

TOWN OF DOVER

PERSONNEL POLICIES AND RULES

1. ADMINISTRATIVE RULES AND AUTHORITY

The Town of Dover Personnel Policies and Rules (referred to herein as “policy,” “rules” or “regulations”) is hereby adopted pursuant to the provisions of Title 24, Vermont State Statutes Annotated, sections 1121 and 1122 so as to establish a uniform personnel system for the Town of Dover. Just and equitable conditions of employment may be established and maintained to promote efficiency as well as economy in the operation of Town Government. This policy will conform to existing state and Federal laws.

2. ADMINISTRATION

The Selectboard shall administer these regulations. The Selectboard reserves the right to add, amend or delete any benefits or policy stated herein at any time, except as otherwise committed to by formal agreement or by vote at any Town Meeting or Special Town Meeting.

3. LIMITATION

This policy and the provisions contained herein do not constitute a contract of employment in whole or in part. Employment with the Town of Dover is *at will* and not for any definite period or succession of periods of time. The Town may terminate employment at any time, with or without notice to the employee. The Selectboard reserves the right to amend any of the provisions of this personnel policy for any reason and at any time, with or without notice.

4. EQUAL OPPORTUNITY EMPLOYER

It shall be the policy of the Town of Dover to provide equal employment opportunities to all regardless of race, color, religion, sex, age, national origin, ancestry, sexual orientation or physical or mental condition. This policy shall apply to the recruitment, selection, and conditions of employment for all employees.

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

5. RECRUITMENT

POLICY: The Selectboard may determine whether to solicit applicants for any positions of employment with the town by offering the position only to town employees or by publicly advertising the position. The town shall recruit qualified applicants in a manner consistent with its commitment to Equal Employment Opportunity.

PROCEDURES: Announcements of vacancies with the town which are not being filled internally shall: be advertised in local and other appropriate newspapers and publications; be posted in other relevant publications as determined by the Selectboard; and specify the position title, nature of work to be performed, desired and required qualifications, closing date for receiving applications, and any other relevant information.

REFERENCES: As part of the selection procedure, former supervisors, employers, and references provided by applicants may be checked. Reference checks made by personal or telephone contact may be documented. Reference checks may be completed prior to an offer of employment and may be used in determining an applicant's eligibility and suitability. All information obtained regarding applicants shall be considered confidential personnel information.

6. EMPLOYEES COVERED

These regulations shall apply to all employees of the town except where specifically provided for herein; these rules may not apply to temporary part-time employees. At the written request of the Town Clerk and Town Treasurer, Section 10-13 of these rules shall apply to them. Assistants appointed by the Town Clerk or Town Treasurer shall be subject to these regulations.

The Selectboard may prepare a written job description for each position which will describe the duties and responsibilities of each position, the essential job functions of the positions, and the qualifications required to hold the position. The Selectboard may, from time to time, with input from the employee, if appropriate, modify a job description.

7. EMPLOYMENT RECORDS

When any evaluations, memos, correspondence are placed in an employee's personnel file, the employee will be notified of it, and a copy of the document will be given to the employee.

Personnel records of town employees 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 the employee, Selectboard and agents who need such access for bona fide town purposes) shall be denied, and the employee will be notified in writing of such requests, except as follows:

- i. A current or former employee's dates of employment and job title(s) will be provided upon request addressed to the Selectboard; and
- ii. Upon receipt of a written waiver and consent to a full release of information, executed by the employee or former employee.

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

8. APPOINTMENTS & PROBATIONARY PERIOD

a. Employees may avail themselves of the benefits outlined in Section 13 of this policy based on the type of their appointment. Those appointments are as follows:

