

**TOWN OF CABOT  
PERSONNEL POLICIES AND PROCEDURES**

Pursuant to the provisions of Title 24 V.S.A. Chapter 33, Subchapter 11, Sections 1121 and 1122, the Selectboard of the Town of Cabot herein adopts the following amended personnel policies and procedures, which supersede all previous amendments:

**Applicability**

The rules and regulations set forth in this policy are applicable to all full-time and part-time employees of the Town of Cabot hereafter (Town). Library employees and Schoolboard members are specifically exempt from these rules and regulations. These rules and regulations do not constitute a contract of employment in whole or in part. Employment by the Town is not for any definite period or succession of periods and may be terminated by the employee or the Town as provided by this policy. The Selectboard reserves the right, after consultation with supervisors, to add, amend or delete through resolution any benefit, condition of employment or other policy or procedure stated herein. The Selectboard further reserves the right to interpret this policy and apply it accordingly.

**Supervisory Relations**

The Selectboard is the supervisor of town employees other than the Town Clerk and Town Treasurer and the Assistant Town Clerk and Assistant Town Treasurer. The Road Commissioner is the supervisor of the Road Foreman. The Road Foreman is the supervisor of the Town road crew. The Town Clerk is the supervisor of the Assistant Town Clerk. The Town Treasurer is the supervisor of the Assistant Town Treasurer. All are employees of the Town, except Selectboard members.

**Personnel Record Management**

The maintenance of all personnel records is the responsibility of the Town Clerk. All personnel records are the property of the Town and remain so after an employee's resignation, termination or death. Employees may inspect their own personnel file upon request, but neither the files nor any documents in them shall be removed from the town office. Employees or their designees, authorized in writing, are entitled to photocopies of any documents in their own file at their own expense. The cost to be the same as that charged the general public. Personnel records shall be confidential and open only to the persons and under the conditions stipulated herein, except as provided otherwise by law, and written authorization from an employee must accompany any request from another party to view or copy or receive by electronic transmission materials from the employee's file. But properly authorized requests shall be honored by the Town Clerk. The employee or authorized individual must make an appointment to review the file in the presence of the Town Clerk or his/her designee and must not remove any of its contents. Under no circumstances may documents from personnel files be read over the telephone.

**Employment**

The Town will not discriminate against any employee or applicant for employment on the basis of race, color, religion, national origin, age, disability, sex or sexual preference, ancestry or place of birth, or any other category protected by State or Federal law.

Application for employment by the Town may be made by letter, submission of resume, or by completion of any application form the Town may require. Application for employment shall be regarded as authorization for the Town to conduct reference, criminal background and credit checks subject to annual reviews. Drug and alcohol testing is required as a condition of consideration for employment. Any misrepresentation by applicants orally or in writing during the application process may be grounds for disqualification from

consideration, cancellation of any job offers, or termination of employment. Any conviction of criminal activity may be subject of dismissal.

The Selectboard shall extend all offers of employment in writing, except where otherwise provided.

### **Probationary Period**

All non-elected employees will be required to complete a six-month probationary period. The purpose of this probationary period is to determine whether the employee is qualified for the job. During the probationary period, an employee may be terminated at any time at the sole discretion of the Selectboard. Notwithstanding any other provision of this policy, an employee terminated during the probationary period will have no right to appeal such termination.

### **Compensation**

The Selectboard shall establish the salaries, wages and benefits for all town employees. Employees shall be paid weekly, pay date to be determined by the Town-Treasurer. Paychecks may be picked up at the Town offices during regular hours of business by the employee or the employee's supervisor or a designee authorized in writing, or shall be mailed by the Town Clerk upon written request. Vermont labor laws require an employer to pay overtime to employees, unless otherwise exempt, at the rate of 1½ times the employee's regular rate of pay for all hours worked in excess of 40 hours in a workweek **21 V.S.A. § 384 (b)**. All Employees will be paid weekly by direct deposit or by check.

Pay increases are provided at the discretion of the Selectboard and requests for pay increases or other compensation not provided within this policy will be considered only for the following fiscal year.

