

TOWN OF BRATTLEBORO

EMPLOYEE HANDBOOK

Revised 07/2008

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Chapter 1 – INTRODUCTION

The Town of Brattleboro seeks to meet the needs of town residents as expressed and determined through the annual Representative Town Meeting and the actions of the Selectboard throughout the year.

Town employees are part of a team, which works to meet these public needs.

The Town seeks to develop and foster a work environment in which employees recognize their vital role in the functioning of the Town, and obtain personal satisfaction and monetary compensation for their efforts on behalf of the Town.

The purpose of the Employee Handbook is to clearly communicate information that is relevant and important to employees. This handbook provides guidelines in the form of policies and procedures with the intent of enhancing cooperation between management and employees as we strive together to serve the citizens of Brattleboro. Employee rights and responsibilities covered in this handbook include, but are not limited to:

Recruitment, Hiring and Employment

- Maintenance of Personnel Records
- Performance Appraisals
- Resignations and Terminations
- Grievances and Discipline
- Working Hours and Compensation
- Benefits
- Salary Administration
- Safety and Health
- Political Activity
- Harassment
- Conflict of Interest
- Code of Conduct

As the Town strives to be a responsible and fair employer we make the following statements:

- We support and enforce a smoke free environment
- We strongly enforce a drug free environment
- We are an equal opportunity employer
- We are committed to the fair treatment of our employees
- We believe in job related education/training and strive to financially and morally support employees in their career development
- We promote from within when and where possible
- We are only as successful as our employees
- We provide our “customers” and “clients” with the highest quality of service possible
- By working together we can make a positive impact on our community

The Town reserves the right to make changes to the policies, procedures and other statements made in this document. Business conditions, Federal and State Law and organizational needs are constantly in flux and may require that portions of the handbook be re-written. This is necessary to successfully provide the appropriate employment relationship and to obtain the goals of the organization.

The Employee Handbook is intended to assist Town employees by providing guidelines on employment policies, plans, procedures, definitions of the responsibilities and rights of employees and conduct that guide their performance. Employees are urged to ask their supervisor, department head, Human Resource Administrator or Town Manager, about policies, plans or procedures that are unclear. It is better to ask than to guess or to assume and work with incomplete or inaccurate information.

I. EMPLOYEES COVERED

This Employee Handbook shall be applicable to all persons employed in the service of the Town except persons under the direction and control of the Town School Directors. Employees in collective bargaining units have an additional Labor Agreement which sets forth wages, hours and other conditions of employment which may differ from those outlined in this Handbook. If there is a conflict between this document and the collective bargaining agreement, the collective bargaining agreement is the ruling document.

II. DEPARTMENTAL GUIDELINES

Each department may have specific operating policies and guidelines which apply to the department's operations and activities. Such guidelines must be consistent with those presented in this Employee Handbook and are subject to the approval of the Town Manager. Upon approval by the Town Manager and, where necessary, the Board of Selectmen, these departmental guidelines shall be part of the official Employment Policies of the Town. The Human Resources Administrator shall make notification of any changes in existing departmental policies and guidelines, including the introduction of new policies and guidelines.

III. EMPLOYMENT AT WILL

The state of Vermont is an "at will" employer state. As such, employment with the Town of Brattleboro is not for any definite period or succession of periods, and may be terminated either by the employee or by the Town at any time without notice, except as provided by a Collective Bargaining Agreement, or by Federal or State Statutes. The language in this Handbook is not intended to create, nor is it construed to be a contract between the Town and any employees. Wages or salary and any accrued and unused vacation allowable under these rules and regulations shall be due to the employee only to the day and hour of termination.

IV. LIMITATION

This manual and the provisions contained herein do not constitute a contract of employment and should not be interpreted as one. The Town reserves the right to add, amend, modify, revoke, suspend, terminate or delete any benefit or policy stated herein at anytime except as otherwise committed to by formal contract agreements or by law. In the event the Town adds, amends, modifies, revokes, suspends, terminates or deletes any benefit or policy stated herein, the employees will be given timely notice of such change.

V. EQUAL OPPORTUNITY EMPLOYER

Except where a bona fide occupational qualification exists, it is the policy of the Town of Brattleboro to provide equal opportunity to all qualified applicants and to employees with respect to initial appointment or hire, advancement, and general working conditions without regard to age, race, color, religion, sex, national origin, place of birth, religious or political affiliation, physical or mental disability marital status, or sexual orientation.

VI. EMPLOYMENT RECORDS

The Human Resources Administrator shall maintain a complete record of an employee's employment history with the Town. This record is known as the employees' Personnel File. Personnel Files shall contain all pertinent information relating to wages, hours of work, and performance in employment with the Town. An employee's file is confidential and may be reviewed only by the employee, their

Department Head, the Town Manager, Human Resources Administrator, Town Attorney, or others with a legal and proper interest.

Departmental Records: A department head may maintain limited files of current activities or actions of the department's employees. The contents of department files are not considered part of the employee's formal Personnel File. These files may contain information regarding leaves, commendations, and disciplinary actions. Unless otherwise provided in this Employee Handbook, information in departmental files may not be retained for more than twelve (12) months. After twelve months any information is sent to the Human Resources Administrator for inclusion in the employee's formal Personnel file or destruction.

VII. FALSE STATEMENTS

The Town of Brattleboro expects and requires that applicants and employees provide complete and accurate information regarding their previous employment, qualifications, and other questions that may arise regarding their employment with the Town. Providing false statements may be grounds for disciplinary action up to and including dismissal.

VIII. PROOF OF CITIZENSHIP

Immigration Law Compliance – The Town is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

Every new employee hired must provide proof of citizenship or legal immigration status in conformation with federal law. Failure to provide such proof shall result in non-hiring or immediate dismissal.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources Department. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

Chapter 2 EMPLOYMENT CONDITIONS AND ENVIRONMENT

I. COMMUNICATION/BULLETIN BOARD

Communication is essential to an effective and pleasant work environment. The Town recognizes its responsibility to keep employees informed about developments, policies, and procedures, which affect the Town and the work of its employees. Several avenues are available for communication with the Town:

Supervisors are the first source of information and contact for Town employees. Supervisors shall make every effort to ensure that information is brought to the attention of employees.

The Town Manager, Human Resources Administrator, and Department Heads will maintain an open door policy to discuss work or Town related questions or issues with employees.

Each department shall maintain a centrally located and readily available, bulletin board for announcements from the Town.

Department heads are responsible for ensuring that the bulletin boards are used appropriately and only for Town business; that announcements and other information affecting employees are posted in a timely manner.

Employees are responsible for checking the bulletin board weekly for information regarding the Town, work related matters and information.

Email may also be used to communicate information to employees. It is the responsibility of each employee to check his/her email account, read the emails, and submit questions to the supervisor as needed.

II. EMPLOYEE AVAILABILITY

Due to the nature of service with the Town it is sometimes necessary to contact employees on short notice. Therefore, employees shall be required to provide their home phone number to their supervisor and to the Human Resources Administrator. Some employees may also be required to provide a telephone number or other method of communication at which they can be reached in the event of an emergency.

Failure to satisfy these requirements or to inform the supervisor of any change in telephone numbers may be grounds for disciplinary action. In some cases the Town provides means of communication to employees in the form of pagers, cell phones, etc. Employees are expected to be accessible and respond to communication attempts.

III. DRUG TESTING

It is the policy of the Town of Brattleboro not to test employees or applicants for the use of drugs except where required for a position or skill. However, in certain circumstances where there is probable cause to suspect substance abuse on the job, employees may be required to undergo testing for substance use or abuse.

IV. NON-SMOKING

The Town recognizes that smoking and a smoke environment may be hazardous to the health of the employee. Therefore it is the policy of the Town to provide a smoke free work environment. The Town of Brattleboro prohibits smoking and the use of smokeless tobacco in all areas of all municipal buildings and work areas – including Town owned vehicles. Those who smoke outside of the Town buildings must do so in designated smoking areas and are asked to do so with consideration for nonsmokers who may be nearby. Cigarette butts and other smoking debris must be disposed of safely and without littering.

V. PAY SCHEDULES & PROCEDURES

Pay Periods: The *pay period* is bi-weekly and consists of either 75 or 80 hours within a consecutive fourteen day period beginning on a Sunday and ending fourteen (14) days later on Saturday. Town employees are paid bi-weekly for the two week period, or portion thereof, ending the preceding Saturday. When a scheduled payday falls on a legal holiday, paychecks are available the last working day preceding the scheduled payday

The *work period* (workweek) for non-management, non-exempt employees, except Public Safety employees (Uniformed/Sworn Officers only), is seven (7) days, from Sunday through the following Saturday. Flextime is defined as transferring hours from one day to another during the work period. Flex time may occur only within this work period (workweek).

The *work period* for Public Safety Uniformed/Sworn Officers is twenty-one (21) days for Fire and fourteen (14) days for Police.

Payroll advances are not normally granted. Exceptions may be made for employees who will be on approved vacation leave provided the written request was received at least two weeks in advance. The advance check will be released only on the employee's last day of work prior to the vacation.

Accumulation and use of Compensatory Time

Exempt employees (those not covered by the overtime provisions of the Fair Labor Standards Act) may accrue compensatory time but only on a straight time basis. The maximum accrual of compensatory time is fifteen (15) hours. This time must be used within a reasonable timeframe. Compensatory time that remains unused at the time of termination from the Town will not be paid.

Non-exempt employees (those covered by the overtime provisions of the FLSA) may accrue compensatory time outside the work period (workweek) and will receive compensatory time at a rate of time-and-one-half (1.5) for all hours worked over forty (40) in a workweek. Alternatively, non-exempt employees may choose to receive overtime pay at the rate of time and one-half.

For non-exempt employees the maximum accrual of compensatory time is 80 hours for eligible employees. Compensatory time is to be used within a reasonable period of time in a manner, which is not disruptive to the functioning of the department. Supervisors must approve use of compensatory time in advance of usage. Compensatory time that remains unused at the time of termination from the service of the Town will be paid at a rate which is equal to the higher of the average regular rate received by the employee during the previous three years; or the regular rate being received by the employee at the time of termination of services.

Overtime Work Provision Town employees daily and weekly schedules are based on several factors; services rendered to the public, the needs of the Town, law enforcement requirements, and public safety needs of the community. As such, town employees' schedules are subject to change as needs dictate. These changes may include overtime work.

Requests for employees to work overtime will be made with as much advance notice as is possible. However, unexpected circumstances or emergencies may arise which make advance notice impossible. Employees are expected to honor requests for overtime work, except in unusual circumstances. Repeated failure or refusal to perform overtime work when requested may result in disciplinary action.

VI. PROHIBITION OF HARASSMENT AND DISCRIMINATION

POLICY:

Employees have the right to work in an environment that is free of all forms of harassment and discrimination based upon an individual's sex, age, race, color, national origin, ancestry, religion, sexual orientation, place of birth, or physical or mental disability. Harassment violates an individual's basic civil rights; it undermines the integrity of the work place and can affect other workers even when they are not direct subjects of the harassment.

Harassment and arbitrary discrimination in any form will not be tolerated and is strictly prohibited. Harassment and discrimination based on an individual's sex, age, race, color, national origin, ancestry, religion, sexual orientation, place of birth, or physical or mental disability is illegal according to the Civil Rights Act of 1991, the Age Discrimination in Employment Act, the Americans with Disabilities Act and Vermont State Statutes. Employees who violate this policy will be subject to disciplinary action, ranging from a verbal warning up to and including dismissal. Furthermore, it is illegal to retaliate against an employee for filing a complaint of harassment or for cooperating in an investigation of sexual harassment.

The Town of Brattleboro will make every effort to insure that the workplace is free of harassment and discrimination. Every department head and supervisor is responsible for a suitable workplace. Their duty is to insure that all employees under their direction are familiar with and adhere to this policy. The direct supervisor is to insure that each employee understands that no one is expected to endure harassment or discrimination, that such conduct will not be tolerated, that this policy will be enforced, and that charges of harassment or discrimination will be thoroughly and impartially investigated. Any department head or supervisor who does not deal with complaints or harassment or discrimination in a manner consistent with the terms of this policy will be subject to disciplinary action.

