

**TOWN OF CLARENDON  
VERMONT**

**PERSONNEL POLICY**

UPDATED JULY 1, 2021

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## **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 of Title 24, Vermont Statutes Annotated, sections 1 121 and 1122.

Employment with the Town of Clarendon is not for any definite period or succession of periods, and may be terminated at will either by the employee or by the Town at any time without notice and without cause. All employees serve at the pleasure of the Select Board. 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 terminate any benefit or policy stated herein at any time.

## **II. PERSONS COVERED**

These rules and regulations shall be applicable to all persons employed by the Town of Clarendon and other designated by the Board, except as otherwise noted, 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. Elected Officials shall be subject to these rules and regulations where expressly noted.

## **III. EQUAL EMPLOYMENT OPPORTUNITY**

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

## **IV. ADMINISTRATION**

These rules and regulations shall be administered and interpreted solely by the Select Board. Amendments to these Personnel Rules shall be by resolution of the Select Board.

## **V. RECRUITMENT**

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 Clarendon at the option of the Select Board.

As part of the pre-employment procedure, former supervisors, employers, and references provided by applicants shall be contacted and references documented, if feasible.

At the option of the Select Board, full time and/or part time positions may be posted and advertised as deemed appropriate based on the needs of the town.

## **VI. SELECTION**

All appointments to positions in the service of the Town of Clarendon shall be made based on merit and all other relevant factors. Education, experience, aptitude, knowledge, skills, seniority, character, physical ability (where necessary for the essential functions 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.

## **VII. EMPLOYEE CLASSIFICATION / PROBATIONARY PERIOD**

### A. Employee Categories:

Because of varying requirements occasioned by different community needs, local conditions, etc., we cannot set forth a single standard workday or workweek applicable to everyone. Therefore, the normal working hours for your job and your location shall be explained to you by your Supervisor.

For the purpose of eligibility in town benefits, the town classifies all employees in seven categories. Elected Officials and their appointees are also subject to these benefit eligibility rules:

#### 1. Regular Full -Time:

An employee who is regularly scheduled to work full-time (40 hours) on a regular basis with an established and ongoing set of job duties. These employees are eligible to participate in all town benefit programs.

#### 2. Regular Part - Time:

An employee who is regularly scheduled to work at least 27 hours per week but less than 40 on a regular basis with an established and ongoing set of job duties. These employees are eligible to participate in all town benefit programs. Holiday, vacation, and sick leave are pro-rated in relationship to scheduled hours.

#### 3. Part Time:

An employee who is regularly scheduled to work less than 27 hours per week on a scheduled basis. These employees are not eligible to participate in town benefit programs but will accrue sick time if time worked is at least 18 hours a week on average based on 52 weeks per year.

#### 4. Temporary:

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An employee working full-time or part-time for a limited and specified period of time or the duration of a specific project. These employees are not eligible to participate in town benefit programs, but will accrue sick time if more than 20 weeks per year are worked and the individual works at least an average of 18 hours per week based on 52 weeks per year as well as any other benefits as required by law.

5. 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 Department Head with the approval of the Selectboard in accordance with these rules for a period not to exceed sixty (60) days. Such appointees shall not be eligible for employee benefits except as required by law.

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.

All appointments shall serve at the pleasure of the Selectboard.

B. Probationary Period

All new hires shall have a probationary period of ninety (90) days. A Department Head may extend the probationary period with the written approval of the Selectboard. The total probationary period shall not exceed twelve (12) months. One month prior to the end of the probationary period, the Department Head shall submit a report to the Selectboard, carefully reviewing the work of the new employee. New employees shall be paid at a probationary rate during this period. The Administrative Assistant's position probationary rate of pay will be at the discretion of the Select Board. During the probationary period, the Department Head may remove an employee, with the approval of the Selectboard. An employee terminated during the probationary period is not entitled to pretermination notice as set forth in Section X (B), below, or to the Grievance and Appeals Procedures in Sections XI and XII, below.

C. Physical Examination

All 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 a conditional offer of employment has been made. Award to a position may be conditioned on the 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 be placed in the employee's confidential personnel file.

D. Proof of Eligibility to Work

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All new town employees must provide the Select Board with proof that the individual may lawfully work in the United States in conformance with federal law. Failure to provide such proof shall result in non-hiring or immediate dismissal.

