



TOWN OF WAITSFIELD, VERMONT PERSONNEL POLICY

(as amended and adopted 7/16/24)

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TOWN OF WAITSFIELD

PERSONNEL POLICIES

- I. **PURPOSE:** The following Personnel Policies have been developed in the interest of assuring efficient Town operations, clarifying rules for employee conduct, outlining employee benefits and their implementation, fostering fairness, and promoting high employee morale.
- II. **APPLICABILITY:** These Personnel Policies shall apply to all full- and regular parttime employees of the Town. These policies are not intended to apply to other paid or volunteer, appointed, or elected officials. The Selectboard, which adopts these policies, retains the responsibility for their administration and interpretation.
- III. **STATEMENT OF NON-DISCRIMINATION:** It is the policy of the Town of Waitsfield that no eligible person be excluded from participation in or be denied the benefits of employment with the Town on the basis of race, color, creed, national origin, sex, sexual preference, age, disability, political affiliation or belief. The Town of Waitsfield is an equal opportunity employer and complies with the Americans with Disabilities Act.
- IV. **APPOINTMENT AT WILL:** Employment with the Town of Waitsfield is considered “at will,” and not for any definite period or succession of periods unless otherwise specified by the Selectboard and codified in a contract or other formal work agreement. Employment with the Town may be terminated either by the employee or by the Town at any time without notice except as otherwise provided in these personnel policies, state or federal law, or other contract or employment agreement. Wages or salary and any accrued and unused vacation leave allowable under these Personnel Policies shall be due to the employee only to the day and hour of termination.
- V. **TERMS OF EMPLOYMENT:**
- a. **Hiring Process** – The Selectboard shall be responsible for all recruitment and hiring. The Selectboard shall be solely responsible for decisions regarding recruitment, internal promotion, advertising, application forms, interview process, and selection.
 - b. **New Hires** – New employees are required to complete form W-4 for payroll tax withholdings and Form I-9 for verification of United States citizenship or proper work authorization prior to starting work, in conformance with federal law.
 - c. **Probationary Period** – All new employees shall be subject to a six-month probationary period, followed by an evaluation by the employee’s supervisor.

The probationary period may be extended for an additional period of as much as three (3) months at the request of a supervisor and with approval of the Selectboard. At the conclusion of the probationary period, the Selectboard may choose to extend as described above or terminate at its discretion. Probationary employees are eligible to use earned leave time with the approval of the supervisor or Selectboard.

- d. Employee Evaluations** – Evaluations shall be done annually, or upon request of an employee or the Selectboard, in a format established by the Selectboard. An evaluation requested by an employee shall be performed no later than 60 days after the request is made. The Selectboard may delegate evaluations to an employee’s supervisor.
- e. Termination Notice** – Employees who voluntarily separate from employment with the Town shall give a minimum two (2) weeks of notice in advance of termination.
- f. Hours of Work** – Regular work schedules shall be established by the Selectboard. Road Department personnel are required to be on-call and available for winter road work and year-round emergencies. Paid leave, including holidays, sick, and vacation days, shall be counted toward the 40-hour threshold for overtime for non-exempt employees. Paid leave, including holidays, sick, and vacation days, shall be counted as hours of work for the purposes of calculating compensatory time for exempt employees (see Section V.i.). The employee’s hours may be distributed across five workdays or in any combination deemed necessary by the Selectboard or supervisor.
- g. Overtime** – Non-exempt hourly employees shall be paid overtime at the rate of 1.5 times (“time-and-a-half”) the regular hourly rate for hours of work performed in excess of 40 hours in a one-week pay period.
- h. Holiday Pay** – In the event an employee is called in to work on a holiday, the rate of pay for actual holiday hours worked shall be equal to 1.5 times the employee’s regular hourly rate, regardless of whether or not the total hours worked in the week exceeds 40 hours.
- i. Compensatory Time** –For exempt employees, compensatory time will be provided on an hour-for-hour basis for actual hours worked in excess of the employee’s standard work week, provided that an employee’s standard work week is 20 hours or greater.
- j. Pay** – Pay periods run Sunday to Saturday. Payday will be on Wednesdays on a weekly basis by direct deposit. Time sheets shall be due to the employee processing payroll no later than the close of business on Monday. An employee failing to submit a time sheet may be paid at a rate and amount equivalent to the employee’s normal work week, with any variations deducted

from or added to a paycheck(s) to follow. Initial payroll for employees will be staggered by one week.

