

DEFINITIONS:

1. General Maintenance – Work done by Highway Crew as designated by Road Commissioner.
2. Foreman – Person designated by the Selectboard to be in charge when the Road Commissioner is on vacation.
3. Fulltime employees – Employees working 35-40 hours per week.
4. Part Time employees – Employees paid hourly working less than 35 hours per week.
5. Permanent employees – Fulltime and Part time employees working on a weekly basis more than thirty (30) hours, after completing the six (6) months probationary period.
6. Supervisor – Person designated to oversee employees
7. Winter Maintenance – Work done by Highway Crew as designated by Road Commissioner.

Section 1: Title and Authority

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

This personnel policy does not constitute a contract of employment. Employment with the Town of Guilford 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, with or without notice.¹ The Selectboard reserves the right to amend any of the provisions of this personnel policy for any reason and at any time.

This personnel policy will be administered by the Selectboard or their authorized representative.

Section 2: Persons Covered

This personnel policy applies to full-time and part-time employees of the Town of Guilford. Except as stated herein, elected officers and their statutory assistants, members of Town boards and commissions, volunteers, seasonal employees and persons who provide the Town with services on a contract basis are not covered by this policy.²

For 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. A part-time employee is an employee who works fewer than 35 hours per week on a regular and continuing basis.

Where a conflict exists between this policy and any collective bargaining agreement or individual employment contract, the latter will control.

Section 3: Administration

The following guidelines lay out the methods of employing individuals to work for the Town. They explain: recruitment, screening appointment and orientation. These methods shall be adhered to in all instances, unless there is a specific waiver from the Town. It is the Town's intent that reasonable effort is made to attract qualified candidates and that selection criteria are job related.

1. Appointment - Appointments shall be made by the Selectboard who shall inform the successful candidate in writing of the appointment including the starting date, salary and benefits. Appointments of employees shall be made from a selection of the best qualified applicants. Preference will be given to Town residents when equal qualifications are possessed by the applicants.
2. Town Clerk Assistants - 24V.S.A. § 1170 permits the Town Clerk of a municipality to appoint one or more assistant clerks. According to law, an Assistant Town Clerk serves during the term of the Town Clerk's office or until the appointment is revoked by the Town

Clerk. Accordingly, notwithstanding any provisions to the contrary in The Personnel Policy of the Town of Guilford, the Assistant Town Clerk serves at the will of the Town Clerk.

3. In-House Promotion - The overall personnel requirements of the Department and the Town will be reviewed with the Selectboard.
4. Orientation - On or before the starting date, each employee will be given an orientation and will be introduced to other employees. The new employee shall complete the necessary employment paperwork. Each employee will be given a copy of the current Personnel Policy.

Section 4: Equal Employment Opportunity

The policy of the Town of Guilford is to provide equal opportunity to all employees and applicants without regard to race, color, religion, sex, sexual orientation, age*, nationality, origin, marital status, disability, veteran's status or any other category under local, state or federal law.

*All employees hired to work for the Highway Department must be at least 18 years of age due to the inherent safety risks associated with the job.

Section 5: Job Description

The Designated Supervisor will be responsible for preparing and periodically reviewing an appropriate job description for each position in standardized form to be submitted to the Selectboard.

The Designated Supervisor shall be responsible for maintaining current job descriptions. This shall include but not be limited to the following:

- 1) Qualifications required
- 2) Duties expected
- 3) Hours of Employment
- 4) Special skills required
- 5) Education and/or experience required

Section 6: Probationary Period

All new employees will be required to complete a six-month probationary period with review after ninety (90) days. The purpose of this probationary period is to determine whether the employee is suited for the job. During the probationary period, an employee may be terminated at any time at the sole discretion of the Town. Notwithstanding any other provision of this policy, an employee terminated during the probationary period will have no right to appeal such termination.

Section 7: 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 interactions with the public and other employees.

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.