- **FULL-TIME EMPLOYEES:** A full-time employee works at least 35 hours or more per week for a period of three (3) consecutive months. The full-time employee is subject to all rules and regulations and receives all benefits as provided by the Personnel Policy.
- **EXEMPT EMPLOYEES:** Any employee who is exempt from the minimum wage and overtime provisions of the Fair Standards Act (See 29 U.S.C. §213). An exempt employee is subject to all rules and regulations and receives all benefits as provided by the Personnel Policy.
- **PART-TIME EMPLOYEES:** Part-time employees are employees who work fewer than 20 hours per week (except as noted as Section 13: c, d, and g) and are not eligible for employee benefits provided by this policy.
- **PERMANENT PART-TIME EMPLOYEES:** Permanent part-time employees are employees so designated by the Selectboard who occupy a permanent position and regularly work less than 35 hours but 20 or more hours per week. Such employees are subject to all the rules and regulations and receive all benefits as provided by this Personnel Policy on a prorated basis, based upon the expected work hours, as determined by the Department head and the Selectboard, divided by 40.
- **PROBATIONARY EMPLOYEES:** An employee who has not completed his/her probationary period may receive benefits at the Selectboard's discretion.

- **SEASONAL EMPLOYEES:** Seasonal employees are hired for a specific project of short duration and are not eligible for employee benefits as provided by this Personnel Policy.
- **ELECTED OFFICIALS:** Elected Officials who meet the requirements may purchase health insurance through the town at their own expense for the duration of their term.

b. PROBATIONARY PERIOD:

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

c. APPRENTICESHIP PROGRAM:

An employee hired as a police officer must attend the full-time or part-time basic course, as appropriate, at the Vermont Police Academy. While attending the academy, officers will be paid an hourly rate (the "hourly rate") as determined by the Chief of Police and approved by the Dover Select Board for the period of instruction. The employee agrees to enter into the Vermont Department of Labor's "Program Approval and Apprenticeship Agreement" for the duration of the basic course. While at the academy officers will be paid forty (40) hours per week at the hourly rate, plus four (4) hours at one and one-half (1.5) times the hourly rate as compensation for travel to/from the Academy. If attendance at the academy for any week is for thirty-six (36) hours or less, then the four (4) hours of travel time is paid at the hourly rate. If attendance is for more than thirty-six (36) hours but less than forty (40) then only those hours of travel time that are in excess of the forty (40) hours will be paid at one and one-half times the hourly rate. The four (4) hours of travel time shall not be included, in any week, in determining the eligibility for over time for the week the travel occurs. Further, the employee will be paid the current IRS Business Standard Mileage Rate for non personal use of his or her personal vehicle during the course.

- d. REINSTATEMENT:** If in the case of separation of employment from the Town of Dover, and then the reinstatement of the employee after a certain period of time, the Selectboard may, in its sole discretion, decide to waive the returning employee's probationary period.

9. EVALUATIONS

All full-time, permanent part-time and part-time employees of the Town of Dover 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.

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

10. PAY AND HOLIDAY COMPENSATION PLAN

AUTHORITY: The Selectboard shall establish rates of pay for town employees to be included as part of the town budget.

- a. PAYMENT BASE:** The designated "pay period" of the town shall be 0001 hours on Sunday through 2400 hours on Saturday. The Town of Dover shall pay town employees as follows:

- An employee whose pay is based on an hourly rate shall be paid biweekly for the actual number of hours worked during each pay period.
- An employee whose pay is based on an annual salary shall be paid biweekly an amount equal to the annual salary divided by the number of pay periods per year.

The provisions of these regulations shall prevail except in cases where contrary contractual agreement exists between employee and the Town of Dover.

b. OVERTIME AND HOLIDAY PAY

Overtime compensation for employees of the Town of Dover shall be paid in conformance with the Fair Labor Standards Act at the rate of one and one half (1½) times the hourly rate of pay to all employees (except elected officials and exempt salaried employees) for required work performed in excess of the regular scheduled shift for full and part time employees. The Selectboard may grant salaried employees who work in excess of 40 hours compensatory leave.

i. HOLIDAY COMPENSATION

Any full-time employee required to work on a legal holiday or the day observed as a holiday, shall be paid at a rate of one and one half (1½) times the employee's hourly rate in addition to the holiday compensation. Holidays may be taken either in pay or as another day off within the fiscal year with the exception of Memorial Day, which needs to be taken within 6 months of the holiday. If an employee works on a holiday and on the day on which it is observed, holiday pay shall be allowed for only one of the days. Pay for the second day shall be at the regular rate. Any part-time police officer required to work on a legal holiday or the day observed as a holiday, shall be paid at a rate of one and one half (1.5) times the employee's hourly rate.

c. ACCUMULATION AND USE OF COMPENSATORY TIME: Employees who are eligible to receive, by written agreement, and earn compensatory time are subject to the following conditions:

- i. Compensatory time is not to exceed 80 hours per calendar year, and must be used within said calendar year, in a manner not disruptive to the functioning of the department.
- ii. At the employee's request, the supervisor may approve hours worked over 40 be paid in lieu of time off.
- iii. Compensatory time which remains unused at the time of termination from the service of the town will be paid at a rate which is equal to the higher of the average regular rate received by the employee during the previous three years; or the regular rate being received by the employee at the time of termination of services. (Pursuant to Department of Labor, Wage and Hour Division, Employment Standards Administration 29 CFR Part 553 Section 7(o) paragraphs 553.20-553.27).

d. CALL-OUT PAY: Any employee called into work outside of their regular scheduled shift shall be paid at the employee's overtime rate. Any employee called-out shall receive a minimum three (3) hours of overtime pay.

11. HOLIDAYS/VACATION/LEAVES

Policy: Town Employees shall receive vacation and holiday leave and have available other leave options which may be utilized to meet personal, civic, or military obligations or situations in conformance with the policies and procedures specified below.

a. OFFICIAL HOLIDAYS

The following are official holidays. Each day is equivalent to the regular scheduled shift. The Selectboard may proclaim any other holiday:

- New Year's Day.....January 1
- Martin Luther King Jr. Day.....Third Monday in January
- President's Day..... Third Monday in February
- Memorial Day..... Last Monday in May
- Independence Day.....July 4
- Bennington Battle Day..... A floating holiday (**August 16th**)
- Labor Day.....First Monday in September
- Columbus Day.....Second Monday in October
- Veteran's Day.....A floating holiday
- Thanksgiving Day..... Fourth Thursday in November
- Christmas Day.....December 25

Employees who must provide essential services may float holidays as noted in Section 10: b-i.

- b. **OBSERVANCE OF HOLIDAYS:** Legal holidays which fall on Saturday will be observed on the proceeding Friday. Legal holidays which fall on a Sunday will be observed on the following Monday.
- c. **ALTERNATE RELIGIOUS HOLIDAYS:** Employees wishing to observe religious holidays not listed by the Selectboard may be entitled to time off without pay, or use vacation days or floating holidays.
- d. **HOLIDAYS OCCURRING DURING A VACATION:** Official holidays, or the days observed as such holidays, that occur during a vacation period may be charged to vacation time
- e. **VACATION LEAVE:** PAID vacation leave shall begin to accrue at the end of the first full month of employment, and can be used with the supervisor approval. Annual vacation shall be computed as follows *based on anniversary date of employment:*

<u>LENGTH OF SERVICE</u>	<u>VACATION ACCRUAL RATE</u>
Through first year	6.67 hours per month
Through 5 years	80 hours or 10 days per year
Through 10 years	120 hours or 15 days per year
Through 19 years	160 hours or 20 days per year
20 years and over	200 hours or 25 days per year

<u>Vacation Policy Addendum</u>		<u>Start of 8th Year.</u>	<u>120 hours</u>
Start Employment Date		Start of 9th Year.	120 hours
End Month 1.	6.67 hours	Start of 10th Year.	120 hours
End Month 2.	Add'l 6.67 hours	Start of 11th Year.	160 hours
End Month 3.	Add'l 6.67 hours	Start of 12th Year.	160 hours
....		Start of 13th Year.	160 hours
.....		Start of 14th Year.	160 hours
End Month 12.	Add'l 6.67 hours	Start of 15th Year.	160 hours
Start of 2nd Year.	80 hours	Start of 16th Year.	160 hours
Start of 3rd Year.	80 hours	Start of 17th Year.	160 hours
Start of 4th Year.	80 hours	Start of 18th Year.	160 hours
Start of 5th Year.	80 hours	Start of 19th Year.	160 hours
Start of 6th Year.	120 hours	Start of 20th Year.	200 hours
Start of 7th Year.	120 hours	All remaining years.	200 hours

Department Heads shall advise the Selectboard the name of the acting Department Supervisor during their absence while on vacation.

- f. **ACCUMULATION:** In the event a full-time employee does not use all of his/her accumulated vacation leave, any unused portion may be carried forward. However, total accumulation of accrued time may not exceed ten (10) days or 80 hours on the employee's anniversary date. Excess time shall be forfeited. All employees are encouraged to take their vacations annually.

- g. **VACATION SCHEDULES:** Arrangements for annual leave shall be made four (4) weeks in advance with the employee's supervisor.

Employees wishing to receive vacation pay in advance of vacation must notify their supervisor at least one (1) week in advance of the payday prior to vacation.

Extra time off without pay, however long the employee has worked for the town must be arranged with the supervisor.

- h. **VACATION PAYMENT UPON TERMINATION OF SERVICE:** Upon termination of service with the town, either voluntary or otherwise, the employee shall be paid an amount equal to all accrued unused vacation leave after completion of continuous service of twelve months with the town.

i. **SICK LEAVE:**

i. **AVAILABILITY:** Sick leave is available to eligible town employees for legitimate health/medical purposes. Sick leave eligibility is not a privilege, which an employee may use at his/her discretion.

ii. **ACCRUAL:** All employees shall be allowed five (5) days, or 40 hours per calendar year of paid sick leave. Probationary town employees shall accrue sick leave eligibility at the rate of one (1) day per month until five (5) days of sick leave eligibility has been accrued. Sick leave may be accumulated from one year to the next up to a maximum of one hundred and twenty (120) days. Employees shall not be entitled to any compensation for any accrued sick leave eligibility upon separation from the town's employ.

iii. **SICK LEAVE HOURS:** All employees' sick leave hours shall be computed at the employee's straight time wages.

iv. **PROCEDURE FOR USE OF SICK LEAVE:** To receive sick leave, the employee must do the following: Notify his or her supervisor within one (1) hour of the time the employee is to begin duty if the employee is unable to report to work. Provide a doctor's certificate or other proof of illness to the Department Head when the employee takes three (3) consecutive days of absence of authorized sick leave. Failure to provide the required or requested doctor's certificate or proof of illness may result in a loss of pay for the sick leave periods. The town reserves the right to require any employee to furnish medical proof or a release from the attending physician attesting to his/her ability to return to work.

j. **PERSONAL LEAVE:** All employees shall be allowed twenty (20) hours per calendar year of paid personal leave. Probationary town employees shall accrue personal leave eligibility at the rate of 3.33 hours per month until twenty (20) hours of personal leave eligibility has been accrued. In the event an eligible town employee does not use his/her personal leave at the end of the calendar year, any unused portion will be forfeited. Employees shall be entitled to compensation for any unused personal leave upon separation from the town's employ.

k. **BEREAVEMENT LEAVE:** In the case of death in the immediate family, an employee who has completed his probationary period is allowed time off up to five (5) days, or 40 hours, for the purposes of attending the funeral or handling matters connected to the funeral without the loss of regular wages. Immediate family may consist of employee's spouse, children, brother, sister, grandparents, and parents of employee and spouse. In other cases, leave is granted at the Department Heads discretion.

- I. JURY/MILITARY DUTY:** Any employee called for jury/military duty at any federal or state judicial court or military, shall be paid by the Town of Dover, the difference between the employee's straight time wages and that received from the court/military. This provision shall not be applicable to an employee who, without being summoned, volunteers for jury duty or the military.

12. PARENTAL AND FAMILY LEAVE

POLICY: The Federal Medical Leave Act entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to twelve (12) workweeks of leave in a 12-month period for:

- a. The birth of a child and to care for the newborn child within one year of birth;
 - b. the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
 - c. to care for the employee's spouse, child, or parent who has a serious health condition;
 - d. a serious health condition that makes the employee unable to perform the essential functions of his or her job;
 - e. any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" **or**
 - f. Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).
- a. **ACCRUED SICK LEAVE OR VACATION LEAVE:** The employee during parental or family leave may use accrued sick leave or vacation leave that is consistent with existing policy, but this will not serve to extend the overall leave time.
- b. **EMPLOYMENT BENEFITS:** The Town shall continue employment benefits for the duration of the leave under the conditions that coverage would be provided if the employee were to return to work. The employer may require that the employee contribute to the cost of the benefits during the leave at the existing rate of employee contribution.
- c. **WRITTEN NOTICE:** A written notice of intent to take parental leave shall be given to the Selectboard, including date of leave expected to commence and estimated duration of the leave, six weeks prior to the anticipated commencement of maternity leave and upon reasonable notice for leaves for other purposes. Upon approval by the Selectboard, an employee may return from leave earlier or later than estimated. In case of an emergency or adoption, the employee must notify the Selectboard as soon as possible.
- d. **RETURN FROM PARENTAL LEAVE:** The employee shall be offered the same 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.)

13. BENEFITS

POLICY: The Town of Dover provides or makes available the benefits described below for town employees, subject to the conditions and limitations specified in Section 8, Types of Appointments.

- a. **MEDICAL AND HOSPITALIZATION INSURANCE:** The Town of Dover will fund the cost of health insurance coverage, as available via Vermont Health Connect or any successor, in amounts as determined from time to time by the Selectboard for all full time employees and their

dependents. Employees will be provided with advance notice of any change in the contribution rate.

Employees will be given the option of **opting out** of Town of Dover funded health insurance coverage if they are covered by a non-employer-provided health insurance policy. Those employees may choose a Cash Buy-Out option which is taxable compensation. The Cash Buy-Out option amount will be determined from time to time by the Selectboard and will be paid at the same time and frequency as the employee's regular payroll. An employee employed for only a portion of the health coverage plan year will receive a pro-rated amount for the Cash Buy-out option. Employees electing the Cash Buy-Out option must complete a Buy-Out Waiver Program application.

- b. **LIFE & DISABILITY**: All town employees are eligible to be enrolled in the life & disability insurance program as funded by the Town of Dover.
- c. **SOCIAL SECURITY**: All town employees are required to participate in the Social Security system. Both the employee and the town are required to contribute to Social Security. Employee and town contributions are determined by law and are subject to change.
- d. **WORKER'S COMPENSATION INSURANCE**: As required by Vermont law, town employees are covered by worker's compensation insurance. This insurance provides coverage in the event of a work-related injury. Worker's Compensation insurance will normally cover an employee from the date of injury.
- e. **RETIREMENT PROGRAM**: The Town of Dover participates in the Vermont Municipal Employees' Retirement System (VMERS), which is administered by VMERS. Participation in this program is a condition of employment with the Town of Dover for qualified employees. Qualification is based on an hours-worked requirement. An employee must work on a regular basis for minimum of 24 hours a week.
- f. **TOWN MEETING DAY**: Those full-time employees scheduled to work on Town Meeting Day may attend Town Meeting with regular straight-time wages for the time attended. If there is a storm or emergency, highway and police employees will have to provide and maintain essential services.
- g. **MEETINGS/SCHOOLS**: The Town of Dover's stated policy is to encourage the enhancement of the employee's skills and knowledge. Town employees may attend meetings and schools to improve and expand job related skills. The Department Head shall approve attendance at meetings and schools before registration. The Selectboard and/or supervisor may request a report after attendance stating the value of the meeting or school attended.

The Town of Dover will pay for:

1. Registration fees, if any;
2. Accommodations for overnight and meals;
3. Mileage for the use of personal vehicle (if a town vehicle can be used, it should be considered);

The Town of Dover will pay for items 1 through 3 above if the meeting and School is required as part of the employee's job. For voluntary meetings/schools, the Selectboard may decide what if any items may be paid. Carpooling is encouraged.

14. EMPLOYEE CONDUCT

The Town of Dover expects and requires employees to adhere to a standard of conduct, which is required for the effective functioning of the town. Any employee who violates any of the following may be subject to disciplinary action if he or she:

- a. Is offensive in his conduct or uses abusive language in public, or towards the public, town officials or fellow employees

- b. Reports to work under the influence of alcoholic beverages or under the influence of drugs while on the job, or is considered by the appointed authority to be in an unsafe condition to work
- c. Is absent or tardy without reasonable cause
- d. Fails to follow good safety practices while on the job
- e. Refuses or fails to perform job assignments
- f. Falsifies municipal records, i.e. employment applications, time cards, etc.
- g. Misappropriates or willfully damages municipal property
- h. Loiters during working time
- i. Fights
- j. Leaves work early without permission
- k. Fails to follow rules and regulations of the department

This list is not exhaustive.

Failure to observe these standards can result in disciplinary actions and, in some situations, termination of employment.

The town believes that every employee should be aware of his/her visibility as a town employee and should conduct himself/herself in such a manner as to bring credit upon both the town and the town employee in general.

Conduct off the job is not specifically covered by these policies and rules, and may not be a subject of disciplinary action, unless such conduct affects on the job ability and/or performance.

- a. **PUBLIC INFORMATION**: The town has a responsibility to keep the public informed (1 VSA §310, et seq.) about actions and work being undertaken, and to respond to inquiries from the public. It is the policy of the town to provide complete and accurate information to the public in accordance with the following guidelines:
 - i. **AS QUESTIONS ARISE**, the supervisor closest to the work/action in question should provide answers as quickly as possible. To ensure that a complete response is given, the Department Head most closely associated with the work/action should be advised of any information provided to the public or press. Employees other than supervisors should confine any comments/responses to factual information. Evaluative, interpretive, or policy statements should be referred to the appropriate Department Head or the Selectboard. The Selectboard will issue statements regarding policies or actions under consideration or taken at Selectboard or other meetings.
- b. **INFORMATION DISCLOSURE**: Employees are prohibited from publicly disclosing information that is acquired as a result of employment with the town. This prohibition may not preclude an employee from publicly disclosing town information that is a matter of public record or reporting to appropriate federal or state officials information which the employee believes documents illegal or serious misconduct by town officials or employees gross waste or mismanagement of town funds or the existence of conditions that pose a serious threat to public health, safety or welfare. Disclosure of information in violation of this provision may result in disciplinary action, up to and including dismissal.
- c. **RECEIPT OF GIFTS**: An employee who receives a gift or gratuity from any source, by virtue of the fact that he/she is a town employee, shall immediately inform his/her Department Head.
- d. **ALCOHOL/DRUG ABUSE**: In accordance with Omnibus Transportation Employee Testing Act of 1991, all Town employees who are required to hold commercial drivers' licenses as part of their employment with the town are subject to pre-employment and regular random drug and alcohol testing in accordance with the Department of Transportation rules and procedure. Procedures and policies related to testing are outlined in the Town's CDL Drug and Alcohol Policy. Employees who are found to be using illegal drugs or alcohol on the job will be subject to immediate dismissal.

15. WORKPLACE HEALTH AND SAFETY

- a. **VERMONT OCCUPATIONAL SAFETY HAZARDS ACT (VOSHA)**: In the interest and 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). All Department Heads 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 may not violate the VOSHA regulations. Any defective, unsafe equipment or practice, or any known medical or psychological condition that creates a danger to the worker, a co-employee or the public, shall immediately be brought to the attention of the Department Head or Selectboard, and use of such unsafe equipment or practice shall cease immediately.

- b. **SMOKING POLICY**: In accordance with Vermont State Statutes Annotated Title 18, Section 1421 et seq., and Sections 1742 and 1743, smoking is prohibited in common areas of all publicly owned buildings. A smoking area that non-smokers are not required to enter, and not entirely enclosed may be established.
- c. **DRUG TESTING**: In accordance with Omnibus Transportation Employee Testing Act of 1991 all Town employees who are required to hold commercial drivers' licenses as part of their employment with the town may be subject to pre-employment and regular random drug and alcohol testing in accordance with the Department of Transportation rules and procedures. Procedures and policies related to testing are outlined in the town's CDL Drug & Alcohol Policy. Employees who are found to be using illegal drugs or alcohol on the job will be subject to immediate dismissal.

16. SEXUAL HARASSMENT

It is the policy of the Town of Dover that all employees are responsible for assuring that the workplace is free from sexual harassment. Because of the Town's strong disapproval of offensive or inappropriate sexual behavior at work, and because sexual harassment is unlawful, all employees must avoid any action or conduct which could be viewed as sexual harassment, including:

1. Unwelcome sexual advances.
2. Requests for sexual acts or favors.
3. Other verbal or physical conduct of harassing nature.

Any employee who has a complaint of sexual harassment at work by anyone, including supervisors, co-workers, or visitors, must bring the problem to the attention of his or her Department Head or the Selectboard. If the complaint involves someone in the employee's direct line of command, the employee may go directly to the Selectboard with the complaint. Retaliation against an employee for making a complaint of sexual harassment or for cooperating with an investigation of harassment if unlawful and will not be tolerated.

Complaints of sexual harassment shall be investigated promptly. The determination of whether or not a particular action constitutes sexual harassment shall be made from the facts on a case-by-case basis. In determining whether alleged conduct constitutes sexual harassment, the Selectboard shall look at the record as a whole and at the totality of the circumstances, such as the nature of the behavior and the context in which the alleged incidents occurred. If sexual harassment is found to exist, prompt corrective action shall be taken.

The sexual harassment policy of the Town of Dover shall be provided to each employee, shall be posted in a prominent place in the workplace, and shall include the names and addresses of the state and federal agencies that handle complaints of sexual harassment in the workplace.

17. DISCIPLINARY ACTIONS

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

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

Most often, employee conduct that warrants discipline results from unacceptable behavior, poor performance, or violation of the Town's policies, practices, or procedures. However, discipline may be issued for conduct that falls outside of those identified areas. The Town also reserves the right to impose discipline for off-duty conduct that adversely impacts the legitimate interests of the Town. The Town reserves the right, in its sole discretion, to bypass progressive discipline and to take whatever action it deems necessary to address the issue at hand. This means that more or less severe discipline, up to and including termination, may be imposed in a given situation at the Town's sole discretion.

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

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

The Town will normally adhere to the following progressive disciplinary process, but reserves the right to bypass any or all steps of progressive discipline when it determines, in its sole discretion, that deviation from the process is warranted: (1) verbal warning; (2) written warning; (3) suspension; and (4) dismissal / termination.

- a. **VERBAL REPRIMAND:** The immediate supervisor or Department Head gives verbal disciplinary action for initial minor misconduct. A record of such reprimand will remain in the employee's files.
- b. **WRITTEN REPRIMAND:** A written reprimand may be given to an employee when, in the judgment of the Department Head, a verbal warning has not resulted in the expected improvement; a further similar incident has occurred within a short period of time; or a more severe initial action is warranted due to the seriousness of the action. A written reprimand will remain in the employee's file.
- c. **SUSPENSION:** Suspension without pay may occur when an employee repeats an action for which a written reprimand has previously been given; takes unauthorized absence from work; refuses to follow a legitimate directive from a supervisor, or Department Head, or is otherwise insubordinate; is negligent in the performance of work such that the town may, or does, experience a delay in work, or public's or other town employee's safety is endangered; or engages in conduct on or off the job which effectively limits or curtails the ability of the employee to perform an assigned job set forth in the employee's job description. Exempt employees shall not be suspended without pay, but may be subject to dismissal or other appropriate disciplinary action.
- d. **SUSPENSION PERIOD:** On the first unauthorized absence from work, an employee will be suspended without pay for a period of time equal to the unauthorized absence. An employee may additionally be suspended without pay for up to three (3) days by the Department Head. Notice of such action must be forwarded to the Selectboard

immediately. The Department Head may make suspension exceeding three (3) days after obtaining the approval of the Selectboard.

- i. **LENGTH OF SUSPENSION:** The length of suspension will be determined by the seriousness of the action, which has resulted in disciplinary action and the employee's performance history.
 - ii. **RECORD OF SUSPENSION:** A record of the suspension of an employee may become a permanent part of the employee's personnel record.
- e. **DISMISSAL:** An employee shall be dismissed from the town's service when, in the judgment of the Department Head and concurrence of the Selectboard, the employee's conduct so warrants, and such actions will serve the best interest of the town.

18. APPEALS TO DISCIPLINARY ACTIONS

POLICY: The town shall make a reasonable effort to be equitable and fair in its relations with employees. An appeal procedure is provided for employees who disagree with disciplinary actions taken by the town. Probationary employees are not subject to the Town's termination process. Notwithstanding any other provision of this policy, an employee terminated during the probationary period will have no right to appeal such termination.

- a. **RIGHT OF APPEAL:** Town employees, except probationary employees, have a right to appeal disciplinary actions. Disagreements over interpretations of specific rules are not subject to appeal, but may be dealt with through the grievance provisions of this policy.
- b. **APPEAL PROCEDURE:** Appeals of disciplinary actions must be made by the employee submitting, to the Selectboard, a written appeal within seven (7) working days of the employee's receipt of the notice of disciplinary action. A hearing on such appeal shall be held as soon as reasonably possible after receipt of the notice of appeal. The purpose of the hearing will be to enable the Selectboard to gather information regarding the disciplinary action being appealed. The hearing will be closed and informal. The employee and the Department Head will be present. Counsel may represent the employee. If appropriate, witnesses may be brought in by the employee and/or Department Head. The Selectboard will try to have a written decision made within seven (7) working days or as soon as possible after the hearing. The Selectboard may uphold the original actions, modify the severity of the action, or overrule the action of the Department Head.
- c. **RESTORATION OF POSITION/STATUS:** If the original action is overruled, the employee shall be restored to his or her original position or status with no loss of rights, privileges or compensation.

19. GRIEVANCE

POLICY: Prompt consideration and equitable adjustment of employee grievances is necessary to ensure that the work of the Town of Dover is accomplished in an efficient and effective manner. It is the intent of the town to adjust grievances informally whenever possible. Supervisors, Department Heads and employees are expected to make every effort to resolve problems as they arise.

- a. **DEFINITION:** A grievance is an employee complaint. In the case of a grievance arising from personnel compensation, dismissal, or suspension, Section 18, *Appeals to Personnel and Disciplinary Action*, provides for the employee's sole rights and remedies.
- b. **PROCEDURE:** The following steps may be followed in the case of a grievance by an employee other than those provided for in Section 8. **1)** The employee shall informally discuss the grievance with his/her supervisor. Such informal conference is to occur within seven (7) working days of the date of the occurrence complained of. If the employee should be on excused absence during any of these seven (7) days, an additional two (2) days may be

allowed for the conference. **2)** Following the conference, the supervisor shall issue an oral and written statement of his or her solution to the problem. A record of the conference and the decision shall be kept in the Administrative Assistant's office. **3)** If the employee is not satisfied with the supervisor's solution, a written grievance shall be submitted to the Selectboard within seven (7) days of the supervisor's response or within seven (7) working days of the discussion in Step 1. The appeal must be in writing and must state the basis for the appeal.

4) The Selectboard shall hold an informal, closed hearing as soon as possible after the date of such appeal, hear evidence, and receive tendered exhibits if relevant or material. Within fifteen (15) working days of the date of the final hearing, the Selectboard shall render a decision, which shall be binding on all parties. It will be in writing and forwarded to the grievant and the Department Head. There shall be no right of appeal from such decision within the town.

Adopted by the Dover Selectboard on this 14th day of January 2003.

Amended by the Dover Selectboard:

April 15, 2003, July 1, 2003, January 9, 2007, July 31, 2007, October 16, 2007,
December 21, 2010, and October 2, 2012, December 17, 2013, February 19, 2014, August 5, 2014,
August 15, 2017

Josh Cohen

Victoria Capitani

Joseph Mahon

Thomas Baltrus

Sarah Shippee