



TTOWN OF POWNAL

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PERSONNEL POLICY

Town of Pownal, Vermont
Adopted: 12/31/2021

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Section 1: TITLE AND AUTHORITY

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

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

The selectboard reserves the right to amend any of the provisions of this Personnel Policy for any reason, at any time, with or without notice. The selectboard also retains the right to modify or amend the terms of employment at any time and for any reason, including unilaterally eliminating a position and thus terminating employment, reducing the work hours for some or all employees due to economic necessity, shortage of work, organizational efficiency, changes in departmental functions, reorganizing or reclassifying positions resulting in the elimination of a position, or for other reasons without limitation.

This Personnel Policy is administered by the Selectboard and/or their authorized representative(s). The list of authorized representatives are as follows (and subject to change by Selectboard):

- WWTF Chief Operator
- Road Foreman
- Transfer Station Supervisor
- Executive Assistant to the Selectboard

Section 2: PERSONS COVERED

This personnel policy applies to full-time and part-time employees of the Town of Pownal (hereinafter "Town" or "Town of Pownal").

Except by separate written agreement, elected officers and their statutory assistants, members of Town boards, committees, and commissions, volunteers, seasonal or temporary employees, employees who are members of a bargaining unit, and persons who provide the Town with services on a contract basis, are not covered by this policy.

For purposes of this policy, a full-time employee is an employee who works 36 or more hours

Comment [CA1]: VLCT MAC attorneys have recently done some revisions to the VLCT model personnel policy. We are of the opinion that if the policy is going to have the progressive discipline and termination sections (i.e. sections 35 and 36 in this document), it should remove this language declaring that the employment is at-will. Please see the cover memo for more discussion. What I've suggested directly below is language to adopt if the board is going to keep the discipline and termination sections.

per week on a regular and continuing basis. A part-time employee is an employee who works fewer than 36 hours per week on a regular and continuing basis.

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

Section 3: EQUAL EMPLOYMENT OPPORTUNITY

The policy of the Town of Pownal is to provide equal opportunity to all employees and applicants without regard to race, color, religion, ancestry, sex, sexual orientation, gender identity, age, national origin, place of birth, marital status, disability, veteran's status, HIV status, pregnancy, health coverage status, genetic information, crime victim status, or any other category of person protected under state or federal law.

Section 4: PROBATIONARY PERIOD

All new employees will be required to complete a six-month probationary period. The purpose of this probationary period is to determine whether the employee is suited for the job. During the probationary period, an employee may be terminated at any time. Notwithstanding any other provision of this policy, an employee terminated during the probationary period will have no right to appeal such termination.

Section 5: CONDUCT OF EMPLOYEES

All employees are considered representatives of the Town and as such are expected to conduct themselves in a courteous, helpful, and respectful manner in all their interactions with the public, other employees, and elected and appointed officials. All employees are expected to faithfully execute the duties and responsibilities of their office to the best of their ability and in compliance with the provisions of this personnel policy.

Section 6: CONFLICTS OF INTEREST

Every employee and/or representative of the Town shall carry out their duties in a way that ensures the public trust will be preserved and all decisions made shall be made based on the best interest of the community at large rather than the interests of any individual or group.

An employee shall not use resources not available to the general public, including but not limited to Town staff time, equipment, supplies, or facilities for private gain or personal purposes.

Section 7: HOURS OF SERVICE

Town Offices will follow the hours of operation of:

- Town Offices: 9 A.M. to 5 P.M., Monday through Friday,
- Transfer Station: 8 A.M. to 4 PM, Wednesday, Friday and Saturday.
- WWTF: 7 A.M. to 3:30 P.M., Monday through Friday.
- Road Dept: 7 A.M. to 3:30 P.M., Monday through Friday.

There is a 30-minute paid allowance for lunch for all full-time Town Office and Transfer Station personnel. There is a 30-minute unpaid allowance for lunch for all full-time WWTF and Road Crew personnel. Part-Time employees who work an 8-hour shift (8.5 hours) are entitled to two (2) 15-minute paid breaks and one (30 min) unpaid break.

All Wastewater and Road Crew employees are required to be available for work on a Call-In basis. All Town employees are required to be available in case of an emergency, weather related or otherwise. Call-in occurs when the select board, department heads, or any State or local emergency official declares a mechanical emergency, a severe weather event, or if any other natural or manmade event is imminent, to which personnel shall be available for recall. Employees who are called-in to work before or after normal working hours will receive pay for a minimum of 3 hours.

Employees who are recalled during a week in which a scheduled holiday or planned/approved vacation time have been taken, for reasons such as those as stated above, will be allowed to utilize those planned hours as part of overtime pay for that week. Employees who are required to perform duties on holidays due to state and/or federal mandates will also be compensated with overtime pay for that week.

Regular work hours may be changed and employees may be expected to work additional hours that may exceed forty hours in a given week, as circumstances require. If there are any changes to the current office hours that affect employees, notice will be given of the change. All employees are expected to be in attendance during regular work hours. **Employees who will be absent from work are expected to notify their supervisor in advance whenever possible and preferably before 6 am on the morning they are expected to work.**

Comment [CA2]: This seems to be creating two different standards (i.e a more definite standard when an employee is sick vs. when absent), which is fine so long as you're aware that is the case.

Section 8: POLITICAL ACTIVITY

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

Comment [CA3]: Recommend using they or their instead of his/her

This personnel policy is not to be construed to prevent employees from becoming or continuing to be members of any political party or organization, from attending political party or organization meetings or events, or from expressing their views on political matters, so long as these views are clearly articulated as being those of the individual and not of the Town, and these activities do not interfere with the individual's ability to effectively perform their duties and take place or are expressed during non-working hours. This personnel policy is not to be construed as prohibiting, restraining or in any manner limiting an individual's right to vote with complete freedom in any election.

Section 9: NEPOTISM

The Town seeks to hire the most qualified applicants and realizes that as a small community employees hired may often be related to others in the workforce. The Town of Pownal, in recognition of the potential for a conflict of interest to occur in the workplace where a close relative is responsible for supervising or evaluating the work performance of another close relative, to the greatest extent possible, will avoid the hiring or transferring of close relatives when doing so will result in a close relative supervising or evaluating another close relative, or a close relative supervising or evaluating the immediate supervisor of another close relative.

Comment [CA4]: I recommend defining close relative as "close relative includes a spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law and sibling-in-law."

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

Section 10: ALCOHOL AND DRUG USE

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

As a Town employee, you are prohibited from working, or presenting yourself for work, while under the influence, or severe aftereffects, of illegal drugs, controlled substances, and/or alcohol. This policy is designed to promote our goal of providing a safe, healthy and productive work environment. This policy covers all employees, including drivers and other employees who also are subject to drug testing programs performed in accordance with Federal Department of Transportation (DOT) requirements.

It is the policy of the Town to prohibit the manufacture, distribution, transfer, display, transportation, sale, dispensation, possession, consumption or use of illegal drugs, controlled substances, and/or alcohol by Town employees at the workplace and/or during working hours. Prohibited behavior includes manufacturing, distributing, transferring, displaying, transporting, selling, dispensing, possessing, consuming, using, or being under the influence of illegal drugs, controlled substances, and/or alcohol during work hours, on work premises, while engaged in work activities away from work premises, or during work-related events.

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

The illegal use of prescription drugs is also prohibited. If an employee is legally taking prescription drugs that affect the employee's ability to safely perform any of the essential functions of their job, their supervisor or the select board or their authorized representative will determine whether or not the employee should continue to perform their functions until concerns regarding safety can be addressed. Medical certification may be required.

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

Prohibited Conduct:

The following actions are prohibited in the workplace, on municipal property, while using municipal equipment, or during any time period in which you are on municipality business:

- Possessing, consuming, or using illegal or controlled substances, as defined by federal,

state, and local statutes. (Controlled substances may be taken pursuant to a properly issued prescription, provided the controlled substance is taken as and, in the amount, prescribed and so long as the medication does not adversely affect the employee's ability to perform the essential functions of their job).

- Distributing, transferring, displaying, transporting, selling, or possessing with the intent to distribute illegal or controlled substances.
- Possessing or using drug paraphernalia except when used for legal substances and in a legally prescribed manner.
- Being under the influence of illegal or controlled substances as demonstrated by actions and/or other evidence.
- Growing and/or manufacturing any illegal drug or controlled substance.
- Possessing or using alcohol.
- Being under the influence of alcohol.

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

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

In addition to this policy, employees who operate commercial motor vehicles (CMVs) for the Town are also subject to all applicable state and/or federal regulations.

Section 11: TOBACCO USE

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

Section 12: PERFORMANCE EVALUATIONS

Employees may be subject to job performance evaluations at such times and in such manner as the select board, employee's supervisor, or select board's authorized representative deems reasonable. The results of such evaluations will be submitted to the employee, the employee's

supervisor, and the select board and will become a part of the employee's personnel file.

Section 13: PERSONNEL RECORDS

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

Section 14: USE OF TOWN EQUIPMENT

Except as provided in Section 15, the use of Town equipment or property for personal use is strictly prohibited. Employees should have no expectation of privacy regarding anything stored in or on Town-owned property or Town-owned equipment, including but not limited to desks, filing cabinets, lockers, and vehicles. Employees should expect that such areas may be searched at any time to retrieve work-related materials or to investigate violations of workplace rules.

