

# **TOWN OF NORTH HERO PERSONNEL POLICIES & RULES**

**Adopted by North Hero Selectboard:  
February 16, 1998**

**Revisions made on: October 21, 1998 & November 2, 1998**

# TOWN OF NORTH HERO

## PERSONNEL RULES

### I. NAME OF ADMINISTRATIVE RULES AND AUTHORITY

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

Employment with the Town of North Hero 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 benefit or policy stated herein at any time, except as otherwise committed to by formal contract agreements.

### II. PERSONS COVERED

These rules and regulations shall be applicable to all persons employed by the Town of North Hero with the exception of Elected Officers, members of Boards and Commissions, employees of the School District, persons employed in a professional capacity to make special and temporary studies, investigations and/or inquiries and other positions to which no compensation is attached.

### III. ADMINISTRATION

These rules and regulations shall be administered by the Selectboard or it's authorized representative. Amendments to these Personnel Rules shall be by resolution of the Selectboard.

### IV. RECRUITMENT

- A. Qualified applicants residing in the community shall be given preference in filling vacancies with the town. Applications for positions may be solicited from persons outside the Town of North Hero at the option of the Selectboard.
- B. As part of the pre-employment procedure, former supervisors; employers, and references provided by applicants shall be checked as a precaution against obtaining undesirable employees. Reference checks made by personal or telephone contract shall be documented. These reference checks shall be completed prior to an offer of employment and the information shall be made part of the application file. All such information is to be handled as privileged and confidential information.

- C. At the option of the Selectboard full time and/or part time positions shall be posted and advertised in local newspapers stating position, title, approximate salary and application date deadline as well as other pertinent information.
- D. When an emergency-hiring situation is declared by the Selectboard any or all of the application process requirements may be waived to ensure provision of continuous Town services to its citizens.
- E. The policy of the Town of North Hero is to maintain and promote equal employment opportunity. The town will select candidates or employment on the basis of the candidates' qualifications for the job and treat them fairly with respect to compensation and opportunity for training and advancement including upgrading and promotion without regard to age, sex, race, political or religious affiliation, sexual orientation, disability, HIV status or national origin. Equality in such opportunities has been and is the basic policy of the Town.

## V. SELECTION

All appointments to positions in the service of the Town of North Hero shall be made based on merit and fitness. Education, experience, aptitude, knowledge, skills, character, physical fitness (where necessary for the essential function of the position) personality, and all other qualifications deemed necessary for the satisfactory performance of the duties of the position to be filled shall be considered with weights assigned to each factor as may be deemed proper by the Selectboard or its authorized representative or such advisory examining committee as may be appointed.

## VI. APPOINTMENT PROBATIONARY PERIOD

### A. Type of Appointments

1. Full-Time: A full-time employee works at least 30 hours per week on a continuing basis (indefinite term). The full-time employee is subject to all rules and regulations and receives all benefits and rights as provided by the Personnel Rule.

2. Student Appointments: Student appointments have the purpose of affording students of public administration of other professional areas an opportunity to gain actual work experience and provide service to town. Such appointments are for a definite period of time, not to exceed 12 months, and require the approval of the Selectboard or its authorized representative and may be paid or non-paid. Student appointees shall not be eligible for employee benefits but shall be subject to all personnel rules pertaining to performance and conduct.

3. Emergency Appointments: In order to prevent stoppage of public business or loss or serious inconvenience to the public, appointment of employees on a temporary basis may be authorized by the Selectboard or its authorized representative in accordance with these rules for a period not to exceed sixty (60) days. Such appointees shall not be eligible for employee benefits.

4. Permanent Part-time Employees: Permanent part-time employees are employees who work less than the normal week but on a regular basis. Permanent part-time employees working 20 or more hours per week year round shall be subject to all rules and regulations and receive all benefits and rights as provided by the Personnel Rules, on a prorated basis.

5. Part-time Employees: Are employees who work less than 20 hours per week and are not eligible for employee benefits under these personnel rules.

6. Limited-term Appointments: 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 and receive all benefits and rights as provided by the Personnel Rules during their term of employment.

7. Seasonal Employees: Are hired for a specific project of short duration and are not eligible for employee benefits under these Personnel Rules.