Section 8: Hours of Service

A regular work day will be designated by an employee's supervisor. This applies to all pay types. The Town work week will be Monday 12:01 A.M. through Sunday 12:00 P.M.

Regular work hours may be changed and employees may be expected to work additional hours that may exceed forty hours in a given week, as circumstances require.

All employees are expected to be in attendance during regular work hours. Employees who will be absent from work are expected to notify their supervisor in advance whenever possible. Employees who are calling in sick are expected to notify their Supervisor as soon as possible, but no later than 2 hours before the start of their shift.

Section 9: Gratuities and Gifts

Employees may not directly or indirectly ask, demand, exact, solicit, accept or receive a 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.

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.

This 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 these views are clearly articulated as being those of the individual and not of the Town, and these

activities do not interfere with the individual's ability to effectively perform his or her duties and take place or are expressed during non-working hours. Nor is this personnel policy to be construed from prohibiting, restraining or in any manner limiting an individual's right to vote with complete freedom in any election.

Section 11: Nepotism

The Town – in recognition of the potential for a conflict of interest to occur in the workplace where a close relative is responsible for supervising or evaluating the work performance of another close relative – 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.

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. Certain exceptions may occur with Selectboard approval.

Section 12: Alcohol and Drug Use

Reporting to work or working under the influence of alcohol or drugs is strictly prohibited, unless the drug is prescribed and used in the manner prescribed by a duly licensed physician or dentist.

Section 13: 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 in all publicly owned buildings, offices and enclosed areas, and in all Town vehicles.³

Section 14: Performance Evaluations

Employees will be subject to job performance evaluations annually during the first month of each calendar year.

The results of such evaluations will be submitted to the employee, the employee's supervisor, the Selectboard and will become a part of the employee's personnel file.

Section 15: 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 his or her 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 16: Use of Town Equipment

The use of Town equipment or property for personal use is only allowed on employee's personal time and for his/her personal use (not to charge a fee). The employee will be responsible for replenishing fuel used and the cost of any/all repairs for damages incurred on the equipment while in his/her use.

Section 17: Use of Town Computer System⁴

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 job duties and responsibilities.

Employees should have no expectation of privacy regarding anything created, sent or received on the Town computer system. The Town may monitor any and all computer transactions, communications and transmissions to ensure compliance with this policy and to evaluate 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 explicit prior authorization from their supervisor. Employees may be held responsible for any damages 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 operating 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.

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 uses of the Town computer system which are prohibited:

- 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 web sites and news groups, that are inappropriate in a business setting;
- Any other use that may compromise the integrity of the Town and its business in any way.

Email messages that are intended to be temporary, non-substantive communications may be routinely discarded. However employees must recognize that emails sent, received, or stored on the Town computer system are subject to Vermont's Public Records Law and may be covered by the State of Vermont's retention schedule for municipal records.

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

Section 18: Regular Wage and Incentive

Determination of fair compensation is based on the following:

- Financial consideration of the town
- Average rates of pay for similar positions in other public jurisdictions

The Selectboard may approve a starting salary higher than the recognized average based on skill and/or experience.

The Town's work week is defined as Monday through Sunday. Paychecks will be available on the Thursday following the end of the work week.

Highway employees will receive one pair of safety boots and one pair of rubber boots per year. In addition, full time Highway employees will receive a clothing allowance for work apparel in the amount of \$200.00 per year. They may either obtain these goods on their own and seek reimbursement for their expenses from the Town or may use the approved vendor with whom the Town has an account.

Section 19: Professional Development

It is the policy of the Town of Guilford to encourage professional development on the part of employees when the professional development will enable them to better perform their current jobs and when it will prepare them for advancement and promotion within the Town.

Upon request of the Selectboard, employees may be asked to attend training to improve job performance.

Professional development may include conferences, seminars and non-accredited courses.

In order to encourage professional development, the Town will pay for costs reasonably related to the programs included in the definition of continuing education. These costs may include registration fees, and related books/publications. Parking, mileage, or other transportation, meals and lodging, if the program is away from the immediate area, will be evaluated on a case-by-case basis and will be paid when the professional development is directly related to the existing job of the employee and is not part of a degree program.