DEFINITIONS

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, color, race, ancestry, religion, national origin, age, physical or mental disability, marital status, sexual orientation, veteran status, citizenship, or other protected group status. The Town will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.

Sexual Harassment deserves special mention. Unwelcome sexual advances, requests for sexual behavior, and other physical, verbal, or visual conduct based on sex constitutes sexual harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating hostile, or offensive working environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", "practical jokes", jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching, or brushing against another's body.

COMPLAINT RESOLUTION PROCEDURE FOR HARASSMENT OR DISCRIMINATION

The Town of Brattleboro by way of this policy and procedure will respond rapidly and effectively to all complaints. The Town's commitment is to insure that harassment and discrimination does not occur or

persist. In order to facilitate this commitment, the Town will carry out a comprehensive and continuous training program to make employees aware of potentially harassing behavior and to prevent such behavior.

All employees are expected to report any incidents of harassment or discrimination they experience or witness. The Town will make every effort to insure that no retaliatory comments or actions take place as the result of any such report. The success of this process will in large part depend upon the willingness of employees to report prohibited behavior. The Town will take immediate action to remedy any harassing or discriminatory behavior in the workplace

Employees are encouraged to utilize the following complaint resolution steps:

Step One:

Any employee who has been the subject of harassing or discriminatory behavior may wish to first discuss, in person or in writing, the incident with the individual responsible. This discussion should focus on the facts and dates of the incident, the resultant feelings (e.g. anger, humiliation), and a clear indication that the behavior in question is unwanted and will not be tolerated. This discussion should be documented for possible use at a formal hearing.

If this step appears to be futile or if the employee who has been the subject of harassing behavior feels uncomfortable with doing this, the employee should proceed to Step Two. Confronting or reporting the situation should take place as soon as possible after the incident.

Step Two:

Any employee who believes that they have been the subject of harassment or discriminatory treatment shall report the alleged act or acts to any one of the following:

- Immediate Supervisor;
- Department Head;
- Barbara Sondag, Town Manager/HR Administrator
Room 208
230 Main Street, Brattleboro, VT 05301
(802) 251-8102;

We encourage employees to report prohibited behavior as soon as possible following the alleged occurrence or if efforts undertaken in Step One fail to remedy the situation.

All complaints received will immediately be referred in writing to the Human Resources Administrator. The Human Resources Administrator will advise the Town Manager and discuss the appropriate course of action to insure a timely and complete investigation of the complaint. The Human Resources Administrator will issue a written notice to the reporting entity acknowledging receipt of the complaint and notice of the investigation.

The investigation will be done promptly and every effort will be made to complete the case in no more than thirty (30) days. The Human Resources Administrator will prepare a written report to the Town Manager detailing the results of the investigation. If the complaint is founded, the written report will include recommendations to eliminate the prohibited behavior, identifying the individual employee or employees who were responsible for the incident and recommending appropriate discipline. This report will be provided to the Town Manager who will take the steps necessary to insure that the employees found to be responsible are appropriately disciplined. The Town Manager will also insure that adequate remedies are in place, to prevent the reoccurrence of the prohibited behavior or any form of retaliation.

If the complaint is not founded, the Town Manager will notify the employee initiating the complaint and explain the investigation findings. If the complaint is founded the Town Manager will notify the employee initiating the complaint of the investigation outcome and explain what safeguards will be put in place to prevent a reoccurrence of the behavior. In all cases the employee initiating the complaint will be notified of the findings.

Appeal:

If the complaining employee is dissatisfied with the outcome of the investigation or the actions taken by the Town Manager to prevent future occurrences, an appeal may be made to the appeals board. The employee shall follow the appeals procedure as set out in Chapter 5 Disciplinary Action, Section III Grievance, Subsection Final Appeal found in these policies.

This policy does not preclude any individual from seeking other legal measures to address the issue of harassment. In addition to contacting the Town's staff an individual may obtain information regarding harassment and discrimination from or file a complaint with the following State or Federal agencies:

State of Vermont Attorney General's Office

109 State Street
Montpelier, VT 05301
(802) 828-3171 (Voice/TDD)

Equal Employment Opportunity Commission

1 Congress Street
Boston, MA 02114
(617) 565-3200 (Voice)
(617) 565-3204 (TDD)
Complaints should be filed within 300 days of the adverse action

VII. LIMITATION ON MULTIPLE POSITIONS WITH THE TOWN

Town employees may be employed on a regular basis, in only one department with the Town. Occasional or sporadic, part-time employment with another department is permissible, with the prior approval of the Human Resources Administrator. Such work must be of a type which is substantially different than the employee's primary employment with the Town, and must be undertaken by choice of employee and not by order of the Town.

VIII. ORIENTATION

To assist new Town employees, each new employee shall receive an orientation to the Town, department and the position.

This orientation shall include, not be limited to:

- A review of Town policies and procedures
- A review of specific policies and procedures of the department
- An introduction to co-workers
- A review of the expectations and requirements of the position, with an identification of significant dates or deadlines
- Training in specific job functions or operations in which the employee is not specifically trained. The supervisor or a designated co-worker will normally provide such training. Training here does

not include external training which would require time off from your job or additional expense to the Town, except in the case of the Fire and Police Departments.

IX. TRAINING

The Town of Brattleboro seeks to continually improve the effectiveness of the services provided and to encourage employees to develop and improve their abilities. It is recognized that the training and the education can have a direct benefit for both the Town and its employees.

In-house Training

As appropriate, the Town or individual department may organize and conduct training or refresher programs for employees. These programs may be conducted during normal work hours.

Outside Training

Legitimate training within the community can be of substantial benefit to the employee and the Town.

The Town Manager's office will try to bring to employee's attention training or other programs. Full time and part time employees may request permission to attend a training program offered during normal work hours. The department heads may authorize and grant paid administrative release time, recognizing the work needs of the department. Department heads may authorize and approve payment for outside training, recognizing cost and budgetary constraints.

Paid release time for training will be determined on the basis of relevance to current position/job, value and relevance to the employee; length of time, if any, the employee will be absent from work. Decisions on payment for training costs will be determined on the basis of program cost and available budgetary allocation.

X. EDUCATION

The Town encourages employees to continue their formal education for their own development and for the benefit of the Town.

Employees who enroll in formal education programs may be eligible for paid administrative release time to pursue their studies during normal work hours. The paid release time may be permitted under the following conditions:

- The course of study was approved prior beginning attendance
- The course of study has a demonstrable benefit or relevance to the Town and/or the employee's position as approved by Department Head and Human Resources Administrator.
- The amount of release time does not exceed the equivalent of three hours per week.
- The employee remains responsible for the fulfillment of their employment responsibilities and duties to the Town.
- A copy of the employee's grade for a course is given to the Department Head and Human Resources Department as soon as possible after the completion of the course.
- Failure to successfully complete a course or to provide management with a course grade may result in restrictions being placed on the employee receiving any future educational benefits.

XI. TRAVEL EXPENSES/REIMBURSEMENT

Employees who are required to travel to fulfill their job responsibilities, shall be reimbursed for travel expenses according to the following:

Transportation

Whenever possible, employees will use Town vehicles for job related travel. When the use of an employee's personal vehicle for work related travel is required, the Town will pay mileage allowance at the rate set by the federal government for the fiscal year in which the travel occurred.

All travel will be by the most direct route and by the most economical mode of transportation available. Mileage will be payable to only one person per vehicle. When possible car pooling should occur.

Meals/Lodging

Meals: Employees whose job responsibilities require travel out of town on business will be reimbursed for the actual costs incurred for meals and tips. Meal reimbursement will be capped at the per diem rate as published annually by the General Services Administration in the "Federal Travel Regulations." For partial days, reimbursement for meals will be split as follows: Breakfast 20% of per diem rate; Lunch 30% of per diem rate; Dinner 50% of per diem rate for the area.

Meals and tips will not be reimbursed if the meals are included in the seminar or meeting. Alcohol will not be reimbursed.

Lodging

Actual lodging expenses will be reimbursed, with the understanding that the person traveling will always seek and use the "government economy" room rate offered by hotels.

Miscellaneous Expenses

The following items may be reimbursed during out of town travel: Business telephone calls; taxicab fares; parking fees; bridge, road and tunnel tolls; registration fees; car rentals (if appropriate).

Expense Report

Employees must submit an expense report with receipts to receive reimbursement. Approval for travel, lodging, and food must be obtained from the department head prior to a trip, except in emergency or unusual circumstances. The Department Head or Finance Department may require a copy of the meeting/seminar brochure. Reimbursement is for employees only.

Chapter 3 – PERSONNEL ACTIONS

I. EMPLOYMENT OPPORTUNITIES

Policy

It is the policy of the Town to seek the best-qualified person available for vacancies as they occur. A vacancy may be filled through one of the following processes:

- Promotion A current employee who meets the minimum qualifications for the job will be considered for promotion to fill a vacancy by following the promotion procedures set forth below.
- Recall Employees on lay-off status will be recalled for up to one year, subject to the Reduction in Force, Recall and Seniority provisions of this manual, if qualified for the opening.
- Register Officer and Fire Fighter vacancies will be filled from a list of persons appearing on a maintained registers. Persons must complete a course of examination to qualify to have their names placed on the register.
- Recruitment (In house and out of house) Notice of available job openings will be posted internally at each Town location and out of house in local newspapers

Individuals with disabilities: Any applicant with a disability who needs reasonable accommodation in the employment or examination process, should contact the Human Resources Administrator. Prior arrangements and documentation are necessary before examination accommodations

II. PROMOTIONS

Policy

Vacancies in positions above the lowest rank in any category shall be filled, as far as practical, by the promotion of qualified active employees. Managers will make selections based on who is best qualified to fill the position.

Promotions must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of affecting an increase in compensation.

Employees who have been disciplined with a written warning, or a more severe form of discipline, within a six- (6) month period prior to a promotional vacancy, shall not be eligible for promotion.

Promotions with Competition

Current employees must submit applications or letters of interest to apply for posted vacancies. Selection for employment shall be made on the basis of bona fide occupational qualifications for the vacant position. Such qualifications may include any or all of the following: education, experience, aptitude, knowledge, merit and fitness.

Promotion Without Competition

In special circumstances, the Town Manager may authorize the promotion of an eligible employee, without competition. In such instances, the department head shall present to the Town Manager, a written statement showing:

- That the duties performed by the employee nominated are a natural preparation for the higher position;
- That such employee is entitled to promotion by reason of service and effective performance; and,

- That no other employee of the town meets the foregoing conditions.

Promotional Trial Period

For securing the most effective adjustment of the employee and determining that the employee's performance meets the standards required of the new position, all promotions shall be made for a trial period of up to twelve (12) months. A department head may extend the trial period, with the approval of the Town Manager, for an additional period of time, up to a total of eighteen (18) months. The trial period for the employee shall be set forth in the letter of promotion. During the trial period, the department head shall:

- Evaluate job performance quarterly in consultation with the employee's direct supervisor;
- Provide written evaluations to the employee and Town Manager;
- Discuss specifically where job performance improvement is needed;
- Assist in correcting any deficiencies.

During the trial period the employee may not be transferred or promoted to another position within the Town.

During the trial period an employee may be reverted to their former classification and pay if:

- The employee has not demonstrated the competence to carry the responsibilities of the position,
- The department head submits written justification for the reversion to the Town Manager, and
- The Town Manager approves the action.

With such reversion action the employee may return to their previous position, or a similar position, if one is available. If a suitable position is not available, the employee may be subject to lay off with reinstatement rights as specified in Chapter III. An employee may request to be reverted to their former classification and pay, so long as their previous position or similar position is vacant and available. Upon reversion to the former classification, the employee shall not be reconsidered for promotion to the same classification for a period of one year. This request must be approved by the Town Manager to become effective.

