

TOWN OF DANVILLE, VERMONT

PERSONNEL POLICY

Revised
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Personnel Policies
Town of Danville, Vermont

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Town of Danville, Vermont

Section 1: Title and Authority

This policy shall be known as the Town of Danville Personnel Policy, covering all offices and departments of the Town of Danville. It has been adopted by the Town of Danville Selectboard pursuant to 24 V.S.A. §§ 1121 and 1122.

This Personnel Policy is a guide and may not be construed under any circumstances as a contract or binding agreement. This Policy is not intended, nor does it constitute a contract or agreement for employment. With the exception of those Town officers who, by law, can only be removed for cause (e.g. Town Clerk, Zoning Administrator, etc.), employment with the Town of Danville is *at-will* and not for any definite period or succession of periods of time. The Town or the employee may terminate employment at any time, for any reason or no reason at all, with or without notice. Employee discipline or termination is left entirely to the discretion of the employee's supervisor or the Selectboard. A disciplined or terminated employee will have no right to appeal such determination.

This Personnel Policy does not constitute an express or implied contractual modification of employees' at-will employment arrangement with the Town as employer. Nothing contained in this Policy is intended to be part of the employment relationship; instead, the contents merely represent general statements of Town Policy. Any prior policies or verbal or written assurances of continued employment which could be construed as altering the at-will status of this employment relationship or any other unwritten practices or policies to the contrary are hereby superseded and nullified.

The selectboard reserves the right to amend any of the provisions of this Personnel Policy for any reason, at any time, with or without notice. The selectboard also retains the right to modify or amend the terms of employment at any time and for any reason, including unilaterally eliminating a position and thus terminating employment, reducing the work hours for some or all employees due to economic necessity, shortage of work, organizational efficiency, changes in departmental functions, reorganizing or reclassifying positions resulting in the elimination of a position, or for other reasons without limitation.

This Personnel Policy will be administered by the Selectboard or its authorized representative.

Section 2: Persons Covered

This Personnel Policy applies to full-time, intermediate, and part-time employees of the Town. Except by separate written agreement, elected officers and their statutory assistants, members of Town boards and commissions, volunteers, and persons who provide the Town with services on a contract basis are not covered by this Policy.

For the purposes of this Policy, a full-time employee is an employee who works at least 35 hours per week on a regular and continuing basis. An intermediate employee is an employee who works at least 20 hours and up to 34 hours per week on a regular and continuing basis. A part-time employee is an employee who works fewer than 20 hours per week on a regular and continuing basis.

All part-time and intermediate employees will be considered hourly and will be paid an hourly rate approved by the selectboard.

A salaried exempt employee is an employee who typically works 35 hours a week or more, and who, in accordance with the Fair Labor Standards Act (FLSA), is paid a bi-weekly salary and is not eligible for overtime. A hiring letter will be provided to an exempt employee and will state compensation and expected hours of work.

Where a conflict exists between this Policy and any individual employment contract, the latter will control.

Section 3: Equal Employment Opportunity

It is the policy of the Town to provide equal opportunity to all employees and applicants without regard to race, color, religion, ancestry, sex, sexual orientation, gender identity, age, national origin, place of birth, marital status, disability, veteran's status, HIV status, pregnancy, health coverage status, genetic information, crime victim status, or any other category of person protected under state or federal law.

Section 4: Conduct of Employees

All employees are considered representatives of the Town and as such are expected to conduct themselves in a courteous, helpful, and respectful manner in all their interaction with the public, other employees, and Town officials.

All employees are expected to faithfully execute the duties and responsibilities of their office to the best of their ability and in compliance with the provisions of this personnel policy.

Standards of conduct are designed to provide a safe, pleasant, courteous and quality environment for all employees.

Section 5: Conflicts of Interest

A conflict of interest means a direct or indirect personal or financial interest of an employee or a person or group closely tied with the employee including a close relative, household member, business associate, or employer or employee. A close relative includes a spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law, and sibling-in-law.

Every employee of the Town shall carry out their job in a way that avoids conflicts of interest so that the public trust will be preserved. All decisions made by Town employees shall be made based on the best interests of the community at large rather than the interests of any individual or employee.

An employee shall not participate in any official action if the employee has a conflict of interest in the matter under consideration. An employee shall not personally, or through any member of their household, business associate, employer or employee, represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application or other matter pending before the Town.

An employee shall not use resources not available to the general public, including but not limited to Town staff time, equipment, supplies, or facilities for private gain or personal purposes, unless prior approval has been granted.

An employee may not directly or indirectly ask, demand, exact, solicit, accept or receive any gift, gratuity, act or promise beneficial to that individual, or another, which could influence any action or inaction associated with their official duties on behalf of the Town, or create the appearance of impropriety in connection with any

actions or inactions associated with their official duties on behalf of the Town. Nor shall any employee authorized to procure or to recommend procurement of materials, supplies or services, directly or indirectly, ask, demand, exact, solicit, seek, accept, receive or agree to receive for the employee or another person, any benefit or benefits from the person providing or soliciting the provision of such materials, supplies or services with the exception of items of vendor booth "freebies". An employee may attend a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of Town business or where official attendance is appropriate. An employee may accept an award publicly presented in recognition of public service.

Section 6: Nepotism

The Town - in recognition of the potential for a conflict of interest to occur in the workplace - prohibits the hiring or transferring of relatives, when doing so will result in a close relative supervising or evaluating another close relative, or a close relative supervising or evaluating the immediate supervision of another close relative.

Section 7: Hours of Service

The basic work week for the Town Clerk's office shall be 35 hours. Regular work hours shall be 8:00 a.m. to 4:00 p.m., Monday through Friday, with a one-hour unpaid lunch break and a paid 15-minute break that can be taken in the morning or afternoon.

The basic work week for the Highway Department shall be 40 hours. Regular work hours for the road crew shall be 6:00 a.m. to 2:30 p.m. with a 30-minute required, unpaid lunch and a paid 15-minute morning break. In the summer, the Road Foreman may choose to implement a four-day work week by working four 10-hour days, with a 30 minute required, unpaid lunch and a paid 15 minute break.