### **Hours of Work**

The Road Commissioner, with the concurrence of the Selectboard, will be responsible for setting work hours for the Town road crew. The regular work week for town highway employees will be 40 hours. Additional overtime may be authorized by the Road Commissioner as needed. Exception: During winter hours and emergencies the **Road Commissioner** may authorize overtime as needed.

The work week from November 1st through April 30<sup>th</sup> is a five-day, (40 hour) work week, Monday through Friday, eight hours a day. The work week from May 1<sup>st</sup> through October 31<sup>st</sup> will be four ten-hour days, (40 hour) Monday through Thursday, established by the Selectboard.

The Call-In-pay will be a minimum of two (2) hours each time an employee is called in, even if the call-in period is less than two (2) hours. If the call-in period exceeds two (2) hours, employees will be paid for all hours worked.

The regular work week for all other full-time hourly town employees will be 40 hours except for the Town Clerk and Town Treasurer and the Assistant Town Clerk and Assistant Town Treasurer. The Town Clerk and Town Treasurer shall establish the work week and hours to be worked for the Town Clerk and Town Treasurer and the Assistant Town Clerk and Assistant Town Treasurer. The Town Clerk and Road Commissioner shall determine the start and end time of each work day for their designated employees.

### **Part Time or Seasonal Employee**

The definition of a part-time or seasonal employee is an employee who works less than 30 hours per week or less than 1,040 hours per fiscal year. Any part-time or seasonal employee that has worked 1,039 hours in a

fiscal year shall be laid off at this point in time. Employment may commence the following fiscal year subject to the approval of the Selectboard and if funds are available.

### **Full Time Employees**

For all employees, vacation, sick and personal leave and holidays will be paid at the regular hourly rate of each employee. For all employees, vacation, sick and personal leave and holidays will not count as time worked towards overtime earned. Vacation and Personal time shall be scheduled in advanced.

Attendance at special meetings such as annual or special Town Meetings, Board of Civil Authority meetings, elections and special workshops or seminars will count as time worked for the Town Clerk, Town Treasurer, Assistant Town Clerk and Assistant Town Treasurer and the Road Commissioner, when it is required as a duty of their positions or requested or approved by the Selectboard. Travel time, to and from to attend events, listed above will also count as time worked as long as travel time exceeds 15 minutes from home work station to the event each way.

### **Highway and Road Crew Employees**

All highway and road crew employees of the Town are required to have valid Class B Commercial Driver's License or higher before employment will commence. At the end of the six-month probationary period the employee must have at least a Class A License to continue employment with the Town. The Town will reimburse all Road Crew employees for the renewal of their CDL Class A license and their CDL Medical Card. Technically, municipal CMV operators who only operate their CDL vehicles on municipal business are exempt from this requirement. From a risk management perspective, we are encouraged from VLCT to establish medical card requirements for Commercial Motor Vehicle operators, despite the exemption. All Road Crew employees will be required to have a copy of their CDL A license and Medical Card in their personnel file. The Town will require a DMV Motor Vehicle Record from each Road Crew Employee from the date of employment. The Town will request DMV Motor Vehicle Record annually. All Town highway employees will be required to be knowledgeable and be able to use all Town equipment.

Any employee driving Town equipment, will be required to wear a reflective vest or jacket which will be provided by the Town. The Town will be providing the highway crew mandatory clothing to wear. No other clothing allowance will be provided.

### **Town Highway equipment**

There will be no passengers allowed in all town equipment per Vermont League of City and Town's Property and Casualty Intermunicipal Fund.

### **Commercial Motor Vehicle Drug Testing**

All highway and road crew employees will be subject to drug testing in accordance with Federal Department of Transportation (DOT) requirements. Prescribed testing includes pre-employment, random, reasonable suspicion, post-accident, return to duty and follow-up, if applicable. All CDL drivers will be placed into a random testing pool at the expense of the Town. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded. If a pre-employment test is cancelled, the Town of Cabot will require the applicant to take and pass the test before the individual is placed into a covered CDL position or duties. **Refer to Drug and Alcohol Policy for Commercial Motor Vehicle Operators at the following web site: <https://www.fmcsa.dot.gov/regulations/drug-alcohol-testing/overview-drug-and-alcohol-rules>.**

## **Evaluation**

All Town employees except the Town Clerk and Town Treasurer will be evaluated in writing at least once a year on or about November 30 by their supervisor. The evaluation must be discussed between the supervisor and the employee, signed by both and deposited in the employee's personnel file with a copy provided to the employee at no cost. By signing the evaluation, the employee acknowledges the receipt of the evaluation. Evaluations will also be conducted before the end of probationary period prescribed by the Selectboard or stated in Job Descriptions. Evaluations shall rate performance with respect to the responsibility stated in the employee's job description and, in addition, such other criteria as the Selectboard may publish in writing or verbally communicated to the employee directly or through their supervisor.

