship shall not be considered domestic partners.

92 Employee: Any person working in the regular service of the Town, except those specifically
93 exempt.

94 Extended family: That group of individuals consisting of the employee's step-grandparents,
95 aunt, uncle, niece, nephew, step-grandchildren. Also considered to be extended family are the

96 siblings and grandparents of the employee's spouse or civil union partner. Compare to
97 Immediate family.

98 Evaluation: The process of assessing an employee's performance on the basis of the type,
99 difficulty and responsibility of work performed in the position, on an annual basis or when
100 required by the Town Manager.

101 Grievance: A grievance is a wrong, real or perceived, considered as grounds for complaint,
102 except in the case of a personnel action arising out of a position classification, pay, demotion,
103 suspension, and dismissal. The adjustment of complaints arising therefrom are separately
104 provided for.

105 Hiring: The offer to and acceptance by a person of a position either on a regular or temporary
106 basis.

107 Immediate family: That group of individuals consisting of the employee's spouse, civil union
108 partner, domestic partner, children, parents, step-parents, siblings, step-siblings
109 stepchild(ren), grandparents, grandchildren. Also considered to be immediate family are the
110 parents of the employee's spouse or civil union partner. Compare to Extended family.

111 Layoff: The involuntary non-disciplinary separation of an employee from employment.

112 Leave of absence: An approved type of absence from work as provided for by these rules.

113 Part-time employee: An employee working less than thirty (30) hours per week for the Town
114 unless otherwise defined in a specific section for that section.

115 Per diem employee: An employee whose work hours may vary from week to week depending
116 on the Town's need.

117 Pay range: A minimum and a maximum pay rate assigned to a class of positions as the
118 compensation for that class.

119 Pay rate: A specific dollar amount, expressed as either an annual rate, a monthly rate, a
120 semimonthly rate, a biweekly rate, or an hourly rate, as shown in the compensation plan of the
121 Town.

122 Personnel director: Town Manager, or Selectboard's designee.

123 Position: Any office or employment, whether occupied or vacant, full-time or part-time,
124 consisting of duties and responsibilities assigned to one individual by competent authority.

125 Probationary period: The working test or trial period of employment beginning with the date of
126 an employee's first date of hire and the next twelve (12) months thereafter.

127 Promotion: Assignment of an employee from one class to another which has a higher maximum
128 rate of pay.

129 Reduction in work force: The layoff of employees.

130 Regular employee: An employee who has been hired for at least twelve (12) months and who
131 has completed their probationary period. Regular employee status normally accrues after
132 completion of twelve (12) consecutive months.

133 Removal: Separation of an employee for failure to meet legal requirements of employment.

134 Seasonal employee: Someone who is hired to work less than nine (9) months per year.

135 Seniority: The length of time of continuous service as an employee of the Town, starting with the
136 first day of work of the last date of hire.

137 Spouse: As used herein, spouse shall include a person married to, or united in a civil union with,
138 an employee.

139 Suspension: An enforced leave of absence for disciplinary purposes or pending investigation of
140 charges made against an employee with or without pay.

141 Supervisor: Any person responsible to a superior for directing the work of others.

142 Temporary employee: An employee who is hired for less than six (6) months with the
143 anticipated date of termination indicated at the time of hire. No temporary employment status
144 can be extended for a period which would exceed an additional six (6) months.

145 Transfer: A change of an employee from one position, department or division to another having
146 the same maximum salary range.

147 Work day: Scheduled number of hours an employee is required to work per day.

148 SECTION 2-43. PERSONS AND POSITIONS COVERED

149 The Personnel Policy applies to full-time, seasonal, part-time, and per diem employees of the
150 Town of Barre. Except by separate written agreement, elected officers and their statutory
151 assistants, members of Town boards, committees, and commissions, appointed officials,
152 volunteers and persons who provide the Town with services on a contract basis are not covered
153 by this Policy.

154 For purposes of this Policy, unless otherwise defined for a specific section for the purposes of
155 that section only, a full-time employee is an employee who works at least thirty hours per week
156 on a regular and continuing basis. A part-time employee is an employee who works fewer than
157 thirty hours per week on a regular and continuing basis.

158 Subject to conditions by the Town of Barre Charter ("Charter"), the personnel rules and
159 regulations shall apply to all employees. If, however, two (2) or more employees are
160 represented by a union or bargaining agent recognized by the Town, the provisions of this
161 Policy shall apply to them except to the extent that such provisions are contradicted by the
162 contract negotiated between the employees' representatives and the Town.

163 Where a conflict exists between this Policy, a collective bargaining agreement, an individual
164 employment contract, the Vermont Statutes, or the Charter, the later-listed policy, agreement, or
165 law will control. If any collective bargaining agreement or individual employment contract is
166 silent on any matter covered by this Policy, this Policy will apply to the affected employees.

167 SECTION 2-44. ADMINISTRATION.

168 This Policy shall be construed and administered in conformity with the Charter and the
169 provisions of Vermont and federal statutes.

170 SECTION 2-45. SEVERABILITY CLAUSE.

171 If any provision of this Policy or the application thereof to any person or circumstance is held
172 invalid, such invalidity will not affect other provisions or applications of these rules and
173 regulations. Therefore each numbered subprovision is separable. The rules and regulations
174 shall be interpreted as consistent with the Charter. If any term or provision shall be susceptible
175 of two constructions, one of which would render it valid and the other of which would render it
176 invalid or unenforceable, it shall be construed in such manner as to render it valid.
177

178 **PART II: Employee Code of Conduct**

179 SECTION 2-46. HOURS OF SERVICE

180 The regular office hours of Town offices are 8:00 am to 4:30 pm. Employees may be assigned
181 to work during these hours, or others, by their supervisor or the Town Manager.

182 Regular work hours may be changed with supervisor approval, and employees may be
183 expected to work additional hours that may exceed forty hours in a given week, as

184 circumstances require. All Town employees are required to be available for work in the case of
185 an emergency, weather-related or otherwise.

186 SECTION 2-47. GENERAL CONDUCT

187 **a) Punctual attendance at work.** Punctual attendance at work during the normal shift is
188 expected, or within forty-five (45) minutes if called in for an emergency. The employee shall
189 notify their supervisor/department head as far in advance of their normal work schedule as
190 possible if they must be absent from work, but no later than 30 minutes prior to their scheduled
191 start time.

192 **b) Breaks.** Employees are allowed thirty (30) minutes per work day – fifteen (15) minutes in the
193 morning and fifteen minutes (in the afternoon) – for breaks. Town business should not be
194 interrupted to take the break—finish the project, then take the break. Break time is not to be
195 accumulated nor used for purposes other than the pause that refreshes on the job.

196 **c) Abandonment.** Any employee who is absent without leave from their position and who fails
197 to return to duty within three (3) working days or fails to present a satisfactory explanation shall
198 be deemed to have resigned, such resignation to be not in good standing.

199 **d) Financial responsibility.** Employees are expected to be responsible to pay their debts. The
200 Town will become involved in individual financial affairs when required by law, or when the
201 reputation of the Town is at stake and such Town involvement may eventually result in
202 disciplinary action or separation. Disciplinary action or separation would only occur after
203 financial counseling is offered, e.g. through the Employee Assistance Program.

204 **e) General safety.** The Town must comply with the provisions of the current State of Vermont
205 and federal health and safety laws and expects the same of its employees. If an employee is
206 aware of a dangerous situation, they shall notify their immediate supervisor.

207 **f) Outside employment.** The primary occupation of all full-time employees shall be with the
208 Town. Employees may not engage in any outside business activities during their normal working
209 hours. Employees are prohibited from undertaking outside employment that interferes with their
210 job performance or constitutes a conflict of interest, as defined in Section 8 of this Policy. Prior
211 to accepting any outside employment, employees will disclose their intent to do so in writing and
212 obtain prior clearance from the Town Manager that such employment does not constitute a
213 conflict of interest. See Section 8 for a description of conflicts of interest.

214 **g) Pets:** To protect visitors and staff and to protect Town property, no pets shall be allowed in
215 any Town building. Law enforcement animals or service animals are exempt.

216 **h) Weapons:** Deadly or dangerous weapons, including (but not limited to) firearms, which are
217 not previously authorized by the Town Manager, are not permitted in any Town buildings at any
218 time. Persons and their handbags, briefcases, or other property could be searched by a law
219 enforcement officer, or shall be required to leave the Town building. Any dangerous or deadly
220 weapon found during a search shall be either temporarily surrendered to the law enforcement
221 officer or placed in the owner's vehicle. The ban on deadly or dangerous weapons in Town
222 buildings shall not apply to law enforcement officers or to Barre Town EMS providers' and
223 firefighters' work implements.

224 **i) Dependent care:** Municipal Building employees are not allowed to care for dependents,
225 regardless of age, in the Municipal Building. Exceptions can be made on a critical need basis if
226 the approval of a staff member's supervisor is obtained first. The employee's supervisor shall
227 affirm the critical need and assure the care is provided in compliance with the conditions below.

- 228 1. Dependents must remain quiet at the employee's work station and not hinder the flow of
229 work.
- 230 2. Dependents may sit in the break room with approval from the employee's supervisor or
231 Town Manager.
- 232 3. The employee shall not ask or direct other employees to care for the dependent.
- 233 4. The dependent shall not use Town supplies or equipment.
- 234 5. The dependent and care of said individual shall not cause any damage to the Town
235 office building.
- 236 6. The Town Manager and supervisors may deny a request for dependent care when the
237 dependent and/or employee have not complied with these conditions.

238 **j) Visitors:** Employees may have personal visitors during the regular break periods.
239 Employees and visitors must use the break room or an area outside the building for their
240 conversation. With the police chief's approval, the police clerk may have visitors during the
241 lunch break.

242 **k) Tobacco use:**

- 243 1. In compliance with Title 18 V.S.A. §§ 1421 et seq. and §§ 1741 et seq, there will be no
244 use of tobacco products in any form, including tobacco substitutes, within Town of Barre
245 facilities.
- 246 2. There will be no use of tobacco products in any form, including tobacco substitutes,
247 within Town of Barre vehicles at any time, nor in personal vehicles when transporting
248 persons on Town-authorized business.
- 249 3. Smoking is allowed 30 feet or further from any building entrance, air intake of a building,
250 fuel tank, or area designated as non-smoking. All materials used for smoking, including
251 cigarette butts and matches, must be extinguished and disposed of in appropriate
252 containers.

253 SECTION 2-48. CONFLICTS OF INTEREST

254 Every employee of the Town shall carry out their job in a way that ensures that neither the
255 individual employee nor any other employee of the Town will gain a personal or financial
256 advantage from their work for the Town and so that the public trust will be preserved. All
257 decisions made by municipal employees shall be made based on the best interest of the
258 community at large rather than the interests of any particular individual or employee.