## **VIII. PROMOTIONS**

### A. Promotion Policy

In the case of the Town's Road Crew, in the absence of the Road Commissioner, a temporary upgrade by the senior crew member will take place with an hourly pay upgrade to that of the Road Commissioner. If the senior crew member chooses not to accept the upgrade, the next senior person on the road crew may be temporarily upgraded. The person temporarily upgraded will assume the authorities and responsibilities of the Road Commissioner and note temporary upgrade on their timesheet.

## **IX. EVALUATIONS**

All regular full-time employees of the Town of Clarendon 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 or 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 Select Board.

Any annual evaluation with a rating of less than satisfactory, see Section VII B. Improved performance and subsequent evaluation can result in the probationary status concluding. Failure to improve during the probationary period may result in further discipline or termination.

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

## **X. DISCIPLINE AND DISCHARGE**

### A. Employee Actions or Inaction Resulting in Discipline and/or Discharge

The Select Board may discipline or dismiss an employee whenever in its opinion dismissal is warranted. Reasons for discipline or dismissal may include, but are not limited to: not meeting performance expectations, insubordination, use, possession, 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, abuse of sick leave, failure to request leave in advance, leaving without

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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, willful damage to Town property or falsifying work records causing personal or property damage, or use of abusive language toward a superior, a coworker, or the general public. This is not exhaustive and is by way of example only.

Other violations of Town work rules or these Personnel Rules or employee actions or inaction including those listed as follows shall result in a verbal or written reprimand, suspension with or without pay or dismissal.

#### B. Pretermination Notice When Discharge is Considered

When the discharge of an employee is considered, an employee may be suspended with or without pay from work pending an investigation. Before being discharged, the Selectboard shall conduct a pretermination hearing to afford due process to the affected employee in accordance with the following procedures:

1. The employee shall be given 72 hours advance written notice of the hearing, written notice of the charges against him/her, a summary of the evidence and the level(s) of discipline under consideration.
2. At the hearing the employee shall have the opportunity to present his/her side, and may be represented at his or her own expense.
3. If discharged or otherwise disciplined, the employee will receive a written statement of the reasons.
4. If the employee wishes to appeal the decision made by the Selectboard, he/she may do so in accordance with the Appeal Procedure set forth in Section XI, below.

#### C. Oral and Written Reprimands

Written records of an oral reprimand shall be entered in the employee's personnel folder. If he/she so decides in his/her discretion, the Department Head may issue a written reprimand to the offending employee with a copy to the Select Board for informational purposes. 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 reprimand signed by the Department Head and conference witness shall be entered in the employee's personnel folder.

#### D. Suspension With or Without Pay

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If he/she so decides in his/her discretion, the Department Head/Select Board may suspend an employee with or without pay. 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 with a copy to the Select Board for information purposes. Deductions for salaried employees who are exempt from the overtime provisions of the Fair Labor Standards Act are permissible when the employee is absent from work for one or more full days for personal reasons other than sickness or disability; to offset amount employees receive as jury or witness fees, or for military pay; for penalties imposed in good faith for infractions of safety rules of major significance; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.

## **XI. APPEAL PROCEDURE**

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 Select Board in the following steps:

- A) If a hearing is requested, the Select Board shall hold a hearing as requested by employee, within three (3) weeks of receipt of employee's written request for a hearing.
- B) 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.
- C) The Select Board shall make its decision and inform the appellant within seven (7) days.
- D) If the action of the Select Board is in favor of the employee in whole or in part, he or she shall be restored to his or her original position with or without full back pay for the period since dismissal or suspension. The Select Board can also reduce the disciplinary action as it deems appropriate.

The decision of the Select Board shall be final.

## **XII. GRIEVANCES**

### **A. Policy**

It is the intent of the Town of Clarendon 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 X.



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**B. Procedure**

A) An employee who believes that inequitable treatment has been received because of some conditions of employment may personally or through a representative 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 Department Head.

B) If the employee feels that the grievance has not been satisfactorily adjusted by the Department Head, he or she may present it to the Select Board for consideration.

**XIII. CONDUCT OF EMPLOYEES**

**A. Hours of Service**

With the approval of the Select Board, 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 Select Board 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 Select Board.

