

**TOWN AND VILLAGE OF JOHNSON
COMBINED
PERSONNEL POLICIES AND RULES**

(6/5/03)

As adopted by the Selectboard on 6/16/03
As adopted by the Trustees on 6/16/03
Amended 12/20/10
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**PERSONNEL POLICIES AND RULES HANDBOOK - POLICY I
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PERSONNEL POLICY & RULES

I. NAME OF ADMINISTRATIVE RULES AND AUTHORITY

- A. These rules shall be known and cited as "The Town and Village of Johnson Personnel Rules" and are hereby adopted pursuant to the provisions of Title 24, Vermont Statutes Annotated, sections 1121 and 1122. The Selectboard shall be the Board responsible for administering this Policy for Town Employees. The Trustees shall be the Board responsible for administering this Policy for Village employees. The Selectboard and Trustees shall jointly administer this Policy for those employees whose duties involve working for both the town and the village.
- B. Employment with the Town and Village of Johnson is not for any definite period or succession of periods, and may be terminated either by the employee or by the town or village at any time without notices, except as provided by this manual. Wages or salary and any accrued and unused vacation allowable under these rules and regulations, shall be due to the employee only to the day and hour of termination.
- C. This manual and the provisions contained herein do not constitute a contract of employment in whole or in part. The town and village reserves the right to add, amend or delete any benefit or policy stated herein at any time, except as otherwise committed to by formal contract agreements.

II. PERSONS COVERED

- A. These rules and regulations shall be applicable to all persons employed by the Town and Village of Johnson, but with the exception of Elected Officers, appointed Assistant Town Clerks and Treasurers, members of Boards and Commissions, employees of the School District, persons employed in a professional capacity to make special and temporary studies, investigations and/or inquiries and other positions to which no compensation is attached.
- B. The Board of Selectman and Trustees may prepare written job descriptions for all permanent and permanent part time employees which will describe the duties and responsibilities and the essential job functions of the position as well as the qualifications required to hold the position. The Board(s) may modify the job descriptions from time to time.

III. ADMINISTRATION

- A. These rules and regulations shall be administered by the Selectboard and or Trustees or its authorized representative. Amendments to these Personnel Rules shall be made by resolution of the Selectboard and Trustees.
- B. For the purposes of administration of this policy, "Department Head" shall be defined as follows: For the Town: The Highway Department personnel the Department Head shall be the Road Foreman, or such other designee of the Selectboard.
- C. For Joint Municipal Office personnel, the Department Head shall be the Town Clerk, For employees not covered under another Department Head, the Department Head shall be the Municipal Administrator or such other designee of the Selectboard and or Trustees.

- D. For the Village: For the Water and Light Department and the General Department the Department Head shall be the Water and Light Commissioner. For the Waste Water Treatment Facility, the Department Head shall be the Chief Operator.

IV. RECRUITMENT

- A. Applications for positions may be solicited from any qualified persons at the option of the Selectboard and or Trustees. *On Call employees, such as highway workers, may be required to live within a 30 minute travel time radius of their place (physical location of building) of employment. The Trustees and Selectboard will designate On Call employees either by written policy, offer of employment or Job Descriptions.*
- B. As part of the pre-employment procedure, former supervisors; employers, and references provided by applicants shall be checked as a precaution against obtaining undesirable employees. 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. At the option of the Selectboard and or Trustees full time and/or part time positions shall be posted and advertised in local newspapers stating position, title, approximate salary and application date deadline as well as other pertinent information.
- D. When an emergency hiring situation is declared by the Selectboard and or Trustees any or all of the application process requirements may be waived to ensure provision of continuous town and village services to its citizens.
- E. The policy of the Town and Village of Johnson is to maintain and promote equal employment opportunity. The town and village will select candidates for employment on the basis of the candidate's qualifications for the job and treat them fairly with respect to compensation and opportunity for training and advancement including upgrading and promotion without regard to age, sex, race, political or religious affiliation, sexual orientation, disability, HIV status or national origin. Equality in such opportunities has been and is the basic policy of the Town and Village.

V. SELECTION

- A. All appointments to positions in the service of the Town and Village of Johnson 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 all other qualifications deemed necessary for the satisfactory performance of the duties of the position to be filled shall be considered as may be deemed proper by the Selectboard and or Trustees or its authorized representative or such advisory examining committee as may be appointed.

VI. APPOINTMENT/PROBATIONARY PERIOD

A. Type of Appointments

1. Full-Time: A full-time employee works a combined total of at least 40 hours per week,

for the town or the village, or both, on a continuing basis (indefinite term). For the purposes of compliance with state and federal law pertaining health insurance under the Health Exchange, a person working 30 hours or more shall be considered full time. Employees working for both town and village shall be designated as employees of one entity or the other, by agreement of the Trustees and Selectboard. The entity designated as the "Employer" shall be reimbursed by the other entity at a pro rata share equal to the value of the work performed on behalf of the entity, expressed as a percentage of pay and benefits. The full-time employee is subject to all rules and regulations and receives all benefits and rights as provided by the Personnel Rules.

2. **Student Appointments:** Student appointments have the purpose of affording students of public administration or other professional areas an opportunity to gain actual work experience and provide service to the town and village. Such appointments are for a definite period of time, not to exceed 12 months, and require the approval of the Selectboard and or Trustees or its authorized representative and may be paid or non-paid. Student appointees shall not be eligible for employee benefits but shall be subject to all personnel rules pertaining to performance and conduct.

