



TOWN OF GEORGIA CONFLICT OF INTEREST & ETHICS POLICY

Revised February 24, 2025

STATEMENT OF PURPOSE

Authority. Under the authority granted with Title 24 V.S.A. § 2291(20), the Town of Georgia hereby adopts the following policy concerning conflicts of interest and ethical conduct.

Purpose. The purpose of this policy is to ensure that the business of this municipality will be conducted in such a way that no public officer of the municipality will gain a personal or financial advantage from their work for the municipality and so that the public trust in its officers will be preserved. It is also the intent of this policy to ensure that all decisions made by public officers are based on the best interests of the municipality.

Application. This policy applies to all individuals elected or statutorily appointed to perform executive, administrative, legislative, volunteer or quasi-judicial functions of the Town of Georgia.

Public Trust. Accepting a position as a public official, employee or volunteer carries with it the acceptance of a public trust that the official, employee or volunteer will work to further the public interest. Maintaining public trust is critical to the continued operation of good government. In addition, public decision making should be open and accessible to the public at large. To preserve this public trust, there are five principles to which public officials, employees or volunteers should adhere:

- (A) A public official, employee or volunteer should represent and work toward the public interest and not toward private/personal interests.
- (B) A public official, employee or volunteer should accept and maintain public trust (i.e., must preserve and enhance the public's confidence).
- (C) A public official, employee or volunteer should exercise leadership, particularly in the form of consistently demonstrating behavior that reflects public trust.
- (D) A public official, employee or volunteer should recognize the proper role of all government bodies and the relationships between the various government bodies.
- (E) A public official, employee or volunteer should always demonstrate respect for others and for other positions.

DEFINITIONS

The following words shall have the following meanings:

1. **"Business Associate"** is a partner or other person with whom an individual has ongoing or recurring business transactions.
2. **"Conflict of interest"** means a direct or indirect interest of a municipal officer or such an interest, known to the officer, of a member of the officer's immediate family or household, or of a business associate, in the outcome of a particular matter pending before the officer or the officer's public body, or that is in conflict with the proper discharge of the officer's duties. "Conflict of interest" does not include any interest that is not greater than that of other individuals affected by the outcome of a matter.
3. **"Ethics"** are a set of rules that guide behavior.
4. **"Financial Interest"** is defined as any of the following:
 1. A direct financial conflict of interest arises when a public officer acts on a matter that has a direct financial impact on that officer.
 2. An indirect financial conflict of interest arises when a public officer acts on a matter that has a financial impact on a person or group closely tied to the officer

5. **Ex Parte Communication** means direct or indirect communication between a member of a public body and any party, party's representative, party's counsel or any person interested in the outcome of a quasi-judicial proceeding, that occurs outside the proceeding and concerns the substance or merits of the proceeding.
6. **Quasi-judicial proceeding** means a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunities to present evidence and to cross-examine witnesses presented by other parties, and which results in a written decision, the result of which is appealable by a party to a higher authority.
7. **"Advisory body"** means a public body that does not have supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or budgetary matters.
8. **"Candidate"** and "candidate's committee" have the same meanings as in 17 V.S.A. § 2901.
9. **"Commission"** means the State Ethics Commission established under 3 V.S.A. chapter 31, subchapter 3.
10. **"Confidential information"** means information that is exempt from public inspection and copying under 1 V.S.A. § 315 et seq. or is otherwise designated by law as confidential.
11. **"Department head"** means any authority in charge of an agency, department, or office of a municipality.
12. **"Designated complaint recipient"** means:
 - (A) a department head or employee specifically designated or assigned to receive a complaint that constitutes protected activity, as set forth in section 1997 of this title;
 - (B) a board or commission of the State or a municipality.
 - (C) the Vermont State Auditor.
 - (D) a State or federal agency that oversees the activities of an agency, department, or office of the State or a municipality.
 - (E) a law enforcement officer as defined in 20 V.S.A. § 2358;
 - (F) a federal or State court, grand jury, petit jury, law enforcement agency, or prosecutorial office.
 - (G) the legislative body of the municipality, the General Assembly or the U.S. Congress; or
 - (H) an officer or employee of an entity listed in this subdivision (7) when acting within the scope of the officer's or employee's duties.
13. **"Domestic partner"** means an individual in an enduring domestic relationship of a spousal nature with the municipal officer, provided the individual and municipal officer:
 - (A) have shared a residence for at least six consecutive months;
 - (B) are at least 18 years of age.
 - (C) are not married to or considered a domestic partner of another individual.
 - (D) are not related by blood closer than would bar marriage under State law; and
 - (E) have agreed between themselves to be responsible for each other's welfare.
14. **"Illegal order"** means a directive to violate, or to assist in violating, a federal, State, or local law.
15. **"Immediate family"** means an individual's spouse, domestic partner, or civil union partner; child or foster child; sibling; parent; or such relations by marriage or by civil union or domestic partnership; or an individual claimed as a dependent for federal income tax purposes.
16. **"Legislative body"** means the selectboard in the case of a town, the mayor, alderpersons, and city council members in the case of a city, the president and trustees in the case of an incorporated village, the members of the prudential committee in the case of a fire district, and the supervisor in the case of an unorganized town or gore.
17. **"Material"** is of real importance or great consequence, substantial, requiring serious

consideration by reason of having a bearing on the outcome of an unsettled matter.

18. **“Municipal officer”** or “officer” means:

- (A) any member of a legislative body of a municipality.
- (B) any member of a quasi-judicial body of a municipality; or
- (C) any individual who holds the position of, or exercises the function of, any of the following positions in or on behalf of any municipality:
 - (i) advisory budget committee member.
 - (ii) auditor.
 - (iii) building inspector.
 - (iv) cemetery commissioner.
 - (v) chief administrative officer.
 - (vi) clerk.
 - (vii) collector of delinquent taxes.
 - (viii) department heads.
 - (ix) first constable.
 - (x) lister or assessor.
 - (xi) mayor.
 - (xii) moderator.
 - (xiii) planning commission member, DRB.
 - (xiv) road commissioner.
 - (xv) town or city manager.
 - (xvi) treasurer.
 - (xvii) village or town trustee.
 - (xviii) trustee of public funds; or
 - (xix) water commissioner.

19. **“Municipality”** means any town, village, or city.

20. **“Protected employee”** means an individual employed on a permanent or limited status basis by a municipality.

21. **“Public body”** has the same meaning as in 1 V.S.A. § 310.

22. **“Retaliatory action”** includes any adverse performance or disciplinary action, including discharge, suspension, reprimand, demotion, denial of promotion, imposition of a performance warning period, or involuntary transfer or reassignment; that is given in retaliation for the protected employee’s involvement in a protected activity, as set forth in section 1997 of this title

§ 1992. CONFLICTS OF INTEREST

- a) Duty to avoid conflicts of interest. In the municipal officer’s official capacity, the officer shall avoid any conflict of interest or the appearance of a conflict of interest. The appearance of a conflict shall be determined from the perspective of a reasonable individual with knowledge of the relevant facts.
- b) Recusal.

- 1) If a municipal officer is confronted with a conflict of interest or the appearance of one, the officer shall immediately recuse themselves from the matter, except as otherwise provided in subdivisions (2) and (5) of this subsection and not take further action on the matter or participate in any way or act to influence a decision regarding the matter. After recusal, an officer may still take action on the matter if the officer is a party, as defined by section 1201 of this title, in a contested hearing or litigation and acts only in the officer’s capacity as a member of the public. The officer shall make a public statement explaining the officer’s recusal.
- 2) Notwithstanding subdivision (1) of this subsection (b), an officer may continue to act in a matter involving the officer’s conflict of interest or appearance of a conflict of interest if the officer first:

- (i) determines there is good cause for the officer to proceed, meaning:

- (ii) the conflict is amorphous, intangible, or otherwise speculative.
- (iii) the officer cannot legally or practically delegate the matter; or
- (iv) the action to be taken by the officer is purely ministerial and does not involve substantive decision-making; and
- (v) The officer submits a written nonrecusal statement to the legislative body of the municipality regarding the nature of the conflict that shall:
 - I. include a description of the matter requiring action.
 - II. include a description of the nature of the potential conflict or actual conflict of interest.
 - III. include an explanation of why good cause exists so that the municipal officer can take action in the matter fairly, objectively, and in the public interest.
 - IV. be written in plain language and with sufficient detail so that the matter may be understood by the public; and
 - V. be signed by the municipal officer.

B) Notwithstanding subsection (A) of this subdivision (2), a municipal officer that would benefit from any contract entered into by the municipality and the officer, the officer's immediate family, or an associated business of the officer or the officer's immediate family, and whose official duties include execution of that contract, shall recuse themselves from any decision-making process involved in the awarding of that contract.

C) Notwithstanding subsection (A) of this subdivision (2), a municipal officer shall not continue to act in a matter involving the officer's conflict of interest or appearance of a conflict of interest if authority granted to another official or public body elsewhere under law is exercised to preclude the municipal officer from continuing to act in the matter.

3) If an officer's conflict of interest or the appearance of a conflict of interest concerns an official act or actions that take place outside a public meeting, the officer's nonrecusal statement shall be filed with the clerk of the municipality and be available to the public for the duration of the officer's service plus a minimum of five years.

4) If an officer's conflict of interest is related to an official municipal act or actions considered at a public meeting, the officer's nonrecusal statement shall be filed as part of the minutes of the meeting of the public body in which the municipal officer serves.

5) If, at a meeting of a public body, an officer becomes aware of a conflict of interest or the appearance of a conflict of interest for the officer and the officer determines there is good cause to proceed, the officer may proceed with the matter after announcing and fully stating the conflict on the record. The officer shall submit a written nonrecusal statement pursuant to subdivision (2) of this subsection within five business days after the meeting. The meeting minutes shall be subsequently amended to reflect the submitted written nonrecusal statement.

c) Authority to inquire about conflicts of interest. If a municipal officer is a member of a public body, the other members of that body shall have the authority to inquire about any possible conflict of interest or any appearance of a conflict of interest and to recommend that the member recuse themselves from the matter. d) Confidential information. Nothing in this section shall require a municipal officer to disclose confidential information or information that is otherwise privileged under law.

A. DIRECTING UNETHICAL CONDUCT

A municipal officer shall not direct any individual to act in a manner that would:

- (1) benefit a municipal officer in a manner related to the officer's conflict of interest;
- (2) create a conflict of interest or the appearance of a conflict of interest for the officer or for the directed individual; or
- (3) otherwise violate the Municipal Code of Ethics as described in this chapter.

B. APPOINT IMMEDIATE FAMILY MEMBER OR BUSINESS ASSOCIATE

- i) A public official or employee shall not participate in the appointment,
- ii) vote for appointment, or discussion of any appointment of an immediate family member or business associate, to any Town office or position.
- iii) A public official or employee shall not use his/her position, directly or indirectly, to affect the employment status of an immediate family member or business associate.

C. SUPERVISION OF IMMEDIATE FAMILY MEMBER OR BUSINESS ASSOCIATE

A public official, employee or volunteer shall not supervise, hire, appoint, evaluate, or discipline the work or employment status of an immediate family member or the affairs of the organizational unit in which the immediate family member is employed unless approval is granted by the Selectboard.

D. PREFERENTIAL TREATMENT

A municipal officer shall act impartially and not unduly in favor or prejudice any person in the course of conducting official business. An officer shall not give, or represent an ability to give, undue preference or special treatment to any because of the person's wealth, position, or status or because of person's personal relationship with the officer, unless otherwise permitted or required by State or Federal law.

E. MISUSE OF PUBLIC POSITION

1. Public servants cannot direct others to do what they cannot ethically do themselves.
2. A public official, employee or volunteer shall not use their public position to further personal interest or the interest of an immediate family member.
3. A public official, employee or volunteer shall not use the powers or prestige obtained through election, appointment or employment, to influence the decision of a subordinate on a matter where the official, employee or volunteer has significant private/personal pecuniary interest.
4. Public officials, employees or volunteers are empowered to discharge specific statutory duties in the public interest and should not interfere with the statutory duties of others. A public official, employee or volunteer shall not attempt to influence the Town staff's recommendations regarding matters in which the public official, employee or volunteer has a personal/private or financial interest.
5. Public servants should reasonably try to avoid even the appearance of ethical impropriety.
6. Public servants may not commit the Town, or any of its resources, unless authorized by the Select Board.
7. Otherwise violate the Municipal Code of Ethics as described in this chapter.

F. MISUSE OF INFORMATION

A municipal officer shall not use nonpublic or confidential information acquired during the course of official business for personal or financial gain of the officer or for the personal or financial gain of a member of the officer's immediate family or household or of an officer's business associate.

G. MISUSE OF GOVERNMENT RESOURCES.

A municipal officer shall not make use of a town's, cities, or village's materials, funds, property, personnel, facilities, or equipment, or permit another person to do so, for any purpose other than for official business unless the use is expressly permitted or required by State law; ordinance; or a written

agency, departmental, or institutional policy or rule. An officer shall not engage in or direct another person to engage in work other than the performance of official duties during working hours, except as permitted or required by law or a written agency, departmental, or institutional policy or rule.

H. GIFTS

(1) No person shall offer or give to a municipal officer or candidate, or the officer's or candidate's immediate family, anything of value, including a gift, loan, political contribution, reward, or promise of future employment based on any understanding that the vote, official action, or judgment of the municipal officer or candidate would be, or had been influenced thereby.

(2) A municipal officer or candidate shall not solicit or accept anything of value, including a gift, loan, political contribution, reward, or promise of future employment based on any understanding that the vote, official action, or judgment of the municipal officer or candidate would be or had been influenced thereby.

(3) Nothing in subdivision (1) or (2) of this subsection shall be construed to apply to any campaign contribution that is lawfully made to a candidate or candidate's committee pursuant to 17 V.S.A. chapter 61 or to permit any activity otherwise prohibited by 13 V.S.A. chapter 21.

I. UNAUTHORIZED COMMITMENTS

A municipal officer shall not make unauthorized commitments or promises of any kind purporting to bind the municipality unless otherwise permitted by law.

J. BENEFIT FROM CONTRACTS

A municipal officer shall not benefit from any contract entered into by the municipality and the officer, the officer's immediate family, or an associated business of the officer or the officer's immediate family, unless:

(1) the benefit is not greater than that of other individuals generally affected by the contract.

(2) the contract is a contract for employment with the municipality;

(3) the contract was awarded through an open and public process of competitive bidding; or (4) the total value of the contract is less than \$2,000.00

K. EX-PARTE COMMUNICATIONS: BOARDS, COMMISSIONS AND COMMITTEES

1. In any quasi-judicial matter (e.g., matter involving the issuance of a permit or approval), or the award of a contract, before a Town Board, Commission or Committee, a public official, employee or volunteer sitting on such Board, Commission or Committee, shall not, outside of that Board, Commission or Committee, communicate with or accept a communication from a person for which there are reasonable grounds for believing to be a party to the matter being considered, if such communication is designed to influence the official, or employee's action on that matter. If such communication should occur, the public official, employee or volunteer shall disclose it at an open meeting of the Board, Commission or Committee prior to its consideration of the matter.

L. DUAL EMPLOYMENT AND INCOMPATIBILITY OF OFFICES

1. The Town Selectboard will not hire or appoint any current office holder to a position identified as incompatible to their current held position as set forth in 17 V.S.A., Section 2647.
2. Incompatible offices set forth in 17 V.S.A., Section 2647, shall not be held simultaneously by any Town public official, or employee, with the exception of a member of Georgia Fire & Rescue.
3. A Town Select Person shall not serve as a member of the Town Planning Commission or Development Review Board.
4. A member of the Town Planning Commission shall not serve as a member of the Town Development Review Board.

5. A member of the Town Development Review Board shall not serve as a member of the Town Planning Commission.
6. A Town Select Person, Planning Commissioner, or member of the Development Review Board shall not be an employee of the Town of Georgia.
7. No person shall be appointed or volunteer as the chair or vice chair of more than one Selectboard committee or commission.

M. FAIR AND EQUAL TREATMENT

1. A public officer shall not use resources unavailable to the public – including but not limited to municipal staff time, equipment, supplies, or facilities – for private gain or personal purposes.
2. No public official, employee or volunteer shall request, use, or permit to be used, any publicly- owned or publicly supported property, vehicle, equipment, labor, service for the personal convenience or the private advantage of him/herself or any other person. This rule shall not be deemed to prohibit a public official, employee or volunteer from requesting, using or permitting the use of such publicly owned property, vehicle, equipment, or material which is provided as a matter of stated policy for the use of Town public officials, employee or volunteer in the conduct of official Town business.
3. No public official, employee or volunteer shall discriminate on the basis of race, color, religion, sex, sexual orientation, age, national origin, citizenship, ancestry, place of birth, disability, military or veteran status, gender identity, health coverage status, HIV status, genetic information, crime victim status, pregnancy or pregnancy-related condition or any other categories protected under local, state or federal law.

N. COMPLAINT OF ETHICS VIOLATION

1. A person, who believes that an appointed public official, employee or volunteer of the Town of Georgia has violated any portion of this policy, may send or deliver a signed, written complaint to the Ethics Liaison (Town Administrator) appointed by the Selectboard. The complaint shall include the name of the person alleged to have committed the violation and the specifics of the act(s) which constitute the violation. The Selectboard shall forward the complaint to the appropriate public official(s) for resolution.
2. Any complaint against an elected official shall be directed to the Town of Georgia's appointed Ethics Liaison (Town Administrator). A person may ask an elected body to reconsider a matter that they believe involved an unethical act by an elected official.
3. No person will be adversely affected in either their volunteer or employment status with the Municipality as a result of bringing a Municipal Ethics Complaint.

O. RE-AFFIRMATION OF ETHICS POLICY

1. Selectboard: Annually at their re-organizational meeting, Selectboard shall, in a public meeting, re affirm this Ethics Policy of the Town of Georgia. Each new Selectboard member shall sign a form acknowledging that they have received and understand the Ethics Policy. The Selectboard will at all times keep a standing Ethics Policy that is compliant with the State Ethics Commission guidelines.
2. Boards, Commissions and Committees: Upon appointment and annually at their re-organizational meetings, all boards, commissions, and committees appointed by the Selectboard shall, in a public meeting, re-affirm this Ethics Policy of the Town of Georgia. Each new board, commission or committee member shall sign a form acknowledging that they have received and understand the Ethics Policy.
3. Department Heads and Employees: Upon hiring, Department Heads shall be required to

distribute and review with their employees a copy of this Ethics Policy and the Personnel Policies and Rules of the Town of Georgia. Each employee will be required to sign a form acknowledging that he/she has received and understands this Ethics Policy and the Personnel Policies and Rules. This form must then be acknowledged by the Selectboard.

4. Elected Position: Each person seeking an elected position in the Town of Georgia shall be given a copy of this Ethics Policy of the Town of Georgia along with a petition.
5. Appointed Position: Each person seeking an appointed position in the Town of Georgia shall be given a copy of this Ethics Policy, of the Town of Georgia, upon submission of a letter requesting appointment.

P. DETERMINATION OF CONFLICT BY OTHER THAN THE TOWN OFFICER.

1. If a question of a member's disqualification hereof is brought to the attention of any board, commission or committee by any party or person or by another board, commission or committee member, and the member does not disqualify himself/herself, the board, commission or committee shall consider the factual basis for the question and shall decide the matter by majority vote, the challenged member abstaining.

Q. ENFORCEMENT AGAINST ELECTED OFFICERS; CONSEQUENCES FOR FAILURE TO FOLLOW THE CONFLICT OF INTEREST POLICY AND PROCEDURES.

In cases in which an elected public officer has engaged in any of the prohibited conduct listed in this policy, or has not followed the conflict-of-interest procedures as specified, the Town of Georgia may, in its discretion, take any of the following disciplinary actions against such elected officer as it deems appropriate:

1. The Chair of the Town of Georgia Selectboard along with one other serving member of the Selectboard may meet informally with the public officer to discuss the possible conflict of interest violation. This shall not take place in situations where the chair and public officer together constitute a quorum of a public body.
2. The Town of Georgia Selectboard may meet to discuss the conduct of the public officer. Executive session may be used for such discussion in accordance with 1 V.S.A. Section 313(a)(4). The public officer may request that this meeting occur in public. If appropriate, the Town of Georgia Selectboard may admonish the offending public officer in private.
3. The Town of Georgia Selectboard may admonish the offending public officer at an open public meeting and reflect this action in the minutes of the meeting. The public officer shall be given the opportunity to respond to the admonishment.
4. Upon a majority vote in an open meeting, the Town of Georgia Selectboard may request (but not order) that the offending public officer resign from his/her office.

R. ENFORCEMENT AGAINST APPOINTED OFFICERS

1. The Town of Georgia Selectboard may choose to follow any steps articulated in Section Q. In addition to or in lieu of any of those steps, the Town of Georgia Selectboard may choose to remove an appointed officer from office, subject to state law.

S. EXCEPTION.

1. The recusal provision of section G shall not apply if the Town of Georgia Selectboard determines that an emergency exists or that actions of a quasi-judicial public body otherwise could not take place. In such a case, a public officer who has reason to believe they have a conflict of interest shall only be required to disclose such conflict as provided in section G.

T. APPEALS

1. A decision of the Legislative Body may be reviewable by the Vermont Superior Court pursuant to Rule 75 of the VT Rules of Civil Procedure. An enforcement action taken against an employee may be appealed in accordance with the Municipality's personnel policy.

EFFECTIVE DATE.

1. This policy as amended shall become effective immediately upon its adoption by the Town of Georgia Selectboard.

Signatures:

Selectboard-Chair : _____ Selectboard Member: _____

Selectboard Member: _____ Selectboard Member: _____

Selectboard Member: _____

Date of Revision: _____

Adoption History

1. Agenda item at regular [insert name of legislative body] meeting held on _____.
2. Read and approved at regular/special [insert name of legislative body] meeting on _____ and entered in the minutes of that meeting which were approved on _____.
3. Posted in public places on _____.
4. Notice of adoption published in the _____ newspaper on _____ with a notice of the right to petition.
5. Other actions [petitions, etc.].

Incompatible Offices. There are a number of statutes that regulate whether a public official may hold more than one office. This chart provides an easy reference to assist you in determining whether two offices are incompatible to hold. The incompatibility of unlisted offices shall be determined at the discretion of the Select Board

CHART OF INCOMPATIBLE OFFICES

Can a Person Hold Both of These Offices?	Auditor	Selectperson	School Director	Town Manager	Town Treasurer	Election Official & Candidate (Australian Ballot)	Election Official & Candidate (Not Australian Ballot)	School District Employee	Spouse
Auditor	-	No	No	No	No	No, If Opposed	No	Yes	
Selectperson	No	-	Yes	No	No	No	No	Yes	
School Director	No	Yes	-	No	No	No, If Opposed	No	No	
Town Manager	No	No	No	-	No	No	No	Yes	
Town Treasurer	No	No	No	No	-	No, If Opposed	No	Yes	
Town Clerk	No	Yes	Yes	No	Yes	Yes	No	Yes	
Assistant Town Clerk	No	Yes	Yes	No	Depends ²	N/A	N/A	Yes	
Town Agent	Yes	No	No	No	Yes	No, If Opposed	No	Yes	
First Constable	No	No	No	No	Yes	Yes	No	Yes	
Road Commissioner	No	Yes	Yes	No	Yes	No, If Opposed	No	Yes	
Cemetery Commissioner	Yes	Yes	Yes	No	No	No, If Opposed	No	Yes	
Trustee of Public Funds	No	Yes	Yes	No	Yes	No, If Opposed	No	Yes	
Lister	Yes	No	Yes	No	Yes	No, If Opposed	No	Yes	
Assessor	Yes	No	Yes	No	Yes	Yes	Yes	Yes	
Tax Collector, Current	No	No	No	Yes	Yes	No, If Opposed	No	Yes	
Tax Collector, Delinquent	No	No	No	Yes	Yes	No, If Opposed	No	Yes	

Trustee of Public Funds	No	Yes	Yes		No	Yes	No, If Opposed	No	Yes	
Grand Juror	Yes	Yes	Yes		No	Yes	No	No	Yes	
Inspector of Elections	Yes	Yes	Yes		No	Yes	Yes	No	Yes	
Justice of the Peace	Yes	Yes	Yes		No	Yes	Yes	No	Yes	
	<p>1 Within same supervisory union. 2 Sec 24 V.S.A. § 1622. 3 A spouse of a town clerk, town treasurer, selectperson, trustee of public funds, town manager, water commissioner, sewer system commissioner, sewer disposal commissioner, first constable, road commissioner, collector of current or delinquent taxes, or town district school director, or any person who assists any of these officers may not be an auditor. 17 V.S.A. & 2647.</p>									

• **§ 1998. Whistleblower protection [Effective January 1, 2025]**

(a) Protected activity.

(1) An agency, department, appointing authority, official, or employee of a municipality shall not engage in retaliatory action against a protected employee because the protected employee refuses to comply with an illegal order or engages in any of the following:

(A) providing to a designated complaint recipient a good faith report or good faith testimony that alleges an entity of a municipality, employee or official of a municipality, or a person providing services to a municipality under contract has engaged in a violation of law or in waste, fraud, abuse of authority, or a threat to the health of employees, the public, or persons under the care of a municipality; or

(B) assisting or participating in a proceeding to enforce the provisions of this section.

(2) No agency, department, appointing authority, official, or employee of a municipality shall attempt to restrict or interfere with, in any manner, a protected employee's ability to engage in any of the protected activity described in subdivision (1) of this subsection.

(3) No agency, department, appointing authority, or manager of a municipality shall require any protected employee to discuss or disclose the employee's testimony, or intended testimony, prior to the employee's appearance to testify before the General Assembly if the employee is not testifying on behalf of an entity of the municipality.

(4) No protected employee may divulge information that is confidential under State or federal law. An act by which a protected employee divulges such information shall not be considered protected activity under this subsection.

(5) In order to establish a claim of retaliation based upon the refusal to follow an illegal order, a protected employee shall assert at the time of the refusal the employee's good faith and reasonable belief that the order is illegal.

(b) Communications with legislative bodies of municipalities and the General Assembly.

(1) No entity of a municipality may prohibit a protected employee from engaging in discussion with a member of a legislative body or the General Assembly or from testifying before a committee of a municipality or a committee of the General Assembly; provided, however, that a protected employee may not divulge confidential information, and an employee shall be clear that the employee is not speaking on behalf of an entity of a municipality.

(2) No protected employee shall be subject to discipline, discharge, discrimination, or other adverse employment action as a result of the employee providing information to a member of a legislative body, a legislator, or a committee of a municipality or a committee of the General Assembly; provided, however, that the protected employee does not divulge confidential information and that the employee is clear that the employee is not speaking on behalf of any entity of the municipality. The protections set forth in this section shall not apply to statements that constitute hate speech or threats of violence against a person.

(3) In the event that an appearance before a committee of a municipality or committee of the General Assembly will cause a protected employee to miss work, the employee shall request to be absent from work and shall provide as much notice as is

reasonably possible. The request shall be granted unless there is good cause to deny the request. If a request is denied, the decision and reasons for the denial shall be in writing and shall be provided to the protected employee in advance of the scheduled appearance. The protections set forth in this subsection (b) are subject to the efficient operation of municipal government, which shall prevail in any instance of conflict.

(c) Enforcement and preemption.

(1) Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of a protected employee under other federal, State, or local law, or under any collective bargaining agreement or employment contract, except the limitation on multiple actions as set forth in this subsection.

(2) A protected employee who files a claim of retaliation for protected activity with the Vermont Labor Relations Board or through binding arbitration under a grievance procedure or similar process available to the employee may not bring such a claim in Superior Court.

(3) A protected employee who files a claim under this section in Superior Court may not bring a claim of retaliation for protected activity under a grievance procedure or similar process available to the employee.

(d) Remedies. A protected employee who brings a claim in Superior Court may be awarded the following remedies:

(1) reinstatement of the employee to the same position, seniority, and work location held prior to the retaliatory action;

(2) back pay, lost wages, benefits, and other remuneration;

(3) in the event of a showing of a willful, intentional, and egregious violation of this section, an amount up to the amount of back pay in addition to the actual back pay;

(4) other compensatory damages;

(5) interest on back pay;

(6) appropriate injunctive relief; and

(7) reasonable costs and attorney's fees.

(e) Posting. Every agency, department, and office of a municipality shall post and display notices of protected employee protection under this section in a prominent and accessible location in the workplace.

(f) Limitations of actions. An action alleging a violation of this section brought under a grievance procedure or similar process shall be brought within the period allowed by that process or procedure. An action brought in Superior Court shall be brought within 180 days following the date of the alleged retaliatory action. (Added 2023, No. 171 (Adj. Sess.), § 22, eff. January 1, 2025.)

- **§ 1999. Municipal charters; supplemental ethics policies [Effective January 1, 2025]**

(a) To the extent any provisions of this chapter conflict with the provisions of any municipal charter listed in Title 24 Appendix, the provisions of this chapter shall prevail.

(b) A municipality may adopt additional ordinances, rules, and personnel policies regarding ethics, provided that these are not in conflict with the provisions of this chapter. (Added 2023, No. 171 (Adj. Sess.), § 22, eff. January 1, 2025.)