**C. Attendance**

No employee of the Town of Clarendon 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 Select Board for action. Any such absence may be subject to disciplinary action by the Department Head. Any non-exempt employee who shall absent himself or herself without authorization shall forfeit all compensation for the period of such absence and other disciplinary action. For proper cause, Department Heads 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 public office in the Town of Clarendon. This rule is not to be construed to prevent a town employee from becoming or

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continuing to be a member of any political party or from attending political meetings or signing petitions or supporting any candidate for public office or any political cause solely in the employee's private and personal capacity.

E. Receipt of Gifts

No person in the service of the Town of Clarendon shall either directly or indirectly give, render, pay or receive any service or other valuable thing for or on account of or 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 Department Head. Failure to report such gifts or gratuities, or offer thereof, may present grounds for discipline. The Department Head shall, in turn, inform the Select Board of all gifts and/or gratuities offered, or-received by the department whether individual or collective. The Select Board will decide whether or not such gifts and/or gratuities may be accepted.

F. Contracts

No elected or appointed officer or employee of the Town of Clarendon 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. See Purchasing Policy for more information on the bid process.

G. 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 to the Select Board of the employee's intention to resign and if other circumstances of the termination are such as to justify good standing. All notices will be in writing and signed by that employee.

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

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,

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pregnancy, genetic information, crime victim or 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 based on a person's race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, crime victim or 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 of harassment or for cooperating in an investigation of harassment.

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.

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

Katie Nop, Administrative Assistant- [clarendonadmasst@comcast.net](mailto:clarendonadmasst@comcast.net), (802)-775-4274 opt. 3

OR

Heidi Congdon, Treasurer- [clarendontreas@comcast.net](mailto:clarendontreas@comcast.net), (802)-775-4274 opt. 2

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

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affected in employment with the Town as a result of bringing a complaint of unlawful harassment.

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

Civil Rights Unit  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609-1001

Tel: (802) 828-3657 (voice)  
(888) 745-9195 (Toll Free VT)  
(802) 828-3665 (TTY)  
Fax: (802) 828-2154

Email: [ago.civilrights@vermont.gov](mailto:ago.civilrights@vermont.gov)

Online: <http://ago.vermont.gov/about-the-attorney-generals-office/divisions/civil-rights/>

Equal Employment Opportunity Commission  
JFK Federal Building  
475 Government Center  
Boston, MA 02203

Tel: 1 (800) 669-4000 (voice)  
1 (800) 669-6820 (TTY)  
1 (844) 234-5122 (ASL Video)  
Fax: 617-565-3196

Email: [info@eeoc.gov](mailto:info@eeoc.gov)

Online: [www.eeoc.gov](http://www.eeoc.gov)

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.

## **XV. SEXUAL HARASSMENT**

Sexual harassment in the workplace is illegal under federal and Vermont law and is strictly prohibited. The Town is committed to providing a workplace free from this unlawful conduct. All employees have the right to work without being subjected to insulting, degrading or exploitative treatment on the basis of their gender. It is against the policies of the Town for any individual, male or female, to sexually harass another individual in the workplace. In accordance with 21 V.S.A. § 495h, the Town has adopted the following sexual harassment policy. All employees are required to read this policy before signing the employee acknowledgement form.

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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.

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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:

Katie Nop, Administrative Assistant- [clarendonadmasst@comcast.net](mailto:clarendonadmasst@comcast.net), (802)-775-4274 opt. 3

OR

Heidi Congdon, Treasurer- [clarendontreas@comcast.net](mailto:clarendontreas@comcast.net), (802)-775-4274 opt. 2

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.

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

Civil Rights Unit  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609-1001  
Tel: (802) 828-3657 (voice)  
(888) 745-9195 (Toll Free VT)  
(802) 828-3665 (TTY)  
Fax: (802) 828-2154  
Email: [ago.civilrights@vermont.gov](mailto:ago.civilrights@vermont.gov)  
Online: <http://ago.vermont.gov/about-the-attorney-generals-office/divisions/civil-rights/>

Equal Employment Opportunity Commission  
JFK Federal Building  
475 Government Center

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Boston, MA 02203  
Tel: 1 (800) 669-4000 (voice)  
1 (800) 669-6820 (TTY)  
1 (844) 234-5122 (ASL Video)  
Fax: 617-565-3196  
Email: [info@eeoc.gov](mailto:info@eeoc.gov)  
Online: [www.eeoc.gov](http://www.eeoc.gov)

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.

