

Town of Canaan, Vermont

PERSONNEL POLICIES AND RULES HANDBOOK  
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## **SECTION 1. NAME OF ADMINISTRATIVE RULES AND AUTHORITY**

These rules shall be known and cited as “Personnel Rules” and are hereby adopted pursuant to the provisions of Title 24, Vermont Statutes Annotated, §§ 1121 and 1122.

Employment with the Town of Canaan is not for any definite period or succession of periods, and may be terminated either by the employee or by the Town at any time without notices, except as provided by this manual. Wages or salary and any accrued and unused vacation allowable under these personnel rules, shall be due to the employee only to the day and hour of dismissal.

This manual and the provisions contained herein do not constitute a contract of employment in whole or in part. The Town reserves the right to add, amend or delete any benefits or policy stated herein at any time, except as otherwise committed to by formal contract agreements.

The purpose of these Personnel Rules are to establish procedures to serve as a guide to administrative action concerning various personnel activities and transactions, and to inform the employees of the Town of Canaan regarding the conditions of work in the Town services.

## **SECTION 2. PERSONS COVERED**

These Personnel Rules shall be applicable to all persons employed by the Town of Canaan, with the exception of Elected Officers, Members of Boards and Commissions, persons employed in a professional capacity to make special and/or temporary studies, investigations and/or inquires, and other positions to which no compensation is attached.

## **SECTION 3. ADMINISTRATION**

These Rules shall be administered by the Selectboard, or their duly authorized representative. Amendments to these Rules shall be by resolution of the Selectboard. Employment and other personnel files for Town employees shall be maintained by the Town Clerk.

## **SECTION 4. RECRUITMENT**

- A. **Qualifications:** Qualified applicants residing in the community shall be given preference in filling vacancies with the Town. Applications for positions may be solicited from persons outside the Town of Canaan. Residency will never be the sole determining factor for employment.
- B. **References:** As part of the pre-employment procedure, former supervisors, former employers, and references provided by applicants shall be checked as a precaution against obtaining undesirable employees. Reference checks made by personal or telephone contact shall be documented. These reference checks shall be completed prior to an offer of employment and the information shall be made part of the application file. All such information is to be handled as privileged and confidential information.

- C. Advertising: All full-time and/or part-time positions shall be posted and advertised in local newspapers 30 days prior to closing, stating position, title, approximate salary range and application date deadline, as well as other pertinent information.
- D. Emergency Hiring: When an emergency hiring situation is declared by the Selectboard, application process requirements may be waived to ensure provisions of continuous Town services to its citizens until the process for hiring can be completed.

E. Equal Opportunity:

The Town of Canaan is an Equal Opportunity employer and values diversity in the workplace. The Town of Canaan will never discriminate on the grounds of race, color, ethnicity, sex (including pregnancy, childbirth, sex stereotyping, gender identity, gender expression, or transgender status), national origin, ancestry, sexual orientation, non-disqualifying physical or mental disabilities, age, protected genetic information, HIV status, status as a parent or caregiver, relationship status, political affiliation, past or present military service, membership in an employee organization, and other non-merit factors protected under Federal and State laws.

The Town shall recruit, hire, upgrade and train all employees in all job classifications and ensure that all personnel actions such as compensation, benefits, Town-sponsored training, educational tuition assistance, and social and recreational programs are administered without regard to these differences. Moreover, the Town is committed to valuing diversity, as it is the Town's firm conviction that an environment that embraces difference is critical to each employee's ability to succeed and to the overall success of the Town's mission.

The Town is committed to hiring and promoting the most qualified candidates, to removing barriers that could prevent the realization of each employee's full potential and to achieving and maintaining a workforce that is representative of and sensitive to the diversity of our community.

Furthermore, the Town recognizes that equality of opportunity must extend beyond recruitment and hiring to include employee retention, job assignments, promotions, training, and working conditions. Diversity is the focus of an ongoing process whereby the Town endeavors to provide equal opportunity, equal representation, and excellent services for all its citizens.

Each employee is expected and requested to report any apparent violation of this nondiscrimination policy to one of the following as appropriate: his/her supervisor, Department Head, legal counsel, or the Selectboard. An employee may also contact the U.S. Equal Employment Opportunity Commission (EEOC), 1801 L Street, NW, Washington, DC 20507, or (800)669-4000 (for the hearing impaired, TTY (800)669-6820). Information for the State of Vermont Civil Rights Division is as follows: The Office of the Vermont Attorney General, 109 State St., Montpelier, VT 05609-1001, (802) 828-3171 (for the hearing impaired, TTY (802) 828- 3665).

## **SECTION 5. SELECTION**

All appointments to positions in the service of the Town of Canaan shall be made based on merit and fitness. Education, experience, aptitude, knowledge, skills, character, physical fitness (where necessary for the essential functions of the position), personality, and other qualifications deemed necessary for the satisfactory performance of the duties of the position to be filled shall be considered with weights assigned to each factor as may be deemed proper by the Selectboard, or their duly authorized representative.

## **SECTION 6. APPOINTMENT: PROBATIONARY PERIOD**

### **A. Type of Appointments:**

1. **Full-time Appointment:** A full-time employee works at least 32 hours a week on a continuing basis for an indefinite term. The full-time employee is subject to all rules and regulations. They receive all benefits and rights as provided by these Personnel Rules.

2. **Emergency Appointment:** In order to prevent stoppage of public business or loss or serious inconvenience to the public, appointment of employees, on a temporary basis for a period not to exceed sixty (60) days, may be authorized by the Selectboard, in accordance with these Personnel Rules. Such employees shall not be eligible for employee benefits, unless upgraded to a full or part-time appointment or employment.

3. **Permanent Part-time Appointment:** Permanent part-time employees work less than the normal work week, but on a regular basis. Permanent part-time employees working 20 or more hours per week for a period of at least six (6) months shall be subject to all Rules and Regulations and receive all benefits and rights as provided by these Rules and Regulations.

4. **Part-time Employees:** Part-time employees are employees who work fewer than 20 hours, but not more than 32 hours, a week and are not eligible for benefits under these personnel rules.

5. **Temporary Employees:** Temporary employees are hired for a specific project of short duration and are not eligible for benefits under these Personnel Rules.

6. **Interns:** These positions are considered volunteer opportunities, in exchange for academic credit or practical job experience normally sponsored through a college, community agency, or a job training/employment program. Interns are not considered Town employees and are not eligible for Town benefits or compensation.

B. **Probationary Period:** Permanent appointments will require a probationary period of six (6) months. A written evaluation of the employees' probationary period will be done by the supervisor, at the end of the six (6) month period. This evaluation will be presented with recommendations to the Selectboard. Such employee will be notified of the evaluation; and may be offered permanent employment or terminated. During the six (6) month period the Supervisor may terminate an employee if deemed unsuited for the position.

- C. Physical Examination: All new permanent employees who are hired for positions in which health or physical abilities are important for the performance of the essential functions of the job shall be required to have a physical examination at the expense of the Town after an offer of employment has been made. Appointment to a position may be conditioned on positive results of the examination. Criteria will be determined by the Selectboard, but will be based on the specific requirements and essential functions of the job. All information obtained as part of the medical examination shall remain confidential and shall not be placed in the employee's personnel file, but in a separate medical file.
- D. Proof of Citizenship: All new Town employees must provide the Selectboard with proof of citizenship or legal immigration status in conformance with Federal law. Failure to provide such proof shall result in non-hiring or immediate dismissal.

## **SECTION 7. PROMOTIONS**

### **A. Promotion Policy:**

Vacancies in positions above the lowest rank in any department in the Town shall be filled as far as practical by the promotion of employees in the Town's service. Promotion in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of effecting an increase in compensation.

### **B. Notification:**

The Selectboard shall advise employees within the department of the existence of vacancies to which they are qualified to be promoted.

### **C. Probationary Period:**

All promotions shall be subject to the six (6) month probationary period. If during this probationary period the Town determines that the job is not being satisfactory performed, the employees shall be returned to their former job or a comparable position, if available.

## **SECTION 8. EVALUATIONS**

All employees of the Town of Canaan will be evaluated annually at the discretion of their supervisor or the Selectboard. Such evaluations shall be in writing and signed by the employee, the department head, and the Selectboard, following a conference during which the evaluation is discussed.

The signed, written evaluation will then be provided to the employee and a copy thereof placed in the employee's file. The employee may, at any time during normal business hours, view their file in the presence of the Selectboard, or its duly authorized representative.

If an employee is not in agreeance with their evaluation, they will be given five days to redress the Selectboard and prove to them why they believe the evaluation is incorrect. The Selectboard will then decide to amend or revise the evaluation completely.

Any annual evaluation with a rating of less than satisfactory may result in a sixty (60) to ninety (90) day probationary period, see Section 6B. Improved performance and subsequent re-evaluation may result in the probationary status concluding.

Failure to improve during the probationary period will result in dismissal.

During the probationary period, there will be no reduction in pay or loss of fringe benefits.