3. **Emergency Appointments:** In order to prevent stoppage of public business or loss or serious inconvenience to the public, appointment of employees on a temporary basis may be authorized by the Department Head with the approval of the Selectboard and or Trustees or its authorized representative in accordance with these rules for a period not to exceed sixty (60) days. Such appointees shall not be eligible for employee benefits, but shall be subject to policy for performance and conduct.

4. **Permanent Part-time Employees:** Permanent part-time employees are employees who work less than the normal week, for the town or the village or both, but on a regular basis. Permanent part-time employees shall be subject to all rules and regulations. Permanent Part Time Employees shall be entitled to benefits under this policy as follows:

a) Permanent part time employees working at least 24 hours but less than 40 hours shall be entitled to a pro rated basis at a ratio of the number of hours worked in the normal work week to 30 hours of benefits and rights as provided in Section XIII (Hospitalization, Medical but excepting Dental Insurance). Permanent part time employees working at least 24 hours per week shall be entitled to the benefits and rights as provided in Section XIV (Retirement). All Permanent part time employees shall be entitled to rights and benefits as provided in Section XV (Leaves of Absence) on a pro rated basis at a ratio of the number of hours worked in the normal work week (Section XII A.) to 40 hours, except holidays, which will be addressed as follows: When a holiday falls on a work day, which is part of the normal work day and work week of a permanent part time employee, the employee shall be paid the normal number of hours normally worked for that day as holiday pay.

5. **Part-time Employees:** Are employees who work on a seasonal basis or irregular basis or are otherwise categorized as part time, and are not eligible for employee benefits under these personnel rules, but shall be subject to policy for performance and conduct.

6. **Limited-term Appointments:** Limited term appointments are made when a special project requires the addition of employees for a specific time, or to fill a position of an employee on a leave of absence. Such employees shall be subject to all rules and regulations and shall receive benefits and rights as provided by the Personnel Rules during their term of employment at the sole discretion of the Selectboard and or Trustees.

7. **Seasonal Employees:** Are hired for a specific project and or for a period of short duration and are not eligible for employee benefits under these Personnel Rules.

B. Probationary Period

All appointments shall be made with a probationary period of one hundred and eighty (180) days. A Department Head may extend the probationary period with the written approval of the Selectboard and or Trustees or its authorized representative. The total probationary period shall not exceed twelve (12) months. One month prior to the end of the probationary period, the Department Head shall submit a report to the Selectboard and or Trustees or its authorized representative, carefully reviewing the work of the new employee. New employees may be paid at a probationary rate during this period. During the probationary period, the Department Head may remove an employee, with the approval of the Selectboard and or Trustees, who is unable or unwilling to perform the duties of the position satisfactorily or whose performance and dependability do not merit continuance in the service of the town or village.

C. Physical Examination

All new permanent employees who are hired for positions in which health or physical abilities are important for the performance of the essential functions of the job may be required to have a physical examination at the expense of the town or village after an offer of employment has been made. Appointment to a position may be conditioned on positive results of the examination. The specific criteria will be determined by the Selectboard and or Trustees but will be based on the specific requirements of the essential functions of the job as defined in their Job Description. All information obtained as part of the medical exam shall remain confidential and shall not be placed in the employee's personnel file, but in a separate medical file.

D. Proof of Citizenship

All new town or village employees must provide the Selectboard and or Trustees or its authorized representative with proof of citizenship or legal immigration status in conformance with federal law. Failure to provide such proof shall result in non-hiring or immediate dismissal.

VII. PROMOTIONS

A. Promotion Policy

Vacancies in positions above the lowest rank in any department in the town or village may be filled by the promotion of employees in the town or village service where the Selectboard and or Trustees determines those employees are qualified for the promotion. Promotion in every

case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of effecting an increase in compensation.

B. Notification

After a determination of eligibility as per VII A. above, a Department Head shall advise employees within the department of the existence of vacancies to which they are qualified to be promoted. Such notice may also be posted in the Town Office for a period of five (5) days prior to advertising in the local media except in emergency hiring situations.

C. Probationary Period

All promotions shall be subject to the one hundred and eighty (180) day probationary period, and may be extended to 1 year. If during this probationary period the town and or village determines that the job is not being satisfactorily performed, the employee shall be returned to his former job or a comparable position, if available, and the position shall be filled at the discretion of the Selectboard and or Trustees. If the former job has been filled and or a comparable job is not available, the employment may be terminated at the discretion of the Selectboard and or Trustees.

VIII. EVALUATIONS

A. All full time and permanent part time employees of the Town and Village of Johnson will be evaluated a minimum of once a year. Such evaluations will be in writing and signed by both the employee and the Department Head following a conference during which the evaluation is discussed. The signature of the employee does not indicate that he or she agrees with the evaluation but only acknowledges that the evaluation has been shown and discussed.

B. The signed, written evaluation will then be provided to the employee and a copy shall be placed in the employee's file. The employee may, at any time during business hours, view his/her file in the presence of the Selectboard and or Trustees or its authorized representative.