B. Probationary Period

All appointments for greater than ninety (90) days shall be made with a probationary period of ninety (90) days. The Selectboard may extend with cause the probationary period. The total probationary period shall not exceed twelve (12) months. New employees shall be paid at a probationary rate during this period. During the probationary period the Selectboard may remove an employee who is unable or unwilling to perform the duties of the position satisfactorily or whose performance and dependability do not merit continuance in the service of the Town.

C. Physical Examination

All new permanent employees who are hired for positions in which health or physical abilities are important for the performance of the essential functions of the job shall be required to have a physical examination at the expense of the town after an offer of employment has been made. Appointment to a position may be conditioned on positive results of the examination. The specific criteria will be determined by the Selectboard but will be based on the specific requirements of the essential functions of the job. All information obtained as part of the medical exam shall remain confidential and shall not be placed in the employee's personnel file, but in a separate medical file.

D. Proof of Citizenship

All new town employees must provide the Selectboard or its authorized representative with proof of citizenship or legal immigration status in conformance with federal law. Failure to provide such proof shall result in non-hiring or immediate dismissal.

## VII. PROMOTIONS

A. Promotion Policy

Vacancies in positions above the lowest rank in any department in the Town shall be filled as far as practical by the promotion of employees in the Town service. Promotion in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of effecting an increase in compensation.

B. Notification

The Selectboard shall advise employees within the department of the existence of vacancies to which they are qualified to be promoted. Such notice will then be posted in the Town Office for a period of five (5) days prior to advertising in the local media except in emergency hiring situations.

C. Probationary Period

All promotions shall be subject to ninety (90) day's probationary period, and may be extended to 1 year. If during this probationary period the Town determines that the job is not being satisfactorily performed, the employee shall be returned to his/her former job or a comparable position, if available, and the position shall be filled at the discretion of the Selectboard.

## VIII. EVALUATIONS

All employees of the Town of North Hero will be evaluated a minimum of once a year. Such evaluations will be in writing and signed by both the employee and the Department Head following a conference during which the

evaluation is discussed. The signature of the employee does not indicate that he/she agrees with the evaluation but only acknowledges that the evaluation has been shown and discussed.

The signed, written evaluation will then be provided to the employee and a copy shall be placed in the employee's file. The employee may, at any time during business hours, view his/her file in the presence of the Selectboard or its authorized representative.

Any annual evaluation with a rating of less than satisfactory may result in a sixty (60) to ninety (90) day probationary period, see Section VI B. Improved performance and subsequent evaluation can result in the probationary status concluding.

Failure to improve during the probationary period may result in suspension without pay or termination.

During the probationary period there will be no reduction in pay or loss of fringe benefits.

## **IX. DISCIPLINE AND DISCHARGE**

### **A. General Policy**

The Town of North Hero exists to provide services to its citizens and therefore has a responsibility to perform these services in the most effective and efficient manner possible. The same is required of town employees. Discipline and/or discharge will 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.

### **B. Employee Actions or Inaction's Resulting in Disciplinary and/or Discharge**

1. The Selectboard and/or its authorized representative may immediately dismiss an employee whenever in its opinion the employee's work or conduct so warrants. On the job reasons for dismissal may include, but are not limited to: insubordination, use or being under the influence of drugs or alcohol while on duty, dishonesty, recklessness on the job, attitude which constitutes an unwholesome influence on other employees, failure to obey a reasonable order either verbal or written, falsification of application forms, fighting on duty, convictions for offenses against the law which would affect the employee's performance, violation of any Town rules which result in serious personal or property damage, or use of abusive language toward a superior or the general public.

2. Other violations of Town work rules or these Personnel Rules or employee actions or inaction's, including those listed as follows, shall result in a vocal or written reprimand, suspension without pay or dismissal as detailed below: abuse of sick leave, failure to request leave in advance, leaving without permission, unexcused absences, chronic absenteeism, unexcused and/or excessive lateness; carelessness, negligence, short cuts, horseplay, gambling, sleeping on duty, theft, disregard for safety rules, possession of firearms or dangerous weapons on duty without supervisor's permission, willful damage to company property and falsifying work records. This list is not inclusive and is exemplary only.

### **C. Oral and Written Reprimands**

1. For the first violation or any violation immediately following six months of no disciplinary actions against the employee of any rule, inaction or prohibited action as defined above not, in the opinion of the Department Head serious enough for dismissal, the Department Head may issue an oral reprimand to the offending employee. Written records of oral reprimand shall be entered in the employee's personnel folder. Such record shall be removed from the employee's personnel folder six months after its inclusion provided no other disciplinary action has transpired during that time. If additional disciplinary action is required during this six month period, the record of the initial oral reprimand shall only be removed upon completion of a six month period without any disciplinary action.

2. A violation of any rule, inaction or prohibited action within six (6) months 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. The reprimand will be issued to the employee in conference with the Department Head 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 Department Head and conference witness shall be entered in the in the employee's personnel folder. Such record shall be removed from the employee's personnel folder six (6) months after its inclusion provided no other disciplinary action has transpired during that time. If additional disciplinary action is required during this six (6) month period, the record of the written reprimand shall only be removed upon completion of a six (6) month period without any disciplinary action.

#### D. Suspension Without Pay

A violation of any rule, inaction or prohibited action, or any other behavior warranting disciplinary action within six (6) months of an oral reprimand or where more severe initial action is warranted, can result in the Department Head suspending an employee without pay for up to ten (10) working days. Such suspended employee shall be notified of such action in writing during a conference with the Department Head with a witness present. The written notification will include a description of the incident necessitating the action and/or the rule or rules violated. A copy of the written notification signed by the suspending officer and the conference witness shall be entered in the employee's personnel folder. Such record shall be removed from the employee's personnel file upon successful completion of six (6) months' service without disciplinary action. Employees suspended shall also be informed in writing of the appeal procedure provided under these Personnel Rules. Salaried employees who are exempt from the overtime provisions of the Fair Labor Standards Act may not be suspended without pay; however, the Selectboard may immediately dismiss the employee.

#### E. Dismissal

The Selectboard or its authorized representative may immediately dismiss (1) any employee whose actions or inaction's violate Town rules and regulations as set forth in the paragraphs above; or (2) any employee whose action or inaction violates any Town rules or regulations within a six (6) month period following a disciplinary suspension as prescribed in paragraph D above. Such dismissed employee will be notified of such action during a conference with the Selectboard or its authorized representative with a witness present and will include the incident necessitating the action and/or the rule or rules violated. An employee so dismissed shall also be informed in writing of the appeal procedure provided under these Personnel Rules.

#### F. Complaints

1. A complaint against any town official must be submitted in writing and signed for it to be considered. Verbal complaints are 'hearsay' and will not be considered.
2. Complaints should be sent to the Town Clerk who will forward the matter to the appropriate board.
3. Written complaints will be reviewed and the complainant notified of the findings.
4. This should not be construed as a vehicle for complaints about decisions. There are procedures in place to deal with those. For example, appeals of decisions of the Zoning Administrator, which must go to the Board of Adjustments.

### X. APPEAL PROCEDURE

A. 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 Selectboard.

B. If a hearing is requested, the Selectboard shall hold a hearing as requested by employee, within three (3) weeks of receipt of employee's written request for a hearing.

C. 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/or cross-examine witnesses.

- D. The Selectboard shall make its decision and inform the appellant within seven (7) days.
- E. 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 without pay or reprimand.
- F. The decision of the Selectboard shall be final.

## **XI. GRIEVANCES**

### **A. Policy**

It is intent of the Town of North Hero to adjust 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.

A grievance is any matter considered by the employee as ground 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 IX.

### **B. 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 immediate supervisor. If the matter cannot be settled at that level, the employee may elect to discuss the matter with the Selectboard.

If the employee feels that the grievance has not been satisfactorily adjusted by the Selectboard, he or she may present it to the Selectboard for consideration.

## **XII. CONDUCT OF EMPLOYEES**

### **A. Hours of Service**

With the approval of the Selectboard, the appointing authority shall prescribe the number of hours per day and per week of actual attendance on duty for employment in positions under its jurisdiction. The hours so established shall be construed as the normal work day or work week.

