



Town of Georgia Personnel Policy

Town of Georgia
Personnel Policy
Approved XX July 2020

Approved XX
July 2020

Table of Contents

1	Title and Authority.....	3
2	Persons Covered and Not Covered.....	4
2.1	Not covered.....	4
2.2	Covered.....	5
3	Equal Employment Opportunity.....	7
4	Probationary Period	7
5	Conduct of Employees	8
6	Conflicts of Interest	8
7	Hours of Service.....	9
8	Outside Employment.....	10
9	Political activity.....	10
10	Nepotism	11
11	Alcohol and Drug Use	11
11.2	Prohibited Conduct.....	12
11.3	Exceptions.....	12
12	Tobacco Use.....	12
13	Performance Evaluations	13
14	Personnel Records.....	Error! Bookmark not defined.
15	Use of Town Equipment	13
16	Use of Town Computer System	13
16.2	Prohibited Usages	15
17	Public Records.....	15
18	Eligibility for Benefits.....	16
19	Holiday Leave	16
20	Vacation Leave.....	17
20.2	Accrual rates.....	18
21	Sick Leave	18
21.1	Definition.....	18
22	Bereavement Leave	20
23	Parental and Family Leave	21
24	Short Term Family Leave.....	21

Town of Georgia
Personnel Policy
Approved XX July 2020

25	Crime Victim Leave	22
26	Leave of Absence Without Pay	22
27	Military Leave.....	23
28	Jury Leave.....	23
29	Overtime and Compensatory Time Off	23
30	Section 30: Employment Harassment and Discrimination	26
31	Sexual Harassment.....	28
32	Employee Discipline.....	31
33	Employee Termination Process	33
34	Severability	34
35	Attachment A: Personnel Acknowledgement	35
36	Attachment B: Agreement by Independently-Elected Officer to be Bound by Personnel Policy	36

1 Title and Authority

2 This policy shall be known as the Town of Georgia personnel policy. It has been adopted by the Town of Georgia Selectboard pursuant to 24 V.S.A. §§ 1121 and 1122. This policy supersedes and replaces all prior manuals, policies, benefits, and practices of the Town of Georgia [hereafter “the Town” regarding employment and personnel matters.

3 Unless otherwise provided by statute or written contract, employment with the Town of Georgia is at-will and not for any definite period or succession of periods of time. The Town or the employee may terminate employment at any time, for any reason or no reason, with or without notice or cause. This policy is not, and should not, be construed as an express or implied contract and it does not modify any existing at-will status of any Town employee. The selectboard reserves the right to revise, modify, delete, or add to any and all policies, rules or benefits described in this personnel policy for any reason and at any time, with or without notice.

4 This personnel policy will be administered by the Town Selectboard or its authorized representative.

A. Selectboard Administration. Except as otherwise stated herein, these Policies and Rules shall be administered by the Selectboard or its authorized representative(s), and all references herein to the Selectboard shall include such authorized representatives.

B. Library Board of Trustees. With regard to Georgia Public Library employees, the administration of rules and regulations are reserved to the Library Board of Trustees. The Selectboard and Library Trustees may agree to consult regarding such administration and may further agree in writing to Selectboard oversight and handling of matters such as payroll and benefits.

C. Department Heads. For the purposes of administration of these policies and rules, “Department Head” shall be defined as follows unless otherwise designated: The Highway Department Head shall be the Road Foreman; The Department Head of the Municipal Offices, and for employees not covered under another department, shall be the Town Administrator; The Fire and Rescue Department Head shall be the Fire Chief; The Georgia Public Library Department Head shall be the Library Trustee Chair.

D. Resolving Employee Concerns. An employee should present concerns related to these Policies and Rules, or otherwise related to employment with the Town, to their Department Head. If not resolved, the employee may submit to the Selectboard a written request to address such concerns and the Selectboard may in its discretion choose to address the matter.

Drug Testing. All applicants may be required to take a drug test at the expense of the Town after an offer of employment which offer may be made conditioned on a negative test result. All such applicants for a position requiring a CDL license shall be drug tested. All such information shall be shared only as reasonably necessary or as required by law. CDL licensed applicants and employees are required to read and acknowledge they have read the Town's Controlled Substance and Alcohol Testing Policy for Employee-Commercial Motor Vehicle Drivers.

HIRING and EQUAL EMPLOYMENT

A. Selectboard Hiring Authority. Except as specified otherwise herein, only the Selectboard is authorized to appoint employees to work for the Town.

B. Hiring criteria. All appointments to positions in the service of the Town of Georgia shall be made based on merit and competence and the needs of the Town. Education, experience, aptitude, knowledge, skills, character, physical fitness (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 and weighed as appropriate.

C. Equal Employment Opportunity. It is the policy of the Town to provide equal employment opportunities to all persons. The Town does not discriminate against employees or applicants for employment based on race, color, religion, sex, sexual orientation, age, national origin, marital status, disability, veteran status, ancestry, pregnancy, gender identity, place of birth, HIV status, or any other basis recognized under local, state, or federal law ("Protected Bases"). This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, training, compensation, layoff, and termination.

D. Physical Examination. Applicants may be offered positions in which good health or physical ability are required for the essential functions of the job. Any such offer of employment may be conditioned upon a satisfactory physical examination at the expense of the Town.

5 Persons Covered and Not Covered

6 Not covered

7 This policy does not cover elected officials such as the municipal clerk and municipal treasurer who are independent officials answerable only to the electorate and not subject to a municipal personnel policy.

8 By state statute, the municipal clerk must, and the municipal treasurer may appoint assistants. These statutory assistants serve at the pleasure of the municipal clerk or treasurer and may hold office for the duration of the clerk or treasurer's term or until the clerk or treasurer revokes such appointments. These statutory assistants report to the officer appointing them and not to the

Selectboard. Accordingly, though they are compensated by the Town for their work, statutory assistants are not covered by this policy except as noted below.

9 Covered

10 This personnel policy applies to full-time and part-time employees of the Town of Georgia.

11 With a separate written agreement, elected officers and their statutory assistants, members of Town boards and commissions, including the Library Trustees, volunteers, seasonal employees, and persons who provide the Town with services on a contract basis may be covered by this policy. See Attachment A “Personnel Policy Coverage Agreement”.

12 For the purposes of this policy, a full-time employee is an employee who works at least 40 hours per week on a regular and continuing basis. A part-time employee is an employee who works fewer than 34 hours per week on a regular and continuing basis.

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

2.3.1 TYPES OF APPOINTMENTS

A. In General. All the following types of appointments are employment with the Town. All appointed employees are subject to all applicable Town policies and rules pertaining to performance and conduct, including those set out in these Personnel Policies and Rules.

B. Full-Time. A full-time employee works at least 40 hours per week on a continuing basis (indefinite term). Full-time employees receive in full all the benefits the Town provides pursuant to these Personnel Policies and Rules.

C. Student Appointments. Student appointments have the purpose of affording an opportunity to gain actual work experience and provide service to the Town. Such appointments are for a definite period, not to exceed 12 months, and may be paid or unpaid. Student appointees shall not be eligible for benefits.

D. Emergency Appointments. When necessary, appointment of employees on a temporary basis may be authorized by the Department Head with the approval of the Selectboard for a period not to exceed sixty (60) days. Such appointees shall not be eligible for benefits.

E. Permanent Part-time Employees. Permanent part-time employees are employees who work less than 34 hours per week but on a regular basis. Permanent part-time employees working at least 30 hours per week, as well as permanent part-time employees hired on or before January 1, 2014, shall receive benefits on a pro-rated scale, and all other permanent part-time employees shall not be eligible for benefits except as otherwise herein stated. The pro-rated scale for permanent part-time employees is calculated based on the percentage of a 40-hour week the employee works. For example, a 30-hour workweek is 75% of a 40-hour week, and so the employee would receive a 75% benefit level. For group health and dental insurance, a permanent part-time employee must work at least 32 hours per week to be eligible.

F. Part-time and Seasonal Employees. Part-time and seasonal employees are employees who work on a seasonal or irregular basis and are not eligible for benefits.

G. Limited-term Appointments. Limited term appointments are made when a special project requires the appointment of employees for a specific time, or to temporarily fill the position of an employee on a leave of absence. Such employees may receive benefits at the discretion of the Selectboard.

H. Fire and Rescue Department. The Selectboard shall appoint a chief, an assistant chief, and captains of the Fire Department as it deems necessary. Firefighters shall be appointed by the Fire Chief subject to these Policies and Rules and with the prior approval of the Selectboard. Fire and Rescue Department employees are not eligible for benefits and are not permanent part-time employees.

14 Equal Employment Opportunity

15 The policy of the Town of Georgia 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.

16 Probationary Period

17 All new employees will be required to complete a six-month probationary period. The purpose of this probationary period is to determine whether the employee is suited for the job. During the probationary period, an employee may be terminated at any time at the discretion of the department head and Selectboard. Notwithstanding any other provision of this policy, an employee

terminated during the probationary period will have no right to appeal such termination.

A department head may extend the probationary period, with the written approval of the Selectboard, provided the total probationary period shall not exceed twelve (12) months.

Employees may be paid at a probationary rate during this probationary period.

During the probationary period and with the prior approval of the Selectboard, a department head may discharge an employee from employment without observation of any other procedures or employee appeal.

18 Conduct of Employees

19 All employees are considered representatives of the Town of Georgia and as such are expected to conduct themselves in a courteous, helpful, and respectful manner in all their interactions with the public, other employees, and elected and appointed officials.

20 All employees are expected to faithfully execute the duties and responsibilities of their office to the best of their ability and in compliance with the provisions of this personnel policy.

5.2.1 PERSONNEL RECORDS

A. Maintenance and Access. Personnel records will be maintained for each employee of the Town. An employee or employee's designated representative may inspect or copy their own personnel records at a mutually agreeable time during regular office hours. The Town reserves the right to have an authorized representative present at the time its files are examined or copied. Personnel records will be maintained in a secure fashion and shared only to the extent necessary or as required by law.

B. Reference Requests. Except as otherwise required by law, the Town will normally limit its response to a request for personnel information concerning a current or former employee to dates of employment and positions held. Upon receipt of written authorization by the employee, the Town may provide or release further information.

21 Conflicts of Interest

22 Every employee of the Town of Georgia shall carry out their job in a way that ensures that neither the individual employee nor any other employee of the Town will gain a personal or financial advantage from their work for the Town of Georgia and so that the public trust will be preserved. All decisions made by Town employees shall be made based on the best interests of the community at large rather than the interests of any individual or employee.

23 An employee shall not participate in any official action if the employee has a conflict of interest in the matter under consideration. A "conflict of interest" shall mean a direct or indirect personal or financial interest of the employee, their spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother- or sister-in-law, business associate,

employer, or employee, in the outcome of a cause, proceeding, application or any other matter pending before the employee or before the Town.

24 An employee shall not personally, or through any member of their household, business associate, employer, or employee, represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application or other matter pending before the Town.

25 An employee shall not use resources not available to the public, including but not limited to Town staff time, equipment, supplies, or facilities for private gain or personal purposes.

26 An employee may accept a nominal gift or gratuity in connection with an action associated with their official duties on behalf of the Town with an estimated monetary value not exceeding \$20 once per calendar year, with the understanding that employees may not directly or indirectly ask, demand, exact, solicit, accept or receive any gift, gratuity, act or promise beneficial to that individual, or another, which could influence any action or inaction associated with their official duties on behalf of the Town, or create the appearance of impropriety in connection with any actions or inactions associated with their official duties on behalf of the Town. Nor shall any employee authorized to procure or to recommend procurement of materials, supplies or services corruptly, directly or indirectly, ask, demand, exact, solicit, seek, accept, receive or agree to receive for the employee or another person, any benefit or benefits from the person providing or soliciting the provision of such materials, supplies or services with the exception of items of a de minimis nature valued \$20 or less (such as vendor booth “freebies”).

27 Hours of Service

28 Regular work hours for persons employed at the Town hall or other Town offices shall be 8 a.m. to 4 p.m., Monday through Friday, with 30 minutes’ paid time allowed for lunch. This is a working lunch.

29 Regular work hours for the road crew shall be 7 a.m. to 3 p.m., Monday through Friday, with 30 minutes’ paid time allowed for lunch, unless the Road Foreman and the Town Administrator agree otherwise.

30 Regular work hours may be changed at the discretion of the Town, and employees may be expected to work additional hours that may exceed forty hours in each work week, as circumstances require. All road crew employees are required to be available for work on an on-call basis, especially during the winter

months. All Town employees are required to be available for work in the event of an emergency, weather-related or otherwise.

31 All employees are expected to be in attendance during regular work hours. Employees who will be absent from work are expected to notify their supervisor in advance whenever possible. Employees who are sick and unable to work as scheduled are expected to notify their supervisor as soon as possible, but no later than 9 a.m., absent an emergency.

32 Outside Employment

33 The primary occupation of all full-time employees shall be with the Town. Employees may not engage in any outside business activities during their normal working hours. Employees are prohibited from undertaking outside employment that interferes with their job performance or constitutes a conflict of interest, as defined in Section 6 of this Policy.

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

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

36 Political activity

37 No employee may use their official authority for the purpose of interfering with or affecting the nomination or election of any candidate for public office, or demand or solicit from any individual direct or indirect participation in any political party, political organization, or support of any political candidate. Employees are prohibited from using Town facilities, equipment, or resources for political purposes and from pursuing political activities while working.

38 This personnel policy is not to be construed to prevent employees from becoming or continuing to be members of any political party or organization, from attending political party or organization meetings or events, or from expressing their views on political matters, so long as these views are clearly articulated as being those of the individual and not of the Town, and these activities do not interfere with the individual's ability to effectively perform their duties and take place or are expressed during non-working hours. Nor is this

personnel policy to be construed as prohibiting, restraining or in any manner limiting an individual's right to vote with complete freedom in any election.

39 Nepotism

40 The Town – in recognition of the potential for a conflict of interest to occur in the workplace where a close relative is responsible for supervising or evaluating the work performance of another close relative – prohibits the hiring or transferring of relatives, when doing so will result in a close relative supervising or evaluating another close relative, or a close relative supervising or evaluating the immediate supervision of another close relative.

41 A close relative includes a spouse, domestic partner, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law, and sibling-in-law.

42 Alcohol and Drug Use

43 The Town maintains a drug-free workplace and workforce. The use of alcohol or illegal drugs and the abuse of prescription drugs are not tolerated in the workplace or at work-related events.

44 As a Town employee, you are prohibited from working, or presenting yourself for work, while under the influence, or severe aftereffects, of illegal drugs, controlled substances, and/or alcohol. This policy is designed to promote our goal of providing a safe, healthy, and productive work environment. This policy covers all employees, including drivers and other employees who also are subject to drug testing programs performed in accordance with Federal Department of Transportation (DOT) requirements.

45 It is the policy of the Town to prohibit the manufacture, distribution, transfer, display, transportation, sale, dispensation, possession, consumption or use of illegal drugs, controlled substances, and/or alcohol by Town employees at the workplace and/or during working hours. Prohibited behavior includes manufacturing, distributing, transferring, displaying, transporting, selling, dispensing, possessing, consuming, using, or being under the influence of illegal drugs, controlled substances, and/or alcohol during work hours, on work premises, while engaged in work activities away from work premises, or during work-related events.

46 For the purposes of this policy, the term “illegal drug” includes both: (a) all state and/or federally controlled substances, including look-alike and designer drugs, and drug paraphernalia, and (b) prescription medications that have not been prescribed for current use by an authorized medical practitioner or that are

being used contrary to the prescribing medical practitioner's instructions. Controlled substances include but are not limited to the following substances: marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), barbiturates, benzodiazepine, methadone, methaqualone, and propoxyphene.

47 Violations of this policy may subject employees to discipline, up to and including termination of employment and referral for prosecution. The Town also may provide information and recommendation to participate in an appropriate drug assistance or rehabilitation program.

48 The Town reserves the right to search and inspect all areas of the workplace and its premises for the purpose of maintaining a safe and healthy workplace.

49 The illegal use of prescription drugs is also prohibited. If an employee is legally taking prescription drugs that affect the employee's ability to safely perform any of the essential functions of their job, their supervisor or the Town Administrator will determine whether the employee should continue to perform their functions until concerns regarding safety can be addressed. Medical certification may be required.

50 Employees may be disciplined, up to and including termination, for violations of this policy.

51 In addition to this policy, employees who operate commercial motor vehicles (CMVs) for the Town are also subject to the provisions of the Town's CMV Drug and Alcohol Policy.

52 Exceptions

53 Employees with valid prescriptions for use of medical marijuana are not permitted to work under the influence of marijuana. Employees may be disciplined for working under the influence of marijuana, whether prescribed or not, up to and including termination. Employees with valid prescriptions for medical marijuana will not be disciplined unless they report for work or work under the influence of marijuana.

54

55 Tobacco Use

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

enclosed areas, designated smoke-free areas of Town property, and in all Town vehicles.

57 Performance Evaluations

58 Employees may be subject to job performance evaluations at such times and in a such manner as the Town Selectboard or the Town Selectboard's authorized representative deems reasonable. The results of such evaluations will be provided to the employee, the employee's supervisor, the Town Administrator, and the Town Selectboard, and will become a part of the employee's personnel file.

59 Use of Town Equipment

60 Except as provided in Section 70, the use of Town equipment or property for personal use is strictly prohibited. Employees should have no expectation of privacy regarding anything stored in or on Town-owned property or Town-owned equipment, including but not limited to desks, filing cabinets, lockers, and vehicles. Employees should expect that such areas are subject to search by the Town at any time to retrieve work-related materials or to investigate violations of workplace rules.

14.1.2 **Driver Authorization and Evaluation.** All Town employees, as well as volunteers, must receive prior Town authorization to operate municipal vehicles. The Town may require employees and volunteers to submit to authorization procedures on a periodic basis. The following are the minimum required for authorization:

1. Safe and lawful operation of municipal vehicles is a requirement of an authorized driver.
2. Employees must possess a valid driver's license of the proper type and class for the vehicles operated.
3. Employees are required, upon request, to authorize the Town to access the employee's Department of Motor Vehicle records.
4. An employee must notify their department head within forty-eight (48) hours of being charged with a moving violation, regardless of whether the moving violation occurred during performance of Town duties and regardless of whether the employee was operating a private vehicle or the Town's vehicle.
5. Employees must permit the Town to annually check the driving records of all first responders and all employees authorized to drive town vehicles.

61 Use of Town Computer System

62 For purposes of this policy, "computer system" means all computers and devices and any related hardware, equipment, components, or software, including, but not limited to, host computers, file servers, workstation terminals, laptops, tablets, smartphones, internal or external communication networks, the world wide web (www), the Internet, commercial online services, bulletin board

systems, backup systems, and the internal and external e-mail systems accessed via the Town's computer equipment.

63 The Town provides electronic communications systems for use in carrying out its business. All communication and information transmitted by, received from, or stored in these systems are the property of the Town and, as such, are intended to be used for job-related purposes only. Data and information on the system belongs to the Town and will not be considered personal to the employee. Town employees should avoid conducting Town business using their personal computer, device, or accounts.

64 Occasional, brief, and appropriate personal use of the Town computer system is permitted, provided it is consistent with this policy and does not interfere with an employee's performance of their job duties and responsibilities.

65 Employees should have no expectation of privacy or confidentiality regarding anything created, sent, or received on the Town computer system, whether they have been assigned a confidential password or not. The Town reserves the right to monitor at any time its computer system and data with or without notice. All files, documents, data, and other electronic messages created, received, or stored on the Town computer system are open to review and regulation by the Town and may be subject to the provisions of Vermont's Public Records Act and may be covered by the record retention requirements of the State of Vermont's General Records Schedules or Disposition Orders. Accordingly, employees shall not discard or delete any files, documents, data, and other electronic messages created, received, or stored on the Town's computer system except as in accordance with the law. Questions regarding the requirements of the Public Records Act, General Records Schedules, or Disposition Orders as they apply to specific files, documents or data should be directed to the employee's supervisor or the Town Administrator.

Only legally licensed software may be installed on the City's computers. Employees are prohibited from introducing software from any outside source on the Town's computer system without explicit prior authorization from their supervisor. Employees may be held responsible for any damage caused by using unauthorized software or viruses they introduce into the Town computer system. Software (including applications, demos, upgrades) shall not be copied or installed without the permission of the Town Administrator or Department Head. Virus protection software shall not be removed or disabled. Employees must follow Town guidelines for scanning all incoming communications and media. All data disks and files entering or leaving the Town should be scanned for viruses. Employees should log off of the network when they will be away from their desk for an extended period.

66

67 Transmission of electronic messages on the Town computer system shall be treated with the same degree of propriety, professionalism, and confidentiality as written correspondence.

68 Prohibited Usages

69 Communications that in any way may be construed by others as disruptive, offensive, abusive, discriminatory, harassing, or threatening.

70 Communications of sexually explicit images or messages.

71 Transmission of chain letters or solicitations for personal gain, commercial or investment ventures, religious or political causes, outside organizations, or other non-job-related solicitations during or after work hours.

72 Accessing Internet resources, including web sites and news groups, that are inappropriate in a business setting.

73 Any other use that may compromise the integrity of the Town and its business in any way.

74 Nothing in this policy will be interpreted or applied in a manner that interferes with employee rights to organize, form, join, or assist labor organizations, to bargain collectively through representatives of their choosing to the extent allowed by law, or to engage in other concerted activities for the purpose of addressing the terms and conditions of employment.

75 Public Records

76 Any written or recorded information that is produced or acquired by a Town employee during Town business is a public record, subject to Vermont's Public Records Act and may be covered by the State of Vermont's retention rules and disposition schedules for municipal records. Although the Town discourages the use of personal computers, devices, or accounts to conduct Town business (see Section 70, above), the use of a personal computer, device, or account does not prevent an otherwise public record from being subject to public inspection and copying. In the uncommon event that an employee uses their personal computer, device, or account to conduct Town business, the record created, sent, or received should be forwarded by the employee to the employee's Town computer system, or otherwise captured and retained as a Town record. All employees are required to respond in the manner prescribed by Vermont's Public Records Act regardless of where a Town public record may be stored. All

employees must provide any public records stored in their personal computers, devices, or accounts that are responsive to a public records request.

77 Eligibility for Benefits

78 Subject to the eligibility requirements of the insurance carriers, the Town offers group insurance and other benefit programs to its eligible full-time employees. Details about those benefits are available to employees at any time.

79 This Personnel Policy is not contractual in nature and does not guarantee any continuance of insurance benefits. The Town reserves the right to change insurance carriers, or to add, delete or amend insurance or other benefit programs in its sole discretion. The Town also reserves the right to change the amount or percentage of its contribution to the cost of any group health insurance program. The Town will endeavor to provide employees with advance notice of any change in the contribution rate.

80 Holiday Leave

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

- 82 New Year's Day (January 1)
- 83 Martin Luther King Jr.'s Birthday (3rd Monday in January) *
- 84 Presidents Day (3rd Monday in February)
- 85 Town Meeting Day (1st Tuesday in March)
- 86 Memorial Day (last Monday in May)
- 87 Independence Day (July 4)
- 88 Bennington Battle Day (August 16)
- 89 Labor Day (1st Monday in September)
- 90 Indigenous Peoples' Day (second Monday in October) *
- 91 Veterans' Day (November 11)
- 92 Thanksgiving Day (4th Thursday in November)
- Christmas Day (December 25)

93 Employees will receive holiday leave pay equal to the number of hours in the employee's regular workday on which the holiday falls, at the employee's

regular rate of pay. Holiday leave that is not actually worked by an employee will not be included in calculating overtime for that employee.

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

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

1. Holidays marked * may be used as a floating holiday and may be used with the prior authorization of the employee's department head.
2. Employees will have half a day (1/2) before Christmas and half a day (1/2) before New Years Day.
3. 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.
4. Full-time employees shall be compensated for holidays as though the employee worked an eight-hour day.

96 Vacation Leave

97 Full-time employees only.

98 Vacation leave accrual begins on the date of hire on a monthly basis. Probationary employees accrue vacation time but may not use it during the employee's probationary period. An increase in the annual rate of accrual of vacation leave will occur on the anniversary of the date of hire.

99 Full-time employees will receive vacation leave pay at the employee's regular rate of pay. Leave must be taken in a minimum of half-hour increments.

100 Employees are strongly encouraged to take an annual vacation.

101 Employees are expected to make a timely request and make a reasonable effort to schedule vacations in accordance with the needs of the Town. Requests for vacation should be submitted to the employee's supervisor as soon as possible but not less than one week in advance of the requested time off. **Supervisors shall consider the Town's priorities of business and office coverage before granting such a request. Vacation will be scheduled at the discretion of the Supervisor upon consultation with the employee.**

102 If an employee does not use all the employee's accrued vacation leave in one calendar year, the employee may carry unused, accrued vacation leave

forward to the next year up to a maximum of 40 vacation days. Any unused, accrued vacation leave that exceeds the amount carried forward will be forfeited.

103 An employee who resigns from employment with the Town will be compensated for unused, accrued vacation leave, with the exception that any employee who terminates during their probationary period will not be entitled to compensation for any accrued vacation time.

104 Accrual rates

105 [redacted] years of employment accrues at [redacted] days per month.

106 [redacted] years of employment accrues at [redacted] days per month.

107 [redacted] years of employment accrues at [redacted] days per month.

108 [redacted] years of employment accrues at [redacted] days per month.

109 Sick Leave

110 Definition

111 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; 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: (1) works on a per diem or intermittent basis; (2) works only when they indicate that they are available to work; (3) is under no obligation to



work for the Town; and (4) has no expectation of continuing employment with the Town.

112 Eligible employees earn one hour of paid sick leave for every **thirty-five hours** worked by that employee. Such leave will accrue to the employee based on the hours worked by that employee, including overtime hours worked.

113 The number of hours of leave that an eligible employee may accrue in a 12-month period is limited to 40 hours. **Highway earns more because of OT.**

114 The Town has no waiting period set for the use of accrued sick leave.

115 The Town sets no maximum on the amount of accrued sick leave that can be used within a calendar year.

116 Eligible employees may use paid leave in increments no smaller than 30 minutes.

117 An employee may use accrued sick leave for the purposes below:

118 The employee is ill or injured.

119 The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.

120 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 their long-term care.

121 The employee is arranging for social or legal services or obtaining medical care or counseling for the employee or for 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 meanings as in 15 V.S.A. § 1151.

122 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 workday is closed for public health or safety reasons.

123 Employees are expected to notify their supervisor prior to the first hour of the workday or sooner if they are unable to report to work due to illness or injury. For all other permitted purposes, employees are encouraged to provide written notice as soon as practicable of the intent to use earned sick time and the expected duration of the employee's absence. Employees are encouraged to make

reasonable efforts to avoid scheduling routine or preventive health care or other appointments during regular work hours.

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

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

126 If an employee does not use all their accrued sick leave in a 12-month period, the accrued, unused sick leave carries over into the next 12-month period.

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

128 Bereavement Leave

129 Employees may be provided with up to three days of paid bereavement leave related to the death of a close family member, domestic partner, or member of an employee's household. The exact amount of time off is dependent upon the circumstances and subject to supervisor approval. For purposes of this policy, close family member is defined as the following: spouse, domestic partner, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt, uncle, niece, nephew, or parent-in-law.

130 If additional time off is needed, or if time off is needed for the funeral of a friend or a relative who is not an immediate family member as defined above, nor a domestic partner, nor member of an employee's household, the employee's supervisor may grant, on a case-by-case basis, the use of a reasonable amount of accrued sick leave, if available, or, if not, 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 the employee's family, and the employee's level of responsibility in making funeral or other arrangements.

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

132 Parental and Family Leave

133 Eligible employees may receive leave as described in the Vermont Parental and Family Leave Act (VPFLA). This State law will determine employee eligibility, the qualifying reasons for such leave and the length of leave.

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

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

136 Short Term Family Leave

137 In accordance with 21 V.S.A. § 472a, eligible employees may be entitled to take unpaid leave not to exceed four hours in any thirty-day period and not to exceed twenty-four hours in any 12-month period for the following purposes:

138 To participate in preschool or school activities directly related to the academic educational advancement of the employee's child, stepchild, foster child, or ward who lives with the employee, such as a parent-teacher conference.

139 To attend or accompany the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse, or parent-in-law to routine medical or dental appointments.

140 To accompany the employee's parent, spouse, or parent-in-law to other appointments for professional services related to their care and well-being; or

141 To respond to a medical emergency of the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse, or parent-in-law.

142 The Town may require that leave (including vacation and personal leave) be taken in a minimum of two-hour segments. At the option of the employee, accrued paid leave may be used. Before taking leave under this section an

employee shall make a reasonable attempt to schedule appointments outside of regular work hours. An employee shall provide the Town with the earliest possible notice of the intent to take short term family leave, but in no case later than seven days before leave is to be taken, except in the case of an emergency where the required seven-day notice could have a significant adverse impact on the family member of the employee.

143 Crime Victim Leave

144 In accordance with 21 V.S.A. § 472c, eligible employees who are crime victims may be entitled to take unpaid leave for the purpose of attending a deposition or court proceeding related to:

145 a criminal proceeding when the employee has a legal right or obligation to appear at the proceeding.

146 a relief from abuse, neglect, or exploitation hearing when the employee is the plaintiff.

147 hearings concerning an order against stalking or sexual assault when the employee seeks the order as plaintiff.

148 A “crime victim” is a person who has:

149 obtained a relief from abuse order against a family or household member.

150 obtained a court order against stalking or sexual assault.

151 obtained a court order against abuse of a vulnerable adult; or

152 sustained physical, emotional, or financial injury as the direct result of the commission or attempted commission of a crime or act of delinquency and is identified as a crime victim in an affidavit filed by law enforcement official with a prosecuting attorney. This also includes the victim’s child, foster child, parent, spouse, stepchild, or ward of the victim who lives with the victim, or a parent of the victim’s spouse, provided that the individual is not identified in the affidavit as the defendant.

153 At the option of the employee, accrued sick leave, vacation leave, or any other accrued paid leave may be used.

154 Leave of Absence Without Pay

155 A request to take unpaid leave from employment for the purpose of attending Town meeting, must be made at least seven days prior to the date of the town meeting. Such leave will be granted by the employee’s supervisor if it does not cause an interruption in the essential operation of town government.

156 Other requests for leaves of absence without pay for any reason other than those covered by federal, or state law must be submitted in writing to the employee’s supervisor and must set forth the purpose for which the leave is

requested. All leave requests must be for a definite period and include a specified date of return.

157 If a leave of absence without pay is granted, the employee may, at the Town's sole discretion, continue the employee's group health plan coverage by paying the required premium in accordance with the payment schedule established by the Town. Other employee benefits (e.g., sick leave, vacation, seniority, etc.) will not accrue during an unpaid leave period that exceeds  days. 

158 Military Leave

159 Employees who take military leave subject to the provisions 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. 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.

160 Civil Duty and Jury Leave

161 All employees entitled to vote in national, state, and municipal elections shall be allowed sufficient time off with pay to exercise this right. Approval of such leaves shall be given by the employee's supervisor.

162 The Town will compensate employees for their service as jurors or witnesses when their appearance is unrelated to their status as a Town employee at the employees' regular hourly rate. In accordance with 21 V.S.A. § 499, while serving as jurors or witnesses, employees will otherwise be considered in the service of the Town for purposes of determining seniority, benefits, credit towards vacations, sick leave, and other rights, privileges, and benefits of employment.

163 When Town employees are called to serve as a witness in a court proceeding due to their status as an employee of the Town, the Town will compensate the employee for the difference between their regular rate of pay and their compensation as a witness. The Town will pay the difference only when the employees' regular rate of pay exceeds their compensation as a witness.

164 Overtime and Compensatory Time Off

In accordance with the provisions of the federal Fair Labor Standards Act (FLSA), the Town compensates nonexempt employees at the rate of one and one-half hours for each hour worked more than forty hours in any workweek. Holidays, sick time, and vacation days do not count as hours worked for purposes of calculating either overtime or  compensatory time eligibility. **Overtime Authorization.** No employee may work  over forty (40) hours in a workweek without prior authorization of their Department Head or the

Town of Georgia
Personnel Policy
Approved XX July 2020

Selectboard. Acceptance of a directive to work overtime is considered a condition of employment. At the Department Head's or Selectboard's discretion, an employee's work schedule may be adjusted during a workweek to avoid overtime.

Exempt employees are not eligible for overtime; they are expected to work as many hours as required to perform the duties of the position.

Under certain circumstances, employees may receive compensatory time off in lieu of cash compensation for earned overtime.

Procedure for receipt of compensatory time off in lieu of cash payment.

- 165 Employees who wish to take time off, instead of receiving compensation for earned overtime must, *prior to the performance of the work*, have an agreement with their supervisor that the overtime will be compensated as time off instead of as cash.
- 166 Overtime for employees who have elected to be compensated with paid time off accrues at the same rate as the employee's regular rate of pay.
- 167 The employee's supervisor shall maintain documentation that the employee's election to receive compensatory time off in lieu of overtime pay was made *prior to the performance of the work*.
- 168 Employee's cannot be coerced or pressured into accepting compensatory time off instead of being paid for their overtime work.
- 169 At its sole discretion, the City may elect not to offer compensatory time off.
- 170 Accrued compensatory time off may be preserved, used, or cashed out consistent with this policy.
- 171 An employee receiving payment for accrued compensatory time off will be paid at the regular rate of pay earned by the employee at the time the employee receives such payment.
- 172 Upon termination from employment, an employee will be paid for unused comp time at a rate not less than the average regular rate of pay received by the employee during the last three years of employment or the employee's final regular rate of pay, whichever is higher.
- 173 An employee may accrue a maximum of 240 hours of compensatory time, after which overtime will be monetarily paid.

174

175 An employee who has accrued comp time and requests use of comp time will be permitted to use such time off within a reasonable period after making the request if such use does not unduly disrupt the Town's operations. Requests for use of comp time must be submitted to the employee's supervisor, who will

have sole discretion to grant or deny the request. Requests for use of comp time will not unreasonably be withheld.

29.2.1 Highway Department Call-In Pay. A permanent full-time or permanent part-time Highway Department employee shall receive call-in pay as follows:

1. Weekdays. For a weekday call-in after 3:30 p.m. and before 3:00 a.m. of the following day, the employee shall receive a minimum of four (4) hours of compensation at overtime rates for the call-in. If the employee works less than four (4) hours, but is called back during the same period, he/she will only be paid for the initial four (4) hours of call-in pay.
2. Weekends. For a weekend call-in, the employee shall receive a minimum of four (4) hours of compensation at overtime rates for the call in. If the employee works less than four (4) hours, but is called-in within 24 hours, he/she will only be paid for the initial four (4) hours of call-in pay.
3. Holidays. For a holiday call-in, the employee shall receive a minimum of four (4) hours of compensation at 2.5 times their regular hourly compensation for the call in. If the employee actually works more than four (4) hours.
4. Extended Call-Ins. For any call-in during which the employee works more than four (4) hours, he/she will be paid at the applicable call-in rate for all hours worked. Work assigned to a called-in employee must be reasonably related to the reason for the call-in.

29.3.1 Fire and Rescue Department Employee Salary Procedure

1. Minimum Call-In. Georgia Fire Department employees shall be paid a minimum of one hour, with fifteen-minute increments after one hour, for calls, approved training, and approved maintenance meetings.
2. Reporting in. Employees responding to a call shall notify the Incident Commander (IC) of arrival and departure times as soon as practicable. Failure to notify the IC will result in being paid only the one-hour minimum. If a call is cancelled prior to the employee's arrival, notice must be given to the department head or their designee within 24 hours of the call to be eligible for payment.
3. Time sheets. The IC shall enter employees' arrival and departure times on a time sheet, as well as the begin time (first tone) and end time (all equipment back in service or per IC) for the call.
4. Pay period. Paid training time will begin and end per the training officer or department employee in charge of the training. Payment to GFRD employees will be on a weekly basis. The payroll period begins on a Sunday and ends on Saturday. All time sheets for pay must be submitted to the department head (Chief for GFRD,) no later than the Sunday following the end of the payroll period. Approved timesheets are to be turned in to the Town Bookkeeper or their designee the following Monday. Payroll will then be processed that Monday and paychecks issued the following Thursday.
5. Rate of pay. Rate of pay for Georgia Fire and Rescue employees shall follow both State and Federal minimum wage laws. Officers shall be paid at a rate of \$2 per hour more than firefighters and regular GFR members. Employees of Georgia Fire and GFR attending approved training outside the Town of Georgia shall be paid an additional \$10.00 per day stipend provided the employee submits a training certificate to the Town Treasurer through the chain of command within two weeks of receiving it.

Amended by Georgia Selectboard at open meeting on January 8, 2018.

176 Section 30: Employment Harassment and Discrimination

177 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 recognized basis protected under federal or state law, or against a qualified individual with a disability with respect to all employment practices ("Protected Bases"). 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.

178 All employees, including supervisors, department heads, and elected officials are required to abide by this policy.

179 Harassment of one employee by another employee or by a supervisor is prohibited. Harassment means unwelcome conduct that is based on any of these Protected Bases. An employee who commits harassment will be subject to discipline up to and including immediate dismissal.

180 Examples of harassment include offensive jokes, gestures, slurs, epithets, or name calling, physical threats, intimidation, ridicule or mockery, insults or put downs, and offensive objects, pictures, or written materials. Simple teasing, offhand comments, or isolated incidents that are not serious are not illegal. To be unlawful, the conduct must be so frequent or severe that it creates a hostile or offensive work environment or results in an adverse employment decision (such as the victim being fired or demoted).

181 Any employee who believes they have been subjected to harassment, or to retaliation for having brought or cooperated with a complaint or an investigation of harassment, should report it promptly to a supervisor. If reporting to a supervisor is not possible, then a report should be made to the supervisor's supervisor or the Town Administrator.

182

183 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.

184 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 they have been the target of this type of harassment, or who believes they have 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.

185 Employees may report harassment and file complaints with:

- 186 Their immediate supervisor, or
- 187 The Town administrator, or
- 188 Any member of the Town selectboard.

189 If the Town receives a complaint of harassment or discrimination or has reason to believe that harassment or discrimination has occurred, a prompt, thorough and impartial investigation will be conducted. Investigations will be conducted in a confidential and discrete manner to the extent possible. Complaints will be disclosed only to those necessary to thoroughly investigate and address the matter. If it is determined that unlawful harassment has occurred, the Town will take immediate and appropriate corrective action, and the offending employee shall be subject to discipline up to and including dismissal from employment. No person will be adversely affected in employment with the Town by reporting or filing a complaint of unlawful harassment or be retaliated against.

190 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
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
Online: www.eeoc.gov

191 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 file a complaint in court.

192 Sexual Harassment

193 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 based on their

gender. It is against the policies of the **Town for any individual, male or female**, to sexually harass another individual in the workplace.

194 In accordance with 21 V.S.A. § 495h, the Town has adopted the following sexual harassment policy. Employees must read this policy and acknowledge they have done so.

195 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:

- 196 submission to that conduct is made either explicitly or implicitly a term or condition of employment.
- 197 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
- 198 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.

199 Examples of sexual harassment include, but are not limited to, the following when such instances or behavior come within one of the above definitions:

- 200 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.
- 201 touching or grabbing a sexual part of an individual's body.
- 202 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.
- 203 continuing to ask an individual to socialize on or off-duty when that person has indicated they are not interested.
- 204 displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome.
- 205 continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior.
- 206 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.
- 207 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.
- 208 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.).

Town of Georgia
Personnel Policy
Approved XX July 2020

- 209 derogatory or provoking remarks about or relating to an employee's sex.
210 harassing acts or behavior directed against a person based on their sex.
211 off-duty conduct which falls within the above definition and affects the work environment.

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

213 Any individual who believes that they have been the target of sexual harassment, or who believes they have 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.

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

**215 Employees may report or file complaints of sexual harassment or retaliation with: **

- 216 Their immediate supervisor; or
217 The Town administrator; or
218 Any member of the Town Selectboard.

219 If the Town receives a complaint of harassment or discrimination or has reason to believe that harassment or discrimination has occurred, a prompt, thorough and impartial investigation will be conducted. Investigations will be conducted in a confidential and discrete manner to the extent possible. Complaints will be disclosed only to those necessary to thoroughly investigate and address the matter. If it is determined that unlawful harassment has occurred, the Town will take immediate and appropriate corrective action, and the offending employee shall be subject to discipline up to and including dismissal from employment. No person will be adversely affected in employment with the Town by reporting or filing a complaint of unlawful harassment or be retaliated against.

220 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)

Town of Georgia
Personnel Policy
Approved XX July 2020

(802) 828-3665 (TTY)

Fax: (802) 828-2154

Email: ago.civilrights@vermont.gov

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

Equal Employment Opportunity Commission

JFK Federal Building

25 Sudbury Street, Room 475

Boston, MA 02203-0506

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

Online: www.eeoc.gov

221 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 file a complaint in court.

222 Employee Discipline

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

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

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

hand. This means that severe discipline, up to and including termination, may be imposed in each situation at the Town's sole discretion.

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

227 The Town will normally adhere to the following progressive disciplinary process but reserves the right to bypass any or all steps of progressive discipline when it determines, in its sole discretion, that deviation from the process is warranted: (1) verbal warning; (2) written warning; (3) suspension (with or without pay); and (4) termination.

228 Employees are prohibited from engaging in the conduct listed below and be disciplined, up to and including termination, for doing so. This list has been established to provide examples of behavior that could result in discipline. . This list is not exhaustive.

229 Engaging in any illegal activity.

230 Refusing to do assigned work or failing to carry out the reasonable assignments of their Supervisor, the Town Administrator, or members of the Selectboard.

231 Being inattentive to duty, including sleeping on the job.

232 Falsifying a timecard or other record or giving false information to anyone whose duty is to make such record.

233 Being repeatedly or continuously absent or late, being absent without notice or satisfactory reason or leaving one's work assignment without appropriate authorization.

234 Conducting oneself in any manner that is offensive, abusive, or contrary to reasonable community standards and expectations of public employees.

235 Engaging in any form of discrimination or harassment including sexual harassment.

236 Misusing, misappropriating, or willfully neglecting Town property, funds, materials, equipment, or supplies.

237 Unlawfully distributing, selling, possessing, using or being under the influence of alcohol or drugs when on the job or subject to duty. The only exception to this rule is use of a drug prescribed by a duly licensed health care provider, provided such use is in the manner prescribed and the employee is cleared to work while using such prescription drug.

Smoking or using smokeless tobacco within any Town-owned buildings, work areas or vehicles.

- 238 Fighting, engaging in horseplay or acting in any manner which endangers the safety of oneself or others. This includes acts of violence as well as threats of violence.
- 239 Stealing or possessing without authority any equipment, tools, materials, or other property of the Town or attempting to remove them from the premises without approval or permission from the appropriate authority.
- 240 Marking or defacing walls, fixtures, equipment, tools, materials, or other Town property, or willfully damaging or destroying property in any way.
- 241 Failure to search for or disclose public records upon request.
Disclosing confidential information about the Town's business.
- 242 Willful violation of Town rules or policies.

243 Employee Termination Process

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

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

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

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

248 At the pre-termination meeting, the employee will be afforded an opportunity to present the employee's response to the reasons for termination. If the employee declines to attend the pre-termination meeting, the employee may

submit a written response to the pre-termination notice not later than the scheduled date of the meeting.

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

250 If a request for a post-termination hearing is made, the selectboard will provide the employee with a notice informing the employee of the date, time, and place of the post-termination hearing before the selectboard. The notice will inform the employee of their right to be represented by counsel, to present and cross-examine witnesses and to offer supporting documents and evidence.

251 At the post-termination hearing, the employee will be afforded the opportunity to address the basis for termination by hearing and examining the evidence presented against the employee, cross-examining witnesses, and presenting evidence on the employee's behalf. The selectboard will make such determinations as may be necessary in the event of evidentiary objections or disputes. When the hearing is adjourned, the Selectboard, under the authority granted by 1 V.S.A. § 312(e), will consider the evidence presented in the hearing in deliberative session.

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

253 Severability

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

ADOPTED this ____ day of _____, 20__.

SIGNATURES of SELECTBOARD:

255 Attachment A: Personnel Acknowledgement

I, _____, acknowledge that:

- A. I received a copy of the Town's personnel policy on _____ and it is my responsibility to read it and familiarize myself with its contents.
- B. I understand that it is my responsibility to ask questions if there is anything in the policy that I do not understand.
- C. I understand that the language used in this personnel policy is not intended to create, nor should it be construed to create, a contract of employment between myself and the Town.
- D. I understand that this policy replaces all prior versions, and that the Town reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or no reason, in whole or in part, at any time, with or without notice.

Employee's Signature

Date

**256 Attachment B: Agreement by Independently Elected
Officer to be Bound by Personnel Policy**

This is a contract between the Selectboard of the Town of Georgia and _____
, _____ (name & title) collectively referred to as "parties."

In exchange for the provision of benefits by the Town as follows:

Benefit: _____

Benefit: _____

Benefit: _____

Benefit: _____

Benefit: _____

Benefit: _____

_____ agrees to be bound by the provisions of the Town of Georgia Personnel Policy, except the provisions on Probationary Period, Performance Evaluations, Employee Discipline, and Employee Termination.

_____ agrees as follows:

- They have received a copy of the Town's Personnel Policy and understand that it is their responsibility to familiarize themselves with its contents.
- They have been given an opportunity to ask questions about said policy and have been provided with satisfactory information in response to those questions.
- They acknowledge that the Town reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or no reason, in whole or in part, at any time, with or without notice.
- They acknowledge that they understand the Town's personnel policy and agree that they will comply with all its provisions.

The parties agree that this shall not constitute a contract for employment.

If applicable, in addition to the above, they agree that their statutory assistant, who holds the position of _____ (position title), will also be subject to the Town's Personnel Policy except the provisions on Performance Evaluations, Discipline, and Termination, which do not apply to them. In return, said statutory assistant will receive benefits from the Town as follows:

Benefit: _____

Benefit: _____

Town of Georgia
Personnel Policy
Approved XX July 2020

Benefit: _____

Benefit: _____

Benefit: _____

Benefit: _____

Entered this ____ day of _____, 20__

BY: _____
Independently Elected Official:

Chair, Selectboard: