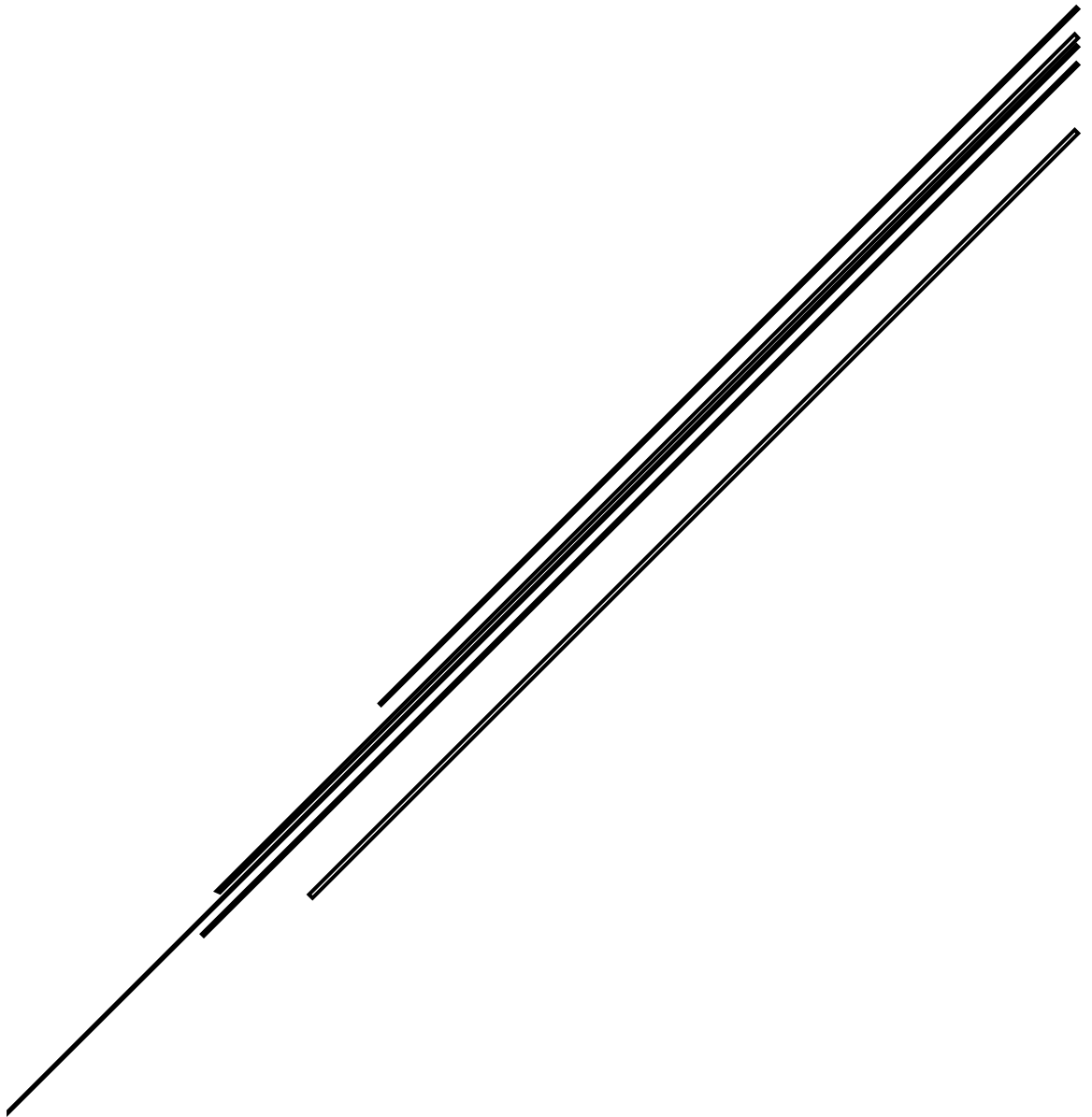


TOWN OF CANAAN, VT

Personnel Policies and Employee Handbook



Revised July 9, 2026

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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 handbook. 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 handbook 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 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 inquiries, and other positions to which no compensation is attached.

SECTION 3. ADMINISTRATION

These Policies shall be administered by the Selectboard, or their duly authorized representative. Amendments to these Policies 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 AND HIRING

- A. ***Qualifications:*** Qualified applicants residing in the community may be given preference in filling vacancies with the Town, where lawful, job-related, and in the best interest of the Town. Applications for positions may be solicited from persons outside the Town of Canaan. Residency shall 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 accordance with applicable law. Job postings and advertisements shall state the position title, compensation or range of compensation expected in good faith, application deadline, and other

pertinent information. The Town may determine the method and length of advertising based on the position, operational needs, and applicable law.

- 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 shall not discriminate against any applicant or employee on the basis of race, color, religion, creed, ethnicity, national origin, ancestry, place of birth, sex, pregnancy, childbirth, pregnancy-related condition, sexual orientation, gender identity, gender expression, transgender status, age, physical or mental disability, status as a qualified individual with a disability, protected genetic information, HIV status, crime victim status, marital status, civil union status, domestic partner status, family status, status as a parent or caregiver, military or veteran status, political affiliation where protected by law, citizenship or immigration status where protected by law, membership in an employee organization, or any other status protected under applicable Federal or State law.

The Town shall recruit, hire, upgrade, promote, compensate, discipline, train, and administer all personnel actions, including compensation, benefits, Town-sponsored training, educational tuition assistance, social and recreational programs, job assignments, promotions, retention, and working conditions, without regard to any protected status.

The Town is committed to hiring and promoting the most qualified candidates, removing unlawful barriers that could prevent employees from realizing their full potential, and maintaining a workplace that is representative of and sensitive to the diversity of the community. Equality of opportunity shall extend beyond recruitment and hiring to include employee retention, job assignments, promotions, training, compensation, benefits, discipline, and working conditions. The Town endeavors to provide equal opportunity, equal representation, and excellent services for all citizens.

Each employee is expected and requested to report any apparent violation of this nondiscrimination policy to one of the following, as appropriate: the employee's supervisor, Department Head, the Selectboard, legal counsel, or another appropriate authority. Retaliation against any applicant or employee for reporting discrimination, participating in an investigation, requesting an accommodation, or exercising rights protected by law is prohibited.

An employee may also contact the Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05609-1001, (802) 828-3657, toll-free in Vermont (888) 745-9195; or the U.S. Equal Employment Opportunity Commission, Boston Area Office, John F. Kennedy Federal Building, 15 New Sudbury Street, Room 475, Boston, MA 02203-0506, (800) 669-4000, TTY (800) 669-6820, ASL Video Phone (844) 234-5122.

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. EMPLOYMENT, PROBATIONARY PERIOD, AND BASIC REQUIREMENTS

A. *Employment:*

- a. Full-time Employee: 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.
- b. Permanent Part-Time Employment: Permanent part-time employees work less than the normal work week, but on a regular basis. Permanent part-time employees working 15 or more hours per week, regularly, 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.
- c. Part-Time Employment: Part-time employees are employees who work fewer than 15 hours, are not eligible for benefits under these personnel rules.
- d. Emergency Employment: 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.
- e. Temporary Employment: Temporary employees are hired for a specific project for a short duration and are not eligible for benefits under these Personnel Rules.
- f. Interns: An internship may provide academic credit or practical experience through a school, community agency, or training program. Before an unpaid placement begins, the Town shall determine that the arrangement lawfully qualifies as an unpaid internship or public-service volunteer relationship under applicable wage-and-hour law. An individual who does not qualify for unpaid status shall be treated as an employee and paid for all hours worked. An unpaid intern is not eligible for Town employee benefits unless required by law or a governing program.

- B. ***Probationary Period:*** Employment, excluding temporary and emergency hires, 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 employees will be notified of the evaluation; and may be offered permanent employment or termination. During the six (6) month period the Supervisor may terminate an employee if deemed unsuited for the position.