259 An employee shall not participate in any official action if the employee has a conflict of interest
260 in the matter under consideration. A "conflict of interest" shall mean a direct or indirect personal
261 or financial interest of the employee, or member of their immediate or extended family, in the
262 outcome of a cause, proceeding, application or any other matter pending before the employee
263 or before the Town.

264 An employee shall not personally, or through any member of their household, business
265 associate, employer or employee, represent, appear for, or negotiate in a private capacity on
266 behalf of any person or organization in a cause, proceeding, application or other matter pending
267 before the Town.

268 An employee shall not use resources not available to the general public, including but not
269 limited to Town staff time, equipment, supplies, or facilities for private gain. Occasional, brief
270 and appropriate use for personal purposes is allowable if approved in advance by the
271 employee's supervisor.

272 An employee may accept a nominal gift or gratuity, of minimal value, in connection with an
273 action associated with their official duties on behalf of the Town, with the understanding that
274 employees may not directly or indirectly ask, demand, exact, solicit, accept or receive any gift,
275 gratuity, act or promise beneficial to that individual, or another, which could influence any action
276 or inaction associated with their official duties on behalf of the Town, or create the appearance
277 of impropriety in connection with any actions or inactions associated with their official duties on
278 behalf of the Town. Nor shall any employee authorized to procure or to recommend
279 procurement of materials, supplies or services corruptly, directly or indirectly, ask, demand,
280 exact, solicit, seek, accept, receive or agree to receive for the employee or another person, any
281 benefit or benefits from the person providing or soliciting the provision of such materials,
282 supplies or services with the exception of items of a de minimis nature valued \$20 or less (such
283 as vendor booth "freebies").

284 SECTION 2-49. POLITICAL ACTIVITY

285 No employee may use their official authority for the purpose of interfering with or affecting the
286 nomination or election of any candidate for public office, or demand or solicit from any individual
287 direct or indirect participation in any political party, political organization or support of any

288 political candidate. Employees are prohibited from using Town facilities, equipment or resources
289 for political purposes and from pursuing political activities while working.

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

298 SECTION 2-50. NEPOTISM

299 In recognition of the potential for a conflict of interest to occur in the workplace where a close
300 relative is responsible for supervising or evaluating the work performance of another close
301 relative, the Town prohibits the hiring or transferring of relatives, when doing so will result in a
302 close relative supervising or evaluating another close relative, or a close relative supervising or
303 evaluating the immediate supervision of another close relative.

304 A close relative includes immediate and extended family members per the definition section.

305 SECTION 2-51. ALCOHOL AND DRUG USE

306 The Town intends to maintain a drug-free workplace and workforce. The use of alcohol or illegal
307 drugs and the abuse of prescription drugs are not tolerated in the workplace or at work-related
308 events.

309 For the purposes of this section, the term "illegal drug" includes both: (a) all state and/or
310 federally controlled substances, including look-alike and designer drugs, and drug
311 paraphernalia, and (b) prescription medications that have not been prescribed for current use by
312 an authorized medical practitioner or that are being used contrary to the prescribing medical
313 practitioner's instructions. Controlled substances include but are not limited to the following
314 substances: marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), barbiturates,
315 benzodiazepine, methadone, methaqualone, and propoxyphene.

316 Violations of this section may subject employees to disciplinary action, up to and including
317 termination of employment and referral for prosecution. The Town also may provide information
318 and recommendation to participate in an appropriate drug assistance or rehabilitation program.

319 Prohibited Conduct:

320 The following actions are prohibited in the workplace, on municipal property, while using
321 municipal equipment, or during any time period in which an employee is on municipality
322 business:

- 323 1. Possessing, consuming, or using illegal or controlled substances, as defined by federal,
324 state, and local statutes. (Controlled substances may be taken pursuant to a properly
325 issued prescription, provided the controlled substance is taken as and in the amount
326 prescribed and so long as the medication does not adversely affect the employee's ability
327 to perform the essential functions of his or her job).
- 328 2. Distributing, transferring, displaying, transporting, selling, or possessing with the intent to
329 distribute illegal or controlled substances.
- 330 3. Possessing or using drug paraphernalia except when used for legal substances and in a
331 legally prescribed manner.
- 332 4. Being under the influence of illegal or controlled substances as demonstrated by actions
333 and/or other evidence.
- 334 5. Growing and/or manufacturing any illegal drug or controlled substance.
- 335 6. Possessing or using alcohol.
- 336 7. Being under the influence of alcohol.

337 8. Employees must observe other work rules established by their employing departments
338 regarding the use, possession or presence of drugs involving their employment.

339 The limited, responsible consumption of alcohol on or off municipality premises at a Town-
340 sponsored business or social function is permitted, but only if it has been authorized by the
341 Town Manager. The Town expects all attendees at such a function to behave in a professional
342 manner and in accordance with Town policies.

343 The Town reserves the right to search and inspect all areas of the workplace and its premises
344 for the purposes of maintaining a safe and healthy workplace.

345 The illegal use of prescription drugs is also prohibited. If an employee is legally taking
346 prescription drugs that affect the employee's ability to safely perform any of the essential
347 functions of their job, their supervisor or the Town Manager will determine whether or not the
348 employee should continue to perform his or her functions until concerns regarding safety can be
349 addressed. Medical certification may be required.

350 Employees must notify their supervisor within five (5) days of any drug-related criminal
351 conviction.

352 Employees may be disciplined, up to and including termination, for violations of this section.

353 SECTION 2-52. USE OF TOWN EQUIPMENT

354 a) **Personal use:** The use of Town equipment or property for personal use is not generally
355 allowed. However, occasional, appropriate, and de minimis use of Town equipment may be
356 approved, if requested in advance, by the employee's supervisor.

357 b) **Privacy:** Employees should have no expectation of privacy regarding anything stored in or
358 on Town-owned property or Town-owned equipment, including but not limited to desks, filing
359 cabinets, lockers, and vehicles. Employees should expect that such areas may be searched at
360 any time to retrieve work-related materials or to investigate violations of workplace rules.

361 c) **Use of Town-owned public vehicles:**

362 1. Town vehicles are to be used for approved business only.

363 2. To operate a Town vehicle, the employee must possess the appropriate Vermont
364 operator's license, or a valid license from their home state.

365 3. If provided prior written approval by the Town Manager, employees may be allowed to
366 take vehicles home.

367 4. The Town of Barre provides vehicles to some Town staff who drive frequently to conduct
368 business on behalf of the Town. Personal use of these vehicles by anyone, including but
369 not limited to the employee, their spouse and dependents, is prohibited, except as
370 described in this section.

371 5. Commuting use by the employee is not prohibited. Commuting use is generally
372 considered a taxable benefit by the IRS. The Town will calculate the "taxable auto"
373 benefit for each applicable employee. For current procedures see Appendix F.

374 6. De minimis personal use is not prohibited, for example but not limited to a stop for a
375 personal errand on the way between Town business activities..

376 SECTION 2-53. USE OF TOWN COMPUTER SYSTEM

377 For purposes of this section, "computer system" means all Town computers and devices and
378 any related hardware, equipment, components, or software, including, but not limited to, host
379 computers, file servers, workstation terminals, laptops, tablets, smartphones, internal or external
380 communication networks, the world wide web (www), the Internet, commercial online services,
381 bulletin board systems, backup systems, and the internal and external e-mail systems accessed
382 via the Town's computer equipment.

383 All electronic communications regarding Town business should be, to the furthest extent
384 possible, conducted via official Town computer systems. A Town employee should avoid
385 conducting Town business using their personal computer, device, or account. Any

386 correspondence conducted on private accounts, including email, or stored on private devices,
387 such as personal phones, that are by law public records – those produced or acquired in the
388 course of Town business – are subject to public records requests and therefore subject to Town
389 retrieval even in the absence of a public record request.

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

394 Employees should have no expectation of privacy or confidentiality regarding anything created,
395 sent or received on the Town computer system. The Town may monitor at any time its computer
396 system without warning or any specific notice to employees including any and all computer
397 transactions, communications and transmissions for any reason including, but not limiting to
398 ensuring compliance with this section and evaluating the use of its computer system. All files,
399 documents, data and other electronic messages created, received or stored on the Town
400 computer system are open to review and regulation by the Town and may be subject to the
401 provisions of Vermont's Public Records Law.

402 Employees are to abide by the current Cybersecurity Rules established by the Town Manager
403 or designee. Employees may not introduce software from any outside source on, nor connect
404 external devices to, the Town's computer system without explicit prior authorization from their
405 supervisor. Employees may be held responsible for any damages caused by using unauthorized
406 software or viruses they introduce into the Town computer system.

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

410 Employees are required to provide and update their supervisor with passwords for websites,
411 software, programs, or other repositories of Town data used by the employee to conduct Town
412 business. When directed, employees are required to set up separate access for their supervisor
413 to password-protected files.

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

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

426 SECTION 2-54. PUBLIC RECORDS

427 Any written or recorded information that is produced or acquired by a Town employee in the
428 course of Town business is a public record, subject to Vermont's Public Records Law and may
429 be covered by the State of Vermont's retention rules and disposition schedules for municipal
430 records. Although the Town discourages the use of personal computers, devices, or accounts to
431 conduct Town business (see Section 13, above), the use of a personal computer, device, or
432 account does not prevent an otherwise public record from being subject to public inspection and
433 copying. In the uncommon event that an employee uses their personal computer, device, or
434 account to conduct Town business, the record created, sent, or received should be forwarded
435 by the employee to the employee's Town computer system, or otherwise captured and retained
436 as a Town record. All employees are required to respond in the manner prescribed by

437 Vermont's Public Records Law regardless of where a Town public record may be stored. All
438 employees must provide any Town public records stored in their personal computers, devices,
439 or accounts that are responsive to a public records request.

440 SECTION 2-55. OTHER CONDUCT SUBJECT TO DISCIPLINE

441 Below are examples of other prohibited conduct by employees that may result in disciplinary
442 action not covered in other sections:

- 443 1. Violation of criminal laws.
- 444 2. Violating the Town Charter, Town Ordinances, or policies of the Town.
- 445 3. Inattention to duty, carelessness, breakage or loss of property.
- 446 4. Inefficiency or incompetence.
- 447 5. Insubordination or disloyalty.
- 448 6. Lack of integrity.
- 449 7. Falsifying a time card or other record or giving false information to anyone whose duty is
450 to make such record.
- 451 8. Claiming sick leave under false pretenses.
- 452 9. Being repeatedly or continuously absent or late, being absent without notice or
453 satisfactory reason or leaving one's work assignment without appropriate authorization.
- 454 10. Engaging in any form of harassment.
- 455 11. Misusing, misappropriating, or willfully neglecting Town property, funds, materials,
456 equipment or supplies.
- 457 12. Failure to report an accident which involved Town properties.
- 458 13. Activity which holds the Town of Barre open to liability, ridicule or public scorn.
- 459 14. Failure to search for or disclose public records upon request.
- 460 15. Any unfounded complaints or false accusations about coworkers.

