

CHARTERED BY: NEW HAMPSHIRE ON AUGUST 20, 1761 NEW YORK ON APRIL 8, 1772

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December 25, 2017

To: Selectboard

From: Ed Morris

Subject: Personnel Policy

I have attached a copy of the updated personnel policy, with the changes recommended during the last meeting, for you to review.

Recommendation: Approve personnel policy as written.

Thank you,

Ed Morris

Town of Weathersfield

2018

Personnel Policy



Personnel Policy 12-19-2017 DRAFT

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SECTION 1: TITLE AND AUTHORITY

These rules shall be known and cited as "Personnel Rules" and are hereby adopted pursuant to the provisions of Title 24, Vermont Statutes Annotated, Chapter 33, Subchapter 11, sections 1121 and 1122.

Employment with the Town of Weathersfield is not for any definite period or succession of periods, and may be terminated either by the employee or by the town at any time without notices, except as provided by this manual. Wages or salary and any accrued and unused vacation allowable under these rules and regulations, shall be due to the employee only to the day and hour of termination.

This manual and the provisions contained herein do not constitute a contract of employment in whole or in part. The Town reserves the right to add, amend or delete any benefits or policy stated herein at any time, except as otherwise committed to by formal contract agreements. The Selectboard will, however, consult with the Town employees or their authorized representative prior to making any changes to this policy.

This personnel policy will be administered by the Town Manager or his/her authorized representative. Amendments to these rules and regulations shall be by resolution of the Selectboard, but no changes to this agreement will be valid or recognized unless a new personnel policy is adopted in its entirety. Upon any new adoption a signed acknowledgement will be placed in each employee's file.

SECTION 2: PERSONS COVERED

This personnel policy applies to full-time, part-time and limited-term employees of the Town of Weathersfield. Except by separate written agreement, elected officers, members of Town boards and commissions, volunteers and persons who provide the Town with services on a contract basis are not covered by this policy.

Where a conflict exists between this policy and any individual employment contract, or written agreement the latter will supersede this policy.

SECTION 3: EQUAL OPPORTUNITY

The policy of the Town of Weathersfield is to maintain and promote equal employment opportunity. The Town will select candidates for employment on the basis of the candidates' qualifications for the job and treat employees fairly with respect to compensation and opportunity for training and advancement including upgrading and promotion without regard to age, sex, sexual orientation, marital status, race, color, national origin, religion, disability, veteran's status or any other category protected under local, state or federal law. Equality in such opportunities has been and will continue to be the basis policy of the Town.

SECTION 4: EMPLOYMENT HARASSMENT AND DISCRIMINATION

The Town is committed in all areas to providing a work environment that is free from unlawful harassment and discrimination. Vermont and federal law prohibit employment discrimination or retaliation based on race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, veteran

status, any other category of person protected under federal or state law, or against a qualified individual with a disability with respect to all employment practices. Vermont law also prohibits discrimination based on sexual orientation, ancestry, HIV status, and place of birth. It is also unlawful to retaliate against employees or applicants who have alleged employment discrimination.

Examples of harassment include the following: insulting comments or references based on a person's race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, veteran status, disability, sexual orientation, ancestry, HIV status, place of birth; 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.

Petty slights, annoyances, and isolated incidents (unless serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

The Town will not tolerate unlawful harassment or discrimination based on a person's race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, veteran status, disability, sexual orientation, ancestry, HIV status, place of birth, or membership in a classification protected by law. Likewise, the Town will not tolerate retaliation against an employee for filing a complaint or for cooperating in an investigation of harassment or discrimination.

All employees, including supervisors and other management personnel, are expected and required to abide by this policy. Employees who are found to have engaged in harassment may face disciplinary action up to and including termination. Any individual who believes that she or he has been the target of this type of 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.

Every supervisor is responsible for promptly responding to, or reporting, any complaint or suspected acts of harassment. Supervisors should report to the Town Manager [who has been designated to receive such complaints or reports], or to the Chairperson of the Select Board [the head of this organization]. Failure by a supervisor to appropriately report or address such harassment complaints or suspected acts shall be considered to be in violation of this Policy.

