

Town of Canaan, Vermont

PERSONNEL POLICIES AND RULES HANDBOOK TABLE OF CONTENTS

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SECTION 1. NAME OF ADMINISTRATIVE RULES AND AUTHORITY

These rules shall be know 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 termination.

This manual and the provisions contained herein do not constitute a contract or 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 is 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 administrative assistant.

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.
- 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: At the option of the Selectboard, 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 policy of the Town of Canaan is to maintain and promote equal employment opportunity. The Town will select candidates for employment on the basis of the candidates' qualifications for the job and treat them fairly with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to age, sex, race, political or religious affiliation, sexual orientation, disability, HIV status or national origin. Equality in such opportunities has been and is the basic policy of the Town.

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: A full-time employee works at least 32.5 hours a week on a continuing basis (indefinite term). The full-time employee is subject to all rules and regulations, and receives 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.
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 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.

- B. Probationary Period: Permanent appointments will require a Probationary period of six (6) months. A written evaluation of employees' Probationary Period will be done by the Department Head and 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 his or her former job or a comparable position, if available.

SECTION 8. EVALUATIONS

All employees of the Town of Canaan will be evaluated at their anniversary date. Such evaluations shall be in writing and signed by both the employee, the department head and the Selectboard, following a conference during which the evaluation is discussed. The signature of the employee will indicate that he or she agrees or disagrees with the evaluation.

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 his/her file in the presence of the Selectboard, or its duly authorized representative.

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 termination.

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

SECTION 9. DISCIPLINE AND DISCHARGE

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 town employees. Discipline and/or discharge 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 discharge procedures, given the facts of the individual case.

B. Employee Actions or Inactions Resulting in Discipline and/or Discharge:

1. An employee may be dismissed whenever, in the 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, dishonestly, recklessness on the job, attitude which constitutes an unwholesome influence on other employees, failure to obey a reasonable order either verbal or written, falsification of application forms, 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 toward 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 as follows shall result in a vocal or written reprimand, suspensions without pay or dismissal as detailed below: 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, falsification of work records. This list is not all-inclusive and is exemplary only.

The Selectboard may discharge an 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 information notice of the appeal procedure provided under Section 10 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 a witness 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 and conference witness 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 or 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 a witness 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 and the conference witness 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 paragraphs 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. Such dismissed employee will be notified of such action during a conference with the Selectboard with a witness present and 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 30 days.

SECTION 10. 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 his/her discretion, may be present, present testimony, be represented by counsel, examine the evidence against him or her 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, he or she shall be restored to his or her 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, he or she shall not sit with the Selectboard at the hearing or participate in its decision.
- G. The decision of the Selectboard shall be final.

SECTION II. 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 hereunder 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 10.

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 his/her immediate supervisor. If the matter cannot be settled at that level, the employee may elect to discuss the matter with the Selectboard.

SECTION 12. CONDUCT OF EMPLOYEES

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.

B. General Obligations: Every employee shall fulfill to the best of his or her ability the duties and responsibilities of the employee's position. The employees shall, during their hours of duty, be subject to such other laws, rules and regulations that pertain thereto, 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. Employees shall not use Town property or equipment without written authorization from the Selectboard for the employee's private use or for any other than that which serves the public interest.

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 himself or herself 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. 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 he or she is 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.

- E. Political Activity: An employee shall not use his or her official authority for the purpose of interfering with or affecting the nominations or election of any candidate for public office in the Town of 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.
- F. Contracts: No elective or appointive 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 discharge of his or her 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 he or she has a direct or indirect financial interest, aside from his or her salary as an officer or employee, greater than any other citizen or taxpayer in the Town. This section shall not apply in the event of an emergency where immediate action shall be deemed more important to the Town than the receipt of formal bids, or for minor purchases that seem to be in the best interest of the town.
- G. Resignation: An employee who resigns his or her employment with the Town shall be deemed to be terminated in good standing if her or she gives reasonable written notice to the Selectboard of the employee's intention to resign and if other circumstances of the termination are such as to justify good standing.
- H. Prohibition of Sexual Harassment: It is the policy of the Town of Canaan that all employees are responsible for assuring that the workplace is free from sexual harassment. Because of the Town's strong disapproval of offensive or inappropriate sexual behavior at work, and because sexual harassment is unlawful, all employees must avoid any action or conduct which could be viewed as sexual harassment, including:
1. unwelcome sexual advances;
 2. requests for sexual acts or favors;
 3. other verbal or physical conduct of harassing nature.

Any employee who has a complaint of sexual harassment at work by anyone, including supervisors, co-workers, or visitors must bring the problem to the attention of 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.

Complaints of sexual harassment shall be investigated promptly. The determination 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.

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.

SECTION 13. HOSPITALIZATION AND MEDICAL INSURANCE

Upon completion of ninety (90) days probationary period, a full-time Town of Canaan employee or qualified elected official will become eligible for complete group health coverage as then offered by the Town. Applications to enroll in this plan must be made through the Treasurer's Office.

SECTION 14. RETIREMENT

The Town of Canaan participates in the 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 15. SICK LEAVE—Revised 12/18/17

A. Full-time employees 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 termination of employment, voluntarily, involuntarily or upon retirement, no compensation shall be granted for any unused portion of sick leave remaining. If an employee depletes his/her accrued sick leave time, he or she may use his/her 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 or household members, 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.
- C. 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 16. 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 his or her 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 17. LEAVE OF ABSENCE

- A. General Policy: The following types of leaves are officially established: holiday, vacation, sick leave, parental leave, family 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 05/16/2022**

New Year's Day	Columbus Day
Presidents' Day	Veteran's Day
Memorial Day	Thanksgiving Day and day after
Fourth of July	Christmas Day
Labor Day	

Employees will have a half a day (1/2) before Christmas and half a 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. Full or part-time employees who are required to work on a holiday shall, in addition to the holiday pay, be paid at his or her regular rate.

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 his/her 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 he/she 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. These two days will not be accumulative and will be cleared each year.

- 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 termination an employee may be paid for unused vacation.

Planned utilization of earned vacation time shall be requested at least one 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. 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 18. STAND BY AND CALL OUT POLICY

A. From November 15 though 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 personal days 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 three hours at their regular rate.

C. **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).

1. 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 18C—continued

2. 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.

Nonexempt employees will be paid time and one half for all hours worked over 40 in a workweek. **All overtime must be approved by your supervisor in advance.**

SECTION 18D. COMPENSATION –EFFECTIVE 1/01/22

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 19. PAY PLAN—Revised 11/10/14

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, personal days and vacation hours not considered) in excess of forty (40) hours during a given weekly pay period. Each employee shall fill out his/her 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 his/her 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 20. 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 co-employee 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. Drug-testing:

In accordance with the Omnibus Transportation Employee Testing Act of 1991 all Town employees who are required to hold commercial drivers' licenses shall be subject to pre-employment and regular random drug and alcohol testing in accordance with the Department of Transportation rules and procedures. Employees who are found to be using illegal drugs or alcohol on the job will be dismissed.

SECTION 21. 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 22. 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 23. RESERVE TRAINING AND MILITARY DUTY

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.

SECTION 24: BEREAVEMENT LEAVE—Revised 7/7/15

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 his or her 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 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 25: CRIME VICTIM LEAVE-Revised 11/13/18

"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 VICTIMS

A. 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.

B. 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*

C. 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.

SECTION 25: continued

- D. 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.*
- E. 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.*
- F.*
- 1. 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.*
 - 2. 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.*
 - 3. 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.*
- G. 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.*
- H. 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.)*

SECTION 26: LIGHT DUTY FOLLOWING AN INJURY/ILLNESS:

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:

1. No overtime allowed
2. List of duties will be agreed upon between the employee, supervisor and Selectboard
3. 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.
4. If any of these steps is violated, the employee may be terminated.

<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>

This document rescinds and replaces any previous Benefit Policies.
This policy effective June 13, 2022

Haven L. Haynes, Jr. Chairman

Alfred Buckley

Mark Bullard

Canaan Selectboard
June 13, 2022

EMPLOYEE RECEIPT OF POLICY

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