461 The above examples do not constitute the only basis upon which disciplinary action may be
462 taken. The Town also reserves the right to impose discipline for off-duty conduct that adversely
463 impacts the legitimate interests of the Town.

464
465 **PART III: Employee Benefits**

466 SECTION 2-56. INSURANCE BENEFITS

467 a) **Eligibility.** Part-time employees (i.e. employees who work less than thirty (30) hours per
468 week), seasonal, and temporary employees receive no insurance benefits. Except for those
469 employees described above, all employees will receive each of the employee insurance benefits
470 described herein.

471 b) **Benefit types:** The Town offers group insurance and other benefit programs to its eligible
472 full time employees, and to eligible part-time employees who work at least 30 hours per week on
473 average between January and December of that year. Details about those benefits, as they
474 exist on the date of hire are included as Appendices C and D to this Policy.

475 c) **Changes to benefits:** The Town reserves the right to change insurance carriers, or to add,
476 delete or amend insurance benefit programs in its sole discretion. The Town also reserves the
477 right to change the amount or percentage of its contribution to the cost of any group health
478 insurance program. Employees will be provided with advance notice of any change in the
479 contribution rate.

480 SECTION 2-57. TIME-OFF BENEFITS

481 a) **Eligibility.** All regular, full-time employees will receive each of the employee time-off
482 benefits described herein.

483 b) **Bereavement:** In addition to time allowed for sick leave or personal leave, an employee not
484 covered by a collective bargaining agreement or other employment contract where bereavement
485 leave is specified is entitled to up to five (5) working days with pay as needed in the event an
486 employee suffers the death of an immediate or extended family member. Paid bereavement

487 leave does not accrue and thus, when not used, is not carried forward into the next year nor
488 compensated upon separation from employment.

489 **c) Parental and Family Leave:** Eligible employees may receive leave as described in the
490 Family and Medical Leave Act (FMLA) and Vermont Parental and Family Leave Act (VPFLA).
491 These federal and state laws will determine employee eligibility, the qualifying reasons for such
492 leave and the length of leave.

493 The Town reserves the right to designate any qualifying leave of absence granted
494 under the Policy as leave under FMLA or the VPFLA. A request for leave must be made
495 in writing to the employee's supervisor. Such leave can be taken intermittently if
496 approved by the supervisor; time off benefits will accrue on a pro-rated basis according
497 to hours worked during that period. Where an employee's leave request is covered by
498 the VPFLA and the FMLA, the Town will adhere to the law that provides the most
499 benefits to the employee. If an employee is entitled to leave under both the VPFLA and
500 FMLA, the leave periods will run concurrently.

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

504 **d) Short Term Family Leave:** In accordance with the 21 V.S.A. § 472a, eligible employees
505 may be entitled to take unpaid leave not to exceed four hours in any thirty-day period and not to
506 exceed twenty-four hours in any twelve-month period for the following purposes:

- 507 1. To participate in preschool or school activities directly related to the academic
508 educational advancement of the employee's child, stepchild, foster child, or ward who
509 lives with the employee, such as a parent-teacher conference;
- 510 2. To attend or accompany the employee's child, stepchild, foster child, or ward who lives
511 with the employee or the employee's parent, spouse or parent-in-law to routine medical
512 or dental appointments;
- 513 3. To accompany the employee's parent, spouse or parent-in-law to other appointments for
514 professional services related to their care and well-being; or
- 515 4. To respond to a medical emergency of the employee's child, stepchild, foster child, or
516 ward who lives with the employee or the employee's parent, spouse or parent-in-law.

517 The Town may require that leave (including vacation and personal leave) be taken in a
518 minimum of two-hour segments. At the option of the employee, accrued paid leave may be
519 used. Before taking leave under this section an employee shall make a reasonable attempt to
520 schedule appointments outside of regular work hours. An employee shall provide the Town with
521 the earliest possible notice of the intent to take short term family leave, but in no case later than
522 seven days before leave is to be taken, except in the case of an emergency where the required
523 seven-day notice could have a significant adverse impact on the family member of the
524 employee.

525 **e) Crime Victim Leave:** In accordance with 21 V.S.A. § 472c, eligible employees who are
526 crime victims may be entitled to take unpaid leave for the following purpose of attending a
527 deposition or court proceeding related to:

- 528 1. a criminal proceeding when the employee has a legal right or obligation to appear at the
529 proceeding;
- 530 2. a relief from abuse, neglect, or exploitation hearing when the employee is the plaintiff
- 531 3. hearings concerning an order against stalking or sexual assault, when the employee
532 seeks the order as plaintiff.

533 A "crime victim" is a person who has:

- 534 1. obtained a relief from abuse order against a family or household member;
- 535 2. obtained a court order against stalking or sexual assault;
- 536 3. obtained a court order against abuse of a vulnerable adult; or
- 537 4. sustained physical, emotional or financial injury as the direct result of the commission or
538 attempted commission of a crime or act of delinquency and is identified as a crime victim
539 in an affidavit filed by law enforcement official with a prosecuting attorney. This also
540 includes the victim's child, foster child, parent, spouse, stepchild or ward of the victim
541 who lives with the victim, or a parent of the victim's spouse, provided that the individual

542 is not identified in the affidavit as the defendant.

543 At the option of the employee, accrued sick leave, vacation leave, or any other accrued paid
544 leave may be used.

545 **f) Jury duty.**

- 546 1. It is the civic obligation of each Town employee to serve on a jury if called. Any
547 employee excused from jury duty by noon of any day will report for work for the
548 afternoon portion of the work shift. In accordance with 21 V.S.A. § 499, employees will
549 otherwise be considered in the service of the Town for purposes of determining seniority,
550 benefits, credit towards vacations, sick leave, and other rights, privileges, and benefits of
551 employment.
- 552 2. When Town employees are called to serve as a witness in a court proceeding, the
553 employee shall work any of their usual work hours during which they are not serving as a
554 witness in the court proceeding or are not traveling to and from court for that service.
555 Time off in excess of this may be taken if approved by the supervisor or Town Manager.
556 The excess time may be counted against the employee's available paid time off balance.
- 557 3. While on jury duty or serving as a witness in a court proceeding due to their status as an
558 employee of the Town, an employee will receive the difference between their full-time
559 pay from the Town and the amount received by reason of said court participation if the
560 employees' regular rate of pay exceeds such compensation. The Town will pay the
561 employee after being provided with a copy of the check received by the employee for the
562 court. The employee may request payment(s) on the usual payday(s) that equals the
563 difference between the employee's usual daily wage and what the court is expected to
564 have paid. The court payment will be assumed to be the current daily court rate. The
565 employee is to provide a copy of any court paychecks to the Town so that any
566 discrepancy can be reconciled.

567 **g) Military leave:** The Town will comply with the requirements of the Uniformed Services
568 Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4303 et seq., and 21
569 V.S.A. §§ 491 et seq. Employees who take military leave subject to the provisions of these laws
570 will be granted leave without pay. At the option of the employee, any paid leave accrued prior to
571 the commencement of the leave may be used.

- 572 1. Eligibility. Any permanent employee who has completed the probationary period and
573 who leaves the Town service for compulsory military duty shall be placed on military
574 leave without pay, such leave to extend through a date up to ninety (90) days after their
575 release from military duty. Also, a permanent employee who has completed their
576 probationary period shall be granted a leave of absence for the purpose of being
577 inducted or otherwise entering military service.
- 578 2. Training and/or Governor Call-ups of National Guard: Any employee who is a member of
579 a reserve force of the United States or of any state and who is ordered by the
580 appropriate authorities to attend a training program or perform other duties under the
581 supervision of the United States or a state, shall be granted an unpaid leave of absence
582 not to exceed three (3) weeks for such activity.
- 583 4. Active Duty: Any employee who is a member of a reserve force of the United States or of
584 any state and who is ordered by the appropriate authorities in to active service under the
585 supervision of the United States or a state shall be granted an unpaid leave of absence
586 for the period of service..
- 587 5. If the period of service is less than 31 days, the employee is required to report for work
588 "no later than the beginning of the first regularly scheduled work period on the first
589 calendar day following the completion of service and the expiration of eight hours after a
590 period allowing for the safe transportation of the person from the place of that service to
591 the person's residence".
- 592 6. If the period of service is 31-180 days, the employee is required to submit an application
593 for reemployment within 14 days after the end of the period of service.
- 594 7. If the period of service is 181 days or more, the individual must submit the application for
595 reemployment within 90 days.

596 **h) Sick leave.**

- 597 1. Definition: For the purposes of this section of the Policy, the following definition shall
598 apply: “eligible employee” means an employee who: (a) is age 18 or older; (b) works an
599 average of 18 or more hours per week during their period of regular employment; and (c)
600 is expected to work 20 or more weeks in a 12-month period. This definition includes
601 newly-hired employees and those who are still in their probationary period of
602 employment. This definition does not include an individual who: (i) works on a per diem
603 or intermittent basis; (ii) works only when they indicate that they are available to work;
604 (iii) is under no obligation to work for the Town; and (iv) has no expectation of continuing
605 employment with the Town.
- 606 2. Employees unable to report to work because of sickness shall notify their supervisor as
607 far in advance of their normal work hours as possible. Employees must make
608 reasonable efforts to avoid scheduling routine or preventive health care or other
609 appointments during regular work hours.
- 610 3. Earned Sick Leave: An eligible Town employee is entitled to one (1) day leave for every
611 month of completed continuous employment. An employee can only use up to forty-five
612 (45) days of earned sick leave per year. If any employee runs out of sick leave, they may
613 use their vacation time, if authorized by their department or division head. An employee
614 can accrue, but cannot utilize sick leave until they have worked for the Town for six (6)
615 consecutive months.
- 616 4. Employees absent from work due to illness will usually be allowed to take sick leave up
617 to their accumulated amount, and earned vacation time thereafter as provided in the
618 paragraph above. After any sick time is used, the employee’s department or division
619 head, in consultation with the Town Manager, may take whatever steps deemed
620 necessary as a result of that consultation, including requirement of a statement from a
621 licensed physician, to verify the employee's eligibility for sick leave. The Town has the
622 right to have medical records reviewed, along with another examination, by a physician
623 selected by the Town.
- 624 5. Employees are not eligible for sick leave if injured on off-duty hours while in the gainful
625 employment of others.
- 626 6. Employees who come to work and must leave as a result of sickness will have charged
627 against their accumulated leave the number of hours not worked due to illness.
- 628 7. Employees who use more than three (3) consecutive sick leave days may be required to
629 provide a fitness-for-duty certification, work release, or other documentation from a
630 medical provider to their supervisor, Department Head or Town Manager before they
631 may return. This will be required if reasonable safety concerns exist regarding the
632 employee’s ability to perform duties, i.e. without significant risk of harm to the employee
633 or others. Sick leave pay will not be delayed pending documentation.
- 634 8. An employee may use sick leave for the purposes below:
- 635 a. The employee is ill or injured.
- 636 b. The employee obtains professional diagnostic, preventive, routine, or therapeutic
637 health care.
- 638 c. The employee cares for a sick or injured immediate family member or foster
639 child, including helping that individual obtain diagnostic, preventive, routine, or
640 therapeutic health treatment, or accompanying that family member to an
641 appointment related to their long-term care.
- 642 d. The employee is arranging for social or legal services or obtaining medical care
643 or counseling for the employee or for the employee’s immediate family member
644 or foster child, who is a victim of domestic violence, sexual assault, or stalking or
645 who is relocating as the result of domestic violence, sexual assault, or stalking.
646 As used in this section, “domestic violence,” “sexual assault,” and “stalking” shall
647 have the same meanings as in 15 V.S.A. § 1151.
- 648 e. The employee cares for an immediate family member or foster child, because the
649 school or business where that individual is normally located during the
650 employee’s workday is closed for public health or safety reasons.
- 651 9. Full-time employees will receive sick leave pay at the employee’s regular rate of pay.