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

D. Failure to improve during the probationary period may result in suspension without pay or termination.

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

IX. DISCIPLINE AND DISCHARGE

A. General Policy

1 The Town and Village of Johnson exists to provide services to its citizens and therefore has a responsibility to perform these services in the most effective and efficient manner possible. The same is required of town or village employees. Discipline and/or discharge will result from any action or inaction resulting in anything less than satisfactory performance. All employees will be fairly and consistently subject to the disciplinary and discharge procedures,

given the facts of the individual case.

B. Employee Actions or Inactions Resulting in Disciplinary and/or Discharge

1. The Selectboard and or Trustees, may immediately dismiss an employee whenever in its opinion the employee's work or conduct so warrants. On the job reasons for dismissal may include, but are not limited to: insubordination, use or being under the influence of drugs or alcohol while on duty, dishonesty, recklessness on the job, attitude which constitutes an unwholesome influence on other employees, failure to obey a reasonable order either verbal or written, falsification of application forms, fighting on duty, convictions for offenses against the law which would affect the employee's performance, violation of any town and or village rules which result in serious personal or property damage, willful disregard for written work or safety rules, or use of abusive language toward a superior or the general public.

2. Other violations of town and or village work rules or these Personnel Rules or employee actions or inactions including those listed as follows shall result in a vocal or written reprimand, suspension without pay or dismissal as detailed below: , 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, theft, disregard for safety rules, possession of firearms or dangerous weapons on duty without supervisor's permission, willful damage to town and or village property and falsifying work records. This list is not inclusive and is exemplary only.

C. Oral and Written Reprimands

1. For the first violation or any violation immediately following six months of no disciplinary actions against the employee of any rule, inaction or prohibited action as defined above not, in the opinion of the Selectboard and or Trustees serious enough for dismissal, the Selectboard and or Trustees may issue an oral reprimand, through the Department Head, to the offending employee. Written records of oral reprimand shall be entered in the employee's personnel folder. Such record shall only be removed from the employee's personnel folder upon written request of the employee and after Selectboard and or Trustees review of said employees' performance. Selectboard and or Trustees authorization for removal, based on above review, required.

2. A violation of any rule, inaction or prohibited action within six (6) months of an oral reprimand or where more severe initial action is warranted, can result in the Department Head, after consultation with the Selectboard and or Trustees, issuing a written reprimand to the offending employee. The reprimand will be issued to the employee in conference with a witness present (another Department Head or the Administrator) and shall detail the incident necessitating the action and the rule or rules violated. In lieu of having a witness present, the conference may be taped, with a record thereof retained. A written record, or tape of the oral reprimand signed by the Department Head and conference witness shall be entered in the employee's personnel folder. Such record shall only be removed from the employee's personnel folder upon written request of the employee and after Selectboard and or Trustees review of said employees' performance. Selectboard and or Trustees authorization for removal, based on above review, required.

D. Suspension Without Pay

A violation of any rule, inaction or prohibited action, or any other behavior warranting disciplinary action within six (6) months of an oral reprimand or where more severe initial action is warranted, can result in the Department Head, after consultation with the Selectboard and or Trustees, 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 with a witness present. The written notification will include a description of the incident necessitating the action and/or the rule or rules violated. A copy of the written notification signed by the suspending officer and the conference witness may be entered in the employee's personnel folder. Such record may be removed from the employee's personnel file upon successful completion of six (6) months service without disciplinary action. Employees suspended shall also be informed in writing of the appeal procedure provided under these Personnel Rules. Salaried employees who are exempt from the overtime provisions of the Fair Labor Standards Act may not be suspended without pay; however, the Selectboard and or Trustees may dismiss this employee, in accordance with any contract for employment, instead.

E. Dismissal

The Selectboard and or Trustees or its authorized representative may immediately dismiss (1) any employee whose actions or inactions violate town and or village rules and regulations as set forth in the paragraphs above; or (2) any employee whose action or inaction violates any town and or village rules or regulations within a six (6) month period following a disciplinary suspension as prescribed in paragraph D above. Such dismissed employee will be notified of such action during a conference with the Department Head with a witness present and will include the incident necessitating the action and/or the rule or rules violated. An employee so dismissed shall also be informed in writing of the appeal procedure provided under these Personnel Rules.

X. APPEAL PROCEDURE

- A.** Appeals from dismissal, demotion or suspension shall be made by an employee by applying in writing within five (5) working days of such dismissal, demotion or suspension, to the Selectboard and or Trustees.
- B.** If a hearing is requested, the Selectboard and or Trustees shall hold a hearing as requested by employee, within three (3) weeks of receipt of employee's written request for a hearing.
- C.** At the hearing, the employee, at his/her discretion, may be present, present testimony, be represented by counsel, examine the evidence against him or her and/or cross-examine witnesses.
- D.** The Selectboard and or Trustees shall make its decision and inform the appellant within seven (7) days.

- E. If the action of the Selectboard and or Trustees is in favor of the employee, he or she shall be restored to his or her original position with full pay for the period since dismissal or suspension. The Selectboard and or Trustees can also reduce the disciplinary action to suspension without pay or reprimand.
- F. The decision of the Selectboard and or Trustees shall be final.

XI. GRIEVANCES

A. Policy

1 It is the intent of the Town and Village of Johnson to address grievances informally and supervisors as well as employees are encouraged to make every effort to resolve problems as they arise. However, it is recognized that there may be grievances which will be resolved only after a formal appeal and review. When this is the case the procedure listed hereunder will be followed.