## **SECTION 9. CONDUCT OF EMPLOYEES—REVISED 02/20/2024**

- A. Hours of Service: With the approval of the Selectboard, the appointing authority shall prescribe the number of hours per day and the number of days per week of actual attendance on duty for employment of positions under the jurisdiction of the Selectboard. The hours so established shall be construed as the normal work day or work week. All employees may be asked to attend occasional evening and weekend meetings/trainings, that fall out of the normal work week established by the Selectboard. Compensation for these meetings will be at the normal rate of pay for the employee.
- B. General Obligations: Every employee shall fulfill to the best of their 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, devote their full time attentions and efforts to their office and employment. Employees shall not use their positions to secure special privileges or exemptions for the employee or others.
- C. Attendance: No employee shall be absent from duty, without permission. Any absence of an employee from duty, including the absence of a single day or a part of a day, which is not authorized under provisions of these Personnel Rules, shall be investigated by the appropriate supervisor and be reported to the Selectboard for action. Any such absence may be cause for disciplinary action by the Selectboard. Any non-exempt employee who shall absent themselves without authorization shall forfeit all compensation for the period of such absence. For a period not exceeding four hours and for proper cause, the Supervisor shall be able to excuse a subordinate from reporting or being present for duty.
- D. Non Work Related Departures During the Workday: If an employee is required or needs to leave work for non-work related reasons, that employee must indicate this departure on their timesheet. At no point in time, can an employee record on their timesheet hours that they were not presently at work. Situations where this might occur include: responding to emergency service calls, personal errands, personal emergencies, etc. These departures are considered hours not worked and are therefore not compensated. Hours lost due to these departures may be made up at a separate time at the discretion of the Selectboard and or Department Head.
- E. Personal Appearance in the Workplace- Employees of the Town shall be dressed in neat professional clothing that matches the responsibility of the job function. While the dress code is casual, clothing shall be clean and untattered and match the general expectation of the community. At a minimum, Town Office employees shall be dressed in business casual clothing. Clothing of any department (including, but not limited to hats and shirts) shall not advertise for any business, political figure or party or have any wording imprinted other than the maker's mark. Exceptions to this rule shall be addressed by the employee's supervisor or Selectboard. Personal grooming is also expected to be neat and professional.
- F. Dogs in the Workplace- At the discretion of each Department with the approval of the Department Head, dogs may be brought to work provided that particular care is taken to ensure public and employee safety and that the presence of dogs does not interfere with Town operations or the owner's job. If an employee wishes to bring any other pet to work this must be cleared by the Selectboard on a case to case basis.
- G. Use of Town Property: See Section 11 for further information.

- H. Use of Privileged Information- In the handling of official duties, employees shall not use privileged and/or confidential information for their own financial advantage or to provide friends, relatives or acquaintances with such advantages. If an employee has an outside financial or personal interest which could be considered a conflict of interest related to Town plans or activities, they must immediately report the situation to their supervisor. Each employee is responsible for insuring that they release only information that is available to the general public. Use of privileged information for private gain is just cause for disciplinary action.
- I. Contracts: No elected or appointed officer or employee of the Town of Canaan 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 dismissal of their official duties, unless such contract shall have been awarded upon bids advertised for by publication. Such publication shall be at least two (2) times in a newspaper having general circulation within the Town; the second publication shall be at least seven (7) days prior to the opening of such bids. No officer or employee of the Town shall take part in any decision concerning the business of the Town in which they have a direct or indirect financial interest, aside from their 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, or for minor purchases that seem to be in the best interest of the Town.
- J. Prohibition of Sexual Harassment: The Town of Canaan is committed to providing a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment. The Town of Canaan will operate a zero tolerance policy for any form of sexual harassment, defined below, in the workplace, and treat all incidents seriously and promptly investigate all allegations of sexual harassment.

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient. Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal.

Prohibited sexual harassment includes: comments, slurs, jokes, innuendoes, cartoons, pranks, unwelcome sexual advances, requests for sexual favors, and other unwelcome and inappropriate verbal or physical conduct of a sexual nature, which would result in an intimidating, hostile or offensive working environment

According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is a violation of Title VII of the Civil Rights Act that defines sexual harassment as a form of sex discrimination to include: 1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such an individual; and/or 3) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Any employee who has a complaint of sexual harassment at work by anyone, including supervisors, coworkers, or visitors must bring the problem to the attention of their immediate supervisor, or the Selectboard. If the complaint involves someone in the employee's direct line of command, then the employee may go directly to the Selectboard with the complaint. Retaliation against an employee for making a complaint of sexual harassment or for cooperating with an investigation of harassment is unlawful and will not be tolerated.

J. Prohibition of Sexual Harassment (cont.):

Complaints of sexual harassment shall be investigated promptly. The decision of whether or not a particular action constitutes sexual harassment shall be made from the facts on a case-by-case basis. In determining whether alleged conduct constitutes sexual harassment, the Supervisor, and 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 sexual harassment is found to exist, prompt corrective action shall be taken.

Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.

The sexual harassment policy of the Town of Canaan shall be provided to each employee and shall be posted in a prominent place in the workplace and shall include the name and addresses of the State and Federal agencies that handle complaints of sexual harassment in the workplace.

- K. Receipt of Gifts: No person in the service of the Town of Canaan shall either directly or indirectly give, render, pay or receive any service or other valuable thing for or on account of or in connection with any appointment, proposed appointment, promotion or proposed promotion. Any employee who receives a gift or is offered a gratuity in excess of \$25.00 in value, from any source by virtue of the fact that they are a Town employee, shall within twenty-four hours so inform the Selectboard or Department Head. Failure to report receipt of such a gift or gratuity, or the offer of such a gift or gratuity, may present grounds for suspension or dismissal. Department Heads shall inform the Selectboard of all gifts and/or gratuities offered, or received by the Department, whether individual or collective. The Selectboard shall decide whether or not such gift and/or gratuity may be accepted.
- L. Political Activity: An employee shall not use their official authority for the purpose of interfering with or affecting the nominations or election of any candidate for public office in the Town of Canaan. 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. The employee shall not campaign for or against any person or action while on duty or being paid by the Town.
- M. Resignation: An employee who resigns their employment with the Town shall be deemed to be terminated in good standing if they give reasonable written notice to the Selectboard of the employee's intention to resign and if other circumstances of the dismissal are such as to justify good standing.
- N. Exit Interview: Upon separation from Town employment, the exiting employee is encouraged to contact the Selectboard to schedule an exit interview. The purpose of this interview is to share any ideas, concerns, or thoughts about working for the Town. No records of the interview will be filed in the employee's personnel file.



## **SECTION 10. USE OF TOWN PROPERTY**

A. In General: For this policy, the term “property” is intended as an all-inclusive term to cover all items owned, rented, leased or otherwise under the control of the Town and to include all office and computer equipment, e-mail accounts, telephones, machinery, vehicles or any other items. Town property shall be used only for official Town business or activities and may not be utilized for other purposes without the written approval of the appropriate Department Head. Employees, including recognized volunteers and interns, entrusted with the use of Town property are responsible for using it in a manner that is appropriate for its use. The defacement, vandalism, destruction or reckless use of Town property by an employee is expressly prohibited. Violation of any provision of this policy may result in disciplinary action up to and including dismissal, denial of future access to the use of the equipment, restitution for any costs to the Town, and other civil liability.

### **B. Equipment & Telephones**

- 1) An employee may use Town equipment for personal, non-business use only upon specific approval of the Department Head or the Selectboard.
- 2) In no case shall an employee permit an individual who is not a Town employee to use Town equipment.
- 3) An employee using Town equipment under this Section must assume full liability for its negligent use.
- 4) Employee use of Town telephones/cellphone/faxes for personal business is discouraged and should be kept to a minimum. Unless an employee has received prior approval from their immediate supervisor, an employee shall not make long distance personal calls for which a Town Department will be billed. Any long distance personal calls made by an employee and charged against their Department’s telephone bill must be reimbursed by that employee.

### **C. Operation of Department Vehicles and Equipment**

- 1) No Town vehicle or equipment may be used for the personal business of any employee. A Department Head may approve the use of a Town vehicle or equipment for the purposes of Town business. Use of Town vehicles or equipment by Department Heads will be monitored by the Selectboard.
- 2) All employees operating or riding in Town vehicles shall wear a seat belt at all times when the vehicle is being operated.
- 3) There shall be no smoking in any Town vehicle or equipment.
- 4) All employees shall operate town vehicles in a safe and responsible manner including, but not limited to, the use of a hands-free device when using a cell phone.