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

654 11. The Town will not compensate eligible employees for unused, accrued sick leave at the
655 time of separation from employment.

656 **i) Travel leave:** A request for travel must be submitted to the Town Manager or their designee
657 for authorization of travel to a convention, meeting or other official Town business that takes the
658 employee away from their normal work. This request is to provide the Town Manager
659 information so that expenses for travel may be approved before the employee leaves. If the
660 employee's private vehicle is used for transportation, mileage will be reimbursed at the rate
661 established by Appendix G. Documentation will be required for reimbursement of travel, lodging,
662 and conference fees.

663 **j) Leave of absence:** An employee with one (1) year or more continuous service, upon prior
664 written approval by the Town Manager and Selectboard, may be granted an unpaid leave of
665 absence not to exceed one (1) year for good cause. If a leave of absence without pay is
666 granted, the employee may, at the Town's sole discretion, continue the employee's group health
667 plan coverage by paying the required premium in accordance with the payment schedule
668 established by the Town. Other employee benefits (e.g. sick leave, vacation, seniority, etc.) will
669 not accrue during an unpaid leave of absence period.

670 **k) Personal leave:** Regular full time employees may have up to two (2) days per year for
671 personal leave (paid). Leave may be granted by the manager and must be for pressing
672 business that cannot be scheduled during nonworking hours. Unused leave days do not
673 accumulate and there will be no pay for unused days. Personal leave days are not holidays or
674 extra vacation days.

675 **l) Overtime and Compensatory Time Off (comp time):**

676 1. Nonexempt employees: In accordance with the federal Fair Labor Standards Act, the
677 Town compensates nonexempt employees, including part-time employees, at the rate of
678 one and one-half hours for each approved hour actually worked in excess of forty hours
679 in any workweek. Holidays, sick time, and vacation days do not count as hours worked
680 for purposes of calculating either overtime or compensatory time eligibility.

681 2. In place of overtime pay, the Town in its discretion may provide nonexempt employees
682 with compensatory time off ("comp time") subject to the following conditions:

683 a. Comp time is earned at a rate of one and one half hours for each hour worked in
684 excess of forty hours actually worked in any workweek.

685 b. Non-exempt employees may accrue a maximum of 240 hours of comp time. An
686 employee who has accrued their maximum number of hours of comp time will be
687 paid overtime compensation for additional overtime hours of work.

688 c. An employee may, at the Town's discretion, be paid in lieu of comp time off.

689 d. An employee receiving payment for accrued comp time will be paid at the regular
690 rate of pay earned by the employee at the time the employee receives such
691 payment.

692 e. Upon termination from employment, an employee will be paid for unused comp
693 time at a rate not less than the average regular rate of pay received by the
694 employee during the last three years of employment or the employee's final
695 regular rate of pay, whichever is higher.

696 An employee who has accrued comp time and requests use of comp time will be
697 permitted to use such time off within a reasonable period after making the request, if
698 such use does not unduly disrupt the Town's operations. Requests for use of comp time
699 must be submitted to the employee's supervisor, who will have sole discretion to grant or
700 deny the request. Requests for use of comp time will not unreasonably be withheld.

701 3. Exempt employees: Exempt employees (as defined by 29 USC §213(a)(1) and 21
702 V.S.A. §383(2)(E)) will not be paid overtime. Exempt employees will not be given comp
703 time except as awarded by the Selectboard under extraordinary circumstances.

704 **m) Holidays.**

705 1. Legal holidays. The following days are legal holidays for eligible salaried employees:

- 706 a. New Year's Day (January 1)
707 b. Memorial Day (last Monday in May)
708 c. Independence Day (July 4)
709 d. Labor Day (1st Monday in September)
710 e. Veterans' Day (November 11)
711 f. Thanksgiving Day (4th Thursday in November)
712 g. Day after Thanksgiving Day (4th Friday in November)
713 h. Christmas Day (December 25)
714 2. Floater holidays. Five (5) Floater holidays will be awarded at the beginning of each fiscal
715 year. One (1) week's notice must be given the department or division head. In case of
716 conflicts, the Town Manager will make final determination. Floater holidays do not
717 accrue beyond the end of a fiscal year. Any unused floater holiday time unused by June
718 30 will be paid out at the employees current rate of pay.
719 3. Employees will receive holiday leave pay for the number of hours in the employee's
720 typical work day on which the holiday falls, at the employee's regular rate of pay. Holiday
721 leave that is not actually worked by an employee will not be included in calculating
722 overtime for that employee.
723 4. Weekend holidays. Holidays which fall on Saturday or Sunday are observed on either
724 the preceding Friday or the following Monday at the discretion of the Town Manager.
725 Any other paid holidays must be designated by the Town Selectboard.
726 5. Working holidays. Should a department or division be required to maintain operation on
727 holidays, department or division heads may schedule another day off.
728 6. Holidays that fall during an employee's vacation leave will not be charged as vacation
729 leave.

730 **n) Vacations.**

- 731 1. Eligibility. All regular full time employees shall be eligible for the following vacation
732 benefits.
733 2. Earned time. Employee vacation time shall be earned on a monthly basis, at the end of
734 each month of employment, according to the following schedule:
735 a. Ten (10) days per year from the first month of employment to the fifth year of
736 employment, only to be taken after six (6) months of employment.
737 b. Fifteen (15) days per year at the fifth year to the tenth year of employment.
738 c. Twenty (20) days per year at the tenth year to the twentieth year of employment.
739 d. Twenty-five (25) days at the twentieth year and each year thereafter.
740 3. Accumulated leave. A vacation is for relaxation and to get away from the daily routine.
741 For this reason, employees are encouraged to take vacation time in (1) week blocks.
742 Vacation requested in one-week blocks must be submitted one (1) month in advance to,
743 and approved by, the department or division head. In case of conflict, the Town Manager
744 will make the final determination. Vacation requests for less than one (1) week at a time
745 may be taken with one (1) week's notice given to, and approved by, the department or
746 division head. In case of conflict, the Town Manager will make the final determination.
747 No employee may carry accrued vacation time for more than twenty-four (24) months
748 after the time it first becomes available. Any accrued vacation time which remains
749 unused after two (2) years from the date it first becomes available shall be converted to
750 wages and paid at the then current rate of pay.
751 4. Employees will receive vacation leave pay at the employee's regular rate of pay.
752 5. Termination.
753 a. Upon termination of employment an employee will be entitled to be paid for all
754 accumulated but unused vacation time at the rate of pay the employee is
755 receiving at the time of termination.
756 b. Any employee who terminates during their probationary period will not be entitled
757 to compensation for any accrued vacation time.
758 c. An employee who voluntarily terminates their employment without providing a
759 minimum notice of 28 calendar days to their supervisor will not be paid out their
760 accrued vacation time unless approved by the Town Manager.

761 SECTION 2-58. WORKER'S COMPENSATION.

762 a) Eligibility. The Town carries Worker's Compensation insurance for all the employees of the
763 Town. When an employee is unable to work due to a compensable, work-related injury, they
764 may be eligible for such Worker's Compensation benefits as provided by the laws of the State of
765 Vermont.

766 b) Reporting. All Town employees are required to immediately report all work-related injuries
767 to their department or division head.

768 SECTION 2-59. LONGEVITY PAY

769 a) Eligibility: All full-time, non-union employees with a minimum of five (5) consecutive years
770 tenure in a full-time position with the Town and who actually worked a minimum of twenty-six
771 (26) weeks in the previous calendar year are eligible for longevity pay. Unpaid leave of absence,
772 lay-off, sick leave, suspension for disciplinary action, and vacation shall not be counted towards
773 time actually worked. The leaves and pay statuses listed herein do not interrupt an employee's
774 consecutive tenure. If a full-time employee does not qualify for longevity pay for not having
775 worked a minimum of twenty-six (26) weeks in the previous year, the employee's consecutive
776 years tenure is not necessarily broken. Consecutive tenure will be broken when an employee
777 leaves, voluntarily or involuntarily, the full-time employ of the Town.

778 b) Pay Date: The annual longevity pay shall be paid to eligible employees the first pay date in
779 December. The longevity pay shall be determined by the numbers of years completed in the
780 employee's previous employment anniversary date. There shall be no pro-ration of longevity
781 pay when an eligible employee terminates employment with the Town of Barre.

782 c) Longevity Pay Benefit: See Appendix B for the amount of the benefit.

783 SECTION 2-60. FEDERALLY-MANDATED BENEFITS.

784 Pay will be withheld from each paycheck in compliance with federal Unemployment and Social
785 Security laws and regulations.

786

787 **PART IV: Employment Practices and Rights**

788 SECTION 2-61. HIRING POLICIES

789 a) Recruitment.

790 1. Whenever a vacancy occurs in any department or division, the department or division
791 head shall notify the Town Manager of said vacancy, stating the date of the vacancy,
792 position, and any other pertinent facts which may be necessary, including statement of
793 need for vacancy to be filled.

794 2. Whenever a department or division head wishes to establish a new position, they shall
795 notify the Town Manager in writing stating the title, if such a title exists, or a job
796 description when no such position exists and the reason for the request. No new position
797 will be established without the approval of the Selectboard.

798 3. Announcements for vacancies will be posted by the Town Manager or their designee
799 and shall specify the position, qualifications of applicants, closing date for receiving
800 applications, and other information as required.

801 b) Application.

802 1. Application for employment with the Town must be filed on forms prescribed by the
803 Town Manager. Such forms may require whatever information is deemed necessary and
804 all applications must be signed by the person applying.

805 2. Written employment applications may be rejected from any applicants for the following
806 reasons:

807 a. Whose application clearly indicates that minimum qualifications required are not
808 fulfilled.

809 b. Whose employment has been terminated from a department or division of the
810 Town on less than favorable terms.

- 811 c. Who has practiced or attempted fraud or deception in any statement of fact
812 pertinent to the application.
813 3. Hiring; probationary period. All hires shall be made with a probationary period not to
814 exceed twelve (12) months. During the probationary period, the Town Manager may
815 remove an employee with or without cause.