Any employee who wishes to report harassment should file a complaint with:

Their immediate supervisor or Weathersfield Town Manager PO Box 550 Ascutney, VT 05030 (802)674-2626

If the complaint is against the Town Manager, the employee can file the complaint with the Selectboard

A prompt, thorough and impartial investigation will be conducted, and 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. No person will be adversely affected in employment with the Town as a result of bringing a complaint of unlawful harassment or discrimination.

Complaints of harassment or retaliation may also be filed (within 300 days) with the following agencies:

Vermont Attorney General's Office Civil Rights Unit 109 State Street Montpelier, VT 05609-1001 Tel: (802) 828-3171 (voice) (802) 828-3665(TTY)

Equal Employment Opportunity Commission JFK Federal Building 475 Government Center Boston, MA 02203 Tel: (617) 669-4000 (voice) 1-800-669-6820 (TTY).

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

SECTION 5: APPOINTMENT/PROBATIONARY PERIOD

Type of Appointments

For the purposes of this policy appointments will be made as follows:

- **Full-time employee** an employee who works at least 30 hours per week on a regular and continuing basis.
- Part time employee- an employee who works fewer than 30 hours per week on a regular and continuing basis. (Part time employees budgeted, and regularly working, less than 10 hours per week will not be eligible for any benefits including paid leave)
- Limited-term employee Limited term appointments are made when a special project requires the addition of employees for a specific time, or to fill a position of an employee on a leave of absence. Such employees shall be subject to all rules and regulations. Limited term employees will not receive the benefits provided for regular full or part time employees unless specified in their hiring letter.

Probationary Period

All new employees will be required to complete a one-year probationary period. The purpose of this probationary period is to determine whether or not the employee is suited for the job. During the probationary period, an employee can be terminated at any time at the sole discretion of the Town. Notwithstanding any other provisions in this policy, an employee terminated during this probationary period will have no right to appeal such termination.

All promotions shall be subject to a one-year probationary period. If during this probationary period the Town determines that the job is not being satisfactorily performed, the employee shall be returned to his

former job or a comparable position, if available, and the position shall be filled at the discretion of the Town Manager. Any person hired to fill a vacancy due to promotion will be hired to a limited-term appointment for a period equal to the probationary period of the person being promoted.

During any probationary period, the probation can be extended by the Town Manager.

SECTION 6: 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, other employees, and elected and appointed officials. All employees are expected to faithfully execute the duties and responsibilities of their office to the best of their ability and in compliance with the provisions of this personnel policy. Employees shall not use their positions to secure special privileges or exemptions for themselves or others. Employees shall not use Town property or equipment for the employee's private use or for any use other than that which serves the public interest. Discipline and/or discharge may result from any action or inaction resulting in anything less than satisfactory performance. All employees will be fairly and consistently subject to the disciplinary and discharge procedures, given the facts of the individual case.

SECTION 7: HOURS OF SERVICE

With the approval of the Town Manager, the Department Head shall prescribe the number of hours per day and per week of actual attendance on duty for employment in positions under his or her jurisdiction. The hours so established shall be construed as the normal work day or work week.

All road crew employees are expected to be available for work on an on-call basis, especially during the winter months. All Town employees are required to be available for work in the case of an emergency, weather-related or otherwise

All employees are expected to be in attendance during their 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 one hour prior to their scheduled shift.

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.

SECTION 8: PAY PLAN

In accordance with the provisions of the Fair Labor Standards Act, as amended, it shall be the policy of the Town of Weathersfield to pay one and one-half times the hourly rate of pay to all non-exempt employees (except elected officials and exempt employees) for required work performed in excess of forty (40) hours during a given weekly pay period. Each employee shall fill out his/her weekly time sheet and submit it to his /her Department Head for approval. Sick leave, vacation leave, compensatory time, and holiday leave shall be counted as time worked for the purpose of computing overtime pay or compensatory time.

An hourly employee shall be paid for the actual number of hours worked during each pay period. Salaried employees shall be paid based on an annual rate divided by the number of pay periods per year. An employee absent without authorized leave may forfeit pay at the discretion of the Town Manager. When absent on authorized leave, each employee shall be paid at the regular rate, except as outlined in this policy. After one year's service, an employee who leaves the service of the Town shall be paid all unused, accrued vacation time.

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

Non-exempt employees shall be compensated for a minimum of three hours of overtime when called in outside of scheduled working hours.

SECTION 9: OUTSIDE EMPLOYMENT

The primary occupation of all full-time employees shall be with the Town. Employees may not engage in any outside business activities during their normal working hours. Employees are prohibited from undertaking outside employment that interferes with their job performance or constitutes a conflict of interest.

Prior to accepting any outside employment, employees will disclose their intent to do so in writing and obtain prior clearance from the Town Manager that such employment does not constitute a conflict of interest.

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

SECTION 10: GIFTS AND GRATUITIES

Employees may not directly or indirectly ask for, 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 11: 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 office, 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 as prohibiting, restraining or in any manner limiting an individual's right to vote with complete freedom in any election.

SECTION 12: 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.

Section 13: 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 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. Copies of file contents, if needed by the employee, must be made by the Town's representative, not by the employee.

SECTION 14: USE OF TOWN EQUIPMENT

Except as provided in the following section (Use of Town Computer System) the use of Town equipment or property for personal use is strictly prohibited. Employees should have no expectation of privacy regarding anything stored in or on Town-owned property or Town-owned equipment, including but not limited to desks, filing cabinets, lockers, and vehicles. Employees should expect that such areas may be searched at any time to retrieve work-related materials or to investigate violations of workplace rules.

SECTION 15: USE OF TOWN COMPUTER SYSTEM

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 rules and disposition schedules for municipal records.

For purposes of this section, "computer system" means all smart phones, 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, backup systems and the internal and external e-mail systems accessed via the Town's computer equipment.

SECTION 16: PERFORMANCE EVALUATIONS

Employees should be evaluated at least annually and may be subject to job performance evaluations at other times and in such manner as the Town Manager or his/her authorized representative deems reasonable. The results of such evaluations will be submitted to the employee, the employee's supervisor, the Town Manager and will become a part of the employee's personnel file.

Any annual evaluation with a rating of less than satisfactory (does not meet expectations) shall be accompanied with a needs improvement plan and may result in a probationary period of up to (90) days. Failure to improve during the probationary period may result in suspension without pay or termination.

Any employee with an annual evaluation with a less than satisfactory rating resulting in a needs improvement plan will not be eligible for any raises or promotions, including cost of living adjustments, until after the improvement plan is satisfactorily completed and a follow-up evaluation is completed

showing a satisfactory rating in all areas.

SECTION 17: EMPLOYEE DISCIPLINE

The Town of Weathersfield 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 should be addressed by discipline.

Under the Town's progressive discipline process, an employee may be subject to disciplinary action, up to and including termination, for violation of the provisions of this personnel policy and/or failure to maintain an acceptable level of performance or for other action or inaction for which the Town Manager determines that discipline is appropriate. 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 reasons.

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.

- Engaging in any illegal activity.
- Refusing to do assigned work or failing to carry out the reasonable assignments of a Supervisor or Town Manager.
- 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.

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:

Verbal warning - For the first violation or any violation immediately following one year of no disciplinary action against the employee of any rule, inaction or prohibited action as defined above not, in the opinion of the Dept. Head serious enough for dismissal, the Dept. Head may issue an oral reprimand (using the Town's Oral and Written Reprimand Form) to the offending employee. Written records of oral reprimand shall be entered in the employee's personnel folder.

Written warning- A violation of any rule, inaction or prohibited action within one year of an oral reprimand or where more severe initial action is warranted, can result in the department head issuing a written reprimand to the offending employee (using the Town's Oral and Written Reprimand Form). The reprimand will be issued to the employee in conference with the Town Manager with a witness present and shall detail the incident necessitating the action and the rule or rules violated. A written record of oral reprimand signed by the Town Manager and conference witness shall be entered in the employee's personnel folder.

Suspension/Demotion - A violation of any rule, inaction or prohibited action, or any other behavior warranting disciplinary action within one year of an oral reprimand or where more severe initial action is warranted, can result in the Town Manager suspending or demoting an employee. Disciplinary suspension will be with or without pay for up to ten (10) working days. Such suspended or demoted employee shall be notified of such action in writing during a conference with the Town Manager with a witness present. The written notification will include a description of the incident necessitating the action or the rule violated. A copy of the written notification signed by the department head, Town Manager and the conference witness and shall be entered in the employee's personnel folder. Employees suspended shall also be informed in writing of the appeal procedure provided under these Personnel Rules and Regulations.

Termination-See Section 18

SECTION 18: EMPLOYEE TERMINATION PROCESS

The Town of Weathersfield 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 written notice. The notice will contain a brief statement of the reasons termination is being considered and the date, time and place of a pretermination 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 a written response to the pre-termination notice not later than the scheduled date of the meeting.

Within seven calendar 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 calendar 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.

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, under the authority granted by 1 V.S.A. § 312(e), will consider the evidence presented in the hearing in deliberative session.

The Selectboard will render a written decision within fourteen calendar days after close of the hearing, unless otherwise agreed upon by the parties. If the action of the Selectboard is in favor of the employee, he or she shall be restored to his or her original position with full pay for the period since dismissal or suspension. The Selectboard can also reduce the disciplinary action to suspension without pay or reprimand.

The decision of the Selectboard shall be final.

SECTION 19: DISCIPLINARY APPEAL

- Appeals from dismissal, demotion or suspension shall be made by an employee by applying in writing within five (5) working days of such dismissal, demotion or suspension, to the Town Manager.
- If a hearing is requested, the Selectboard shall hold a hearing as requested by the employee, within three (3) weeks of receipt of employee's written request for a hearing.
- At the hearing, the employee, at his/her discretion, may be present, present testimony, be represented by counsel, examine the evidence against him or her and cross-examine witnesses.
- The Selectboard shall make its decision and inform the appellant within seven (7) days.
- If the action of the Selectboard is in favor of the employee, he or she shall be restored to his or her original position with full pay for the period since dismissal or suspension. The Selectboard can also reduce the disciplinary action to suspension without pay or reprimand.
- The decision of the Selectboard shall be final.

SECTION 20: GRIEVANCES

Policy

A grievance is any matter considered by the employees as grounds for complaint, except in the case of personnel action arising out of discipline, dismissal, demotion or suspension. Adjustment for such complaints is separately provided for in Section 19.

It is the intent of the Town of Weathersfield to deal with grievances informally and supervisors as well as employees are encouraged to make every effort to resolve problems as they arise. However, it is recognized that there may be grievances which will be resolved only after a formal appeal and review. When this is the case the procedure listed hereunder will be followed.

Procedure

An employee who believes that inequitable treatment has been received because of some conditions of employment may personally or through representative's appeal for relief from that condition. The employee is expected to initially discuss any grievance with the Department Head. If the employee feels that the grievance has not been satisfactorily adjusted by the Department Head, he or she may present it to the Town Manager for consideration.

SECTION 21: RESIGNATION

An employee who resigns his or her employment with the town shall be deemed to be terminated in good standing if he or she gives reasonable notice (normally a minimum of two weeks) to the Town Manager or his/her authorized representative of the employee's intention to resign. The notice should be in writing identifying the date of resignation and other circumstances of the resignation that are such as to justify good standing.

SECTION 22: 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.

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.

Employees who are found to have engaged in sexual harassment may face disciplinary action up to and

including termination.

Any employee who wishes to report sexual harassment should file a complaint with:

Weathersfield Town Manager PO Box 550 Ascutney, VT 05030 (802)674-2626

If the complaint is against the Town Manager, the employee can file the complaint with the Selectboard

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) (802) 828-3665 (TTY)

Equal Employment Opportunity Commission JFK Federal Building 475 Government Center Boston, MA 02203 Tel: (617) 669-4000 (voice)

1-800-669-6820 (TTY)

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 23: ELIGIBILITY FOR BENEFITS

Upon the first day of the month, in the month following the date of hire, a full-time or part-time will become eligible for the benefits provided to each employment classification. Details about those benefits, as they exist are included in this policy or in Appendix A.

Limited term employees are not eligible for benefits unless specifically documented in the hiring letter or required by law.

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.

Benefit costs will be supplemented by the Town at the rate set by the Selectboard during the budgeting

process. If at any time an employee is on any type of unpaid leave by the Town, the employee may be responsible to cover the entire cost of all benefits.

Opt-Out Program

Employees who are regularly scheduled to work 30 hours or more per week and who have medical coverage through another source are eligible for the Opt-Out choice. The Town offers Opt-Out to recognize the needs of our workforce by providing maximum flexibility in health care choices available to employees and their families.

This alternative allows employees who are covered under another medical or dental plan to "Opt-Out" of coverage and receive a cash payment in lieu of medical benefits. Employees choosing Opt-Out will receive \$50% of the cost savings, not to exceed \$10,000 annually, that will be paid in weekly payments based on the full amount being paid over a calendar year. New employees "Opt-Out" payment will be prorated to the remainder of the calendar year (50% of the savings divided by the number of weeks in a year multiplied the number of weeks left in the calendar year). These payments will be subject to applicable State and Federal taxes.

With this choice, employees would opt-out of medical coverage for themselves and their eligible dependents. For employees with dependent coverage, opt-out is for employee and family.

Medical benefits through the Town will be made available to Opt-Out participants should they lose their coverage provided by another source. Participants in the Opt-Out Program must sign a release and show proof of medical benefits through another source.

Alternative Coverage

Employees who are eligible for health insurance coverage may be offered a choice of benefit plans. Employees choosing a less expensive plan will receive weekly payments equivalent to 50% of the resultant savings to the Town compared to the most expensive plan offered, but not to exceed \$5000 annually. These payments will be subject to applicable State and Federal taxes. If the employee elects to have these savings directed into an eligible Health Savings Account 75% of the cost savings will be directly deposited into that account, not to exceed \$5000 annually.

SECTION 24: RETIREMENT

The Town of Weathersfield participates in the Social Security Program and all employees are required to participate in this program. In addition, the Vermont Municipal Employees Retirement System is required of all eligible employees (24 or more hours per week) and qualifying elected officials. Application and full details can be obtained from the Town Manager.

Other optional retirement plans (IRS 457 Plans) are available through the Town with all contributions and fees paid by the participating employees.

SECTION 25: LEAVE

The following types of leaves are officially established: parental leave and family leave, short term family leave, holiday, vacation, sick leave, bereavement leave, civil and jury leave, military leave, special leaves of absence, compensatory leave (time off in lieu).

Full-time or part-time employees wishing to observe religious holidays not listed by the Town Manager shall, at their option, be given time off without pay or have the time charged to their vacation.

No employee of the Town of Weathersfield shall be absent from duty without permission. Any absence of an employee from duty, including the absence of a single day or a part of a day, which is not authorized under provisions of these Rules, shall be investigated by the appropriate supervisor and shall be reported to the Town Manager or authorized representative for action. Any such absence may be cause for disciplinary action by the Department Head. Any employee who shall absent himself or herself without authorization shall forfeit all compensation for the period of such absence.

All leaves must be granted by the Department Head/Town Manager in conformance with rules established for each type of leave. All Department Heads shall maintain permanent records of any absence from duty of their employees and these shall be given to the Town manager or his/her authorized representative.

No leave can be transferred between employees.

PARENTAL AND FAMILY LEAVE

Eligible employees may receive leave as described in the Vermont Parental and Family Leave Act (VPFLA). This state law 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 the VPFLA.

A request for leave must be made to the employee's supervisor/Town Manager. Where an employee's leave request is covered by the VPFLA, the Town will adhere to the law that provides the most benefits to the employee.

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

SHORT TERM FAMILY LEAVE

In accordance with the 21 V.S.A. § 472a, eligible employees (employed by the Town for at least one year for an average of at least 30 hours per week) 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, stepchild, foster child, or ward who lives with the employee, such as a parent-teacher conference;
- To attend or accompany the employee's child, stepchild, foster child, or ward who lives with
 the employee or the employee's parent, spouse or parent-in-law to routine medical or dental
 appointments;
- To accompany the employee's parent, spouse or parent-in-law to other appointments for

- professional services related to their care and well-being; or
- To respond to a medical emergency of the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse or parent-in-law.

At the option of the employee, accrued paid leave may be used. Before taking leave under this section an employee shall make a reasonable attempt to schedule appointments outside of regular work hours.

A request for leave must be made to the employee's supervisor/Town Manager. 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 where the required seven-day notice could have a significant adverse impact on the family member of the employee.

HOLIDAY LEAVE

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

- New Year's Day (January 1)
- Presidents Day (3rd Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (1st Monday in September)
- Columbus Day (second Monday in October)
- Veterans' Day (November 11)
- Thanksgiving Day (4th Thursday in November)
- Christmas Day (December 25)
- Floating Holiday (Town Managers Discretion)

Employees scheduled to work 40 hours a week will receive a full day's pay (10 hours) of pay for each qualifying holiday listed above.

Employees working under 40 hours per week, will receive holiday leave pay for the number of hours in the employee's typical work day on which the holiday falls, at the employee's regular rate of pay (up to the amount that makes the employee whole to their normally scheduled work hours).

If employee works a holiday they will be compensated at time and one half plus the proper amount of holiday time.

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

Any time a holiday falls on a day the transfer station would normally be open, the transfer station will be closed, and the employees will be given holiday pay equaling the hours that would have been worked.

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

VACATION LEAVE

Unless otherwise specifically agreed, with prior Selectboard approval, upon the first day of the month following the date of hire eligible employees (full or part time) will begin to earn vacation time. Vacation time, based on an annual amount, will accrue monthly as shown below:

- 0-2 years = 40 hours of annual vacation (1 week) accrues at a rate of 3.33 hours per month
- 3-9 years = 80 hours of annual vacation (2 weeks) accrues at a rate of 6.67 hours per month
- 10-15 years = 120 hours of annual vacation (3 weeks) accrues at a rate of 10 hours per month
- 16+ years = 160 hours of annual vacation (4 weeks) accrues at a rate of 13.33 hours per month
- Employees working less than 40 hours a week will accrue pro- rated vacation time based on their regularly scheduled hours.

All employees are strongly encouraged to take their vacation leave on an annual basis. With the expectation that vacation time is to be used, a cap limits maximum vacation time accrual to two hundred (200) hours. Accrued time in excess of the maximum is irretrievably forfeited.

Vacation is to be requested by the employee on forms provided by the Town, and approved at the discretion of the Department Head. The request will then be turned in to the Town Office for record keeping purposes.

The Town Manager may, upon written request of the employee, pay an employee for up to 80 hours of accrued vacation time in lieu of it being taken provided one of the following conditions exist:

- 1. A bona fide hardship (Determined by the Town Manager)
- 2. The employee has taken at least 40 hours of vacation that year and the Town Manager determines that the fiscal impact can be absorbed by the budget.

Upon termination, an employee shall be paid for all accrued but unused vacation time at his or her regular hourly rate at the time of termination. Payment will be at the next regularly scheduled pay day (or within 72 hours if the employee is discharged). This vacation payout will be paid in a single check, separate from the employee's normal paycheck.

SICK LEAVE

Employees scheduled to work 40 hours a week will accrue 8 hours of paid sick leave per month. All other employees will receive prorated sick leave pay based on the number of hours the employee is regularly scheduled to work in a week. Sick leave can be carried over from year to year with a maximum of 720 hours being carried over from one year to the next.

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 physical or mental illness
- A medical appointment
- For maternity leave
- An appointment eligible for short-term family leave under the provisions of the Vermont Parental and Family Leave Act (21 V.S.A. § 472a)
- To care for a sick or injured child, parent, grandparent, spouse, sibling or parent-in-law
- A funeral that is not eligible for Bereavement Leave
- A meeting for social or legal services related to a physical or mental illness
- Any other appointments authorized in advance by the employee's supervisor

All employees will receive sick leave pay at the employee's regular rate of pay for normally scheduled hours. Part time and Limited-Term employees will not be eligible to use sick leave for time the employee is not

normally scheduled to work.

The use of sick leave for more than three (3) consecutive workdays will require a certificate from a licensed health practitioner stating the necessity of the absence.

Upon separation from employment, an employee will not be compensated for unused, accrued sick leave.

BEREAVEMENT LEAVE

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

If additional time off is needed, or if time off is needed for the funeral of a friend or a relative who is not an immediate family member as defined above, nor a domestic partner, nor member of an employee's household, the employee's supervisor may grant, on a case-by-case basis, the use of a reasonable amount of accrued sick leave, if available, or, if not, vacation or unpaid leave. The amount of such time off, if approved, will depend upon the individual circumstances such as the distance to be traveled, closeness of the employee's relationship with the person who died or his/her family, and the employee's level of responsibility in making funeral or other arrangements.

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

Civil Duty and Jury Leave

All employees entitled to vote in national, state, and Municipal elections shall, when necessary, be allowed sufficient time off with pay to exercise this right. Approval of such leaves shall be given by the Department Head.

Should any employee be called for jury duty within any state or federal judicial court, the town shall pay to the employee the difference between the employee's actual salary and that received from the court.

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 for 30 days or less, subject to the provisions of these laws, will be paid only that portion of his/her regular salary which will, together with the military pay, equal his/her total normal salary for the same pay period. Employees who take military leave in excess of 30 days, 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.

Special Leaves of Absence

Special leaves of absence, normally not to exceed ten (10) days, may be granted with or without pay, or unusual reasons, with the approval of the department head and Town Manager when it is, in their opinion, in the best interest of the community.

Compensatory Time

In place of overtime pay, the town, at its discretion, may provide nonexempt employees with compensatory time off ("comp time") subject to the following conditions:

- Comp time is earned at a rate of one and one-half hours for each hour worked in excess of forty hours actually worked in any workweek.
- An employee may accrue a maximum of 100hours of comp time. An employee who has accrued 100 hours of comp time will be paid overtime compensation for additional overtime hours of work.
- An employee may, at the Town Managers discretion, be paid in cash in lieu of comp 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 requests 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 26: WORKPLACE HEALTH AND SAFETY

Vermont Occupational Safety Hazards Act (VOSHA)

In the interest of the safety and well-being of town workers, all employees shall acquaint themselves with the rules and regulations of the Vermont Occupational Safety Hazards Act (VOSHA). All Department Heads shall be responsible for enforcing safety rules as required by VOSHA or adopted by the Town.

All employees shall conduct themselves in a safe manner at all times in accordance with these regulations and shall not violate the VOSHA regulations. Any defective, unsafe equipment, or practice shall immediately be brought to the attention of the Department Head or his/her authorized representative, and use of such unsafe equipment or practice shall cease immediately.

Tobacco Policy

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

DRUG - FREE WORKPLACE POLICY

As an employer, the town of Weathersfield is responsible for maintaining safe, efficient working conditions for its employees by providing a drug-free workplace. An employee who is under the influence of any drug on the job may pose serious safety and health risks not only to the user, but to co-workers and the general public at large. Therefore, the following conduct is prohibited during working hours, while using municipal equipment, and/or while on municipal property:

- The use of alcohol:
- The use of drugs except in the manner prescribed by a duly-licensed physician or dentist;
- Being under the influence of drugs or alcohol;
- The possession, sale, transfer, or purchase of illegal drugs.

An employee who engages in any of the above behaviors will be subject to disciplinary action up to and including termination.

Any employee on municipal premises who appears to be under the influence of, or who possesses illegal or non-medically authorized drugs, or who has used such drugs on municipal premises, will be temporarily relieved from duty pending further investigation.