## **SECTION 10. USE OF TOWN PROPERTY (continued)**

### **D. Computer Systems**

- 1) For purposes of this policy, the term “computer system” is intended to be all inclusive and includes all computer-related components and equipment and telecommunication equipment including, but not limited to, host computers, file servers, workstation terminals, laptops, software, all internal or external communication networks, the World Wide Web (WWW), the Internet, commercial online services, bulletin board systems, and the internal and external e-mail systems accessed via Town computer equipment.
- 2) The computer system is provided to Town employees in order to conduct official Town business. Occasional, brief, and appropriate personal use that occurs only during an employee’s break or lunch periods and that does not interfere with Town business or employees’ duties is permitted consistent with compliance with this policy. Examples of inappropriate and prohibited personal use include, but are not limited to, the following: game playing or gambling; administering, promoting, advertising or soliciting commercial businesses or activities; registering for non-work related activity; accessing or attempting to gain unauthorized access to internal or external sources by hacking or any unauthorized method; chain letters or communications.
- 3) The group e-mail and all-user e-mail system shall be used only for the transmission of official Town business. The transmission of harassing, embarrassing, indecent, profane, pornographic, obscene or unlawful materials or accessing sites containing such information is expressly prohibited and may result in discipline up to and including dismissal.
- 4) Employees must comply with all software licenses, copyrights, and other state and federal laws governing intellectual property.
- 5) In order to protect the safety and security of the Town’s computer network from computer viruses and other damage or disruption, employees may not utilize software (including discs) from any exterior source, including their personal equipment, on the Town’s computer equipment without first running a virus check on the incoming file(s) and or attachments.
- 6) A Department Head may establish a more stringent policy on computer use if they determine that employees’ personal use of computer equipment is disruptive to the operations of the Department.

## **SECTION 11. BUSINESS RELATED TRAVEL**

- A. The Town assumes no obligation to reimburse employees for expenses that are not in compliance with this policy. The employee is responsible for complying with the travel policy, timely and accurate completion of all required forms, and reimbursement to the Town for expenses incurred that are disallowed. If the employee disagrees with the amount reimbursed, the employee may appeal the decision to the Selectboard.
- B. Personal use of automobiles is permitted and reimbursed if pre-approved. Mileage will be reimbursed at a rate equal to the Internal Revenue Service (IRS) standard mileage rate. (This rate is intended to cover the costs of gasoline, oil, tires, repairs, and insurance, depreciation, parking fees, tolls, license and garage rent incurred for the business use of the personal vehicle). The IRS standard mileage rate will be updated as of January 1 each year. This applies to all travel, whether in the course of an employee's work related responsibilities or extraneous travel (i.e. conferences and training).
- C. Employees requesting reimbursement for mileage while traveling for official business in their own vehicle will be reimbursed after that travel according to current federal mileage reimbursement rates. Any requests for reimbursement of extraneous travel should include a printed statement from [www.mapquest.com](http://www.mapquest.com) or similar program used for calculating mileage indicating a starting point, ending point, and total mileage.
- D. The Town's automobile insurance coverage does not provide coverage for vehicles owned by employees who use their personal vehicles for business-related purposes. The mileage rate reimbursement covers this expense (as specified by the Internal Revenue Service).
- E. Lodging
  - 1) Reasonable and necessary accommodations will be reimbursed. Employees traveling with a spouse or other non-employee will be responsible for expenses incurred above the single room rate.
  - 2) If there is a significant financial advantage to the Department for an employee to extend a business trip (stay an extra day) it is requested that an employee do so, unless such a situation would cause undue hardship to the employee.
  - 3) The Town will not reimburse the employee for non-conventional lodging (i.e. staying with a friend or relative).

## **SECTION 12. PROHIBITION OF ILLEGAL DRUGS AND ALCOHOL AT WORK**

The Town recognizes that an employee under the influence of or use of alcohol and/or illegal drugs while at work can endanger the employee, coworkers, the general public and property. Accordingly, employees must be free of alcohol and illegal drugs when they arrive at work or the workplace and while at work and the workplace. See the Drug-Free Workplace Policy (Section 21) for other prohibitions relating to drugs and work and required procedures. All employees who hold a Commercial Drivers License as a requirement of their position shall be subject to the Town's Commercial Drivers License Requirement Policy as it relates to drug and alcohol use and work. Prohibited Conduct includes but is not limited to

- 1) Coming to work or the workplace under the influence of illegal drugs or alcohol
- 2) Possessing or using illegal drugs while at work or the workplace.
- 3) Possessing or using alcohol while at work or the workplace.
- 4) Misusing this policy in regards to subordinates or coworkers.

## **SECTION 12. PROHIBITION OF ILLEGAL DRUGS AND ALCOHOL AT WORK (cont.)**

### **A. Definitions**

- 1) Alcohol – shall mean beer, porter, stout, ale, wines, cordials, distilled spirits and liquors, together with any other food or beverage that contains one percent or more of the product of distillation of any fermented liquor, rectified either once or more often whatever may be the origin thereof and includes ethyl alcohol and alcohol which is considered nonportable.
- 2) Illegal Drug – shall mean a controlled substance as stated in Schedule I by the U.S. Drug Enforcement Administration or its metabolites. It shall also mean other drugs or their metabolites which are likely to cause impairment to employees on the job such as: cannabinoids (including marijuana, hashish and hash), hallucinogens (including LSD, psilocybin mushrooms, peyote and mescaline), stimulants (including cocaine, amphetamines, “speed” and Ritalin), depressants (including barbiturates and Quaaludes), narcotics or opiates (including opium, heroin and morphine), amitriptyline, benzodiazepines, doxepin, glutethimide, hydromorphone, imipramine, meperidine, methadone, methaqualone, oxycodone, pentazocine, phenytoin, phencyclidine, phenothiazines, and propoxyphene. Illegal drugs also includes any controlled substance legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and not being used for prescribed purposes, including ingesting at nontherapeutic levels.
- 3) Legal Drug – shall mean prescribed drugs and over-the-counter drugs that have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.
- 4) Probable Cause – shall mean that there are sufficient, describable observations, sounds and/or smells such that a prudent person could reasonably believe that an employee is under the influence of an illegal drug, legal drug or alcohol.
- 5) Under the Influence – shall mean that an illegal drug, legal drug, alcohol, or a combination thereof, noticeably affects the employee or that a test reveals any measurable amount of an illegal drug, legal drug or alcohol.
- 6) Work – shall mean performing job functions assigned by the Town for which the employee receives compensation.
- 7) Workplace – shall mean anywhere a Town employee is while the Town is performing their job functions and/or is scheduled to be working. This includes, but is not limited to, Town property, non-Town owned property which is used in the conduct of Town business, including property used temporarily for business related purposes, such as lodging sites rented for seminars, training, or other Town activities.

### **B. Employee Suspected of Being under the Influence of or Use of Alcohol or Illegal Drugs**

A supervisor who has probable cause to believe an employee is using or is under the influence of alcohol or illegal drugs when the employee arrives at work or while the employee is working and/or on the work site, may, with the specific approval of the Selectboard or their designee, require the employee to submit to a drug or alcohol test to be performed by the Town’s designated agent.

All such tests shall be carried out consistent with the policies and procedural safeguards set forth in Title 21 of the Vermont Statutes Annotated, Chapter 5, Subchapter 11.

If the employee tests positive for an illegal drug and or alcohol, or a legal drug used at a non-therapeutic level, or an over the counter medication at a non-therapeutic level, then the following remedial and disciplinary actions are recommended. The measure of disciplinary action taken shall in all cases be properly and reasonably related to the severity of the offense.

## **SECTION 12. PROHIBITION OF ILLEGAL DRUGS AND ALCOHOL AT WORK (cont.)**

- C. Remedial Consequences: First Offense: The Town will provide the employee with the opportunity to participate in a rehabilitation program.
- D. Disciplinary Consequences:
1. FIRST OFFENSE: If the employee agrees to participate in and successfully completes a rehabilitation program, the employee will be given a minimum of a one (1) week unpaid suspension or as long as necessary to complete the rehabilitation program, and a letter of reprimand in the personnel file. The unpaid suspension may not exceed three (3) months. If the employee either refuses to participate in the rehabilitation program or does not successfully complete it, disciplinary action, up to and including dismissal will be imposed.
  2. SECOND OFFENSE: A minimum of two (2) weeks unpaid suspension and a letter of reprimand in the employee's personnel file, or other disciplinary action, up to and including dismissal.
  3. THIRD OFFENSE: Dismissal. If an employee tests positive for a legal drug at a therapeutic level it shall be treated as a negative test result and the Laboratory's report shall not identify the drug. If an employee tests positive for an over the counter medication at a therapeutic level it shall be treated as a negative test result and the Laboratory's report shall not identify the drug. In any situation where the Town has requested a drug or alcohol test on the basis of a probable cause, it may remove the employee from active duty and place the employee on paid administrative leave if there are any concerns that the employee cannot perform the essential functions of the position. Where appropriate, the Town will make transportation arrangements to deliver the employee to their home or other appropriate location.
- E. Refusal to Submit to a Required Test: Refusal to submit to a required drug or alcohol test will be treated as if the employee had tested positive for alcohol or an illegal drug, and the employee will be subject to the consequences provided for above.