816 SECTION 2-62. TRANSFERS AND DEMOTIONS

817 a) **Transfers.** When a vacancy occurs, the Town Manager may arrange a transfer if there is an
818 interested employee and all concerned concur.

819 Transfer of any employee from one position to another without significant change in
820 grade may be effective if the employee meets the qualification requirements for the
821 particular position; if it is in the best interests of the Town; if further training and
822 development of any employee in another position would be beneficial to future staffing
823 potential of the Town; or if it meets the personal need of the employee as consistent with
824 the other requirements of this rule.

825 b) **Demotions.** Employees may be demoted to a position of lower grade for which they are
826 qualified for any of the following reasons:

- 827 1. When an employee would otherwise be laid off because the position is being abolished;
828 the position is being reclassified to a higher grade; lack of work; lack of funds; or
829 because of the return to work from authorized leave of another employee to such a
830 position in accordance with the rules on leave.
831 2. When employees do not possess the necessary qualifications to render satisfactory
832 service in the position they hold, or when removed from probation.
833 3. When an employee voluntarily requests such demotion.

834 All demotions must receive the approval of the Town Manager and department or division head
835 or heads concerned. The employee must be notified in writing no less than five (5) days before
836 their demotion and of the reason for such action. Within ten (10) days of such notice they may
837 request a public or executive-session hearing before the Selectboard, who must hold such
838 hearing not less than ten (10) days nor more than twenty (20) days after such request. The
839 Selectboard may support the action of the Town Manager or may modify it.

840 SECTION 2-63. DISCIPLINARY ACTIONS AND SEPARATIONS

841 a) **Discipline.** Public employees are required to maintain high standards of conduct in dealing
842 with the public as well as in the conduct of their personal affairs.

843 The Town will normally adhere to the following progressive disciplinary process, but
844 reserves the right to bypass any or all steps of progressive discipline when it determines,
845 in its sole discretion, that deviation from the process is warranted. Disciplinary action
846 may take any of the following forms:

- 847 1. Oral warning;
848 2. Written warning;
849 3. Suspension from duty without pay;
850 4. Separation.

851 Department or division heads may impose disciplinary action upon employees in their
852 department or division to include an oral or written warning, or suspension with or without pay
853 for not more than two (2) days. More severe disciplinary action may be imposed only upon the
854 consent of the Town Manager.

855 b) **Separations.**

- 856 1. Voluntary. An employee who resigns their employment with the Town shall be deemed
857 terminated. A statement of good standing may be provided to the employee.
858 2. Involuntary.
859 a. A regular employee in the employment of the Town for less than twelve (12)
860 consecutive months may be removed from employment only by the Town
861 Manager.
862 b. A regular employee in the employment of the Town for more than twelve (12)

863 consecutive months may be removed from office or removed from their
864 employment only by the Town Manager. The employee may request a hearing
865 within ten (10) days of such removal. The aggrieved party will be granted upon
866 their request a public or executive-session hearing by the Selectboard within
867 thirty (30) days of the request.
868 c. Removal of any employee for reduction in force may be based upon either
869 economic necessity or lack of work, organizational efficiency, changes in
870 departmental functions, and/or reorganization or reclassification of positions
871 resulting in the elimination of a position, or any other valid reason approved by
872 the Selectboard.

873 SECTION 2-64. APPEAL PROCEDURES.

874 A matter arising under Section 23.a) Discipline and Section 23.b)1. Separations, Voluntary of
875 this article may be appealed by a Regular Employee to the Town Manager who shall have the
876 ultimate and final responsibility to consider the merits of the appeal, and indicate in writing to the
877 employee the basis of their determination. A matter arising under Section 23.b)2.b. Separation,
878 Involuntary of this article may be appealed to the Selectboard.

879 SECTION 2-65. RECORDS AND EVALUATIONS.

880 a) **Records.** Personnel records shall be confidential but available for inspection by the
881 employee concerned or the employee's designated representative upon request at a mutually
882 agreeable time during regular office hours. The Town reserves the right to have its
883 representative present at the time its files are examined or copied.
884 b) **Evaluations.** Employees may be subject to job performance evaluations at such times and
885 in such manner as the Town Manager or their authorized representative deems reasonable,
886 though at minimum annually in the first three (3) years of employment. Thereafter, employees
887 shall be offered the opportunity to check in once per year at minimum. Said evaluations shall be
888 made available to the employee and the employee shall be given the opportunity to comment
889 upon the evaluation. An unfair or unreasonable evaluation, in the employee's opinion, may be
890 the basis of a grievance. Copies of evaluations will also be submitted to the employee's
891 supervisor, and Town Manager, and will become a part of the employee's personnel file.

892 SECTION 2-66. GRIEVANCE PROCEDURES.

893 Any grievance or dispute which may arise limited to the application, meaning, or interpretation of
894 this Policy shall be reported to the supervisor within three (3) working days of its occurrence and
895 shall be settled in the following manner:

896 Step 1: The employee or employees concerned shall endeavor to adjust the matter with
897 the supervisor, department, or division head within four (4) working days.

898 Step 2: If unable to arrive at a satisfactory adjustment the matter shall then be
899 presented to the Town Manager or their designee, and both shall endeavor to adjust the
900 matter within five (5) working days.

901 Step 3: If unable to arrive at a satisfactory adjustment and the persons involved are
902 beyond their probationary period, the matter shall then be presented to the Selectboard
903 and the parties shall endeavor to adjust the matter within fifteen (15) working days.

904 SECTION 2-67. EQUITY AND INCLUSION

905 a) **Equal Employment Opportunity:** The Town of Barre shall provide equal opportunity to all
906 employees and applicants without regard to race, color, religion, ancestry, sex, sexual
907 orientation, gender identity, age, national origin, place of birth, marital status, disability,
908 veteran's status, HIV status, pregnancy, genetic information, crime victim status, or any other
909 category of person protected under state or federal law.

910 b) **Employment Harassment and Discrimination:** The Town is committed in all areas to
911 providing a work environment that is free from unlawful harassment and discrimination. Vermont

912 and federal law prohibit employment discrimination or retaliation based on race, color, religion,
913 sex, gender identity, marital status, national origin, age, pregnancy, genetic information, veteran
914 status, any other category of person protected under federal or state law, or against a qualified
915 individual with a disability with respect to all employment practices. Vermont law also prohibits
916 discrimination based on sexual orientation, ancestry, HIV status, and place of birth. It is also
917 unlawful to retaliate against employees or applicants who have alleged employment
918 discrimination.

- 919 1. Examples of harassment include the following: insulting comments or references based
920 on a person's race, color, religion, sex, gender identity, marital status, national origin,
921 age, pregnancy, genetic information, crime victim status or veteran status, disability,
922 sexual orientation, ancestry, HIV status, place of birth; aggressive bullying behaviors;
923 inappropriate physical contact or gestures, physical assaults or contact that substantially
924 interferes with an individual's work performance or creates an intimidating, hostile or
925 offensive working environment; retaliation against an employee for complaining about
926 the behaviors described above or for participating in an investigation of a complaint of
927 harassment.
- 928 2. Petty slights, annoyances, and isolated incidents (unless serious) will not rise to the level
929 of illegality. To be unlawful, the conduct must create a work environment that would be
930 intimidating, hostile, or offensive to reasonable people.
- 931 3. The Town will not tolerate unlawful harassment based on a person's race, color, religion,
932 sex, gender identity, marital status, national origin, age, pregnancy, genetic information,
933 crime victim or veteran status, disability, sexual orientation, ancestry, HIV status, place
934 of birth, or membership in a classification protected by law. Likewise, the Town will not
935 tolerate retaliation against an employee for filing a complaint of harassment or for
936 cooperating in an investigation of harassment.
- 937 4. All employees, including supervisors and other management personnel, are expected
938 and required to abide by this section. Employees who are found to have engaged in
939 harassment may face disciplinary action up to and including termination. Any individual
940 who believes that they have been the target of this type of harassment, or who believes
941 they have been subjected to retaliation for having brought or supported a complaint of
942 harassment, is encouraged, but not required, to directly inform the offending person or
943 persons that such conduct is offensive and must stop.
- 944 5. Any employee who wishes to report harassment should file a complaint with:
 - 945 a. Town Manager, 802-479-9331. For email see the Town website,
946 www.barretown.org.
 - 947 b. Selectboard Chair. For current contact information, see the Town website,
948 www.barretown.org.
- 949 6. A prompt, thorough and impartial investigation will be conducted and confidentiality will
950 be protected to the extent possible. If it is determined that unlawful harassment has
951 occurred, the Town will take immediate and appropriate corrective action. No person will
952 be adversely affected in employment with the Town as a result of bringing a complaint of
953 unlawful harassment.
- 954 7. Complaints of harassment or retaliation may also be filed with the following agencies:
 - 955 Vermont Attorney General's Office
 - 956 Civil Rights Unit
 - 957 109 State Street
 - 958 Montpelier, VT 05609-1001
 - 959 Tel: (802) 828-3657 (voice)
 - 960 (802) 828-3665(TTY)
 - 961 Fax: (802)828-2154
 - 962 Email:
 - 963 Online: [http:// ago.vermont.gov/about-the-attorney-generals-office/divisions/civil-](http://ago.vermont.gov/about-the-attorney-generals-office/divisions/civil-)
964 [rights/](http://ago.vermont.gov/about-the-attorney-generals-office/divisions/civil-)
 - 965 Equal Employment Opportunity Commission
 - 966

967 JFK Federal Building
968 475 Government Center
969 Boston, MA 02203
970 Tel: (6171 (800) 669-4000 (voice)
971 1- (800-) 669-6820 (TTY).)
972 1 (844) 234-5122 (ASL Video)
973 Fax: 617-565-3196
974 Email: info@eeoc.gov
975 Online: www.eeoc.gov

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

979 c) **Sexual Harassment:** It is also unlawful to retaliate against employees for filing a complaint
980 of sexual harassment or for cooperating in an investigation of sexual harassment.