Section 15: USE OF TOWN COMPUTER SYSTEM

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

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

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

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

Employees may not introduce software from any outside source on the Town's computer system without explicit prior authorization from their supervisor. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the Town computer system.

Employees who have a confidential password to access the Town's computer system should be aware that this does not mean the computer system is for personal confidential communication, nor does it suggest that the computer system is the property of that person. Additionally, employees who have a confidential password to access the Town's computer system, or to access any Town-sponsored computer networks, or software-as-a-service, shall provide access to the Selectboard or their designee upon request.

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

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

Nothing in this policy will be interpreted or applied in a manner that interferes with employee

rights to organize, form, join, or assist labor organizations, to bargain collectively through representatives of their choosing to the extent allowed by law, or to engage in other concerted activities for the purpose of addressing the terms and conditions of employment.

Section 16: PUBLIC RECORDS

Any written or recorded information that is produced or acquired by a Town employee in the course of Town business is a public record, subject to Vermont's Public Records Law and may be covered by the State of Vermont's retention rules and disposition schedules for municipal records. Although the Town discourages the use of personal computers, devices, or accounts to conduct Town business (see Section 15, above), the use of a personal computer, device, or account does not prevent an otherwise public record from being subject to public inspection and copying. In the uncommon event that an employee uses their personal computer, device, or account to conduct Town business, the record created, sent, or received should be forwarded by the employee to the employee's Town computer system, or otherwise captured and retained as a Town record. All employees are required to respond in the manner prescribed by Vermont's Public Records Law regardless of where a Town public record may be stored. All employees must provide any Town public records stored in their personal computers, devices, or accounts that are responsive to a public records request.

Section 17: CONFIDENTIAL INFORMATION

An employee shall not disclose confidential information gained by reason of the employee's official position except as authorized or required by law, nor shall the employee otherwise use such information for the employee's personal gain or benefit.

Section 18: ELIGIBILITY FOR BENEFITS

The Town offers group insurance and other benefit programs to its eligible full-time employees and elected officials. Details about those benefits, as they exist on the date of hire or election are included as an attachment to this Policy (Addendum C).

Elected officials who choose or are granted benefits must acknowledge receipt of those benefits by completing addendum B. Elected officials will lose eligibility for Town benefits when they lose an election and/or their term ends. The Town allows for the combining of roles for the purposes of calculating VMERs retirement.

Comment [CA5]: The contract also would likely allow the selectboard to terminate the benefits if the elected official failed to adhere to the personnel policy's sections they've agreed to follow as per the addendum b agreement.

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

Workers' compensation insurance applies to all employees. Employees may be covered by workers' compensation insurance if their injury arises out of and is in the course of employment. Questions should be posed to the Selectboard or its designee.

Section 19: HOLIDAY LEAVE

Full and part-time employees will receive the following paid holiday leave:

- New Year's Day (January 1)
- Martin Luther King Jr.'s Birthday (3rd Monday in January)
- Presidents Day (3rd Monday in February)
- Town Meeting Day
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Bennington Battle Day
- Labor Day (1st Monday in September)
- Indigenous Peoples' Day (second Monday in October)
- Veterans' Day (November 11)
- Thanksgiving Day (4th Thursday in November)
- The day after Thanksgiving Day
- Christmas Day (December 25)
- 2 Personal Days

Employees will receive holiday leave pay for the number of hours in the employee's typical work day on which the holiday falls, at the employee's regular rate of pay. Part-time employees will receive prorated holiday leave pay based on the number of hours the employee is regularly scheduled to work.

Personal days are meant to provide holiday time to events that are not listed above. Days may be taken after being approved by the employee's supervisor. Personal days do not accrue and thus, when not used, are not carried forward into the next year. Unused personal days are not compensated upon separation from employment.

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

Sunday will be observed the following Monday. Holidays that fall during an employee's vacation leave will not count as vacation leave.

Non-exempt employees who are required to work on a holiday will be compensated at the rate of one and one-half times the employee's regular rate of pay. Holidays cannot be worked without prior approval from the Selectboard or their authorized representative.

Section 20: VACATION LEAVE

Full-time employees will be eligible for paid vacation according to the following schedule of continuous employment:

- Completion of 0 to 4 years of employment: 10 days
- Completion of 5 years of employment: 15 days
- Completion of 10 years employment: 20 days
- Completion of 20 years of employment: 25 days

Vacation leave begins accruing on the date of hire. However, an employee may not take vacation leave during the employee's probationary period.