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

B. Procedure

1. 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 the immediate supervisor or Department Head. *Town Highway Department employees will, before presenting the matter to the Selectboard, discuss the grievance with the Road Commissioner.* If the matter cannot be settled at that level, the employee may elect to present the matter to the Selectboard and or Trustees for consideration.

2. The decision of the Selectboard and or Trustees shall be final.

XII. CONDUCT OF EMPLOYEES

A. Hours of Service

With the approval of the Selectboard and or Trustees, the Department Head shall prescribe the number of hours per day and per week of actual attendance on duty for employment in positions under its jurisdiction. The hours so established shall be construed as the normal work day or work week. The normal work week shall be established annually by the Selectboard and or Trustees after approval of and in accordance with the annual operating budget.

B. General Obligations

Every employee shall fulfill to the best of his or her ability the duties and responsibilities of the employee's position. The employees shall, during their hours of duty, be subject to such other laws, rules and regulations that pertain thereto, devote their full time attentions and efforts to their office and employment. Employees shall not use their positions to secure special privileges or exemptions for the employee or others. Employees shall not use town and or

village property or equipment without written authorization from the Selectboard and or Trustees or its authorized representative for the employees private use or for any use other than that which serves the public interest. Such private use of town and or village property or equipment is seriously discouraged and shall be approved only in emergency situations as determined by the Selectboard and or Trustees or its authorized representative.

No town and or village employee shall purchase any goods or services for personal use through town and or village credit or cash accounts, contracts, tax exempt purchasing, or in any way take advantage of discounts or tax exempt status of the town and or village for personal gain.

C. Attendance

All employees shall be expected to report for duty in accordance with the terms of their employment. It shall be the duty of the employee to notify the Department Head to take leave in accordance with the requirements of this policy. Any unexcused absence may be cause for disciplinary action by the Department Head. A Department Head shall be able to excuse a subordinate from reporting or being present for duty for proper cause, and in accordance with this policy.

D. Political Activity

An employee shall not use his or her official authority for the purpose of interfering with or affecting the nominations or election of any candidate for public office in the Town and Village of Johnson. This rule is not to be construed to prevent a town and or village 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.

E. Receipt of Gifts

No person in the service of the Town and Village of Johnson shall either directly or indirectly give, render, pay or receive any service or other valuable thing for or on account of or in connection with any appointment, proposed appointment, promotion or proposed promotion.

Any employee who receives a gift or is offered a gratuity having a value of \$50.00 or more, from any source by virtue of the fact that he or she is a town and or village employee shall within twenty-four hours inform the Department Head. Failure to report such gifts or gratuities, or offer thereof, may present grounds for suspension or dismissal. The Department Head shall, in turn, inform the Selectboard and or Trustees or its authorized representative of all gifts and/or gratuities offered, or received by the department whether individual or collective. The Selectboard and or Trustees will decide whether or not such gifts and/or gratuities may be accepted.

F. Contracts

No elective or appointive officer or employee of the Town and Village of Johnson shall be beneficially interested directly or indirectly in any contract with the town and or village, regardless of amount; or furnish any material, or perform any labor pursuant to such contract, except in the discharge of his or her official duties, unless such contract shall have been awarded upon bids advertised for by publication. Such publication shall be at least one (1) time in a newspaper having general circulation within the town and or village; such publication shall be at least seven (7) days prior to the opening of such bids. No officer or employee of the

town and or village shall take part in any decision concerning the business of the town and or village in which he or she has a direct or indirect financial interest, aside from his or her salary as an officer or employee, greater than any other citizen or taxpayer in the town and or village. This section shall not apply in the event of an emergency where immediate action shall be deemed more important to the town and or village than the receipt of formal bids.

G. Resignation

An employee who resigns his or her employment with the town and or village shall be deemed to be terminated in good standing if he or she gives reasonable notice (2 weeks) to the Selectboard and or Trustees or its authorized representative of the employees intention to resign and if other circumstances of the termination are such as to justify good standing. Any request for written references for current or former employees from a person who would be representing the town or village in an official capacity, as opposed to a personal reference, shall be accompanied by a written release from the employee and shall be reviewed and approved by the Trustees or Selectboard, as appropriate, prior to being issued.

H. SEXUAL HARASSMENT POLICY

It is against the policies of this employer, and illegal under state and federal law, for any employee, male or female, to sexually harass another employee. This employer is committed to providing a workplace free from this unlawful conduct. It is a violation of this policy for an employee to engage in sexual harassment.

What is "sexual harassment"

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

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

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

either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;

touching or grabbing a sexual part of an employee's body;

touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact was unwelcome;

continuing to ask an employee to socialize on or off-duty when that person has indicated he/she is not interested;

displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if "it is known or should be known that' the behavior is unwelcome;

continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;

referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;

regularly telling, sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;

retaliation of any kind for having filed or supported a complaint of sexual harassment (c.g. ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);

derogatory or, provoking remarks about or relating to an employee's sex or sexual or orientation;

harassing acts or behavior directed,, against a person on the basis of his or her sex or sexual orientation;

off-duty conduct which falls within the above definition and affects the work environment.