### **B. General Obligations**

Every employee shall fulfill to the best of his or her ability the duties and responsibilities of the employee's position. The employees shall, during their hours of duty, be subject to such other laws, rules and regulations that pertain thereto, devote their full time attentions and efforts to their office and employment. Employees shall not use their positions to secure special privileges or exemptions for the employee or others. Employees shall not use Town property or equipment without written authorization from the Selectboard or its authorized representative for the employee's private use or for any use other than that which serves the public interest. Such private use of Town property or equipment is seriously discouraged and shall be approved only in emergency situations as determined by the Selectboard or its authorized representative.

### **C. Attendance**

No employee of the Town of North Hero 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 Selectboard or authorized representative for action. Any such absence may be cause for disciplinary action by the Selectboard. Any non-exempt employee who shall absent himself or herself without authorization shall forfeit all compensation for the period of such absence. For a period not exceeding three to four hours and for proper cause, Selectboard shall be able to excuse a subordinate from reporting or being present for duty.

#### D. Political Activity

An employee shall not use his or her official authority for the purpose of interfering with or affecting the nominations or election of any candidate for the public office in the Town of North Hero. This rule is not to be construed to prevent a town employee from becoming or continuing to be a member of any political party or from attending political meetings or signing petitions for a candidate for public office.

#### E. Receipt of Gifts

No person in the service of the Town of North Hero shall either directly or indirectly give, render, pay or receive any service or other valuable thing for or on account of in connection with any appointment, proposed appointment, promotion or proposed promotion. Any employee who receives a gift or is offered a gratuity in excess of \$20.00, from any source by virtue of the fact that he or she is a town employee shall within twenty-four hours inform the Selectboard. Failure to report such gifts or gratuities, or offer thereof, may present grounds for suspension or dismissal. The Selectboard will decide whether or not such gifts and/or gratuities may be accepted.

#### F. Contracts

No elective or appointive officer or employee of the Town of North Hero shall be beneficially interested directly or indirectly in any contract with the Town, regardless of amount; or furnish any material, or perform any labor, except in the discharge of his or her official duties, unless such contract shall have been awarded upon bids advertised for by publication. Such publication shall be at least two (2) times in a newspaper having general circulation within the town; the second publication shall be at least seven (7) days prior to the opening of such bids. No officer or employee of the Town shall take part in any decision concerning the business of the Town in which he or she has a direct or indirect financial interest, aside from his or her salary as an officer or employee, greater than any other citizen or taxpayer in the Town. This section shall not apply in the event of an emergency where immediate action shall be deemed more important to the Town than the receipt of formal bids.

#### G. Designation

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 to the Selectboard or its authorized representative of the employees intention to resign and if other circumstances of the termination are such as to justify good standing.

#### H. Sexual Harassment

It is the policy of the Town of North Hero that all employees are responsible for assuring that the workplace is free from sexual harassment. Because of the Town's strong disapproval of offensive or inappropriate sexual behavior at work, and because sexual harassment is unlawful, all employees must avoid any action or conduct which could be viewed as sexual harassment, including:

1. unwelcome sexual advances;
2. requests for sexual acts or favors;
3. other verbal or physical conduct of harassing nature.

Any employee who has a complaint of sexual harassment at work by anyone including supervisors, co-workers, or visitors must bring the problem to the attention of their immediate supervisor, the Department Head or the Selectboard or its authorized representative. If the complaint involves someone in the employee's direct line of command, then the employee may go directly to the Selectboard with the complaint. Retaliation against an employee for making a complaint of sexual harassment or for cooperating with an investigation of harassment is unlawful and will not be tolerated.

Complaints of sexual harassment shall be investigated promptly. The determination of whether or not a particular action constitutes sexual harassment shall be made from the facts on a case-by-case basis. In determining whether alleged conduct constitutes sexual harassment, the Selectboard shall look at the record as a whole and at the totality of the circumstances, such as the nature of the behavior and the context in which the alleged incidents occurred. If sexual harassment is found to exist, prompt corrective action shall be taken.

The sexual harassment policy of the Town of North Hero shall be provided to each employee and shall be posted in a prominent place in the workplace and shall include the name and addresses of the state and federal agencies that handle complaints of sexual harassment in the workplace.

### **XIII. HOSPITALIZATION, MEDICAL & HEALTH INSURANCE**

A. Upon completion of ninety (90) days probationary period and a full-time, permanent part-time, or eligible limited term Town of North Hero employee or qualified elected official will become eligible for complete group health coverage as then offered by the town. Application to enroll in this plan must be made through the Treasurer's Office.

B. It shall be the policy of the Town of North Hero to offer health insurance coverage with a vision rider to full-time employees; accept the VLCT BlueCare Plus plan to become effective November 1, 1998 and the town pay the entire premium for the employee and 25% of the cost for spousal coverage. The Town of North Hero will provide disability coverage at no cost to the employee (as outlined in Paragraph A) in a premium amount not to exceed \$500.00 per year.

### **XIV. RETIREMENT**

The Town of North Hero participates in the Social Security Program and all employees are required to participate in this program. In addition, a Town Employee's Retirement Plan, in place with the Vermont Municipal Employees Retirement System and administered by its Board of Trustees, is available to all municipal employees who are regularly employed for not less than 24 hours a week and for not less than 1040 hours per year.

While said Retirement Plan is in effect an employee is eligible for a normal retirement benefit at age 62. However, an employee with at least five (5) years of service and who has made contributions for 2.5 years, may retire after age 55 with a reduced benefit. Application and full details can be obtained from the Town Treasurer.

### **XV. SICK LEAVE**

A. All full-time employees are entitled to one (1) day of sick leave per month. Sick leave may be accumulated indefinitely, however, upon termination of employment voluntarily, involuntarily, or upon retirement, no compensation shall be granted for any unused portion of sick leave remaining. If an employee runs out of sick leave, he or she may use vacation time, if authorized by the Selectboard.

B. Sick leave days earned shall only be paid to employees for work days absent because of illness or injury to themselves or their immediate family or household members, and shall equal eight (8) hours pay at the employee's straight time rate. More than three (3) consecutive work days of absence to be compensated under this section shall require a certificate from a licensed physician stating the necessity of the absence. In addition, the Town may require such a certificate for any leave requested under this Section.

C. All permanent part-time employees are entitled to sick leave benefits on a prorated basis.

#### **XIV. PARENTAL AND FAMILY LEAVE**

A. Any employee as defined in V.S.A. Title 21, Section 472 who works over 30 hours per week, shall be entitled to take unpaid leave for a period not to exceed twelve (12) weeks during the employee's pregnancy and following the birth of adoption of his or her child.

B. Any employee as defined in V.S.A. Title 21, Section 472, who works over 30 hours per week, shall be entitled to take unpaid family leave for a period not to exceed twelve (12) weeks to care for a seriously ill spouse, child, stepchild, ward, foster child, parent, or parent of the employee's spouse.

C. Accrued sick leave or vacation leave, not to exceed six (6) weeks, consistent with existing policy, may be used by the employee during parental or family leave. However, utilization of accrued vacation leave shall not extend the leave provided in subsection "A" above.

D. The Town shall continue employment benefits for the duration of the leave. The Town may require that the employee pay the entire cost of the benefits during the leave at existing employer rates.

E. Written notice of intent to take parental leave shall be given to the employer, including date of leave expected to commence and estimated duration of the leave, six weeks prior to the anticipated commencement of the leave. Upon approval by the Selectboard or its authorized representative, an employee may return from leave earlier or later than estimate.

F. Upon return from parental leave, the employee shall be offered the same or comparable job at the same level of compensation, employment benefits, seniority or any other term or condition of employment existing on the day leave began. 21 V.S.A. 472.

G. Except for serious illness, an employee who upon completion of family leave does not return to the employment of the Town of North Hero, will have to return to the Town the value of any compensation paid to or on behalf of the employee during the leave except payments for accrued sick leave or vacation leave.

#### **XVII. LEAVES OF ABSENCE**

##### **A. General policy**

The following types of leaves are officially established; holiday, vacation, sick leave, parental leave, family leave, injury leave, death in the family, leave without pay, and in the case of salaried personnel, compensatory leave (time of in lieu). All leaves may be granted by the Selectboard in conformance with rules established for each type of leave. Permanent records of any absence from duty of employees shall be given to the Town Treasurer who is the official timekeeper.

##### **B. Holidays**

The following holidays shall be official holidays together with any other day so proclaimed by the Selectboard.

New Year's Day	Columbus Day
Presidents' Day	Veteran's Day
Memorial Day	Thanksgiving Day & the Day After
Fourth of July	Christmas Day
Labor Day	Employees Birthday if it falls on a regular workday

Employees will have half a day (1/2) before Christmas and half a day (1/2) before New Year's Day.

In addition to the above specified holidays, two personal days per year shall be granted to each full-time employee who shall be compensated for these days as though he/she had worked a normal working day. These two personal days off must be approved by the Selectboard twenty-four hours in advance unless approved by their Department Head.

All municipal departments and offices shall observe any legal holiday which falls on a Saturday on the preceding Friday and any legal holiday which falls on a Sunday on the following Monday.

Full-time hourly employees shall be compensated for holidays as though the employee has worked his or her normal work day. Any full-time hourly employee who is required to work on a holiday shall, in addition to the holiday pay, be paid at his regular rate.

Permanent part-time employees shall be compensated for holidays on a pro-rated basis.

Non-exempt full-time employees or permanent part time employees wishing to observe religious holidays not listed by the Selectboard shall, at their option, be given time off without pay or have the time charged to their vacation.

#### C. Vacation

Annual vacation leave, based on continuous service, shall be granted on the following basis for all full time employees.

- After one (1) year - Two (2) weeks
- After five (5) years - Three (3) weeks
- After ten (10) years - Four (4) weeks to be divided

One week is the equivalent of one regular work week and represents the number of days and hours which the employee normally works each week. All employees are encouraged to take their vacation leave annually. A maximum of up to one week accrued vacation time may be carried over. Should the leave time not be taken during the following year, it shall be forfeited. Vacations will be taken at the discretion of the Selectboard. Upon termination an employee may be paid for accrued vacation not to exceed a total of fifteen (15) days.

Permanent part-time employees will receive prorated vacation leave based on the average number of hours worked per week. Vacation time must be taken from anniversary date to anniversary date. If leave time is not taken during that year, it shall be forfeited. Vacations will be scheduled at the discretion of the Department Head upon consultation with the employee.

#### D. Civil Duty and Jury Leave

All full-time 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 full-time 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.

#### E. Leave of Absence Without Pay

All requests for leaves of absence without pay shall be submitted in writing to the Selectboard and shall set forth the purpose of which the leave is requested.

### XVIII. PAY PLAN

A. In accordance with the provisions of the Fair Labor Standards Act, as amended, it shall be the policy of the Town of North Hero to pay one and one half (1 1/2) times the hourly rate of pay to all employees (except elected

officials and exempt salaried 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 same to his/her Department Head for approval. No employee may work over forty (40) hours in a given week without the authorization of his/her supervisor.

An hourly employee shall be paid for the actual number of hours worked during each pay period. Salaried employees shall be paid an annual rate divided by the number of pay periods per year.

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

C. Elected town officials who received stipend salaries (as opposed to regular, periodic payroll payments) will be approved for payment two times each year, the first as of September 1 for the period from Town Meeting Day to August 31 and the second as of 1 March for the period from September 1 to Town Meeting day. Orders to pay will be approved at the first Selectboard meeting held after September 1 and March 1 based upon the individual request of each Officer. Disbursements will be made by the Treasurer immediately after receiving the appropriate Selectboard Orders. Officers who resign prior to the end of their term and Officers appointed in mid term will receive payment based on the fractional basis of days served.

## **XIX. WORKPLACE HEALTH AND SAFETY**

### **A. 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 and/or adopted by the Town.

A. 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 or any known medical or psychological condition which creates a danger to the worker, a co-employee or the public shall immediately be brought to the attention of the Department Head or his authorized representative, and use of such unsafe equipment or practice shall cease immediately.

### **B. Smoking Policy**

In accordance with Vermont Statutes Annotated Title 18, Section 1421, et seq., and 1742 and 1743, the Town of North Hero is committed to providing a smoke free workplace. Smoking in any form is prohibited in all enclosed indoor places of publicly owned buildings and offices. Upon request of an employee, and with the agreement of the other employees, a smoking area may be designated in an unenclosed outdoor place of the publicly owned building. An employee's failure to comply with the smoking policy shall constitute cause for disciplinary action, and the failure of the town to implement or enforce the policy shall constitute cause for disciplinary action, and the failure of the town to implement or enforce the policy shall be grounds for a grievance procedure by an aggrieved employee, and any violations shall be promptly remedied.