An employee shall notify his Supervisor/Manager of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Failure to do so will result in discipline, up to and including dismissal.

If a convicted employee works in federally funded program, the involved federal grant agency shall be notified of the conviction within ten (10) days of the municipality's receiving the notice of the conviction. In the case of the Vermont Community Development Program, notify the Department of Housing and Community Affairs.

An employee convicted under any criminal drug statute for a violation occurring in the workplace, while on or off duty, or on duty away from the workplace, shall be immediately dismissed for the first offense.

In the absence of compelling mitigating circumstances, an employee convicted under any criminal drug statute for a violation not occurring in the workplace while not on duty shall be subject to immediate dismissal for the first offense if convicted of a felony. If the conviction is not a felony, discipline up to and including dismissal may be imposed, including for the first offense, provided that there is a nexus between the offense and the job of the employee.

Appropriate disciplinary and/or corrective action is to be taken within thirty (30) days after the employer receives notice of a conviction. This, however, is not be construed to limit the authority of the employer to take such action thereafter. Any disciplinary action must comply with the collective bargaining agreement, Section 504 of the Rehabilitation Act of 1978, and the Americans with Disabilities Act, if applicable.

If the use of legal drugs endangers safety, management may reassign work on a temporary or permanent basis. In addition to this policy, employees who operate commercial motor vehicles (CMVs) for the Town are also subject to the provisions of the Town's policy on drug and alcohol testing.

Each employee of the municipality will make a good faith effort to maintain a drug-free workplace and uphold and promote this policy.

SECTION 27: SEVERABILITY AND EFFECTIVE DATE

No section of this Policy shall be construed to supersede or replace any Vermont statute.

This Policy shall be entered in the minutes of the Select Board's meeting, recorded with the Town Clerk, and posted at the regular meeting site of the Select Board.

The foregoing Policy is hereby adopted by the Select Board of the Town of Weathersfield, Vermont, this 3rd day of January 2018.

| Kelly Murphy (Chair) |
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| C. Peter Cole (Vice-Chair) |
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| Amy Beth Main |
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| Dan Boyer |
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Personnel Acknowledgement

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

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| F. | I acknowledge that it is my responsibility to comply with all the provisions of the Town's personnel policy. |
| | |
| | Employee's Signature Date |



CHARTERED BY: NEW HAMPSHIRE ON AUGUST 20, 1761 NEW YORK ON APRIL 8, 1772

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

townmanager@weathersfield.org

December 25, 2017

To: Selectboard

From: Ed Morris

Subject: Finance Director

I have made a job offer which has been accepted for the position of Finance Director. I have asked Darlene Kelly to attend the Selectboard meeting to introduce herself to the Selectboard. Darlene comes to us with many years of finance experience. Darlene will be starting in mid-January.

Thank you,

Ed Morris



CHARTERED BY: NEW HAMPSHIRE ON AUGUST 20, 1761 NEW YORK ON APRIL 8, 1772

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

townmanager@weathersfield.org

December 14, 2017

To: Selectboard

From: Ed Morris

Subject: Fire Service Discussion-Budget

We will review and discuss the Fire Service Budget for the year. You will see that I have included last years financials and this year's budget from AVFD and this year's budget from WWVFD (waiting on last year's financials). The WWVFD fundraising budget is going to replenish their reserves used for the purchase of the new fire engine. I have also added the proposed Fire Commission budget with a couple changes that I have made. One being the reduction in misc. expense for hose testing. We can start testing large diameter hose for very little cost to the Town.

Ed Morris



CHARTERED BY: NEW HAMPSHIRE ON AUGUST 20, 1761 NEW YORK ON APRIL 8, 1772

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

townmanager@weathersfield.org

December 25, 2017

To: Selectboard

From: Ed Morris

Subject: Selectboard Interviews

We have received three letters of interest to fill the Selectboard position vacated by Lynn Esty. I have contacted the candidates and asked them to attend the meeting on Monday night.

Thank you,

Ed Morris