

# WEST DOVER FIRE DEPARTMENT

## PERSONNEL POLICIES AND RULES

### 1. ADMINISTRATIVE RULES AND AUTHORITY

The Town of Dover; West Dover Fire Department Personnel Policies and Rules (referred to herein as "policy," "rules" or "regulations") is hereby adopted so as to establish a uniform personnel system for the West Dover Fire Department. Just and equitable conditions of employment will be established and maintained to promote efficiency as well as economy in the operation of The West Dover Fire Department.

### 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 West Dover Fire Department 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 West Dover Fire Department to provide equal employment opportunities to all regardless of race, color, religion, sex, age, national origin, ancestry, place of birth, marital status, sexual orientation, gender identity, veteran's status, HIV status, crime victim status, pregnancy, genetic information 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 Fire Chief promptly and should pursue the grievance policy and procedure set forth in these regulations if the matter is not resolved.

### 5. RECRUITMENT

**POLICY:** The Officers and or Selectboard may determine whether to solicit applicants for any positions of employment with the West Dover Fire Department by offering the position only to town employees or by publicly advertising the position. The West Dover Fire Department 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 and/or online sources as determined by the West Dover Fire Department; 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 may be checked. Reference checks made by personal or telephone contact will 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. The West Dover Fire Department may also conduct additional background checking procedures that may include hiring an outside firm. All

information obtained regarding applicants shall be considered confidential personnel information and shall be filed as part of the recruiting file, not in an employee's personnel file.

### 6. EMPLOYEES COVERED

These regulations shall apply to West Dover Fire Department employees, with the exception of the Administrative Assistant who shall be covered by the Town of Dover Personnel Policies and Rules.

The Selectboard shall approve 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 Fire Chief, 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 Fire Department 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, Fire Chief, 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. Please refer to the West Dover Fire Department Employment memo for appointments and probationary period information.
- b. **REINSTATEMENT:** In the case of separation of employment from the West Dover Fire Department of a duration of six months or less, the Fire Chief may, at his or her sole discretion, decide to waive the returning employee's probationary period.

### 9. EVALUATIONS

- a. The Fire Chief will be evaluated a minimum of once a year by the Selectboard. Such evaluations will be in writing and signed by both the Chief and the Selectboard Chair 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. All other West Dover Fire Department members will have an annual review performed by the West Dover Fire Department officers.

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 Chief or its authorized representative.

## 10. PAY

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

- a. **PAYMENT BASE:** The designated "pay period" of the Fire Department shall be 0001 hours on the first day of each month through 2400 hours on the last day of the same month. The West Dover Fire Department shall be paid as follows:
- b. Pursuant to the Pay Policy of the West Dover Fire Department as amended and approved by the Selectboard.

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

## 11. HOLIDAYS / VACATION / LEAVES

**Policy:** West Dover Fire Department Employees shall not be eligible to 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.

## 12. PARENTAL AND FAMILY LEAVE

**POLICY:** West Dover Fire Department Employees are not eligible to receive Parental and Family Leave.

## 13. BENEFITS

**POLICY:** West Dover Fire Department Employees are not eligible to receive Benefits.

## 14. MEETINGS & EDUCATIONAL PROGRAMS

**POLICY:** 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/or other educational programs to improve and expand job related skills. The Department Head shall approve attendance at meetings and educational programs before registration. The Selectboard and/or supervisor may request a report after attendance stating the value of the meeting or educational program attended.

West Dover Fire Department members will be eligible for up to 24 hours of outside training per Fiscal year; except for State Fire Fighter I.

The Town of Dover may 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 West Dover Fire Department will pay for the above-noted items if the meeting and educational program is required as part of the employee's job. At the Officers discretion, voluntary meetings/educational programs may be reimbursable. Carpooling and room sharing is required; if multiple department members are attending a meeting/educational program, a single mileage and or lodging charge reimbursement will be honored. The member submitting a reimbursement request shall list all other members who carpooled and or shared lodging. Should there be more than (4) department members attending a single program, multiple

submissions for reimbursement may be honored, subject to prior approval by the Fire Chief. Each submission shall list all other members who carpooled and/or shared lodging.

#### 15. EMPLOYEE CONDUCT

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

- a. Is offensive in his or her 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
- l. Fails to follow the directive if a superior officer

Failure to observe these standards will result in disciplinary actions, up to and including 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 effects 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:

**AS QUESTIONS ARISE**, the supervisor closest to the work/action in question should provide answers as quickly as possible. "As quickly as possible" means answers will be provided as quickly as possible once the risk to public safety concerns have been contained. To ensure that a complete response is given, the Fire Chief or Senior Officer 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 official 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:** 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 Drug and Alcohol Policy for CMV Operators. Employees who are found to be using illegal drugs or alcohol and have reported to work or duty and attempt to operate a CMV vehicle will be terminated immediately and may face criminal charges.

## 16. 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 recognition of the hazards that tobacco poses to the health of employees, and in accordance with 18 V.S.A. §§ 1421 et seq. and §§ 1741 et seq., the Town hereby prohibits employees' use of tobacco in any form, including electronic cigarettes, in all publicly-owned buildings, offices and enclosed areas, designated smoke-free areas of Town property, and in all Town vehicles.

## 17. 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.

## **18. 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. The Employee will be required to sign the written reprimand indicating that they have received it. Then the written reprimand will remain in the employee's file.
- c. **SUSPENSION:** Suspension with or 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.

## 19. APPEALS TO PERSONNEL AND DISCIPLINARY ACTIONS

**POLICY:** The Town and Fire Department 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:** Fire Department 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.

## 20. GRIEVANCE

**POLICY:** Prompt consideration and equitable treatment 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 address 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 18:
  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 Fire Department's 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.
  5. 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 West Dover Fire Department Officers on this    th day of           , 2023.

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Fire Chief

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Deputy Chief

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Assistant Chief

\_\_\_\_\_  
Captain

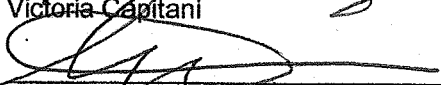
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Lieutenant

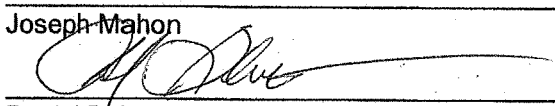
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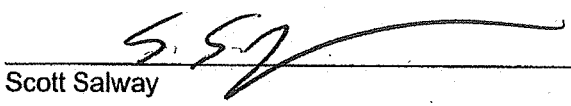
Adopted and approved by the Dover Selectboard on this 7<sup>th</sup> day of Feb , 2023:

  
Victoria Capitani

  
Sarah Shippee

  
Joseph Mahon

  
Daniel Baliotti

  
Scott Salway