All Employees except for the the Assistant Town Clerk and Assistant Town Treasurer may challenge their evaluation in writing to their supervisor's supervisor.

The Selectboard may review any personnel file at any time and may discuss evaluations with employees. For purposes of such review and/or discussion, the Town Clerk shall furnish each Selectperson, upon Selectboard request, with copies of all or part of any employee's personnel file, but such copies shall be returned to the Town Clerk after review and/or discussion and destroyed.

## **Benefits**

### **Sick Leave and Personal Time**

**Each full-time employee is entitled to 90 hours of sick and personal leave per year, which may be used as sick leave and/or personal leave.** The sick and personal leave shall be compensated at the regular hourly rate of pay and based on a regular work week schedule. Unused Sick and Personal leave may be carried over to the next fiscal year with a maximum accumulation of 200 hours. Sick and personal leave time will be credited at the beginning of each calendar year. Sick and personal leave that is unused at the end of the calendar year, beyond the maximum accumulation, will not be compensated and is forfeited. Unused sick and personal leave is forfeited upon termination of employment whether it be by the employee or the Town.

Paid sick and personal leave may be taken for the purposes below:

- The employee is ill or injured.
- The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.
- The employee cares for a sick or injured parent, grandparent, spouse, child, 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.

Personal time, except in case of family emergency and as otherwise provided in this policy, shall be granted only by approval of the supervisor or the Selectboard.

### **Guidance**

Effective January 1, 2017, and pursuant to 21 V.S.A. §§ 481 et seq., municipalities with 6 or more employees who work 30 or more hours per week must provide a minimum amount of paid leave, as stated in the model language below. The law goes into effect one year later (January 1, 2018) for municipalities with 5 or fewer employees who work an average of 30 or more hours per week. Although the Vermont Department of Labor (VDOL) refers to the law as "Vermont's Earned Sick Time Law," the law merely requires "paid leave" for certain purposes. Therefore, an employer may provide for this legally-required leave in any form such-as paid vacation, personal days, combined time off (CTO), etc. Many municipalities already provide paid leave at a level that exceeds the amount required by State law. However, even those that provide paid leave must ensure that employees are allowed to use paid leave for the five reasons specified in 21V.S.A. § 483 (and included in the model language below).

Employers must post a notice about the Earned Sick Time Law where employees are likely to see it. The VDOL has such a poster on its website: [www.labor.vermont.gov](http://www.labor.vermont.gov).

### **Definition**

For the purposes of this Section of the Policy, the following definition shall apply: "eligible employee" means an employee or an elected official of the Town who: (a) is age 18 or older; (b) works an average of 18 or more hours per week during the year; and (c) is expected to work 20 more weeks in a 12-month period. This definition includes newly-hired employees and those who are still in their probationary period of employment.

This definition does not include an individual who: (i) works on a per diem or intermittent basis; (ii) works only when he or she indicates that he or she is available to work; (iii) is under no obligation to work for the Town; and (iv) has no expectation of continuing employment with the Town.

### **Sick Leave Bank**

#### **Purpose of the Sick Bank**

The purpose of the Sick Leave Bank is to voluntarily solicit donations of annual and/or personal leave from employees of the Town and to distribute that time as Sick Leave hours to Applicants of the respective Sick Leave Bank.

### **Vacation**

Each full-time employee is entitled to two week's paid vacation per year after the first year of employment; three weeks of paid vacation per year after the fifth consecutive year of employment; four weeks of paid vacation per year after the fifteenth consecutive year of employment. All employees are required to take a minimum one week of continuous vacation during each calendar year.

