

**Town of Monkton
Personnel Policy**

1) Hiring of Employees

- a) The Town of Monkton is an equal opportunity employer. The Town of Monkton does not discriminate on the basis of race, color, political or religious affiliation, national origin, sex, sexual orientation, place of birth, age or physical or mental condition.
- b) The Selectboard shall advertise vacancies when they occur by posting notices at the Monkton General Store, Monkton Town Hall and in the paper of record at least two weeks prior to considering application unless:
 - i) The vacancy can be filled by promotion.
 - ii) The vacancy can be filled by application on file.
 - iii) Due to an emergency, the vacancy must be filled on a temporary basis immediately.
- c) Persons seeking employment with the Town of Monkton may complete an application and file it in the Town Clerk's office. Applications will remain on file for two years.
- d) The Select Board alone is responsible for hiring all Town employees.

2) Employment Classifications

- a) Full-time employees are those who are not in a temporary or probationary status and who are regularly scheduled to work at least forty (40) hours per week.
- b) Part-time employees are those who are not in a temporary or probationary status and who are regularly scheduled to work less than thirty (30) hours per week.
- c) Temporary employees are those who are hired to temporarily replace regular employees, who are unavailable, or to temporarily supplement the Town's workforce, or to assist in the completion of a specific project. Temporary employees will be hired by the Select Board on an as needed basis.

3) Hours of Employment:

- a) Full time hours of employment for the Highway Department shall be forty regular hours per week minimum. Overtime hours (hours in excess of forty hours per week) will be assigned by the supervisors as they are needed. The supervisor will make a reasonable effort to allocate overtime hours in a fair and equitable manner among the full-time employees of the Highway Department. Overtime pay is equal to one and one half times the regular hourly rate. All town employees are required to take a one half hour lunch break without pay.
- b) Employees will receive a minimum 2 hour emergency call out pay (time begins upon arrival to Town Shed).

c) All full time Highway Department employees are "on call" from November 1 through April 1.

4) Holidays:

a) The town recognizes seven paid holidays for all full time employees:

i) New Year's Day

ii) Labor Day

iii) Memorial Day

iv) Thanksgiving Day

v) Independence Day

vi) Christmas Day

vii) Floating holiday

b) If a full time employee works on a holiday, they will be paid at the overtime rate unless a regular work day has been traded for the holiday.

5) Vacation:

a) Each full time employee shall earn, after the probationary period, one day per month of vacation time up to a maximum of five days per year. After two years of employment, each full-time employee shall earn ten days per year. After ten years of employment, each full-time employee shall earn fifteen days, maximum, per year.

b) Vacation time must be taken in the calendar year in which it was earned. One week (5 days) may be carried over into ensuing year to be used by September 1 and cannot be accumulated. Any vacation time not used will be lost and not paid for by the Town unless approved by the Select Board.

c) Approval of any vacation requested during this time will be at the discretion of the employee's supervisor.

6) Sick Leave:

a) Each employee shall earn five (5) days of paid sick leave per year, non-accumulative. Sick leave may be used only for actual sickness or injury of the employee, and employees will not be paid for any unused sick leave.

7) Personal Time

a) There are no provisions for paid personal time in this policy except that all full-time road crew employees are afforded five (5) days per year (non-accumulative) to compensate them for being 'on call' from November 1 through April 1. Personal days may be used in a minimum of one-half day (4 hour) increments. Employees are requested to give as much notice as possible prior to using paid personal time, in order to allow for necessary scheduling.

8) Insurance:

- a) Medical insurance - Each full time employee is provided medical insurance as determined by the Select Board.
- b) Disability insurance - Each full time employee is provided disability insurance as determined by the Select Board.
- c) Life insurance - Each full time employee is provided life insurance as determined by the Select Board.

9) Job Performance and Promotions

- a) Each full-time or part-time employee is hired subject to a six month probationary period during which the employee's job performance will be examined and evaluated. Following successful evaluation, a probationary employee will become a regular employee of the Town of Monkton.
- b) All employees of the Town of Monkton, whether regular or temporary, full-time or part-time, will have their job performance evaluated by their Supervisor at least once a year.
- c) The Town of Monkton is committed to filling vacancies with the best applicant available. Preference will be given to existing employees.
- d) Promotion in every case must involve an increase in duties and responsibilities and shall not be made merely for the purpose of causing an increase in compensation.

10) Resignations

- a) Employees are encouraged to give at least two weeks' notice if they intend to resign.