Regular work hours may be changed, and employees may be expected to work additional hours that may exceed the normal hours in a basic work week, as circumstances require. Any additional time worked beyond regular hours must be authorized in advance by the employee's immediate supervisor to allow the supervisor to meet the Town's financial obligations. All road crew employees are required to be available for work on an on-call basis, especially during the winter months. All Town employees are expected to be available for work during an emergency, weather-related or otherwise.

All employees are expected to be in attendance during regular work hours. Employees who will be absent from work are expected to notify their immediate supervisor in advance whenever possible. Employees who are calling in sick are expected to notify their immediate supervisor as soon as possible, at least one-half hour before the start of their regularly scheduled work hours.

Section 8: Wage & Hour Policies

An employee's pay depends on various factors, including pay scales, individual qualifications and performance, and market forces. Any questions about compensation, including matters such as paid time off, overtime, benefits or paycheck deductions should be directed to the employee's supervisor or the Town Treasurer. Pay scales are found in Appendix A.

Overtime:

Overtime is defined as any hours worked outside regular work hours by full time employees and shall be paid at one and one-half (1½) times the base rate. Overtime hours must be authorized in advance. Only the Road Foreman, Town Clerk, or the Chair of the Selectboard may authorize overtime hours.

A full time employee may elect to earn one and one-half hours of comp time for each hour worked outside of regularly scheduled hours in lieu of overtime pay.

Rest & Meal Periods

Under Vermont law, an employer must provide its employees with "reasonable opportunity" to eat and use toilet facilities in order to protect the health and hygiene of the employee.

Pay Day Requirements:

The Town of Danville will pay employees on a biweekly basis. Payday shall be within six (6) days of the last day of the pay period. If the employer discharges an employee, the employee must be paid within 72 hours from the time of discharge. An employee who voluntarily leaves employment shall be paid on the next regular payday, or if there is no regular payday, on the following Friday.

Employers must provide a wage statement to their employees with each payment of wages. This statement must set forth, at a minimum, the total hours worked, the hourly rate, gross pay and each deduction fully itemized.

Electronic or Direct Deposits:

The Town encourages its employees to authorize wage payment through direct deposit into one or more bank accounts.

Timecards / Time Sheets

It is the responsibility of the employee to complete and submit their timesheet within 24 hours of the last day of the current pay period. Unless an employer is made aware that an employee is absent from specific work hours, the wages paid must be paid for all scheduled hours. Adjustments may be made to future wages. For employees who punch a time clock, the general practice of rounding the employees' finishing time to the nearest quarter of an hour will be accepted.

Any non-exempt employee attending preauthorized meetings and training as part of their job will be compensated at their regular hourly rate in accordance with the Fair Labor Standards Act. If the employee travels from their home to a training held at a location other than a Town office or facility, the employee will be paid from the time they leave their home location until the time they return home, if on the same day. If the non-exempt employee's training and travel take place over a span of more than one day, the Town will follow FLSA rules on which hours are compensable.

Mileage Reimbursement:

The Town of Danville will pay an employee using their personal vehicle for approved business use at a rate equal to the annual Internal Revenue Service standard mileage rate. Any employee using their personal vehicle for Town business is required to provide proof of insurance annually on the renewal date.

To receive mileage reimbursement, an employee must submit a mileage reimbursement form to the Town Treasurer for approval. Before the reimbursement is paid, it must appear on the Warrant to the Selectboard for approval at their regular meeting.

Section 9: Outside Employment

The primary occupation of all full-time employees shall be with the Town.

Employees may not engage in any outside business during their normal working hours. Employees are prohibited from undertaking outside employment that interferes with their job performance or constitutes a conflict of interest, as defined in Section 5 of this Policy.

Prior to accepting any outside employment, employees will disclose their intent to do so in writing and obtain prior clearance from their supervisor, that such employment does not constitute a conflict of interest. The conflict of interest disclosure also applies to all intermediate and part-time employees.

Section 10: Political Activity

No employee may use his or her official authority for the purpose of interfering with or affecting the nomination or election of any candidate for public official, or demand or solicit from any individual direct or indirect participation in any political party, political organization or support of any political candidate. Employees are prohibited from using Town facilities, equipment or resources for political purposes and from pursuing political activities while working.

The personnel policy is not to be construed to prevent employees from becoming or continuing to be members of any political party or organization, from attending political party or organization meetings or events, or from expressing their views on political matters, so long as: 1) these views are clearly articulated as being those of the individual and not the Town, 2) these activities do not interfere with the individual's ability to effectively perform their duties, and 3) these activities take place or are expressed during non-working hours. This personnel policy is not to be construed as prohibiting, restraining, or in any manner limiting an individual's right to vote with complete freedom in any election.

Section 11: Alcohol and Drug Use

The Town intends to maintain a drug-free workplace and workforce. The use of alcohol or illegal drugs and the abuse of prescription drugs are not tolerated in the workplace or at work-related events.

Town employees are prohibited from working, or presenting themselves for work while under the influence, or severe aftereffects, of illegal drugs, controlled substances, and/or alcohol. This Policy is designed to promote the goal of providing a safe, healthy and productive work environment. This Policy covers all employees, including drivers and other employees who are also subject to drug testing programs performed in accordance with Federal Department of Transportation (DOT) requirements.

It is the Policy of the Town to prohibit the manufacture, distribution, transfer, display, transportation, sale, dispensation, possession, consumption, or use of illegal drugs, controlled substances, and/or alcohol by Town employees at the workplace and/or during work hours. Prohibited behavior includes manufacturing, distributing, transferring, displaying, transporting, selling, dispensing, possessing, consuming, using, or being under the influence of illegal drugs, controlled substances, and/or

alcohol during work hours, on work premises, while engaged in work activities away from work premises, and/or during work-related events.