What this employer will do if it learns of possible sexual harassment

In the event this employer, receives a complaint of sexual harassment, or otherwise has reason to believe that sexual harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. The employer is committed, and required by law, to take action if it learns of potential sexual harassment, even if the aggrieved employee does not wish to formally file a complaint. Every supervisor is responsible for promptly responding to or reporting, any complaint or suspected acts of sexual harassment. Supervisor should report to: _____ or to: Town employees to the Board Chair, Village employees to the Board Chair (the head of these organizations). Failure by a supervisor to appropriately report or address such violation of this policy.

Care will be taken to protect the identity of the person with the complaint and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation. It shall be a violation of this policy for any employee who learns of the investigation or complaint to take any retaliatory action which affects the working environment of any person involved in this investigation.

If the allegation of allegation sexual harassment is found to be credible, this employer will take appropriate corrective action. The employer will inform the complaining person and the accused person of the results of the investigation and what actions will be taken to ensure that the harassment will cease and that no retaliation will occur. Any employee, supervisor, or agent who has been found by the employer to have harassed another employee will be subject to sanctions appropriate to the circumstances, ranging from a verbal warning up to and including dismissal.

If the allegation is not found to be credible, the person with the complaint and the accused

shall be so informed, with appropriate instruction provided to each, including the right of the complainant to contact any of the state or federal agencies identified in this policy notice.

What you should do if you believe you have been harassed

Any employee who believes that she or he has been the target of sexual harassment, or who believes she or he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop. If the employee does not wish to communicate directly with the alleged harasser or harassers, or if direct communication has been ineffective, then the person with the complaint is encouraged to report the situation as soon as possible to (who has been designated to receive such complaints or reports), or to her or his supervisor, or to (the head of this organization). It is helpful to an investigation if the employee keeps a diary of events and the names of people who witnessed or were told of the harassment, if possible.

If the complainant is dissatisfied with this employer's action, or is otherwise interested in doing so, she or he may file a complaint by writing or calling any of the following state or federal agencies:

1. Vermont Attorney General's office, Civil Rights Unit, 109 State Street, Montpelier, VT 05602, tel: (802) 828 -3171 (voice/TDD). Complaints should be filed within 300 days of the adverse action.
2. Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114, tel:(617) 565-3200 (voice), (617) 565-3204 (TDD). Complaints should be filed within 300 days of the adverse action.
3. Vermont Human Rights Commission, 133 State Street, Montpelier, VT 05633-6301, tel: (802) 828-2480 (voice/TDD). (Only if you are employed by a Vermont state agency.) Complaints must be filed within 360 days of the adverse action.

Each of these agencies can conduct impartial investigations, facilitate conciliation, and if it finds that there is probable cause or reasonable grounds to believe sexual harassment occurred, it may take the case to court. Although employees are encouraged to file their complaint of sexual harassment through this employer's complaint procedure, an employee is not required to do so before filing a charge with these agencies.

In addition, a complainant also has the right to hire a private attorney, and to pursue a private legal action in state court within 3 or 6 years, depending on the type of claims raised.

XIII. HOSPITALIZATION, MEDICAL AND DENTAL INSURANCE

- A. Upon hire a full-time, permanent part-time, or eligible limited term Town and Village of Johnson employee or qualified elected official will become eligible to receive an employer contribution towards health insurance coverage as then offered by the town and or village

under Vermont Health Connect or such programs then in effect.. The town and village will announce annually the employer contribution to be made towards health insurance.

- B. All full-time or permanent part-time Town and Village of Johnson employees are eligible to participate in the Dental Group Insurance Program, as then offered by the Town, upon hire at the pro rated basis as established in this policy.
- C. The Town and Village of Johnson has established a Cafeteria Plan in accordance with IRS regulations for the purpose of providing a premium conversion plan and flexible spending accounts. The Cafeteria Plan, as announced annually by the town and village, shall be the controlling document for a determination of eligibility for these benefits.
- D. The Town and Village of Johnson have established Health Savings Accounts for qualified individuals and, will establish a Health Reimbursement Account. If the cost of the health insurance plan selected by the employee is less than the contribution amount provided by the employer, the difference shall either be deposited in the Health Reimbursement Account or, if eligible a Health Savings Account. If the cost of the health insurance plan selected by the employee is more than the contribution amount provided by the employer, the the difference shall come from a payroll deduction.

XIV. RETIREMENT

- A. The Town and Village of Johnson participates in the Social Security Program and all employees are required to participate in this program. In addition, the town and or village belongs to the Vermont Municipal Retirement System (VMERS). **Enrollment of all eligible the employees (full time at least 24 hours per week) is a condition of the town and or village's participation in the program and is therefore a condition individual employment.** An employee contribution is required (in addition to the employer contribution) which rate is set by VMERS. The employee contribution is made in the form of a payroll deduction. The employee will be provided information on VMERS plans available to employees.

XV. LEAVES OF ABSENCE

A. General Policy

1. The following types of leaves are officially established: holiday, CTO leave, parental and family leave, leave without pay, and compensatory leave (time off in lieu) All leaves may be granted by the Department Head in conformance with rules established for each type of leave. All Department Heads shall maintain permanent records of any absence from duty of their employees and these shall be given to the town and or village Payroll Officer who is the official timekeeper.