1. Attendance at professional development programs is dependent upon the following:
2. The employee must have completed the probationary period.
3. The professional development program must be related to the employee's current job or a job that can reasonably be expected to be available with the Town in the near future.
4. The municipal budget must have adequate funds for professional development.
5. The Supervisor must feel that attendance at the program will not adversely affect the functioning of the Division or Department in the employee's absence.

Section 20: Eligibility for Benefit

The Town offers the following group insurance programs for the benefit of its eligible full and part time employees:

- Health
- Dental
- Vision
- Short/Long Term Disability

Any new employee becomes eligible for coverage on the first of the month following a ninety (90) day waiting period.

An employee working less than thirty (30), but more than twenty (20) hours per week may be approved by unanimous vote of the Selectboard to join the health plan at their own expense.

The town reserves the right to change insurance carriers, or to add, delete or amend insurance benefit programs in 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.

The Town offers a Medicare Carveout plan as a supplement to Medicare for retirees over age 65. Once a retiree or his/her spouse reaches age 65, Medicare becomes the primary insurer. To qualify for the Town's current health insurance Medicare supplementary benefits, a retiree or spouse must purchase both Medicare Parts A (Hospital) & B (Physician). It is the employee's responsibility to apply for and complete all materials necessary for their enrollment in Medicare coverage and the employee will contact Medicare directly to do this. The employee will be

responsible for obtaining and maintaining the Medicare Parts A and B coverages and providing the Town with evidence of this coverage.

If an employee elects to retire after age 57, having worked for the town for 10 years or more, the employee may choose to continue health insurance coverage under the Town's health plan provided the benefit is still offered by the town, and/or the Town's health insurance provider, and the employee fully reimburses the Town for all premiums associated with this coverage. The employee's spouse is also eligible for this coverage, provided the employee fully reimburses the Town for all monthly premiums for the spouse's coverage. If an employee elects not to continue health insurance coverage when he/she retires or if the coverage is discontinued at any time, they may not obtain this coverage at a later date.

All payments for the insurance coverage will be due in advance by the 15th of each month, for coverage in the following month. Failure to pay in a timely way will result in cancellation of policy.

Section 21: Holiday Leave

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

- New Year's Day (January 1)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (1st Monday in September)
- Columbus Day (second Monday in October)
- Thanksgiving Day (4th Thursday in November)
- Day after Thanksgiving (4th Friday in November)
- Christmas Day (December 25)
- Floating Holidays – 4 days *

Employees will receive holiday leave pay at the employee's regular rate of pay, for the amount of hours of a regular shift for that season. Part-time employees will receive prorated holiday leave pay based on the number of hours the employee is regularly scheduled to work.

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

An hourly employee who is required to work on a holiday will be compensated at the rate of one and one-half times the employee's regular rate of pay.

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

* A "Floating Holiday" is a day off per fiscal year, to be taken at the employee's discretion with the prior approval of the Department Head.

Section 22: Vacation Leave

Full- and part-time employees will accrue vacation at the following annual rates:

<u>Years of Service</u>	<u>Annual Accrual Rate</u>
1 st year	5 days
After completion of 2 nd year	10 days
After completion of 3 rd year	15 days
After completion of 14 th year	20 days
After completion of 20 th year	25 days

Full-time employees will receive vacation leave pay at the employee’s regular rate of pay.

Part-time employees will receive prorated vacation leave pay based on the number of hours the employee is regularly scheduled to work in a week.

Employees are strongly encouraged to take an annual vacation. If an employee does not use all of the employee’s vacation leave in a year, the employee may carry unused vacation leave forward to the next year up to a maximum of 10 vacation days. If an employee has unused vacation leave exceeding this maximum amount, the employee will be compensated for this excess unused leave at a rate equal to the employee’s regular rate of pay on the last day of the year of employment in which vacation leave was received.

An employee who resigns from employment with the Town will be compensated for unused vacation leave, provided that the employee gives at least two weeks written notice of the resignation.

Section 23: Sick and Personal Leave

Employees will receive eight (8) paid sick leave days per year. An employee may use sick leave for an illness or injury that prevents the employee from performing the employee’s job duties. An employee may also use sick leave to attend the following appointments that cannot be held outside normal working hours:

- A medical appointment
- An appointment eligible for short-term family leave under the provisions of the Vermont Parental and Family Leave Act (21 V.S.A. § 472a).
- A meeting with the employee’s personal attorney.
- An appointment for the closing, purchase, sale, or refinancing of a primary residence.
- Any other appointments authorized in advance by the employee’s supervisor.

Full-time employees will receive sick leave pay at the employee's regular rate of pay. Part-time employees will receive prorated sick leave pay based on the number of hours the employee is regularly scheduled to work in a week.

If an employee does not use all of the employee's sick leave in a year, the employee may carry a maximum of 1,200 sick leave hours forward to the next year. Upon separation from employment, an employee will not be compensated for unused sick leave.

A full-time employee shall be eligible for personal leave of four (4) paid days per fiscal year for the purpose of attending to important personal affairs that cannot be accomplished on any other day; this amount will be prorated for part-time employees. The leave shall be subject to prior authorization by the employee's Department Head.

Section 24: Bereavement Leave

Employees will receive six (6) paid bereavement leave days per year. Employees may use 5 days of bereavement leave for the death of a close relative or any other relative if the relative was living in the same household as the employee immediately preceding his or her death. Employees may use one (1) day of bereavement leave for death of other members of their family (aunt, uncle, sister/brother-in-law, parent-in-law, son/daughter-in-law).

Pay for bereavement leave will be at the employee's regular rate of pay. Part-time employees will receive prorated bereavement leave pay based on the number of hours the employee is regularly scheduled to work in a week.

If an employee does not use all of the employee's bereavement leave in a year, the employee may not carry the unused leave forward to the next year. Upon separation from employment, an employee will not be compensated for unused bereavement leave.

Section 25: Parental and Family Leave

Eligible employees may receive leave as described in the Family and Medical Leave Act (FMLA) and the Vermont Parental and Family Leave Act (PFLA). These federal and state laws will determine employee eligibility, the qualifying reasons for such leave and the length of leave.

The Town reserves the right to designate any qualifying leave of absence granted under this policy as leave under FMLA or the PFLA. Where an employee's leave request is covered by the PFLA and the FMLA, the Town will adhere to the law that provides the most benefits to the employee. If an employee is entitled to leave under both the PFLA and FMLA, the leave periods will run concurrently.

For the purposes of determining the twelve month period in which an employee may be entitled to PFLA and/or FMLA leave, the Town will use a rolling twelve-month period measured backward from the date an employee uses such leave.

Section 26: Short Term Family Leaves

In accordance with the Vermont Short Term Family Leave Law, eligible employees may be entitled to take unpaid leave not to exceed four hours in any thirty-day period and not to exceed twenty-four hours in any twelve 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, step-child, foster child, or ward;
- To attend or accompany the employee's child or other family member 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; or
- To respond to a medical emergency of the employee's family member.

The Town may require that leave be taken in a minimum of two-hour segments. At the option of the employee, accrued paid leave may be used. An employee shall make a reasonable attempt to schedule appointments for which leave may be taken 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 the case of an emergency.

Section 27: Leave of Absence Without Pay

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 definite period of time and include a specified date of return.

If a leave of absence without pay 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 the payment schedule established by the Town. Other employee benefits (e.g. sick leave, vacation, seniority, etc.) will not accrue during the unpaid leave period.

Section 28: Military Leave

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 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 29: 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 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 rate of pay and their compensation as a witness. The Town will pay the difference only when the employees' regular rate of pay exceeds their compensation as a witness.

Section 30: Overtime and Compensatory Time Off

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:
 - WINTER
 - November 1st – March 31st
 - Mon-Fri – 5 days per week, 8 hours per day
 - Comp time will be earned at a rate of one and one half hours for each hour worked in excess of eight hours per day in any work week.
 - GENERAL
 - April 1st – October 31st
 - Mon-Thu – 6:00 am – 3:30 pm, Fri 6:00 am-10:00 am
 - In the event of an emergency situation during this season, the work week will assume the WINTER schedule. Comp time will be earned following the same guidelines.
- An employee may accrue a maximum of eighty hours of comp time (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 may, at the Town's discretion, be paid in cash 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.
- 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 31: Employment Discrimination

Vermont and federal law prohibit employment discrimination or retaliation based on race, color, religion, sex, or national origin, sex or age, 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.

Employees are encouraged to bring any complaints alleging unlawful discrimination to the attention of the employee's Supervisor or his/her designee who will arrange a meeting to discuss the matter. The meeting will take place as soon as reasonably possible, but in no case later than seven calendar days from receipt of notification. If the Supervisor or his/her designee is unable to resolve the matter during this meeting, the aggrieved party may submit to the Supervisor or his/her designee a written, signed complaint within seven additional calendar days. The Supervisor or his/her designee will then have an additional fifteen calendar in which to conduct an investigation and to issue a report with recommendations to the Selectboard. The Selectboard will, within ten calendar days, notify the aggrieved part of its decision.

Section 32: 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. All employees have the right to work without being subjected to insulting, degrading or exploitative treatment on the basis of their gender. It is against the policies of the Town for any individual, male or female, to sexually harass another individual in the workplace. In accordance with 21 V.S.A. § 495h, the Town has adopted the following sexual harassment policy. All employees are required to read this policy before signing the employee acknowledgement form.

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:

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

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

It is also unlawful to retaliate against employees for filing a complaint of sexual harassment or for cooperating in an investigation of sexual harassment.

Any individual who believes that she or he has been the target of sexual harassment, or who believes she or he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop.

Any employee who wishes to report sexual harassment should report it to:

Penny Marine, Town Clerk

Once the Town receives a complaint of sexual harassment, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. If sexual harassment is found to have occurred, the Town will take appropriate action, ranging from a verbal warning up to and including dismissal.

Complaints of sexual harassment or retaliation may also be filed with the following agencies:

Vermont Attorney General's Office
Civil Rights Unit
109 State Street
Montpelier, VT 05609-1001
Tel: (802) 828-3171 (voice/TODD)
Equal Employment Opportunity Commission
1 Congress Street
Boston, MA 02114
Tel: (617) 565-3200 (voice), (617) 565-3204 (TODD)

These agencies may conduct impartial investigations, facilitate conciliation, and, if they find that there is probable cause or reasonable grounds to believe sexual harassment occurred, they may take a case to court.

Section 33: Employee Discipline

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

The progressive discipline process does not apply to elected officers and their statutory assistants. However, an elected officer may choose to follow the requirements of this policy for discipline and termination of his or her statutory assistants. A statutory assistant means an individual appointed to his or her position by an elected officer of the Town having express statutory authority to appoint an assistant. Statutory assistants include the Assistant Clerk and Assistant Treasurer.

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

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

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

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

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

Employees are prohibited from engaging in conduct listed below and may receive discipline, up to and including termination, for doing so. This list has been established to provide examples of behavior that could warrant a range of disciplinary sanctions. Appropriate levels of discipline may be based on the severity of employee conduct. This list is not exhaustive.