For the purposes of this Policy, the term “illegal drug” includes both: (a) all state and/or federally controlled substances, including look-alike and designer drugs, and drug paraphernalia, and (b) prescription medications that have not been prescribed for current use by an authorized medical practitioner or that are being used contrary to the prescribing medical practitioner’s instructions. Controlled substances include but are not limited to the following substances: marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), barbiturates, benzodiazepine, methadone, methaqualone, and propoxyphene.

Prohibited Conduct:

The following actions are prohibited in the workplace, on municipal property, while using municipal equipment, or during any time in which an employee is on municipality business:

- Possessing, consuming, or using illegal or controlled substances, as defined by federal, state, and local statutes. (Controlled substances may be taken pursuant to a properly issued prescription, provided the controlled substance is taken as, and in the amount, prescribed and so long as the medication does not adversely affect the employee’s ability to perform the essential functions of their job).
- Distributing, transferring, displaying, transporting, selling, or possessing with the intent to distribute illegal or controlled substances.
- Possessing or using drug paraphernalia except when used for legal substances and in a legally prescribed manner.
- Being under the influence of illegal or controlled substances as demonstrated by actions and/or other evidence.
- Growing and/or manufacturing any illegal drug or controlled substance.
- Possessing or using alcohol.
- Being under the influence of alcohol.

An employee must notify the Town Clerk, Selectboard or their supervisor in writing if they are convicted of a violation of a criminal drug statute occurring in the workplace and must do so no more than five (5) calendar days after the conviction.

The limited, responsible consumption of alcohol on or off municipality premises at a Town-sponsored business or social function is permitted, but only if it has been authorized in writing and in advance by the Selectboard. The Town expects all attendees at such a function to behave in a professional manner and in accordance with Town policies.

The Town reserves the right to search and inspect all areas of the workplace and its premises for the purpose of maintaining a safe and healthy workplace.

The illegal use of prescription drugs is prohibited. If an employee is legally taking prescription drugs that affect the employee's ability to safely perform any of the essential functions of their job, their supervisor or the Selectboard will determine whether the employee should continue to perform their functions until concerns regarding safety can be addressed. Medical certification may be required.

In addition to this Policy, employees who operate commercial motor vehicles (CMVs) for the Town are also subject to the provisions of the Town's CMV Drug and Alcohol Policy.

Section 12: Tobacco Use

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.

Section 13: Performance Evaluations

Employees may be provided job performance evaluations at such times and in such manner as the department supervisor or Selectboard deems reasonable, but at least once a year. An employee shall be reviewed every 3 months during the initial year of employment and thereafter on an annual basis. The results of such evaluations will be discussed with the employee and will become a part of the employees' personnel file.

Section 14: Personnel Records

Personnel records will be maintained for each employee of the Town. In accordance with Vermont's Public Records Law, any employee or the employee's designated representative may inspect or copy their personnel file at a mutually agreeable time during regular office hours. The Town reserves the right to have its representative present at the time its files are examined or copied.

Section 15: Use of Town Equipment

Except as provided in Section 16, the use of Town equipment or property for personal use is prohibited, unless prior approval has been granted by their supervisor. Employees should have no expectation of privacy regarding anything stored in or on Town-owned property or Town-owned equipment, including but not limited to desks, filing cabinets, lockers, and vehicles. Employees should expect that such areas may be searched at any time to retrieve work-related materials or to investigate violations of workplace rules.

Section 16: Use of Town Computer System

For purposes of this Policy, "computer system" means all computers and devices and any related hardware, equipment, components, or software, including, but not limited to, host computers, file servers, workstation terminals, laptops, tablets, smartphones, internal or external communication networks, the world wide web (www), the Internet, commercial online services, bulletin board systems, backup systems, and the internal and external e-mail systems accessed via the Town's computer equipment.

All electronic communications regarding Town business should be, to the furthest extent possible, conducted via official Town computer systems. A Town employee should avoid conducting Town business using their personal computer, device, or account unless authorized by the Town. The Town computer system is to be used by employees for the purpose of conducting Town business. Occasional, brief, and appropriate personal use of the Town computer system is permitted, provided it is consistent with this Policy and does not interfere with an employee's duties and responsibilities.

Employees should have no expectation of privacy or confidentiality regarding anything created, sent, or received on the Town computer system. The Town may monitor at any time its computer system without warning or any specific notice to employees, including all computer transactions, communications, and transmissions for any reason including, but not limited to ensuring compliance with this Policy and evaluating the use of its computer system. All files, documents, data, and other electronic messages created, received, or stored on the Town computer system are open to review and regulation by the Town and may be subject to the provisions of Vermont's Public Records Law.

Employees may not introduce software from any outside source on the Town's computer system without prior, written authorization from their supervisor. Employees may be held responsible for any damage caused by using unauthorized software or viruses they introduce into the Town computer system.

Employees who have a confidential password to access the Town's computer system should be aware that this does not mean the computer system is for personal confidential communication, nor does it suggest that the computer system is the property of that person. Additionally, employees who have a confidential password to access the Town's computer system, or to access any Town-sponsored computer networks, or software-as-a-service, shall provide access to their supervisor upon request.

Transmission of electronic messages on the Town computer system shall be treated with the same degree of propriety, professionalism, and confidentiality as written correspondence. The following are examples of prohibited use of the Town computer system:

- Communications that in any way may be construed by others as disruptive, offensive, abusive, discriminatory, harassing, or threatening;
- Communications of sexually explicit images or messages;
- Transmission of chain letters or solicitations for personal gain, commercial or investment ventures, religious or political causes, outside organizations, or other non-job-related solicitations during or after work hours;
- Access to Internet resources, including websites and news groups, that are inappropriate in a business setting;
- Unauthorized disclosures. Unauthorized disclosures include disclosures of non-public information, unless the disclosure is authorized by law; and the dissemination of confidential, proprietary, or privileged information.
- Any other use that may compromise the integrity of the Town and its business in any way.