- 981 1. Sexual harassment in the workplace is illegal under federal and Vermont law and is
982 strictly prohibited. The Town is committed to providing a workplace free from this
983 unlawful conduct. All employees have the right to work without being subjected to
984 insulting, degrading or exploitative treatment on the basis of their gender. It is against
985 the policies of the Town for any individual, male or female, to sexually harass another
986 individual in the workplace in accordance with 21 V.S.A. § 495h.
- 987 2. Sexual harassment is a form of sex discrimination and means unwelcome sexual
988 advances, requests for sexual favors and other verbal or physical conduct of a sexual
989 nature when:
 - 990 a. submission to that conduct is made either explicitly or implicitly a term or
991 condition of employment;
 - 992 b. submission to or rejection of such conduct by an individual is used as a
993 component of the basis for employment decisions affecting that individual; or
994 c. the conduct has the purpose or effect of substantially interfering with an
995 individual's work performance or creating an intimidating, hostile or offensive
996 work environment.
- 997 3. Examples of sexual harassment include, but are not limited to, the following when such
998 instances or behavior come within one of the above definitions:
 - 999 a. either explicitly or implicitly conditioning any term of employment (e.g., continued
1000 employment, wages, evaluation, advancement, assigned duties or shifts) on the
1001 provision of sexual favors;
 - 1002 b. touching or grabbing a sexual part of an individual's body;
 - 1003 c. touching or grabbing any part of an individual's body after that party has
1004 indicated, or it is known, that such physical contact was unwelcome;
 - 1005 d. continuing to ask an individual to socialize on or off-duty when that person has
1006 indicated they are not interested;
 - 1007 e. displaying or transmitting sexually suggestive pictures, objects, cartoons or
1008 posters if it is known or should be known that the behavior is unwelcome;
 - 1009 f. continuing to write sexually suggestive notes or letters if it is known or should be
1010 known that the person does not welcome such behavior;
 - 1011 g. referring to or calling a person a sexualized name if it is known or should be
1012 known that the person does not welcome such behavior;
 - 1013 h. regularly telling sexual jokes or using sexually vulgar or explicit language is
1014 offensive and should be avoided;
 - 1015 i. retaliation of any kind for having filed or supported a complaint of sexual
1016 harassment (e.g., ostracizing the person, pressuring the person to drop or not
1017 support the complaint, adversely altering that person's duties or work
1018 environment, etc.);
 - 1019 j. derogatory or provoking remarks about or relating to an employee's sex;
 - 1020 k. harassing acts or behavior directed against a person on the basis of their sex;
 - 1021 l. off-duty conduct which falls within the above definition and affects the work

- 1022 environment.
- 1023 4. It is also unlawful to retaliate against employees for filing a complaint of sexual
- 1024 harassment or for cooperating in an investigation of sexual harassment.
- 1025 5. Any individual who believes that they have been the target of sexual harassment, or who
- 1026 believes they have been subjected to retaliation for having brought or supported a
- 1027 complaint of harassment, is encouraged to directly inform the offending person or
- 1028 persons that such conduct is offensive and must stop.
- 1029 6. Employees who are found to have engaged in sexual harassment may face disciplinary
- 1030 action up to and including termination.
- 1031 7. Any employee who wishes to report sexual harassment should file a complaint with:
- 1032 a. Town Manager, 802-479-9331. For email see the Town website,
- 1033 www.barretown.org.
- 1034 b. Selectboard Chair. For current contact information, see the Town website,
- 1035 www.barretown.org.
- 1036 8. Once the Town receives a complaint of sexual harassment, it will take all necessary
- 1037 steps to ensure that the matter is promptly investigated and addressed. If sexual
- 1038 harassment is found to have occurred, the Town will take appropriate action, ranging
- 1039 from a verbal warning up to and including dismissal.
- 1040 9. Complaints of sexual harassment or retaliation may also be filed with the following
- 1041 agencies:
- 1042 Vermont Attorney General's Office
- 1043 Civil Rights Unit
- 1044 109 State Street
- 1045 Montpelier, VT 05609-1001
- 1046 Tel: (802) 828-3171 (voice)
- 1047 (802) 828-3665(TTY)
- 1048
- 1049 Equal Employment Opportunity Commission
- 1050 JFK Federal Building
- 1051 475 Government Center
- 1052 Boston, MA 02203
- 1053 Tel: (617) 669-4000 (voice)
- 1054 1-800-669-6820 (TTY).
- 1055
- 1056 These agencies may conduct impartial investigations, facilitate conciliation, and, if they
- 1057 find that there is probable cause or reasonable grounds to believe sexual harassment
- 1058 occurred, they may take a case to court.

1059

1060 **PART V. APPENDICES**

1061 **SECTION 2-68. APPENDIX A: CLASSIFICATION AND COMPENSATION PLANS**

1062 The Town's current classification plan and compensation plan are available from the Town

1063 Manager's Office.

1064

1065 **SECTION 2-69. APPENDIX B: LONGEVITY PAY BENEFIT AMOUNT**

1066 For completing one (1) consecutive year of full-time employment with the Town of Barre, an

1067 eligible employee will receive longevity pay of \$100.00. For each additional year of consecutive

1068 full-time employment through their fifth year, and eligible employee will receive an additional

1069 \$100. For each additional year of consecutive full-time employment after their fifth year, an

1070 eligible employee will receive an additional \$20.00. There will be no maximum benefit.

1071

1072 SECTION 2-70. APPENDIX C: EMPLOYEE INSURANCE AND RETIREMENT BENEFITS

1073 a) **Health and dental insurance**

- 1074 1. The Town will furnish its full-time, regular, permanent employees, with a qualifying health
- 1075 insurance plan under federal law at a cost to groups of employees as shall be
- 1076 determined as necessary by the Selectboard. Any employee requesting eligible
- 1077 spousal/dependent or family coverage must pay an additional pro-rated share per month
- 1078 of the coverage with the Town. This amount shall also be determined from time to time
- 1079 by the Selectboard.
- 1080 2. The current plans offered are Blue Cross Blue Shield Vermont (BCBSVT) Platinum
- 1081 Standard and Gold Consumer-Directed Health Plan.
- 1082 3. Employees electing Platinum Standard shall contribute 10% of the premium.
- 1083 4. Employees electing Gold CDHP shall contribute 15% of the premium and receive an
- 1084 annual health savings (HSA) contribution from the Town:

- 1085 a. The contribution amount shall be equal to the greater of:
- 1086 i. the minimum deductible specified by IRS regulations that must be met
- 1087 before health reimbursements may be made, OR
- 1088 ii. The previous annual HSA contribution.
- 1089 iii. For 2019 and 2020, the amounts are:

	2019	2020
<u>Single person plan</u>	<u>\$1,350</u>	<u>\$1,400</u>
<u>All multi-person plans</u>	<u>\$2,700</u>	<u>\$2,800</u>

- 1091 b. Said contributions shall be deposited to the employees HSA in four equal
- 1092 quarterly amounts at the start of each calendar quarter. If an employee
- 1093 experiences a major medical bill the total HSA contribution will be deposited into
- 1094 the HSA. If a participating employee exhausts the Town's contribution for that
- 1095 specific calendar year, the remaining deductible to reach the out-of-pocket
- 1096 maximum shall be shared:
- 1097 i. Town: 80%
- 1098 ii. Employee: 20%
- 1099 c. Once the Town's contribution to the HSA for a calendar year is exhausted,
- 1100 employees shall provide to the Town proof that they have done so. Acceptable
- 1101 proof includes a Summary of Plan Payments (formerly known as Explanation of
- 1102 Benefits), copies of medical bills, or a statement from BCBSVT stating that the
- 1103 employee has met their deductible and the amount they have incurred over the
- 1104 deductible. Reimbursements for medical bills shall be based on the deductible
- 1105 sharing percentages listed above. The Town upon receipt of valid proof from the
- 1106 employee shall deposit into the HSA account the funds necessary to cover the
- 1107 Town's percentage of deductible sharing.
- 1108 d. Any HSA contribution from any prior year remaining in the employee's HSA may
- 1109 be used to pay any qualifying medical expense incurred by the employee.
- 1110 5. COBRA: Upon termination of employment, an employee has the right to continue their
- 1111 insurance for a period of eighteen (18) months. The employee must pay the full cost of
- 1112 their insurance during that period. A dependent of the employee may also keep the
- 1113 insurance, provided they were on the parent's plan during their employment. The
- 1114 dependent may keep the insurance for thirty-six (36) months after the parent has left
- 1115 employment or until they turn twenty-six (26) years of age, whichever comes first. The
- 1116 dependent pays the single rate and is fully responsible for the cost during that period.
- 1117 The benefits in this paragraph are as provided under the federal law, COBRA.
- 1118 6. Buyout: The Town of Barre agrees to make a lump sum cash payment, in lieu of the
- 1119 health insurance benefit, in the following amounts per year payable at the end of the
- 1120 Town's health insurance coverage year for any eligible employee who elects no health
- 1121 insurance coverage:
- 1122 a. One thousand dollars (\$1,000.00) for employee only
- 1123

- 1124 b. One thousand seven hundred and fifty dollars (\$1,750) for married or civil union
1125 couples
- 1126 c. Two thousand dollars (\$2,000) for family
- 1127 No employee may elect this option unless they shall first provide proof to the Town
1128 Manager or their designee that they have other health insurance coverage. Election of
1129 this payment in lieu of premium benefit shall not restrict or limit any of the employee's
1130 rights or privileges the employee may have for conversion of other health insurances to
1131 the Town-supported health insurance program under COBRA, health insurance program
1132 rules, or on the anniversary date of the health insurance policy. If the employee elects
1133 conversion or late coverage under the health insurance program and has previously
1134 accepted the payment in lieu of benefit, a pro-rated portion of the cash payment shall be
1135 returned to the Town by the employee; such pro-ration shall be from the anniversary
1136 date of the health insurance policy to the effective date of the Town-supported health-
1137 insurance coverage.
- 1138 7. The Town will furnish its full-time permanent employees with dental insurance "Benefit
1139 Plan #2" from Northeast Delta Dental via VLCT VERB as of July 1, 2020. Dependent
1140 and family coverages may be purchased by employees at their own cost.
- 1141 **b) Short Term Disability insurance**
- 1142 1. If an employee is unable to work due to an injury or sickness as defined by the Town's
1143 insurance certificate, caused by a covered accident or sickness, they shall receive
1144 seventy (70%) percent of their base weekly wages, up to a maximum of nine hundred
1145 (\$900.00) dollars per week for a maximum of forty-eight (48) weeks due to disability due
1146 to accident and/or sickness.
- 1147 2. Short term disability begins on the thirty-first (31st) day after sickness and/or disability.
- 1148 3. Paid time off shall not be given whenever an employee is eligible to receive Short Term
1149 Disability Insurance. Other offsets include:
- 1150 a. The amount you receive from any accumulated sick leave.
- 1151 b. Any formal salary continuation paid to you by your Employer which causes your
1152 weekly STD benefit, plus Other Income Benefits and any salary continuation to
1153 be more than 100% of your Total Weekly Earnings. The amount in excess of
1154 100% of your Total Weekly Earnings will be used as a reduction.
- 1155 **c) Life insurance**
- 1156 2. The amount of employee's life insurance benefit is one times annual earnings up to a
1157 maximum of \$50,000. Waiver of premium feature. If, while insured, an employee
1158 becomes permanently and totally disabled, before their 70th birthday, their life insurance
1159 will be continued provided the employee meets the conditions set by the Town's current
1160 life insurance provider. For total disabilities that begin before age 65, coverage is
1161 continued to age 65. For Total Disabilities that begin on or after age 65 but before 70,
1162 coverage is continued for 12 months.
- 1163 3. Conversion privilege. In the event of termination of employment, the employee may
1164 convert all or part of their life insurance to an individual policy by making written
1165 application, and paying the first premium, within thirty-one-days of termination. No
1166 medical evidence will be required.
- 1167 **d) Accidental Death and Dismemberment insurance.** If an employee suffers accidental
1168 injury or dies from a covered accident, they or their beneficiaries will receive a benefit,
1169 depending on the type of accidental injury, as defined by the Town's insurance certificate.
- 1170 **e) Employee Assistance Program (EAP).** The Town makes available to employees an
1171 Employee Assistance Program wherein the employee may receive free diagnostic and referral
1172 service if troubled by family or financial upsets, substance abuse, emotional stresses, or other
1173 personal concerns. There may be applicable charges for services, examinations or assistance
1174 introduced to the employee by the referral service, but there shall be no charge for the EAP
1175 diagnosis and referral service itself.
- 1176 **f) Retirement/pension program**
- 1177 The Town of Barre will provide Vermont Municipal Employees Retirement System Plan
1178 B, benefits to its regular, full time, salaried employees, unless the department of which the

1179 employee is a part has a collective bargaining agreement with a different plan. In this case, the
1180 employee will be provided the same plan as the department's.

1181 **SECTION 2-71 D: BENEFITS FOR PART-TIME OR SEASONAL EMPLOYEES**

1182 a) **Regular Part-Time Employees.** A regular part-time employee is one who works a fixed
1183 (regular) schedule every week, forgiving the occasional adjustment, but who works less than 30
1184 hours per week.

- 1185 1. Regular part-time employees shall receive paid time off for scheduled holidays, vacation
1186 and bereavement per the same schedules as non-union full-time employees.
- 1187 2. They will also receive paid time off for floater holidays per the same schedule as non-
1188 union full-time employees after completing 6 calendar months of employment with the
1189 Town, but pro-rated for any portion of the first calendar year of their employment that
1190 remains until floaters are awarded for the next year.
- 1191 3. Regular part-time employees will be eligible for three (3) paid sick days per year with a
1192 maximum accumulation of six (6) unused days. The paid time-off benefit will be pro-
1193 rated to the part-time employee's usual work hours.
- 1194 4. The paid time-off on any given day, not including holidays, will equal the number of
1195 hours the employee normally works that day. For scheduled or floater holidays, part-time
1196 employees will be paid their regular hourly wage times one-fifth (1/5) of their usual
1197 weekly working hours.

1198 b) **Full-Time Seasonal Employees.**

- 1199 1. Sick leave: Full-time seasonal employees who are scheduled to work over 18 hours per
1200 week on average over 52 weeks in a given calendar year are eligible for one (1) hour of
1201 paid sick leave per fifty-two (52) hours worked. Sick days cannot be used until the first
1202 week of scheduled seasonal employment with the Town after one calendar year from the
1203 employee's start date.
- 1204 2. Holidays:
 - 1205 a. Eligibility: Full-time seasonal employees of the Town Recreation and Cemetery
1206 divisions who normally work at least seven hours per day, five days per week for
1207 the entire summer season – usually late-April to October 31 – and are active on
1208 the Town's payroll when the listed holidays occur. Full-time seasonal employees
1209 who are no longer active on the Town's payroll (i.e. the work season has ended)
1210 will not be eligible for this benefit.
 - 1211 b. Eligible full-time seasonal employees shall receive a paid holiday benefit for the
1212 same named holidays as non-seasonal full-time employees: Memorial Day, July
1213 4th, Labor Day, Veteran's Day, Thanksgiving, the Day After Thanksgiving, and
1214 Christmas Day.

1215 c) **Summer Employment Bonus Pay**

- 1216 1. Eligibility: All employees hired to work for the summer months are eligible to earn the
1217 bonus. The positions include the Public Works seasonal helpers, Recreation and
1218 Cemetery seasonal helpers, and Municipal Building seasonal helpers. (The Municipal
1219 Building category includes summer helpers working on the Municipal Building or
1220 grounds, and working in an office.)
- 1221 2. Bonus: When summer employment is terminated, employees shall receive a bonus
1222 according to the following -
 - 1223 a. College students working in any department:
 - 1224 i. For working every week beginning the Monday after college final exams
1225 and ending the Friday before having to return to college, less Town
1226 holidays and not more than three (3) other unpaid days, a bonus of \$1.25
1227 per hour for all hours worked during the summer.
 - 1228 ii. For working all but one (1) week, or a total of five (5) days, of the period
1229 between the time hired and the Friday before returning to college, but not
1230 less than twelve (12) weeks, less Town holidays and not more than three
1231 (3) other unpaid days, a bonus of \$1.00 per hour for all hours worked

- 1232 during the summer.
- 1233 iii. For working all but two (2) weeks, or a total of ten (10) days, of the period
- 1234 between the time hired and the Friday before returning to college, but not
- 1235 less than eleven (11) weeks, less Town holidays and not more than three
- 1236 (3) other unpaid days, a bonus of \$.75 per hour for all hours worked
- 1237 during the summer.
- 1238 b. High School Students (including those graduating that summer):
- 1239 i. For working every week beginning the Monday after their school closes
- 1240 and ending the Friday before their school re-opens, less Town holidays
- 1241 and not more than two (2) other unpaid days, a bonus of \$1.25 per hour
- 1242 for all hours worked.
- 1243 ii. For working all but one (1) week, or a total of five (5) days, of the period
- 1244 between the time hired and the Friday before returning to school, but not
- 1245 less than eight (8) weeks, less Town holidays and not more than two (2)
- 1246 other unpaid days, a bonus of \$1.00 per hour for all hours worked during
- 1247 the summer.
- 1248 iii. For working all but two (2) weeks, or a total of ten (10) days, of the period
- 1249 between the time hired and the Friday before returning to school, but not
- 1250 less than seven (7) weeks, less Town holidays and not more than two (2)
- 1251 other unpaid days, a bonus of \$.75 per hour for all hours worked during
- 1252 the summer.
- 1253 c. Non-students working in any department:
- 1254 i. For working every week, but not less than 13 weeks, from date of hire to
- 1255 termination, less Town holidays, and not more than three (3) other unpaid
- 1256 days, a bonus of \$1.25 per hour for all hours worked during the summer.
- 1257 iv. For working all but one (1) week, or a total of five (5) days, from date of
- 1258 hire to termination, but not less than twelve (12) weeks, less Town
- 1259 holidays, and not more than three (3) other unpaid days, a bonus of \$1.00
- 1260 per hour for all hours worked during the summer.
- 1261 iv. For working all but two (2) weeks, or a total of ten (10) days, from date of
- 1262 hire to termination, but not less than eleven (11) weeks, less Town
- 1263 holidays, and not more than three (3) other unpaid days, a bonus of \$0.75
- 1264 per hour for all hours worked during the summer.

SECTION 2-72. APPENDIX E: EMPLOYEE INVOLUNTARY TERMINATION PROCESS

1267 Most often, employee conduct that warrants termination results from unacceptable behavior,

1268 poor performance, or violation of the Town's policies, practices, or procedures. However,

1269 termination may result from conduct that falls outside of those identified areas. This is the

1270 preferred process for involuntary terminations, but the Town is not required to utilize this

1271 termination process and may take whatever action it deems necessary to address the issue at

1272 hand. The Town may consult the Town attorney or labor attorney prior to undertaking a

1273 termination.

1274 The Town also retains the right to unilaterally eliminate a position, as approved by the

1275 Selectboard, and thus terminate employment or reduce the work hours for some or all

1276 employees due to economic conditions, shortage of work, organizational efficiency, changes in

1277 departmental functions, and/or reorganization or reclassification of positions resulting in the

1278 elimination of a position or for other related reasons. In such case, this termination process

1279 does not apply.

1280 Probationary employees are not subject to the Town's termination process. Notwithstanding any

1281 other provision of this Policy, an employee terminated during the probationary period will have

1282 no right to appeal such termination.

1283 An employee being considered for termination will be provided with written notice. The notice

1284 will contain a brief statement of the reasons termination is being considered and the date, time

1285 and place of a pre-termination meeting with the employee's supervisor. The notice may also
1286 suspend the employee without pay pending completion of the termination process.

1287 At the pre-termination meeting, the employee will be afforded an opportunity to present the
1288 employee's response to the reasons for termination. If the employee declines to attend the pre-
1289 termination meeting, the employee may submit a written response to the pre-termination notice
1290 not later than the scheduled date of the meeting.

1291 Within seven calendar days of the date of the pre-termination meeting, the supervisor will
1292 provide the employee with a written notice informing the employee whether they have been
1293 terminated. If the employee has been terminated, the notice will provide the general reasons
1294 therefore and will also inform the employee of the opportunity to request a post-termination
1295 hearing before the Selectboard by giving written notice of such request to the supervisor within
1296 seven days. The employee will be informed that the employee's failure to make a timely request
1297 for a post-termination hearing will result in such hearing being waived.

1298 If a request for a post-termination hearing is made, the Selectboard will provide the employee
1299 with a notice informing the employee of the date, time, and place of the post-termination hearing
1300 before the Selectboard. The notice will inform the employee of their right to be represented by
1301 counsel, to present and cross-examine witnesses and to offer supporting documents and
1302 evidence.

1303 At the post-termination hearing, the employee will be afforded the opportunity to address the
1304 basis for termination by hearing and examining the evidence presented against the employee,
1305 cross-examining witnesses and presenting evidence on their behalf. The Selectboard will make
1306 such determinations as may be necessary in the event of evidentiary objections or disputes.
1307 When the hearing is adjourned, the Selectboard, under the authority granted by 1 V.S.A. §
1308 312(e), will consider the evidence presented in the hearing in deliberative (closed) session.

1309 The Selectboard will render a written decision within fourteen calendar days after close of the
1310 hearing, unless otherwise agreed upon by the parties.

1311

1312 SECTION 2-73. APPENDIX F: TAXABLE AUTO BENEFIT

1313 a) **Background:** According to IRS Publication 15-B, use of Town-owned vehicles for
1314 commuting is considered a taxable benefit. The Town uses the "commuting valuation" method
1315 from Publication 15-B to calculate the value of the commuting benefit, often called "taxable
1316 auto." This method sets the value at \$1.50 for each round-trip between the workplace and
1317 home.

1318 b) **Applicability:** This appendix applies to any employee who is provided use of a Town-
1319 owned vehicle, with a few exceptions. Currently, IRS regulations do not consider taxable the
1320 commuting use of any vehicle the employee isn't likely to use more than minimally for personal
1321 purposes because of its design, including but not limited to:

- 1322 1. Clearly marked, through painted insignia or words, police, fire, and public safety
1323 vehicles.
- 1324 2. Unmarked vehicles used by a law enforcement officer, use of which is officially
1325 authorized.

1326 c) **Reporting Process for Taxation:** The Town Manager's Office will calculate each applicable
1327 employee's annual total at the end of each calendar year as follows:

- 1328 1. To estimate the number of days an employee drove the vehicle between home and work
1329 at the beginning and end of their workday: the total number of hours worked by the
1330 employee, as shown in the Town payroll system, will be divided by the number of
1331 scheduled hours per workday for that employee (usually 7.5 or 8 hours). The pay
1332 periods used will be the last pay period of the previous calendar year up to the last pay
1333 period of the current calendar year. These pay periods reflect all the workdays paid out
1334 during the current tax year.
- 1335 2. To this number will be added the estimated number of roundtrips the employee

- 1336 commuted with the vehicle for other reasons not prohibited by the policy, such as for
1337 lunch.
1338 3. The total of a. and b. will then be multiplied by \$1.50 to arrive at the total taxable benefit
1339 amount for that employee.

1340 The total taxable benefit amount will be reported as “taxable auto” earnings in the last payroll of
1341 December.

1342 **g) Notes:**

- 1343 1. The taxable auto amount is not paid to the employee nor deducted from the employee’s
1344 paycheck. It is only reported as the value that is to be taxed by the IRS.
1345 2. IRS Publication 15-B provides the rules by which the value of taxable auto benefit may
1346 be calculated, and conditions that must be met for the calculations used. Personnel
1347 Policy Section 12.c) is established to meet the conditions by which the least onerous rule
1348 may be used to calculate the amount of the benefit.
1349

1350 **SECTION 2-74. APPENDIX G: MILEAGE REIMBURSEMENT**

1351 Should any employee be required to use his/her personal vehicle for the conduct of the
1352 business of the Town of Barre, other than for transportation to and from the employee’s
1353 residence and work site, mileage reimbursements may be requested on forms prescribed by the
1354 Town Manager or their designee and the employee shall be reimbursed at the IRS approved
1355 rate.

1356
1357 **SECTION 2-75. APPENDIX H. FIRE DEPARTMENT CHIEF AND DEPUTY CHIEF MILEAGE**
1358 **REIMBURSEMENT**

1359 The Town will pay mileage reimbursement to its Fire Chief and Deputy Fire Chief under certain
1360 circumstances. They will be reimbursed for miles they actually drive their personal vehicle to
1361 perform Fire Department business as described here:

- 1362 1. When going to a vendor’s location or place of business;
1363 2. When attending out-of-Town meetings or training (out-of-town meaning outside of the
1364 Town of Barre and Barre City);
1365 3. When responding to emergency scenes in the Barre Town Fire Department’s primary
1366 response territory.

1367 For 1 and 2 above, any trip exceeding 150 miles round trip will require pre-approval by the Town
1368 Manager.

1369 The Fire Chief and Deputy Fire Chief will not be reimbursed mileage if they respond to mutual
1370 aid calls by driving their personal vehicle to the emergency scene. They will not be reimbursed
1371 for driving (commuting) that they would normally do, such as driving to and from work. Driving to
1372 a fire station for response to emergency calls, details, training, and meetings will not be
1373 reimbursed.

1374 The reimbursement rate will be the same as the Selectboard periodically sets for the Town’s
1375 non-union and management staff.

1376 Reimbursement requests will be accepted on a monthly or longer basis, at the Fire Chiefs (or
1377 Deputy Chief’s) discretion, within the fiscal year that the mileage has occurred. Requests for
1378 reimbursements must itemize the date, mileage and purpose (or reason for) the trip.

1379
1380 **SECTION 2-76. APPENDIX I. EMS NON-UNION EMPLOYEES REQUIRED WORK AND**
1381 **BONUS PAY**

1382 **a) Bonus Program.** All non-union EMS employees are eligible to earn a \$1.50 per hour bonus
1383 for each hour worked if the employee works a minimum of 260 hours per quarter.

1384 **b) Bonus calculation.** Bonus will be calculated after the end of the last full pay period of the

1385 quarter. If an employee works 260 hours or more during the quarter they will receive the bonus.
1386 The bonus will be calculated: Total hours worked multiplied by \$1.50.

1387 Each quarter is separate, and no hours will roll over. The quarters will be the following:

- 1388 • January 1st-March 31st
- 1389 • April 1st-June 30th
- 1390 • July 1st-September 30th
- 1391 • October 1st- December 31st
- 1392

1393 **c) Minimum Attendance Requirement.**

- 1394 1. All Per Diem employees are required to work a minimum of 20 hours per quarter.
- 1395 2. Per Diem employees that do not reach the minimum will be given a written warning. If
1396 an employee has 2 consecutive quarters with less than 20 hours of work per quarter the
1397 employee will be dropped from the EMS roster and terminated. Extenuating
1398 circumstances that affect the required minimum hours of work will be considered by the
1399 EMS Director. Events such as but not limited to Family leave, Military deployment, or
1400 Schooling may be considered by the EMS director as exemptions from the required
1401 minimums.

1402
1403 **SECTION 2-77. APPENDIX J: PHOTO ID CARDS AND FIREARMS QUALIFICATION FOR**
1404 **RETIRED POLICE OFFICERS**

1405 The Town and its Police Department will make retired law enforcement photographic
1406 identification available to retired Barre Town Police Department law enforcement officers who
1407 apply for an ID and who meet the eligibility requirements of the Law Enforcement Officers
1408 Safety Act ("LEOSA"), as amended, which is codified in 18 U.S.C. § 926C. The Barre Town
1409 Police Department shall comply with the requirements of LEOSA, as amended, and this policy
1410 appendix when issuing an ID.

1411
1412 a) **Administrator.** The Chief of the Barre Town Police Department (BTPD) is responsible for
1413 administering this policy appendix.

1414
1415 b) **Application.** A retired Town of Barre police officer wishing to obtain a retired officer's photo
1416 ID card must apply for the ID card, in writing, to the BTPD Chief of Police. The Chief of Police
1417 may develop an application form for this purpose, however in the absence of an application form
1418 the retiree's written request must include the following statements:

- 1420 • The retired officer acknowledges that if the ID card is to be used for the purpose of
1421 carrying a concealed firearm as allowed by LEOSA, the retiree shall bear sole
1422 responsibility for compliance with all federal, state, and local government laws regulating
1423 and/or banning the carrying of firearms.
- 1424 • The retired officer understands that the ID card alone does not qualify them to carry a
1425 firearm under LEOSA, they must also carry documentation of having met the applicable
1426 standards for firearms qualification within the past year.
- 1427 • The retired officer understands that LEOSA does not grant the right to carry a firearm at
1428 all times or in all places, such as federal buildings, schools, or other properties where
1429 'Firearms Prohibited' signs are posted.
- 1430 • The retired officer understands that the ID card does not infer any law enforcement
1431 authority, and the use of the ID card to identify themselves as a law enforcement officer
1432 is not authorized.
- 1433 • The retired officer understands that they are required to abide by the laws of the
1434 jurisdiction they are in while carrying a firearm and they will have no more authority than

1435 that of a citizen's arrest.

1436

1437 c) **Eligibility Criteria:**

- 1438 1. Must be retired from the Barre Town Police Department.
- 1439 1. Must not be prohibited by Federal or State law from possessing a firearm.
- 1440 2. Before retiring from the BTPD must have had at least ten (10) years of service as a law
- 1441 enforcement officer, with a minimum of five (5) years worked for BTPD.
- 1442 3. Applicants must have been in good standing (not be the subject of any disciplinary
- 1443 action which could lead to suspension or loss of police powers) with the BTPD upon
- 1444 retirement, including at the time of retirement was authorized by law to engage in or
- 1445 supervise the prevention, detection, investigation, or prosecution of, or the incarceration
- 1446 of any person for, any violation of law, and had statutory powers of arrest.
- 1447 4. Applicants must not be under the influence of or being treated with an intoxicating or
- 1448 hallucinatory drug or substance.
- 1449 5. An applicant cannot officially have been found by a qualified medical professional
- 1450 retained by the Town to be unqualified for reasons relating to mental health; or have
- 1451 entered in an agreement with the BTPD in which the applicant acknowledges that for
- 1452 mental health reasons they are not qualified to receive a retired ID card under LEOSA.
- 1453

1454 **b) Firearms Qualification.** Applicants who meet the eligibility criteria listed above and who wish

1455 to be qualified by a BTPD firearms instructor, must pass the same firearm qualification

1456 standards required of active BTPD officers. The applicant must qualify with the same type of

1457 weapon (i.e., revolver, semi-automatic, etc.) that they intend to carry. At the instructor's

1458 discretion, the instructor may require that the retired officer's firearm qualification be held

1459 separate from the active officers' qualification in order that the department's instructor(s) can

1460 give active officers their full attention. Provided that the retired officer passes all requirements

1461 for firearms qualification, the BTPD firearms instructor will issue documentation certifying that

1462 the retired officer has met the requirements for firearms qualification. This documentation will

1463 include the date of qualification, the date of expiration (which shall be one year from the date of

1464 qualification), as well as the type of firearm that the applicant qualified with, and will be on a

1465 form that has been approved by the Chief of Police.

1466

1467 **c) Costs.** Upon retirement from the Barre Town Police Department, the retiring police officer

1468 shall surrender their BTPD employee ID and, provided that the criteria specified above in

1469 paragraphs b and c have been met, may be issued one retiree ID card. There shall be no

1470 charge for this retired ID card, however if the ID card is lost, damaged, or otherwise in need of

1471 replacement, then the retiree shall be required to reimburse the Town for the cost of a

1472 replacement ID card. The loss of a retiree ID card shall be promptly reported to the Chief of

1473 Police. Furthermore, the applicant shall reimburse the Town for all costs connected with

1474 firearms qualification regardless of the outcome. These costs may include the firearms

1475 instructor's wage and payroll expenses, vehicle mileage (whether Town's vehicle or instructor's

1476 personal vehicle), for targets; and for range fees, if any. The applicant shall supply their own

1477 ammunition. Costs must be reimbursed before the ID card or documentation of firearms

1478 qualification is issued.

1479

1480 d) **Competency.** The administrator is authorized to require an applicant to be examined, at the

1481 applicant's expense, by a qualified mental health professional to verify the applicant, for mental

1482 health reasons, should not be disqualified from carrying a firearm.

1483

1484 **SECTION 2-78. APPENDIX K: PERSONNEL ACKNOWLEDGEMENT**

1485 I, _____, acknowledge that:

1486

1487 A. I received a copy of the Town's Personnel Policy on _____ and it is
1488 my responsibility to familiarize myself with its contents;

1489 B. I understand that it is my responsibility to ask questions if there is anything in the Policy that
1490 I do not understand;

1491 C. I understand that the language used in the Personnel Policy is not intended to create, nor
1492 should it be construed to create, a contract of employment between myself and the Town,
1493 and that I remain an at-will employee;

1494 D. I acknowledge that this Policy replaces any and all prior versions and that the Town
1495 reserves the right to add, amend or discontinue any of the provisions of this Policy for any
1496 reason or none at all, in whole or in part, at any time, after a minimum of two (2) Selectboard
1497 meetings are held before the meeting during which a change is adopted;

1498 E. I acknowledge that it is my responsibility to comply with all the provisions of the Town's
1499 Personnel Policy.

1500 _____

1501 Employee's Signature

1502

1503 _____

1504 Date

