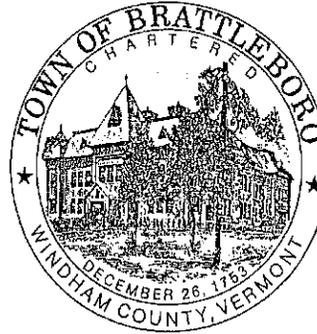


MEMORANDUM

To: Selectboard
From: Peter B. Elwell, Town Manager
Re: Staff Diversity and Hiring Practices
Date: June 1, 2017



Background

This staff report is provided per the Selectboard's request during discussion of this matter at the May 2 Selectboard Meeting.

The philosophical and practical foundation of our staff perspective on this matter is as follows:

- Diversity is beneficial in organizations and communities.
- Broad applicant pools are beneficial when hiring new employees. This is true generally in our search for well qualified applicants for Town employment vacancies and it is true specifically in our desire to draw diverse applicant pools as a means of increasing the diversity of our Town employee team.
- While some individuals or groups may be interested in promoting diversity by supporting opportunities for particular classifications of historically under-represented populations, staff believes that commitment to diversity as a guiding principle requires us to value diversity in all its forms. This involves measures of diversity both for legally protected populations (e.g. race, religion, biological sex, gender identity, sexual orientation, national origin, age, and/or disability) and for other populations (e.g. people with both public and private sector work experiences, people who have worked locally and in other states, people who have worked in similar and dissimilar organizations, people with a variety of educational backgrounds, people of all shapes and sizes physically, people of different economic circumstances, and/or people with a variety of long term goals). Applying this broader perspective, the Town employee team already is diverse by some measures. However, we value diversity by all measures and recognize that we have much room for improvement in some areas.
- In promoting diversity within Town government, we must take care to follow the applicable Federal and State laws.

The Town staff is committed to ensuring equal opportunity in our employment decisions and to providing respectful and equitable treatment of all people in our public services to Brattleboro's residents and visitors. We also are committed to maintaining a welcoming and inclusive workplace environment. One recent step in this continuing effort was when 9 members of our management team attended the United Way's "How to Manage an Evolving Workforce" training on May 10. Workshops included "Build Effective Teams from Various Backgrounds" and "How Culture Informs Policy." We believe that creating and maintaining a welcoming environment for all customers and potential employees is essential to having long-term success in diversifying the Town staff, so we believe "next steps" should include additional training along with additional recruitment efforts.

Legal Opinion

Town Attorney Bob Fisher provided the attached memorandum dated May 25, 2017, regarding "Employment Discrimination and Policy."

In sum, Town Attorney Fisher's legal opinion states:

- The Town is obligated to provide equal employment opportunity to all people.
- The Town cannot discriminate against anyone, even if that discrimination results from acts intended to provide a benefit to a protected class of people.
- The only exception to the first two statements would be for the Town to adopt and implement an official affirmative action policy that would grant special preference in employment decisions to one or more legally protected classes of people. Such a policy would have to be drawn carefully and narrowly, based on pertinent local data, in conjunction with an outside attorney who has special expertise in this area of the law.
- The Town can take a variety of actions to visibly and substantively demonstrate our commitment to increasing the diversity of the Town's employee team without adopting an official affirmative action policy and without discriminating against anyone in our employment practices.

Town Manager's Report

Historical Hiring Practices

For many years, the Town's recruitment efforts were limited to the following actions when seeking to fill vacant positions:

- Internal postings
- Town website
- Local (sometimes regional) newspaper advertisements
- Professional associations and other sites specific to individual departments

Current Hiring Practices

The Town continues to use all the recruitment methods mentioned under "Historical Hiring Practices" and also now reaches a broader audience for every advertised position through the following:

- vermontjoblink.com through the Vermont Department of Labor
- monster.com + recruitology.com (included in the fee for our Reformer advertisements)
- Facebook + Twitter
- Creative Workforce Solutions of the Vermont Agency of Human Services, which reaches...
 - Vermont Association of Business, Industry, and Rehabilitation (VABIR)
 - State of Vermont Vocational Rehabilitation Program (VocRehab)
 - Health Care and Rehabilitative Services (HCRS)
 - Economic Services (ReachUp)

... list continues on next page ...

- Vermont Associates
- Vermont Adult Learning
- Community College of Vermont
- Windham Southeast Supervisory Union
- Windham Southwest Supervisory Union
- Windham + Windsor Housing Trust
- Southeastern Vermont Community Action (SEVCA)
- Kindle Farm School
- The Winston Prouty Center
- Brattleboro Area Chamber of Commerce
- Brooks Memorial Library Job Coach Program

In addition to the above described outreach that applies equally to all Town departments, some individual departments take additional steps to reach potential applicants. An example is the Recreation and Parks Department's seasonal hiring, which recently has included sending job notices to all BUHS students and which during the past decade has resulted in the hiring of people of color almost every year.

Also, please see the attached memoranda dated May 24, 2017, from the Police and Fire Departments regarding their department-specific efforts to broaden employment related outreach. Both departments make extensive use of resources that are particular to their field of service. The Police Department also has undertaken a significant and intentional effort in recent years to increase cultural awareness training and recruitment outreach to people of color.

Recommendation for Selectboard Consideration

Recognizing that the June 6 Selectboard discussion is likely to be just one of many continuing conversations on this topic both at Selectboard meetings and in our community, staff does not represent the following list of recommendations to be exhaustive. However, we do think each of these steps is important and will contribute positively to increasing the diversity of Town staff and to promoting increased cultural awareness in the broader community:

- Invite anyone to sign up to receive our job postings.
- Ask for community organizations to sign up and to:
 - (1) distribute our postings to their email lists, and
 - (2) recommend additional organizations that can help us cast our recruitment net as wide as possible.
- Conduct training of the management team, ~~and others involved in the hiring process:~~ *the Selectboard, and [the entire Town] staff.*
 - (1) to raise awareness of bias (both conscious and unconscious), and
 - (2) to promote a welcoming and inclusive workplace environment.
- Through our Town government service, find ways to increase cultural awareness and appreciation of diversity throughout our community.
- Consider additional ideas from the community. Implement those that are both consistent with the Selectboard's intent and compliant with the applicable laws.

*Amended
and adopted
by
Selectboard
on
6/6/17*

PBE:
Attachments (listed on the next page)

Attachments

- Memorandum dated May 25, 2017, from Town Attorney Robert M. Fisher
re: Employment Discrimination & Policy, with the following attachments:
 - Equal Employment Opportunity is The Law (Federal poster)
 - "EEO is The Law" Poster Supplement
 - State [of Vermont] EEO Statement and Policy

- Memorandum dated May 24, 2017, from Police Captain Mark Carignan
re: Diversity Training and Recruitment Efforts

- Memorandum dated May 24, 2017, from Fire Chief Michael Bucossi
re: Fire Department Vacancy Advertising

- Town of Brattleboro Application for Employment

- Examples of Recent Town of Brattleboro Job Postings and Advertisements

MEMORANDUM

To: Peter Elwell, Town Manager
From: Robert M. Fisher, Esq. and Michael S. McGillion, Esq.
Fisher & Fisher Law Offices, P.C.
Re: Employment Discrimination & Policy
Date: May 25, 2017

* * * * *

Facts: The Town of Brattleboro ("Town") has recently discussed the subject of diversity in its work force. The Town is in the process of reviewing its hiring and recruitment policies as part of this discussion on diversity. The Selectboard has not set any specific policy on this matter, but the theme of the conversation has been to make sure that the Town has a diverse work force and for the Town to cast a wide net in its hiring and recruitment practices. At a recent Selectboard meeting, one Selectboard member opined that the Town should hire more African-American individuals. This opinion generated discussion amongst the Board members as to whether targeting the recruitment of African-Americans was legal, given the various laws applying to the subject matter. It was determined to have town counsel review the law on equal opportunity employment, and on prohibited employment practices.

This memorandum is first step in addressing the law and whether the Town can specifically target for hiring certain groups of people. It also addresses employment practices prohibited by the Civil Rights Act of 1964 and by the Fourteenth Amendment of the United States Constitution. This memorandum does not set forth any proposed policies and does not set forth what must be included in any such policies should the Town wish to pursue such a policy. Rather, this memorandum addresses, as a first step in this discussion, the relevant federal and state laws which apply to the Town's hiring and recruitment practices.

Questions Presented: (1) What is the Town's legal responsibility in recruiting and hiring employees? (2) Are quotas to hire members of a particular race or other protected class legal? (3) Can the Town, as an employer, create a policy or action statement favoring one race or protected class over another? (4) If so, what parameters must be established for such a plan?

Short Answers: (1) The Town's obligation is to be an equal opportunity and non-discriminatory employer pursuant to the Civil Rights Act of 1964 and the amendments thereto. This means that the objectively best qualified candidate must be hired to fill each vacant position, without any prohibited discrimination. (2) Quotas to hire from a particular race or protected class are likely to be found to be in violation of the Civil Rights Act of 1964 (the "Act"). Favoring one group over another on the sole basis of protected class status is considered discrimination prohibited by the Act, and has been consistently held unconstitutional by the United States Supreme Court. (3) Creating a formal policy or action statement that shows an intention to hire, or favor in the hiring process, one race (or other protected class), is likely to be found to be in violation of the Act. The main objection to such a policy is that actively favoring one group identified by race, color, gender, and so on (a "protected class"), runs directly afoul of the Act. Further, hiring policies which create a disparate impact on a protected class of persons are also prohibited under the Act and the United States Supreme Court's holdings. (4) The Town

may be able to adopt an Affirmative Action Plan that complies with the Act and subsequent common law that has interpreted the Act, but doing so would be a highly complicated endeavor. Should the full Board vote to pursue an Affirmative Action Plan, we recommend the Town consult with additional legal counsel specializing in employment law matters to work with town counsel on such a policy, specifically to avoid the pitfalls envisioned in answering the earlier questions.

Discussion: The Civil Rights Act of 1964 (the “Act”) was the first major piece of legislation passed by Congress and signed into law by President Johnson prohibiting discrimination. The Civil Rights Act has subsequently been amended, and now prohibits discrimination in every aspect of employment, meaning in: hiring, firing, adverse job actions, promotion, and so forth; also prohibited are employment practices that have a disparate impact on the protected classes of persons. The “Scope of title VII protection” broadly identifies the prohibited behavior:

Title VII of the Civil Rights Act of 1964, as amended, protects individuals against employment discrimination on the basis of race, color, religion, sex or national origin. The title VII principles of disparate treatment and adverse impact equally apply to national origin discrimination. These Guidelines apply to all entities covered by title VII (collectively referred to as “employer”).

29 U.S.C. §1606.2. Simply put, an employer may not discriminate on the basis of “race, color, religion, sex (including gender identity, sexual orientation or pregnancy), national origin, age (40 or older), disability or genetic information.

This information is well summarized on the “EEO is the Law” poster that the Equal Employment Opportunity Commission (“EEOC”) requires certain employers “to post in a conspicuous location in the workplace where notices to applicants and employees are customarily posted. In addition to posting the enclosed poster, employers are encouraged to post the electronic notice on their internal web sites in a conspicuous location.” See Exhibit 1 (copy of “EEO is the Law” poster, English version), available at: <https://www1.eeoc.gov/employers/poster.cfm>. Employers must post the poster when they are “[e]ntities holding federal contracts or subcontracts or federally assisted construction contracts of more than \$10,000; financial institutions which are issuing and paying agents for U.S. savings bonds and savings notes; depositories of federal funds or entities having government bills of lading.” The Town complies with this mandate and posts the “EEO is the Law” poster, as it is, or has been, the recipient of federally assisted construction contracts of more than \$10,000.

Cases decided by the United States Supreme Court outline the two main branches of discrimination prohibited by the Act and by the Fourteenth Amendment of the United States Constitution. As described by Ricci v. DeStefano, the first prohibited branch of discrimination is disparate treatment:

As enacted in 1964, Title VII's principal nondiscrimination provision held employers liable only for disparate treatment. That section retains its original wording today. It makes it unlawful for an employer ‘to fail or refuse to hire or to

discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.' §2000e-2(a)(1); see also 78 Stat. 255. Disparate-treatment cases present 'the most easily understood type of discrimination.'

Id., 557 U.S. 557, 577 (2009) (internal citations omitted). The most commonly understood are cases showing overt discrimination by basing the hiring decision upon the protected class – hiring only whites, because they are white; or firing all women, because they are women. As broadly explained by the United States Supreme Court, in a case where a disproportionate number of white teachers were dismissed based upon a contract that sought to maintain the racial percentages, but additionally contained a last-hired, first-fired provision, “[s]ocietal discrimination, without more, is too amorphous a basis for imposing a racially classified remedy. . . . No one doubts that there has been serious racial discrimination in this country. But as the basis for imposing discriminatory *legal* remedies that work against innocent people, societal discrimination is insufficient and overexpansive. In the absence of particularized findings, a court could uphold remedies that are ageless in their reach into the past, and timeless in their ability to affect the future.” Wygant v. Jackson Board of Education, 476 U.S. 267, 276 (1986).

The Court in Wygant outlined the delicate balance of constitutional duties that a public employer, in this case, a public school district must uphold; it stated:

public employers, operate under two interrelated constitutional duties. They are under a clear command from this Court, starting with Brown v. Board of Education, 349 U.S. 294 (1955), to eliminate every vestige of racial segregation and discrimination in the schools. Pursuant to that goal, race-conscious remedial action may be necessary. North Carolina State Board of Education v. Swann, 402 U.S. 43, 46 (1971). On the other hand, public employers, including public schools, also must act in accordance with a ‘core purpose of the Fourteenth Amendment,’ which is to ‘do away with all governmentally imposed discriminations based on race.’ Palmore v. Sidoti, 466 U.S. at 432. **These related constitutional duties are not always harmonious; reconciling them requires public employers to act with extraordinary care.** In particular, a public employer like the Board must ensure that, before it embarks on an affirmative action program, it has convincing evidence that remedial action is warranted. That is, it must have sufficient evidence to justify the conclusion that there has been prior discrimination.

Wygant v. Jackson Board of Education, 476 U.S. 267, 277 (1986) (emphasis supplied). In short, the race-based firing of certain school employees to preserve a particular racial ratio of employees overall was prohibited conduct under the Act as having a disparate effect *based upon race*. Although not examined in the case, it suggests that if the school district wanted to maintain a fixed ratio of female to male employees when determining whom to lay-off, that, too, would be prohibited employment activity by creating a disparate effect based upon sex.

A second line of cases regarding prohibited employment practices has been developed by the U.S. Supreme Court. These cases address actions that have disparate impact. Disparate impact cases are not necessarily facially discriminatory, but rather have a discriminatory impact upon a protected class when put into action by an employer. Often, these cases address a test or practice an employer has engaged in that is neutral on its face, but may be discriminatory in its impact. As explained by the Court Ricci v. DeStefano:

The Civil Rights Act of 1964 did not include an express prohibition on policies or practices that produce a disparate impact. But in Griggs v. Duke Power Co., 401 U.S. 424 (1971), the Court interpreted the Act to prohibit, in some cases, employers' facially neutral practices that, in fact, are 'discriminatory in operation.' Id., at 431. The Griggs Court stated that the 'touchstone' for disparate-impact liability is the lack of 'business necessity': 'If an employment practice which operates to exclude [minorities] cannot be shown to be related to job performance, the practice is prohibited.'

...

Twenty years after Griggs, the Civil Rights Act of 1991, 105 Stat. 1071, was enacted. The Act included a provision codifying the prohibition on disparate-impact discrimination. That provision is now in force along with the disparate-treatment section already noted. Under the disparate-impact statute, a plaintiff establishes a prima facie violation by showing that an employer uses 'a particular employment practice that causes a disparate impact on the basis of race, color, religion, sex, or national origin.' 42 U.S.C. §2000e-2(k)(1)(A)(i). An employer may defend against liability by demonstrating that the practice is 'job related for the position in question and consistent with business necessity.' Id. Even if the employer meets that burden, however, a plaintiff may still succeed by showing that the employer refuses to adopt an available alternative employment practice that has less disparate impact and serves the employer's legitimate needs. §§2000e-2(k)(1)(A)(ii) and (C).

Id., at p.577-578. At issue in Ricci was a test for which City of New Haven firefighters took to seek the ability to be promoted to a lieutenant. The results of the test were such that the white applicants would have taken all of the available positions, and so the City refused to certify the results of the test, in part for fear that it would have faced a disparate treatment lawsuit by the racial minority applicants. When the City was instead sued by a white test-taker who would have advanced had the test been certified, a majority of the Supreme Court found that "[e]mployment tests can be an important part of a neutral selection system that safeguards against the very racial animosities Title VII was intended to prevent. Here, however, the firefighters saw their efforts invalidated by the City in sole reliance upon race-based statistics." Ricci, at p.584. The court further stated that "we adopt the strong-basis-in-evidence standard as a matter of statutory construction to resolve any conflict between the disparate-treatment and disparate-impact provisions of Title VII." Id.

The strong basis in evidence standard that the Court in Ricci adopted is described as follows:

Title VII does not prohibit an employer from considering, before administering a test or practice, how to design that test or practice in order to provide a fair opportunity for all individuals, regardless of their race. And when, during the test-design stage, an employer invites comments to ensure the test is fair, that process can provide a common ground for open discussions toward that end. We hold only that, under Title VII, before an employer can engage in intentional discrimination for the asserted purpose of avoiding or remedying an unintentional disparate impact, the employer must have a strong basis in evidence to believe it will be subject to disparate-impact liability if it fails to take the race-conscious, discriminatory action.

Ricci 557 U.S. 557, 585. The phrase, “race-conscious discriminatory action” refers in Ricci to the City’s decision to refuse to certify the test results, because of the lack of success on the test by minorities and the corresponding impact of having no minority applicants that qualified to advance within the City of New Haven Fire Department.¹

POLICY STATEMENT WITHIN THE CIVIL RIGHTS ACT OF 1964

There is a “Policy Statement on affirmative action” in Title 29 at §1607.17, signed on August 26, 1976, by the Deputy Attorney General and Chairman of the Equal Employment Opportunity Coordinating Council; Under Secretary of Labor; Acting Chairman, Equal Employment Opportunity Commission; Chairman, Civil Service Commission; Chairman, Commission on Civil Rights. The Policy Statement recites valuable information to consider when determining if and when an affirmative action policy should be adopted; it states:

The Equal Employment Opportunity Coordinating Council was established by act of Congress in 1972, and charged with responsibility for developing and implementing agreements and policies designed, among other things, to eliminate conflict and inconsistency among agencies of the Federal Government responsible for administering Federal law prohibiting discrimination on grounds of race, color, sex, religion, and national origin. This statement is issued as an initial response to the requests of a number of State and local officials for clarification of the Government’s policies concerning the role of affirmative action in the overall equal employment opportunity program. While the Coordinating Council’s adoption of this statement expresses only the views of the signatory agencies concerning this important subject, the principles set forth below should serve as policy guidance for other Federal agencies as well.

- (1) Equal employment opportunity is the law of the land. In the public sector of our society this means that all persons, regardless of race, color, religion, sex, or national origin have equal access to positions in the public service limited only by their ability to do the job. There is ample evidence in all sectors of our society

¹ Note that there is an entire line of cases decided by the Supreme Court which address affirmative action policies adopted by universities reviewing applicants for admission. We have purposefully avoided including this admission-series of cases in order to focus on employment-related case law. Should the Board wish for further examination and/or explanation of the principles addressed by that separate line of case law, please let us know.

that such equal access frequently has been denied to members of certain groups because of their sex, racial, or ethnic characteristics. The remedy for such past and present discrimination is twofold.

On the one hand, vigorous enforcement of the laws against discrimination is essential. But equally, and perhaps even more important are affirmative, voluntary efforts on the part of public employers to assure that positions in the public service are genuinely and equally accessible to qualified persons, without regard to their sex, racial or ethnic characteristics. Without such efforts equal employment opportunity is no more than a wish. The importance of voluntary affirmative action on the part of employers is underscored by title VII of the Civil Rights Act of 1964, Executive Order 11246, and related laws and regulations-all of which emphasize voluntary action to achieve equal employment opportunity.

As with most management objectives, a systematic plan based on sound organizational analysis and problem identification is crucial to the accomplishment of affirmative action objectives. For this reason, the Council urges all State and local governments to develop and implement results oriented affirmative action plans which deal with the problems so identified.

The following paragraphs are intended to assist State and local governments by illustrating the kinds of analyses and activities which may be appropriate for a public employer's voluntary affirmative action plan. This statement does not address remedies imposed after a finding of unlawful discrimination.

- (2) Voluntary affirmative action to assure equal employment opportunity is appropriate at any stage of the employment process. The first step in the construction of any affirmative action plan should be an analysis of the employer's work force to determine whether percentages of sex, race, or ethnic groups in individual job classifications are substantially similar to the percentages of those groups available to in the relevant job market who possess basic job-related qualifications.

When substantial disparities are found through such analyses, each element of the overall selection process should be examined to determine which elements operate to exclude persons on the basis of sex, race, or ethnic group. Such elements include, but are not limited to, recruitment, testing, ranking certification, interview, recommendations for hiring, promotion, etc. The examination of each element of the selection process should at a minimum include a determination of its validity in predicting job performance.

- (3) When an employer has reason to believe that its selection procedures have the exclusionary effect described above in paragraph 2 above, it should initiate affirmative steps to remedy the situation. Such steps, which in design and execution may be race, color, sex, or ethnic "conscious," include, but are not limited to, the following:

- (a) The establishment of a long-term goal, and short-range, interim goals and timetables for the specific job classifications, all of which should take into account the availability of basically qualified persons in the relative job market;
 - (b) A recruitment program designed to attract qualified members of the group in question;
 - (c) A systematic effort to organize work and redesign jobs in ways that provide opportunities for persons lacking "journeyman" level knowledge or skills to enter and, with appropriate training, progress in a career field;
 - (d) Revamping selection instruments or procedures which have not yet been validated in order to reduce or eliminate exclusionary effects on particular groups in particular job classifications;
 - (e) The initiation of measures designed to assure that members of the affected group who are qualified to perform the job are included in the pool of persons from which the selecting official makes the selection;
 - (f) A systematic effort to provide career advancement training, both classroom and on-the-job, to employees locked in dead end jobs; and
 - (g) The establishment of a system for regularly monitoring the effectiveness of the particular affirmative action program, and procedures for making timely adjustments in this program where effectiveness is not demonstrated.
- (4) The goal of any affirmative action plan should be the achievement of genuine equal employment opportunity for all qualified persons. Selection under such plans should be based upon the ability of the applicant(s) to do the work. Such plans should not require the selection of the unqualified, or the unneeded, nor should they require the selection of persons on the basis of race, color, sex, religion, or national origin. Moreover, while the Council believes that this statement should serve to assist State and local employers, as well as Federal agencies, it recognizes that affirmative action cannot be viewed as a standardized program which must be accomplished in the same way at all times in all places.

Accordingly, the Council has not attempted to set forth here either the minimum or maximum voluntary steps that employers may take to deal with their respective situations. Rather, the Council recognizes that under applicable authorities, State and local employers have flexibility to formulate affirmative action plans that are best suited for their particular situations. In this manner, the Council believes that affirmative action programs will best serve the goal of equal employment opportunity.

Id.

Additionally, it is crucial to acknowledge that this Council anticipated study of both the place of employment, and of the job market, prior to undertaking the development of an affirmative action plan. By way of example, if a city were concerned that not enough employees of Belgian origin were being hired, but the city had not yet studied whether Belgian-origin potential employees even existed in the labor market, the city would have missed a critical evaluation of the current environment in that city. Likewise, if for some reason, three quarters of the labor force was men in a particular city, but women held roughly one-third of the municipal jobs, one might seek to design an affirmative action plan to attract more men to the opportunities that become available in that particular city.

The State of Vermont has adopted an Equal Opportunity Employment Plan, Fiscal Year 2017, which “is a blueprint to help build a strong and diverse workforce by taking advantage of the skills and education of all segments of Vermont’s population.” *Id.*, p.3, available at: http://humanresources.vermont.gov/sites/humanresources/files/documents/DHR-VT_EEO_Plan_0.pdf. While it is not an affirmative action plan, the State does recite that it seeks:

[a] diverse workforce [that] reflects all segments of society, incorporates new ideas and a variety of work and leadership styles, and promotes inclusion and support for the work of government. . . . The State of Vermont is committed to taking positive steps toward ensuring that employment barriers do not exist within state government. This Plan is designed to encourage all State agencies and departments to ensure that all eligible applicants of job-holders have equal opportunity in all areas of state employment, including compensation, recruitment, hiring, retention, training, promotion, working conditions, and benefits. To the extent possible, the State will strive to employ a workforce reflective of Vermont’s civilian workforce population.

Id. The actual EEO Policy that the State adopted is attached as Exhibit 3; it broadly addresses the State’s goals “to assure that no person will be discriminated against, or be denied the benefit of any activity, program, or employment process, in any area of employment, including but not limited to recruitment, advertising, hiring, promotion, transfer, demotion, lay off, termination, rehiring, rates of pay, benefits, development opportunities, and/or other compensation.” *Id.*, p.4.

Note that “[t]he Vermont Department of Human Resources has the primary responsibility for establishing the State’s EEO Plan and implementing the State’s EEO Program,” a department that the Town of Brattleboro lacks. *Id.*, p.8. This critical component of the State is vested with the authority to evaluate the labor market, oversees implementation of the EEO Plan, and assists with training other departments.

Finally, note that it is illegal to retaliate against a person because he or she complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.” U. S. Equal Employment Opportunity Commission, *Prohibited Employment Policies/Practices*, available at: <https://www.eeoc.gov/laws/practices/index.cfm>.

Conclusion/Recommendation: The Town of Brattleboro is obligated to be an equal employment opportunity employer and may not discriminate against an employee or a candidate for employment on the basis of race, color, national origin, sex, sexual preference, etc. directly – so-called disparate treatment discrimination. The Town must also avoid adopting policies that have an adverse effect upon any class of persons when such effect is made on the basis of race, color, national origin, sex, sexual preference, etc. prohibited under the Act – known as disparate impact discrimination. Hiring quotas are not legal if the quota program itself has the effect of discrimination on the basis of a protected area – be it race, color, national origin, sex, etc. While it is possible for the Town voluntarily to develop an affirmative action plan, there is additional study needed of the Brattleboro-area labor market to first evaluate the specific areas which need to be addressed by such a voluntary policy. An affirmative action plan which favors hiring one particular class of individuals over another, on the basis of that class alone, is prohibited by law.

Equal Employment Opportunity is **THE LAW**

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

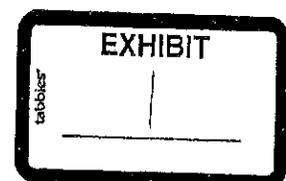
RETALIATION

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.



Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within

three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

RETALIATION

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

"EEO is the Law" Poster Supplement

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations revisions

The Disability section is revised as follows:

DISABILITY

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

The following section is added:

GENETICS

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

The EEOC contact information is revised as follows:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts section revisions

The Individuals with Disabilities section is revised as follows:

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

The Vietnam Era, Special Disabled Veterans section is revised as follows:

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

The following section is added:

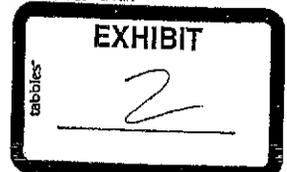
RETALIATION

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

The OFCCP contact information is revised as follows:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Mandatory Supplement to EEOC 9/02 and OFCCP 8/08 "EEO is the Law" Posters



STATE EEO STATEMENT AND POLICY

It is the policy and practice of the State of Vermont to assure that no person will be discriminated against, or be denied the benefit of any activity, program, or employment process, in any area of employment, including but not limited to recruitment, advertising, hiring, promotion, transfer, demotion, lay off, termination, rehiring, rates of pay, benefits, development opportunities, and/or other compensation. The State of Vermont is strongly committed to non-discrimination and equal opportunity in all employment actions for qualified persons without regard to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identification, or disabling condition. It is the policy of the State to provide a workplace that is free of harassment for being a member of a protected class, and the State prohibits retaliatory action for any protected activity. With this in mind, the following policy is set in place.

1. The State shall consider all qualified applicants for available positions without regard to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identity, or disability, provided the individual is qualified to perform the work available. Attempts will be made to contact known sources of minority and women potential applicants so as to maximize the participation of such applicants.
2. All recruitment advertisements will include the State's commitment to Equal Employment Opportunity, and job specifications/descriptions should be reviewed periodically and properly identify job-related requirements.
3. EEO posters shall be placed and maintained in conspicuous locations.
4. Advancement to positions of greater responsibility is based on an individual's demonstrated performance.
5. Compensation, benefits, job assignments, layoffs, employee development opportunities, and discipline shall be administered consistent with federal and state laws, and without bias to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identity, or disability.
6. Executive, management and supervisory level employees have the responsibility to further the implementation of this policy and ensure conformance by subordinates.
7. Any State employee who engages in discrimination of a member of a protected class or unlawful harassment may be subject to appropriate discipline.
8. Any supervisory or managerial employee who knows of unlawful discrimination or harassment in the workplace, and fails to take immediate and appropriate corrective action, may be subject to disciplinary action.

The State is committed to its Equal Employment Opportunity Policy, and as part of the Equal Employment Opportunity Plan will:

1. Recruit, hire, upgrade, train, and promote in all job classifications without regard to race, color, religion, ancestry, national origin, age, gender, sexual orientation, or disability;
2. Base employment decisions on the principles of Equal Employment Opportunity and with the intent to further the State's commitment to workplace diversity;
3. Ensure that all other personnel actions such as compensation, benefits, State-sponsored training, educational tuition assistance, social and recreational programs shall be



administered without regard to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identity, or disability;

4. Provide reasonable accommodations for applicants and/or employees with disabilities, which will enable them to successfully perform the essential job functions;
5. Ensure that employees and applicants are not subjected to intimidation and/or harassment, threats, coercion, or discrimination because they have filed a complaint, assisted or participated in an investigation or any other activity, or opposed any act or practice made unlawful;
6. Investigate claims of discrimination and unlawful harassment in the workplace; and
7. Promote inclusion and diversity in all levels of the workforce.



BRATTLEBORO POLICE DEPARTMENT

230 MAIN STREET - BRATTLEBORO, VERMONT 05301 - 802.257.7950

To: Peter Elwell, Town Manager
From: Captain Mark Carignan *MS*
Re: Diversity training and recruitment efforts
Date: 5/24/17

The purpose of this memorandum is to inform you of department efforts to insure our staff is trained on issues of diversity and impartial policing as well as the status of our efforts to recruit and hire a diverse workforce.

Formal Training

2009

- Cultural diversity awareness – all officers
- Policing diverse communities – all officers

2014

- Understanding bias-free policing – all supervisors
 - o Taught by Curtis Reed

2015

- Facilitated racial peace and justice dialogue – all supervisors
- Sergeant certified as fair and impartial policing instructor
- Fair and impartial policing – all officers

2016

- Recognizing inherent bias – all officers

BPD is also fully compliant with state mandated bias free policing policies. It is noteworthy that we had such a policy in effect prior to this legislation being passed.

Recruitment efforts

2014-present

- Ongoing command staff conversations with Vermont Partnership for Fairness and Diversity, Root Social Justice Center, Community Equity Collaborative, and others to develop ideas to enhance recruitment efforts.

2014-present

- Several times a year officers are sent to job fairs in more populated areas in an attempt to diversify our applicant pool.
- Recognizing that attendance rates for people of color are generally higher at 2 year community colleges than traditional 4 year schools, we targeted such schools in nearby areas with higher populations, such as Holyoke, Springfield, MA.

- Command staff learned of this trend in conversations with some of the organizations mentioned above.
- Direct advertising in Springfield, MA Republican (newspaper) encouraging people of color and women to apply.

Anecdotal results

While it is impossible to determine exactly what motivated someone to apply or how they learned of us, we have noted an increase in the diversity of our applicants since these efforts began. Below are the results of their applications.

- Since 2014 seven people of color applied to be police officers at BPD and made it to the interview phase:
 - 1 failed to attend the interview
 - 1 failed to pass the state mandated physical fitness test
 - 1 failed to pass the state mandated written test
 - 1 accepted a job at a different VT municipal department (better pay)
 - 1 did not successfully complete the background investigation
 - 1 was invited for a second interview but did not attend
 - 1 has successfully completed the application process and is scheduled to attend the police academy in late July.



Brattleboro Fire Department

103 Elliot Street * Brattleboro, VT 05301 * 802-254-4831 FAX: 802-257-2323

Michael Bucossi
Fire Chief

Leonard Howard
Assistant Chief

To: Peter Elwell; Town Manager
From: Michael Bucossi; Fire Chief
Date: May 24, 2017

Re: Fire Department vacancy advertising

This is a snap shot of how we advertise for entry level candidates when we have a vacancy.

Past Vacancies (up to a year ago):

- Personal letter to each individual on the “eligibility list” maintained by the VT Fire Academy
- in a local newspaper
- on the Brattleboro Fire Department website and Facebook page
- on the Town of Brattleboro website and Facebook page
- on the VT Fire Academy website
- on the Southwestern NH Fire Mutual Aid website (this is the main mutual aid system in the area, cover parts of NH, VT & MA)
- the “internet world” picks these up and they find their way all over the country to different trade sites

Present Vacancy

- Personal letter to each individual on the “eligibility list” maintained by the VT Fire Academy
- in a local newspaper
- on the Brattleboro Fire Department website and Facebook page
- on the Town of Brattleboro website and Facebook page
- on the VT Fire Academy website
- on the Southwestern NH Fire Mutual Aid website (this is the main mutual aid system in the area, cover parts of NH, VT & MA)
- notice on the bulletin board at VT Department of Labor
- on the VT Department of Labor website
- New England Division of International Assc of Fire Chiefs website and Facebook page
- Professional Firefighters of VT website
- NH Fire Academy website
- the “internet world” picks these up and they find their way all over the country to different trade sites

Results of the application process for the May testing

- We received 15 applications
- We had 12 participate in the oral board process
- This number of applications is up from an average of 8 – 10
- Of the 12 that interviewed there were 4 from VT, 7 from NH and 1 from CT.
- There were no persons of color and 1 woman
- There were 6 applicants who saw the advertisement on the NH Fire Academy website

Future outreach for advertising vacancies

- Outreach to colleges that offer fire science degrees such as Southern Maine College and VT Tech.

TOWN OF BRATTLEBORO

230 Main Street, Brattleboro, VT 05301 · Phone 802-254-4541 · Fax 802-257-2322

APPLICATION FOR EMPLOYMENT

IT IS THE POLICY of the Town of Brattleboro to guarantee equal opportunity to all qualified applicants and to all employees. The Town of Brattleboro will not discriminate with respect to initial appointment, advancement, and general working conditions against any person regardless of age, race, creed, color, sex, sexual orientation, marital status, national origin, religious or political affiliation or disabilities.

Position/Type of Work/Department Applying For _____

PERSONAL:

Name in Full _____

Street and Mailing Address _____

Phone Where We May Contact You _____ Is this home, business, or message? _____

Have you worked for the Town of Brattleboro previously? _____ If so, dates _____

Department(s) _____ Supervisor(s) _____

Does the Town employ any of your immediate relatives (defined as spouse, children, step-children, parents, step-parents, brothers, sisters, mother-in-law, father-in-law, and other relatives who are actual members of your household)? If so, please list their names and departments:

EDUCATION:

School	Name	Town and State	Dates	Grade Completed	Type of Course
Elementary School					
High School					
College/Trade School					
Special Courses					

	Branch	Base	Dates	Rank at Discharge	Type of Training
Armed Forces					

QUALIFICATIONS:

What special skills, qualifications, and/or interests do you have, other than those required for the position in question, that you consider of value (such as licenses, memberships, typing or shorthand speed, equipment operating skills, honors, etc.)?

WORK EXPERIENCE:

Include paid or unpaid, full- or part-time, military, seasonal, etc. Start with most recent employer and work backward in time. Please use other side if you need more space.

1. Name of Present or Last Employer _____
 Business Address _____ Phone _____
 Title of Position AND Description of Responsibilities: _____

 _____ Hours per Week _____
 DATES: Starting _____ Ending _____ PAY: Starting _____ Ending _____
 Supervisor's Name _____ Title _____
 Reason for Leaving _____

2. Name of Present or Last Employer _____
 Business Address _____ Phone _____
 Title of Position AND Description of Responsibilities: _____

 _____ Hours per Week _____
 DATES: Starting _____ Ending _____ PAY: Starting _____ Ending _____
 Supervisor's Name _____ Title _____
 Reason for Leaving _____

3. Name of Present or Last Employer _____
 Business Address _____ Phone _____
 Title of Position AND Description of Responsibilities: _____

 _____ Hours per Week _____
 DATES: Starting _____ Ending _____ PAY: Starting _____ Ending _____
 Supervisor's Name _____ Title _____
 Reason for Leaving _____

Name of Present or Last Employer _____

Business Address _____ Phone _____

Title of Position AND Description of Responsibilities: _____

_____ Hours per Week _____

DATES: Starting _____ Ending _____ PAY: Starting _____ Ending _____

Supervisor's Name _____ Title _____

Reason for Leaving _____

5. Name of Present or Last Employer _____

Business Address _____ Phone _____

Title of Position AND Description of Responsibilities: _____

_____ Hours per Week _____

DATES: Starting _____ Ending _____ PAY: Starting _____ Ending _____

Supervisor's Name _____ Title _____

Reason for Leaving _____

May we contact your current employer? If not, why? _____

CHARACTER REFERENCES:

Do not use former employers or relatives.

Name	Address	Phone	Occupation	Years Known

1. Do you acknowledge that you are capable of performing, with or without reasonable accommodations, all the elements and tasks of the job for which you are applying? Yes [] No []

2. You may, at your discretion, note any reasonable accommodations necessary for you to be capable of performing all the essential elements or tasks of the job for which you are applying.

CERTIFICATION:

I hereby certify that the above statements are complete and true to the best of my knowledge. I understand that, if employed, false statements on this application may be considered sufficient cause for dismissal.

I authorize any necessary inquiries as to my character, reputation, and ability and release those supplying any information from all liability.

Signature of Applicant

Date

Full-Time Police Officer

The Brattleboro Police Department is accepting applications for the position of full-time police officer. Successful candidates will demonstrate both a willingness to serve a diverse community and an eagerness to join the ranks of this professional police agency. Applicants must be at least 20 years of age. Please visit www.brattleboropolice.org and click on "Recruiting" for more information. The Town of Brattleboro is an equal opportunity employer.

Interested individuals are referred to the Department website to view extensive information regarding the Department and to access the application materials

The Brattleboro Fire Department is accepting applications for the position of full time entry level Firefighter. Further information and applications can be obtained at www.brattleboro.org or www.brattleborofire.org

If you would like to participate in the Brattleboro Fire Department candidate selection process please submit a Town of Brattleboro employment application, cover letter, resume and a copy of your valid CPAT card to the Brattleboro Fire Department, 103 Elliot Street, Brattleboro, VT 05301 no later than 4pm on May 1, 2017.

If hired you must live within one of the following towns within six months; Brattleboro, VT, Vernon, VT, Guilford, VT, Dummerston, VT, Marlboro, VT, Putney, VT, Chesterfield, NH or Hinsdale, NH.

If you have further questions please contact Chief Michael Bucossi at 802-254-4831.

The town of Brattleboro is an Equal Opportunity Employer.

JOB OPENING

Firefighter FIRE DEPARTMENT

Public Safety (Fire) Group
Entry Level

General Statement of Duties: Performs general fire department work in controlling, extinguishing, and preventing fires and in the maintenance and operation of department apparatus and equipment. Performs work as required.

Supervision Received: Receives general supervision from superior officers, but must be able to act without direct supervision at emergencies.

Supervision Exercised: Exercises supervision only when the employee is designated to act in the capacity of an officer in the absence of an officer.

Illustrative Examples of Work:

- Responds to fire alarms and performs tasks necessary to control and extinguish fires, including the handling of hose, the raising and climbing of ladders, etc.
- Work in an IDLH atmosphere, performs rescue work, and various other emergency scene operations.
- Operates all trucks, pumps, and other auxiliary fire apparatus and equipment.
- Responds to medical calls and provides patient care.
- Performs routine maintenance and cleaning work in the fire station; cleans and performs minor repairs on fire apparatus and equipment.
- Participates in training exercises and attends training schools as required.
- Responds to alarms and other emergencies when off duty as needed.
- Performs fire prevention and public education and public relations duties as assigned.

Non-Essential Responsibilities: Other duties as assigned.

Qualifications:

- Must hold a valid Vermont CPAT qualification.
- Graduation from high school or equivalent.
- Must have a valid motor vehicle operator's license.
- Must hold a Vermont recognized Fire Fighter level I certification
- Must hold a current Vermont recognized Emergency Medical Responder certification.

Physical Requirements: Must pass a Town of Brattleboro physical examination prior to employment

Office Clerk, Office of Assessment
Town of Brattleboro, Vt.

Brattleboro Office of Assessment. Varied general office duties entering data, using computerized valuation software and other more commonly employed computer applications, generating reports, answering telephone and assisting researchers, members of the public and other town employees. 15 hours per week, flexible hours. Initial hourly wage dependent on experience, part time benefit package. A background in real estate will be an important asset, familiarity with the NEMRC municipal administrative software will also be valuable. High school degree required; further education or work experience preferred. Job requires frequent interaction with public, ability to work cooperatively. Town's employment application form, detailed description of job available at www.brattleboro.org. Interviews begin February 13, 2017. Send letter of interest, resume, and completed employment application to: Town Manager's Office, Attn: Assessor Clerk, 230 Main Street, Brattleboro, VT 05301. EOE

JOB POSTING

Office Clerk, Office of Assessment Town of Brattleboro, Vt.

The Town of Brattleboro has an opening in its Office of Assessment for an Office Clerk. The Office Clerk's duties are varied, as he or she works chiefly in support of the Office Administrator, as well as assisting the Town Assessor and the Assistant Assessor. The work includes general office duties such as entering data, using computerized valuation software and other more commonly employed computer applications, generating reports, answering the telephone and assisting researchers, members of the public and other town employees. This is a 15 hour per week position, providing a part time benefit package as described in the Town's Employee Handbook. Some flexibility in scheduling work hours will be possible. The expected beginning salary will be in the \$12,000 range, depending on experience. Some background or training in real estate will enhance an applicant's rating. Familiarity with the NEMRC municipal administrative software will be an important asset; a high school diploma is required. The job requires frequent interaction with the public and the ability to coordinate smoothly with a small group of co-workers.

The Town of Brattleboro is an equal opportunity employer. The Town's employment application form and a detailed description of the Office Clerk job may be found on the Town website, www.brattleboro.org. Interviews will begin on February 13, 2017. To apply, send a letter of interest, a resume, and a completed employment application form, to:

Town Manager's Office, Attn: Assessor's Clerk, 230 Main Street, Brattleboro, VT 05301.

**Town of Brattleboro
Department of Public Works
HWY Equipment Operator 1
Entry Level - \$15.91 per hour**

Full time entry level position in the Department of Public Works, Highway Division. Work includes general laboring duties, equipment operation, and on-call duty (nights, weekends and holidays). Requires high school diploma or any combination of schooling and in-service training and experience. Requires valid CDL driver's license (min. class "B" within 90 days), heavy lifting and physical work for over 8 hours, and entering confined spaces (use of SCBA). Send application to Town Manager's Office, ATTN: HR-DPW-HWY EQ OP 1, 230 Main Street #208, Brattleboro, VT 05301 by 5:00 p.m. Friday, July 22, 2016. Applications may be found on the Town website www.brattleboro.org. EOE

JOB POSTING

DEPARTMENT OF PUBLIC WORKS
Highway Equipment Operator 1
Entry Level
\$15.91 per hour

General Statement of Duties: Performs work in the operation of light and medium equipment and in performance of general laboring duties. Performs related work as required including non-working day call duty (nights, weekends and holidays).

Supervision Received: Receives supervision from supervisors for most work assignments, but must demonstrate ability to think independently and responsibly.

Supervision Exercised: Exercises supervision over limited personnel on special assignments.

Illustrative Examples of Work: Operates dump truck, backhoe, catch basin cleaner, flushing machine, loader and hand tools. Installs catch basins, culvert pipe and sidewalks. Also installs signs, cuts brush, roadside mowing and any other highway maintenance related labor. Occasionally performs the duties of other equipment operators (EO2 through EO11), as needed.

Qualifications: Must have high school diploma or any combination of schooling and equivalent in-service training and experience. Valid driver's license (Commercial Drivers License minimum class "B" required within 90 days of hire).

Physical Requirements: Heavy lifting (100 lbs.), climbing ladders, entering confined spaces. Laboring duties for eight hours or more per day. Physically able to use SCBA.

Submit application by 5:00pm, Friday, July 22, 2016 to Town Managers Office
ATTN: HR – DPW – EQ OP 1, Suite 208, 230 Main St., Brattleboro, VT 05301. EOE