### **C. Drug Testing**

In accordance with the Omnibus Transportation Employee Testing Act of 1991 all town employees who are required to hold commercial drivers' licenses shall be subject to pre-employment and regular random drug and alcohol testing in accordance with the Department of Transportation rules and procedures.

Employees who are found to be using illegal drugs or alcohol on the job will be subject to immediate dismissal.

For further guidelines, please reference the attached DRUG-FREE WORKPLACE POLICY as adopted by the North Hero Selectboard on November 3, 1997.

**TOWN OF NORTH HERO  
Personnel Policies**

Subject: DRUG-FREE WORKPLACE POLICY      Effective Date: November 3, 1997

Applicable To: ALL MUNICIPAL EMPLOYEES

Issued By: NORTH HERO SELECTBOARD

Approved By: NORTH HERO SELECTBOARD

PURPOSE AND POLICY STATEMENT

As an employer, the Town of North Hero is responsible for maintaining safe, efficient working conditions for its employees by providing a drug-free workplace. Therefore, municipal employees shall not engage in the unlawful manufacture, distribution, possession or use of controlled substances (drugs) on the job or on any municipal work site.

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.

DEFINITIONS

Controlled Substance: as used in this policy shall mean a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined in regulation at 21 CFR 1300.11-1305.15.

Conviction: means a finding of guilt (including a plea of nolo contendere) or imposition or sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

Criminal Drug Statute: means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use of possession of any controlled substance.

Illegal Drug: any drug which is not legally obtainable, or which is legally obtainable, but has not been legally obtained. The term includes prescribed drugs not legally obtained and not being used for prescribed purposes.

Legal Drug: includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

Under the Influence: means, for the purpose of this policy, that the employee is noticeably affected by a drug.

Workplace: is defined to include non-municipally owned property which is used in the conduct of municipal business, including property used temporarily for business related purposes, such as lodging sites rented for seminars, training, or other municipal activities.

Policy: DRUG-FREE WORKPLACE

## APPLICABILITY AND GENERAL POLICY CONDITIONS

The following conditions shall be applicable to all employees of the Town of North Hero:

1. Employees shall be required, as a condition of their employment, to abide by the terms and conditions of this Drug-Free Workplace Policy.
2. 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.
3. If a convicted employee works in a 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.
4. 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.
5. 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.
6. 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 to 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.
7. An employee not convicted under any criminal drug statute, but who engages in the illegal manufacture, distribution, dispensation, possession or use of controlled substances in any municipal workplace while on or off duty, or on duty away from the workplace, shall be subject to the discipline up to and including dismissal for the first occurrence. An employee engaging in such actions while off duty and away from the workplace may be subject to discipline, up to and including dismissal, including for the first offense, provided there is a nexus to the employee's job and just cause for the discipline.
8. 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, may be temporarily relieved from duty pending further investigation.
9. If the use of legal drugs endangers safety, management may (but is not required to) reassign work on a temporary or permanent basis.

### Policy: DRUG FREE WORKPLACE

10. Employees must observe other work rules established by their employing departments regarding the use, possession or presence of drugs involving their employment.

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

### USE OF DRUGS

Legal Drugs: For certain positions, the legal use of a drug can pose a significant risk to the safety of the employee or others. Employees who feel or have been informed that the use of such a drug may present a safety risk, are to report such drug use to their immediate supervisor.

Illegal Drugs: The use, sale, purchase, transfer or possession of an illegal drug by an employee while in a municipal facility, while performing municipal business, or while on the job is prohibited. Being under the influence of any illegal drug while conducting municipal business, while on municipal property or in a municipal facility, or while operating any municipal equipment is prohibited. Misuse of prescription drugs is considered to be the illegal use of drugs. This includes both the use of such drugs in a manner inconsistent with the prescribed use and any use of prescription drugs by persons for whom they are not prescribed.

### RESPONSIBILITIES

Employer: It is the responsibility of each municipal Supervisor/Manager to advise each employee of this policy; to post the policy annually at each worksite; to include a copy of this policy in each new employee's orientation.

Employee: It is the responsibility of each employee to be aware of and to abide by this policy.

Administration: It is the responsibility of the North Hero Selectboard to ensure that manager, supervisors and employees receive training and orientation regarding the implementation of this policy.