## **SECTION 13. DRUG-FREE WORKPLACE POLICY**

The Federal Drug-Free Workplace Act of 1988 requires the Town to maintain a drug-free workplace as a condition of its receiving certain grants and funds. This policy applies to all classes of employees, including independent contract workers/consultants and employees from temporary employment agencies. (See also Policy on Prohibition of Drugs and Alcohol at Work and Testing of Employees, Section 20). In addition, employees whose position requires them to hold a Commercial Drivers License (CDL) are also subject to Drug and Alcohol policy specific to holders of CDL.

The Town is charged with the general safety and well-being of its employees and the general public, and is committed to providing all employees with a safe and efficient work environment free from misuse of prescribed medication or use of regulated drugs. An employee who is using or is under the influence of any drug on the job may pose serious safety and health risks not only to the user but also to others.

## **SECTION 13. DRUG-FREE WORKPLACE POLICY (cont.)**

### **A. Definitions**

1. **Controlled Substance** - as used in this policy shall mean a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined in regulation 21 CFR 1308.11-1308.15.
2. **Conviction** - means a finding of guilt (including a plea of no contest) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.
3. **Criminal Drug Statute** - means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.
4. **Illegal Drug** - any controlled substance which is not legally obtainable, or which is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and not being used for prescribed purposes. Examples include but are not limited to, cannabis (including marijuana, hashish and hash), hallucinogens (including LSD, psilocybin mushrooms, peyote and mescaline), stimulants (including cocaine, amphetamines, "speed" and Ritalin), depressants (including barbiturates and Quaaludes), narcotics (including opium, heroin and morphine), nitrous oxide, and anabolic steroids.
5. **Legal Drug** - includes prescribed drugs and over-the-counter drugs that have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.
6. **Under the Influence** - means, for the purpose of this policy, that a drug noticeably affects the employee.
7. **Workplace** - is defined to mean anywhere a Town employee is while the employee is performing their job functions and or is scheduled to be working. This includes but is not limited to non-Town owned property which is used in the conduct of Town business, including property used temporarily for business related purposes, such as lodging sites rented for seminars, training, or other Town activities.

### **B. Illegal and Legal Drugs and Town Work**

1. **Illegal Drugs:** The manufacture, use, sale, purchase, transfer or possession of an illegal drug by an employee while in a Town facility while performing Town business, or while on the job is prohibited. Being under the influence of any illegal drug while conducting Town business, while on Town property or in a Town facility, or while operating any Town equipment is prohibited. Misuse of prescription drugs is considered to be the illegal use of drugs. This includes both the use of such drugs in a manner inconsistent with the prescribed use and any use of prescription drugs by persons for whom they are not prescribed.
2. **Legal Drugs:** For certain positions, the legal use of a drug can pose a significant risk to the safety of the employee or others. Employees who feel or have been informed that the use of such a legal drug may present a safety risk to their coworkers or the general public and/or could cause foreseeable damage to property, are to confidentially report such legal drug use to their immediate supervisor or the Selectboard.

## **SECTION 13. DRUG-FREE WORKPLACE POLICY (cont.)**

### **C. Policy Provisions**

1. Employees shall be required, as a condition of their employment by the Town, to abide by the terms and conditions of this Drug-Free Workplace Policy.
2. An employee shall notify the appointing authority of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Failure to do so will result in discipline, up to and including dismissal.
3. The Town as the employer of a convicted employee who works in a federally funded program must notify the involved federal grant agency of the conviction within ten (10) days of receiving notice of the conviction.
4. An employee convicted under any criminal drug statute for a violation occurring in the workplace, while on or off duty, or on duty away from the workplace, shall be immediately dismissed for the first offense.
5. In the absence of compelling mitigating circumstances, an employee convicted under any criminal drug statute for a violation not occurring in the workplace while on duty shall be subject to immediate dismissal for the first offense if convicted of a felony. If the conviction is not a felony, discipline up to and including dismissal may be imposed, including for the first offense, provided that there is a nexus between the offense and the job of the employee.
6. Appropriate disciplinary and/or corrective action is to be taken within thirty (30) days after the employer receives notice of a conviction. This, however, is not to be construed to limit the authority of the Town to take such action thereafter. Any disciplinary action must comply with any applicable collective bargaining agreement, Section 504 of the Rehabilitation Act of 1978, and the Americans with Disabilities Act, if applicable.
7. An employee who engages in the manufacture, use, sale, purchase, transfer or possession of an illegal drug in any Town workplace while on or off duty, or on duty away from the workplace, and who is not convicted under any criminal drug statute, shall be subject to discipline up to and including dismissal for the first occurrence. Where a drug test in accordance with 21 V.S.A. Subchapter 11, Drug Testing, is used to establish a first time drug use by an employee while on duty or at the work site, dismissal shall not occur if the employee participates and satisfactorily completes a substance abuse assistance or rehabilitation program approved for such purposes.
8. An employee engaging in manufacture, use, sale, purchase, transfer or possession of an illegal drug while off duty and away from the workplace may be subject to discipline, up to and including dismissal, including for the first offense, provided there is a nexus to the employee's job and just cause for the discipline.
9. Any employee on Town premises who appears to be under the influence of, or who possesses illegal drugs, or who has used such drugs on Town premises, may be temporarily relieved from duty pending further investigation and shall be escorted home. (See also Policy on Prohibition of Drugs and Alcohol at Work Section 12).
10. If the use of legal drugs endangers safety, the Town may (but is not required to) reassign work on a temporary or permanent basis.
11. Employees must observe other work rules established by their employing departments regarding the use, possession or presence of drugs involving their employment.
12. Each employee of the Town will make a good faith effort to maintain a drug-free workplace and uphold and promote this policy.

## **SECTION 13. DRUG-FREE WORKPLACE POLICY (cont.)**

### **D. Responsibilities**

1. **Employer:** It is the responsibility of the Town to advise each employee of this policy; to post the policy annually at each work site; to include a copy of this policy in each new employee's orientation; to permit and encourage employees to avail themselves of the Town's Employee Assistance Program (EAP); to provide training for managers and supervisors regarding the management of employees towards a drug-free workplace; and to take action with regard to any violations of this policy. It is also the responsibility of the Town to report violations of this policy to its federal contracting agencies and/or federal grant providers.
2. **Employee:** It is the responsibility of each employee to be aware of and to abide by this policy.
3. **Employee Assistance Program:** It is the responsibility of the EAP to provide necessary information and support to the employee, the Town and its administration to ensure adequate implementation of this policy. This will include informing employees of the dangers of drug abuse in the workplace and to inform them of drug counseling, rehabilitation and EAP programs available to employees. (Please refer to Section 14 for additional information regarding EAP).

### **E. Drug-Free Awareness Information**

1. **The Effects of Alcohol and Drugs on Health, Work and Personal Life:** The hazards of misuse of alcohol and illegal drugs extend far beyond the individual use. Impaired employees endanger themselves, coworkers and the general public. An employee with drugs or alcohol in their system tends to be less productive and more likely to injure themselves or other persons in an accident. In addition, medical costs tend to be higher for employees with substance abuse problems. Alcohol and drug abuse costs both the Town and the employees. Alcohol remains the number one abused drug in this country. Alcohol consumption causes a number of changes in behavior. Even low doses can impair the judgment and coordination required for driving. Low to moderate doses can increase the incidence of a variety of aggressive acts. Moderate to high doses cause marked impairment in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses may cause respiratory depression and death. If combined with other depressant drugs, much lower doses of alcohol will produce the effects just described. Long-term consumption of large quantities of alcohol can lead to permanent damage to vital organs such as the brain and liver.
2. **Signs and Symptoms of an Alcohol or Drug Abuse Problem:** Drugs can show their effects in many different ways. Some of the most noticeable signs of drug abuse are lethargy or hyperactivity, respiratory depression, constricted or dilated pupils, nausea, slurred speech, excitement, loss of or increased appetite, mood swings, poor perception of time and distance, relaxed inhibitions, disoriented behavior, aggressive or passive behavior, watery eyes, runny nose, chills and sweats, convulsions, apathy, depression, and the use of drug paraphernalia. Some of the signs and symptoms of alcohol misuse are the odor of alcohol, slurred speech, staggering, tremors, vomiting, cramps, delirium, loss of appetite, using arms for balance, leaning against walls and doorways, swaying while maintaining balance, and confusion. Multiple substance abuse is abuse of more than one drug, either at the same time or over a period of time and it involves any combination of Alcohol, Prescription drugs, Over-the-counter drugs, or Illegal Drugs. Multiple substance abuse is especially dangerous because different substances interact with each other to produce unexpected effects and dangers.



### **SECTION 13. DRUG-FREE WORKPLACE POLICY (cont.)**

**F. Methods of Intervention for Suspected Alcohol or Drug Problems:** Alcohol and substance abuse is a complex problem calling for specialized supervision and care. Do not enable a person who you think has an alcohol or drug abuse problem to continue the abuse. Leave the diagnosis and treatment of persons with a suspected abuse problem to professionals. The Department of Transportation outlines the circumstances under which testing for drug and alcohol use will be conducted. If there is a positive test result, assessment and treatment will be provided by a qualified substance abuse professional.