III. RECRUITMENT

Policy

When open recruitment for a position is in the best interest of the Town, the Town shall recruit qualified applicants in a manner consistent with its commitment to Equal Employment Opportunity.

Procedures

Announcements of vacancies being filled through open recruitment shall:

- Be advertised in local and other appropriate newspapers and publications in addition to departmental postings;
- Be posted in other relevant publications as determined by the Assistant Town Manager
- Advertisement will contain minimally the position title, nature of work to be performed, desired and required qualifications, and closing date for receiving applications.

IV. REGISTER

Register

Fire fighter and Police Officer positions are filled through the use of a register system. Persons become eligible to have their name placed on the register after successful completion of examinations administered by the respective Department. As vacancies arise the Department Head will consult with the register for qualified candidates.

Examinations

Register examinations measure job related skills and abilities. The exam is used to determine eligibility of current and perspective employees for a current or future vacancies. Examinations are open only to persons who meet the requirements of the job description. Persons who successfully complete the examination have their names added to the register.

Whenever the Department Head directs an examination to be held, notice of such examination shall be published and posted in all departments and in the local paper. Examinations for certain job vacancies will be held at least once each fiscal year. More frequent examinations may be scheduled as vacancies arise. The Department Head shall keep the results of examinations for one (1) year from the date the examinations are taken.

V. HIRING/SELECTION PROCESS

Final selection for employment (whether promotional, open recruitment or register) shall be made on the basis of bona fide occupational qualifications for the position applied. Such qualifications may include any or all of the following; education, experience, aptitude, knowledge, merit and fitness.

Criteria

The qualifications of an applicant may be verified based on the results of open competitive examinations, which may be a written, oral, or physical examination or any combination of these. Education, experience, aptitude, knowledge, character, and physical fitness will also be considered in determining the qualifications for the job based on job related responsibilities.

Physical Examinations

In full time positions where health or physical abilities are particularly important, a physical examination may be required as part of the final hiring process.

References

As part of the hiring procedure, former supervisors, employers, and references provided by applicants shall be checked. Reference checks made by personal or telephone contact shall be documented, made part of the applicant's file, Reference checks shall be completed prior to an offer of employment and handled as privileged information. Weights will be assigned to these factors, as deemed appropriate by the Human Resources Administrator.

Final Selection

Selection for hire shall be made from the three top candidates. The Department Head shall recommend a final hire to the Town Manager, who shall grant final approval.

The Selectboard selects and hires the Town Manager. Town Clerk, Town Attorney, and the Treasurer are recommended by the Selectboard and ratified by the Town Meeting Representatives

VI. NOTIFICATION

All applicants shall be notified by mail of the results of their examination(s) as soon as possible following the close of the examination.

Unsuccessful applicants who are not selected for employment will be so notified by mail.

VII. EMPLOYMENT STATUS

Selection for hire into the Town service may fall into one of the following categories:

Full-time: A full time employee works a regular work week of at least thirty (30) hours or more on a continuing basis throughout the year; is subject to all Town Employment Policy guidelines; receives benefits and rights as provided by the Employment Policy Guidelines; performs regular work supplemented by special work as needed; receives wages or salaries within the range specified for the job.

Student Intern: The purpose of hiring a student intern is to afford students of public administration or other professional areas an opportunity to gain actual work experience and to provide service to the Town. Student interns work for a definite period of time, not to exceed twelve (12) months, their hire requires the approval of the Town Manager, and they may be paid or non-paid. Paid student interns will normally receive the minimal hourly wage for the job classification. Student interns shall not be eligible employee benefits as outlined in this handbook but are subject to all other policies in Employee Handbook.

On-Call: An On-Call employee works on a recurring basis as needed by a department. The employee may work on special projects or do regular work on a recurring basis; i.e., fill in for vacationing employees, etc. The department head will determine, subject to the approval of the Town Manager, the compensation level within the range established for the job classification. The on-call employee shall not be eligible for employee benefits as outlined in this handbook but is subject to all other policies in Employee Handbook policies

Emergency: Emergency employees may work full or part time. The selection and hire of emergency employee may be authorized by the Town Manager to prevent the disruption of public business or a loss or serious inconvenience to the public. Emergency employees may be authorized by the Town Manager for a period not to exceed sixty (60) days. The Human Resources Administrator shall determine the appropriate salary or wages. Emergency employees shall not be eligible for employee benefits as outlined in this handbook but are subject to all other policies in Employee Handbook.

Temporary Special Project: Temporary Special Project employees are hired to work on special projects. The Town Manager and department head shall determine appropriate wages. Employment shall be for the duration of the special project. Temporary Special Project Employees shall not be eligible for employee benefits as outlined in this handbook but are subject to all other policies in Employee Handbook.

Part-time Regular: Part-time regular employees are scheduled to work a regular workweek of twenty-nine (29) or fewer hours throughout the year. Part-time regular employees are paid within the regular wage rate for the position assumed. Part-time regular employees receive benefits as outlined in this Employee Handbook and are subject to all policies in the Employee Handbook.

Limited term: A limited-term employee is hired when a special project requires the addition of employees for a specific term or to fill a position of an employee on a leave of absence. Such employee shall be hired for an initial period not to exceed twelve (12) months. The employee's term of hire may be extended up to an additional six months with the approval of the Town

Manager. Salary or wages are within the classification range for the position. Such employees shall receive all regular benefits during their terms of employment and are subject to all Employment Policy Guidelines.

Seasonal: A seasonal employee is hired to perform extra work completed during specific seasons. Summer employment for Recreation and Parks and Public Works falls under this category. Seasonal employees pay is determined by the Human Resources Administrator. Seasonal employees shall not be eligible for employee benefits as outlined in this handbook but are subject to all other policies in Employee Handbook

VIII. PROBATIONARY PERIOD

New Employees

It is the policy of the Town that each new employee will have a period of adjustment and an assessment of the extent to which the employee's work meets the required standards of the department.

All new employees shall serve a probationary period of up to twelve (12) months. A department head may extend the probationary period, with the approval of the Town Manager for up to an additional six (6) months.

Evaluation

During the probationary period the employee shall be evaluated on a quarterly basis. One (1) month prior to the end of the probationary period, the department head shall submit a written report to the Human Resources Administrator carefully reviewing the work of the new employee.

Dismissal

An employee on probation, may be dismissed by the Town Manager based upon the recommendation of the department head without cause.

Compensation

Unless otherwise approved by the Town Manager, new employees shall be paid at the established entry level rate during this period.

Benefits

Employees on probation shall be eligible for, and receive, the benefits of regular employees, subject to the eligibility provisions and limitations included in this manual and in the Summary Plan Descriptions or insurance contracts for each benefit plan.

Appeals

Employees on probation shall not have the right of appeals or grievance.

IX. RESIGNATION

Non-management employees who voluntarily resign from employment with the Town shall give at least two (2) weeks notice, in writing. Such resignation notice shall be submitted to the supervisor or department head. Management or exempt employees (those exempt from the overtime provisions of the FLSA) who voluntarily resign from their employment with the Town shall give at least four weeks resignation notice in writing. Such notice shall be submitted to the department head, or, in the case of department heads, to the Town Manager. The Town Manager may waive the required notification period when it is in the best interest of the Town.

X. EXIT INTERVIEW

To assist the Town and the employee, the Human Resources Administrator shall conduct an Exit Interview when an employee leaves the service of the Town. The department head may also conduct an exit interview. Information received from is interview will be reviewed to assess potential changes in the workplace.

XI. DEMOTION

A Town employee may be demoted to a position of lower classification for which they are qualified, for any of the following reason:

Position Abolished: When an employee would otherwise be laid off because a position is being abolished.

Position Reclassified: When a position is being reclassified and the employee does not have the newly required qualifications.

Replaced Employee Returning from Authorized Leave: When another employee returns to work from authorized leave to the position, in accordance with the Rules on leave.

Lack of Qualifications: When an employee does not possess, or loses, the necessary qualifications to render satisfactory service in the position held.

Voluntary Request: When an employee voluntarily requests such a demotion and a position is available at the lower classification for which the employee is qualified.

Disciplinary Action: As a disciplinary action in conformance with the provisions of Chapter V, Disciplinary Action.

Reduction in Pay: An employee demoted through a voluntary request or as a result of disciplinary action will also have a reduction in salary. All demotions are subject to the approval of the Town Manager.

XII. REDUCTION IN FORCE

A reduction in force will be undertaken only when the best interest of the Town requires. Any reduction in forces will be undertaken in a manner which minimizes the adverse effects on the Town and affects the least number of employees as possible. In the event that a reduction in force is necessary, lay-off within the affected department or classification will be made in accordance with the following procedure:

1. Employees within the affected department or position who have not completed their probationary period will be terminated. Such employees shall have no recall rights. The Town Manager will determine which probationary employees will be terminated if less than the total number of probationary employees are to be terminated. This determination shall be based upon the qualifications of the employees; the evaluations received; the length of time with the Town.
2. Employees with the least departmental seniority shall be laid off first. However, a more senior employee may be laid off if the employee does not have the skills or qualifications required to do the available work, and a less senior employee does have the required skills or qualifications.

3. Employees who are notified that they are to be laid off shall have the right to “bump” a less senior employee in that employee’s own department, provided that the employee has the skills or qualifications required to do the work of the “bumped” employee. Such an action shall be considered to be a voluntary request for demotion, if the position being sought is at a lower classification.

XIII. RECALL

It is the policy of the Town to recall employees who are on layoff as vacancies occur within the Town service for which the employees are qualified. Such recall shall be used to fill vacancies before new employees are recruited or hired.

Order of Recall

Employees who are on lay-off shall be recalled in order of seniority within the department, which is increasing its work force. The employee with the most seniority will be recalled first, provided that the employee has the skills or qualifications required doing the available work.

Qualifications

Whether an employee has the skills or qualifications to perform available work will be determined by the Town Manager. The Town may use an evaluation process, which fairly measures an employee's past work, present job abilities, and the employee’s potential for improvement.

Reporting After Recall

An employee who is on lay-off and is recalled must notify the Town of their intention to return to work on a certain date within three (3) workdays of their recall notice. Failure to notify the Town within three (3) days shall result in a loss of all seniority and further recall rights.

In exceptional or unusual circumstances, the Town Manager may extend the reporting period to a maximum of five (5) working days.

Limitation

An employee who is on lay-off and who has not received notification of recall within one (1) year from the date of lay-off shall lose all seniority and recall rights.

XIV. SENIORITY

Policy

Town employees acquire seniority with the Town, with their position, and within their department. Seniority is used only for making decisions regarding vacation, layoff, and recall and does not necessarily give an employee any preference for type of work, places to work or equipment to use.

An employee’s seniority status with the Town of Brattleboro shall be determined according to the actual length of full time continuous service the employee has had with the Town.

Class seniority shall be computed from the date of an employee's full time selection to the present class.

When two (2) or more full time employees are appointed to the same position on the same day, the employee whose last name comes first in the alphabet will be considered most senior. In the event employees have the same last name the person whose first name comes first in the alphabet will be considered most senior. If employees have the same overall seniority then the employee whose last name comes first in the alphabet will be considered most senior. In the event employees have the same last name the person whose first name comes first in the alphabet will be considered most senior.

Full time employees on approved military leave are entitled to full credit for the years of service accumulated prior to the military leave, as well as for the time spent in the military, provided they return to the Town's employment within ninety (90) days following the conclusion of their military leave.

Chapter 4 – EMPLOYEE CONDUCT

Policy

The Town recognizes the rights of individuals to live their lives subject to the rules and laws of society as expressed in our various constitutional institutions.

The Town of Brattleboro expects and requires employees to adhere to standards of conduct, which are required for the effective functioning of the Town. Failure to observe these standards can result in disciplinary actions, and in some situations, termination of employment.

The Town believes that every employee should be aware of their visibility as a Town employee and should conduct himself or herself in such a manner as to bring credit both upon the Town and the Town employee in general.