- C. ***Post-Offer Physical Examination:*** After a conditional offer of employment, the Town may require a medical or physical examination when it requires the same examination of all persons entering the same job category. The examination shall be paid for by the Town and shall be limited to determining whether the individual can perform the position's essential functions, with or without reasonable accommodation, and to other lawful, job-related matters. Any withdrawal of an offer or employment decision based on the examination must be job-related, consistent with business necessity, and otherwise lawful. Medical information shall be kept confidential in a file separate from the personnel file.
- D. ***Employment Eligibility Verification:*** All newly hired employees must complete Form I-9, Employment Eligibility Verification, and provide documentation establishing identity and authorization to work in the United States as required by Federal law. Employees may choose which acceptable documentation to present from the Form I-9 Lists of Acceptable Documents. The Town shall not require any specific document or require proof of citizenship where not required by law. Failure to complete required employment eligibility verification may result in non-hiring or termination of employment.
- E. ***Required Employment Documentation:*** All newly hired employees must timely complete and submit any payroll, tax-withholding, benefit-enrollment, policy-acknowledgment, emergency-contact, and other employment-related documents required by applicable law or Town policy. Employees must also acknowledge receipt of the Town's Personnel Policy and Employee Handbook and complete any position-specific agreement or memorandum of understanding required by the Town.

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 ensuring 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 readdress 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

- A. **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 attention and efforts to their office and employment. Employees shall not use their positions to secure special privileges or exemptions for the employee or others.
- B. **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 established shall be construed as the normal workday 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.
- 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. A nonexempt employee need not be paid for unauthorized time not worked, but no employee shall forfeit wages already earned. Absence protected by sick-time, family or medical leave, disability or pregnancy accommodation, military leave, crime-victim leave, workers' compensation, or other applicable law shall not be treated as misconduct or an unauthorized absence.
- 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. **Flexible Working Arrangements:** An employee may request a flexible working arrangement in accordance with applicable law. A flexible working arrangement may include intermediate or long-term changes to the employee's regular working arrangements, including changes in the number of days or hours worked, arrival or departure times, work from home, or job-sharing. The Town shall consider such requests in good faith as required by law. Approval of a flexible working arrangement is not guaranteed and may be denied, modified, or limited based on

- E. **(CONTINUED).** operational needs, cost, staffing, workload, service to the public, legal or contractual obligations, performance concerns, or other lawful reasons. If a written request is denied in whole or in part, the Town shall provide the decision in writing as required by law.
- F. ***Meal and Restroom Opportunities:*** Employees shall be provided with reasonable opportunities during work periods to eat and to use toilet facilities in order to protect the health and hygiene of the employee, subject to operational needs, emergency response, staffing, and public-service requirements. Employees may be permitted to eat at their desk, workstation, vehicle, job site, or other appropriate work location when doing so does not interfere with Town operations, public service, safety, sanitation, equipment, records, or the employee's duties. Departments may establish reasonable expectations for when and where employees may eat based on the nature of the work being performed. Employees should discuss meal needs, schedule concerns, or operational conflicts with their supervisor or Department Head so that reasonable arrangements may be made when practicable.
- G. ***Nursing Employees in the Workplace:*** For three (3) years after the birth of a child, and for any longer period required by Federal law, the Town shall provide reasonable break time and a private space other than a bathroom that is shielded from view and free from intrusion for an employee to express breast milk. Break time may be unpaid only to the extent permitted by law. Existing paid breaks remain paid, and any time during which the employee is not completely relieved from duty shall be treated as hours worked.
- H. ***Pregnancy and Disability Accommodation:*** The Town shall provide reasonable accommodations for qualified individuals with disabilities and for known limitations related to pregnancy, childbirth, or related medical conditions as required by Federal and State law. The Town shall engage in a timely, good-faith interactive process and shall request supporting documentation only when permitted by law. Depending on the circumstances, a lawful accommodation may include schedule changes, leave, light duty, reassignment, equipment changes, or temporary suspension of one or more essential functions. An accommodation may be denied only when the applicable legal standard permits denial, including undue hardship or a direct safety threat that cannot be reduced by reasonable accommodation.
- I. ***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.
- J. ***Personal Property in the Workplace:*** Employees are discouraged from storing personal property at Town workplaces beyond ordinary personal items reasonably necessary during the workday. No employee shall store or maintain personal property at a Town workplace with an aggregate value exceeding Two Hundred Dollars (\$200.00), unless prior written approval is granted by the Selectboard or Department Head. Personal Property brought to or left at the Town workplace remains the sole responsibility of the employee. The Town shall not be responsible for the loss, theft, damage, removal, disposal, or destruction of such personal property, except as otherwise required by law. Employees may be required to remove personal property from the

workplace when directed by the Selectboard or Department Head.

- K. ***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.
- L. ***Use of Privileged or Confidential 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, operations, decisions, or activities, the employee must immediately report the situation to their supervisor, Department Head, or the Selectboard.

Employees are responsible for ensuring that they release only information that is available to the general public or otherwise authorized by law. Employees with access to personnel, payroll, medical, tax, law enforcement, financial, utility, or other confidential records shall not disclose such records except as authorized by law or required by their official duties.

Nothing in this section shall prohibit employees from discussing their own wages, benefits, or other terms and conditions of employment as allowed by law. However, employees who have access to confidential payroll or personnel records through their Town position shall not disclose confidential information from those records except as authorized by law or required by official duty.

Use of privileged or confidential information for private gain, unauthorized disclosure of confidential records, or misuse of Town information may be just cause for disciplinary action, up to and including dismissal.

- M. ***Contracts:*** An employee or municipal officer with a direct or indirect personal or financial interest in a proposed or existing Town purchase, sale, lease, grant, or contract shall promptly disclose the interest and shall not participate in the matter except as permitted by Vermont's Municipal Code of Ethics and Section 12. Procurement and contracting must also comply with applicable law and Town purchasing requirements.
- N. ***Receipt of Gifts:*** No employee or municipal officer may solicit or accept anything of value based on an understanding that an official action or judgment will be influenced, or accept a gift prohibited by Vermont's Municipal Code of Ethics. Any gift, gratuity, hospitality, or other benefit connected to Town duties shall be disclosed and handled in accordance with Section 12 and applicable law.
- O. ***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.

- P. **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.
- Q. **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. PREVENTION OF SEXUAL HARASSMENT AND RETALIATION

The Town prohibits sexual harassment and retaliation. This section applies to employees, applicants, interns, volunteers, elected and appointed officials, contractors, vendors, and other persons interacting in the Town workplace or through Town business. Prohibited conduct may occur in person or through telephone, text, email, social media, video, or other communication, and may occur away from Town property when connected to Town employment or services. Sexual harassment is unlawful and will result in prompt corrective action when substantiated. Conduct need not violate criminal law or independently support a civil claim to violate this Policy.

- A. **Definition:** Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, written, visual, electronic, or physical conduct of a sexual nature when:
1. submission to the conduct is made explicitly or implicitly a term or condition of employment;
 2. submission to or rejection of the conduct is used as the basis for an employment decision; or
 3. the conduct has the purpose or effect of substantially interfering with work or creating an intimidating, hostile, or offensive working environment.

Harassment may involve persons of any sex, sexual orientation, or gender identity and may occur without sexual desire. It may include harassment based on sex, pregnancy, childbirth, sexual orientation, gender identity, or gender stereotypes.

- B. **Examples:** Examples may include unwanted touching; sexual assault; requests for dates or sexual activity after rejection; conditioning work opportunities on sexual cooperation; sexual jokes, comments, gestures, images, or messages; repeated comments about a person's body or private life; display or transmission of sexually explicit material; deliberate misuse of names or pronouns as part of sex-based harassment; or retaliatory treatment after a concern is raised. The examples are illustrative, not exhaustive.
- C. **Reporting:** Anyone who experiences, witnesses, or learns of possible sexual harassment or retaliation should report it promptly. A report may be oral or written and may be made to any supervisor, Department Head, Selectboard member, or either of the following designated contacts:
- **Zachary Brown, Town Clerk/Treasurer** — Canaan Town Office, 318 Christian Hill Road, P.O. Box 159, Canaan, VT 05903; (802) 266-3370; clerktreas@caanaan-vt.org.
 - **Dillon Begin, Selectboard Chair** — through Canaan Town Office, 318 Christian Hill Road, P.O. Box 159, Canaan, VT 05903; (802) 266-3370.

A person need not report to anyone involved in the concern. A report involving the Town Clerk/Treasurer should be made to the Selectboard Chair or another unconflicted Selectboard member. A report involving the Chair should be made to the Town Clerk/Treasurer or another unconflicted Selectboard member. If all ordinary internal recipients may be involved or conflicted, the report may be directed to Town counsel or an external agency listed below. A supervisor or official who receives a report or observes possible harassment must promptly forward the matter to an unconflicted person authorized to respond. The Town shall update and redistribute this section when designated contacts change.

- D. ***Response and Investigation:*** The Town will respond promptly, impartially, and as confidentially as reasonably possible. Confidentiality cannot be guaranteed; information may be shared with persons who need it to investigate, take corrective action, protect participants, or comply with law. The Town may take interim measures while a matter is pending.