Comment [CA6]: May want to clarify. Is it the intention to give employees their full vacation time at the start of each year/annual date of hire? Or are they accruing it over the year? For example, does a person who is just hired get 10 days of vacation immediately and then can use it as soon as their probationary period ends? Or does the 10 days accrue to them over the course of the entire year. Either is fine.

Full-time employees will receive vacation leave pay at the employee's regular rate of pay. The employee may only take vacation time up to the amount of time earned. Prior approval from the select board chair or authorized representative, is required for any vacation time taken that is not earned. Vacation leave must be taken in a minimum of 2-hour increments.

Employees are strongly encouraged to take an annual vacation. All employees are expected to make a request for planned time-off to their supervisor in a timely manner to allow for proper staff planning but not less than one week in advance of the requested time off. This notice may be waived at the discretion of the select board or their authorized representative. If applicable, time-off will be reported on an employee's time card and filed with payroll warrants.

If an employee does not use all of the employee's vacation leave in a year, the employee may carry unused, vacation leave forward to the next year up to a total maximum of 2 years' worth of vacation based on the schedule of continuous employment (see above). Any unused, vacation leave that exceeds the total amount allowed will be forfeited.

An employee who resigns from employment with the Town will be compensated for unused, vacation leave providing they have given at least 2 weeks' notice. An employee who resigned or is terminated during their probationary period will not be entitled to compensation for any accrued vacation time. At the discretion of the select board, employees who are terminated

may not be compensated for unused vacation time.

Section 21: SICK LEAVE

Definition

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

Earned Sick Leave

Eligible employees will receive 40 hours of paid sick leave in a year. Such leave will be awarded to employees in a lump sum on January 1st of each year. An employee may not use more than 100 hours of accrued sick leave within a 12-month period. Compensation for sick leave will be at the employee's regular rate of pay. Eligible employees may use sick leave in increments no smaller than one hour. The Town will not compensate eligible employees for unused, accrued sick leave at the time of separation from employment.

For the first year of employment, an employee will be entitled to receive a prorated amount of 40 hours of sick leave based from the date of hire until Dec 31 of the year of hire. An employee may not use earned sick leave during the first 3 months of employment.

An employee may use sick leave for the purposes below:

- The employee is ill or injured.
- The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.
- The employee cares for a sick or injured parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, including helping that individual obtain

diagnostic, preventive, routine, or therapeutic health treatment, or accompanying the employee's parent, grandparent, spouse, or parent-in-law to an appointment related to their long-term care.

- The employee is arranging for social or legal services or obtaining medical care or counseling for the employee or for the employee's parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, who is a victim of domestic violence, sexual assault, or stalking or who is relocating as the result of domestic violence, sexual assault, or stalking. As used in this section, "domestic violence," "sexual assault," and "stalking" shall have the same meanings as in 15 V.S.A. § 1151.
- The employee cares for a parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, because the school or business where that individual is normally located during the employee's workday is closed for public health or safety reasons.

Employees must provide notice as soon as practicable of the intent to use earned sick time and the expected duration of the employee's absence. Employees must make reasonable efforts to avoid scheduling routine or preventive health care or other appointments during regular work hours.

Section 22: BEREAVEMENT LEAVE

Employees may be provided with up to three (3) paid bereavement leave days (pro-rated for part-time employees) related to the death of a close family member, domestic partner, or member of an employee's household. The exact amount of time off is dependent upon the circumstances and subject to select board or their authorized representative approval. For purposes of this policy, **close family member** is defined as the following: spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt, uncle, niece, nephew, parent-in-law, or sibling-in-law.

Comment [CA7]: The same definition can be used with respect to "close relatives" in Section 9 on "Nepotism."

If additional time off is needed, or if time off is needed for the funeral of a friend or a relative who is not an immediate family member as defined above, nor a domestic partner, nor member of an employee's household, the select board may grant, on a case-by-case basis, the use of a reasonable amount of accrued sick leave, if available, or, if not, unpaid leave. The amount of such time off, if approved, will depend upon the individual circumstances such as the distance to be traveled, closeness of the employee's relationship with the person who died or the employee's family, and the employee's level of responsibility in making funeral or other arrangements.

Paid bereavement leave does not accrue and thus, when not used, is not carried forward into

the next year nor compensated upon separation from employment.

Section 23: SHORT TERM FAMILY LEAVE

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

- To participate in preschool or school activities directly related to the academic educational advancement of the employee's child, stepchild, foster child, or ward who lives with the employee, such as a parent-teacher conference;
- 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; or
- 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.