k. Lateness or Absence – Employees shall notify their supervisor or appropriate colleagues prior to, or as soon as reasonably possible, if they will be late or absent from work. Repeated unexcused lateness or absence from work is grounds for disciplinary action and/or termination.

l. Training and Professional Development – The Town expects that all employees will take advantage of training opportunities approved by the Selectboard or supervisor. Employees will be paid for such time and reimbursed for mileage, meals, etc., when approved in advance by the Selectboard or supervisor.

VI. EMPLOYEE BENEFITS:

a. Health Care Benefits – The Town makes health insurance coverage available to all full-time employees and their families. For the purposes of this section, full-time is defined as an employee with a regular work schedule of 30 hours per week or greater. The Selectboard shall annually determine the amount of the Town's contribution to health insurance costs, particularly premiums. More information on the health insurance offerings and premium allocations can be found in Appendix C.

Employees may also elect a waiver of insurance upon demonstration of coverage from another source, and be entitled to a health insurance buy-out. Details on the health insurance waiver and buyout can be found in Appendix C.

Retiring employees may continue to obtain their health insurance through the Town under a "retiree section" of the Town's group health insurance, if applicable and available, until they reach the age of Medicare eligibility. An employee who has retired will be expected to pay the full premium and all other costs for this insurance; the Town will provide access only.

b. Retirement – The Town participates in the Vermont Municipal Employees Retirement System, Group B. Participation begins at the start of employment. Currently, employees contribute 5.625% of wages as a payroll deduction and the Town contributes 6.25% of wages (these rates are subject to change by the VMERS Board of Trustees). Details concerning the system are available from VMERS or the Town Treasurer and at vermonttreasurer.gov/vmers

c. Deferred Compensation Plan – The Town offers participation in a deferred compensation plan. This plan is a voluntary retirement savings program, created under federal and state law, enabling government employees to contribute as much as \$23,000 (the allowable amount is determined annually

under federal IRS rules) of compensation free from current federal and state income taxes to an investment savings plan. The amount saved accumulates tax-deferred until the plan amounts are distributed (generally after retirement). The plan is regulated by the Internal Revenue Code Section 457 and state law. Details concerning the program the Town offers are available from the Town Treasurer.

d. Life and Long-Term Disability Insurance – The Town offers participation to qualified employees (as determined by the insurer’s application process) in a \$25,000 life insurance program and a 60% disability income program. Details about the program the Town offers are available from the Town Treasurer.

e. Uniforms – Road Department employees are provided with uniforms on a weekly basis.

f. Commercial Drivers Licenses – Road Department personnel shall be responsible for maintaining a valid Commercial Drivers License in accordance with state law. After three years of employment with the Town, the Town will pay for license renewals necessary for operation of Town equipment, less standard operator’s license charges.

g. Benefit Distribution for New Employees – Coverage under the benefits described in this section may not apply immediately. The Town’s health insurance buyout may not be issued until an employee has successfully completed his or her probationary period.

VII. EMPLOYEE LEAVE:

a. Sick Leave – An employee may accrue as many as 48 hours (six days) of sick leave each fiscal year. For the purposes of this policy, a standard day of sick leave is the equivalent of eight hours and a standard work week 40 hours. For exempt employees whose regular work week consists of less than 40 hours on average, but is greater than 20 hours per week on average, the total number of sick leave hours accrued shall be prorated based upon the average percentage of hours worked in a standard work week. For example:

1. If an employee works 34 hours per week on average, the accrual rate would be calculated this way: $34.0/40.0 = 0.85$.
2. The prorated number of sick leave hours would be calculated this way: $48 \text{ hours} \times 0.85 = 40.8 \text{ hours}$ (or 5.1 days) of sick leave per year. For ease of administration, numbers should be rounded up or down to the nearest whole number. In the example, 40.8 hours would become 41 hours.

The table provides examples based on common and/or current work schedules.

| <u>Average Hours per Week</u> | <u>Accrual Rate</u> | <u>Sick Hours</u> | <u>Sick Hours Accrued</u> |
|---------------------------------------|---------------------|-------------------|-------------------------------|
| 40.0 | 1.00 | 48.0 | 48.0 |
| 34.0 | 0.85 | 40.8 | 41.0 |
| 30.0 | 0.75 | 36.0 | 36.0 |
| 20.0 | 0.50 | 24.0 | 24.0 |

An employee may use sick leave for an illness or injury that prevents the employee from performing the employee's job duties. An employee may also use sick leave to attend the following appointments that cannot be held outside normal working hours:

- A medical appointment
- An appointment eligible for short-term family leave under the provisions of the Vermont Parental and Family Leave Act (21 V.S.A. § 472a).
- A funeral not eligible under the bereavement leave section of this policy.
- Any other appointments authorized in advance by the employee's supervisor.

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

If an employee is sick, but has no accumulated sick leave, vacation time may be applied; if no sick or vacation time is available, unpaid leave may be taken. No more than 30 days of sick leave may be carried over into a new year. As of January 1st of each year, any accumulated sick leave over 30 days shall be transferred to vacation days at a rate of 50%, with the remaining 50% portion forfeited.

- b. Vacation** – For the purposes of this policy, a standard day of vacation leave is the equivalent of eight hours. For exempt employees whose regular work week consists of less than 40 hours on average, but is greater than 20 hours per week on average, the total number of vacation leave hours accrued shall be prorated based upon the average percentage of hours worked in a standard work week.

For example:

1. If an employee works 34 hours per week on average, the accrual rate would be calculated this way: $34.0/40.0 = 0.85$.
2. The prorated number of vacation leave hours would be calculated this way for an employee working 34 hours per week in the first year of employment: $80 \text{ hours} \times 0.85 = 68 \text{ hours}$ (or two weeks) of vacation leave per year. For ease of administration, numbers will be rounded up to the nearest whole number.

The table provides examples based on common and/or current work schedules:

| | | <u>Hours accrued per year or years of service¹</u> | | | | |
|-------------------------------|-------------------------|--|----------------------------|--------------------------------------|--|---|
| Average Hours/Week | Accrual Rate | 1st (80 hours) | 2nd (104 hours) | 3rd & 4th (120 hours) | 5th to 10th (144 hours) | 11th+ (160 hours) |
| 40.0 | 1.00 | 80 hours | 104 hours | 120 hours | 144 hours | 160 hours |
| 34.0 | 0.85 | 68 hours | 89 hours | 102 hours | 123 hours | 136 hours |
| 30.0 | 0.75 | 60 hours | 78 hours | 90 hours | 108 hours | 120 hours |
| 20.0 | 0.50 | 40 hours | 52 hours | 60 hours | 72 hours | 80 hours |

Vacation leave shall accumulate by the month, in proportion to the number of hours in the employees' regular work week. Employees beginning work on or before the 15th of the month shall be credited with a full month of service for the purposes of this section. Employees terminating on or after the 16th of the month shall be credited a full month of service for the purposes of this section. No vacation time may be taken during an employee's probationary period without approval of the Selectboard or the employee's supervisor. No more than 30 days of vacation leave may be accumulated, without the advance approval of the Selectboard.

All vacation leaves must be approved in advance by the employee's supervisor. Use of accrued vacation leave by employees of the Road Department during the winter maintenance season from November 15 to April 15, may be denied or limited depending upon expected weather conditions, and may be subject to conditions such as being subject to call-in, restriction from travelling out of state during such leave, or restriction from taking multiple consecutive days off.

¹ The hours listed in the column header are the base number of hours per year. An employee whose work week is 40 hours and is in his or her 5th year of employment with the Town would be eligible to accrue 144 hours, or 18 eight hour days, of vacation leave per year. This could be added to the vacation time accrued and carried from year to year up to the maximum of 240 hours, or 30 days, per year as outlined in this section.

Upon termination of employment an employee will be entitled to be paid for all accumulated vacation time at the rate of pay the employee is receiving at the time of termination. Unused vacation leave will only be paid at the termination of employment.

- c. Compensatory Time** – Compensatory time shall be available to salaried, exempt employees at a rate described in V.i. Compensatory time leave may be taken during an employee’s probationary period subject to approval from the employee’s supervisor. Employees are strongly encouraged to use compensatory time within the same quarter in which it is earned. No more than 40 hours of compensatory time may be carried over from one fiscal year into the next. Unused compensatory time shall not be paid to an employee upon termination of employment.

Non-exempt employees: Compensatory time is not offered to non-exempt employees in lieu of overtime pay for overtime hours worked. However, an employee may take time off within the same workweek in order to avoid incurring an overtime obligation, following approval of a supervisor.

- d. Holidays** – There are 11 paid holidays per year. The paid holidays are as follows: 1) New Year’s Day (January 1st); 2) Martin Luther King Day (3rd Monday in January); 3) President’s Day (3rd Monday in February); 4) Memorial Day (last Monday in May); 5) Independence Day (July 4th); 6) Juneteenth (June 19th); 7) Labor Day (1st Monday in September); 8) Columbus Day (2nd Monday in October); 9) Veteran’s Day (11th of November); 10) Thanksgiving Day (4th Thursday in November); and 11) Christmas Day (December 25th).

- e. Unpaid Leave** –Requests for leaves of absence without pay for any reason other than those covered by federal or state law must be submitted in writing to the Selectboard or an employee’s supervisor and must set forth the purpose for which the leave is requested. All leave requests must be for a definite period of time and include a specified date of return. If a leave of absence without pay is granted, the employee may, at the Town’s sole discretion, continue the employee’s health plan coverage by paying the required premium in accordance with the payment schedule established by the Town. Other employee benefits (e.g. sick leave, vacation, seniority, etc.) will not accrue during an unpaid leave period that exceeds 30 days.

- f. Short-term Leave** – An employee is eligible for short-term leave if s/he has been employed by the Town for at least one (1) year for an average of at least 30 hours per week. In accordance with 21 V.S.A. § 472a, eligible employees may be entitled to take unpaid leave not to exceed four (4) hours in any 30-day period and not to exceed 24 hours in any 12-month period for any of the following purposes:

- To participate in preschool or school activities directly related to the academic educational advancement (such as a parent-teacher conference) of the employee's child, stepchild, foster child, or ward who lives with the employee;
- To attend or accompany the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse or parent-in-law to routine medical or dental appointments;
- To accompany the employee's parent, spouse or parent-in-law to other appointments for professional services related to their care and well-being; • To respond to a medical emergency of the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse or parent-in-law.

At the option of the employee, accrued paid leave may be used. Before taking leave under this section an employee shall make a reasonable attempt to schedule appointments outside of regular work hours. An employee shall attempt to provide the Town with the earliest possible notice of the intent to take short-term family leave.

- g. Bereavement Leave** – Employees may take up to two days off in the event of the death of a member of their immediate family (parent, spouse, children), three hours off for a local funeral, and up to one day off for a non-local funeral of a member of their extended family, with pay. Such leaves are subject to approval by the Selectboard.
- h. Jury Duty** – Employees will be given paid leave and receive their base salary for any time served on jury duty.

VIII. EMPLOYEE DISCIPLINE AND GRIEVANCES:

- a. Reasons for Disciplinary Actions** – The Town may take personnel action for the following reasons:
 - 1. Unsatisfactory work performance;
 - 2. Misuse of funds, supplies or equipment;
 - 3. Refusal or failure to abide by policies or instructions of a supervisor or the Selectboard;
 - 4. Other conduct which is inconsistent with the normal expectations of public service.
- b. Disciplinary Action** – Any or all of the following disciplinary actions may be taken by the Selectboard, depending upon the severity of the circumstances involved:
 - 1. Verbal or written reprimand;
 - 2. Placement on probationary employment status; 3. Suspension with or without pay;

4. Termination.

c. Procedure for Disciplinary Action – Any disciplinary action may be initiated by the Selectboard or supervisor. Notice of the action and the reasons therefore shall be in writing, and shall be given to the employee involved.

d. Response to Disciplinary Action – Employees who are subject to disciplinary action may request a hearing before the Selectboard. Such requests should be in writing and presented to the Selectboard Chair within 10 working days after notice of the action.

The Selectboard shall hear the employee's grievance within 30 days of receipt. Action of the Selectboard shall be final.

IX. EMPLOYEE RECORDS: Personnel files for each employee shall be kept by the Town Clerk. Personnel files are open to the Selectboard but not to the general public. An employee may review his/her file in the presence of a member of the Selectboard or its designee. It is the responsibility of the Selectboard to maintain the files, determine what kinds of information should be included therein, and for how long.

X. EMPLOYEE CONDUCT:

a. General Obligations. Every employee shall fulfill to the best of his or her ability the duties and responsibilities of the employee's position. The employees shall, during their hours of duty, be subject to such other laws, rules, and regulations that pertain thereto, and devote their full attention and efforts to their office and employment.

b. Political Activity. An employee shall not use his or her official authority for the purpose of interfering with or affecting the nominations or election of any candidate for public office in the Town of Waitsfield. This rule is not to be construed to prevent a town employee from becoming or continuing to be a member of any political party or from attending political meetings or signing petitions for a candidate for public office.

c. Contracts. No elective or appointive officer or employee of the Town of Waitsfield shall be beneficially interested directly or indirectly in any contract with the Town, regardless of amount; or furnish any material, or perform any labor, except in the discharge of his or her official duties, unless such contract shall have been awarded upon bids advertised for by publication or by discretion of the Selectboard. No officer or employee of the Town shall take part in any decision concerning the business of the Town in which he or she has a direct or indirect financial interest, aside from his or her salary as an officer or employee, greater than any other citizen or taxpayer in the Town. This section shall not apply in the event of an emergency where immediate action shall be deemed more important to the Town than the receipt of formal bids.

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- d. Health and Safety.** The Town of Waitsfield recognizes that its employees are among its most important assets. As such, the Town strives to provide a safe and healthy workplace for all employees.

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Employees are responsible for following all safety procedures associated with their duties. If an employee is unsure of how to do a particular task safely, he or she should seek further instruction from his or her supervisor. Each employee is also obligated to report all unsafe or unhealthy working conditions to his or her supervisor. It is the responsibility of each supervisor to monitor and assist employees in the safe performance of duties. An employee who sustains a work-related injury or illness should report it immediately to his or her supervisor. A "First Report of Injury" form will be completed by the supervisor or employee and a copy given to the employee.

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Safe and healthy behaviors at work are an expected part of each employee's job performance. Employees and their dependants are encouraged to participate in health promotion activities and to avail themselves of the services provided through the Employee Assistance Program (1-800-287-1273).

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- e. Substance Abuse.** Working under the influence of alcohol or controlled substances in the workplace may endanger the public, co-workers, and the employee and result in poor or inaccurate job performance and will not be tolerated. Employees who experience alcohol or drug abuse problems are expected and encouraged to seek assistance in the treatment of their problems. Such employees may, without fear of reprisal, seek guidance from supervisors, the Town Administrator, or the Employee Assistance Program.

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Employees shall not manufacture, possess, distribute, or use controlled substances in the workplace. Employees shall not report to work or work under the influence of alcohol or controlled substances unless the drug is prescribed by a duly licensed physician or dentist.

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An employee who manufactures, possesses, or distributes a controlled substance in the workplace shall be subject to disciplinary action such as, but not limited to, oral reprimand, written reprimand, suspension, required participation in a drug abuse assistance or rehabilitation program, or dismissal. An employee who reports for work under the influence of alcohol or controlled substances, or who consumes or uses such substances while at work, may be dismissed immediately. As a condition of employment, employees must abide by the terms of this policy. An employee who is convicted of a drug statute crime occurring at the workplace shall inform the Town in writing within five calendar days of such conviction. The Town Administrator or the Town Clerk will notify any federal agency in writing with which the Town has a grant on which the convicted employee was working within 10 calendar days of receiving such notice from the affected

employee, including the employee's title and identification number(s) of each affected grant. The Town will take appropriate personnel action, as proscribed above, within 30 days of receiving notice of a conviction from an employee.

f. Smoking and Tobacco Use. It is the policy of the Town of Waitsfield that the use of tobacco products in the workplace is prohibited except in designated areas and in accordance with the Smoking and Tobacco policy in Appendix A.

g. Prohibition of Harassment. The Town of Waitsfield will not tolerate unlawful harassment, including insulting, degrading, or exploitative treatment of another employee or a non-employee on the basis of their race, gender, religion, national origin, age, disability, color, ancestry, place of birth, or sexual orientation, or any other protected status defined by law.

The Town of Waitsfield will address complaints regarding harassment committed in the workplace by employees against non-employees and by non-employees (such as vendors, customers, board members, and other workplace visitors) against employees to the fullest extent possible. Harassment involves behaviors that are viewed as offensive or harassing. Examples include the following: insulting comments of a sexual, racial, or religious nature or references to an individual's age, sexual orientation or disability; aggressive bullying behaviors; unwelcome sexual advances; requests for sexual acts or favors; inappropriate physical contact or gestures; physical assaults or contact that substantially interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment; retaliation against an employee for complaining about the behaviors described above or for participating in an investigation of a complaint of harassment; and/or other verbal or physical conduct of harassing nature. Retaliation against an employee for making a complaint of harassment or for cooperating with an investigation of harassment is unlawful and will not be tolerated.

An employee subject to harassment is encouraged to report it before it becomes severe or pervasive. Any employee who has a complaint of sexual harassment at work by anyone, including supervisors, co-workers, or visitors, must bring the problem to the attention of his or her immediate supervisor or the Selectboard or their authorized representative. If the complaint involves someone in the employee's direct line of command, the employee may go directly to the Selectboard with the complaint. A prompt, thorough, and impartial investigation will be conducted and employee confidentiality will be protected to the fullest extent possible. The determination of whether or not a particular action constitutes harassment shall be made from the facts on a case-by-case basis. In determining whether alleged conduct constitutes harassment, the supervisor or Selectboard shall look at the record as a whole and at the totality of the circumstances, such as the nature of the behavior and the context in which the alleged incidents occurred. If harassment is found to exist, prompt corrective action shall be taken. Employees who violate this policy will be subject to disciplinary action up to and including discharge. See also Appendix B.

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XI. ADOPTION: These Personnel Policies were revised by the Selectboard on July 22, 2024 and replace the policies approved on June 2, 2023.

Appendices:

- A. Smoking and Tobacco Policy
- B. Sexual Harassment Policy
- C. Position listing – exempt/non-exempt, salaried/hourly, etc.
- D. Health Insurance