### **SECTION 14 EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The Town provides all employees with the services of an Employee Assistance Program (EAP). The program is designed to provide personal and/or family counseling in areas such as marital or dependent relationship difficulties, alcohol and drug abuse, stress, legal or financial concerns, problems with children, and emotional problems, at little or no cost to the employee or the employee's immediate family members. Voluntary participation in the EAP is confidential.

### **SECTION 15. NEPOTISM**

No employee or official responsible for personnel decisions shall show favoritism in decisions toward an applicant or employee because the applicant or employee is a member of the employee's or official's family.

It is in violation of this rule for an employee or official to do any of the following:

1. Hold a position which requires or which enables the employee or official to directly supervise a family member;
2. Evaluate the work performance of a family member;
3. Evaluate the application for employment of a family member;
4. Adjust an employment relations grievance or complaint of a family member;
5. Take any action with respect to an individual, which because of family membership, would violate a Federal or State law, municipal ordinance or rule of employment.

"Family Member" in this instance shall mean the employee's wife, husband, domestic partner, son, daughter, mother, father, brother, sister, brother-in-law, sister-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, or stepchild or equivalent relatives of an employee with a domestic partner.

In the event of a marriage of employees, the Selectboard would be responsible to take practical corrective measures by personnel actions such as transfer or reorganization.

## **SECTION 16. CONFLICT OF INTEREST**

A conflict of interest is incompatible with fair and impartial decisions. This may include bias or allegation of bias. This is any actual, potential or perceived interest, relationship, association or activity that is incompatible with the employee's obligation to be impartial in all decisions. The Selectboard has total responsibility to correct any violations of nepotism or conflicts of interest prior to litigation.

## **SECTION 17. WORKPLACE HEALTH AND SAFETY**

### **A. Vermont Occupational Safety Hazards Act (VOSHA):**

In the interest of the safety and well-being of Town workers, all employees shall acquaint themselves with the rules and regulations of the Vermont Occupational Safety Hazards Act (VOSHA). The Selectboard shall be responsible for enforcing safety rules as required by VOSHA and/or adopted by the Town.

All employees shall conduct themselves in a safe manner at all times in accordance with these regulations and shall not violate the VOSHA regulations. Any defective, unsafe equipment, or practice or any known medical or psychological condition which creates a danger to the worker, a coworker or the public shall immediately be brought to the attention of the Selectboard, and use of such unsafe equipment or practice shall cease immediately.

### **B. Hazardous Duties**

1. When an employee is called upon to perform a task and adequate protection is not provided, the employee is expected to bring the situation to the attention of the immediate supervisor. If not satisfied with the response of the supervisor, the employee may refuse to perform the task.
2. When an employee has refused to perform an assigned task due to the hazards involved, the employee must submit a written report of such refusal, including a description of the hazards involved, to the Selectboard within twenty-four (24) hours of such refusal.
3. The Selectboard shall investigate and may order that the task be discontinued or that the employee proceed only after being equipped with appropriate safety protection.

### **C. Accident Reporting Procedures**

1. When an employee or other person has been injured or there has been damage to Town or private property while on the job, a properly completed accident report must be submitted within twenty-four (24) hours of the accident. The employee's supervisor shall be responsible for signing and forwarding the properly completed report to the Selectboard.

## **SECTION 17. WORKPLACE HEALTH AND SAFETY (cont.)**

### **C. Accident Reporting Procedures (cont.)-**

2. If one or more employees other than the employee reporting the accident witnessed the accident, at least one such employee must sign the accident report.
3. Any employee reporting lost time due to a work-related accident must have a physician's note indicating they are unable to work and shall notify their immediate supervisor, who shall then notify the Selectboard as soon as possible.

### **D. Work Related Injury Leave**

1. Injury Reporting, Paperwork and Pay: An employee injured on the job, however slightly, must report the incident/accident immediately to their supervisor. If an employee is seeking medical treatment, that employee must first be seen by a medical provider as designated by the Town.
2. The supervisor must file a "First Report of Injury" form with the Selectboard by the end of the next normal workday.
3. All expenses related to an on-the-job injury are subject to approval by the Selectboard.
4. In accordance with statutory requirements, the Town will make reasonable accommodations to return an employee with a disability to their former position or placement within a vacant similar position. Alternate work arrangements such as temporary job reassignment or light duty restrictions may be considered.

### **E. Light Duty Following a Work-Related or Personal Injury**

1. Light duty described by a physician after an injury/illness due to personal or on the job injury. Once a doctor supplies the note to confirm the light duty in their job duties (determined by supervisors on what light duties are for the specific job and agreed upon by the Selectboard) the Town of Canaan will proceed with such action until confirmed by the physician through a note that the employee may return to full duties in their specific job. The following are a list of stipulations will be required of the employee:
  - A. No overtime allowed\
  - B. List of duties will be agreed upon between the employee, supervisor and Selectboard.
  - C. If duties are not agreed upon, the employee shall be forced to take a temporary leave of absence without pay until the employee can return to full capacity by a physician's note.
  - D. If any of these steps is violated, the employee may be terminated

### **F. Workers' Compensation Insurance**

1. The Town follows guidelines for Workers' Compensation as outlined by Vermont's Department of Labor and Industry Workers' Compensation Laws. A copy of the Workers' Compensation Law is available at the Town Office.
2. A Town employee has the right, under State Statute, to file a Workers' Compensation Claim up to six (6) months after an injury. The Town must file a report to the State within three (3) days of an employee reporting an injury

## **SECTION 17. WORKPLACE HEALTH AND SAFETY (cont.)**

### **F. Workers' Compensation Insurance (cont.)-**

3. An employee injured on the job is entitled to coverage for all reasonably necessary medical services and supplies. The Town reserves the right to require an independent medical examination (IME) and/or doctor's certificate at any time. The employee shall have the right to have a physician present at such examination, paid for by the employee. Refusal to cooperate with an IME may jeopardize coverage of additional benefits. Medical benefit payments are subject to approval by the Selectboard.
4. Weekly Workers' Compensation payments for lost time, which have been approved by the Selectboard, will be computed as follows: Subject to the State required minimums and maximums, sixty-six (66%) percent of the average gross wage earned during the twelve (12) weeks preceding the injury.
5. Workers' Compensation payments commence following the third day of disability. If the disability continues after the third day for a period of seven consecutive calendar days or more, compensation shall be paid for the whole period of the disability, including the first three days.
6. Workers' Compensation benefits will continue until an injured employee reaches a medical end. An employee may receive additional compensation once temporary disability benefits end if they have not recovered completely from the work-related injury.
7. The law provides a schedule from which permanent partial disability benefits are determined, based on both the particular injury and the seriousness of the functional impairment that remains. An employee who is disabled by an accident in the line of duty has the right to return to his/her former position or to placement within a vacant similar job and pay classification for a period of up to two (2) years from the date of injury, provided the employee is qualified for the position and is fully capable of performing the essential duties of that position. This guarantee expires if the disability ceases prior to the end of the two (2) year period and the employee does not return to work immediately or if the employee retires or otherwise separates from employment.
7. If, as a result of an employee's injury, the employee is unable to return to the preinjury position, they may be entitled to vocational rehabilitation assistance to assist in finding suitable alternative employment.
8. Accident time which is not approved by the Selectboard shall be paid at the employee's normal hourly rate of pay and may result in adjustments to compensation previously paid to the employee for accident time. Accident time may be denied upon a decision by the Selectboard

## **SECTION 18. DISCIPLINE AND DISMISSAL**

### **A. General Policy:**

The Town of Canaan exists to provide services to its citizens and therefore has a responsibility to perform these services in the most effective and efficient manner possible. The same is required of all Town employees. Discipline and/or dismissal will result from any action or inaction resulting in anything less than satisfactory performance. All employees will be fairly and consistently subject to the disciplinary and dismissal procedures, given the facts of the individual case.

### **B. Employee Actions or Inactions Resulting in Discipline and/or Dismissal:**

1. An employee may be dismissed whenever, in the sole judgment of the Selectboard, the employee's work or conduct so warrants. While on the job, reasons for dismissal may include, but shall not be limited to: insubordination, use of alcohol, use or being under the influence of alcohol or drugs while on duty, theft, dishonesty, recklessness on in the performance of one's duties, attitude which constitutes an unwholesome influence on other employees, failure to obey a reasonable order either verbal or written, falsification of application forms, physical, verbal, or electronic fighting on duty, convictions for offenses against the law which would affect the employee's performance, violation of any Town rules which result in serious personal or property damage, or use of abusive language towards any coworkers, a superior, or the general public.

2. Other violations of Town work rules or these Personnel Rules or employee actions or inactions including those listed in the succeeding line shall result in a verbal or written reprimand, suspensions without pay or dismissal. The actions or inactions aforementioned are as follows: abuse of sick leave, failure to request leave in advance, leaving without permission, unexcused absences, chronic absenteeism, unexcused and/or excessive lateness, carelessness, negligence, short-cuts, horseplay, gambling, sleeping on duty, disregard of safety rules, possession of firearms or dangerous weapons on duty without supervisor's permission, willful damage to Town property or the property of others, and falsification of work records. This list is not exclusive and is exemplary only.

The Selectboard may dismiss any employee from the service of the Town for any of the above stated reasons, provided that the Selectboard submits to the employee, in writing, within forty-eight (48) hours after such action, a copy of the charges or reasons for such actions. The employee also may obtain an informational notice of the appeal procedure provided under Section 19 of these "Personnel Rules" from the Selectboard

### **C. Oral and Written Reprimands:**

1. For the first violation or any violation immediately following six (6) months of no disciplinary actions against the employee of any rule, inaction or prohibited action as defined above or not, in the opinion of the Selectboard, serious enough for dismissal, the Selectboard may issue an oral reprimand to the offending employee. Written records of oral reprimand shall be entered in the employee's personnel folder. Such record shall be removed from the employee's personnel folder six months after its inclusion provided no other disciplinary action has transpired during that time. If additional disciplinary action is required during this six month period, the record of the initial oral reprimand shall only be removed upon completion of a six-month period without any disciplinary action.

2. A violation of any rule, inaction or prohibited action within six (6) months of an oral reprimand or where more severe initial action is warranted, can result in the Selectboard issuing a written reprimand to the offending employee. The reprimand will be issued to the employee in conference with the Selectboard with two witnesses, one of the employee's choosing and the other being the Town Clerk or Assistant Town Clerk (depending on circumstances), present and shall detail the incident necessitating the action and the rule or rules violated. A written record of the reprimand signed by the Selectboard, conference witnesses, and the employee shall be entered in the employee's personnel folder. Such record shall be removed from the employee's personnel folder six (6) months after its inclusion provided no other disciplinary action has transpired during that time. If additional disciplinary action is required during this six (6) month period, the record of the written reprimand shall only be removed upon completion of a six (6) month period without any disciplinary action.

D. Suspension without pay:

A violation of any rule, inaction, prohibited action, or any other behavior warranting disciplinary action within six (6) months of an oral reprimand or where more severe initial action is warranted, can result in the Selectboard suspending an employee without pay for up to ten (10) working days. Such suspended employee shall be notified of such action in writing during a conference with the Selectboard with two witnesses, one of the employee's choosing and the other being the Town Clerk or Assistant Town Clerk (depending on circumstances), present. The written notification will include a description of the incident necessitating the action and/or the rule or rules violated. A copy of the written notification signed by the suspending officer conference witnesses, and the employee shall be entered in the employee's personnel folder. Such record shall be removed from the employee's personnel file upon successful completion of one year service without disciplinary action. Employees suspended shall also be informed in writing of the appeal procedure provided under these Personnel Rules. Salaried employees who are exempt from the overtime provisions of the Fair Labor Standards Act may not be suspended without pay; however, the Selectboard may immediately dismiss this employee instead.

E. Dismissal:

The Selectboard may immediately dismiss: (1) any employee whose actions or inactions violate Town rules and regulations as set forth in the paragraph B.1. above; or (2) any employee whose action or inactions violates Town rules or regulations within a one year period following a disciplinary suspension as prescribed in paragraph D above. shall be notified of such action in writing during a conference with the Selectboard with two witnesses, one of the employee's choosing and the other being the Town Clerk or Assistant Town Clerk (depending on circumstances) . The conference will include a description of the incident necessitating the action and/or rule or rules violated. An employee so dismissed shall also be informed in writing of the appeal procedure provided under these Personnel Rules. An employee that is dismissed must return all Town property or equipment within 14 days.

## **SECTION 19. APPEAL PROCEDURE**

- A. Appeals from dismissal, demotion or suspension shall be made by an employee by applying to the Selectboard, in writing, within five (5) working days of such dismissal, demotion or suspension.
- B. If a hearing is requested, the Selectboard shall convene in session, as requested by the employee, within three (3) weeks of receipt of employee's written request for a hearing.
- C. At the hearing, the employee, at their discretion, may be present, present testimony, be represented by counsel, examine the evidence against them and/or cross-examine witnesses.
- D. The Selectboard shall render its decision and inform the appellant thereof within seven (7) days.
- E. If the action of the Selectboard is in favor of the employee, they shall be restored to their original position, with full pay for the period since dismissal or suspension. The Selectboard may reduce the disciplinary action to suspension without pay, or reprimand.
- F. If any member of the Selectboard is instrumental in bringing charges against any dismissed, demoted or suspended employee, they shall not sit with the Selectboard at the hearing or participate in its decision.
- G. The decision of the Selectboard shall be final.

## **SECTION 20. GRIEVANCES**

- A. Policy: It is the intent of the Town of Canaan to adjust grievances informally, and supervisors as well as employees are encouraged to make every effort to resolve problems as they arise. However, it is recognized that there may be grievances which will be resolved only after a formal appeal and review. When this is the case, the procedure listed hereafter will be followed.

A grievance is any matter considered by the employee as grounds for complaint, except in the case of personnel action arising out of discipline, dismissal, demotion or suspension. Adjustment for such complaints is separately provided for in Section 20.

- B. Procedure: An employee who believes that inequitable treatment has been received because of some condition of employment may personally, or through representatives, appeal for relief from that condition. The employee is expected to initially discuss any grievance with their immediate supervisor. If the matter cannot be settled at that level, the employee may elect to discuss the matter with the Selectboard.

## **SECTION 21. PAY PLAN—Revised 11/10/2014**

In accordance with the provisions of the Fair Labor Standards Act, as amended, it shall be the policy of the Town of Canaan to pay one and one-half (1-1/2) times the hourly rate of pay to all employees (except elected officials and exempt salaried employees) for actually hours worked (sick leave, holiday, floating holidays and vacation hours not considered) in excess of forty (40) hours during a given weekly pay period. Each employee shall fill out their time sheet and submit same to the Selectboard for approval. No employee may work over (40) hours in a given week without the authorization of their supervisor or the Selectboard.

An hourly employee shall be paid for the actual number of hours worked during each pay period. Salaried employees shall be paid an annual rate divided by the number of pay periods per year. Timesheets are required by all employees, hourly and salaried.

An employee absent without leave may forfeit pay at the discretion of the Selectboard. When absent on authorized sick or vacation leave, each employee shall be paid at the regular rate.

## **SECTION 22. COMPENSATION –EFFECTIVE 1/01/2022**

Employees required to be on call shall receive a stipend of forty hours (40) additional hours at regular pay, non-accumulative. This will be paid in December of each year. (If the employee requests, the stipend can be divided to be paid in June and December). The 3-hour minimum call out policy still applies.

Texting to employees from Supervisors will be kept for emergencies only. These text messages during off hours will be compensated 15 minutes at regular pay.

Alerts from telemetry system will be compensated for 15 minutes. If alerts are not addressed within the 15 minutes, then the operator should physically address the problem at the site.

Employee's must specify on their timesheet the reason for the call out.

Employee's time sheets must be signed by supervisors.

## **SECTION 23. OVERTIME & PREMIUM PAY—REVISED 1/27/2020**

This overtime and premium pay policy covers those employees who are defined as hourly (non-exempt) and are covered by the Fair Labor Standards Act (FLSA).

- A. Overtime work is defined as time worked outside an employee's established working schedule, or time worked beyond forty (40) hours in a single work week. An employee whose normal schedule calls for more than eight (8) hours of work in a single work day, or whose schedule is changed for the convenience of the employee, shall not be entitled to overtime compensation unless such employee works more than forty (40) hours in a single work week. Travel time to and from the work place shall not be considered time worked, except when working in an emergency situation for another entity.



**SECTION 23. OVERTIME & PREMIUM PAY—REVISED 01/27/2020 (cont.)**

- B. Unless otherwise established by these policies, the overtime rate of pay for employees shall be at the rate of one and one-half (1 1/2) times the straight time rate for all overtime work.
- C. Nonexempt employees will be paid time and one half for all hours worked over 40 in a work-week. All overtime must be approved by your supervisor in advance.

**SECTION 24. STAND BY AND CALL OUT POLICY—REVISED 12/26/2023**

- A. From November 15 through April 1 of each year (or prior and subsequent thereto if directed by the Selectboard), all employees of the Town of Canaan hired as road crew members shall be on stand-by, “on-call” basis. No such employee shall be allowed to take vacation or floating holidays during this period, unless for good reasons and specifically authorized by the Selectboard.
- B. Any employees who is ordered to return to work outside of their regular shift by the Department Head or Selectboard shall be allowed a minimum of two hours at their regular rate. This does not include the occasional evening or weekend meeting; in which case an employee will be only paid for the actual hours worked.

**SECTION 25. HOSPITALIZATION AND MEDICAL INSURANCE—REVISED 10/14/2024**

Upon completion of ninety (90) days probationary period, a full-time Town of Canaan employee, working 32 hours or more a week, or qualified elected official will become eligible for group health coverage as then offered by the Town. Effective October 14, 2024, any new hire or part-time employee promoted to full-time, who are eligible for health insurance benefits, will be responsible to pay 20% of their health insurance premiums. All full-time employees, currently receiving health insurance benefits, as of October 14, 2024 will receive full health insurance benefits. They will not be responsible to pay for any part of their health insurance premium. These expenses will be deducted from their bi-weekly paycheck. If a non-qualifying employee or elected official would like to join the group health coverage offered by the Town, they may at their own expense. These individuals would be responsible for all expenses relating to their enrollment. Applications to enroll in this plan must be made through the Treasurer’s Office.

**SECTION 26. RETIREMENT**

The Town of Canaan participates in the Federal Social Security Program and all employees are required to participate in this program. In addition, The Town of Canaan participates in the Vermont Municipal Employees Retirement System (VMERS). This is available to all full-time employees and qualifying elected officials who have 90 days of service and who have been hired or elected to office prior to age 60. Retirement coverage is set by the plan and extends to municipal employees who work on a regular basis for not less than 24 hours a week and for not less than 1040 hours in a year.

Although contribution rates for employers and employees are set by VMERS, the Selectboard may opt to contribute all, none, or a portion of the employee’s required contribution, as the Selectboard may from time to time decide. Applications and full details can be obtained from the Town Treasurer.

**SECTION 27. LEAVE OF ABSENCE—Revised 12/09/2024**

- A. General Policy: The following types of leaves are officially established: holiday, vacation, sick leave, parental leave, family leave, military leave, injury leave, death in the family, leave without pay, and in the case of salaried personnel, compensatory leave (time off in lieu). All leaves may be granted by the Selectboard in conformance with rules established for each type of leave. The Town Clerk shall be the official timekeeper and shall maintain permanent records of any absence from duty of an employee.
- B. Holidays: The following holidays shall be official holidays, together with any other day so proclaimed by the Selectboard: **Revised 07/10/23**

New Year’s Day	Labor Day	MLK Jr. Day
Columbus Day	Presidents’ Day	Veteran’s Day
Memorial Day	Thanksgiving Day and Day after	
Fourth of July	Christmas Day	

Employees will have a half day (1/2) before Christmas and a half day (1/2) before New Year’s Day.

Any above specified holiday which falls on a Saturday shall be observed on the preceding Friday and any legal holiday which falls on a Sunday shall be observed on the following Monday.

Full-time and permanent part-time hourly employees shall be compensated for holidays as though the employee had worked a normal work day. (I.E. If a normal work day is six hours, the employee will be compensated for six hour holiday pay.) Full or part-time employees who are required to work on a holiday shall, in addition to the holiday pay, be paid at their regular rate. be paid holiday pay, which is double time. Permanent Part-Time employees who are working on a holiday, that does not fall on their normal work schedule, shall not be entitled to a normal work day’s pay. These employee shall be compensated at double their regular pay. (I.E. if a permanent part-time employees works five hours on an approved holiday, but they are not scheduled to work on that day, they shall receive paid as if they worked for 10 hours.)

Non-exempt full-time employees or permanent part-time employees wishing to observe religious holidays not listed by the Selectboard shall, have the time charged to their vacation time.

In addition to the above specified holidays, two floating holidays per year shall be granted to each full-time employee who shall be compensated for these days as though they had worked a normal working day. These two floating holidays off must be approved by the Selectboard twenty-four (24) hours in advance unless approved otherwise, by a Department head. These two days will not be accumulative and will be cleared each year. These floating holidays are treated as normal holidays, any employee who is terminated will not be receive payment for their unused floating holidays.

- C. Vacation: Annual vacation leave, based on continuous service, shall be granted on the following basis for all full-time employees:

After one (1) year	-	One (1) week
After two (2) years	-	Two (2) weeks
After eight (8) years	-	Three (3) weeks to be divided

One week is the equivalent of one regular work week and represents the number of days and hours which the employee normally works each week. All employees must use their vacation leave annually. Vacations will be taken at the discretion of the Department Head or the Selectboard upon consultation with the employee. Upon dismissal an employee may be paid for earned and unused vacation time. This will be calculated by taking the employees total vacation time and prorating it based on the number of days that employee has worked prior to resignation.

Planned utilization of earned vacation time shall be requested at least one (two) week in advance or in accordance with the Town's Rules and Regulations to provide the Department Head or Selectboard sufficient time to plan staffing to meet operational needs. Scheduled earned time can be used only with the approval of the Department Head or Selectboard. To receive payment of vacation time, a completed Time Off Request Form must be submitted to the Town Clerk.

- D. Civil Duty and Jury Leave: All full-time employees entitled to vote in National, State and Municipal elections shall, when necessary, be allowed sufficient time off, with pay, to exercise this right. Part-time employees entitled to vote in National, State, and Municipal elections shall, when necessary be allowed sufficient time off, as well, but without t pay. A part-time employee may use their floating holiday hours to receive compensation for their time off. Approval of such leaves shall be given by the Selectboard.

Should a full-time employee be called for jury duty within any State or Federal judicial court, the Town shall pay the employee's their actual salary.

- E. Leaves of Absence Without Pay: All requests for leaves of absence without pay shall be submitted in writing to the Selectboard and shall set forth the purpose for which the leave is requested. The Selectboard shall then consult with the Department Head and render its decision.

#### **SECTION 28 SICK LEAVE—Revised 12/18/2017**

- A. Full-time employees, as defined in this policy to work 32 hours per week are entitled to five (5) days of sick leave per year, at the onset of each calendar year (new hires during the year shall be pro-rated). Sick leave may be accumulated up to 20 days; however, upon dismissal of employment, voluntarily, involuntarily or upon retirement, no compensation shall be granted for any unused portion of sick leave remaining. If an employee depletes their accrued sick leave time, they may use their vacation time, if authorized by the Selectboard.
- B. Sick leave days shall only be paid to employees for work days absent because of illness or injury, to themselves or their immediate family (defined as an employee's parent, stepparent, former legal guardian, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, stepchild, foster child, any person residing with the employee, and any family member for whom an employee is primarily responsible either to arrange for health care or to provide care) and shall equal a day's pay at the employee's regular straight time rate. More than three (3) consecutive work days of absence to be compensated under this Section shall require a certificate from a licensed physician stating the necessity of the absence. Prior to returning to duty, the employee must have medical clearance to be fit for full duty. In addition, the Town may require such a certificate for any leave requested under this Section.
- B. Permanent part-time employees work less than the normal work week, but on a regular basis. Permanent part-time employees working 20 or more hours per week for a period of at least six (6) months shall be subject to all Rules and Regulations and receive all benefits and rights as provided by these Rules and Regulations.

**SECTION 29: BEREAVEMENT LEAVE—Revised 07/07/2015**

Employees will receive three paid bereavement leave days per year. Employees may use bereavement leave for the death of a close relative or any other relative if the relative was living in the same household as the employee immediately preceding their death.

Pay for bereavement leave will be at the employee's regular rate of pay. Part-time employees will receive prorated bereavement leave pay based on the number of hours the employee is regularly scheduled to work in a week.

If an employee does not use all of the employee's bereavement leave in a year, the employee may not carry the unused leave forward to the next year. Upon separation from employment, an employee will not be compensated for unused bereavement leave.

A close relative includes a parent, stepparent, former legal guardian, grandparent, spouse, child, step child, brother, sister, parent-in-law, grandchild, foster child, aunt, uncle, niece, nephew, parent-in-law, sibling-in-law or any person residing with the employee's 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 30. PARENTAL AND FAMILY LEAVE**

- A. Any employee as defined in VSA Title 21, Section 472, who works over 30 hours per week, shall be entitled to take unpaid leave for a period not to exceed twelve (12) weeks during the employee's pregnancy and following the birth or adoption of their child.
- B. Any employee as defined in VSA Title 21, Section 472, who works over 30 hours per week, shall be entitled to take unpaid family leave for a period not to exceed twelve (12) weeks to care for a seriously ill spouse, child, stepchild, ward, foster child, parent, or parent of the employee's spouse.
- C. Accrued sick leave or vacation leave, may be used by the employee during parental or family leave. However, utilization of accrued vacation leave shall not extend the leave provided in subsection "A" above.
- D. The employer shall continue employment benefits for the duration of the leave.
- E. Written notice of intent to take parental leave shall be given to the employer, including date leave is expected to commence and estimated duration of the leave, six weeks prior to the anticipated commencement of the leave. Upon approval by the Selectboard, an employee may return from leave earlier than estimated.
- F. Upon return from parental leave, the employee shall be offered the same or comparable job at the same levels of compensation, employment benefits, seniority or any other term or condition of employment existing on the day leave began. 21 VSA Section 472.

## **SECTION 31. MILITARY LEAVE OF ABSENCE**

Vermont law provides protection for reserve training and military duty. See 21 V.S.A. §§ 491-493. Employees must notify employers of the need for leave 30 days prior to the date of departure or as soon as practical after being called into service. The employee has a right to return to their job after the leave period, unless no longer qualified for the job. The employee may not lose any sick leave, vacation time, bonuses, promotion and other benefits because of such leave.

### **Types of Leave**

- A. Inactive Duty Leave: Employees who are members of the Reserves or National Guard shall be granted leave without pay for scheduled inactive duty training or service (IDT), or equivalent, unless they elect to use accrued annual, personal or compensatory time off to cover such absences from work. The employee will not lose any sick leave, vacation time, bonuses, promotion and other benefits because of such leave.
- B. Short Term Military Leave: Eligible employees who are members of the Reserves or National Guard shall be allowed military leave with pay, at their regular base salary (prorated as appropriate), for up to a maximum of eleven (11) work days, scheduled by military authority, in any Federal Fiscal Year, for any authorized active duty training or service. All benefits will continue during an employee's temporary military leave. The employee will not lose any sick leave, vacation time, bonuses, promotion and other benefits because of such leave.
- C. Extended Military Leave: Eligible employees who are members of the Reserves or National Guard shall be granted a military leave of absence without pay for any authorized active duty, or active duty for training or other similar military service in excess of eleven (11) work days in any Federal Fiscal Year, for a period of up to five (5) years. Employees who are inducted into the Armed Forces by draft or voluntary enlistment for active service shall also be granted a military leave of absence without pay for a period of up to five (5) years. In accordance with USERRA, periods of service for certain types of military duty may be excluded from counting toward the five (5) year period. The employee will not lose any sick leave, vacation time, bonuses, promotion and other benefits because of such leave.

### **Procedures for Use of Military Leave**

- A. The employee will provide their immediate supervisor with notice that the employee will be engaging in military service, including, where feasible, a copy of the orders directing the military duty, unless the employee is prevented from doing so by military necessity. Employees are requested to provide such notice within thirty (30) days of active military service. Failure to provide adequate notice may render the employee ineligible for the rights and benefits described in this policy, unless the employee can show it would have been precluded by military necessity, or otherwise impossible or unreasonable.
- B. To request a temporary or extended military leave of absence, the employee should, unless prevented from doing so by military necessity, submit an Employee's Active Duty Leave Notification Letter to the Selectboard.
- C. The Selectboard will review and sign the Employee's Active Duty Leave Notification Letter, provide necessary information regarding the continuation of health insurance coverage, generate other applicable documents, and process necessary personnel actions.

**SECTION 31. MILITARY LEAVE OF ABSENCE (cont.)**

- D. Employees on temporary or extended military leave may, at their option, use any or all accrued paid vacation, compensatory time or personal leave during their absence.
- E. When the employee intends to return to work, they must make application for reemployment to the Selectboard as outlined in the Reporting Back to Work section below.
- F. If the employee does not return to work, the Department Head must notify the Selectboard so that appropriate action may be taken.

**Reemployment-**

Upon an employee's prompt application for reemployment (as defined below), an employee will be reinstated to employment in the following manner depending upon the length of the employee's military service:

A. Military Service of 1 to 90 days –

- In a position the employee would have held had their employment not been interrupted by military service, provided the employee is qualified for the position, or can become qualified after reasonable effort by the Town of Canaan
- If found not qualified for such position after reasonable effort by the Town of Canaan to qualify the employee, in the position in which the employee had been employed prior to military service.
- In a position that is the nearest approximation to the positions described above (in that order) which the person is able to perform, with full seniority, if the employee cannot become qualified for either position described above even after reasonable effort by the Town of Canaan.

B. Military Service of 91 days or more –

- In a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status, and pay, the duties of which the employee is qualified to perform; or
- If proved not qualified after reasonable effort by the Town of Canaan, in the position the employee left, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.
- In a position that is the nearest approximation to the positions described above (in that order) which the person is able to perform, with full seniority, if the employee cannot become qualified for either position described above even after reasonable effort by the Town of Canaan.

**SECTION 32. MILITARY LEAVE OF ABSENCE (cont.)**

**Reporting Back to Work-**

An employee who has engaged in military service must, in order to be entitled to the reemployment rights set forth above, request reemployment according to the following schedule. The employee's request may be written or verbal.

- A. If service is for 1 to 30 days (or for the purpose of taking an examination to determine fitness for service) – the employee must report for work at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service and the expiration of eight hours after a time for safe transportation back to the employee's residence.
- B. If service is for 31 days to 180 days – the employee should submit an Employee's Return from Active Duty Notification Letter for reemployment to the Selectboard no later than 14 days following the completion of service.
- C. If service for 181 or more days – the employee should submit an Employee's Return from Active Duty Notification Letter for reemployment to the Selectboard no later than ninety (90) days following the completion of service.

**SECTION 32: CRIME VICTIM LEAVE-Revised 11/13/2018**

"Crime victim " means any of the following:

- 1. a person who has obtained a relief from abuse order issued under 15 V.S.A. §1103;
- 2. a person who has obtained an order against stalking or sexual assault issued under 12 V.S.A. chapter 178; No. 184
- 3. a person who has obtained an order against abuse of a vulnerable adult issued under 33 V.S.A. chapter 69; or
- 4. a victim as defined in 13 V.S.A. § 5301, provided that the victim is identified as a crime victim in an affidavit filed by a law enforcement official with a prosecuting attorney of competent State or Federal jurisdiction; and shall include 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

"LEAVE; CRIME VICTIM"

As used in this section:

- (1) "Employer" means an individual, organization, governmental body, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air, or express company doing business in or operating within this State.
- (2) "Employee" means a person who is a crime victim as defined in section 495d of this chapter and, in consideration of direct or indirect gain or profit, has been continuously employed by the same employer for a period of six months for an average of at least 20 hours per week

**SECTION 32: CRIME VICTIM LEAVE-Revised 11/13/2018 (cont.)**

In addition to the leave provided in section 472 of this title, an employee shall be entitled to take unpaid leave from employment for the purpose of attending a deposition or court proceeding related to:

1. a criminal proceeding, when the employee is a victim as defined in 13 V.S.A. § 5301 and the employee has a right or obligation to appear at the proceeding;
2. a relief from abuse hearing pursuant to 15 V.S.A. § 1103, when the employee seeks the order as plaintiff;
3. a hearing concerning an order against stalking or sexual assault pursuant to 12 V.S.A. § 5133, when the employee seeks the order as plaintiff; or
4. a relief from abuse, neglect, or exploitation hearing pursuant to 33 V.S.A. chapter 69, when the employee is the plaintiff

During the leave, at the employee's option, the employee may use accrued sick leave, vacation leave, or any other accrued paid leave. Use of accrued paid leave shall not extend the leave provided pursuant to this section.

1. The employer shall continue employment benefits for the duration of the leave at the level and under the conditions coverage would be provided if the employee continued in employment continuously for the duration of the leave. The employer may require that the employee contribute to the cost of benefits during the leave at the existing rate of employee contribution.
2. The employer shall post and maintain in a conspicuous place in and about each of its places of business printed notices of the provisions of this section on forms provided by the Commissioner of Labor.
3. Upon return from leave taken under this section, an employee shall be offered the same or comparable job at the same level of compensation, employment benefits, seniority, or any other term or condition of the employment existing on the day leave began.
4. This subsection shall not apply if, prior to requesting leave, the employee had been given notice or had given notice that the employment would terminate.
5. This subsection shall not apply if the employer can demonstrate by clear and convincing evidence that during the period of leave the employee's job would have been terminated or the employee would have been laid off for reasons unrelated to the leave or the condition for which the leave was granted.
4. An employer may adopt a leave policy more generous than the leave provided by this section. Nothing in this section shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater leave rights than the rights provided by this section. A collective bargaining agreement or employment benefit program or plan shall not diminish rights provided by this section. Notwithstanding the provisions of this section, an employee may, at the time a need for leave arises, waive some or all of the rights under this section, provided that the waiver is informed and voluntary and that any changes in conditions of employment related to the waiver shall be mutually agreed upon between the employer and the employee.
5. Subsection (b) of this section shall not apply to an employer that provides goods or services to the general public if the employee's absence would require the employer to suspend all business operations at a location that is open to the general public. (Added 2017, No. 184 (Adj. Sess.), § 3.)



**This document rescinds and replaces any previous Benefit Policies.**  
This policy effective December 9, 2024

\_\_\_\_\_  
Michael Daley, Chairman

\_\_\_\_\_  
Alfred Buckley

\_\_\_\_\_  
Mark Bullard

Canaan Selectboard

**EMPLOYEE RECEIPT OF POLICY**

**I, \_\_\_\_\_, have received my copy of the Town  
of Canaan Personnel Policies and Rules Handbook on \_\_\_\_\_.**