- Refusing to do assigned work or failing to carry out the reasonable assignments of a Supervisor or the Selectboard.
- Being inattentive to duty, including sleeping on the job.
- Falsifying a time card or other record or giving false information to anyone whose duty is to make such record.
- Being repeatedly or continuously absent or late, being absent without notice or satisfactory reason or leaving one's work assignment without appropriate authorization.
- Conducting oneself in any manner that is offensive, abusive or contrary to reasonable community standards and expectations of public employees.
- Engaging in any form of harassment including sexual harassment.
- Misusing, misappropriating, or willfully neglecting Town property, funds, materials, equipment or supplies.
- Unlawfully distributing, selling, possessing, using or being under the influence of alcohol or drugs when on the job or subject to duty.
- Fighting, engaging in horseplay or acting in any manner which endangers the safety of oneself or others. This includes acts of violence as well as threats of violence.
- Stealing or possessing without authority any equipment, tools, materials or other property of the Town or attempting to remove them from the premises without approval or permission from the appropriate authority.
- Marking or defacing walls, fixtures, equipment, tools, materials or other Town property, or willfully damaging or destroying property in any way.
- Willful violation of Town rules or policies.

Section 34: Employee Termination Process¹¹

The Town of Guilford has adopted an employment termination process. Most often, employee conduct that warrants termination results from unacceptable behavior, poor performance, or violation of the Town's policies, practices, or procedures. However, termination may result from conduct that falls outside of those identified areas. The Town need not utilize this termination process but may take whatever action it deems necessary to address the issue at hand.

The Town also retains the right to unilaterally eliminate a position and thus terminate employment or reduce the work hours for some or all employees due to economic conditions, shortage of work, organizational efficiency, changes in departmental functions, reorganization or reclassification of positions resulting in the elimination of a position or for other related reasons. In such case, this termination process does not apply.

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

An employee being considered for termination will be provided with a written notice. The notice will contain a brief statement of the reasons termination is being considered and the date, time and place of a pre-termination meeting with the employee's supervisor.

At the pre-termination meeting, the employee will be afforded an opportunity to present the employee's response to the reasons for termination. If the employee declines to attend the pre-termination meeting, the employee may submit written response to the pre-termination notice not later than the scheduled date of the meeting.

Within seven days of the date of the meeting, the supervisor will provide the employee with a written notice informing the employee whether he/she has been terminated. If the employee has been terminated, the notice will provide the general reasons therefore and will also inform the employee of the opportunity to request a post-termination hearing before the Selectboard by giving written notice of such request to the supervisor within seven days. The employee will be informed that the employee's failure to make a timely request for a post-termination hearing will result in such hearing being waived.

If a request for a post-termination hearing is made, the Selectboard will provide the employee with a notice informing the employee of the date, time, and place of the post-termination hearing before the Selectboard. The notice will inform the employee of his or her right to be represented by counsel, to present and cross-examine witnesses and to offer supporting documents and evidence. The notice of will also inform the employee of his or her right to have the hearing conducted in executive session in accordance with 1 V.S.A. § 313.

At the post-termination hearing, the employee will be afforded the opportunity to address the basis for termination by hearing and examining the evidence presented against the employee, cross-examining witnesses and presenting evidence on his/her behalf. The Selectboard will make such determinations as may be necessary in the event of evidentiary objections or disputes. When the hearing is adjourned, the Selectboard will, under the authority granted by 1 V.S.A. §

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313(e), consider the evidence presented in the hearing in deliberative session.

The Selectboard will render a written decision within fourteen days after close of the hearing, unless otherwise agreed upon by the parties.

Section 35: Severability

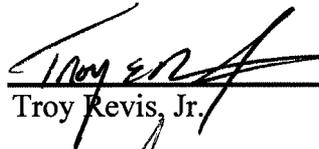
If any provision of this personnel policy or the application hereof to any person or a circumstance(s) is held invalid, this invalidity does not effect other provisions or applications of the personnel rules which can be given effect without the invalid provision or application. For this purpose, this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

ADOPTED this 9th day of July, 2012.

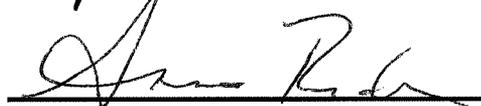
SIGNATURES of SELECTBOARD:



Richard J. Clark, Chair



Troy Revis, Jr.



Anne Rider