The Town may require that leave (including vacation and personal leave) be taken in a minimum of two-hour segments. 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 provide the Town with the earliest possible notice of the intent to take short term family leave, but in no case later than seven days before leave is to be taken, except in the case of an emergency where the required seven-day notice could have a significant adverse impact on the family member of the employee.

Section 24: CRIME VICTIM LEAVE

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

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

A “crime victim” is a person who has:

- obtained a relief from abuse order against a family or household member;
- obtained a court order against stalking or sexual assault;
- obtained a court order against abuse of a vulnerable adult; or
- sustained physical, emotional or financial injury as the direct result of the commission or attempted commission of a crime or act of delinquency and is identified as a crime victim in an affidavit filed by law enforcement official with a prosecuting attorney. This also includes the victim’s child, foster child, parent, spouse, stepchild or ward of the victim who lives with the victim, or a parent of the victim’s spouse, provided that the individual is not identified in the affidavit as the defendant.

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

Section 25: LEAVE OF ABSENCE WITHOUT PAY

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 select board or their authorized representative 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 select board’s discretion, continue the employee’s group health plan coverage by paying the required premium in accordance with the payment schedule established by the Town. Other employee benefits (e.g., sick leave, vacation, seniority, etc.) will not accrue during an unpaid leave period that exceeds thirty (30) days.

Section 26: MILITARY LEAVE

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

Section 27: JURY LEAVE

The Town will compensate employees for their service as jurors or witnesses when unrelated to their status as a Town employee at the employee's regular hourly rate. In accordance with 21 V.S.A. § 499, employees will otherwise be considered in the service of the Town for purposes of determining seniority, benefits, credit towards vacations, sick leave, and other rights, privileges, and benefits of employment.

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

Section 28: OVERTIME

In accordance with the federal Fair Labor Standards Act, the Town compensates nonexempt employees at the rate of one and one-half hours for each hour actually worked in excess of forty hours in any workweek. Overtime will be calculated for work that exceeds 40 hours in one week, including vacation, holiday, and sick time.

Employees who are recalled during a week in which a scheduled holiday or planned/approved vacation time have been taken, for reasons such as those as stated above, will be allowed to utilize those planned hours as part of overtime pay for that week. Employees who are required to perform duties on holidays due to state and/or federal mandates will also be compensated with overtime pay for that week.

Section 29: COMMUNITY SERVICE

The Town supports and encourages employees who volunteer for community and non-profit service that directly benefits the Pownal community and will compensate for such time taken, during regular work hours, to a maximum amount of 12 hours annually. Volunteer time requires prior approval of the select board or their authorized representative.

An employee wishing to volunteer and before they leave work to perform the service, must first:

1. Notify the employee's immediate supervisor of their intent to volunteer

2. Before leaving work, the employee must notify the immediate supervisor and if the situation is an emergency response situation. The supervisor has complete authority to allow or reject the request.
3. If the employee has access to a town vehicle, the town vehicle cannot be left out of service when the vehicle is critical to ongoing town work.

Comment [CA8]: I think I understand what "left out of service" means but it's not extremely clear. Does this mean the employee can't use the town vehicle for the community service? Or does it mean the employee can't for example leave a town plow truck at home, inaccessible to other employees while performing community service?

Section 30: CONTINUING EDUCATION

The Town encourages the continuing education of Town employees, and may cover any related costs pending prior approval from the select board or select board authorized representative. A record of each educational milestone satisfactorily completed by an employee may be kept as part of the employee's personnel record. Such accomplishments by employees may be given consideration in departmental promotions and merit pay increases.

Comment [CA9]: This is a burden on the town that it may not want to take on. Additionally, it's a promise that could be difficult to remember to perform. Suggest replacing "shall" with "may."

Section 31: EMPLOYMENT HARASSMENT AND DISCRIMINATION

The Town is committed in all areas to providing a work environment that is free from unlawful harassment and discrimination. Vermont and federal law prohibit employment discrimination or retaliation based on race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, crime victim or veteran status, any other category of person protected under federal or state law, or against a qualified individual with a disability with respect to all employment practices. Vermont law also prohibits discrimination based on sexual orientation, ancestry, HIV status, and place of birth. It is also unlawful to retaliate against employees or applicants who have alleged employment discrimination.

Examples of harassment include the following: insulting comments or references based on a person's race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, crime victim or veteran status, disability, sexual orientation, ancestry, HIV status, health coverage status, place of birth; aggressive bullying behaviors; 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.

Petty slights, annoyances, and isolated incidents (unless serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

The Town will not tolerate unlawful harassment based on a person's race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, crime victim or veteran status, disability, sexual orientation, ancestry, HIV status, place of birth, or membership in a classification protected by law. Likewise, the Town will not tolerate retaliation against an employee for filing a complaint of harassment or for cooperating in an investigation of harassment.