Nothing in this Policy will be interpreted or applied in a manner that interferes with employee rights to organize, form, join, or assist labor organizations, to bargain collectively through representatives of their choosing to the extent allowed by law, or to engage in other concerted activities for the purpose of addressing the terms and conditions of employment.

Section 17: Personal Use of Social Media

This section applies to employees using social media in their personal, non-official capacity. Personal or non-official use of social media means day-to-day use of social media by employees that is unrelated to their official work duties. Employees' personal or non-official use of social media may only occur during off-duty hours. Employees using social media in their personal capacity are expected to be truthful, courteous, and respectful toward supervisors, co-workers, residents, customers, and other persons or entities associated with or doing business with the Town.

When posting content or commenting on Town business in their personal capacity, employees must use a disclaimer which establishes that their posted content or comments represent their own opinions and do not represent those of the Town. Employees must not attribute personal statements or opinions to the Town when engaging in the use of social media and if, through their identification or posts, any confusion as to whether their statements might be attributable to the Town arises, they must clarify that their posts are their own and not those of the Town.

Personal use of social media should not be tied to the Town's business and employees must not use their Town email account or password in conjunction with a personal social media platform.

Personal use of social media that adversely or negatively affects or impacts the workplace is prohibited. The following is a non-exhaustive list of examples situations, or activity when personal use of social media may adversely or negatively affect an employee's duties or the workplace:

- Name calling and personal attacks or other such demeaning behavior;
- Friendships, dating or romance between co-workers;
- Cyber-bulling, stalking, or harassment;
- Release of private or confidential data;
- Unlawful activities;
- Misuse of Town social media;
- Inappropriate use of the Town's name, logo, or the employee's position or title;
- Using Town-owned computer systems or equipment for extensive personal social media use; or
- Violating federal, state or local law.

Section 18: Public Records

Any written or recorded information that is produced or acquired by a Town employee in the course of Town business is a public record, subject to Vermont's Public Records Law and may be covered by the State of Vermont's retention rules and disposition schedules for municipal records. Although the Town discourages the use of personal computers, devices, or accounts to conduct Town business (see Section 17, above), the use of a personal computer, device, or account does not prevent an otherwise public record from being subject to public inspection and copying. In the uncommon event that an employee uses their personal computer, device, or account to conduct Town business, the record created, sent, or received should be forwarded by the employee to the employee's Town computer system, or otherwise captured and retained as a Town record. All employees are required to respond in the manner prescribed by Vermont's Public Records Act regardless of where a Town public record may be stored. All employees must provide any Town public records stored in their personal computers, devices, or accounts that are responsive to a public records request.

Section 19: Eligibility for Benefits

The Town offers the following employee benefits:

- Group Health insurance program for the benefit of its eligible full-time employees (35 hours is considered full time for benefits). For the purpose of determining eligibility, full time designation must be approved by the Town Selectboard. Health insurance coverage starts as of the date of hire.
- Health Insurance stipend – If an employee already has health insurance coverage and elects not to enroll in the Town's plan, a health insurance stipend will be paid to that employee. The stipend will be paid in two installments, (May and November), and are considered taxable income.
- Vermont State Employees Retirement Pension - Available to any permanent full or part-time employee who works a minimum of 40 weeks out of the year.
- Workers Compensation Insurance. Elected members of boards and committees are not covered by workers compensation insurance.
- Deferred Compensation – Employees may choose to contribute a portion of their pay to the State of Vermont's Deferred Compensation Program on either a pre-tax basis or Roth contribution.
- Uniforms, Safety Shoes, and other Allowances - The Town will pay the cost of the uniform service offered to all highway crew members. The Town will also give each highway employee a stipend of up to \$150 annually for the purchase of required steel-toed safety shoes. The safety shoes must be a minimum 8" high

and meet ASTM F2413-11 OSHA standards. The employee must turn in the receipt from the store where the safety shoes are purchased. The Town will pay the cost of renewing the employees' CDL. The Town will pay for maintaining a Federal Motor Carrier Medical Examination Certificate for each employee who holds a CDL. This will be done by using the issued HRA card or stipend paid to employees who opted out insurance package. As of May 1, 2019, all current employees are required to obtain Federal Motor Carrier Medical Examination Certificate clearance. Seasonal employees will not be offered these benefits; however, it is their responsibility to have both safety shoes and a current Federal Motor Carrier Medical Examination Certificate acquired as a personal expense.

The Town reserves the right to change insurance carriers, or to add, delete or amend benefit programs at its sole discretion. The Town also reserves the right to change the amount or percentage of its contribution to the cost of any group health insurance program. Employees will be provided with advance notice of any change in the contribution rate. Workers' compensation insurance applies to all employees. Employees may be covered by workers' compensation insurance if their injury arises out of and is in the course of employment. Questions should be posed to the Town Clerk.

Section 20: Holiday Leave

Full-time employees will receive the following paid holiday leave:

1. New Year's Day
2. Martin Luther King Day
3. President's Day
4. Town Meeting Day - Floating Holiday for Town Clerk's Office
5. Memorial Day
6. Fourth of July
7. Bennington Battle Day
8. Labor Day
9. Indigenous Peoples' Day
10. Veteran's Day
11. Thanksgiving Day
12. The day after Thanksgiving Day
13. Christmas Eve close at noon
14. Christmas Day
15. Floating Holiday for Employee's birthday
(14.5 days)

Full time employees will receive holiday leave pay for the number of hours in the employee's typical workday on which the holiday falls, at the employee's regular rate of pay.

Intermediate employees will receive holiday leave pay, pro-rated for their FTE based on a 40 hour work week, at the employee's regular rate of pay.

Part time employees will receive two paid holidays per year at the employee's regular rate of pay.

Holidays falling on a Saturday will be observed the preceding Friday. Holidays falling on a Sunday will be observed the following Monday.

Holidays that fall during an employee's vacation leave will not be charged as vacation leave.

An employee may be called into work or otherwise required by their supervisor to work on a holiday to meet work deadlines. If a non-exempt employee is required to work on a holiday, they will be paid both holiday pay and for the hours worked on the holiday at their regular rate of pay. They may opt to receive comp time for the hours worked on the holiday in lieu of pay.

Section 21: Vacation Leave

Full-time employees will be credited with vacation after one consecutive year of employment, on their anniversary date, at the following levels:

After one consecutive year:	Hours equal to 5 regular workdays
After two consecutive years:	Hours equal to 10 regular workdays
After five consecutive years:	Hours equal to 15 regular workdays
After ten consecutive years:	Hours equal to 20 regular workdays

After the first-year anniversary of an employee's hire date, the new anniversary date becomes January 1st. One week of vacation can carry over into the next year. Vacation hours may not be taken before they are credited to an employee.

If employment is terminated and the employee has vacation hours left in their leave account, the employee will be compensated for these hours in their final paycheck at their regular rate of pay.

Employees are strongly encouraged to take an annual vacation. Requests for vacation should be submitted to the employee's supervisor as soon as possible, but not less than 48 hours in advance of the requested time off. This notice may be waived at the discretion of the employee's supervisor.

Section 22: Sick Leave

Full-time employees begin accruing Sick Leave the first full pay period they work. Four (4) hours of sick leave is credited to the employee's leave time account after every 14-day pay period worked. The employee is entitled to use sick time as soon as they have sick time hours in their account. The maximum sick leave allowed to accrue is 510 hours. Sick leave hours do carry over from one calendar year to the next but may never exceed the 510-hour maximum allowed. Seasonal employees may use their Personal Leave accrual for any reason defined under the *Vermont Sick Leave Law*.

Sick time may be used when the employee cannot come to work because of his/her own sickness *or* the sickness of his/her immediate family (spouse or his/her children). Sick time may also be used for transporting him/herself to medical related appointments as well as medical related appointments for employee's immediate family (spouse or his/her children). An employee may use sick leave for the purposes below:

- The employee is ill or injured, if not covered under workers compensation.
- The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.
- The employee cares for a sick or injured parent, grandparent, spouse, child, stepchild, brother, sister, parent-in-law, grandchild, or foster child, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment, or accompanying the employee's parent, grandparent, spouse, or parent-in-law to an appointment related to his or her long-term care.
- The employee is arranging for social or legal services or obtaining medical care or counseling for the employee or for the employee's parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, who is a victim of domestic violence, sexual assault, or stalking or who is relocating as the result of domestic violence, sexual assault, or stalking. As used in this section, "domestic violence," "sexual assault," and "stalking" shall have the same meanings as in 15 V.S.A. § 1151.
- The employee cares for a parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, because the school or business where that individual is normally located during the employee's workday is closed for public health or safety reasons.

The Town reserves the right to ask for a doctor's note stating the condition of the employee if more than three (3) consecutive days of sick leave have been taken, or a pattern of sick leave use has been established.

Eligible part-time employees (21 V.S.A. §§ 481 et seq.) will receive prorated sick time of 1 hour for every 52 hours worked. The definition of an "eligible employee" includes any worker who meets the following criteria:

- Is age 18 or over.
- Works an average of 18 or more hours per week during the year.
- Is expected to work more than 20 weeks in a 12 month period.

Eligible part-time employees are allowed to accrue a maximum of **255** hours.

Sick leave may not be advanced or taken before it is accrued. Unused sick leave will not be compensated to an employee under any circumstances and will not be compensated either in cash or additional pay upon employee's termination of employment, regardless of the reason for termination.

Section 23: Bereavement Leave

Employees may be provided with up to 3 paid bereavement leave days (pro-rated for part-time employees) related to the death of a close family member, domestic partner or member of an employee's household. The exact amount of time off is dependent upon the circumstances and subject to supervisor approval. For purposes of this policy, close family member is defined as the following: *spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt, uncle, niece, nephew, parent-in-law, or sibling-in-law.*

Paid bereavement leave does not accrue and thus, when not used, is not carried forward into the next year nor compensated upon separation from employment.

Section 24: Personal Leave

A full-time employee is entitled to three (3) "personal days" per year with a regular day's pay credited them, for whatever purpose they choose provided they gives their supervisor a twenty-four (24) hour notice before the day to be taken and the supervisor approves this leave. This leave does not accumulate from year to year and will not be compensated if the employee leaves the Town's employment regardless of the reason.

Highway department employees are eligible to earn additional personal time off for being on call during the winter months. An employee who is on call will be available for work when called upon by the Road Foreman for all hours of their on-call day.

The Road Foreman will contact employees for on-call service using the following means, as available, in the following order: home phone number, cell phone number.

Each highway department employee will accrue 2.5 hours per pay period, for a maximum of 32.5 hours, to be on call during winter hours. If a call is missed, hours for that pay period will not accrue. The Road Foreman will be responsible for setting the on-call schedule for the crew. An employee will notify the Road Foreman if they switch on call days with another member of the crew.

Section 25: Short Term Family Leave

In accordance with 21 V.S.A. § 472a, eligible employees may be entitled to take unpaid leave not to exceed four hours in any 30-day period and not to exceed 24 hours in any 12-month period for the following purposes:

- To participate in preschool or school activities directly related to the academic educational advancement of the employee's child, stepchild, foster child, or ward who lives with the employee, such as a parent-teacher conference.
- To attend or accompany the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse or parent-in-law to routine medical or dental appointments.
- To accompany the employee's parent, spouse, or parent-in-law to other appointments for professional services related to their care and well-being.
- To respond to a medical emergency of the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse, or parent-in-law.

The Town may require that leave (including accrued paid leave) be taken in a minimum of two-hour segments. At the option of the employee, accrued paid leave may be used. Before taking leave under this section an employee shall make a reasonable attempt to schedule appointments outside of regular work hours. An employee shall provide the Town with the earliest possible notice of the intent to take short term family leave, but in no case later than seven days before leave is to be taken, except in an emergency where the required seven-day notice could have a significant adverse impact on the family member of the employee.

Section 26: Leave of Absence without Pay

A request to take unpaid leave from employment for the purpose of attending Town meeting must be made at least seven days prior to the date of the Town meeting.

Such leave will be granted, provided it does not cause an interruption of the essential operation of the Town.

All requests for leaves of absence without pay for any reason other than those covered by federal, or state law must be submitted in writing to the employee's supervisor and must set forth the purpose for which the leave is requested. All leave requests must be for a defined period of time and include a specified date of return. Such leave requests are subject to the sole discretion of the Town.

If a leave of absence is granted, the employee may, at the Town's sole discretion, continue the employee's group health plan coverage by paying the required premium in accordance with the payment schedule by the Town. Other employee benefits (e.g. sick leave, vacation, person, etc.) will not accrue during the unpaid leave period.

Section 27: Military Leave

Eligible employees who are members of the Reserves or National Guard shall be allowed military leave with pay, at their regular base pay (prorated as appropriate), for up to a maximum of 11 workdays (88 hours), scheduled by military authority, in any Federal Fiscal Year, for any authorized active duty training or service. All benefits will continue during an employee's temporary military leave.

*(cited from the VT Military Leave Number 14.7 Policy)

The Town will comply with the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4303 et seq., and 21 V.S.A. §§ 491 et seq. Employees who take military leave subject to the provisions of these laws beyond the maximum of 11 workdays will be granted leave without pay. At the option of the employee, any paid leave accrued prior to the commencement of the leave may be used.

Section 28: Jury Leave

The Town will compensate employees for their service as jurors or witnesses. In accordance with 24 V.S.A. § 499, employees will otherwise be considered in the service of the Town for purposes of determining pay, seniority, benefits, credit towards vacations, sick leave, and other rights, privileges, and benefits of employment.

When Town employees are called to serve as a witness in a court proceeding due to their status as an employee of the Town, the Town will compensate the employee for the difference between their regular pay and their compensation as a witness. The Town will pay the difference only when the employee's regular rate of pay exceeds their compensation as a witness.

Section 29: Overtime and Compensatory Time Off

The Town compensates all full time, nonexempt employees at the rate of one and one-half hours for each hour worked outside of regularly worked hours in any workweek. Employees employed in executive, administrative or professional capacities as defined by the FLSA are exempt from this requirement.

In lieu of overtime pay, nonexempt employees may accrue compensatory time off (“comp time”) subject to the following conditions:

- Comp time is earned at a rate of one- and one-half hours for each overtime hour worked.
- An employee may accrue a maximum of eighty hours of comp time per calendar year, (80 hours of comp time represents 53.34 hours of actual overtime work). An employee who has accrued 80 hours of comp time will be paid overtime compensation for additional overtime hours of work.
- An employee, at the Town’s discretion, can be paid wages in lieu of compensatory time off.
- An employee receiving payment for accrued comp time will be paid at the regular rate of pay earned by the employee at the time the employee receives such payment.
- Comp time will be used or paid out by the end of each calendar year, December 31st.
- Upon termination from employment, an employee will be paid for unused comp time at a rate not less than the average regular rate of pay received by the employee during the last three years of employment or the employee’s final regular rate of pay, whichever is higher.

An employee who has accrued comp time and requested use of comp time will be permitted to use such time off within a reasonable period after making the request if such use does not unduly disrupt the Town’s operations. Requests for use of comp time must be submitted to the employee’s supervisor, who will have sole discretion to grant or deny the request. Requests for use of comp time will not unreasonably be withheld.

Section 30: Callbacks:

When an employee is called to work by their supervisor, other than scheduled times, they shall be credited no less than two (2) hours of actual work for each Callback regardless of time worked. Callbacks do not occur immediately following or preceding the regular workday.

Section 31: Fire Department Leave

Any employee of the Town who is a member of the Fire Department may respond to a fire call during work hours with permission from their supervisor or the person in charge at the time of the call. If permission is granted, leave time must be used if available (comp., vacation, personal). If there is no leave time available, the non-exempt employee will not be paid during the time away from work. If the fire call happens prior to working hours and the time is expected to extend into the workday, their supervisor must be notified prior to the tardiness. A fire call is not an excused absence from a call in.

Section 32: Crime Victim Leave In accordance with 21 V.S.A. § 472c, eligible employees who are crime victims may be entitled to take unpaid leave for the following purpose of attending a deposition or court proceeding related to:

- a criminal proceeding when the employee has a legal right or obligation to appear at the proceeding;
- a relief from abuse, neglect, or exploitation hearing when the employee is the plaintiff
- hearings concerning an order against stalking or sexual assault, when the employee seeks the order as plaintiff.

A “crime victim” is a person who has:

- obtained a relief from abuse order against a family or household member;
- obtained a court order against stalking or sexual assault;
- obtained a court order against abuse of a vulnerable adult; or
- sustained physical, emotional or financial injury as the direct result of the commission or attempted commission of a crime or act of delinquency and is identified as a crime victim in an affidavit filed by law enforcement official with a prosecuting attorney. This also includes the victim’s child, foster child, parent, spouse, stepchild or ward of the victim who lives with the victim, or a parent of the victim’s spouse, provided that the individual is not identified in the affidavit as the defendant.

At the option of the employee, accrued sick leave, vacation leave, or any other accrued paid leave may be used.

Section 33: Job Abandonment

If an employee does not report to work or call in for three consecutive days, they are considered a quit without notice.

Section 34: Employment Harassment and Discrimination

The Town is committed in all areas to providing a work environment that is free from unlawful harassment and discrimination. Vermont and federal law prohibit employment discrimination or retaliation based on race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, health coverage status, crime victim or veteran status, any other category of person protected under federal or state law, or against a qualified individual with a disability with respect to all employment practices. Vermont law also prohibits discrimination based on sexual orientation, ancestry, HIV status, and place of birth. It is also unlawful to retaliate against employees or applicants who have alleged employment discrimination.

Section 35: Sexual Harassment - Sexual harassment in the workplace is illegal under federal and Vermont law and is strictly prohibited. The Town is committed to providing a workplace free from this unlawful conduct.

Section 36: Health & Safety Policy & Mission

The Town of Danville recognizes its employees as a most important asset. As such, the Town of Danville's health and safety mission is to provide a healthy and safe workplace for all employees and dependents, when possible, as a priority both on and off the job. The Town of Danville's health and safety programs recognize that the healthy and safe behavior of each employee is key to meeting this mission.

Section 37: Grievance Procedure

In the case of a disagreement or issue between an employee and their supervisor, the employee may avail themselves of the following procedure:

Step 1. The employee will state their case to their supervisor to better understand both sides of the issue and come to an agreement. If the employee is not satisfied, they may proceed to Step 2.

Step 2. The employee will state their case to a group consisting of the Town Clerk, one selectboard member, and their supervisor. The issue will be discussed along with possible solutions. The employee and their supervisor may come to an agreement at this meeting. If the employee is not satisfied with the results of Step 2, they may proceed to Step 3.

Step 3. This issue will be taken up by the full selectboard in executive session if applicable. The selectboard will pass down any final decision regarding the issue and is the ruling body on all personnel issues.

Section 38: Severability

If any provision of this personnel policy or the application hereof to any person or a circumstance (s) is held invalid, this invalidity does not affect other provision or applications of the personnel rules which can be given effect without the invalid provision or application. For this purpose, this personnel policy is severable.


Adopted:


Signatures of Selectboard:


Janice Ouellette, Chair


Eric Bach, Vice Chair


Peter Griffin


Alison Low


Glenn Herrin

Addendum A: Personnel Acknowledgement

I, _____, acknowledge that:

- A. I received a copy of the Town's personnel policy on _____ and it is my responsibility to familiarize myself with its contents;
- B. I understand that it is my responsibility to ask questions if there is anything in the policy that I do not understand;
- C. I understand that the language used in this personnel policy is not intended to create, nor should it be construed to create, a contract of employment between myself and the Town;
- D. I acknowledge that this policy replaces any and all prior versions and that the Town reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or none at all, in whole or in part, at any time, with or without notice;
- E. I acknowledge that it is my responsibility to comply with all the provisions of the Town's personnel policy, including the following additional policies:

Conflict of Interest (August 2, 2018)

Controlled Substance & Alcohol Testing Policy (2018 Rev-CDL)

Employment Harassment and Discriminations Policy (June 6, 2019)

Health Insurance Policy (August 3, 2017)

Health & Safety Policy (November 11, 2011)

Jury Duty (March 21, 2019)

Sexual Harassment Policy (June 6, 2019)

Smoking & Tobacco Policy (March 21, 2019)

Employee's Signature

Date

**ADDENDUM B: Agreement by Independently Elected Officer to Follow the
Personnel Policy**

This is an agreement between the Town of Danville and the Town Clerk, (hereafter "Town Official"), collectively referred to as "parties."

In exchange for the provision of benefits by the Town, the Town Official agrees to follow the provisions of the Town of Danville Personnel Policy.

Town Official:

- has received a copy of the Town's Personnel Policy and understands that it is their responsibility to familiarize themselves with its contents;
- has been given an opportunity to ask questions about said Policy and has been provided with satisfactory information in response to those questions;
- acknowledges that as per section 1 of the Town's Personnel Policy, the selectboard reserves the right to amend any of the provisions of the Personnel Policy for any reason, at any time, with or without notice;
- acknowledges that they understand the Town's Personnel Policy and agrees to comply with all of its provisions.


The parties agree that this shall not constitute a contract for employment.


If any term of this agreement, the provisions of the Personnel Policy to which it incorporates by reference, or the application hereof of either to any person or a circumstance(s) is held invalid, this invalidity does not affect other provisions or applications of the agreement's terms, which can be given effect without the invalid term(s) or application(s). For this purpose, this agreement is severable.

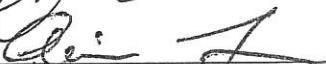
Entered into this 6th day of June, 2024

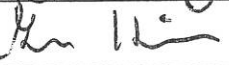
BY: Independently Elected Official:

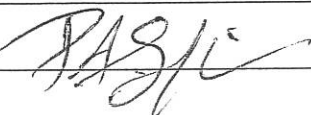
Selectboard:











**APPENDIX A
PAY SCALES**

HIGHWAY DEPARTMENT PAY SCALE

Years of Service	Steps	Pay Grade														
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
0-1	1	19.35	19.83	20.33	20.94	21.59	22.28	23.01	23.80	24.63	25.52	26.46	27.47	28.54	29.68	30.90
1-5	2	19.74	20.23	20.74	21.36	22.02	22.73	23.47	24.27	25.12	26.03	26.99	28.02	29.11	30.27	31.51
5-10	3	20.23	20.74	21.25	21.89	22.57	23.29	24.06	24.88	25.75	26.68	27.66	28.72	29.84	31.03	32.30
10-15	4	20.84	21.36	21.89	22.55	23.25	23.99	24.78	25.63	26.52	27.48	28.49	29.58	30.73	31.96	33.27
15-20	5	21.57	22.11	22.66	23.34	24.06	24.83	25.65	26.52	27.45	28.44	29.49	30.61	31.81	33.08	34.44
20-25	6	22.43	22.99	23.56	24.27	25.02	25.82	26.68	27.58	28.55	29.58	30.67	31.84	33.08	34.40	35.81
25-30	7	23.44	24.02	24.63	25.36	26.15	26.99	27.88	28.83	29.83	30.91	32.05	33.27	34.57	35.95	37.42
30+	8	24.61	25.23	25.86	26.63	27.46	28.34	29.27	30.27	31.33	32.45	33.65	34.93	36.30	37.75	39.30

Qualifications for Advancing Pay Grades

Grade 1
<ul style="list-style-type: none">• No CDL• No Experience in highway maintenance
Grade 2
<ul style="list-style-type: none">• Actively integrating into work environment• Receiving Task Training• Enrolled in new driver training• Enrolled in VLR “New employee program”• Engaged in learning all job safety• Engaged in learning safe operation of small equipment• Ability to record day to daytime and materials accurately and legible
Grade 3
<ul style="list-style-type: none">• Minimum Class B CDL with air brake endorsement• Accepts on site and shop safety• Certified in VLR “New Employee Training”• Training in all small equipment and maintenance• Actively learning operation and maintenance of Plow Truck and Loader
Grade 4
<ul style="list-style-type: none">• Safe operation and maintenance of small equipment• Safe operation and maintenance of Plow Truck and Loader• Shows basic mechanical ability• Shows safe use of basic shop tools• Ability to keep themselves busy without being told• 20 VLR credits
Grade 5
<ul style="list-style-type: none">• Training in maintenance and operation of large equipment• Proficient operation and maintenance of all small equipment• Training in maintenance and operation of advanced small equipment• Proficient operation of Plow Truck and Loader• 40 VLR credits

Grade 6
<ul style="list-style-type: none"> • Proficient in all advanced small equipment • Safe operation and maintenance of 1 piece of large equipment • Shows above the normal interest in projects in the shop • Active training in advanced shop tools • 60 VLR credits • Able and willing to be a substitute foreman in an absence • Able and willing to train others in the safe operation and maintenance of all small equipment
Grade 7
<ul style="list-style-type: none"> • Proficient in operation and maintenance of 1 piece of large equipment • Shows above normal mechanical ability • Safe use and maintenance of advanced shop tools with no abuse • Maintains class A CDL • VLR level 1 or 80 VLR credits
Grade 8
<ul style="list-style-type: none"> • Proficient in maintenance and operation of advanced shop tools • Shows interest and is productive in off season shop projects • Able and willing to train others in the safe operation and maintenance in all advanced small equipment • VLR Level 1 certification • 100 VLR credits
Grade 9
<ul style="list-style-type: none"> • VLR Level 2 or 120 VLR credits • Consistently can be a team leader and take charge of a project and take responsibility for its outcome • Maintains OSHA 30 certification
Grade 10
<ul style="list-style-type: none"> • Able and willing to train others in safe operation of advanced shop tools • Proficient in maintenance and operation in both pieces of large equipment • Level 2 VLR certification • 140 VLR credits
Grade 11
<ul style="list-style-type: none"> • Able to be in charge of a project and make safe and efficient decisions when the need arises • Become a CDL certified trainer • VLR Level 3 or 160 VLR credits

Grade 12
<ul style="list-style-type: none"> • VLR level 3 certified • Able to follow a design, estimate, lead, acquire materials, carryout safely, document, a project from start to finish • VLR credits
Grade 13
<ul style="list-style-type: none"> • 180 VLR credits or VLR Masters Level • Maintains another related certification industry related (example; air brake certification)
Grade 14
<ul style="list-style-type: none"> • Able and willing to Train other employees in any aspect of the Highway Department's duties. • VLR Masters Level certified
Grade 15
<ul style="list-style-type: none"> • Above 200 VLR credits

Definitions:

- CDL: Commercial Driver's License (minimum class B with air brake endorsement)
- Experience: Excavation construction time and/or snowplowing time other than a pickup truck.
- Truck and Equipment: "Includes Plow Trucks and Wheeled Loader"
- Truck and Equipment Maintenance: "Pre trip inspections, Scheduled fluid changes, Grease, Lights/wiring, Tire changes, Cleanliness, Wear edges."
- Large Equipment: "Grader, Excavator"
- Small Equipment: "Chipper, Hydro Seeder, Compactor, Compressor, Crack Filler, Wood Splitter, Water Pump, Portable Generator"
- Advanced Small Equipment: "Roadside Mower, Laser, Trac-less and attachments, Chloride Sprayer/Water Truck, Chainsaw, Line Striper"
- Safe: "Being able to use or do something in a way not to be harmful to oneself or others"
- Proficient: "Able to perform a task in not only a quality manner but in a timely manner"
- VLR: "Vermont Local Roads"
- Basic Shop Tools: "Hand Tools, Grinders, Impact wrenches, Torque wrench, Drills, Jacks"
- Advanced Shop Tools: "Torches, Welders, Plasma Cutter, Hose Machine, Press"
- Normal Mechanical Skill Level: "Ability to change engine oil, lights, grease, identify problems, change hydraulic hoses, change a tire, change a brake can"
- Above Normal Mechanical Ability: "Able and willing to perform more advanced mechanical tasks such as fabrication, complete brake jobs, hydraulic valve work, electronics"

How to Move a Pay Grade

- An employee can apply to move a pay grade after he or she feels they have achieved all requirements in the pay grade they are in. This is done by completing a Request for Movement (RFM) form.
- A supervisor can also submit a RFM for an employee if he or she feels they have achieved the requirements and has shown the growth needed to move.
- A “Goals Meeting” will be held in January with the supervisor to plan for achieving a Pay Grade move if desired. This will allow for planning throughout the year.
- RFM’s can be considered 3 times per year for new employees, annually for year 2 through 5-year employees and a maximum of once every 2 years for above 5-year employees.
- RFM’s are considered by a committee group consisting of the applicant’s supervisor, 1 selectboard member and an anonymous electronic evaluation by fellow crew members.
- If the RFM is approved by the committee the Pay Grade move will take effect immediately for a first-year employee or on January 1st for others.
- If the RFM is denied, the applicant can appeal the decision by attending another committee meeting to plead his or her case in person.
- You are expected to be at a minimum of Pay Grade 3, 9 months into your first year of employment.
- Other than a 1-year employee, there is no requirement to move up a paygrade if so chosen.
- The only way that someone will move down in a pay grade is if their physical ability has changed or they request a move.