2. Employees receiving either Worker's Compensation or weekly indemnity payments during the period in which the holiday falls will be ineligible to receive holiday pay from the town and or village.

B. COMBINED TIME OFF PROGRAM

1) PURPOSE

The combined time off program combines accrued vacation, sick time, personal time and two floating holidays into one “bank” called Combined Time Off (CTO). The purpose of this program is:

- a. To provide employees with increased flexibility and control with regard to their time off,
- b. To provide employees with an incentive for good attendance,
- c. To encourage planned absence in advance so that adequate staffing can be maintained, and,
- d. To promote an efficient and simplified method of administering time off with pay.

2) ELIGIBILITY

After successfully completing six months of employment, eligible employees will be credited with CTO equal to a six-month accrual. Employees may “borrow” CTO for holiday time only during those first six months.

3) ACCRUALS

CTO accrues in increments of hours after each weekly payroll is run. Accrual is based on length of service and hours worked in the designated work week. Hours less than 40 hours per week will be pro-rated as per attached chart. Changes in accrual rates resulting from length of service shall take place on the first day of the fiscal year of the Town or Village as follows: An employee whose hire date occurs within the calendar year following the January 1st date, shall be entitled to the increased accrual rate on the first day beginning on that January 1st.

4) MAXIMUM CTO BALANCE

The maximum balance allowed in an employee’s CTO bank is one and one-half times their annual accrual rate. Any CTO time over 1½ times the annual accrual amount will automatically be rolled over by the payroll officer, at the end of the Town of Village fiscal years, to a Sick Leave Reserve Bank.

5) SICK LEAVE RESERVE

a) Sick Leave Reserve can be used in the event an employee has a bona fide illness, injury, physically disabling condition including pregnancy, or if he/she must care for an ill member of his/her immediate family. Those included in the definition of immediate family are individuals permanently residing in the employee's home including spouse/ domestic partner/ civil union partner, children, parents, parents-in-law, or other relatives permanently residing in the home.

Appointments with physicians, dentists, or other health care providers that take place during normal working hours may be claimed.

b) Time from an employee's CTO bank may be transferred into his/her Sick Leave

Reserve (SLR) bank. Sick Leave Reserve time, however, cannot be transferred to CTO. An employee must call in if he/she is going to be out. Doctor's notes may be required. Call-ins for emergencies or illness are required to use sick leave reserve.

c) Maximum Accrual for Sick Leave Bank. The maximum accrual for Sick Leave Bank shall be 480 hours. The maximum payout upon retirement or death of employee (while still fully employed by Town of Village) shall be capped as follows:

- i) The cap for payout shall be a maximum of 480 hours.
- ii) The maximum payout shall be 25% of actual accrued hours up to the cap of 480 hours.

6) CATASTRPHIC SICK LEAVE BANK. Employees who reach the maximum accrual of 480 hours under Sick Leave Bank may have those hours transferred into the Catastrophic Sick Leave Bank. The Catastrophic Sick Leave Bank may be used by the employee only for his/her disability condition as defined in the Policy, and only after all CTO and Sick Leave Reserve have been exhausted.

Disability is defined as: a physical disease, injury, pregnancy or mental disorder which results in them being unable to perform with reasonable continuity the material duties of their job description and to suffer at least 25% of their pre-disability earnings when working in their assigned job.

No payments from the bank will be paid out if:

- 1) The employee is not under the care of a physician in a specialty appropriate to the disabling condition;
- 2) Is able to work part time but chooses not to;
- 3) Is not participating in good faith in a plan of medical treatment or vocational re-habilitation unless the disability prevents them from doing so.

7) NEGATIVE BALANCE

Under no circumstances will a CTO bank be allowed to have a negative balance. If leave time is required and the employee has no hours available, it shall be taken as leave without pay.

8) TERMINATION

Upon termination, employees who have completed at least six months of continuous service are entitled to payment of any accrued CTO balance up to their maximum as defined in the policy.

9) UTILIZATION OF COMBINED TIME OFF

- a. Time off schedules are subject to the approval of your Department Head(s) and requests should take into consideration both the needs of the town and the employee.
- b. CTO may be taken in any increment of not less than 15 minutes.
- c. Management of CTO is the responsibility of the individual. Employees may use CTO for planned time off, their own illness, or the illness of a family member, etc.

- d. Overtime pay will be paid only for actual hours “worked”. CTO will not be paid out at overtime rates. CTO will accrue and be paid out at regular pay rates and will be based on the number of hours in the regular work week of the employee.
- e. If an employee is unable to report to work for any reason, it is his/her responsibility to notify his/her supervisor as soon as possible prior to the start of the workday. If the employee is unable to reach the supervisor, he/she should notify the Municipal Offices or follow the department's procedure for notification. Failure to notify of an absence before the start of the workday means the absence is unauthorized and can lead to disciplinary action.

10) ACCRUAL RATES

The accrual rate is based on the assigned FTE status. Any work performed above the regularly assigned hours will not count towards time off.

Years of Service	FTE	Hours Assigned/Week	Accrual Rate/Week	Annual Accrual Hours
After 1 year	Full Time	40	3.38	176
	Full Time	45	3.81	198
	0.9 FTE	36	3.04	158
	0.8	32	2.70	141
	0.7	28	2.37	123
	0.6	24	2.02	105
	0.5	20	1.70	88
After 2 years	Full Time	40	4.15	216
	Full Time	45	4.67	243
	0.9 FTE	36	3.74	194
	0.8	32	3.32	173
	0.7	28	2.91	151
	0.6	24	2.49	129
	0.5	20	2.07	108
After 5 years	Full Time	40	4.92	256
	Full Time	45	5.54	288
	0.9 FTE	36	4.43	230
	0.8	32	3.94	205
	0.7	28	3.44	179
	0.6	24	2.95	153
	0.5	20	2.46	128

After 10 years	Full Time	40	5.69	296
	Full Time	45	6.40	333
	0.9 FTE	36	5.11	266
	0.8	32	4.55	237
	0.7	28	3.98	207
	0.6	24	3.40	177
	0.5	20	2.84	148

11) HOLIDAY TIME

Holiday pay is based on a maximum of an 8 hour day at regular pay rate. If required to work on an observed holiday (except floating holidays), the employee will be compensated at one and a half time regular rate of pay in addition to their Holiday pay.

The following holidays are observed:

New Year’s Day, President’s Day, Town Meeting, Memorial Day, Independence Day, Labor Day, Veteran’s Day, Thanksgiving, Christmas. There shall also be two Floating Holidays, which are included in the CTO time allocations above.

C. Parental and Family Leave

1. Any employee as defined in VSA Title 21, Section 472, who works over 30 hours per week, shall be entitled to take unpaid leave for a period not to exceed twelve (12) weeks (within any 12 month period) during the employee’s pregnancy and following the birth or adoption of his or her child.
2. Any employee as defined in VSA Title 21, Section 472, who works over 30 hours per week, shall be entitled to take unpaid family leave for a period not to exceed twelve (12) weeks (within any 12 month period) to care for a seriously ill spouse, child, stepchild, ward, foster child, parent, or parent of the employee’s spouse.
3. Accrued sick leave or vacation leave, not to exceed six (6) weeks, consistent with existing policy, may be used by the employee during parental or family leave. However, utilization of accrued vacation leave shall not extend the leave provided in subsection “A” above.
4. The employer shall continue employment benefits for the duration of the leave. The employer may require that the employee pay the entire cost of the benefits during the leave at existing employer rates.
5. Written notice of intent to take parental leave shall be given the employer, including date of leave expected to commence and estimated duration of the leave, six weeks prior to the anticipated commencement of the leave. Upon approval by the Selectboard and or Trustees

or its authorized representative, an employee may return from leave earlier or later than estimated.

6. Upon return from parental leave, the employee shall be offered the same or comparable job at the same level of compensation, employment benefits, seniority or any other term or condition of employment existing on the day leave began. 21 VSA 472.

7. Except for serious illness, an employee who upon completion of family leave does not return to the employment of the Town and Village of Johnson, will have to return to the town and or village the value of any compensation paid to or on behalf of the employee during the leave except payments for accrued sick leave or vacation leave.

8. The Selectboard and or Trustees may authorize leave, under this section, for regular part time employees working less than 30 hours per week on a case by case basis at their sole discretion.

9. The benefits provided under this section shall run concurrently with and supplement any benefit to which an employee may be entitled to under the Federal Family and Medical Leave Act of 1993. Entitlement to a benefit under the Federal Family and Medical Leave Act shall be determined on the basis of a rolling 12 month period.

D. Civil Duty and Jury Leave

1 All full-time employees entitled to vote in national, state, and Municipal elections shall, when necessary, be allowed sufficient time off with pay to exercise this right. Approval of such leaves shall be given by the Department Head.

2 Should any full-time employee be called for jury duty within any state or federal judicial court, the town and or village shall pay to the employee the difference between the employee's actual salary and that received from the court.

E. Leave of Absence Without Pay

1 All requests for leaves of absence without pay shall be submitted in writing to the appropriate Department Head and shall set forth the purpose of which the leave is requested. Department Heads will approve/disapprove except for requests for leaves in excess of 5 days, which shall be forwarded to the Selectboard and or Trustees for decision.

XVI. PAY PLAN

A. Regular, Overtime and Comp Time Pay Rules

1. In accordance with the provisions of the Fair Labor Standards Act, as amended, it shall be the policy of the Town and Village of Johnson to pay one and one half (1 1/2) times the hourly rate of pay to all employees (except elected officials and exempt salaried employees) for required work performed in excess of eight (8) hours during a 24 hour period and for work performed in excess of 40 hours per designated work week. Each employee shall fill out

his/her weekly time sheet and submit same to his/her Department Head for approval. No employee may work in excess of the number of hours in their assigned work week in a pay period without the authorization of his/her supervisor. The designated work week shall commence at 12:00 a.m. on Friday morning and end at 11:59 p.m. on Thursday night, unless modified by the Selectboard and or Trustees.

2. The town and or village may offer non exempt employees compensatory time (time off in lieu of pay) in accordance with FLESA requirements as follows: 1) comp time is agreed to by the town and or village and the employee; 2) comp time can be accrued to a maximum of 40 hours, thereafter, overtime will be paid to the employee in cash (payroll); 3) comp time is to be scheduled with the Department Head at the request of the employee and may be used, within a reasonable time period of the request, provided the Department Head concludes the request will not unduly disrupt the operations of the municipality. Any unused comp time at the time of termination of an employee will be paid out in cash in accordance with FLESA provisions.