While an employee does not earn vacation time during the probationary period, the employee is entitled to one-week paid vacation between the end of the six-month probationary period and the end of the first year of employment.

Vacation shall be compensated at the regular hourly rate of pay and based on a regular work week schedule; for salaried employees prorated daily based on annual salary. Vacation time will be credited at the beginning of the calendar year. Upon termination of employment, an employee will be paid for unused vacation time up to 240 hours. If an employee terminates their position and does not give a two-week notice, they will only be entitled to all unused vacation time on a prorated basis to the date of termination. Vacation may be carried over from one calendar year to the next with a maximum accumulation of 240 hours.

The Town Clerk's employee wishing to take vacation time must provide in writing at least two weeks prior to the date of vacation a notice to the Town Clerk. The Town Clerk will honor vacation time requests in the order in which they are received or, if more than one request is made at the same time, in order of seniority. The Town Clerk may refuse a request for a particular period if the Town Clerk believes it would be detrimental to the operations of the Town to allow one or more vacations in that period

The Road Crew employees will submit their yearly vacation request by February 1<sup>st</sup> of each year to the Road Foreman and approved by the Road Commissioner. The Road Foreman and Road Commissioner will honor vacation time requests in the order in which they are received or, if more than one request is made at the same time, in order of seniority. Road Commissioner may refuse a request for a particular period if the Road Foreman and Road Commissioner believes it would be detrimental to the operations of the Town to allow one or more vacations in that period. After request of time for vacation, if needed to change the vacation dates, it will need to be submitted with two weeks per change of vacation time to the Road Foreman and approved by the Road Commissioner.

### **Holidays**

The following list of paid legal holidays will be observed by the Town:

New Year's Day, Martin Luther King Day, President's Day, Town Meeting Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day.

The holiday pay will be paid at regular salary for the employee and will not go towards overtime pay.

All holidays are for full-time employees. They will be paid for the hours that they would normally work. Road Crew would be an 8- or 10-hour days. Example if they usually work 9 hours per day, they would get paid for 9 hours.

Other holidays not listed above may be taken as personal or annual leave subject to approval of the Town Clerk or Road Commissioner. The employee wishing to take the time off needs to provide a reasonable time of notice before the holiday.

Vacation and Personal and Sick time used will not count as time worked on either side of the holiday, provided that the request to use vacation time in conjunction with an observed holiday is approved by the supervisor. Employees who work on a listed holiday shall be paid regular time for the eight-hour holiday plus time and a half for all hours worked.

When a holiday falls on a Saturday, the previous Friday will be observed. When a holiday falls on a Sunday, the following Monday will be observed. For the Road Crew, when a holiday falls on a Friday, Saturday or Sunday on the summer months, they may use that as a floating holiday and will not be used towards overtime pay. When a holiday falls on a Saturday or Sunday on the winter months, they may use that as a floating holiday and will not be used towards overtime pay.

### **Health Insurance**

Full-time employees covered or able to be covered by a health insurance plan of a parent, spouse, or partner are not eligible to participate in a health insurance plan through the Town. Employees not eligible to participate in the health insurance plan through the Town will receive a monthly stipend which will be established by the Selectboard each year during budget development. Employees are responsible for notifying the Town Clerk of any change in status such as marriage, children or change of beneficiary within 45 days of event. The Town will furnish group insurance at individual, two-person, or family rates. The type of plan, premium contribution by employees, extent of coverage and company shall be at the sole determination of the Selectboard, after consultation with supervisors.

A life insurance policy in the amount of \$10,000.00 for a full-time employee will be provided by the Town at no cost to the employee. Dental and Vision insurance are available to each full-time employee at their own expense. It is the responsibility of each employee to submit the required paperwork to the Town Treasurer to initiate the appropriate coverage.

### **Vermont Municipal Retirement System**

All employees of the Town who work more than twenty-four (24) hours a week on a regular basis or more than 1,040 hours in a year may choose to be enrolled in the Vermont Municipal Retirement System.

### **Volunteer Fire and Ambulance Leave**

Full time Town employees who serve on the Cabot Volunteer Fire Department and/or the Cabot Ambulance Service may respond to emergency calls without penalty for time lost provided their response places no person or equipment in danger and incurs no potential liability for the Town.