The investigator shall be impartial and may be an outside professional. The process ordinarily includes notice of the allegations, interviews of relevant persons, review of available records, and a fair opportunity for the respondent to answer. The Town will determine whether this Policy was violated based on the information reasonably available and will communicate the outcome to the extent appropriate and lawful.

- E. ***Corrective Action:*** When a violation is substantiated, the Town will take prompt corrective action reasonably calculated to stop the conduct, address its effects, and prevent recurrence. Action may include training, counseling, changes in work arrangements, restrictions on contact, discipline up to dismissal, ending a contractor or volunteer relationship, or referral to the body with authority over an elected or appointed official.
- F. ***Retaliation Prohibited:*** The Town prohibits retaliation against a person who in good faith reports conduct, requests assistance, participates in an investigation, supports another person, or exercises a legal right. Retaliation is a separate violation and should be reported immediately. Knowingly making a materially false statement may result in corrective action, but an unsubstantiated good-faith report is not misconduct.
- G. ***External Agencies:*** An individual may contact an external agency without first using the Town's procedure. Filing deadlines may apply.
1. *Vermont Attorney General's Office, Civil Rights Unit:* 109 State Street, Montpelier, VT 05609-1001; (802) 828-3657; toll-free in Vermont (888) 745-9195.
 2. *U.S. Equal Employment Opportunity Commission, Boston Area Office:* John F. Kennedy Federal Building, 15 New Sudbury Street, Room 475, Boston, MA 02203-0506; (800) 669-4000; TTY (800) 669-6820; ASL Video Phone (844) 234-5122; www.eeoc.gov.
- H. ***Distribution and Posting:*** The Town shall provide this policy individually to employees upon adoption, to each new employee upon hire, and when otherwise required by law. Required notices shall be posted conspicuously. Employees may be required to acknowledge receipt and attend prevention training.

SECTION 11. 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:

- A. Hold a position which requires, or which enables the employee or official to directly supervise a family member.
- B. Evaluate the work performance of a family member.
- C. Evaluate the application for employment of a family member.
- D. Adjust an employment relations grievance or complaint of a family member.
- E. 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 for taking practical corrective measures by personnel actions such as transfer or reorganization.

SECTION 12. CONFLICTS OF INTEREST AND ETHICAL CONDUCT

- A. ***Relationship to Vermont's Municipal Code of Ethics:*** All persons covered by Vermont's Municipal Code of Ethics, 24 V.S.A. chapter 60, shall comply with that Code, including its requirements concerning conflicts, recusal, prohibited conduct, training, complaints, records, and protection from retaliation. Covered municipal officers include Selectboard and quasi-judicial body members and persons exercising certain municipal functions, including the Clerk, Treasurer, Department Heads, road commissioner, and other positions identified by law. If this section differs from the State Code, the State Code controls.

Employees who are not statutory municipal officers remain subject to the standards below as conditions of employment.

- B. ***Conflict of Interest:*** A conflict of interest exists when an employee or official, an immediate family or household member, or a business associate has a direct or indirect personal or financial interest in the outcome of a Town matter, or when an interest or relationship conflicts with the proper discharge of Town duties. An interest shared generally with other persons affected by a matter is not ordinarily a conflict. An appearance of conflict is evaluated from the perspective of a reasonable person who knows the relevant facts.
- C. ***Disclosure and Recusal:*** An employee who has or reasonably may appear to have a conflict shall disclose it promptly to the supervisor and Selectboard or another unconflicted authorized representative before acting. The employee shall not participate in, advise on, influence, approve, administer, inspect, or receive nonpublic information concerning the matter unless an unconflicted authority determines in writing that participation is lawful and necessary. The Town may reassign the matter or duties.

A municipal officer shall follow the disclosure, immediate-recusal, public-statement, nonparticipation, good-cause nonrecusal, written-statement, filing, and record requirements of 24 V.S.A. § 1992. A person who recuses shall not deliberate, communicate privately with decision-makers, vote, sign, administer, or otherwise attempt to influence the matter, except as lawfully permitted in the person's private capacity.

D. ***Prohibited Conduct:*** No employee or official may:

1. use a Town position for improper personal or financial gain or for the gain of an immediate family or household member or business associate;
2. give undue preference or unfavorable treatment because of wealth, position, status, or a personal, family, political, or business relationship;
3. direct another person to act unethically or to conceal a conflict;
4. use nonpublic or confidential Town information for personal or financial gain;
5. misuse Town money, property, personnel, facilities, systems, supplies, authority, or paid work time;
6. make an unauthorized commitment or promise purporting to bind the Town;
7. solicit or accept anything of value based on an understanding that an official action or judgment will be influenced; or
8. retaliate against a person for disclosing, reporting, declining to participate in, or cooperating in an inquiry into suspected unethical or unlawful conduct.

Section 9's limited allowance for nominal hospitality does not permit any gift prohibited by law or this section.

E. ***Town Contracts and Procurement:*** An employee or official shall promptly disclose any interest in a proposed or existing Town purchase, sale, lease, grant, or contract involving that person, an immediate family or household member, or an associated business. The person shall take no part in developing specifications, soliciting or evaluating proposals, negotiating terms, recommending an award, approving invoices, inspecting performance, or administering the contract unless participation is expressly lawful and authorized after disclosure.

A municipal officer may benefit from a Town contract only within an exception allowed by 24 V.S.A. § 1993(h) and must still comply with all recusal and procurement requirements. No employee may split a purchase, steer work, share nonpublic bid information, or use a Town position to avoid competitive or approval requirements. Only a person with delegated authority may sign or modify a Town contract.

F. ***Outside Activities and Representation:*** An employee or official shall not privately represent, negotiate for, or advocate on behalf of a person or organization in a Town matter when doing so would conflict with Town duties, misuse Town information, or violate law. Outside work or financial interests that may overlap with Town business must be disclosed before the employee acts on the related Town matter.

G. ***Reporting, Review, and Consequences:*** Questions and reports may be directed to the Town Clerk/Treasurer, Selectboard Chair, another unconflicted Selectboard member, or a recipient authorized by Vermont's Municipal Code of Ethics. A person shall not be required to report to anyone implicated in the concern. Reports will be reviewed as confidentially as reasonably possible and handled under applicable law, the State Code, and Section 19. A good-faith report is protected even if it is not substantiated. Violations may result in corrective or disciplinary action within the Town's lawful authority and may be referred to the Vermont State Ethics Commission or another appropriate agency.

The Selectboard shall designate an ethics liaison to the Vermont State Ethics Commission and shall designate a municipal officer or body to receive complaints. Unless the Selectboard designates another recipient, the Town Clerk/Treasurer shall serve as ethics liaison and designated complaint recipient. A complaint involving that person shall be directed to the Selectboard Chair or another unconflicted Selectboard member. The Municipal Code of Ethics, this Policy, and the complaint procedure below shall be posted or made available as required by law. The Town shall maintain complaint, disposition, and training records for the periods required by law.

Municipal officers required to complete State-approved ethics training shall do so within one hundred twenty (120) days after election or appointment and at least once every three years thereafter. The Town shall document completion and make the Municipal Code of Ethics, complaint procedure, and any supplemental ethics policies available as required by law.

H. ***Ethics Complaint Investigation and Enforcement:***

Any employee, official, or member of the public may submit a good-faith complaint alleging that a municipal officer violated Vermont's Municipal Code of Ethics. A complaint may be submitted to the designated complaint recipient, ethics liaison, Selectboard Chair, or another unconflicted Selectboard member. A person is not required to submit a complaint to anyone implicated in the matter. A complaint should identify the officer, the conduct at issue, the relevant facts, and any available supporting information. A complaint will not be rejected solely because it is not submitted on a particular form.

The recipient shall promptly preserve the complaint and refer it to an unconflicted reviewer. The reviewer shall determine whether the allegation falls within the Municipal Code of Ethics and whether additional investigation is warranted. A dismissal at this stage shall be documented with the reason. No person who is a complainant, respondent, material witness, or otherwise conflicted may investigate, deliberate, or decide the matter.

When investigation is warranted, the Town shall appoint an impartial investigator, who may be Town counsel or another outside professional. The respondent shall receive fair notice of the allegations and a reasonable opportunity to respond. The investigator may interview witnesses and review relevant records and shall issue written findings based on the information reasonably available. The Town will protect confidentiality as far as reasonably possible, but cannot guarantee confidentiality where disclosure is needed to investigate, provide due process, take action, or comply with public-records, open-meeting, or other law.

An unconflicted Selectboard or other body with lawful authority shall review the findings and determine the disposition. If an unconflicted quorum is unavailable, the Town shall use an independent decision-maker or another lawful process. Available remedies may include advice, recusal, correction of an action when legally possible, training, reprimand, employee discipline, removal or other action only when authorized by law, contract or volunteer action, or referral to the Vermont State Ethics Commission, law enforcement, or another agency. The complainant and respondent shall receive written notice of the disposition to the extent permitted by law.

The Town shall retain each complaint and its disposition for the duration of the municipal officer's service plus at least five (5) years and shall provide the State Ethics Commission with a summary of complaints and outcomes, excluding personally identifiable information, when requested. Retaliation against a person for making a good-faith complaint, providing information, declining to participate in unethical conduct, or cooperating with an investigation is prohibited.

SECTION 13. USE OF TOWN PROPERTY

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.

A. Equipment and 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.

B. 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 or personal vehicle operated for town business, shall wear a seat belt at all times when the vehicle is being operated. All employees operating a Town vehicle are responsible that all passengers wearing seat belts.
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, obeying the speed limit, obeying all traffic regulations, etc.

C. *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 14. 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 vehicles 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 or similar program used for calculating mileage indicating a starting point, ending point, and total mileage.
- D. The Town's vehicle 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 extending a business trip (staying an extra day) it is requested that an employee does so, unless such a situation causes 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 15. WORKPLACE HEALTH AND SAFETY

The Town is committed to a safe and healthy workplace. Employees shall follow safety rules and training, use required protective equipment, operate only equipment for which they are trained and authorized, maintain orderly work areas, and immediately report hazards, injuries, illnesses, near misses, property damage, and unsafe conduct. No employee shall be disciplined for making a good-faith safety report or exercising a protected safety right.

A supervisor may stop work, remove equipment from service, or direct an employee away from a hazard. An employee who reasonably believes an assignment presents an imminent danger shall stop when safe to do so and immediately notify the supervisor. The Town will review the concern promptly.

- 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 proceeds only after being equipped with appropriate safety protection.

- C. ***Workplace Violence:*** Threats, intimidation, stalking, fighting, deliberate property damage, and other workplace violence are prohibited. Immediate danger shall be reported to 911; other concerns shall be reported promptly to a supervisor or the Selectboard. The Town may take interim safety measures and investigate.

D. ***Emergency and Incident 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.
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.
4. Emergencies requiring police, fire, or medical response should be reported through 911 and the supervisor as soon as circumstances permit.
5. Employees shall cooperate in incident investigations and provide accurate information.

E. ***Work-Related Injury Leave:***

1. An employee injured on the job, however slightly, must report the incident or accident immediately to the employee's supervisor or Department Head.
2. The supervisor or Department Head must file a First Report of Injury form with the Selectboard or its authorized representative by the end of the next normal workday. Any injury requiring reporting to the Vermont Department of Labor, the Town's workers' compensation carrier, or any other required entity shall be reported in accordance with applicable law.

3. Workers' compensation claims, medical treatment, wage replacement, paid injury time, return-to-work issues, and related benefits shall be handled in accordance with Vermont workers' compensation law, the Town's workers' compensation carrier requirements, and these Personnel Rules.
4. If an employee seeks medical treatment for a work-related injury, the Town may designate the initial treating health care provider to the extent permitted by law. Nothing in this section shall limit any right of the employee to seek other treatment or change providers as permitted by law.
5. The Town will make reasonable efforts to return an employee with a work-related injury to work when medically appropriate and when suitable work is available, in accordance with statutory requirements, medical restrictions, workers' compensation requirements, and the operational needs of the Town.

F. *Light Duty, Modified Duty, and Medical Restrictions:*

1. *Work-Related Injury or Illness:* Light duty or modified duty following a work-related injury or illness shall be handled in accordance with Vermont workers' compensation law, applicable medical restrictions, and the operational needs of the Town. The Town may offer temporary light duty or modified duty when suitable work is available, and the employee is medically released to perform such work.

Any light duty or modified duty assignment for a work-related injury or illness must be approved by the Department Head and the Selectboard or its authorized representative. The employee must provide medical documentation describing the employee's work restrictions, expected duration of restrictions, and ability to perform assigned duties. The Town is not required to assign work that is outside the employee's medical restrictions or that would create an unsafe condition for the employee, other employees, or the public.

2. *Personal Injury, Illness, Elective Procedure, or Non-Work-Related Condition:* Light duty or modified duty for a personal injury, illness, elective procedure, or other non-work-related condition is not guaranteed and may be offered only at the discretion of the Department Head, with approval of the Selectboard or its authorized representative.

The Town is not required to create a light duty position, remove essential job functions, displace another employee, assign unnecessary work, create overtime, guarantee forty (40) hours per week, or guarantee the employee's regular schedule when suitable work is not available.

If temporary light duty or modified duty is offered, the assignment shall be limited to work that is available, necessary, productive, within the employee's medical restrictions, and in the best interest of the Town. The number of hours assigned may be less than the employee's regular schedule if sufficient suitable work is not available.

Time not worked during a personal injury, illness, elective procedure, or other non-work-related condition shall be unpaid unless the employee uses available accrued paid leave, including sick leave, vacation leave, floating holiday time, compensatory time if applicable, or other leave authorized by these Personnel Rules or required by law.

3. *General Requirements:* All light duty or modified duty assignments are temporary and may be changed, extended, reduced, or ended based on medical information, available work, operational needs, safety concerns, or the needs of the Town. An employee assigned to light duty or modified duty may not work overtime unless specifically authorized by the Department Head and the Selectboard or its authorized representative.

The employee must comply with all medical restrictions, and all assigned light duty or modified duty requirements. Failure to comply with medical restrictions, failure to perform assigned duties, or performing work outside approved restrictions may result in removal from light duty or modified duty and may result in disciplinary action.

Nothing in this section shall be construed to limit the Town's obligations under applicable workers' compensation laws, disability accommodation laws, pregnancy accommodation laws, earned sick time laws, parental or family leave laws, military leave laws, or any other applicable federal or state law.

- F. ***Communicable Illness and Fitness for Duty:*** Employees shall follow lawful public-health and safety instructions. The Town may require an employee not to perform duties when a medical condition creates a significant safety risk that cannot be addressed by reasonable accommodation. Any medical inquiry or fitness-for-duty examination must be job-related and consistent with business necessity, or otherwise permitted by law, and shall be paid for by the Town when required.

G. ***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 for 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.
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.
8. 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.
9. 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 16. 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 Driver's License as a requirement of their position shall be subject to the Town's Commercial Driver's License Requirement Policy as it relates to drug and alcohol use and work. Prohibited Conduct includes but is not limited to: Coming to work or the workplace under the influence of illegal drugs or alcohol, Possessing or using illegal drugs while at work or the workplace., Possessing or using alcohol while at work or the workplace, Misusing this policy in regards to subordinates or coworkers.

A. Definitions:

4. 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.
5. 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 include 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.
6. 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.
 7. 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.
 8. 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.
 9. Work – shall mean performing job functions assigned by the Town for which the employee receives compensation.
 10. 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:*

1. 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.
2. Any drug or alcohol testing shall be conducted only as permitted by applicable Federal and State law, including Vermont drug-testing law, DOT/CDL requirements where applicable, and any other legal requirements governing the position. Nothing in this policy authorizes random, company-wide, or other drug or alcohol testing, except where permitted or required by law. Where testing is based on probable cause, the Town shall document the facts supporting probable cause and shall follow applicable procedural safeguards. Refusal to submit to a lawful and properly required test may result in discipline, up to and including dismissal.
3. 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.

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 17. 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 Driver's 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.

A. *Definition:*

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.

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.

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.

- 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 18. 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 19. DISCIPLINE AND DISMISSAL

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.

A. 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 electronical 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.

3. The Selectboard may dismiss an employee when, in its lawful judgment, the employee's work or conduct warrants dismissal, provided the employee is given written notice of the charges or reasons within forty-eight (48) hours after the action and is informed of the appeal procedure in Section 20. Nothing in this paragraph permits discrimination, retaliation, interference with a protected right, or dismissal contrary to applicable law.

B. *Oral and Written Reprimands:*

1. For the first violation, or any violation immediately following one (1) year of no disciplinary actions against the employee, of any rule, inaction, or prohibited action as defined above or not, which in the opinion of the Selectboard or its authorized representative is not serious enough for dismissal, the Selectboard or its authorized representative may issue an oral reprimand to the offending employee. Written records of oral reprimands shall be entered in the employee's personnel folder. Such record shall be removed from the employee's personnel folder one (1) year after its inclusion, provided no other disciplinary action has transpired during that time. If additional disciplinary action is required during this one-year period, the record of the initial oral reprimand shall only be removed upon completion of a one-year period without any disciplinary action.
2. A violation of any rule, inaction, or prohibited action within one (1) year of an oral reprimand, or where more severe initial action is warranted, can result in the Selectboard or its authorized representative issuing a written reprimand to the offending employee. The reprimand will be issued to the employee in conference with the Department Head and the Town Clerk/Treasurer, provided they are not the same person and are not otherwise conflicted. If the Department Head and Town Clerk/Treasurer are the same person, unavailable, or conflicted, the Selectboard or its authorized representative may designate an unconflicted Selectboard member or other appropriate Town representative to participate in the conference. The Selectboard may attend the conference at its discretion. The written reprimand shall detail the incident necessitating the action and the rule or rules violated. A written record of the reprimand signed by the issuing official, conference participants, and the employee shall be entered in the employee's personnel folder. Such record shall be removed from the employee's personnel folder one (1) year after its inclusion, provided no other disciplinary action has transpired during that time. If additional disciplinary action is required during this one-year period, the record of the written reprimand shall only be removed upon completion of a one-year period without any disciplinary action.

C. *Suspension without pay:*

1. A violation of any rule, inaction, prohibited action, or any other behavior warranting disciplinary action within one (1) year of an oral or written reprimand, or where more severe initial action is warranted, can result in the Selectboard or its authorized representative 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 Department Head and the Town Clerk/Treasurer, provided they are not the same person and are not otherwise conflicted. If the Department Head and Town Clerk/Treasurer are the same person, unavailable, or conflicted, the Selectboard or its

- authorized representative may designate an unconflicted Selectboard member or other appropriate Town representative to participate in the conference. The Selectboard may attend the conference at its discretion. 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 official, conference participants, 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 (1) year of service without disciplinary action. Employees suspended shall also be informed in writing of the appeal procedure provided under these Personnel Rules.
2. Salaried employees who are exempt from the overtime provisions of the Fair Labor Standards Act may be suspended without pay only when such suspension is permitted by applicable law and imposed in a manner consistent with salary-basis requirements. Where unpaid suspension is not legally permissible, the Selectboard may impose other appropriate discipline, up to and including dismissal.
 3. Removal of a disciplinary record from an employee's active personnel folder does not authorize destruction of a municipal public record. Disciplinary records shall be retained and disposed of only in accordance with applicable law and the Town's approved records-retention schedule.

D. *Dismissal:* The Selectboard may immediately dismiss:

1. Any employee whose actions or inactions violate Town rules and regulations as set forth in paragraph A.1. above; or
2. Any employee whose actions or inactions violate Town rules or regulations within one (1) year following a disciplinary suspension as prescribed in paragraph C above.
3. The employee shall be notified of such action in writing during a conference with the Selectboard Chair, or another Selectboard member designated by the Chair. The conference may occur during a duly warned Selectboard meeting or at another time authorized by the Selectboard. The Department Head and Town Clerk/Treasurer shall also participate in the conference, provided they are not the same person and are not otherwise conflicted. If the Department Head and Town Clerk/Treasurer are the same person, unavailable, or conflicted, the Selectboard Chair or designee may designate an unconflicted Town representative to participate in the conference.
4. 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.
5. An employee who is dismissed must immediately return all Town keys, access cards, access codes, passwords, and any other items necessary to secure Town buildings, vehicles, equipment, records, or systems. All other Town property or equipment must be returned within two (2) business days, unless the Selectboard, Selectboard Chair, or authorized representative requires earlier return.

SECTION 20. 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) business 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) business 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 21. GRIEVANCES

- A. 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.
- B. 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. Adjustments for such complaints is separately provided for in Section 20.
- C. An employee who believes that inequitable treatment has been received because of some conditions 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 22. PAY PLAN

- A. An hourly employee shall be paid for all hours actually worked during each pay period. A salaried employee shall be paid an annual salary divided by the number of regular pay periods in the year, subject only to deductions permitted by applicable law. Payment on a salary basis does not, by itself, determine whether an employee is exempt from overtime requirements.
- B. All hours actually worked must be accurately recorded and paid in accordance with applicable law. All employees, whether hourly or salaried, must complete and submit accurate timesheets in the manner and within the time established by the Town. No employee may perform work without recording the time worked, and no supervisor, Department Head, Selectboard member, or other representative of the Town may direct, encourage, or knowingly permit an employee to perform work without compensation.

- C. An unauthorized absence may result in disciplinary action. A nonexempt employee shall not be paid for unauthorized time not worked, unless otherwise required by law or Town policy. Any deduction from the salary of an exempt employee shall be made only as permitted by applicable law. Employees using authorized sick leave, vacation leave, or other paid leave shall be compensated in accordance with the applicable provisions of these Personnel Rules.
- D. Final wages shall be paid in accordance with applicable law. An employee who is discharged from employment shall be paid within seventy-two (72) hours after discharge. An employee who voluntarily leaves employment shall be paid on the last regular payday or, if there is no regular payday, on the following Friday, unless otherwise required by law.

SECTION 23. COMPENSATION

- A. An employee assigned to on-call duty shall receive an annual stipend equal to forty (40) hours at the employee's regular straight-time rate of pay. The stipend is non-accumulative, shall not carry forward from one calendar year to another, and shall be paid in November of each year.
- B. For an employee hired during the year or assigned to on-call duty for only part of the year, the stipend shall be prorated according to the portion of the calendar year during which the employee was assigned to on-call duty. The applicable period shall begin on the employee's date of hire or the date of assignment to on-call duty, whichever is later. If the employee's on-call assignment or employment ends before the stipend is paid, the employee shall receive any prorated amount earned through the effective date on which the assignment or employment ended, in accordance with applicable law.
- C. An employee assigned to on-call duty must remain reachable, respond when contacted, report when required, and faithfully perform all assigned on-call responsibilities. Failure to fulfill these responsibilities may result in disciplinary action or removal from the on-call assignment. If an employee is removed from on-call duty, the stipend shall be prorated through the effective date of removal. Removal from on-call duty shall not affect payment of any stipend amount already earned or compensation owed for actual hours worked.
- D. On-call status is not intended to restrict an employee's personal activities except that the employee must remain reachable and able to respond safely and lawfully within the timeframe established by the employee's department. On-call time generally shall not be treated as hours worked when the employee remains free to use the time effectively for personal purposes. Time spent responding to a call, text message, telemetry alert, emergency, or other directions to perform work must be accurately recorded and shall be treated as hours worked in accordance with applicable law.
- E. Supervisors should limit off-hours text messages requiring an employee response to emergencies and urgent operational matters. An off-hours text message that requires an employee to review information, respond, make a decision, provide directions, or otherwise perform work shall result in a minimum of fifteen (15) minutes of compensation at the employee's applicable rate of pay. If the actual time worked exceeds fifteen (15) minutes, the employee shall record and be paid for the actual time worked. Multiple communications concerning the same matter during one continuous response shall be treated as one work event.

- F. A telemetry alert that requires an employee to review, acknowledge, troubleshoot, or otherwise respond shall result in a minimum of fifteen (15) minutes of compensation at the employee's applicable rate of pay. If the actual time worked exceeds fifteen (15) minutes, the employee shall record and be paid for the actual time worked.
- G. If a telemetry alert or other call cannot be resolved remotely and the employee is required to report physically to a work site outside the employee's regularly scheduled hours, the employee shall receive a minimum of two (2) hours of call-out compensation at the employee's applicable rate of pay. If the actual compensable time exceeds two (2) hours, the employee shall record and be paid for the actual compensable time. Any remote response time associated with the same incident shall be included within the two-hour minimum and shall not create an additional fifteen-minute minimum.
- H. Only the time actually worked during a call-out shall be counted as hours worked when determining overtime eligibility. Any additional compensation provided solely to satisfy the two-hour minimum shall not be counted as hours worked unless otherwise required by law. All on-call stipends, call-out payments, and other compensation shall be included in or excluded from the employee's regular rate of pay for overtime purposes as required by law. Payroll shall allocate a nondiscretionary annual on-call stipend over the period in which it was earned and make any additional overtime payment required by applicable law.

SECTION 24. OVERTIME AND PREMIUM PAY

This policy applies to employees who are not exempt from the overtime requirements of the Fair Labor Standards Act or other applicable wage-and-hour laws.

- A. Overtime shall be paid at one and one-half (1½) times the employee's regular rate of pay for all hours actually worked in excess of forty (40) hours during the Town's designated workweek. Hours worked outside an employee's regular schedule, on a weekend or holiday, or in excess of eight (8) hours in a day do not, by themselves, qualify for overtime unless the employee's total hours actually worked exceed forty (40) during the workweek or another provision of these Personnel Rules expressly provides premium pay.
- B. When an employee performs work for more than one Town department or in more than one Town position, all hours actually worked for the Town during the same workweek shall be combined when determining overtime eligibility. When an employee receives different rates of pay or additional compensation during a workweek, the employee's regular rate of pay shall be calculated in accordance with applicable law.
- C. Paid sick leave, vacation leave, holidays, floating holidays, and other paid time during which no work is performed shall not be counted as hours worked when calculating overtime, unless otherwise required by law or Town policy.
- D. No employee may work overtime without prior authorization from the employee's supervisor, Department Head, Selectboard, or other authorized representative. Unauthorized overtime may result in disciplinary action; however, all hours actually worked must be accurately recorded and paid as required by law. A supervisor or other Town representative who knows or has reason to believe that an employee is performing unauthorized work must direct the employee to stop working and must ensure that all time already worked is recorded.

- E. Ordinary travel between an employee's home and regular work location shall not be considered hours worked. Travel occurring after an employee begins performing principal work duties, travel between work sites during the workday, and other travel required as part of the employee's duties shall be recorded and compensated as required by applicable law. Travel for temporary assignments, training, emergency response, mutual aid, or work performed for another entity at the Town's direction shall be treated as hours worked when required by law or expressly authorized by the Town.
- F. Only hours actually worked shall count toward the forty-hour overtime threshold. Additional compensation paid solely to satisfy a minimum call-out guarantee for time not actually worked shall not be counted as hours worked, although the employee remains entitled to the applicable call-out payment.
- G. The Town shall not provide compensatory time off in place of cash overtime unless the Selectboard has adopted a lawful public-sector compensatory-time arrangement by agreement or understanding reached before the work is performed, as required by the Fair Labor Standards Act.

SECTION 25. STAND-BY AND CALL OUT POLICY

- A. ***On-Call Assignment:*** At the discretion of the Department Head, full-time employees may be assigned to stand-by or "on-call" status on a year-round basis. On-call assignments may include, but are not limited to, Highway, Water, Wastewater/Sewer, Transfer Station, buildings, grounds, emergency response, or other Town operational needs.

On-call duty is a condition of employment when assigned by the Department Head, Selectboard, or authorized supervisor. Failure to accept, remain available for, timely respond to, or faithfully perform assigned on-call duty may result in disciplinary action.

On-call schedules shall be prepared and updated by the Department Head in conjunction with the Selectboard or its authorized representative. The schedule shall be at the discretion of the Department Head and may be changed as necessary to meet the operational needs of the Town. Whenever practicable, employees shall be given at least one (1) week advance notice of on-call schedule changes. In emergency situations, or when operational needs require, the schedule may be changed with at least twenty-four (24) hours notice.

- B. ***On-Call Availability:*** On-call status does not require an employee to remain at the Town Garage, a Town facility, the employee's residence, or any other fixed location, unless specifically directed by the Department Head, Selectboard, or authorized supervisor.

Employees assigned to on-call status must remain reachable and able to safely and lawfully respond within the timeframe required by the department. Employees must keep their contact information current and must respond to calls, texts, telemetry alerts, alarms, or other work-related contacts while on call.

Employees assigned to on-call status shall not report to duty, operate Town vehicles or equipment, or perform safety-sensitive duties while impaired by alcohol, drugs, medication, fatigue, or any other condition that would prevent safe and lawful performance of duties.

- C. **Highway Department Winter Stand-By:** From November 15 through April 1 of each year, or prior and subsequent thereto if directed by the Selectboard, all full-time employees hired as road crew members shall be on stand-by or on-call status for winter highway operations, including snow and ice control. During this period, no such employee shall be allowed to take vacation or floating holidays unless for good reason and specifically authorized by the Selectboard or its authorized representative.
- D. **Call-Out Pay:** Any employee who is ordered to return to work outside of their regular shift by the Department Head, Selectboard, or authorized supervisor shall be allowed a minimum of two (2) hours at their regular rate. This minimum call-out provision does not apply to occasional evening or weekend meetings, in which case the employee shall be paid only for the actual hours worked.
- E. **Actual Work Time:** On-call status itself shall not be treated as hours worked unless the employee is actually responding to a call, text, telemetry alert, alarm, emergency, or is otherwise directed to perform work. Actual time worked shall be recorded on the employee's timesheet and compensated in accordance with these Personnel Rules.
- F. **Failure to Respond:** An employee who fails to remain reachable, respond timely, report when required, or safely and faithfully perform an on-call assignment may be disciplined or removed from the assignment. Upon removal, the annual stipend may be prorated prospectively through the effective date of removal, but the employee shall not forfeit any stipend amount already earned or compensation owed for work performed.

SECTION 26. HOSPITALIZATION AND MEDICAL INSURANCE

Subject to the governing insurance plan, a full-time employee regularly scheduled for at least thirty-two (32) hours per week becomes eligible for the group health plan after ninety (90) days of employment. Coverage begins only after required enrollment and on the date allowed by the carrier. Completion of the six-month employment probation in Section 6 is not required if the plan permits coverage after ninety days.

For an eligible employee first enrolled on or after September 15, 2025, the Town shall pay the premium for employee-only coverage. If the employee elects spouse, dependent, or family coverage, the employee shall pay twenty percent (20%) of the difference between the selected tier and employee-only coverage through authorized payroll deduction, subject to plan and tax rules.

A full-time employee who was receiving Town-paid health coverage as of October 14, 2024 shall remain eligible for the premium contribution in effect under the Town's grandfathered arrangement, subject to continued eligibility, the governing plan, and future lawful Selectboard action. Any employee whose enrollment falls outside the two groups described above shall be governed by the written enrollment terms approved for that employee and any later uniform Selectboard action.

A noneligible employee or an eligible elected official may participate at the person's own expense only if the carrier and plan permit and the Selectboard authorizes enrollment. Eligibility, coverage, exclusions, continuation, and claims are controlled by the insurance documents and applicable law. Enrollment information is available from the Town Clerk/Treasurer.

SECTION 27. RETIREMENT

The Town participates in Social Security and Medicare as required by law and in the Vermont Municipal Employees' Retirement System (VMERS). An employee or municipal officer who meets the statutory and plan eligibility requirements shall be enrolled in VMERS as required by law. Eligibility is determined under current VMERS rules, including applicable weekly-hour and annual-service thresholds, and is not conditioned by this Policy on a separate ninety-day waiting period or age limit.

Employee and employer contribution rates, membership group, vesting, service credit, retirement eligibility, beneficiary rights, and benefits are governed by Vermont law and VMERS plan documents. The Selectboard may make elections available to participating municipalities only within the authority allowed by VMERS and applicable law. Current forms and information are available from the Town Treasurer.

SECTION 28. LEAVE OF ABSENCE AND PAID TIME OFF

The following types of leave are established: holiday, vacation, sick leave, parental and family leave, military leave, work-related injury leave, bereavement leave, leave without pay, and any other leave required by law or adopted by the Town. Discretionary leave may be approved under these Personnel Rules. Leave and accommodation protected by Federal or State law shall be administered under the applicable legal standard and shall not be denied solely because Selectboard approval was not obtained in advance when the law excuses advance notice. The Town Treasurer shall maintain leave records. Compensatory time off may be provided only under a lawful arrangement consistent with Section 24.

- A. **Holidays:** The following holidays shall be official holidays, together with any other day so proclaimed by the Selectboard:

New Year's Day	Fourth of July	Thanksgiving Day
MLK Jr. Day	Labor Day	Day After Thanksgiving
Presidents' Day	Columbus Day	Christmas Day
Memorial Day	Veterans' day	
Half (½) Day Before Christmas	Half (½) Day Before New Year's Day	

Any above-mentioned 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 employees shall be compensated for holidays as though the employee had worked a normal workday. (I.E. If a normal workday 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 workday's pay. These employees shall be compensated at double their regular pay. (I.E. if a permanent part-time employee 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.)