I. HOURS OF SERVICE

With the approval of the Selectboard, the Town Manager shall prescribe the minimum number of hours to be worked on a daily and weekly basis. The hours so established shall be constructed as the regular workweek. While individual employee hours of service are articulated in letters of agreement, standard weekly hours of service are as follows:

Management	37½ hours
Administrative	37½ hours
Trades and Service	40 hours
Police	40 hours
Fire	56 hours
Confidential	37½ hours

Flexible schedule

At the discretion of the department head, and with the approval of the Town Manager, a flexible schedule may be permitted provided that all essential department needs are met and the full workweek hours are completed. Observance of the established hours of the department is expected of all employees, unless a flex schedule has been approved, as discussed above.

Authorized Absence

An absence is only considered authorized if the Department Head and/or Town Manager grants prior approval to the employee.

Unauthorized Absence

Unauthorized absences, including the absence for a single day or part of a day, shall be investigated by the appropriate supervisor and shall be reported to the department head for action. An unauthorized absence shall result in a forfeiture of all compensation for the period of such absence. Repeated instances of unauthorized absences shall result in other disciplinary action, up to and including dismissal.

Excessive Absences Whether authorized or unauthorized, excessive absences cause a disruption to the smooth flow of work. Employees who have excessive absences of any kind will be subject to disciplinary action up to and including discharge

II. INFORMATION DISCLOSURE/CONFIDENTIALITY

Employees are prohibited from discussing, disclosing or using knowledge of official business, which is acquired as a result of employment with the Town as long as such knowledge does not pertain to matters of public record. Divulging, discussing, or using knowledge that is not public record shall result in disciplinary action, up to and including dismissal.

III. POLITICAL ACTIVITY

Policy

Town employees are encouraged to exercise their normal civic rights and responsibilities. They retain the right to vote and to freely express their opinion on all political subjects, to become or continue to be a member of any political party or to attend political meetings.

Restrictions

Several restrictions apply as a result of employment with the Town. Town employees shall not use their official authority for the purpose of interfering with or affecting the nomination or election of any candidate for public office; command or solicit from any other employee direct or indirect participation in any political party, organization or the support of political candidates; or offer themselves as a candidate for any general government office at the state or national level, unless they resign their Town position or are allowed to take a leave of absence without pay. However, Town employees may be a candidate for the Brattleboro Representative Town Meeting; provided that their position with the Town is not used in any way to further their candidacy. The pursuit of political activities while working, or through the use of Town facilities is strictly prohibited.

IV. OUTSIDE EMPLOYMENT

Full time employees of the Town are expected to be available to fulfill their responsibilities and duties. Positions with the Town are the principal and primary occupation of full time employees and they are expected to devote their full energies to the performance of their duties. Other employment, which interferes with an employee's responsibility to the Town, is prohibited. A full time employee who obtains additional employment shall notify their department head, in writing, of such employment. An inability to satisfactorily perform one's job with the Town may lead to discipline, up to and including dismissal. All employees are prohibited from engaging in outside employment that compromises the employer's image. The prohibition includes the unauthorized use of any employer tools, equipment, or resources. In addition employees are not to conduct any outside business during paid working time. The Town will be particularly concerned about outside employment that involves working for an organization that does a significant amount of business with the Town.

V. CONFLICT OF INTEREST

No employee shall engage in self-benefiting arrangements; contractual or otherwise, direct or indirect, which results from employee's position, knowledge and/or responsibilities as an employee of the Town.

VI. BUSINESS ETHICS AND CONDUCT

The successful business operation and reputation of the Town of Brattleboro is built upon the principles of fair dealing and ethical conduct of our employees. The Town's reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The continued success of the Town is dependent upon the trust of our clients, the community and the Selectboard. The Town is dedicated to preserving that trust. Employees owe a duty to the Town and all who come into contact with the Town, to act in a way that will merit the continued trust and confidence of the public and other employees. Whenever wearing an employee ID badge, clothing with the Town logo on it or anything else identifying persons as a Town employee, whether on or off duty, employees are expected to behave in a manner that is consistent with the agency policy.

The Town will comply with all applicable laws and regulations and expects its managers and employees to conduct business in accordance with the letter, spirit and intent of all relevant law and refrain from any illegal, dishonest or unethical conduct.

In general, the use of good judgment, based on high ethical principals, will guide employees with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with the immediate supervisor and, if necessary, the Human Resources Department for advice and consultation.

Occasionally, interpersonal conflict may arise in the workplace. However, the nature of the Town requires that employees maintain the highest standards of professional integrity and reputation. If necessary, the Human Resources Department will make itself available to assist in mediating interpersonal conflict between members of the staff. Employees are strongly encouraged to take advantage of this assistance when appropriate. Making false and/or malicious statements against another member of the Town staff or withholding or misrepresenting information that is important to the policies of the Town may result in termination of employment.

Compliance with this policy of business ethics and conduct is the responsibility of every employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including possible termination of employment.

VII. APPEARANCE

Dress, grooming and personal cleanliness standards are an important part of the Town's image. It may also contribute to the morale of all employees and affect the professional image the Town presents to the community. Employees who have contact with the public are expected to present a professional appearance and to dress according to the requirements of their position. Clothing must be clean, neat, and without holes. Skirts and dresses should be of appropriate length.

Employees who do not have contact with the public may wear more casual clothing throughout the workweek. Employees who are required to wear uniforms must wear neat and clean uniforms.

Professional appearance means that employees maintain good hygiene and grooming. Rings through the nose, eyebrows, or tongue may not be worn while working. All tattoos must be non-offensive in nature.

The Town reserves the right to determine appropriate dress and appearance. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

Consult the supervisor or department head if there are questions as to what constitutes appropriate attire.

VIII. REASONABLE ACCOMMODATIONS

Overview

The TOWN is committed to complying with all applicable provisions of the *Americans with Disabilities Act*. It is the Town's policy not to discriminate against any qualified employee or applicant with regard to any

terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the Town will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the Town aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the Town. The ADA does not require that the Town make the best possible accommodation, reallocate essential job functions, or provide personal use items (e.g., eyeglasses, hearing aids, wheelchairs, etc.).

Procedure for Requesting an Accommodation

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Human Resources Administrator or their supervisor. Such contact may be in written or oral form. All requests will be forwarded to the Human Resources Department for follow-up oversight.

On receipt of an accommodation request, the Human Resources Administrator and employee's supervisor will meet with the employee to discuss and identify the precise limitations resulting from the disability and the potential accommodations that the Town might make to help accommodate those limitations.

The Town will determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodation, outside funding, Town's overall financial resources and organization, and the accommodation's impact on the operation of the Town, including its impact on the ability of other employees to perform their duties and on the Town's ability to conduct business.

The Town may request relevant supplemental medical information if the information submitted does not clearly explain the nature of the disability, or the need for the reasonable accommodation, or does not otherwise clarify how the requested accommodation will assist the employee to perform the essential functions for the job or to enjoy the benefits and privileges of the workplace.

The Town will inform the employee of its decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, employees will be advised of their right to appeal the decision to the Town Manager. Appeals should be made in writing, stating the reasons for the initial accommodation request. The decision of the Town Manager is final.

Determination of Undue Hardship

A determination of undue hardship is based on several factors, including:

- Nature and cost of the accommodation needed;
- Overall financial resources of the site/program making the reasonable accommodation; the number of persons employed at this site/program; the effect on expenses and resources of the site/program;
- The overall financial resources, size, number of employees, and type and location of facilities of the employer;
- The type of operation of the employer, including the structure and functions of the workforce, the geographic separateness, and the administrative or fiscal relationship of the facility involved in making the accommodation to the employer;
- The impact of the accommodation on the operation of the worksite.

Questions/Concerns

An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify the Human Resources Administrator, supervisor, or Town Manager. All such inquiries or complaints will be treated as confidential to the extent permissible by law.

IX. RECEIPT OF GIFTS

Town employees, and all volunteers, shall exemplify the highest standards of commitment and professionalism in service delivery. Employees shall not accept gifts or gratuities from current or potential vendors, consultants, or the general public, which are given with the intent of obtaining preferential treatment, receiving monetary benefits, or any other preferential treatment from the Town. Violation of this policy may result in disciplinary action.

X. PHYSICAL EXAMINATION/FITNESS TEST

Physical examinations are required of certain Town employees as follows:

- Those who drive municipal vehicles;
- Those who are required by state or federal law to receive physical examinations; or
- Those whose positions require physical and mental skills and abilities that are bona fide occupational qualifications and important to the performance of their jobs.

The required physical examinations shall be performed through arrangements made by and with an entity designated by the Town; shall be reported on a form or in a manner furnished or prescribed by the Town. The completed form shall be filed with the Town Manager. Required physical examinations will be at the Town's expense.

Some employees may feel more comfortable being examined by someone of the same sex. When the town schedules physicals, provisions can be made for same sex examinations. Employees should request this of their supervisors when scheduling their physicals.

Return to work examinations will be performed following worker's compensation and/or extended medical leaves to ensure the employee's ability to perform the essential functions for their job as outlined in their job description.

Public Works employees and uniformed Fire and Police employees may be required to pass a physical examination as well as a fitness test. Tests and examinations required by the Town will be at the Town's expense provided they are preformed by the Town designated entity responsible for such testing.

XI. ALCOHOL AND DRUG ABUSE/DRUG TESTING

Policy

Working under the influence of alcohol or regulated drugs may endanger the public, co-workers and the employee and result in poor or inaccurate job performance. Employee's who experience alcohol or drug abuse problems are expected and encouraged to seek assistance in the treatment of their problems. Such employees may, without fear of reprisal, seek guidance from the Town's Employee Assistance provider.

Prohibition on Working under Influence

Employees shall not report to work or work under the influence of alcohol, or a regulated drug, unless a duly licensed physician or dentist prescribes the drug and it does not affect the employee's ability to satisfactorily perform their duties. Employees required to have a CDL license must inform his/her supervisor of any prescription medication that may impact their ability to perform their duties.

Drug Free Workplace

The Town provides a drug-free workplace. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace. Violation of this prohibition will lead to disciplinary action up to and including discharge.

Any employee who has a conviction for a violation of a criminal drug statute must notify the Town Manager within five calendar days after such conviction.

Drug Testing

For employees who are required to have a CDL license, random drug and alcohol testing will be coordinated through an agreement with a driver consortium, administered at a registered laboratory, as required by the Department of Transportation. If the Department Head or supervisor has probable cause to believe an employee is using or under the influence of a drug while on the job, the Department Head may request or require that the employee take or submit to a drug test.

Positive Test Results

If a drug test registers positive, a second test will be conducted. If the medical review officer reports a positive test result, the employee will be required to meet with a Substance Abuse Professional (SAP) for an initial evaluation. SAP will recommend a course of action and report the findings and recommended plan of action to the employee and employer. At a later date to be determined by the SAP, a follow-up evaluation will occur between the SAP and the employee. A follow-up evaluation report, containing information on completion or compliance with the initial action plan and recommendation on future drug testing, will be sent to the Employer. The employee will then be sent to for a return to work drug test. Upon the results of that test a decision on whether to allow the employee to return to work will be made. Disciplinary action will occur simultaneously with the SAP process. The employee will be subject to disciplinary action including one week unpaid suspension for the first offense; two weeks unpaid suspension for the second offence; and termination in the event of a third offense. The employee will be required to participate in a minimum of six drug test over the course of the next twelve months. For persons with CDLs these test will be in addition to regular random testing.

XII. SAFE WORK

Policy

Creating and maintaining safe working conditions and following safe work procedures and practices are conditions, which the Town and its employees shall strive to maintain. All Town employees shall observe safe work practices, including, but not limited to, the wearing of appropriate protective clothing and/or equipment; follow all prescribed work practices as presented in departmental policies and procedures; and, immediately report to their supervisor any dangerous or potentially dangerous work conditions. Failure to follow safe work procedures and practices may-result in disciplinary action up to and including dismissal.

XIII. WORKPLACE VIOLENCE POLICY

The Town provides a safe workplace for all employees. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand all provisions of this workplace violence policy.

Prohibited Conduct

The Town does not tolerate any type of workplace violence committed by or against employees. This includes behavior or threatening phone language from irate citizens. Employees are prohibited from making threats or engaging in violent activities.

This list of behaviors, while not inclusive, provides examples of conduct that is prohibited.

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;

- Intentionally damaging employer property or property of another employees;
- Possession of a weapon while on Town property or while on Town business, except for police officers on the job;
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Reporting Procedure

Any potentially dangerous situations must be reported immediately to a supervisor or the Human Resources Administrator. Reports can be made anonymously and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled and the results of investigations will be discussed with them. The Town will actively intervene at any indication of a possible hostile or violent situation.

Risk Reduction

Hiring: The Town takes reasonable measures to conduct background investigations, to review applicants' backgrounds, and to reduce the risk of hiring individuals with a history of violent behavior.

Safety: The Town will conduct annual inspections of the premises to evaluate and determine any vulnerability to workplace violence or hazards. Necessary corrective action will be taken to reduce risks.

Individual Situations: While the Town does not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform the Human Resources Administrator if any employee or individual with whom they come in contact, exhibits behavior, which could be a sign of a potentially dangerous situations. Such behavior includes:

- Unusual discussions about weapons or bringing them to the workplace;
- Displaying overt signs of extreme stress, resentment, hostility, or anger;
- Making threatening remarks;
- Sudden or significant deterioration of performance;
- Displaying irrational or inappropriate behavior.

Employees at Risk: The Human Resources Administrator will identify and maintain a list of employees who have been determined to be at risk for becoming victims of violence because of the nature of their job or because they are subject to harassment, violence, or threats from non-employees. Human Resources Administrator, along with the Police Department, will design a plan with at-risk employees to prepare for any possible emergency situations.

Dangerous/Emergency Situations

Except for trained Police officers, employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact and talk to the individual. If a supervisor can be safely notified of the need for assistance without endangering the safety of employees or others, such notice should be given. Otherwise, cooperate and follow the instructions given.

Enforcement

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including dismissal. Non-employees engaged in violent acts on the employer's premises will be reported to the proper authorities and fully prosecuted.

XIV. PUBLIC INFORMATION

Policy

The Town has a responsibility to keep the public informed about actions and work being undertaken, and to respond to inquires from the public. It is the policy of the Town to provide complete and accurate information to the public in accordance with the following guidelines:

As questions arise, the Department Head closest to the work/action being questioned, should provide the answers as quickly as possible. To ensure that a complete response is given, the Town Manager should be advised of any information provided to the public or press. Evaluative, interpretative, emergency, or policy statements should be referred to the appropriate department head or to the Town Manager. The Town Manager will issue statements regarding policies or actions under consideration or taken at Selectboard or other meetings.

XV. OCCUPATIONAL HEALTH SERVICES

The Town of Brattleboro provides employees with Worker's compensation case management and follow-up of non-work related illness or injury which may be impacting job attendance or performance. Through these services Town employees are entitled to:

- Prompt access to the Clinical back-up Unit during normal business hours;
- Reduced Base Charge when seen by the Nurse Practitioner;
- Completion and submission of reports and other paper work to Town Supervisors or personal physician who might be following up on an injury or illness;
- Processing of Workmen's Compensation forms
- Physical and other medical services and tests when requested or authorized by the Town.

XVI. REPORTING WORK RELATED INJURIES

The employee MUST report, immediately, all work related injuries to the Occupational Health Services and to their supervisor. Supervisors who receive notification of a work related injury or illness are required to file a First Report of Injury with the State of Vermont and the Worker's compensation insurance carrier. Failure to report such injuries may result in a delay in, or loss of, Worker's Compensation. Supervisors should also notify the Finance Department by copy of the First Report.

XVII. COMPUTER USE & EMAIL/ INTERNET ACCESS POLICY

The following guidelines pertain to all Town Departments and employees:

1. Employees are responsible for ensuring that they know and understand basic safe computer practices. At a minimum this includes performing file backups and using anti-virus software to scan for viruses on all files from any outside source.
2. Employees must be aware of, and at all times attempt to prevent potential Town liability in the use of the Internet/Email.
3. Employees shall report all virus outbreaks to their immediate supervisor.
4. Resources of any kind for which there is a fee must not be accessed or downloaded without prior approval of a supervisor.
5. Employees shall not copy, install, or use any software or data files in violation of applicable copyright or license agreements.
6. Employees shall not create any email or network command with false or anonymous origination information.

7. Employees shall not distribute to outside parties, electronically or via any media, agency files, database information, software, and/or electronic files considered to be the property of the Town.
8. Employees shall not read, alter, or delete any other person's computer files or emails without specific authorization.
9. Employees shall not load any private software without first obtaining permission from their supervisor.
10. The Town Harassment Policy found in this Handbook extends to and is equally applicable to the use of email and internet.
11. Town equipment and internet/email service shall not be used for illegal, improper, or illicit purposes.
12. The Town may block access to certain sites at its discretion. Employees shall not use the Town internet/email system to access sites that may injure the Town's public image.
13. Employees shall not share passwords for any computer or software program, nor shall they obtain any other user's password by any unauthorized means.
14. All emails, files, and databases are subject to public access.
15. All emails, files, and databases are the property of the Town and not the personal property of the employee.
16. The Town reserves the right to monitor at random the use of all computer equipment and remove unauthorized software and/or files.
17. All products produced for the use of Town business shall become the property of the Town.

Employees may occasionally be permitted to use Town computers for personal work, or to use the Town's Internet connection to conduct personal research.

During non-working time, employees may use Town computers for personal reasons on a limited basis in accordance with the following:

1. The Town's computers may only be used by Town employees, not their relatives or associates.
2. Computer use and/or Internet access use must not be in connection with an outside business or outside employment.
3. The personal use must be during the employee's non-working times. Personal use cannot impede or low down regular use or prevent departmental use.
4. Employees must use their own paper and other related supplies, and must "save" their personal work on their own personal disks, not on the Town's computer drives.

XVIII. RECORDING DEVICES IN THE WORKPLACE

The Town limits use of personal cameras, camera phones, tape recorders or other recording devices in the workplace as a preventative step believed necessary to secure employee privacy and other business information.

Employees are prohibited using cameras or other video or audio recording devices in the workplace without the expressed consent of all persons involved. All parties to the meeting or conversation that is to be recorded must have been informed at its outset that it will be monitored, transcribed, intercepted, or recorded, and they have consented to such actions prior to the conversation in writing.

The Town does reserve the right to use cameras and recording devices for surveillance of Town property.

Chapter 5 – DISCIPLINARY ACTIONS

I. DISCIPLINARY ACTION

Policy

The Town of Brattleboro provides a system of progressive discipline which may be invoked for failure of employees to follow workplace policies, guidelines and practices or for failure to perform the duties of their position in an acceptable manner.

Nothing in this Section shall prohibit the Town from bypassing the above-mentioned corrective discipline, or from applying disciplinary action of differing degrees or progressively for different kinds of offenses.

Severe disciplinary action may be taken only after consultation with the Town Manager or Human Resources Administrator. The seriousness or frequency of violation, as well as job performance history will be factors in determining the level of discipline.

The following disciplinary actions shall be taken in accordance with the accompanying guidelines.

Oral Reprimand

Issued by the immediate supervisor for initial, minor misconduct. A record of such reprimand will be placed in the employee's personnel file and be retained there for a period of six months. If no other disciplinary action occurs during the six-month period, the record of the oral reprimand will be removed from the employee's personnel file.

Written Reprimand

After consultation with the Human Resources Administrator, a supervisor may issue a written reprimand to an employee when

- An oral warning has not resulted in the expected improvement; or,
- A further similar incident has occurred within a short period of time; or,
- A more severe initial action is warranted due to the seriousness of the action

A written reprimand shall be discussed with and a copy given to the employee and a copy placed in the employee's personnel file. The written reprimand shall remain in the employee's personnel file for a least one year providing no other actions were taken. If no further disciplinary actions have been taken within twelve months, the written reprimand shall be removed from the employee's personnel file.

Suspension

After consultation with the Human Resources Administrator, a department head may suspend an employee without pay, when:

- an employee repeats an action for which a written reprimand has previously been given;
- takes unauthorized absence from work;
- is negligent in the performance of work such that a safety concern is present or the Town may, or does experience a delay in work;
- engages in conduct, on or off the job, which effectively limits or curtails the ability of the employee to perform an assigned job as set forth in the employee's job description;
- a more severe disciplinary action is warranted due to the seriousness of the infraction or behavior.

An employee may be suspended without pay for up to three (3) working days by the department head after consultation with the Human Resources Administrator. Notice of such action must be forwarded to the Town Manager immediately. No suspensions longer than three days may be made by a department head without Human Resources Administrator approval.

A record of the suspension of an employee shall become a permanent part of the employee's personnel record.

Dismissal

An employee may be dismissed from the Town's service when, in the judgment of the department head, and concurrence of the Human Resources Administrator and the Town Manager, the employee's work or conduct so warrants, and such action will serve the best interest of the organization.

A Department Head recommending dismissal of any employee shall submit, to Human Resources and the Town Manager, a written description of the reasons for such action, including all evidence prior to any action being taken. The employee shall be given written notice of the reasons for the dismissal and a notice of the grievance procedure found in this handbook.

Demotion

In certain instances, a demotion to a position of lower responsibility and pay may be in the best interest of the employee and Town. A Department Head may recommend demotion to the Human Resources Administrator when they believe an employee has been previously promoted to a position for which they are unable to satisfactorily perform the position duties. No employee may be demoted to a position with less responsibility than the position in which they were hired.

II. GRIEVANCE

Policy

The effective accomplishment of the work of the Town of Brattleboro requires prompt consideration and equitable adjustment of employee grievances. It is the intent of the Town to address grievances informally whenever possible. Both supervisors and employees are expected to make every effort to resolve problems as they arise.

Procedures

An employee shall follow the following steps in the case of a grievance: The employee shall discuss the grievance with their supervisor. This discussion is to occur within seven (7) working days of the date of the incident in question. If the employee should be on excused absence during any of these seven (7) days, an additional two (2) days shall be allowed for the conference. The supervisor and employee shall attempt to come to a mutually agreeable solution or understanding of the incident in question.

If the employee is not satisfied with the discussion outcome, a written grievance may be submitted to the department head within seven (7) days of the supervisor's response or within seven (7) working days of the discussion. The department head shall obtain any additional information deemed necessary and will respond in writing to the employee within seven (7) working days. Copies of the initial grievance and response shall be given to the Human Resources Administrator.

Second Appeal

If the employee is dissatisfied with the decision of the department head, an appeal may be made to the Town Manager. The Town Manager shall, within seven days, review the appeal, obtain any additional information needed, meet with the parties involved if necessary, and submit a written decision to the employee and to the department head.

Final Appeal

If the employee is dissatisfied with the decision of the Town Manager, a final appeal may be made to the Selectboard within seven (7) working days of the written decision of the Town Manager. This appeal must be in writing to the Chair of the Selectboard, and must state the basis for the appeal. The Board shall hold an informational hearing within seven (7) working days of the date of receipt of such appeal; hear evidence and receive tendered exhibits if relevant or material; submit written findings of fact to the Town Manager together with a summary of its recommendations, within ten (10) working days of the final date of such hearings. Within seven (7) working days of the date of receipt of the findings of fact and recommendations from the Selectboard, the Town Manager shall render a decision which shall be binding on all parties; shall be in writing and forwarded to the grievant and the department head. There shall be no right of appeal from such decision.

Chapter 6 - HOLIDAYS/VACATION/LEAVES

Policy

Town employees shall receive vacation and holiday leave and have available other leave options which may be utilized to meet personal, civic, or military obligations or situations in conformance with the policies and procedures specified below.

Leave Grants

The department head in conformance with established guidelines shall grant leaves subject to the approval of the Human Resources Administrator

Leave Records

The Finance Department shall maintain the official record of each employee's leave status. A statement of accrued vacation leave status shall be provided to employees with each paycheck. The employees shall verify the vacation leave record and immediately notify their supervisor of any apparent errors in the record. In the absence of any notification of errors by the employee, the record maintained by the Town shall be the official record.

Department heads are responsible for informing the Payroll Coordinator of leave usage by each department employee. The Town shall provide a leave record to each employee at the end of each fiscal year.

I. OFFICIAL HOLIDAYS

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

New Year's Day	January 1 st
President's Day.....	Third Monday in February
Memorial Day.....	Federal Monday Holiday
Independence Day***	July 4 th
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11 th
Thanksgiving Day	Fourth Thursday in November
Day After Thanksgiving*	
Christmas Eve.....	1/2 day
Christmas Day	December 25 th
New Year's Eve**	1/2 day

*The Library shall be open on the Friday following Thanksgiving. Library employees shall have Martin Luther King Day as a holiday, in lieu of the Friday following Thanksgiving.

**Town Offices will remain open on New Year's Eve. Department Heads will work with staff to develop a staff schedule that provides adequate staff coverage. Staff members who work all day on this holiday will receive comparable time off during the pay period in which the holiday falls. Staff members who work on New Year's Eve are not entitled to Holiday pay.

***Recreation and Park staff will work on July 4. Staff will receive a time off during the period to compensate for that day.

Holiday Pay

Holiday pay is not earned or accrued time, but is instead a paid time off benefit to be used as holiday time. Employees will not be legally entitled to any unused benefits at the time of his or her separations from employment. Holidays not taken or used within a fiscal year may not be carried forward or accrued.

Observance of Holidays

Holidays which fall on a Saturday will be observed on the preceding Friday. Holidays which fall on a Sunday shall be observed on the following Monday.

If Christmas and New Years fall on a Saturday, offices will be closed all day on December 24. Employees will be allowed to take the equivalent of two days off sometime during the Christmas and New Years holiday pay periods. Schedules must be coordinated with Department Heads to insure adequate staff coverage. Offices will remain open on December 31.

If Christmas Eve and New Years Eve fall on a Sunday, employees will be allowed to take the equivalent of one day off sometime during the Christmas and New Years holiday pay periods. Schedules must be coordinated with Department Heads to insure adequate staff coverage.

When a holiday falls on a Sunday, the Library is closed on Saturday and Monday. When a holiday falls on a Saturday, the Library is closed on Friday and Saturday.

Alternative Religious Holidays

Full-time and regular part time employees wishing to observe religious holidays not listed above shall be eligible to time off, without pay. Employees may choose to be compensated by using vacation days or personal holidays.

Holiday Compensation

Full time employees who are required to work on a specified holiday (with the exception of New Year's Eve) shall receive, in addition to the regular pay for that day, an additional payment of time and one half (1½) the hourly rate for the hours worked.

A full-time employee who works on a holiday and also on the day on which it is observed, shall be paid for only one (1) such day under this policy. Pay for the second day shall be regular rates.

Any full-time employee who is absent on authorized or unauthorized leave without pay on the holiday, the day on which it is observed, or the working day immediately preceding or following a holiday shall not be paid for either the holiday, the day on which it is observed, or the other day(s) off.

Exempt employee who is required to work on any of the specified holidays shall receive no additional compensation for such work.

II. FLOATING HOLIDAYS

Full time staff receives two floating holidays each fiscal year. Part time staff's floating holidays shall be pro-rated based on budgeted hours. Floating holidays may be taken only with approval of the department head. Floating Holidays are earned the first pay period in July. Staff who begin employment after July 1 of the year, must wait until the beginning of the next fiscal year to receive the two floating holidays. Days may be taken as full or half-days. Days not taken within the fiscal year earned may not be carried forward, accrued, or used in buy-back.

III. VACATION LEAVE

Full time employees shall begin to earn vacation leave at the end of the first full month of employment. Except as noted below, annual vacation leave is based on continuous service to the Town and shall be computed as follows:

<u>Length Of Service</u>	<u>Accrual Rate</u>
Through 5 years	1 day per month
6 through 10 years	1¼ days per month
11 through 15 years	1½ days per month
16 years through 19 years	1¾ days per month
20 or more years of service	2 days per month

Management employees accrue an additional one half (½) day per month. This vacation time is credited at the end of each month.

After sixth (6) months of continuous service, a full-time employee who entered municipal service before the sixteenth (16th) day or leaves after the fifteenth (15th) day of any month shall earn all eligible vacation leave for that month.

Vacation Leave Accumulation

In the event a full-time employee does not use his/her full accumulated vacation leave, any unused portion shall be carried forward; except that leave accumulation shall not exceed thirty (30) days on June 30 on any calendar year unless so approved by the Town Manager.

With the approval of the Town Manager, vacation leave may accumulate to a maximum of 40 days. Management employees may carry forward thirty-six (36) days of vacation per year. With the prior approval of the Town Manager, management employees may be permitted to carry forward forty (40) days.

An employee may use at one time, vacation leave equal to the total number of days or hours the employee has earned for that year. An employee having an accumulation of vacation leave may be permitted one (1) or more vacation leaves during a calendar year, provided that the scheduling of such vacation does not conflict with the needs of the employee's department. Each such leave period may not exceed the total number of days or hours earned for that year.

Vacation Schedules

Employees shall be permitted to take vacation leave at such times, as in the judgment of the department head, it will best serve the interest of the Town and the employees. Vacation schedules shall be established as follows:

Employees shall request vacation leave in writing at least thirty days prior to any desired vacation date. Department heads shall schedule vacations, giving due consideration to the needs of the department and the ability of the remaining staff to perform the duties of the department. Department heads shall have the power to suspend any vacation leave, with the consent of the Town Manager, if the needs of the department require such action. If an employee's vacation is suspended, the department head shall reschedule any remaining vacation days, giving due consideration to the wishes of the individual involved.

Holidays Occurring During A Vacation Leave

Official holidays or the days holidays are observed, occurring during a vacation period shall be paid as holiday pay and shall not be charged to vacation time.

Vacation Buy-Back

Up to two week's vacation time may be cashed in each fiscal year (Three weeks are allowed for management staff and persons with 75 hours of compensatory time accrued.) To qualify for buy-back an employee must:

- Have at least six weeks of sick leave accrued.
- Not have used more than one week sick time during the past twelve months (37.5, 40, or 56 hours depending on employee's base weekly hours.)
- Retain at least one week's vacation accrual after buy-back.
- Have used at least one-half of annual accrued vacation in the past twelve months.

- Town Manager approves all exceptions.

Vacation Pay Upon Separation

Upon termination of service with the Town, either voluntarily or otherwise, an employee shall be paid an amount equal to all accrued unused vacation leave. Payment shall be “lump sum”.

Pre-Payment Of Vacation Pay

Employees shall be able to receive their vacation pay in advance of such vacation. A written request for such pay must be submitted to the department head at least two (2) weeks prior to the starting day of the vacation. Any advanced vacation pay will be made on the last day of the week prior to commencement of vacation or on the regular pay day preceding the vacation.

IV. PART-TIME EMPLOYMENT HOLIDAY AND VACATION

For purposes of holiday and vacation, part time employees are defined as those who work a regular weekly budgeted schedule of 10 or more hours per week but less than 30 hours per week.

Eligibility

Regular part time status with a regular weekly budgeted schedule of at least 10 hours per week who have successfully completed six months of service.

Vacation and holiday

Eligible part time employees would receive prorated vacation and holidays benefit hours based upon budgeted hours.

V. SICK LEAVE

Paid sick leave is available to eligible Town employees who have completed three months of continuous full time employment. Sick leave is a paid time off benefit that may be used by employees for health/medical purposes for the employee and immediate family members living in the home. Sick leave is not a privilege which an employee may use at their discretion. Use of sick leave is allowed only for the following conditions and circumstances:

- Personal illness or physical incapacity resulting from causes beyond the employee’s control.
- Enforced quarantine of the employee in accordance with community health regulations.
- To meet medical or dental appointments or other sickness prevention measures, in excess of two (2) hours. For medical or dental appointments of less than two hours, Department Heads may authorize the absence from work, without requiring the use of sick leave. Excessive use or suspected misuse or abuse will result in the loss of this benefit.
- Illness or physical incapacity in the employee’s immediate family requiring the employee’s personal attention, up to a maximum of twelve (12) days per fiscal year, subject to the approval of the Town Manager or Human Resources Administrator. No more than three (3) consecutive days may be taken at one time from paid sick leave. (Immediate family will include an employee’s spouse, legal partner, children, stepchildren, parents, stepparents, brothers, sisters, mother-in-law, father-in-law, or other persons who are legal dependents and members of the employee’s household.)

Abuse of sick leave shall be considered sufficient cause for disciplinary action up to and including termination.

All full time Town employees shall earn sick leave at the rate of one day per month until one hundred twenty (120) days of sick leave have been earned. No additional sick leave shall be earned beyond one hundred and twenty (120) days.

Employee will begin to earn paid Sick leave at the end of the first full month (30 days) of employment. Employees shall not be entitled to any compensation for sick leave before three (3) months of continuous full time employment or upon separation from the Town's employment, nor will any sick leave be earned beyond the employees' date of termination.

Procedure for use of Sick Leave

To receive paid sick leave, the employee must:

- a) Notify their supervisor within one (1) hour of the time that the employee is to begin duty, if unable to report for work. Notify their supervisor immediately when illness requires the employee to leave work.
- b) Return to work as soon as the health of the employee permits. An employee shall provide a doctor's certificate or other proof of an illness to the department head, when the employee takes three (3) consecutive days of absence on authorized sick leave.

A doctor's certificate or other proof of illness may be required by the Town Manager or department head, for illness of less than three- (3) day's duration. Failure to provide the required or requested doctor's certificate or proof of illness may result in a loss of pay for the sick leave period.

The Town reserves the right to require any employee to furnish medical proof or a release from the attending physician, attesting to their ability to return to work.

Sick Leave Record

Sick leave used shall be recorded regularly in the employee's leave record, maintained by the Finance Department. The Town shall provide each employee with a record of their sick leave eligibility monthly.

Sick Leave Bonus Program

To acknowledge and encourage attendance at the work the Town utilizes the following bonus program. Sick leave bonuses are awarded by September 30 for the fiscal year just ending.

Employees using zero hours of sick time: \$200.00 or 16 hours of personal time

Employees using two or less days of sick time: \$150.00 or 8 hours of personal time

Employees using four or less days of sick time: \$50.00 or 4 hours of personal time.

Employees who accumulate the maximum number of sick leave days and who use zero hours of sick leave: \$600.00

To be eligible for the Sick Leave Bonus Program an employee must be full time and have successfully completed probation.

VI. VOLUNTARY SICK LEAVE BANK

Lengthy illness or injury may exhaust an employee's paid sick leave and vacation leave, creating a financial hardship for employees. To provide assistance to Town employees under these circumstances, a voluntary sick leave pool has been established. Employees may donate sick leave to benefit fellow

employees. The sick leave pool is designed, and has been implemented, primarily to assist employees who have not yet been able to earn sick leave or who may encounter an unusual illness or injury.

Sick Leave Donations

Each employee may donate one day of sick leave to the pool each fiscal year.

The donation period shall be open for the first two weeks of each fiscal year.

An additional donation period may be opened during any fiscal year if the available sick leave pool days have been used or committed.

The sick leave pool will accumulate from year to year.

The identity of donors shall remain confidential.

Eligibility

To be eligible to receive sick leave from the pool, an employee must have

- exhausted all of their accumulated sick leave;
- have exhausted all but one week of their vacation leave;
- have a reasonable expectation of returning to work within six months of their last paid sick and /or vacation leave day;
- and must have donated to the sick leave pool.

Procedure

An employee wishing to draw from the pool must provide a written request to the Human Resources Administrator. The Human Resources Administrator will verify that the employee meets the above eligibility requirements. Requests will be granted on a per payroll basis only in the amount necessary to compensate an employee for his or her base pay period hours.

Employees are limited to a maximum draw of six weeks from the pool in any thirty-six month period.

Once a draw is requested, regardless of the amount of hours, the employee is required to donate to the pool during each open enrollment period for three years from the date of the first draw.

Employee Review Board

An Employee Review Board will be established to hear complaints on the administration of the pool and to hear appeals of the policies in extreme medical emergency cases. Only participants in the sick leave pool have the right to appeal to this Board. All employee requests for Board reviews must be made in writing to the Human Resources Administrator who will arrange an Employee Review Board meeting.

This Board may vote to modify the eligibility requirements and/or extend the maximum amount of draw within a fiscal year. All modifications will be made on an individual, on-time basis. In making its decision, the Board shall consider but not be limited to the following factors: (a) the employee's prior pattern of sick leave use, (b) the employee's leave balance prior to this illness, (c) if the nature of this illness is unexpected and (d) the severity of the illness.

The Employee Review Board shall consist of three members who will be chosen each July after the end of the open enrollment period. Only participants in the pool will be eligible to serve on the Board. All terms are for a one year period ending on July 15th of each year. No Board member shall serve two consecutive terms.

The Human Resources Administrator will ensure that a list of all employees eligible to serve on the Board be distributed to pool participants. All pool participants may vote for three persons on this list. Those three employees receiving the highest number of votes will be Board members. Any pool participant is required to serve on the Board if elected.

VII. JOB RELATED INJURY LEAVE/WORKERS COMPENSATION INSURANCE

Policy

An employee who is injured while on the job shall be eligible for injury leave as described in this section and may also be eligible for workers compensation benefits.

Injury leave is designed to provide employees who receive on the job injuries with adequate time to recover from the injury without experiencing undue financial hardship.

The Town shall permit full-time employees to utilize earned sick leave as needed, to insure that they continue to receive full pay, for days not worked due to the work related injury.

Leave

Worker's Compensation insurance will normally cover an employee from the date of injury. However, an injured employee must be absent from work for five consecutive days before the insurance claim is submitted.

The injured employee shall receive full pay while awaiting the commencement of benefit payments, as long as they agree to reimburse the Town for any Worker's compensation benefits later received for that period. These payments will be charged against the employee's earned sick leave account. Sick leave used will be credited back to the employee's account, based upon the amount of worker's compensation insurance benefits received

Following commencement of benefit payments, an employee will have the following options available:

An employee will continue to receive worker's compensation benefits. The days an employee is absent while receiving these benefits will not be deducted from the employee's accrued sick leave. An employee will not receive regular pay during this time. The employee will be on unpaid family medical leave.

If an employee has earned sick and/or vacation leave, the employee's worker's compensation benefits will be supplemented (through regular payroll) to insure that the employee continues to receive full pay for the days they are unable to work. This time will be deducted from the employee's sick and/or vacation leave accounts. This option would allow the employee to retain their worker's compensation payments, thus realizing the tax advantages of those payments.

The options and agreements related to paid time discussed above would become available upon an employee's written request and authorization.

Non-Covered Injuries

An employee who is absent from work as a result of a non-occupational related illness or injury (as determined by the worker's compensation rules) will not be eligible for worker's compensation. Their time off will be compensated through the use of accrued sick leave in accordance with the sick leave policy, as defined in Chapter 6 of this manual.

Report Requirements

An injured employee shall report to the Finance Department the amount of worker's compensation received. Failure to report this information may result in the loss of sick leave usage for that period or in denial of the claim by the insurance carrier. The employee shall report their injury on the initial First Report of Injury form.

Benefit Payments

The injured employee will continue to receive eligible benefits from the Town as if they were an active employee, except that sick leave and vacation leave will not accrue during the period of time that the employee is absent due to non-work related illness or injury.

Sick Leave and vacation leave will continue to accumulate for employees eligible for workers compensation benefits.

Vacation Use

When the employee on injury leave has exhausted their paid sick leave, they may then use their accumulated vacation leave. However, such usage will not begin until the employee gives the Town written authorization to utilize their vacation leave agreement. This usage will be allowed to continue for a maximum period of nine months from the date of injury, so long as sufficient paid vacation time is available.

Extension Beyond Paid Time Off

When an employee's injury leave extends beyond the available paid time, or the nine-month maximum period, they shall be placed on a medical leave of absence without pay.

Employee Benefit Contributions

During the period of payroll supplementation of worker's compensation benefits, payroll deductions will continue as authorized. If the payroll amount is inadequate to satisfy those deductions, it will be the employee's responsibility to make separate payment to the Town to satisfy those employee costs. During any period in which the employee is in a non-pay status, it will be the employee's responsibility to pay to the Town their benefit contributions. The required payment amounts and payment schedule can be obtained from the Finance Department.

VIII. PARENTAL, FAMILY & MEDICAL LEAVE

The Vermont Parental & Family Leave Act (FPLA) provides for up to 12 weeks of unpaid leave to qualified employees. To be qualified an employee must have a condition which causes them to be out of work for more than three consecutive days and receives the required continuing care from a health care provider or physician; the employee must have worked continuously for one year for an average of at least 30 hours.

The Parental Leave must be requested on a form provided from the Human Resources. HR will conduct an analysis of which conditions qualify under the PFLA on a case-by-case basis. The calculation of eligibility will be based on the preceding 12 months, the "look back" year. Parental leave may be requested for:

- the employee's pregnancy,
- the birth of an employee's child,
- the serious illness of the employee, employee's child, stepchild or ward living with the employee, foster child, parent, spouse/legal partner or parent of the employee's spouse/legal partner.

Short Term Family Leave may be requested through Human Resources for the serious illness of the employee, employee's child, stepchild, ward foster child, parent, spouse or legal partner or parent of the employee's spouse or legal partner.

Additionally, a qualified employee may be eligible for short-term leave of up to four hours in any 30-day period (but not more than 24 hours in any 12-month period). This Short-Term Family Leave allows the qualified employee to participate in preschool or school activities directly related to the academic advancement of the employee's child, stepchild, foster child or ward; or to attend routine medical or dental appointments or other appointments for professional services related to family members' care and well-being.

An employee must give reasonable written notice of intent to take family or parental leave with anticipated dates of the start and end of leave. An employee may choose to use available accrued sick or vacation time up to a maximum of six weeks and must so state this intent in the written notice. Use of paid leave does not extend the overall 12-week maximum leave time to which the employee is entitled.

The Town will continue to provide employee benefits during the leave period, at the existing rate of active employee contributions.

IX. CIVIL DUTY AND JURY LEAVE

The Town of Brattleboro encourages employees to exercise their constitutional and civil rights and responsibilities and will make temporary work adjustments as possible to enable them to meet these rights and responsibilities.

X. VOTING

All full-time employees entitled to vote in national, state, and municipal elections shall, when necessary, be allowed sufficient time off, with pay, to exercise this right. The department head shall give approval of such leave.

XI. JURY DUTY

Any employee who is called for jury duty shall be excused from work for the days served. The employee shall receive his/her normal rate of pay for each day of jury duty for which he or she would have normally worked. During this time, if the employee is not actually performing jury duty, the employee shall return to work for the remainder of the workday. Any payment received for jury duty shall be turned in to the Town.

XII. SPECIAL LEAVES OF ABSENCE

Special leaves of absence for unusual reasons, normally not to exceed three (3) days, may be granted with or without pay at the discretion of the Town Manager when it is in the best interest of the community.

XIII. PERSONAL LEAVE OF ABSENCE WITHOUT PAY

An employee who, for personal reasons, will be away from their position in excess of accumulated sick and or vacation leave may request a Personal Leave of Absence Without Pay. The maximum leave that can be granted in any single (12 month period) block is six months. All requests for personal leaves of absence without pay shall be submitted, in writing, to the appropriate department head and shall set forth the purpose for which the leave is requested. The granting of such leave is subject to the approval of the Town Manager.

The benefit and salary or wage payments during a personal leave of absence without pay shall be as follows:

The Town shall make no contributions to the employee's pension fund, medical plan, or insurance plan, and no salary or wage payments to the employee while on a leave of absence without pay. Employees may continue their benefits at the Town rate by making advance payments to the Finance Department. The Town will continue its share of benefit payments for up to six (6) months. When an employee begins a personal leave of absence without pay, their record is frozen in time. The employee earns no service credit or compensation adjustments during the period away from work.

XIV. MILITARY LEAVE

Reserve Duty

All employees who, by reason of membership in the Active Reserve Forces of the United States or in the National Guard, or other organized United States Military units are ordered by the proper authority to full-time active duty or to attend full-time training activities shall be entitled to leave of absence with pay during the actual duration of such activity, but not to exceed fifteen (15) days in one (1) year.

The amount of pay for such leave shall be determined by subtracting the amount of pay earned while on active duty from the amount of pay that the employee would normally have earned for that period, excluding any overtime, bonus, shift pay or other incentive compensation. If the amount earned while on active duty exceeds the amount normally earned for that period, the Town shall not provide any compensation for the active duty period. (By statute, the Town cannot require an employee to arrange for own coverage or take an unpaid leave if assigned to work on training weekends.)

Beyond fifteen days of Reserve Duty the employee shall go on Military Leave of Absence without pay.

XV. BEREAVEMENT LEAVE

Employees shall be allowed up to three (3) consecutive days off with pay for the death of an employee's immediate relative (spouse or legal partner, children, stepchildren, parents, parent-in-laws, stepparents, brothers, sisters, and other persons who are legal members of the employee's household.)

Bereavement leave for members of an employee's family other than immediate relatives and those relatives who are actual members of the employee's household (Examples are grandparents, brothers-in-law, sisters-in-law, aunts and uncles) may be given at the discretion of the department head, up to a maximum of three (3) consecutive days depending on the situation.

In some situations the leave may be delayed to a later period of time (for example to accommodate funeral or memorial services held at a later time), but in all instances the leave must be requested and approved within three working days of the relative or household member's death. Approval of bereavement leave to be used at a later time is at the full discretion of the Department Head.

Chapter 7 – BENEFITS

The Town of Brattleboro offers the benefits described below for eligible Town employees. In the event a conflict between this document, which summarizes benefit plans below, and the Plan documents, the Plan Documents will prevail. **Always refer to the Plan Documents for current information**

I. GROUP LIFE INSURANCE

Group Life Insurance is provided for eligible Town employees. For non-unionized employees, the life insurance provides a benefit of twenty thousand (\$20,000.00) dollars or a value equal to one times your annual salary, whichever is greater, in case of the employee's death. Unionized employees should refer to their Collective bargaining agreements for their levels of benefit coverage.

Continuation of coverage with premium payment

If an employee becomes totally disabled before their 60th birthday their group life insurance will remain in force. During the employee's 12 week Family Leave, Town will pay the premium cost for group term life insurance.

Premium waiver for extended disability

If the disability continues past six (6) months, the premium will not be required to maintain the insurance.

Commencement of coverage

Eligible employees are covered on the first day of the calendar month coinciding with, or next following, one (1) month of continuous full time service.

Cost

The Town of Brattleboro pays the premium of the Group Life Insurance.

Management employees shall receive additional Life Insurance in an amount equal to three times an employee's annual salary. The Town shall pay the premium for this insurance. The premium cost for life insurance benefits over \$50,000 is taxable to the employee. The tax will be reflected in your pay during the month of December.

II. MEDICAL AND HOSPITALIZATION INSURANCE

The Town of Brattleboro requires that all full-time employees be covered by some medical and hospitalization insurance.

The Town of Brattleboro provides employees with medical and hospitalization options. Subject to the regulations and rules governing these options, employees may elect to participate in one of these plans. A complete description of the options is available from the Finance Department or Human Resources Administrator.

Town employees are eligible to enroll in a medical/hospitalization program offered by the Town at the time of hire. A waiting period before coverage is effective may be required. Employees should verify coverage start dates at the time of their enrollment in either program.

Costs: The costs for medical/hospitalization program will be shared between the Town of Brattleboro and the employee at a rate to be established on a year to year basis.

III. COBRA

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Town's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment for any reason, or death of an employee; a reduction in an employee's hours, or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements as a result of age or full-time student status.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the Town's group rates plus an administration fee. The employee is provided with a written notice describing his or her rights as granted under COBRA when the employee becomes eligible for coverage. The notice contains important information about the employee's rights and obligations and payment terms.

IV. SOCIAL SECURITY

All Town employees are required to participate in the Social Security system. Both the employee and the Town are required to contribute to Social Security. Employee and Town contributions are determined by law and are subject to change. Deductions are noted on employee's paychecks.

V. WORKER'S COMPENSATION INSURANCE

As required by Vermont law, Town employees are covered by Worker's Compensation Insurance. This insurance provides coverage for medical expenses in the event of a certain work related injuries. Workers Compensation may also provide compensation benefits for eligible employees. See Chapter 6, Section VII for more detail on worker's compensation.

VI. RETIREMENT PROGRAM

The Town of Brattleboro provides a Retirement Program for eligible employees.

The program is open to eligible employees after completion of one year of full time continuous service with the Town.

Employees may choose to contribute up to a maximum ten percent (10%) of "earnings" through a payroll deduction. Employee contributions are not required, but the Town will match the first three percent on a dollar for dollar basis.

The Town will contribute six percent (6%) of earning for each eligible employee each pay period, regardless of whether the employee contributes.

Vesting: The employee is always fully vested in his or her own contributions, plus interest. Town contributions will vest with the employee in accordance with the following schedule:

Less than three years	0% vested
Three years	60% vested
Four years	80% vested
Five or more	100%vested

Employees who become permanently and totally disabled and unable to engage in any gainful employment will continue to receive the 6% Town contribution for a period of years equal to the number

of vested years at the time of the disability, but not beyond age 65 or the date you begin receiving any benefit under the plan.

Employees who die while working for the Town are automatically vested 100%, regardless of the number of years of vested service. Beneficiaries will be able to receive the full amount of the employee's account.

Normal Retirement Age: First of the month on or after the day you reach age 50 and complete 20 years of eligible service, but not beyond age 65.

Early Retirement Age: You may elect to retire on any date if:

- a) you reached age 50 and,
- b) you have completed 5 years of service.

Late Retirement Age: you may retire on any date after you reach normal retirement age. If you work beyond normal retirement age, you may continue making contributions to the plan, and you will continue to share in any employer contributions made. However, under current tax laws, employees must start drawing benefits by the age of 70½ years.

Please refer to your summary plan description for further details on your retirement plan. Summary Plan Description for the retirement plan can be obtained by contacting the plan administrator.

VII. DEFERRED COMPENSATION PLAN

The Town offers employees two optional payroll-deducted deferred compensation plans to help save for retirement. Employees can contribute a percentage of their pay, free from federal and state tax, into an account that is managed through the International City Management Association Retirement Corporation or by PEBSCO. These additional retirement programs are available to Town employees. Details of the Plans are available from the Town Manager or Human Resources Administrator.

VIII. OPTIONAL DENTAL INSURANCE

The Town offers employees the option of purchasing, at the employee's expense, Dental Insurance at the discounted rate. Details of this Plan are available from the Finance Department or Human Resources Administrator.

IX. SECTION 125/CAFETERIA PLAN

The Town offers employees a Section 125/Cafeteria Plan. Employees may choose to have their health insurance premium converted to pre tax payment; they may choose to enroll in the health care reimbursement account; and they may choose to enroll in the dependent care reimbursement account. Participation in this plan provides tax savings benefits to employees. Details of the Plan are available in the Summary Plan Description from the Finance Department or Human Resources Administrator.

X. LONG TERM DISABILITY INSURANCE

The Town has a long-term disability insurance policy that covers eligible employees in the event they become disabled while working for the Town. The long-term disability benefit pays eligible disabled employees up to 66 2/3% of earnings. Details of the plan are available in the Summary Plan Description from the Finance Department or Human Resources Administrator.

XI. EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Town will provide confidential and voluntary assistance to all employees and their family members who may be faced with challenges of financial concerns, legal issues, alcohol or drug problems, marital problems, illness of a family member, emotional worries, child care problems, etc.

Employees and family members can refer themselves to the EAP. The program may be reached 24 hours a day on weekdays and weekends.

EAP counselors are available to meet with employees or family members to assess a problem and develop a plan for resolution. The counselors may suggest a referral to an outside resource, such as a therapist, agency, physician, treatment facility or other professional that would be appropriate to assist in resolving the problem or situation. Where an employee may be in need of information, a referral or suggestion may be made over the telephone. There is no charge for employees or their families to use the services of the EAP.

Employees who need to visit the EAP during regular work hours must use sick or personal time. If illness is involved, sick or personal time may be used for treatment or rehabilitation on the same basis that it is granted for other health problems.

The EAP counselors will make every effort to coordinate referral for ongoing treatment with the employee's health insurance coverage as well as his/her ability to pay.

When an employee's job performance or attendance is unsatisfactory or there appears to be signs of other problems during the work day, the supervisor should counsel the employee in consultation with the Human Resources Administrator or designee with an end toward resolving the situation. If the employee appears to be unable or unwilling to correct the situation, s/he may be referred to the EAP to assist in the resolution of the problem. Depending on the situation, the employee may accept or refuse participation in the EAP. However, there may be situations where continued employment may be contingent upon the employee calling the EAP for assistance.

Participation in the EAP Program does not jeopardize job security or promotional opportunities. However, it does not excuse the employee from following Town and Departmental policies and procedures or meeting required standards for satisfactory job performance except where specific accommodations are required by law.

All contact between an employee and the EAP is held strictly confidential. In cases where an employee's continued employment is contingent upon calling the EAP, the EAP counselor will only verify whether or not the employee has contacted the EAP and, if ongoing treatment is necessary, that the employee is following through on the treatment.

Chapter 8 – PERFORMANCE EVALUATION

It is the policy of the Town of Brattleboro that Town employees will have periodic performance evaluations. These evaluations are intended to provide an additional means of communication regarding an employee's job performance, personal development, wage/salary and departmental/organizational expectations.

I. DEPARTMENTAL FLEXIBILITY

Each department and department head operates in a unique manner reflecting the needs and requirements of their particular department. Department heads are responsible for establishing the standards of performance for the employees within their department. Performance standards and the system of evaluation are subject to the review and approval of the Town Manager.

II. FREQUENCY OF EVALUATIONS

Employee performance evaluations shall be done annually. The department evaluation is intended to give the employee an indication of their performance and the opportunity to discuss and clarify issues within the evaluation with the supervisor. The evaluation may be utilized when considering salary adjustments. This evaluation will reflect the performance of the past twelve months. Evaluations will become a permanent part of the employee's personnel file.

III. EVALUATION FORMAT

Each department head shall utilize evaluation forms, which have been approved by the Town Manager. The evaluation format should consist of a rating scale of performances of each relevant or significant dimension of an employee's position, a narrative description of the quality and consistency of work performed, including both problem areas and areas of satisfactory and outstanding work. Also included should be employee's goals for the year included, but are not limited to, the correction or improvement in specific work areas and acquiring or developing additional skills and/or abilities. Employees may include any comments regarding any item mentioned in the evaluation or any other job/performance related issue, and the employee will be expected to sign the evaluation. Their signature is intended to only indicate that they have read and are aware of the contents of the evaluation.

IV. EVALUATION PROCEDURE

His or her direct supervisor shall evaluate each employee. The supervisor shall first complete a written evaluation of the employee. The completed, written evaluation shall be discussed with the employee in a confidential conference. The supervisor may modify any item during or following this conference. At, or within two days of the conference, the employee may add comments to the evaluation, either on the evaluation form or in a separate statement.

Each completed evaluation of the employee, including the comments, if any, will be reviewed by the department head. The department head may add appropriate comments. However, any comments regarding the employee's performance shall also be given to the employee and to their direct supervisor.

The Town Manager shall review all performance evaluations to ensure consistency and uniformity. If the Town Manager finds discrepancies or inaccuracies in or among evaluations, these will be discussed with the department head. The Town Manager, however, may recommend changes, but will not unilaterally revise performance evaluations.

Chapter 9 – POSITION DESCRIPTIONS

I. POSITION DESCRIPTION

Policy

To help ensure an equitable personnel system it is the policy of the Town of Brattleboro that position descriptions for all permanent positions shall be developed and maintained.

Position descriptions shall contain the following information:

Title: The title is intended to provide a brief but descriptive name.

Nature of Work: The nature of work sections provides a brief description of the pertinent characteristics.

Supervisor: Whom the position reports to and receives direction from.

Supervision Exercised: Identification of whose work the position is responsible for.

Examples of Work: The examples for work section are designed to enable the reader to understand more completely the actual duties. The list is meant to be descriptive but not limiting.

Qualifications: The qualification section is designed to provide a list of qualities, which would materially contribute to the attainment of successful job performance. They are intended to serve as an aid in the selection of personnel for original appointment.

When a new position is created or a position has substantial changes the job content shall be evaluated and a salary range recommendation made utilizing a job evaluation system. Job points are based on four basic criteria: “knowledge/Skill requirement”, “responsibility levels”, “effort required” and “working conditions”. The Human Resources Administrator will complete this evaluation and recommendation with final approval given by the Town Manager. Official position descriptions are maintained in the Town Managers Office.

Chapter 10 – COMPENSATION PLAN

Policy

The Town of Brattleboro seeks to provide fair compensation for all employees. The determination of a fair compensation range for a position is based upon a consideration of the:

- Range of Pay for similar positions within in the organization,
- General rates of pay for similar positions in private industry and in other public jurisdictions as determined relevant by the Town Manager,
- Cost of Living data for the area,
- Financial Conditions of the Town; and,
- Other factors considered being relevant by the Town Manager, Human Resources Administrator, and Selectboard.

I. DEFINITION

The Compensation Plan is the schedule of salary and wage ranges, consisting of minimum and maximum rates of pay for all classes of positions.

II. MAINTENANCE OF COMPENSATION PLAN

To maintain the Compensation Plan at a fair level, the Human Resources Administrator shall, from time to time, at least once every four years, make a comparative study of all factors affecting the level of salary and wage ranges; and, recommend to the Selectboard such changes in salary and wage ranges as appear to be appropriate.

III. SALARY AND WAGE RANGES

The broadbanding of salary ranges is intended to provide administrative flexibility in recognizing individual differences among positions, and in responding to employee's performance improvements.

Hiring Rate

The minimum salary rate for the position is the normal hiring rate. Appointment above the minimum salary rate may be made when the Town Manager determines that it is necessary in the best interest of the Town, or the qualifications of the applicant are in excess of the requirements or there is a shortage of qualified applicants available at the minimum rate or qualified applicants decline employment at the minimum step.

Payment Base

An hourly wage employee shall be paid for the actual number of hours worked during each pay period. Salaried employees compensation shall be based upon an annual rate divided by the number of pay periods in the year, (26).

Vacation Payment

An employee who leaves the service shall be paid for all unused vacation time.

Overtime Pay

Overtime compensation for employees of the Town of Brattleboro shall be paid in conformance with the Fair Labor Standards Act.

Merit Adjustments

After completing the formal performance evaluation process with all staff the Department Head may recommend to the Town Manager a specific salary adjustment for an employee taking into account the following:

- 1) The employee's performance evaluation.
- 2) Location of the employee's salary within the salary grid.

Merit adjustments shall be awarded as either a "one-time bonus" or "merit added to salary base"

The Town Manager shall have final approval of the specific salary adjustments for individual employees to take effect on July 1st , the start of the new fiscal year, or otherwise as determined by the Town Manager .

Across the Board Adjustments

Across the board salary adjustments may be recommended by the Town Manager to the Selectboard at or before the May Selectboard meeting. Such adjustments would take effect July 1, with the start of the new fiscal year, or as otherwise determined by the Town Manager with approval of the Selectboard.