### **Family Medical Leave**

During any twelve-month period, an employee shall be entitled to not more than twelve weeks' unpaid parental leave during and after the pregnancy of the employee or the employee's spouse or partner or within a year following the initial placement of a child sixteen years old or younger with the employee for adoption. Family medical leave also covers employees, spouse or partner, child or parent with a serious or chronic medical condition. The length of this family leave may not be extended by use of vacation time or sick leave, except in instances of medical necessity, in which case physician certification of the necessity may be required by the supervisor. Employee health insurance benefits shall continue for the duration of the family leave.

Employees shall provide reasonable notice prior to the commencement of the intended family leave and shall specify the amount of leave requested. Leave may be extended up to twelve weeks by request to the supervisor at least one week before the scheduled termination of such leave, and an employee may return to work before the scheduled termination of such leave by approval of the supervisor.

An employee taking family leave shall be returned to the same or a comparable job at the same level of compensation and benefits unless the employee provided such indispensable services that the Town was compelled to hire a permanent replacement, and the affected employees has been advised of that fact at the time family leave was requested. Employees who cannot be rehired or returned to their original or comparable positions will incur no penalty if they terminate their employment by the Town. Employees who decline or fail to return to the same or comparable jobs at the conclusion of their family leave, or at the conclusion of vacation leave longer than two weeks, shall reimburse the Town for the value of the medical insurance benefits paid on their behalf during their vacation or leave.

**Nepotism**

The Town does not generally hire relatives as a regular policy and will only do so in rare instances should the pool of applicants be so small that it is clearly in the best interest of the Town to fill the position. Normally a Town employee will not be authorized to supervise a relative should a family relationship exist without the approval of the Selectboard.

**Jury Duty**

Any full-time employee called to jury duty may elect to perform such duty as unpaid leave. The Town will pay the difference between the employees per diem jury pay and the employee's regular wages, based on a regular work day and a regular work week schedule, when the former is less than the latter.

**Drug-Free and Alcohol-Free Workplace**

It is the Drug and Alcohol Policy of the town to provide a drug-free, healthful, safe and secure work environment as mandated by the Drug-Free Workplace Act of 1988. Employees are required to arrive for work on time and in appropriate mental and physical condition to perform their jobs. The unlawful manufacture distribution, dispensation, possession or use of a controlled substance on Town premises or while conducting town business is prohibited. Operating a Town vehicle or conducting Town business while impaired by the consumption of alcohol or illegal substances is prohibited. Violations of this policy will result in disciplinary action up to and possibly including termination of employment.

Employees required by this policy to undergo period and/or random drug testing who fail or refuse to do so or who test positive for drug use may be subject to disciplinary action up to and possibly including termination of employment at the discretion of the Selectboard. A separate Drug and Alcohol Policy applies to employees and prospective employees of the Town who operate commercial motor vehicles (CMVs) or who will operate CMVs if they are hired, transferred or promoted. Employees and prospective employees are not subject to this policy by virtue of holding a Commercial Drivers License (CDL) unless their job duties may require them to operate a CMV. All other municipal employees are subject to the provisions of the Cabot personnel policy regarding alcohol and drug use and testing, if applicable.

**Safety**

Safety rules and procedures may be established and posted by the Selectboard and/or supervisors, and all Town employees are required to observe them strictly. Failure to adhere to safety rules and procedures may be cause for disciplinary action up to and including termination. It is the responsibility of the supervisors to instruct employees in safety rules and procedures.

While on the job or engaged in Town business, all employees must wear seat belts and/or shoulder belts in both Town and personal vehicles.

Employees must report in writing all on-the-job injuries to their supervisors in and the Town Clerk within twenty-four hours of occurrence.

**Disciplinary Procedures**

Employees are expected to perform properly and in accordance with all applicable rules and procedures, conduct themselves with courtesy and respect for others and in a manner, that reflects credit on the Town, and adhere to the codes and policies published by supervisors and/or the Selectboard. Supervisors should consult an employee informally but promptly about any observed or reported breach of this expectation and



may offer counsel and assistance in rectifying misbehavior or overcoming difficulties. Normally, it is at the discretion of the supervisor whether and when to initiate disciplinary action, but supervisors shall follow the instructions of the Selectboard.