An employee seeking time away for a sincerely held religious observance may request a schedule adjustment, vacation, a floating holiday, unpaid leave, or another reasonable accommodation. The Town shall provide reasonable accommodation unless doing so imposes undue hardship under applicable law.

- E. ***Floating Holidays:*** In addition to the above specified holidays, two floating holidays per year shall be granted to each full-time and permanent part-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.
- F. ***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 five (5) 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. If Vacation time is not used by the end of the year, it will not rollover to the next. However, at the discretion of the Selectboard, it may be paid out to the employee.

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 employee's 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 Treasurer.

- G. ***Civil Duty Leave:*** All full-time and permanent part-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 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.
- H. ***Jury Leave:*** 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. This is not the case if an employee is summoned to court for any other purpose. In these cases, the employee is to either request the time off, with no pay, or use their floating holidays.

I. *Leaves of Absence Without Pay:*

1. Requests for occasional or short-term unpaid leave of up to one (1) regular workweek may be approved by the employee's Department Head, subject to staffing, workload, operational needs, and the employee's available paid leave. The Department Head shall notify the Town Treasurer or other person responsible for payroll of any approved unpaid leave.
2. A request for unpaid leave exceeding one (1) regular workweek must be submitted in writing to the Selectboard and must state the reason for the request and the anticipated duration of the leave. Before acting on the request, the Selectboard shall consult with the employee's Department Head.
3. A Department Head requesting unpaid leave must obtain approval from the Selectboard. All unpaid leave must be accurately recorded on the employee's timesheet. This provision applies to discretionary unpaid leave and does not limit any leave or accommodation required by applicable law.

SECTION 29. SICK TIME

- A. At the beginning of each calendar year, a full-time employee receives five (5) normal workdays of paid sick leave; a new employee's grant is prorated. A regular or limited part-time employee regularly working at least fifteen (15) hours per week after six months of employment receives a grant equal to the employee's normal weekly hours. The grant counts toward, and shall never provide less than, the Town's obligations under Vermont's Earned Sick Time law.
- B. Each employee covered by Vermont law shall accrue at least one hour of earned sick time for every fifty-two (52) hours worked, up to the statutory annual limit. If the Town's frontloaded grant is less than the amount the employee earns under the statutory formula, the Town shall credit the additional hours. Sick time may accumulate up to twenty (20) of the employee's normal workdays, subject to any greater carryover or balance protection required by law. Use may be limited to the annual amount allowed by law. Unused sick time is not paid at separation.
- C. Sick time may be used for the employee's illness, injury, preventive care, diagnosis, treatment, medical appointment, or other purpose protected by law; to care for or assist a family or household member (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) for a protected purpose; for qualifying closures or public-health reasons; or for safe-leave-related purposes allowed under Vermont's Earned Sick Time law. "Family member" shall be interpreted at least as broadly as applicable law. An employee who exhausts sick time may request vacation or other available leave. The Town shall not require an employee to find a replacement as a condition of using protected sick time.
- D. Sick leave days' pay shall equal a day's pay at the employee's regular straight time rate.
- E. When foreseeable, the employee shall make a good-faith effort to provide advance notice and schedule leave to minimize disruption. Otherwise, notice shall be given as soon as practicable under the call-in procedure.

- F. For an absence of more than three (3) consecutive scheduled workdays, the Town may request reasonable documentation permitted by law. A return-to-work or fitness-for-duty certification may be required only when job-related and consistent with business necessity or otherwise permitted by law. Documentation shall not be more burdensome than lawful and shall be kept confidential.
- G. Nothing in this section shall be construed to provide less than the rights required under Vermont's Earned Sick Time law or any other applicable Federal or State law. Eligible employees shall accrue and may use earned sick time as required by law. The Town may provide sick leave benefits more generous than the statutory minimum, but no provision of this policy shall reduce an employee's statutory earned sick time rights. The Town shall not require an employee to find a replacement worker as a condition of using earned sick time protected by law.

SECTION 30. BEREAVEMENT LEAVE

- A. All employees shall receive three (3) paid bereavement leave days per calendar year.
Bereavement leave may be used following the death of a close relative or any other relative who was living in the same household as the employee immediately preceding the relative's death.
- B. Pay for bereavement leave shall be at the employee's regular rate of pay.
- C. If an employee does not use all bereavement leave in a calendar year, the unused leave shall not carry forward to the next year. Upon separation from employment, an employee shall not be compensated for unused bereavement leave.
- D. For purposes of this section, a close relative includes, but is not limited to, a spouse, civil union partner, domestic partner, parent, stepparent, former legal guardian, legal ward, grandparent, child, stepchild, foster child, adopted child, sibling, parent-in-law, grandchild, aunt, uncle, niece, nephew, sibling-in-law, child of the employee's spouse, civil union partner, or domestic partner, grandparent, grandchild, or sibling of the employee's spouse, civil union partner, or domestic partner, any person residing in the employee's household, any person to whom the employee stands or stood in loco parentis, and any individual for whom the employee provides caregiving responsibilities similar to a parent-child relationship.
- E. An employee may submit a formal written request to the Selectboard for additional paid bereavement leave. The Selectboard may approve, deny, or modify the request at its discretion, subject to applicable law and the operational needs of the Town. If additional paid bereavement leave is approved, the Selectboard may, but is not required to, condition such approval on a reduction of the employee's Town-provided paid bereavement leave or other paid leave in the following calendar year. Any such condition shall be stated in writing at the time the additional leave is approved.
- F. If an employee has exhausted paid bereavement leave, the employee may request to use available vacation leave, sick leave if permitted by law or policy, floating holiday time, compensatory time if applicable, unpaid leave, or other leave available under these Personnel Rules or applicable law.
- G. During any stand-by or on-call period, including Highway Department winter stand-by, an employee who needs time off to attend a funeral, memorial service, burial, or other bereavement-related matter may request bereavement leave. If paid bereavement leave has been exhausted, an employee may request to use available accrued paid leave. Such requests shall be considered by

the Selectboard or its authorized representative based on the circumstances, operational needs, and applicable law.

- H. The Town may require reasonable documentation supporting the need for bereavement leave as permitted by law. Nothing in this section shall be construed to limit any leave rights available under applicable State or Federal law.
- I. An eligible employee may also be entitled to statutory bereavement leave under Section 31. Town-paid bereavement leave and statutory leave shall run concurrently when permitted by law; use of paid bereavement leave does not enlarge the statutory leave period.

SECTION 31. PARENTAL, FAMILY, MEDICAL, SAFETY LEAVE

- A. ***General Policy and Coverage:*** The Town shall provide parental, family, medical, safe, bereavement, qualifying-exigency, short-term family, and federal family and medical leave when the Town and employee meet the applicable coverage and eligibility requirements. This section does not independently expand a statutory entitlement when an employer-size, service, hours, or other legal threshold is not met, but the Selectboard may approve discretionary leave under Section 28.

Under Vermont law in effect when this draft was prepared, a covered employee generally must have worked for the Town for at least one year and an average of at least thirty (30) hours per week. Vermont coverage thresholds differ by leave type: parental, safe, bereavement, and qualifying-exigency leave generally apply to employers with at least ten qualifying employees, while family leave generally applies at fifteen. The federal Family and Medical Leave Act has separate requirements. Current law controls if any threshold changes.

- B. ***Twelve-Week Leave Categories:*** An eligible employee may take up to twelve (12) weeks of unpaid protected leave in a twelve-month period, in the aggregate, for reasons covered by Vermont law, including:
 - 1. pregnancy, childbirth, recovery, or care of a newly born child;
 - 2. initial placement of a child for adoption or foster care;
 - 3. the employee's own serious illness or injury;
 - 4. care for a covered family member with a serious illness or injury;
 - 5. a qualifying exigency arising from covered military service;
 - 6. safe leave when the employee or a covered family member is a victim or alleged victim of domestic violence, sexual assault, or stalking and the employee is not the alleged perpetrator; or
 - 7. bereavement following the death of a covered family member.
- C. Safe leave may be used for medical or counseling services, victim or legal services, safety planning, relocation or safe housing, meeting with law enforcement or a prosecutor, or another purpose protected by law. Statutory bereavement leave is limited to two weeks within the combined twelve-week entitlement, no more than five consecutive workdays at a time, and must be used within the period established by law following the death.
- D. Leave may be taken intermittently or on a reduced schedule when required by law. The Town and employee may agree to another intermittent arrangement.