3. An hourly employee shall be paid for the actual number of hours worked, as per approved time sheets, during each pay period. Salaried employees shall be paid an annual rate divided by the number of pay periods per year.

4. The provisions of these regulations shall prevail except in cases where contrary contractual agreement exists between the employee and the Selectboard and or Trustees.

5. Exempt Full time Employees (*salaried*) who work more than 40 hours in a given work week due to attendance at meetings, etc., may use those hours above 40 hours as compensatory time off as follows: 1) to reduce the number of hours worked in a subsequent work week; 2) may be accrued to a maximum of 40 hours annually; 3) may not be carried over to a future year; 4) are not subject to cash payment for unused time at termination of employment; 5) must be used as time off and not as a cash payment.

6. Exempt Permanent Part Time Employees who work more than their assigned work week hours in a given work week due to attendance at meetings etc., may use those hours above the assigned hours as follows: 1) to reduce the number of hours worked in a subsequent work week; 2) may be accrued to a maximum of the number of their assigned work week hours annually; 3) may not be carried over to a future year; 4) are not subject to cash payment for unused time at termination of employment; 5) must be used as time off and not as a cash payment. **Exception:** The employee shall be paid at the regular (or agreed upon) rate of pay for any hours above their assigned work hours for which they are asked to perform services in addition to their normal duties.

B. Call In Pay

The Selectboard and Trustees shall separately define the Call in Pay Policies for their own Departments by Written Policy, which shall govern Call in Pay issues.

XVII. WORKPLACE HEALTH AND SAFETY

A. Vermont Occupational Safety Hazards Act (VOSHA)

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

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

B. Smoking Policy

1. In accordance with Vermont Statutes Annotated Title 18, Section 1421, et seq., and 1742 and 1743, the Town and Village of Johnson is committed to providing a smoke free workplace. Smoking in any form is prohibited in all enclosed indoor places of publicly owned buildings and offices. Upon request of an employee, and with the agreement of the other employees, a smoking area may be designated in an unenclosed outdoor place of the publicly owned building. An employee's failure to comply with the smoking policy shall constitute cause for disciplinary action, and the failure of the town and or village to implement or enforce the policy shall be grounds for a grievance procedure by an aggrieved employee, and any violations shall be promptly remedied.

C. Drug Testing

1. In accordance with the Omnibus Transportation Employee Testing Act of 1991 all town and or village employees who are required to hold commercial drivers licenses shall be subject to pre-employment and regular random drug and alcohol testing in accordance with the Department of Transportation rules and procedures.

2. Employees who are found to be using illegal drugs or alcohol on the job will be subject to immediate dismissal.

3. Employees are subject to the CDL Drug and Alcohol Policy as adopted by the Selectboard and or Trustees on __/__/__, and as amended from time to time.

XVIII. PHYSICAL EXAMINATION

Any employee performing safety sensitive functions and or holding a CDL license may be required to have a physical exam at the expense of the town and or village at least every two years. The Selectboard and or Trustees may require a physical exam any time there exists a documented health concern about the ability of an employee to safely perform their duties, consistent with the essential functions as defined in their job description and any other applicable work practices or rules.

XXIX. PERSONNEL RECORDS AND RELEASE OF INFORMATION

- A. The Board of Selectmen shall maintain a personnel file on each town and or village employee. An employee's personnel file shall contain relevant information regarding the employee's employment with the town and or village including, without limitation a job description for the employee's position, the employee's application for employment, information regarding pay and benefits, evaluations and written reprimands. The personnel files shall be maintained at the Town offices in a place that is secure from access by the public or town and or village employees. An employee may review his or her personnel file upon request to the Board of Selectmen or Trustees and at a time when a member of the Board of Selectmen or Trustees or designated representative may be present.

- B. Personnel records of town and or village employee are considered confidential. Requests for information concerning an employee's or former employee's job history, job performance, and circumstances of job termination, and for access to personnel records (other than by town and or village officers, employees and agents who need such access for bona fide town and or village purposes) shall be denied except as follows:
 - (1) a current or former employee's dates of employment and job title(s) will be provided upon request addressed to the Board of Selectmen or the Board of Trustees ; and

 - (2) upon receipt of a written waiver and consent to a full release of information (see attached form), executed by the employee or former employee, requests for further information will be answered by the town and or village.

Where the privacy rights of others, or public policy interests of the town and or village, are involved, town and or village officers may exercise their discretion in limiting access by third parties to information in personnel files, despite waiver and consent by the employee.

XXX NON-DISCRIMINATION POLICY

- A. The policy of the Town and Village of Johnson is to maintain and promote equal employment opportunity. The town and or village will select candidates for employment on the basis of the candidate's qualifications for the job and treat employees fairly with respect to all aspects of employment, including compensation, evaluation and opportunity for training and advancement without regard to age, sex, race, religion, color, sexual orientation, place of birth, ancestry, physical or mental condition, or national origin. Equality in such opportunities has been and is the basic policy of the town and or village.

- B. Any employee who believes that any practice or action of the town and or village is inconsistent with this policy of non-discrimination should bring such matter to the attention of the Board of Selectmen promptly and should pursue the grievance policy and procedure set forth in these Personnel Regulations if the matter is not resolved