#### **XVI. HOSPITALIZATION, MEDICAL, AND DENTAL INSURANCE**

A) A regular full-time, regular part-time, or eligible [must work 27 hours minimum a week] elected official is eligible for complete group health coverage as then offered by the town upon hire or during the annual open enrollment period. Application to enroll in this plan must be made through the Town's Plan Administrator.

B) All regular full-time or regular part-time Town of Clarendon employees and qualified elected officials are eligible to participate in the Dental Group Insurance Program as maybe offered by the Town.

C) The Town's Group Health and Dental Insurance Plans are subject to change, amendment and/or termination at any time.

#### **XVII. RETIREMENT**

The Town of Clarendon participates in the Social Security Program and all employees are required to participate in this program. In addition, for any person who is regularly employed as follows: 24 or more hours per week and 1040 hours a year will be enrolled in the Vermont Retirement System. At the time of employment, the employee will be required to fill out a "Notification of Employment" form which will be provided by the Payroll Officer. The employee will be asked on this form to designate the plan they wish to participate in from among those currently being offered by the Town. While said Retirement Plan is in effect, an employee is eligible for a normal retirement benefit at age 65. However, an employee with at least five (5) years of Vesting Service may retire any time after age 55 with a benefit, which is actuarially reduced, for early commencement. Application and full details can be obtained from the Town Treasurer. The terms and conditions or any retirement benefit are governed by the terms of the plan document and applicable law.

#### **XVIII. EMPLOYEE LEAVE**

##### A. Sick Leave

For the purposes of this section of the policy, the following definition shall apply: "eligible employee" means an employee or an elected official of the Town who: (a) is age 18 or older; (b) works an average of 18 or more hours per week during the year;

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and (c) is expected to work more than 20 weeks in a 12-month period. This definition includes newly-hired employees and those who are still in their probationary period of employment. This definition does not include an individual who: (i) works on a per diem or intermittent basis; (ii) works only when he or she indicates that he or she is available to work; (iii) is under no obligation to work for the Town; and (iv) has no expectation of continuing employment with the Town.

Eligible employees will earn one hour of paid sick leave for every fifty-two hours worked by that employee. Such leave will be awarded to employees in a lump sum at the beginning of the annual period.

The number of hours of leave that an eligible employee may accrue in a 12-month period is limited to forty hours.

An employee may take sick leave during his/her probationary period.

Eligible employees may use paid leave in increments no smaller than one hour.

An employee may use sick leave for the purposes below:

- The employee is ill or injured.
  
- The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.
  
- The employee cares for a sick or injured parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment, or accompanying the employee's parent, grandparent, spouse, or parent-in-law to an appointment related to his or her long-term care.
  
- The employee is arranging for social or legal services or obtaining medical care of counseling for the employee or the employee's parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, who is a victim of domestic violence, sexual assault, or stalking or who is relocating as the result of domestic violence, sexual assault, or stalking. As used in this section, "domestic violence," "sexual assault," and "stalking" shall have the same meaning as in 15 V.S.A § 1151.
  
- The employee cares for a parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, because the school or business where that individual is normally located during the employee's work day is closed for public health or safety reasons.

Leave may also be used for any appointment or event authorized in advance by the Department Head.



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Employees must provide notice as soon as practicable of the intent to use earned sick time and the expected duration of employee's absence. Employees must make reasonable efforts to avoid scheduling routine or preventive health care or other appointments during the regular work hours.

Compensation for use of paid leave will be at the employee's regular rate of pay.

Use of this paid leave does not diminish the rights that an employee may have under the Vermont Parental Family Leave Act, 21 V.S.A § 470.

The Department Head and employee may by mutual agreement arrange for the employee to work additional hours during the same pay period to avoid the use of and payment for earned sick time.

Employees' accrued; unused sick leave will not carry over at the end of the year into the next 12-month period.

The Town will not compensate eligible employees for unused sick leave at the time of separation from employment.

#### B. Funeral Leave

In case of death in the immediate family, an employee is allowed time off up to three (3) days for the purposes of attending the funeral or handling matters connected to the funeral without loss of regular wages. Immediate family shall consist of employee's spouse/civil union partner, children, sibling, aunt, uncle, niece, nephew, parent and grandparents of the employee or the employee's spouse/civil union partner.