All employees, including supervisors and other management personnel, are expected and required to abide by this policy. Employees who are found to have engaged in harassment may face disciplinary action up to and including termination. Any individual who believes that she or he has been the target of this type of harassment, or who believes she or he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop. An employee who wishes to report harassment should file a complaint with the:

- Selectboard Chair
- Selectboard Vice-Chair
- Employee's Supervisor

A prompt, thorough and impartial investigation will be conducted and confidentiality will be protected to the extent possible. If it is determined that unlawful harassment has occurred, the Town will take immediate and appropriate corrective action. No person will be adversely affected in employment with the Town as a result of bringing a complaint of unlawful harassment.

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

Civil Rights Unit
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609-1001
Tel: (802) 828-3657 (voice)
(888) 745-9195 (Toll Free VT)
(802) 828-3665 (TTY)
Fax: (802) 828-2154
Email: ago.civilrights@vermont.gov
Online: <http://ago.vermont.gov/about-the-attorney-generals-office/divisions/civil-rights/>

Equal Employment Opportunity Commission
JFK Federal Building

475 Government Center
Boston, MA 02203
Tel: 1 (800) 669-4000 (voice)
1 (800) 669-6820 (TTY)
1 (844) 234-5122 (ASL Video)
Fax: 617-565-3196
Email: info@eoc.gov
Online: www.eoc.gov

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

Section 32: SEXUAL HARASSMENT

Sexual harassment in the workplace is illegal under federal and Vermont law and is strictly prohibited. The Town is committed to providing a workplace free from this unlawful conduct. All employees have the right to work without being subjected to insulting, degrading or exploitative treatment on the basis of their gender. It is against the policies of the Town for any individual, male or female, to sexually harass another individual in the workplace. In accordance with 21 V.S.A. § 495h, the Town has adopted the following sexual harassment policy. All employees are required to read this policy before signing the employee acknowledgement form.

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

- submission to that conduct is made either explicitly or implicitly a term or condition of employment;
- submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or
- the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Examples of sexual harassment include, but are not limited to, the following when such instances or behavior come within one of the above definitions:

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

- touching or grabbing any part of an individual's body after that party has indicated, or it is known, that such physical contact was unwelcome;
- continuing to ask an individual to socialize on or off-duty when that person has indicated he/she is not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons or posters if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g., ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);
- derogatory or provoking remarks about or relating to an employee's sex, sexual orientation, or gender identity;
- harassing acts or behavior directed against a person on the basis of their sex, sexual orientation, or gender identity;
- off-duty conduct which falls within the above definition and affects the work environment.

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

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

Employees who are found to have engaged in sexual harassment may face disciplinary action up to and including termination.

Any employee who wishes to report sexual harassment should file a complaint with:

- Selectboard Chair
- Selectboard Vice Chair
- Employee's Supervisor

A prompt, thorough and impartial investigation will be conducted and confidentiality will be protected to the extent possible. If it is determined that unlawful harassment has occurred, the Town will take immediate and appropriate corrective action. No person will be adversely affected in employment with the Town as a result of bringing a complaint of unlawful harassment.

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

Civil Rights Unit
 Vermont Attorney General's Office
 109 State Street
 Montpelier, VT 05609-1001
 Tel: (802) 828-3657 (voice)
 (888) 745-9195 (Toll Free VT)
 (802) 828-3665 (TTY)
 Fax: (802) 828-2154
 Email: ago.civilrights@vermont.gov
 Online: <http://ago.vermont.gov/about-the-attorney-generals-office/divisions/civil-rights/>

Equal Employment Opportunity Commission
 JFK Federal Building
 475 Government Center
 Boston, MA 02203
 Tel: 1 (800) 669-4000 (voice)
 1 (800) 669-6820 (TTY)
 1 (844) 234-5122 (ASL Video)
 Fax: 617-565-3196
 Email: info@eeoc.gov
 Online: www.eeoc.gov

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

Comment [CA10]: Deleted, as the section is below.

Section 33: PERSONAL USE OF SOCIAL MEDIA

This section applies to employees using social media in their personal, non-official capacity. Personal or non-official use of social media means day-to-day use of social media by employees that is unrelated to their official work duties. Employees' personal or non-official

use of social media may occur during work or off-duty hours. Consistent with Section 15, occasional, brief, and appropriate personal use of social media is permitted during work hours provided it is consistent with this policy, does not interfere with an employee's job duties and responsibilities, and does not have a detrimental effect on employee productivity or the Town's operations.

Employees using social media in their personal capacity are expected to be truthful, courteous, and respectful toward supervisors, co-workers, residents, customers, and other persons or entities associated with or doing business with the Town.

When posting content or commenting on town business in their personal capacity, employees must use a disclaimer which establishes that their posted content or comments represent their own opinions and do not represent those of the Town. Employees must not attribute personal statements or opinions to the Town when engaging in the use of social media and if, through their identification or posts, any confusion as to whether their statements might be attributable to the Town arises, they must clarify that their posts are their own and not those of the Town.

Personal use of social media should not be tied to the Town's business and employees must not use their town email account or password in conjunction with a personal social media platform. Personal use of social media that adversely or negatively affects or impacts the workplace is prohibited.

Section 34: EMPLOYEE DISCIPLINE

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

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

Most often, employee conduct that warrants discipline results from unacceptable behavior, poor performance, or violation of the Town's policies, practices, or procedures. However, discipline may be issued for conduct that falls outside of those identified areas. The Town also

reserves the right to impose discipline for off-duty conduct that adversely impacts the legitimate interests of the Town. The Town reserves the right in its sole discretion to bypass progressive discipline and to take whatever action it deems necessary to address the issue at hand. This means that more or less severe discipline, up to and including termination, may be imposed in a given situation at the Town's sole discretion.

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

The Town will normally adhere to the following progressive disciplinary process, but reserves the right to bypass any or all steps of progressive discipline when it determines, in its sole discretion, that deviation from the process is warranted: (1) verbal warning; (2) written warning; (3) suspension (with or without pay); and (4) termination.

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

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

or permission from the appropriate authority.

- Marking or defacing walls, fixtures, equipment, tools, materials or other Town property, or willfully damaging or destroying property in any way.
- Failure to search for or disclose public records upon request.
- Willful violation of Town rules or policies.

Section 35: EMPLOYEE TERMINATION PROCESS

The Town of Pownal has adopted an employment termination process. Most often, employee conduct that warrants termination results from unacceptable behavior, poor performance, or violation of the Town's policies, practices, or procedures. However, termination may result from conduct that falls outside of those identified areas. The Town need not utilize this termination process but may take whatever action it deems necessary to address the issue at hand.

The Town also retains the right to unilaterally eliminate a position and thus terminate employment or reduce the work hours for some or all employees due to economic conditions, shortage of work, organizational efficiency, changes in departmental functions, and/or reorganization or reclassification of positions resulting in the elimination of a position or for other related reasons. In such case, this termination process does not apply.

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

An employee being considered for termination will be provided with written notice. The notice will contain a brief statement of the reason's termination is being considered and the date, time and place of a pre-termination meeting with the employee's supervisor.

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

Within seven calendar days of the date of the meeting, the supervisor will provide the employee with a written notice informing the employee whether he/she has been terminated. If the employee has been terminated, the notice will provide the general reasons therefore and will also inform the employee of the opportunity to request a post-termination hearing before the select board by giving written notice of such request to the supervisor within seven days. The employee will be informed that the employee's failure to make a timely request for a post-

termination hearing will result in such hearing being waived.

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

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

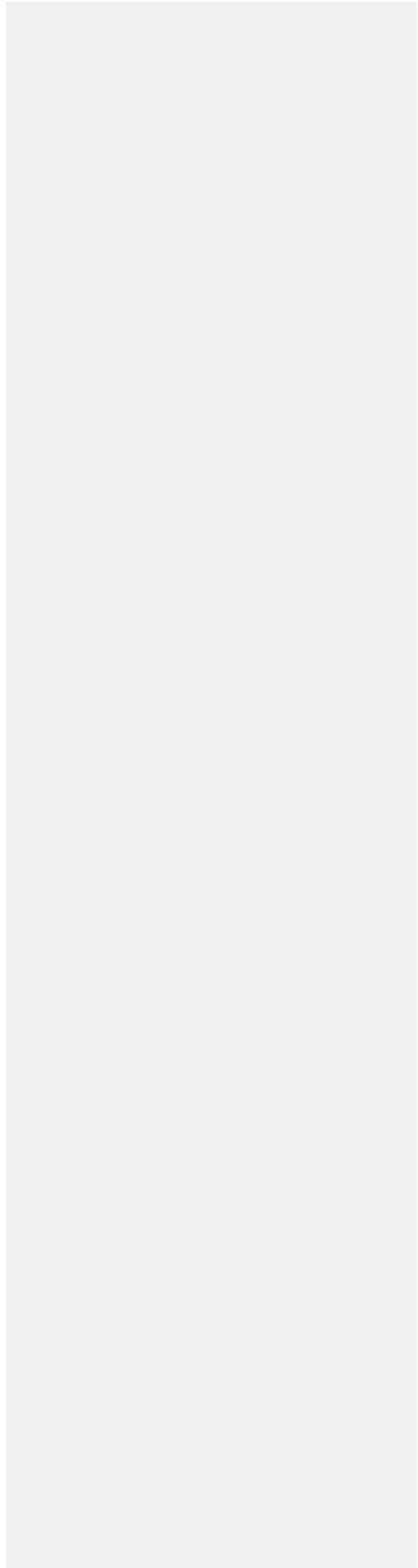
The Selectboard will render a written decision within fourteen days after close of the hearing, unless otherwise agreed upon by the parties.

Section 36: SEVERABILITY

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

ADOPTED this ____ day of _____, 20____.

SIGNATURES of SELECTBOARD:



Addendum A: Personnel Acknowledgement of Personnel Policy

I, _____, acknowledge that:

A. I received a copy of the Town’s personnel policy on _____ and it is my responsibility to familiarize myself with its contents;

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

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

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

Date: _____

Employee’s Signature

Addendum B: Agreement by Independently-Elected Officer to be Bound by Personnel Policy

This is an agreement between the Selectboard of the Town of Pownal and [insert name and title of independently elected officer], collectively referred to as "parties."

In exchange for the provision of benefits by the Town as follows:

- [list benefits]

[Insert name] agrees to be bound by the provisions of the [insert name of municipality] Personnel Policy, except the provisions on Probationary Period, Performance Evaluations, Employee Discipline, and Employee Termination.

[Insert name] agrees as follows:

- I have received a copy of the Town's Personnel Policy and understands that it is my responsibility to familiarize myself with its contents;
- I have been given an opportunity to ask questions about said policy and has been provided with satisfactory information in response to those questions;
- I acknowledge that the Town reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or none at all, in whole or in part, at any time, with or without notice;
- I acknowledge that I understand the Town's Personnel Policy and agrees to comply with all of its provisions, excepting those provisions stated herein

The parties agree that this shall not constitute a contract for employment. If any term of this agreement, the provisions of the Personnel Policy to which it incorporates by reference, or the application hereof of either to any person or a circumstance(s) is held invalid, this invalidity does not affect other provisions or applications of the agreement's terms, which can be given effect without the invalid term(s) or application(s). For this purpose, this agreement is severable.

[If applicable, insert the following: "In addition to the above, [name] agrees that [her / his] statutory assistant, [name], who holds the position of [insert title], will be subject to the Town's Personnel Policy except the provisions on Performance Evaluations, Discipline, and Termination, which do not apply to them. In return, said statutory assistant will receive benefits from the Town as follows: [list benefits]]

Entered into this ____ day of _____, 20__

BY: Independently-Elected Official:

Selectboard:

Comment [CA11]: Changed to "agreement" instead of "contract" to avoid confusion with the later state that says this is not a contract for employment. The distinction is that while this addendum would be a contract/written agreement and is binding, the latter phrase "shall not constitute a contract for employment" is to avoid the belief that the elected official is in anyway an employee of the selectboard. In short, changing to "agreement" will hopefully avoid this confusion.

Addendum C: Employee Compensation and Benefits

Employee compensation shall be determined by the selectboard and/or a selectboard authorized representative in a fair and equitable manner, subject to review by the Selectboard and consistent with the Town's approved budget.

Employee benefits include:

- Group health insurance. The employee will pay 34% of the premium for the plan chosen (employee, employee + spouse, employee + child(ren), or family) and the town will contribute the other 66% of the premium.
- Group vision Insurance: The employee will pay 34% of the premium for the plan chosen (employee, employee + spouse, employee + child(ren), or family) and the town will contribute the other 66% of the premium.
- Group dental Insurance: The town will pay 100% of the employee premium. The employee will pay for any additional dependent coverage.
- Retirement benefits administered through the Vermont Municipal Employees' Retirement System, which is governed by Title 24, V.S.A., Chapter 125;
- Social Security administered through the Federal Social Security system; and,
- Workers' Compensation, which is governed by the Vermont Worker's Compensation Act.

The Town may, from time to time, make available additional benefits that the employee may opt into. The employee's share of the costs of premium payments for insurance shall be as determined by the select board. Employees will be provided with advance notice of any change in the contribution rate. The Selectboard reserves the right to add, remove, or modify benefits at its sole discretion, as permitted by law. Modifications to individual benefits will be made in a manner intended to preserve the level of benefit currently being received.

Given the rapidly changing nature of the insurance industry, employees seeking more information are encouraged to contact the select board or their authorized representative.