Disciplinary meetings of all kinds, formal and informal, and the discussions that take place and the information disclosed during such meetings shall be strictly confidential unless and until a document is generated and entered into an employee's personnel file, at which point the rules governing access to personnel files shall prevail. Except as provided otherwise by law, such documents shall constitute the full extent of public disclosure, and participants in disciplinary meetings remain bound by confidentiality.

An employee must be notified orally or in writing as soon as a disciplinary procedure is initiated and advised that the procedure may be documented and entered in the employee's personnel file. Misbehavior that justifies formal discipline includes but is not limited to (per state Statute Title 13 VSA 1026):

- Insubordination - failure or refusal to follow supervisor's instructions;
- Malicious or intentional abuse or misuse of Town property;
- Violation of drug and alcohol policy;
- Using threatening, abusive or foul language on the job;
- Violation of Sexual Harassment Policy;
- Excessive tardiness or unexcused absence;
- Committing an unlawful act while on the job;
- Harassment, abuse or assault of other employees or citizens.

The procedure for disciplinary action consists of the following steps:

1. Oral reprimand. This shall consist of a formal consultation between the employee and supervisor, if, in the supervisor's opinion, informal consultation is inappropriate or has failed to achieve results. The Supervisor has the right to include a witness during this oral reprimand consultation. The employee's offense shall be clearly described, remedies suggested, and a written report of the consultation entered into the employee's personnel file.
2. Written reprimand. A supervisor may resort to a written reprimand if the employee's offense merits it. If an employee has received two oral reprimands within a 12-month period, a third offense within an 18-month period of any kind requires a written reprimand. A written reprimand shall describe the offense or offenses, prior efforts to correct misbehavior and recommendations for correcting or making reparations for current misbehavior. A written reprimand shall be delivered to the employee in the course of a formal consultation with the supervisor and a Selectboard member, and a written report of the consultation shall be entered in the employee's personnel file, along with a copy of the written reprimand. The employee is required to sign the written reprimand. The signature of the employee does not necessarily indicate assent to the reprimand and the employee may submit a written response to be entered into the personnel file. The Selectboard shall be notified when any written reprimand is issued.
3. Suspension. After two written reprimands within a two-year period, any further offense will be punished by suspension with or without pay. The length of the suspension shall be at the discretion of the Selectboard, and the employee shall be notified in writing of the reason for the length of the suspension, the letter entered in the employee's personnel file, and notice given of the suspension to the Selectboard. The Selectboard may also suspend an employee at any time for on-the-job offenses so grave as to place employees or citizen's in danger of injury or loss of life, in the event an employee is incarcerated, or is found to have stolen money or property from the Town, or otherwise as deemed

appropriate by the Selectboard. In such cases, the Selectboard shall notify the employee and the supervisor in writing of the reason for the length of the suspension, and the notice shall be placed in the employee's personnel file.

4. Termination. Employment may be terminated by the next offense after a second suspension within one year of the first. Upon observing or verifying this second offense, the supervisor shall place the employee under immediate suspension and inform the Town Clerk in writing of the offense, the suspension, and the employee's eligibility for the termination. The Town Clerk shall place the termination on the agenda of the next Selectboard meeting as an item for executive session, and the Selectboard shall act upon it.

Employment may also be terminated by the Selectboard at any time or on the recommendation of the employee's supervisor for on-the-job offenses so grave as to place employees or citizens in danger of injury or loss of life, gross misconduct, in the event an employee is incarcerated, or is found to have stolen money or property from the Town, or otherwise as deemed appropriate by the Selectboard. When the Selectboard votes on a termination, it shall do so immediately upon coming out of executive session. If termination is decided upon, the chair of the Selectboard shall enter a written summary of the reasons for the termination to be placed in an employee's personnel file.

### **Employee Complaint Procedure**

A complaint is an employee's expressed dissatisfaction with conditions of employment or treatment by supervisors or other employees. Occasions for complaint may include but are not limited to:

1. Violations, misinterpretations or misapplications of Town rules and regulations;
2. Unwarranted disciplinary actions;
3. Unfairly discriminatory work assignments

Employees should bring complaints first to their immediate supervisor. Discussions of complaints shall be treated with the same confidentiality as discussions of disciplinary matters, and no reprisals shall be taken against employees who bring complaints. If informal consultation with the supervisor does not result in a resolution of the complaint, the employee may submit a written request to the supervisor for an investigation of the complaint, with a copy of the request to the Town Clerk for inclusion in the employee's personnel file. The supervisor shall then have 10 days in which to investigate and resolve the complaint and respond to the employee in writing, with a copy to the Town Clerk for inclusion in the employee's personnel file. If this process fails to resolve the complaint, then the employee may submit the complaint in writing to the Town Clerk, who will treat the complaint as a confidential document, include a copy of the complaint in the employee's personnel file, place the complaint on the agenda as a "personnel matter" item for executive session at the next Selectboard meeting and furnish the Selectboard with copies of the complaint. The Selectboard will then vote to act or not to act on the complaint, and the text of the motion will be included in the employee's personnel file.

### **Resignation**

Employees must provide at least two week's written notice of intent to resign to the supervisor. An exit interview shall be conducted within that period by the supervisor and a member of the Selectboard and a written report sent to the Town Clerk including any information that the Town Clerk may need to complete the employee's paperwork and distribute a final pay check.

## **Death**

In the event of the death of an employee, separation shall be effective as of the date of death. Payments for salary earned and vacation time accrued shall be paid to the surviving spouse or the deceased's estate, according to the provisions of law.

## **Smoking and Tobacco Policy**

The provisions of 18 VSA 1421, et seq., prohibit smoking to include E-cigarettes and use of smokeless tobacco products in the workplace including the vestibule entering the Willey Building, and/or within 50 feet from any entrance into any Town owned building.

Smoking and the use of smokeless tobacco and E-cigarette products is strictly prohibited within all Town-owned vehicles and within municipal buildings.

This policy applies to all employees, clients, contractors, and visitors. Smoking may occur at designated areas where smoking is permitted. All Town equipment's, vehicles and buildings are prohibited from smoking.

## **General Harassment Policy**

The Town will not tolerate unlawful harassment based on race, sex, religion, national origin, age, disability, color, ancestry, place of birth, or sexual orientation or any other protected status defined by federal or state law. Likewise, the Town will not tolerate retaliation against an employee for filing a complaint of harassment or for cooperating in an investigation of harassment. Further, the Town will address complaints regarding harassment committed in the workplace by employees against non-employees and by non-employees (such as vendors, customers, board members, and other workplace visitors) against employees to the extent possible.

Unlawful harassment is a form of discrimination based on membership in a classification protected by law. It involves behaviors that are viewed as offensive or harassing. Examples of harassment include the following: insulting comments of a sexual, racial, or religious nature or references to an individual's age, sexual orientation or disability; aggressive bullying behaviors; inappropriate physical contact or gestures, physical assaults or contact that substantially interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment; retaliation against an employee for complaining about the behaviors described above or for participating in an investigation of a complaint of harassment.

Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment. An employee subject to harassment is encouraged to report it before it becomes severe or pervasive. He/she shall notify the Town Clerk or any member of the Selectboard. A prompt, thorough and impartial investigation will be conducted, and employee confidentiality will be protected to the extent possible. If it is determined that unlawful harassment has occurred, the Town will take immediate and appropriate corrective action.

## **Sexual Harassment**

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

## **What is "sexual harassment"?**

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

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

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

- Either explicitly or implicitly conditioning any term of employment (e.g, continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- Touching or grabbing a sexual part of an employee's body;
- Touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact was unwelcome;
- Continuing to ask an employee to socialize on or off duty when that person has indicated she or he is not interested;
- Displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
- Continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- Referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior.
- Regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- Retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g., ostracizing the person, pressuring the person, pressuring the person to drop or not support the complaint, adversely altering the person's duties or work environment, etc.);
- Derogatory or provoking remarks about or relating to an employee's sex or sexual orientation;
- Harassing acts or behavior directed against a person on the basis of his or her sex or sexual orientation;
- Off-duty conduct which falls within the above definition and affects the work environment.

**What the Town will do if it learns of possible sexual harassment.**

In the event the Town receives a complaint of sexual harassment, or otherwise has reason to believe that sexual harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. The Town is committed, and required by law, to take action if it learns of potential sexual harassment, even if the aggrieved employee does not wish to formally file a complaint. Every supervisor is responsible for promptly responding to, or reporting, any complaint or suspected acts of sexual harassment. Supervisors should report to the Cabot Town Clerk (who has been designated by the Selectboard to receive such complaints or reports), or to any member of the Selectboard. Failure by a supervisor to appropriately report or address such sexual harassment complaints or suspected acts shall be in violation of this policy and subject to disciplinary action up to and including termination.

Care will be taken to protect the identity of the person with the complaint and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation. It shall be a violation of this

policy for any employee who learns of the investigation or complaint to take any retaliatory action which affects the working environment of any person involved in this investigation.

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

If the allegation is not found to be credible, the person with the complaint and the accused person shall be so informed, with appropriate instruction provided to each, including the right of the complainant to contact any of the state or federal agencies identified in this policy notice.

**What you should do if you believe you have been harassed.**

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

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

1. **Vermont Attorney General's Office**, Civil Rights Unit, 109 State Street, Montpelier VT 05609-1001, tel: (802) 828-3171 (voice) (802)828-3665 (TTY)
2. **Equal Employment Opportunity Commission**, JFK Federal Building, 475 Government Center, Boston MA 02203, tel: (617) 669-4000 (voice), (800) 669-6820 (TTY) -

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

In addition, a complainant also has the right to hire a private attorney, and to pursue a private legal action in state court.

**Where can I get copies of this policy?**

A copy of this policy will be provided to every employee, and extra copies will be available in the Cabot Town Clerk's Office.

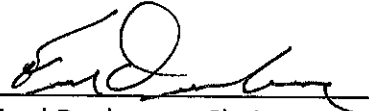
Reasonable accommodations will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment, upon advance request.

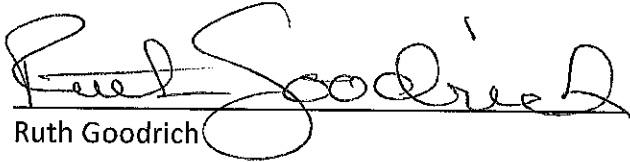
Copies of this policy shall be posted in all municipal offices and buildings.

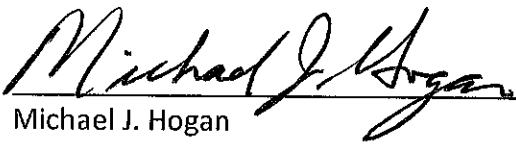
**Approval**

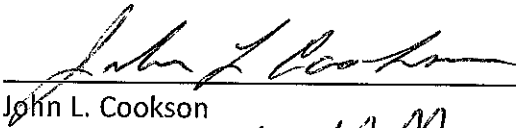
This policy shall become effective January 7, 2020

Signed this 7<sup>th</sup> day of January, 2020 by the Cabot Selectboard.

  
Fred Ducharme, Chair

  
Ruth Goodrich

  
Michael J. Hogan

  
John L. Cookson

  
Matthew Nally

**TOWN OF CABOT  
PERSONNEL POLICIES AND PROCEDURES**

I HEREBY ACKNOWLEDGE that I have received a copy of and read and understand my employer's **PERSONNEL POLICY AND PROCEDURES** and understand that I must abide by its terms as a condition of employment.

I understand that during my employment I may be required to submit to a controlled substance and/or alcohol test based on US Department of Transportation (DOT) and Federal Motor Carrier Safety Administration (FMCSA) regulations. I also understand that refusal to submit to a controlled substance or alcohol test is a violation of DOT regulations and the above referenced policy and may result in disciplinary action, including suspension (with or without pay) or termination of employment for gross and willful misconduct. I further understand the consequences of controlled substances and/or alcohol use as outlined in this policy.

\_\_\_\_\_  
Printed Name of Employee/Applicant

\_\_\_\_\_  
Signature of Employee/Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

**Original Acknowledge of Receipt and Understanding will be kept in the Employee/Applicant personnel file.**