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 Department Head may grant, on a case-by-case basis, the use of a reasonable amount of accrued sick leave, if available, or, if not, 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.

Funeral leave does not accrue and thus, when not used, is not carried forward into the next year for compensated upon separation from employment.

#### C. Leaves of Absences

##### 1) General Policy

The following types of leaves are officially established: holiday, vacation, sick leave, injury leave, death in the family, leave without pay, and in the case of salaried personnel, compensatory leave (time off in lieu). All leaves may be granted by the Department Head in

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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 Payroll Clerk who is the official timekeeper.

## 2) Leave of Absence Without Pay

A leave of absence without pay may be granted to full and part time employees for periods up to six months for personal reasons, such as attending to family matters, child rearing, illness, or disability without loss of seniority or position.

Before approving or denying a leave request, the Select Board considers the Town's operating needs and the employee's needs, job performance, and length of service.

## 3) Processing the Leave Request

i. The request is to be submitted in writing to the immediate supervisor that specifies the length of the leave, not to exceed six months, the dates, and the reason for the proposed leave.

ii. The immediate supervisor must forward copies of the leave request to the Select Board, via the Select Board's Administrative Assistant. Questions concerning the handles of requests for leave should be referred to the Administrative Assistant at 802-775-4274, opt. 3.

## 4) Benefits Continuation

During personal leaves without pay, there is no accrual of vacation or paid time off days.

The employee's current coverage will automatically continue for medical and dental benefits during the leave unless the individual contacts the Administrative Assistant within thirty days of when the leave begins. The Town will continue to cover the cost of said benefits for thirty days from state of the approved leave. After thirty days, if the coverage continues, the employee will be billed directly at full cost, on an after-tax basis for these benefits for the remainder of the allowed six-month leave. It is the employee's responsibility to contact their supervisor when they will be returning to work, at which time all benefits will be automatically reinstated from the date of return.

## D. Holidays

The following holidays shall be official holidays together with any other day so proclaimed by the Select Board:

New Year's Day  
Martin Luther King Jr. Day  
Memorial Day  
Independence Day  
Labor Day  
Veterans Day

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Thanksgiving Day  
Christmas Day

Transfer Station -when holidays fall on a workday employees will be paid.

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 to be paid at regular pay.

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

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

Non-exempt full-time employees or regular part-time employees wishing to observe religious holidays or take time off for bona fide religious observances shall, at their option, be given time off without pay or have the time charged to their vacation.

#### E. Personal Days

Six personal days per year shall be granted to each full-time employee who shall be compensated for these days as though he/she worked a normal working day. These six personal days off must be approved by the Department Head twenty-four hours in advance unless approved otherwise.

Personal days shall not be carried over at the end of the calendar year.

#### F. Vacation

Annual vacation leave, based on continuous service, shall be granted on the following basis for all full time and regular part time employees:

After one (1) year	One (1) week
After three (3) years	Two (2) weeks
After seven (7) years	Three (3) weeks
After twenty (20) years	Four (4) weeks

One week is the equivalent of one regular workweek and represents the number of days and hours which the employee normally works each week. Vacation will begin to accrue one year from employee hire date to be allocated at the beginning of the calendar year. All employees are encouraged to take their vacation leave annually; if unused, a maximum of one week may be paid in lieu of vacation. Upon termination, an employee may be paid for accrued vacation not to exceed a total of fifteen (15) days.

Regular part-time employees will receive prorated vacation leave based on the average number of hours worked per week. If unused, a maximum of one week maybe paid in lieu of

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vacation. Vacation will be scheduled at the discretion of the Department Head upon consultation with the employee.

#### G. 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.

#### H. Military Leave

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

### **XIX. PAY PLAN**

In accordance with the provisions of the Fair Labor Standards Act, as amended, it shall be the policy of the Town of Clarendon 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. It is the responsibility of every employee who is paid an hourly wage to figure his/her hours worked and mark it on his/her time card at the end of the work week and submit it to his/her Department Head for approval. The employee is responsible for the accuracy of his/her time sheet to include upgrades or notification of upgrades etc. No employee may work over forty (40) hours in a given week without the authorization of his/her supervisor.