- E. ***Short-Term Family Leave:*** An eligible employee may take unpaid short-term family leave for school or preschool activities directly related to a child's academic advancement; routine medical or dental appointments of a covered family member; appointments for professional services related to a covered family member's care and well-being; or a covered family member's medical emergency.
The current statutory maximum is four (4) hours in any thirty-day period and twenty-four (24) hours in any twelve-month period. The Town may require leave to be taken in increments of at least two (2) hours as permitted by law. Notice shall be provided as required by law, with emergency exceptions.
- F. ***Notice, Certification, and Scheduling:*** Employees shall notify the supervisor and Town Clerk/Treasurer as soon as practicable. Foreseeable leave should be requested in writing with enough advance notice to plan operations. The Town may require a lawful medical certification, relationship verification, military documentation, or other reasonable support. For safe leave, the Town will not demand documentation prohibited by law and will protect sensitive information.
- G. ***Pay and Benefits:*** Protected leave is unpaid unless the employee elects or the Town lawfully requires use of available sick time, vacation, floating holiday, compensatory time, or other paid leave. Paid and unpaid portions run concurrently and do not extend the statutory leave period. Health coverage and other benefits shall continue on the terms required by law, and the employee must timely pay any required employee share.
- H. ***Reinstatement and Retaliation:*** Upon timely return, the Town shall restore the employee to the same or a comparable position, compensation, benefits, seniority, and conditions as required by law. Lawful exceptions apply when employment would have ended for reasons unrelated to leave or another statutory exception is met. The Town prohibits interference, discrimination, or retaliation for requesting or taking leave or participating in a protected process.
- I. ***Coordination of Leave:*** When permitted, leave under this section runs concurrently with the federal Family and Medical Leave Act, earned sick time, Town-paid leave, workers' compensation, disability or pregnancy accommodation leave, military leave, crime-victim leave, and other applicable leave. The Town will provide required notices identifying how leave is designated.

SECTION 32. MILITARY LEAVE OF ABSENCE

The Town shall provide military leave, benefit protection, reemployment, and freedom from discrimination in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), 21 V.S.A. §§ 491–493, and other applicable law.

- A. An employee should give advance oral or written notice of service as soon as practicable and preferably thirty (30) days in advance, unless military necessity or impossibility makes notice unreasonable. Orders may be requested when available but are not required when law excuses documentation.
- B. An eligible employee shall receive the employee's regular base pay for up to eleven (11) scheduled workdays of authorized active-duty training or service in each federal fiscal year. Military leave beyond the paid allowance is unpaid unless the employee elects to use available vacation, floating holiday, or lawful compensatory time. The Town shall not require use of

accrued paid leave. Benefits shall continue as required by law and by the terms of applicable plans.

- C. An employee returning from service must report to work or apply for reemployment within the period required by USERRA. In general, service of 1–30 days requires return by the first full scheduled work period after safe travel and eight hours’ rest; service of 31–180 days requires application within fourteen (14) days; and service of 181 days or more requires application within ninety (90) days, subject to statutory extensions. The Town shall promptly reemploy the person in the position, seniority, status, and pay required by the escalator principle and shall make reasonable efforts to qualify the employee.
- D. Military leave shall not result in loss of seniority-based rights, and the Town shall not discriminate or retaliate because of past, present, or future uniformed service. Employees should contact the Town Clerk/Treasurer for benefit and return-to-work coordination.

SECTION 33. CRIME-VICTIM LEAVE

- A. **General Policy:** The Town shall comply with applicable Federal and State laws concerning crime victim leave, alleged crime victim leave, relief from abuse, relief from stalking or sexual assault, vulnerable adult protection proceedings, subpoenas, court attendance, and employment protections for victims, alleged victims, family members, or representatives of victims. Nothing in this section shall be construed to provide less than the rights required by applicable Federal or State law.
- B. **Definitions:**
 - 1. For purposes of this section, “employee” means an employee who is eligible for crime victim leave under applicable law, including any employee who has been continuously employed by the Town for a period of six (6) months for an average of at least twenty (20) hours per week, or any other employee covered by applicable law.
 - 2. For purposes of this section, “alleged victim” means a person who is alleged in an affidavit filed by a law enforcement official with a prosecuting attorney of competent State or Federal jurisdiction to have sustained physical, emotional, or financial injury or death as a direct result of the commission or attempted commission of a crime or act of delinquency.
 - 3. “Alleged victim” also includes a family member of such person if the person is a minor, has been found to be incompetent, is alleged to have suffered physical or emotional injury as a result of a violent crime or act of delinquency, or was killed as a result of the alleged crime or act of delinquency.
 - 4. For purposes of this section, “family member” means an individual who is not identified in the affidavit as the defendant and who is the alleged victim’s child, foster child, stepchild, ward who lives with the alleged victim, spouse, domestic partner, civil union partner, sibling, grandparent, grandchild, parent, parent of the alleged victim’s spouse, domestic partner, or civil union partner, legal guardian, or an individual for whom the alleged victim stands in loco parentis or who stood in loco parentis for the alleged victim when the alleged victim was a child.
 - 5. For purposes of this section, “in loco parentis” means an individual for whom the alleged victim has day-to-day responsibilities to care for and financially support, or, in the case of

the alleged victim, an individual who had such responsibility for the alleged victim when the alleged victim was a child.

- C. **Covered Leave:** In addition to any other leave provided by these Personnel Rules or applicable law, an eligible 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 an alleged victim 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.
 4. a relief from abuse, neglect, or exploitation hearing pursuant to 33 V.S.A. chapter 69, when the employee is the plaintiff; or
 5. any other proceeding, deposition, hearing, subpoena, or protected purpose covered by applicable Federal or State law.
- D. **Notice and Documentation:** An employee requesting leave under this section shall provide notice to the Town as required by law and as soon as practicable under the circumstances. The Town may require reasonable documentation supporting the need for leave where permitted by law. Such documentation may include a court notice, subpoena, hearing notice, law enforcement documentation, documentation from an attorney, victim services organization, court, or other documentation permitted by law. Documentation and information relating to leave under this section shall be treated as confidential to the extent required by law and shall be disclosed only as authorized or required by law.
- E. **Use of Paid Leave:** Leave under this section is unpaid unless the employee elects to use accrued paid leave or unless paid leave is otherwise provided by these Personnel Rules, approved by the Selectboard, or required by law. During leave under this section, 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 under this section unless required by law or approved by the Selectboard.
- F. **Benefits During Leave:** The Town shall continue employment benefits for the duration of leave under this section at the level and under the condition's coverage would be provided if the employee continued in employment continuously for the duration of the leave. The Town may require that the employee contributes to the cost of benefits during the leave at the existing rate of employee contribution, as permitted by law.
- G. **Return to Work:** Upon return from leave taken under this section, the employee shall be offered the same or comparable job at the same level of compensation, employment benefits, seniority, and any other term or condition of employment existing on the day leave began, as required by law. This return-to-work provision shall not apply if, prior to requesting leave, the employee has been given notice that employment would terminate, or the employee had given notice of resignation.

This return-to-work provision shall also not apply if the Town 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 leave was granted.

- H. ***Posting Requirement:*** The Town shall post and maintain in a conspicuous place in and about each of its places of business any required printed notices of the provisions of this leave as provided by the Commissioner of Labor or otherwise required by law.
- I. ***General Public Operations Exception:*** Where permitted by law, the leave entitlement under 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.
- J. ***Waiver and More Generous Leave:*** The Town may adopt or approve leave more generous than the leave required by law. Nothing in this section shall diminish the Town's obligation to comply with any applicable collective bargaining agreement, employment benefit program, personnel rule, or law that provides greater leave rights than this section. An employee may, at the time a need for leave arises, waive some or all rights under this section only if the waiver is informed and voluntary and any changes in conditions of employment related to the waiver are mutually agreed upon between the Town and the employee, as permitted by law.
- K. ***Subpoena Protection and Retaliation Prohibited:*** The Town shall not discharge, discipline, discriminate against, or retaliate against an employee for requesting or taking leave under this section, attempting to exercise rights under this section, honoring a subpoena, participating in a protected proceeding, or exercising any rights protected by applicable law. The Town shall not discharge or discipline a victim of a listed crime, or a victim's family member or representative, for honoring a subpoena to testify.

**This document rescinds and replaces any previous Personnel/Benefit Policies.
This policy effective July 9, 2026**

Dillon Begin, Chairman

Alfred Buckley

Alan Leigh

Canaan Selectboard

EMPLOYEE RECEIPT OF POLICY

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