11) Employee Discipline and Discharge:

- a) The Town of Monkton provides public services to its residents. The Town makes every effort to provide services to its residents in the most effective and efficient manner possible. In order to achieve this goal, it is necessary that all town employees perform their jobs in the most effective and efficient manner. Any action or inaction of a town employee which constitutes anything less than satisfactory job performance will result in discipline and/or discharge of the employee.

12) Employee Actions or Inactions Resulting in Discipline/Discharge:

- a) Employment with the Town of Monkton is employment at will. The Select Board, in its discretion, may dismiss or discipline any employee as, in the judgment of the Select Board, it is appropriate to do so. Discipline of an employee shall include oral or written warnings of unsatisfactory performance, placement of a written warning in the employee's personnel file, temporary suspension without pay, dismissal, and other appropriate actions as determined by the Select Board.
- b) It is not possible to list all forms of behavior that are considered unacceptable in the work place. The following are examples of behavior that may result in discipline or dismissal of any employee by the Town of Monkton: inefficiency or incapacity of job

performance, insubordination, use of or being under the influence of drugs or alcohol while on duty, falsification of application forms, fighting on duty, misconduct, sexual harassment, convictions of offenses against the law which would affect the employee's performance or ability to perform their duties, the careless or negligent operation of Town or personal vehicles or equipment while on duty, actions which result in serious personal injury or property damage, abuse of sick leave, failure to request leave in advance, leaving work without permission, unexcused absences, chronic absenteeism, unexcused or excessive lateness, carelessness, negligence, dereliction, horseplay, theft, sleeping on duty, disregard for safety, willful damage to Town property, possession of firearms or dangerous weapons on duty without the supervisor's permission, and falsifying work records.

- c) The Select Board may, in its discretion, impose employee discipline up to, and including, dismissal, as the Select Board determines is appropriate. There is no requirement that discipline be progressive; if the Select Board finds it appropriate, an employee may be terminated for an offense without having received warnings or other discipline prior to termination.
- d) In the event of termination of a regular (full-time or part-time) employee, the employee shall be entitled to the following process:
 - i) Following his or her termination, the employee may request an opportunity to be heard by the Select Board. Any such request shall be in writing, addressed to the Chair of the Select Board, and shall be made within seven (7) calendar days of the date of termination. Upon receipt of any such request by the Select Board, the Select Board shall notify the terminated employee of the date on which the Select Board will give the terminated employee an opportunity to be heard. On that date, the terminated employee shall have the right to address the Select Board to present his or her concerns for a reasonable amount of time and shall have the right to bring witnesses who have personal knowledge of the matter at issue to address the Select Board on behalf of the terminated employee. Following the employee's opportunity to be heard, the Select Board shall determine whether to overturn or uphold the employee's termination. The decision of the Select Board shall be final, and the Select Board shall notify the terminated employee by first class mail of its decision within a reasonable time following the opportunity to be heard. This procedure following termination is not available to probationary employees or temporary employees.

13) Sexual Harassment Policy:

- a) It is against the policies of the Town of Monkton, and illegal under state and federal law, for any employee, agent, or representative of the Town of Monkton, at any time that such employee, agent, or representative is employed by or acting on behalf of the Town of Monkton, to sexually harass any person. The Town of Monkton is committed to providing a workplace free from such unlawful conduct. It is a violation of this policy for a Town of Monkton employee, agent, or representative to engage in sexual harassment.

- b) What is "sexual harassment"?
- i) Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
 - (1) submission to that conduct is made either explicitly or implicitly a term or condition of employment or of obtaining or receiving services from the Town;
 - (2) submission to or rejection of such conduct by an individual is used as a component of the basis for decisions affecting that individual;
 - (3) the conduct has the purpose or effect of substantially interfering with an individual's performance or creating an intimidating, hostile, or offensive environment.
- c) Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:
- i) either explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts) or provision or delivery of Town services on the provision of sexual favors;
 - ii) touching or grabbing a sexual part of a person's body;
 - iii) touching or grabbing any part of a person's body after that person has indicated, or it is known, that such physical contact was unwelcome;
 - iv) continuing to ask a person to socialize on or off-duty when that person has indicated s/he is not interested;
 - v) displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known the behavior is unwelcome;
 - vi) continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
 - vii) 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;
 - viii) 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;
 - ix) 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.);
 - x) derogatory or provoking remarks about or relating to a person's sex or sexual orientation;

- xi) harassing acts or behavior directed against a person on the basis of his or her sex or sexual orientation;
 - xii) off-duty conduct which falls within the above definition and affects the work environment.
- d) What the Town will do if it learns of possible sexual harassment.
- i) In the event the Town receives a complaint of sexual harassment, or otherwise has reason to believe that sexual harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. The Town is committed, and required by law, to take action if it learns of potential sexual harassment, even if the aggrieved person does not wish to formally file a complaint. Every employee, representative, and agent is responsible for promptly responding to, or reporting, any complaint or suspected acts of sexual harassment. Report should be made to the Board of Selectmen, or in the event the complaint is about a member of the Board of Selectmen, to the Chairperson of the Board of Civil Authority. Failure to appropriately report or address such sexual harassment complaints or suspected acts shall be considered to be in violation of this policy.
 - ii) Care will be taken to protect the identity of the person with the complaint and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation. It shall be a violation of this policy for any employee, representative, or agent who learns of the investigation or complaint to take any retaliatory action which affects the working environment of any person involved in this investigation.
 - iii) If the allegation of sexual harassment is found to be credible, the Town will take appropriate corrective action. The Town will inform the complaining person and the accused person of the results of the investigation and what actions will be taken to ensure that the harassment will cease and that no retaliation will occur. Any employee, representative, or agent who has been found by the Town to have sexually harassed a person in violation of this policy will be subject to sanctions appropriate to the circumstances, ranging from a verbal warning up to and including dismissal.
 - iv) If the allegation is not found to be credible, the person with the complaint and the accused person shall be so informed, with appropriate instruction provided to each, including the right of the complainant to contact any of the state or federal agencies identified in this policy notice.
- e) What you should do if you believe you have been harassed.
- i) Any person who believes that she or he has been the target of sexual harassment, which is in violation of this policy, or who believes she or he has been subjected to retaliation for having brought or supported a complaint or harassment, is encouraged to directly inform the offending person or persons that such conduct is

offensive and must stop. If the person does not wish to communicate directly with the alleged harasser or harassers, or if direct communication has been ineffective, then the person with the complaint is encouraged to report the situation as soon as possible to the Board of Selectmen, or if the complaint concerns a member of the Board of Selectmen, to the Chair of the Board of Civil Authority. It is helpful to an investigation if the person making the complaint of sexual harassment keeps a diary of events and the names of people who witnessed or who were told of the harassment, if possible.

- ii) If the complainant is dissatisfied with the Town's action, or is otherwise interested in doing so, she or he may file a complaint by writing or calling any of the following state or federal agencies:
 - (1) Vermont Attorney General's office, Civil Rights Unit, 109 State Street, Montpelier, VT 054602, tel: (802) 828-3171 (voice/TDD). Complaints should be filed within 300 days of the adverse action.
 - (2) Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114, tel: (617) 565-3200 (voice), (617) 565-3204 (TDD). Complaints must be filed within 300 days of the adverse action.
 - (3) Vermont Human Rights Commission, 133 State Street, Montpelier, VT 05633-6301, tel: (802) 828-2480 (voice/TDD). (Only if you are employed by a Vermont state agency.) Complaint must be filed within 360 days of the adverse action.
 - iii) Each of these agencies can conduct impartial investigations, facilitate conciliation, and if it finds that there is probably cause or reasonable grounds to believe sexual harassment occurred, it may take the case to court. Although a person is encouraged to file their complaint of sexual harassment through the Town's complaint procedure, a person is not required to do so before filing a charge with these agencies.
 - iv) In addition, a complainant also has the right to hire a private attorney, and to pursue a private legal action in state court within 3 or 6 years, depending on the type of claims raised.
- f) Where can I get copies of this policy?
- i) A copy of this policy will be provided to every full-time employee of the Town of Monkton, and to the Chair of every board, commission, committee, or other group acting on behalf of the Town of Monkton, and extra copies will be available in the Town Clerk's office.
 - ii) Reasonable accommodations will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment, upon advance request.

14) Effective Date.

- a) This policy shall become effective immediately upon its adoption by the Monkton Selectboard.

Adopted By Town of Monkton Selectboard on 8 day of Aug, 2016









General Information

This personnel policy has been adopted in writing by the Select board of the Town of Monkton for the convenience of the Town of Monkton and its employees. This personnel policy is not an employment contract, nor is it intended to create contractual rights or obligations of any kind. Any portion of this policy may be amended or deleted after review of Select board and input from employees. New policies may be adopted by vote of the select board.