The Road Crew, including temporary Road Crew employees, are to be paid time and a half if more than 40 hours are worked in a given week (see 40-hour work week attachment) and an additional amount per day as incentive pay to be on call during the snow season, defined as 120-day period from December 1-March 31. This amount shall be determined annually by the Select Board (see Snow Day Pay attachment). Road Crew members must report to the Road Commissioner if they are unavailable. If Road Crew member is unavailable for on call duties during the aforementioned period, they will not receive Snow Day Pay for that day(s).

The Road Crew, including temporary Road Crew employees, are to be paid time and half after normal reporting hours of 6AM-2PM unless otherwise specified by the Road Commissioner.

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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.

#### A. Pay and Benefit Package

At the discretion of the Select Board and dependent upon financial condition of the Town, pay increases may be based on the following:

1. Cost of Living
2. Merit
3. Length of Service

Or any combination thereof.

Each year pay levels may be set based on supporting documentation (cost of living information, performance, evaluations, etc.) and with voter approval of the budget, by the Board of Selectmen.

#### B. Uniform Stipend

Only full-time Road Crew employees are eligible for this stipend. The Select Board shall set the amount of the stipend each fiscal year during regular budget meetings. The amount shall be divided in two equal parts. The first half will be distributed after July 1; the second half will be distributed after January 1. If the amount of the first half was not fully used, it would carry to the second half. There will not be any carry over to the next fiscal year. Clothing pertaining to the job will only be considered. Work boots, work pants, shirts, coats, hats, and gloves are acceptable. Employees must submit a paid receipt to the Road Commissioner for approval, after which he will pass it along to the Treasurer for reimbursement to the employee.

#### C. New Highway Employees Wage

A new highway employee shall start at the wage within a tier level (see Tier Level Attachment), set by the Board of Selectmen and is based on qualifications. After a ninety-day probationary period, pay may or may not be adjusted by the Board of Selectmen and based on the current Road Commissioner's recommendation.

#### D. CDL License Requirements and Drug/Alcohol Testing

New highway employees will be required to have a valid CDL license within 6 months from the date of hire. All members of the Town Road Crew are required to keep a current CDL license at the employees' expense as a condition of employment. The employee will provide the town with a copy of the Certificate of Qualification signed by the physician for the town's personnel files. The Town will pay the insurance co-pay on the physical required for the CDL licenses.

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All employees required to have a CDL as a condition of employment are subject to the Town's Drug and Alcohol Policy for CMV Operators, which will be given to all new hires and will be available at the Town Office.

## **XX. 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.

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 Select Board, 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., be and 1742 and 1743, the Town of Clarendon 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, and vehicles.

## **XXI. ATTACHMENTS**

Attachment A- 40 Hour Work Week Agreement

Attachment B- Snow Day Pay

Attachment C- Tier System for Highway

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**TOWN OF CLARENDON**

**40 HOUR WORK WEEK AGREEMENT**

Section XIX of the Town of Clarendon's Personnel Policy provides that the town may pay one and one-half times the employee's regular rate of pay for overtime worked in excess of 8 hours in any work day rather than on the individual work week.

This understanding has been reached with employees of the Town of Clarendon

Being aware and understanding the above statement, I agree to be paid based on a 40-hour work week. I understand I will be paid one and one-half (1-1/2) times my regular rate of pay for overtime worked in excess of 40 hours in a 7-day period.

**\*This agreement will be effective only under certain circumstances to be determined at the Road Commissioner's discretion\***

\_\_\_\_\_  
(Effective Date)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

PLEASE CANCEL

\_\_\_\_\_  
(Effective Date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**TOWN OF CLARENDON**

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### **SNOW DAY PAY**

The Road Crew shall be \$13.00 per day December 1 through April 1 for the purpose of being on call during potential snow emergencies. This amount may be reviewed annually by the Board of Selectmen and adjusted at the Selectmen's discretion.

**TOWN OF CLARENDON**



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### **TIER SYSTEM OF PAY**

Initial placement into a tier and subsequent advancement will be based on skill level and/or time and/or performance, and is at the Select Board's discretion. Evaluation of skill level and performance will be based on observation and annual review. All monetary values are per hour.

Tier 1: \$19.00 - \$21.00

Tier 2: \$16.00 - \$19.00

Tier 3: \$12.00 - \$16.00

SIGNED AND APPROVED BY THE CLARENDON SELECT BOARD: