



TOWN OF GEORGIA

PERSONNEL POLICIES AND RULES

MASTER COPY

As revised and adopted by the Selectboard July 28, 2014

**PERSONNEL POLICIES AND RULES HANDBOOK
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TOWN OF GEORGIA
PERSONNEL POLICIES AND RULES

I. NAME OF ADMINISTRATIVE RULES AND AUTHORITY

- A. These rules shall be known and cited as “The Town of Georgia Personnel Policies and Rules” and are hereby adopted pursuant to the provisions of Title 24, Vermont Statutes Annotated, Sections 1121 and 1122.
- B. Employment with the Town of Georgia 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 this manual. Wages or salary and any accrued and unused vacation allowable under these policies and rules, shall be due to the employee only to the day and hour of termination.
- C. This manual and the provisions contained herein do not constitute a contract of employment in whole or in part. The Selectboard reserves the right to, on an individual or group basis, add, amend or delete any benefit or policy stated herein at any time, except as otherwise committed to by formal contract agreements.
- D. Where a conflict exists between these policies and rules and any collective bargaining agreement or individual employment contract, the latter will control.

II. PERSONS COVERED

- A. These policies and rules shall be applicable, except for specific section, (i.e., those for which the Fire Department Policies and Rules has its own independently complete provision) to all persons employed by the Town of Georgia, including, Georgia Fire Department employees, and Georgia First Response employees, but with the exception of Elected Officers, appointed Assistant Town Clerks and Treasurers, members of Boards and Commissions, employees of the School District, persons employed in a professional capacity to make special and temporary studies, investigations and/or inquiries and other positions to which no compensation is attached (except for “Ethics Policy”, which shall apply to all).
- B. The Selectboard shall prepare written job descriptions for all employees which will describe the duties and responsibilities and the essential job functions of the position as well as the qualifications required to hold the position. The Board reserves the right to modify the job descriptions from time to time.

III. ADMINISTRATION

- A. These policies and rules shall be administered by the Selectboard or its authorized representative. Amendments to these Personnel Rules shall be made by resolution of the Selectboard.
- B. With regard to Georgia Public Library employees, the administration of rules and regulations shall be delegated to the Library Board of Trustees.
- C. Fire Department employees and administration fall under the Town of Georgia Fire Department Policies and

Rules and Town Personnel Policies and Rules. For sections that apply to the Fire Department Policies and Rules, the Chief shall be the Selectboard's designee for administration of such sections except where a personnel matter pertains to an individual employee and that employee is an officer appointed by the Selectboard.

- D.** For the purposes of administration of these policies and rules, "Department Head" shall be defined as follows: for Highway Department personnel the Department Head shall be the Road Foreman, or such other designee of the Selectboard. For Municipal Office personnel and employees not covered under another Department Head, the Department Head shall be the Town Administrator, or such other designee of the Selectboard. For the Fire Department, the Department Head shall be the Fire Chief, or such other designee of the Officers of the Fire Department. For the Recreation Department the Department Head shall be the Beach Maintenance Supervisor. For the Georgia Public Library personnel the Department Head shall be the Library Trustee Chair or such other designee of the Library Board of Trustees.

IV. RECRUITMENT

- A.** Applications for positions may be solicited from any qualified persons at the option of the Selectboard. Emergency Service employees, such as highway workers, shall be required to live within a 30 minute travel time radius of their place (physical location of building) of employment.
- B.** As part of the pre-employment procedure, former supervisors; employers, and references provided by applicants shall be checked as a precaution against obtaining undesirable employees. Reference checks made by personal or telephone contact shall be documented. These reference checks shall be completed prior to an offer of employment and the information shall be made part of the application file. All such information is to be handled as privileged and confidential information.
- C.** At the option of the Selectboard full time and/or part time positions shall be posted and advertised in local newspapers stating position, title, approximate salary and application date deadline as well as other pertinent information.
- D.** When an emergency hiring situation is declared by the Selectboard any or all of the application process requirements may be waived to ensure provision of continuous Town services to its citizens.
- E.** The policy of the Town of Georgia is to provide equal opportunity to all employees and applicants without regard to race, color, religion, sex, sexual orientation, age, nationality, origin, marital status, disability, veteran's status or any other category under local, state or federal law.

V. SELECTION

- A. All appointments to positions in the service of the Town of Georgia shall be made based on merit and fitness. Education, experience, aptitude, knowledge, skills, character, physical fitness (where necessary for the essential functions of the position), personality, and all other qualifications deemed necessary for the satisfactory performance of the duties of the position to be filled shall be considered with weights assigned to each factor as may be deemed proper by the Selectboard or its authorized representative or such advisory examining committee as may be appointed.

VI. APPOINTMENT / PROBATIONARY PERIOD

A. Type of Appointments

1 Full-Time: A full-time employee works at least 40 hours per week on a continuing basis (indefinite term). The full-time employee is subject to all rules and regulations and receives all benefits and rights as provided by the Personnel Policies and Rules.

2 Student Appointments: Student appointments have the purpose of affording students of public administration or other professional areas an opportunity to gain actual work experience and provide service to the Town. Such appointments are for a definite period of time, not to exceed 12 months, and require the approval of the Selectboard or its authorized representative and may be paid or non-paid. Student appointees shall not be eligible for employee benefits but shall be subject to all personnel policies and rules pertaining to performance and conduct.

3 Emergency Appointments: In order to prevent stoppage of public business or loss or serious inconvenience to the public, appointment of employees on a temporary basis may be authorized by the Department Head with the approval of the Selectboard or its authorized representative in accordance with these rules for a period not to exceed sixty (60) days. Such appointees shall not be eligible for employee benefits, but shall be subject to policy for performance and conduct.

4 Permanent Part-time Employees: Permanent part-time employees are employees who work less than the normal week but on a regular basis. Permanent part-time employees shall be subject to all policies and rules. Permanent part time employees working at least 30 hours but less than 40 hours shall be entitled to a graduated benefit scale and rights as provided in Section XIV (Hospitalization, Medical and Dental Insurance).

Permanent Part Time Employees working less than 30 hours/week (hired after January 1, 2014) shall not be entitled to benefits under this policy. The Selectboard has determined that all current employees are “grandfathered”. The Selectboard is continuing to offer current employees all benefits and compensation as arranged, and honor all letters of employment, no matter the number of hours worked per week.

5 Part-time and Seasonal Employees: Are employees who work on a seasonal basis, or irregular basis, or are otherwise categorized as part time, and are not eligible for employee benefits under these personnel

policies and rules, but shall be subject to policies and rules for performance and conduct.

6 Limited-term Appointments: Limited term appointments are made when a special project requires the addition of employees for a specific time, or to fill a position of an employee on a leave of absence. Such employees shall be subject to all rules and regulations and shall receive benefits and rights as provided by the Personnel Rules during their term of employment at the sole discretion of the Selectboard.

7 Fire Department Employees: The Selectboard shall appoint such statutory officers of the Fire Department as is deemed necessary as per 24 VSA Section 1953. The Fire Chief shall have the powers and duties as defined in 20 VSA 2671-2675. Firefighters shall be appointed by the Fire Chief according to the provisions of the Fire Department Policy upon recommendation to, and approval by, the Selectboard.

Fire Department employees shall be eligible to receive only those limited benefits as specifically defined by the Selectboard. These limited benefits shall include coverage, while acting in their capacity as Fire Department employees, under the Town's general liability insurance policy, automobile insurance policy, workers compensation policy and any other policies or riders then in effect.

B. Probationary Period

1 All appointments shall be made with a probationary period of one hundred and eighty (180) days. A Department Head may extend the probationary period with the written approval of the Selectboard or its authorized representative. The total probationary period shall not exceed twelve (12) months. One month prior to the end of the probationary period, the Department Head shall submit a report to the Selectboard or its authorized representative, carefully reviewing the work of the new employee. New employees may be paid at a probationary rate during this period. During the probationary period, the Department Head may remove an employee, with the approval of the Selectboard, who is unable or unwilling to perform the duties of the position satisfactorily or whose performance and dependability do not merit continuance in the service of the Town. Notwithstanding any other provision of this policy, an employee terminated during the probationary period will have no right to appeal such termination.

2 Fire Department Employees are also subject to the applicable rules as set forth in the Fire Department Policies.

C. Physical Examination and/or Drug Test

1 All new permanent employees who are hired for positions in which health or physical abilities are important for the performance of the essential functions of the job, or who hold a CDL license, may be required to have an initial physical examination or drug test at the expense of the Town after an offer of employment has been made. Appointment to a position shall be conditioned on a favorable result of the examination. The specific criteria will be determined by the Selectboard but will be based on the specific requirements of the essential functions of the job as defined in their Job Description. All information obtained as part of the medical exam shall remain confidential and shall not be placed in the employee's personnel file, but in a separate medical file.

D. Proof of Citizenship

1 All new town employees must provide the Selectboard or its authorized representative with proof of citizenship or legal immigration status in conformance with federal law. Failure to provide such proof shall result in non-hiring or immediate dismissal.

VII. PROMOTIONS

A. Promotion Policy

1 Vacancies in positions above the lowest rank in any department in the Town may be filled by the promotion of employees in the Town service where the Selectboard determines those employees are qualified for the promotion. Promotion in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of affecting an increase in compensation.

B. Notification

1 After a determination of eligibility as per VII A. above, a Department Head shall advise employees within the department of the existence of vacancies to which they are qualified to be promoted.

C. Probationary Period

1 All promotions shall be subject to the one hundred and eighty (180) day probationary period, and may be extended to 1 year. If during this probationary period the Selectboard determines that the job is not being satisfactorily performed, the employee shall be returned to his former job or a comparable position, if available, and the position shall be filled at the discretion of the Selectboard. If the former job has been filled and or a comparable job is not available, the employment may be terminated at the discretion of the Selectboard.

VIII. EVALUATIONS

A. All full time and permanent part time employees of the Town of Georgia will be evaluated a minimum of once a year. Such evaluations will be in writing and signed by both the employee and the Department Head following a conference during which the evaluation is discussed. The signature of the employee does not indicate that he or she agrees with the evaluation but only acknowledges that the evaluation has been shown and discussed.

B. The signed, written evaluation will then be provided to the employee and a copy shall be placed in the employee's file. The employee may, at any time during business hours, view his/her file in the presence of the Selectboard or its authorized representative.

C. Any annual evaluation with a rating of less than satisfactory may result in a sixty (60) to ninety (90) day probationary period, see Section VI B. Improved performance and subsequent evaluation can result in the

probationary status concluding.

- D. Failure to improve during the probationary period may result in suspension without pay or termination. Notwithstanding any other provision of this policy, an employee terminated during the probation period will have no right to appeal such termination.
- E. During the probationary period there will be no reduction in pay or loss of fringe benefits.

IX. DRIVER AUTHORIZATION AND EVALUATION

- A. Only authorized drivers are allowed to operate municipal vehicles. The authorization process includes full-time employees, part-time and seasonal employees, and volunteers. The process includes initial and periodic review of operating records.
 - Safe operation of municipal vehicles is a requirement of an authorized driver.
 - Employees must possess a valid driver’s license of the proper type and class for the vehicles operated.
 - An acceptable driving record is a condition of an authorized driver.
 - Motor Vehicle Records for all new employee applicants and volunteers whose duties include driving any municipal vehicle will be periodically requested and reviewed by the Town Administrator.
- B. Evaluation criteria, both on and off the job, which may be used to disqualify a person as an authorized driver include, but are not limited to:
 - Three (3) or more moving violations in a 36-month period.
 - Driving under the influence of alcohol or drugs in the last 36-month period.
 - Hit-and-run accident.
 - Failure to report an accident to a supervisor or Department Head.
 - Operating a vehicle under a suspended or revoked license.
 - Homicide, assault, or a felony arising from the operation of a motor vehicle.
 - Carless & Negligent (C&N) driving violation in the last 36-month period.
- C. There is no insurance coverage, whether expressed or implied, for any non-employee passengers or family members in any municipal vehicle, in any situation that isn’t a parade.

X. DISCIPLINE AND DISCHARGE

- A. General Policy

1 The Town of Georgia exists to provide services to its citizens and therefore has a responsibility to perform these services in the most effective and efficient manner possible. The same is required of Town employees. Discipline and/or discharge will result from any action or inaction resulting in anything less than satisfactory performance. All employees will be fairly and consistently subject to the disciplinary and discharge procedures, given the facts of the individual case.

B. Employee Actions or Inactions Resulting in Disciplinary and/or Discharge

1 The Selectboard and/or its authorized representative may immediately dismiss an employee whenever in its opinion the employee's work or conduct so warrants. On the job reasons for dismissal may include, but are not limited to: insubordination, use or being under the influence of drugs or alcohol while on duty, dishonesty, recklessness on the job, attitude which constitutes an unwholesome influence on other employees, failure to obey a reasonable order either verbal or written, falsification of application forms, fighting on duty, convictions for offenses against the law which would affect the employee's performance, violation of any Town rules which result in serious personal or property damage, willful disregard for written work or safety rules, or use of abusive language toward a superior or the general public.

2 Other violations of Town work rules or these Personnel Policies and Rules or employee actions or inactions including those listed as follows shall result in a vocal or written reprimand, suspension without pay or dismissal as detailed below: abuse of sick leave, failure to request leave in advance, leaving without permission, unexcused absences, chronic absenteeism, unexcused and/or excessive lateness; carelessness, negligence, short cuts, horseplay, gambling, sleeping on duty, theft, disregard for safety rules, possession of firearms or dangerous weapons on duty without supervisor's permission, willful damage to town property and falsifying work records, or working against the goals of the department or the department head, by not following the chain of command when registering displeasure or complaints.. This list is not inclusive and is exemplary only.

C. Oral and Written Reprimands

1 For the first violation or any violation immediately following six months of no disciplinary actions against the employee of any rule, inaction or prohibited action as defined above not, in the opinion of the Selectboard serious enough for dismissal, the Selectboard may issue an oral reprimand, through the Department Head, to the offending employee. Written records of oral reprimand shall be entered in the employee's personnel folder. Such record shall only be removed from the employee's personnel folder upon written request of the employee and after Selectboard review of said employee's performance. Selectboard authorization for removal, based on above review, required.

2 A violation of any rule, inaction or prohibited action within six (6) months of an oral reprimand or where more severe initial action is warranted, can result in the Department Head, after consultation with the Selectboard, issuing a written reprimand to the offending employee. The reprimand will be issued to the employee in conference with a witness present and shall detail the incident necessitating the action and the

rule or rules violated. A written record of oral reprimand signed by the Department Head and conference witness shall be entered in the employee's personnel folder. Such record shall only be removed from the employee's personnel folder upon written request of the employee and after Selectboard review of said employee's performance. Selectboard authorization for removal, based on above review, required.

D. Suspension Without Pay

1. Another violation of any rule, inaction or prohibited action, or any other behavior warranting disciplinary action within six (6) months of an oral reprimand or where more severe initial action is warranted, can result in the Department Head, after consultation with the Selectboard, suspending an employee without pay for up to ten (10) working days. Such suspended employee shall be notified of such action in writing during a conference with the Department Head with a witness present. The written notification will include a description of the incident necessitating the action and/or the rule or rules violated. A copy of the written notification signed by the suspending officer and the conference witness may be entered in the employee's personnel folder. Such record may be removed from the employee's personnel file upon successful completion of six (6) months service without disciplinary action. Employees suspended shall also be informed in writing of the appeal procedure provided under these Personnel Rules.

E. Dismissal

1 The Selectboard or its authorized representative may immediately dismiss (1) any employee whose actions or inactions violate Town policies and rules as set forth in the paragraphs above; or (2) any employee whose action or inaction violates any Town rules or regulations within a six (6) month period following a disciplinary suspension as prescribed in paragraph D above. Such dismissed employee will be notified of such action during a conference with the Department Head with a witness present and will include the incident necessitating the action and/or the rule or rules violated. An employee so dismissed shall also be informed in writing of the appeal procedure provided under these Personnel Rules.

XI. SUSPENSION & TERMINATION APPEAL PROCEDURE

- A.** In addition to following all applicable progressive disciplinary procedures in the Personnel Policies and Rules the employee shall be provided with written notice of the basis for suspension/termination and an opportunity to present his or her side of the story to the individual with supervisory authority over the employee (e.g. the town administrator). During this initial pre-termination hearing stage, the employee is entitled to be represented by counsel and may have an opportunity to present witnesses if he or she so chooses. The hearing should be tape-recorded.
- B.** An employee who receives a suspension/discharge notice and desires a hearing must give written notice of such to the Selectboard as soon as possible, but no later than five (5) business days from the date of the notice.
- C.** An employee who receives a suspension/discharge notice may be suspended from performing his/her job

duties and responsibilities with or without pay and benefits for the duration of the discharge process.

- D.** If a timely request for a hearing is not made by the employee, the employee's right to such a hearing will be considered waived and the employee's supervisor may terminate the employee at his/her discretion by providing the employee with written notice of such occurrence.
- E.** If a timely request for a hearing is made, the Selectboard shall provide the employee with a written notice of the hearing date. Independent of said employee's appearance, the Selectboard shall hold the hearing within twenty-one (21) calendar days of receipt of employee's written request for the hearing. The hearing notice shall be sent to the employee's last known address at least seven days prior, certified return receipt, to the date of the hearing and shall:
 - 1. Inform the employee of the date of the hearing;
 - 2. Inform the employee of his/her right to be represented by counsel or other representative and to present witnesses and supporting documents at the hearing; and
 - 3. Inform the employee of his/her right to have the matter heard in executive session
- F.** At the hearing, the employee, at his/her discretion, may be present, present testimony, be represented by counsel, examine the evidence against him or her and/or cross-examine witnesses.
- G.** The Selectboard shall render a written decision within 14 calendar days after the adjournment of the hearing, unless otherwise agreed upon by the parties.
- H.** If the action of the Selectboard is in favor of the employee, he or she shall be restored to his or her original position with full pay for the period since dismissal or suspension. The Selectboard can also reduce the disciplinary action to suspension without pay or reprimand.
- I.** The decision of the Selectboard shall be final and effective immediately.

XII. GRIEVANCES

A. Policy

1 It is the intent of the Town of Georgia to address grievances informally and Department Heads as well as employees are encouraged to make every effort to resolve problems as they arise. However, it is recognized that there may be grievances which will be resolved only after a formal appeal and review. When this is the case the procedure listed hereunder will be followed.

2 A grievance is any matter considered by the employee as grounds for complaint, except in the case of personnel action arising out of discipline, dismissal, demotion or suspension. Adjustment for such complaints is separately provided for in Section XI.

B. Procedure

1 An employee who believes that inequitable treatment has been received because of some conditions of employment may personally or through representatives appeal for relief from that condition. The employee is expected to initially discuss any grievance with the immediate supervisor or Department Head. Highway Department employees will, before presenting the matter to the Selectboard, discuss the grievance with the Road Commissioner. If the matter cannot be settled at that level, the employee may elect to present the matter to the Selectboard for consideration.

C. The decision of the Selectboard shall be final.

XIII. CONDUCT OF EMPLOYEES

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

All employees are expected to faithfully execute the duties and responsibilities of their office to the best of their ability and in compliance with the provisions of these personnel policies and rules.

B. Hours of Service

1 With the approval of the Selectboard, the Department Head shall prescribe the number of hours per day and per week of actual attendance on duty for employment in positions under its jurisdiction. The hours so established shall be construed as the normal work day or work week. The normal work week shall be established annually by the Selectboard after approval of and in accordance with the annual operating budget.

C. General Obligations

1 Every employee shall fulfill to the best of his or her ability the duties and responsibilities of the employee's position. The employees shall, during their hours of duty, be subject to such other laws, rules and regulations that pertain thereto, devote their full time attentions and efforts to their office and employment. Employees shall not use their positions to secure special privileges or exemptions for the employee or others. Employees shall not use Town property or equipment without written authorization from the Selectboard or Department Head for the employee's private use or for any use other than that which serves the public interest. Such private use of Town property or equipment is seriously discouraged and shall be approved only in emergency situations as determined by the Selectboard or its authorized representative.

2. No Town employee shall purchase any goods or services for personal use through Town credit or

cash accounts, contracts, tax exempt purchasing, or in any way take advantage of discounts or tax exempt status of the Town for personal gain.

D. Attendance

1. No employee of the Town of Georgia shall be absent from duty without permission. It shall be the duty of the employee to notify the Department Head to take leave in accordance with the requirements of this policy. Any absence of an employee from duty, including the absence of a single day or a part of a day, which is not authorized under provisions of these Policies and Rules, shall be investigated by the appropriate department head and shall be reported to the Selectboard or authorized representative for action. Any such absence may be cause for disciplinary action by the Department Head. Department Head shall be able to excuse a subordinate from reporting or being present for duty for proper cause.

E. Political Activity

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

2. These Policies and Rules are not to be construed to prevent employees from becoming or continuing to be members of any political party or organization, from attending political party or organization meetings or events, or from expressing their views on political matters, so long as these views are clearly articulated as being those of the individual and not of the Town, and these activities do not interfere with the individual's ability to effectively perform his or her duties and take place or are expressed during non-working hours. Nor is this personnel policy to be construed from prohibiting, restraining or in any manner limiting an individual's right to vote with complete freedom in any election.

F. Receipt of Gifts

1. No person in the service of the Town of Georgia shall either directly or indirectly give, render, pay or receive any service or other valuable thing for or on account of or in connection with any appointment, proposed appointment, promotion or proposed promotion. Any employee who receives a gift or is offered a gratuity having a value of \$20.00 or more, from any source by virtue of the fact that he or she is a town employee shall within twenty-four hours inform the Department Head. Failure to report such gifts or gratuities, or offer thereof, may present grounds for suspension or dismissal. The Department Head shall, in turn, inform the Selectboard or its authorized representative of all gifts and/or gratuities offered, or received by the department whether individual or collective. The Selectboard will decide whether or not such gifts and/or gratuities may be accepted.

G. Contracts

1. No elected or appointed officer or employee of the Town of Georgia shall be beneficially interested directly or indirectly in any contract with the Town, regardless of amount; or furnish any material, or perform any labor, except in the discharge of his or her official duties, unless such contract shall have been awarded upon bids advertised for by publication. Such publication shall be at least one (1) time in a newspaper having general circulation within the town; such publication shall be at least seven (7) days prior to the opening of such bids. No officer or employee of the Town shall take part in any decision concerning the business of the Town in which he or she has a direct or indirect financial interest, aside from his or her salary as an officer or employee, greater than any other citizen or taxpayer in the Town. This section shall not apply in the event of an emergency where immediate action shall be deemed more important to the Town than the receipt of formal bids.

H. Resignation

1. An employee who resigns his or her employment with the Town shall be deemed to be terminated in good standing if he or she gives reasonable notice (2 weeks) to the Selectboard, or its authorized representative, of the employee's intention to resign and if other circumstances of the termination are such as to justify good standing.

I. Sexual Harassment

1. Sexual harassment in the workplace is illegal under federal and Vermont law and is strictly prohibited. The Town is committed to providing a workplace free from this unlawful conduct. All employees have the right to work without being subjected to insulting, degrading or exploitative treatment on the basis of their gender. It is against the policies of the Town for any individual, male or female, to sexually harass another individual in the workplace. All employees are required to read this section before signing the employee acknowledgement form.

Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- submission to that conduct is made either explicitly or implicitly a term or condition of employment;
- submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or
- the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

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

- either explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- touching or grabbing a sexual part of an individual's body;

- touching or grabbing any part of an individual's body after that party has indicated, or it is known, that such physical contact was unwelcome;
- continuing to ask an individual to socialize on or off-duty when that person has indicated he/she is not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons or posters if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g., ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);
- derogatory or provoking remarks about or relating to an employee's sex;
- harassing acts or behavior directed against a person on the basis of his or her sex;
- off-duty conduct which falls within the above definition and affects the work environment.

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

Any individual who believes that she or he has been the target of sexual harassment, or who believes she or he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop. Any employee who wishes to report sexual harassment should contact the Selectboard or its authorized representative, and file a formal complaint.

Once the Town receives a complaint of sexual harassment, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. If sexual harassment is found to have occurred, the Town will take appropriate action, ranging from a verbal warning up to and including dismissal.

Complaints of sexual harassment or retaliation may also be filed with the following agencies:

Vermont Attorney General's Office
 Civil Rights Unit
 109 State Street
 Montpelier, VT 05609-1001
 Tel: (802) 828-3171 (voice/TODD)

Equal Employment Opportunity Commission
 1 Congress Street
 Boston, MA 02114
 Tel: (617) 565-3200 (voice), (617) 565-3204 (TODD).

These agencies may conduct impartial investigations, facilitate conciliation, and, if they find that there is probable cause or reasonable grounds to believe sexual harassment occurred, they may take a case to court.

J. Use of Town Computer System

1 The Town computer system is to be used by employees for the purpose of conducting Town business. Occasional, brief, and appropriate personal use of the Town computer system is permitted, provided it is consistent with these policies and rules and does not interfere with an employee's job duties and responsibilities.

2 Employees should have no expectation of privacy regarding anything created, sent or received on the Town computer system. The Town may monitor any and all computer transactions, communications and transmissions to ensure compliance with this policy and to evaluate the use of its computer system. All files, documents, data and other electronic messages created, received or stored on the Town computer system are open to review and regulation by the Town and may be subject to the provisions of Vermont's Public Records Law.

3 Employees may not introduce software from any outside source on the Town's computer system without explicit prior authorization from their supervisor. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the Town computer system.

4 Employees who have a confidential password to access the Town's operating system should be aware that this does not mean the computer system is for personal confidential communication, nor does it suggest that the computer system is the property of that person.

5 Transmission of electronic messages on the Town computer system shall be treated with the same degree of propriety, professionalism, and confidentiality as written correspondence. The following are examples of uses of the Town computer system which are prohibited:

- Communications that in any way may be construed by others as disruptive, offensive, abusive, discriminatory, harassing, or threatening;
- Communications of sexually explicit images or messages;
- Transmission of chain letters or solicitations for personal gain, commercial or investment ventures, religious or political causes, outside organizations, or other non job-related solicitations during or after work hours;
- Access to Internet resources, including web sites and news groups, that are inappropriate in a business setting;
- Any other use that may compromise the integrity of the Town and its business in any way.

6 Email messages that are intended to be temporary, non-substantive communications may be routinely discarded. However employees must recognize that emails sent, received, or stored on the Town

computer system are subject to Vermont's Public Records Law and may be covered by the State of Vermont's retention schedule for municipal records.¹

7 For purposes of this section, computer system means all computer-related components and equipment including, but not limited to, host computers, file servers, workstation terminals, laptops, software, internal or external communication networks, the world wide web (www), the Internet, commercial online services, bulletin board systems, back up systems and the internal and external e-mail systems accessed via the Town's computer equipment.

8 Per Selectboard action in January 2014, there will be no Town policy or Town business discussion by employees on social media during business hours.

K. Meals

1 These guidelines are intended to clarify and standardize the Town of Georgia's policy for payment or reimbursement of meal costs for Town employees. Fire Department Personnel are subject to Fire Department Standard Operating Policy. The employee must complete a Purchase Order or Reimbursement form, as appropriate, for the meal and related costs to the Town Administrator/Department Head, for his/her action.

2 No daily meals allowance has been established. Therefore, the Town will pay for up to three meals per day while traveling. As employees are expected to attend the event, every effort should be made to take advantage of meals which are included in the cost of the event. If a meal is included in the event cost and the employee wishes to dine elsewhere, the cost is a responsibility of the employee.

3 The Town may, upon the Department Head/Town Administrator discretion, reimburse/pay for special Town events held for part-time and full time employees that last all day or are specifically held during the meal hours.

L. Injuries at the Workplace

1 All workplace injuries must be reported to your immediate supervisor within a 24 hour period. The supervisor is required to report this injury to the Town Administrator and to make sure that all the appropriate paperwork is filled out. Bi-weekly status reports shall be forwarded to the Town Administrator until the employee returns to 100% work pre-injury schedule.

XIV. HOSPITALIZATION, MEDICAL AND DENTAL INSURANCE

A. Upon hire, a full-time, permanent part-time (30 hours or more), or eligible limited term Town of Georgia employee will become eligible for group health coverage as then offered by the Town. Eligible permanent part time employees will be entitled to a graduated benefit scale based on regular hours worked per week. Full time = full insurance benefit. As an example $30/40 = .75$, this employee would receive a 75% health

benefit. Eligible permanent part time employees working at least 30 hours per week shall be entitled to the benefits and rights as provided in Section XIV (Retirement). All eligible permanent part time employees shall be entitled to rights and benefits as provided in Section XVI (Leaves of Absence) on a pro rated basis at a ratio of the number of hours worked in the normal work week (Section XII B.) to 40 hours, except holidays, which will be addressed as follows: when a holiday falls on a work day, which is part of the normal work day and work week of an eligible permanent part time employee, the employee shall be paid the normal number of hours normally worked for that day as holiday pay.

- B. All full-time or eligible permanent part-time Town of Georgia employees are eligible to participate in the Dental Group Insurance Program, as then offered by the Town, upon hire at the pro rated basis as established in this section.
- C. The Town of Georgia has established a Cafeteria Plan in accordance with IRS regulations for the purpose of providing cash in lieu of certain benefits. The Cafeteria Plan shall be the controlling document for a determination of eligibility for cash in lieu of benefits.
- D. Adopted 8-25-2014. VIPER: Under Vermont law, if a covered employee loses group and/or dental health insurance coverage because of a “qualifying event” they can choose to continue the same group health and dental benefits, *at their own cost*, for a limited time period. Family members covered by the policy may also qualify for continuation of coverage. Vermont’s continuation of coverage law is called “VIPER”. The Town of Georgia VIPER plan is managed by an administrative company hired by the Town. Upon termination for a qualifying coverage, this administrative company will send the employee the appropriate enrollment forms and notice of due dates and premiums as required by law.
The Insurance Premium Payments must be received by the Treasurer by the 1st of each month when coverage is provided. The payments are to be made out to the Town of Georgia. VIPER coverage will be terminated if payment is not received within thirty (30) days.
- E. RETIREMENT COVERAGE UNDER VIPER: You are AUTHORIZED to purchase Health and Dental insurance Coverage under VIPER after your Retirement Date. **The Insurance Premium Payments must be received by the Treasurer by the 1st of each month when coverage is provided. The payments are to be made out to the Town of Georgia. This retirement coverage will be terminated if payment is not received within thirty (30) days.**

If an employee elects not to continue health insurance coverage when he/she retires or if the coverage is discontinued at any time, they may not obtain this coverage at a later date.

XV. RETIREMENT

- A. The Town of Georgia participates in the Social Security Program and all employees are required to participate in this program. In addition, the Town belongs to the Vermont Municipal Employees Retirement System (VMERS). **Enrollment of all eligible employees (full time at least 24 30 hours per week) is a condition of the Town's participation in the program and is therefore a condition of individual employment.** An employee contribution is required (in addition to the employer contribution) which rate is

set by VMERS. The employee contribution is made in the form of a payroll deduction. The employee will be provided information on VMERS plans available to employees.

XVI. LEAVES OF ABSENCE

A. General Policy

1 The following types of leaves are officially established: holiday, vacation, sick leave, parental leave, family leave, injury leave, death in the family, leave without pay, and compensatory leave (time off in lieu). All leaves may be granted by the Department Head in conformance with rules established for each type of leave. All Department Heads shall maintain permanent records of any absence from duty of their employees and these shall be given to the Town Payroll Officer who is the official timekeeper.

Employees receiving either Worker's Compensation or weekly indemnity payments during the period in which the holiday falls will be ineligible to receive holiday pay from the Town.

B. Holidays for Employees

1 The following holidays shall be official holidays for employees subject to these Policies and Rules, together with any other day so proclaimed by the Selectboard:

New Year's Day	Independence Day
Presidents Day	Labor Day
Martin Luther King Day *	Columbus Day *
Town Meeting Day	Veterans Day
Memorial Day	Thanksgiving Day
	Christmas Day

* may be used as a floating holiday with authorization of Department Head. An employee required to work a holiday shall be compensated at their overtime rate of pay or compensatory time off at a later date.

2 Employees will have half a day (1/2) before Christmas and half a day (1/2) before News Years Day.

3 All municipal departments and offices shall observe any legal holiday which falls on a Saturday on the preceding Friday and any legal holiday which falls on a Sunday on the following Monday.

4 Full-time non-highway department employees shall be compensated for holidays as though the employee has worked an eight hour day. Full-time highway department employees shall be compensated for holidays as though the employee has worked a nine hour day including one hour of overtime pay. Any full-time employee who is required to work on a holiday, except floating holidays, shall, in addition to the holiday pay, be paid at their regular rate.

5 Eligible permanent part-time employees shall be compensated for holidays on a pro-rated basis as

above.

6 Full-time employees or eligible permanent part-time employees wishing to observe religious holidays not listed by the Selectboard shall, at their option, be given time off without pay or have the time charged to their vacation.

C. Vacation

1 Vacation leave, based on continuous service, shall be granted on the following basis for all full time employees on the anniversary of their hire date:

Six months to one (1) year	Two (2) weeks
After completion of ten (10) years -	Three (3) weeks
After completion of 20 (20) years -	Four (4) weeks

Accrual begins at the end of a successful six-month probation, and after a six-month evaluation conducted by the Selectboard. The equivalent of one-week's vacation leave will be granted at that six-month point.

2 Vacation leave shall be accrued monthly on the last day of the month as follows: 40 hour per week employees will receive vacation pay based on an eight hour day at their regular rate of pay. 45 hour per week employees will receive vacation pay based on a 9 hour day at regular pay rate and 1 hour at overtime rate. For 40 hour per week employees: two weeks at a rate of 6.67 hours per month, 3 weeks at rate of 10 hours per month, 4 weeks at rate of 13.34 hours per month. For 45 hour per week employees: two weeks at rate of 7.5 hours per month, 3 weeks at rate of 11.25 hours per month, 4 weeks at rate of 15 hours per month.

3 Employees may be credited for, and use up to, the total number of hours of vacation benefit available for a calendar year in advance of the total numbers of hours actually accrued to date, with the approval of the Department Head. An employee who has used more vacation time than accrued in a calendar year, and terminates employment, for any reason other than retirement, prior to having worked at least 8 months of that year, shall have their final compensation reduced by the difference between the hours accrued and the hours used.

4 New hires will not be eligible for vacation benefits prior to completion of 6 months of service and satisfactory evaluation.

5 One week is the equivalent of one regular work week and represents the number of days and hours which the employee normally works each week. All employees are encouraged to take their vacation leave annually. A maximum of up to one week accrued vacation time may be carried over. Should the leave time not be taken during the following year, it shall be forfeited. Vacations will be taken at the discretion of the Department Head. Vacation may be used prior to being accrued with approval of Department Head. Upon termination an employee may be paid only for accrued vacation to which they are entitled. The employee may also have wages withheld for vacation time used but not accrued at time of separation as above.

6 The employee shall be paid vacation pay only for vacations actually taken or used as part of a leave arrangement. Vacation may be paid in addition to hours worked for the same pay period at the discretion of the Selectboard, and only when requested in writing by July 1st of the year of the proposed request.

7 Eligible permanent part-time employees will receive prorated vacation leave based on the same formula set forth for eligible permanent part time employees in Section XIV. If leave time is not taken during that year, it shall be forfeited. Vacations will be scheduled at the discretion of the Department Head upon consultation with the employee.

D. Sick Leave

1 All full-time employees are entitled to sick leave based on the hours in their work week (rounded up to the nearest full hour), accrued monthly on the last day of the month for a maximum of 45 hours annually. Employees whose work week is based on 40 hours per week accrue 3.34 hours per month and employees working 45 hours per week accrue 3.75 hours per month. The hours (or portion thereof) may be used any time after the beginning of the calendar year and prior to monthly accrual, but only if the employee has no accumulated sick leave to offset the requested amount. Sick leave may be accumulated up to a maximum of 60 days, however, upon termination of employment voluntarily, involuntarily, or upon retirement, compensation shall be granted for no more than 30 days, unless otherwise authorized by the Selectboard. The employee may also have wages withheld for sick time used but not accrued at time of separation as above. If an employee runs out of sick leave, he or she may use vacation time, if authorized by the Department Head.

2 Sick leave days earned shall only be paid to employees for work days absent because of illness or injury to themselves or their immediate family or household members, and shall equal eight (8) hours pay for 40 hour per week employees and nine (9) hours pay for 45 hour per week employees, at the employee's regular straight time rate. The Town may require a certificate of necessity from a Doctor for any leave requested under this Section in excess of 5 days. ALL REQUESTS FOR SICK LEAVE ARE TO BE MADE TO THE DEPARTMENT HEAD OR TOWN ADMINISTRATOR PRIOR TO THE COMMENCEMENT OF THAT DAY'S PAY PERIOD, BUT IN NO CASE LATER THAN ONE HOUR AFTER THE COMMENCEMENT OF THAT DAY'S PAY PERIOD.

3 All eligible permanent part-time employees are entitled to sick leave benefits on a prorated basis as specified in Section XIV.

E. Parental and Family Leave

1 Eligible employees may receive leave as described in the Family and Medical Leave Act (FMLA) and the Vermont Parental and Family Leave Act (PFLA). These federal and state laws will determine employee eligibility, the qualifying reasons for such leave, the length of leave, and return from leave.

2 The Town reserves the right to designate any qualifying leave of absence granted under this policy

as leave under FMLA or the PFLA. Where an employee's leave request is covered by the PFLA and the FMLA, the Town will adhere to the law that provides the most benefits to the employee. If an employee is entitled to leave under both the PFLA and FMLA, the leave periods will run concurrently.

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

F. Civil Duty and Jury Leave

1 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. Approval of such leaves shall be given by the Department Head.

2 Should any full-time employee be called for jury duty within any state or federal judicial court, the town shall pay to the employee the actual salary. The court's policy for compensation states "the juror will be paid unless they are otherwise compensated" VSA H222.

G. Military Leave

1. The Town will comply with the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4303 et seq., and 21 V.S.A. §§ 491 et seq. Employees who take military leave subject to the provisions of these laws will be granted leave without pay. At the option of the employee, any paid leave accrued prior to the commencement of the leave may be used.

H. Leave of Absence Without Pay

1 All requests for leaves of absence without pay shall be submitted in writing to the appropriate Department Head and shall set forth the purpose of which the leave is requested. Department Heads will approve/disapprove except for requests for leaves in excess of 5 days, which shall be forwarded to the Selectboard for decision.

I. Bereavement Pay

1 An employee may be compensated for a maximum of 8 hours (or 8 hours + 1 hour of overtime for highway employees) per day of work missed for bereavement as follows:

2 Spouse or child: 5 days including the day of death or day following death (provided they are normal work days).

3 Parents, in-laws, sister, brother: 3 days including the day of death or day after death (provided they are normal work days).

4 Brother and sister in law, grandparents, grandchildren, aunts and uncles: 1 day to attend funeral.

XVII. PAY PLAN

A. Regular, Overtime and Comp Time Pay Rules

1 In accordance with the provisions of the Fair Labor Standards Act (FLSA), as amended, it shall be the policy of the Town of Georgia to pay one and one half (1 1/2) times the hourly rate of pay to all employees (except elected officials for work performed in excess of 40 hours per designated work week. Each employee shall fill out his/her weekly time sheet and submit same to his/her Department Head for approval. No employee may work in excess of the number of hours in their assigned work week in a pay period without the authorization of his/her Department Head. The designated work week shall commence at 12:00 a.m. on Sunday morning and end at 11:59 p.m. on Saturday night, unless modified by the Selectboard.

2 The Town may offer employees compensatory time (time off in lieu of pay) due to attendance at night meetings, etc., as follows: 1) comp time is agreed to by the town and the employee; 2) comp time can be accrued at a rate of one and one half hours worked for each hour of overtime worked, in excess of working a 40 hour work week. Comp time may be accrued to a maximum of 40 hours, thereafter, overtime will be paid to the employee in cash (payroll); 3) comp time is to be scheduled with the Department Head at the request of the employee and may be used, within a reasonable time period of the request, provided the Department Head concludes the request will not unduly disrupt the operations of the municipality. Any unused compensatory time at the time of termination of an employee will be paid out in cash.

3 An hourly employee shall be paid for the actual number of hours worked, as per approved time sheets, during each pay period.

4 The provisions of these policies and rules shall prevail except in cases where contrary contractual agreement exists between the employee and the Selectboard.

B. Call In Pay

1 A permanent full time or eligible permanent part time Highway Department employee who is called back to work after 3:30 p.m. and before 3:00 a.m. of the following day (or such hours as may be set by the Selectboard), shall receive a minimum of four (4) hours of compensation at overtime rates for the call back. The compensation may either be for four (4) hours actually worked or less than four (4) hours worked, but the work must be reasonably related to the reason for the call back. If the employee actually worked less than four (4) hours, but is called back during the same period, for the same or any other reason, they will only be paid for the initial four (4) hours of call back pay, unless the total number of call back hours exceeds four (4) hours, in which case all the hours actually worked shall be at overtime rates.

2 A permanent full time or eligible permanent part time Highway Department employee who is called back to work on Saturday or Sunday, shall receive a minimum of four (4) hours of compensation at overtime rates for the call in. The compensation may either be for four (4) hours actually worked or less than four (4) hours worked, but the work must be reasonably related to the reason for the call in. If the employee actually worked less than four (4) hours, but is called back

during the same 24 hour period, for the same or any other reason, they will only be paid for the initial four (4) hours of call in pay, unless the total number of call in hours exceeds four (4) hours, in which case all the hours actually worked shall be at overtime rates.

3 A permanent full time or eligible permanent part time Highway Department employee who is called in to work on Thanksgiving, Christmas, New Years, or any other holiday specified by the Selectboard shall receive a minimum of four (4) hours of compensation at 2.5 times their regular hourly compensation for the call in. The compensation may either be for four (4) hours actually worked or less than four (4) hours worked, but the work must be reasonably related to the reason for the call in. If the employee actually worked less than four (4) hours, but is called in during the same holiday, for the same or any other reason, they will only be paid for the initial four (4) hours of call in pay, unless the total number of call in hours exceeds four (4) hours, in which case all the hours actually worked shall be at 2.5 times their regular hourly compensation.

C. Fire Department Employee Salary Procedure

1. Georgia Fire Department employees are to be paid a minimum of one hour with fifteen-minute increments after one hour, for GFD calls, live burns, and approved in-house departmental training and maintenance meetings. (Training is to be approved by the Chief and/or the Training Committee Chair). No business meetings will be paid to any member. It is the responsibility of each employee to notify the Incident Commander (I.C.) upon arrival and departure. Failure to notify the I.C. of arrival or departure will result in being paid for the one-hour minimum.
2. Any member that is both a GFD member and a GFR member will sign in as representing one department only, and be paid as such.
3. Firefighter's hourly rate is to be \$10.00.
4. Officer's hourly rate is to be \$12.00.
5. All members are to be signed in on the time sheet by the member of Incident Command (IC).
6. Time of call will begin with the first tone for the incident.
7. Time of call will end when all equipment is back in service or per the IC, and will be documented so on the time sheet.
8. Training time will begin and end per the training officer or member in charge of the said training.
9. Members arriving late by fifteen minutes or more, or leaving early by fifteen minutes or more for calls or training will be documented so on the time sheet by member of IC.
10. If cancelled prior to arrival, members must notify an officer within 24 hours of the call to be

paid.

11. A report will be submitted to the Town on a monthly basis, which will be on the third Monday of each month.
12. The Chief and/or Officer(s) to be appointed by the Chief, will be required to review the time sheets and submit the report to the Town.
13. Payments to the employees will be on a monthly basis, which will be on the third Thursday of each month.
14. Any out of Town classes that are approved by the Chief and/or Training Committee Chair will be paid at a \$10.00 stipend, to cover meals and transportation expenses in lieu of hourly pay. Employee must submit training certificate within two weeks of receiving it, to be eligible for stipends.
15. Any alleged falsification of the time sheet or report will be handled per GFD misconduct procedures. If found to be falsified it will be reported to the Selectboard, by the Chair of the Disciplinary panel.

D. Training and Professional Development

The Selectboard recognizes that the work performance of an employee is a vital key to the success of the Town. Providing professional development to our employees increases their skills and enhances their contributions to the Town as a whole.

Employees are eligible for reimbursement for education costs that are approved by the Selectboard. It is the employee's responsibility to work with the Town Administrator to seek out the courses and other training opportunities that will enhance career development, are in line with the Town's services, and properly utilize the budget.

Procedure

1. Employees are eligible for, and encouraged to pursue, training and professional development.
2. Training and professional development can be obtained through attendance at seminars, educational courses, and degree programs that will assist the employee in performing essential job functions and will increase the employee's contribution to the Town and their department.
3. Expenses that may also be reimbursable under this policy are registration fees for meetings, conferences, workshops and seminars, fees and subscriptions for scholarly journals, books, and computer-based resources.
4. Employees must request permission from their department head for review and approval, prior to action by the Selectboard, to attend the desired training and/or course. The request must include applicable course of study, purpose, job relevance, cost, dates, times of coursework and name of

the institution or source of training.

5. Upon satisfactory completion of the training and/or coursework, the employee must provide documentation to illustrate satisfactory completion in order to be eligible for any future training opportunities.

6. Eligible employees are entitled to up to five (5) working days of professional development, or “comp time” to be approved at the discretion of the department head and the Selectboard.

7. As a matter of record, employees must be in good standing within their department to request use of budgeted funds for professional development.

XVIII. WORKPLACE HEALTH AND SAFETY

A. Vermont Occupational Safety Hazards Act (VOSHA)

1 In the interest of the safety and well-being of Town workers, all employees shall acquaint themselves with the rules and regulations of the Vermont Occupational Safety Hazards Act (VOSHA). All Department Heads shall be responsible for enforcing safety rules as required by VOSHA and/or adopted by the Town.

2 All employees shall conduct themselves in a safe manner at all times in accordance with these regulations and shall not violate the VOSHA regulations. Any defective, unsafe equipment, or practice or any known medical or psychological condition which creates a danger to the worker, a co-employee or the public shall immediately be brought to the attention of the Department Head and use of such unsafe equipment or practice shall cease immediately.

B. Smoking Policy

1 In accordance with Vermont Statutes Annotated Title 18, Section 1421, et seq., and 1742 and 1743, the Town of Georgia is committed to providing a smoke free workplace. Smoking in any form is prohibited in all enclosed indoor places of publicly owned buildings and offices. Upon request of an employee, and with the agreement of the other employees, a smoking area may be designated in an unenclosed outdoor place of the publicly owned building. An employee’s failure to comply with the smoking policy shall constitute cause for disciplinary action, and the failure of the Town to implement or enforce the policy shall be grounds for a grievance procedure by an aggrieved employee, and any violations shall be promptly remedied.

C. Drug Testing

1 Employees who are found to be using illegal drugs or alcohol on the job will be subject to immediate dismissal.

2 This Policy incorporates by reference the Controlled Substance and Alcohol Testing Policy adopted by the Selectboard on 3/9/09, and as amended from time to time.

XIX. PERSONNEL RECORDS AND RELEASE OF INFORMATION

1 The Selectboard shall maintain a personnel file on each Town employee. An employee's personnel file shall contain relevant information regarding the employee's employment with the Town including, without limitation a job description for the employee's position, the employee's application for employment, information regarding pay and benefits, evaluations and written reprimands. The personnel files shall be maintained at the Town offices in a place that is secure from access by the public or Town employees. An employee may review his or her personnel file upon request to the Selectboard and at a time when a member of the Selectboard or designated representative may be present.

2 Personnel records of Town employee are considered confidential. Requests for information concerning an employee's or former employee's job history, job performance, and circumstances of job termination, and for access to personnel records (other than by Town officers, employees and agents who need such access for bona fide Town purposes) shall be denied except as follows:

- (1) a current or former employee's dates of employment and job title(s) will be provided upon request addressed to the Selectboard; and
- (2) upon receipt of a written consent to a full release of information, executed by the employee or former employee, requests for further information will be answered by the Town.

Where the privacy rights of others, or public policy interests of the Town, are involved, Town officers may exercise their discretion in limiting access by third parties to information in personnel files, despite consent submitted by the employee.

XX. INCONSISTENT POLICIES REPEALED

These Policies and Rules shall amend and replace any provisions of any policy of the Town of Georgia in effect at the time of enactment of these Policies and Rules governing any activity included in these Policies and Rules.

XXI. SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of these Policies and Rules, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of these Policies and Rules or any part thereof.

The Selectboard hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or ineffective.

ADOPTED this 28 day of July, 2014.

SIGNATURES of SELECTBOARD:

_____ **(Chairman)**

Viper amendment adopted
August 25, 2014

Personnel Acknowledgement

I, _____, acknowledge that:

- A. I received a copy of the Town's Personnel Policies and Rules on _____;
- B. I have been given an opportunity to ask questions about said Policies and Rules and I have been provided with satisfactory information in response to my questions;
- C. I understand that the language used in these Policies and Rules is not intended to create, nor should it be construed to create, a contract of employment between myself and the Town;
- D. I acknowledge that the Town reserves the right to add, amend or discontinue any of the provisions of these Policies and Rules for any reason or none at all, in whole or in part, at any time, with or without notice;
- E. I acknowledge that I understand the Town's Personnel Policies and rules and I agree that I will comply with all of its provisions.

Employee's Signature

Date

ATTACHMENT A

ETHICS POLICY

ETHICS POLICY

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

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

A. DEFINITIONS

The following words shall have the following meanings:

- (1) "Business Associate" is a partner or other person with whom an individual has ongoing or recurring business transactions.
- (2) "Conflict of Interest" is a situation where a public official, employee or volunteer is directed by two or more competing interests, one of which is the public interest and the other is a private/personal interest.
- (3) "Ethics" are a set of rules that guide behavior.
- (4) "Financial Interest" is defined as any of the following:

A self-proprietor, partner, business associate, shareholder (holding at least five percent of the outstanding shares of any class of shares), director, or managerial employee of an organization who has a matter for review before a public body.

A self-proprietor, partner, business associate, shareholder (holding at least five percent of the outstanding shares of any class of shares), director, or managerial employee of a competitor to a business that has a matter for review before a public body.

An applicant or property owner who has a matter for review before a public body.

An adjoining landowner to a property owner that has a matter for review before the Planning Commission or Zoning Board of Adjustment.

- (5) "Immediate Family" is spouses, civil union partners, children, stepchildren, parents, step-parents, brothers, sisters, grandparents, nephews, nieces, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, brothers and sisters-in-law, and any dependents or other persons living in the employee's household.
- (6) "Material" is of real importance or great consequence, substantial, requiring serious consideration by reason of having a bearing on the outcome of an unsettled matter.
- (7) "Official Act or Action" is any legislative, administrative, appointive, or discretionary act of any public official, employee or volunteer of the Town (in his/her official capacity), or of any agency, board, committee or commission thereof.
- (8) "Private/Personal Interest" is something that is of direct or indirect material or financial benefit accruing to an individual or a member of the individual's immediate family.
- (9) "Public Interest" is the interest of the community as a whole conferred generally upon all members of the public.
- (10) "Recusal" is stepping aside from public office or duty during discussion and vote when a conflict of interest exists.

B. CONFLICT OF INTEREST

A public official, employee or volunteer is deemed to have a conflict of interest if he/she acts contrary to any of the following rules:

- (1) Acceptance of Gifts and Favors. A public official, employee or volunteer shall not accept anything of economic value, such as money, service, gift, loan, promise, gratuity, or favor from any person, business or organization involved in a contract or transaction with the Town, such that the item accepted could be considered as payment for a special act or treatment. This provision shall not apply to:
 - (a) Attendance at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of Town business, or where official attendance by the public official, employee or volunteer as a Town representative is appropriate;
 - (b) An award publicly presented in recognition of public service;
 - (c) Occasional, non-pecuniary gifts of insignificant value.
- (2) Appointment of Immediate Family Member or Business Associate. A public official or employee shall not participate in the appointment, vote for appointment, or discussion of any

appointment of an immediate family member or business associate, to any Town office or position. A public official or employee shall not use his/her position, directly or indirectly, to affect the employment status of an immediate family member or business associate.

- (3) **Supervision of Immediate Family Members.** A public official, employee or volunteer shall not supervise, hire, appoint, evaluate, or discipline the work or employment status of an immediate family member or the affairs of the organizational unit in which the immediate family member is employed.
- (4) **Prior Knowledge of Property Purchases.** A public official, employee or volunteer shall not receive or have any financial interest in any sale to the Town of any property when such financial interest was received with prior knowledge that the Town intended to purchase said property.
- (5) **Contractual Arrangements.** A public official, employee or volunteer shall not influence the Town's selection of, or its conduct of business with, a person, organization or business having business with the Town if the public official, employee, or a member of the official, or employee's immediate family, has a financial interest in or with the person, organization or business. The public official, employee or volunteer shall not participate in the discussion, negotiation, or vote on contracts in which the official, employee or volunteer firefighter, or a member of the official, employee's or volunteer firefighter's immediate family, has a private financial interest and performs in regard to such a contract some function requiring the exercise of discretion on behalf of the Town.
- (6) **Financial Interest.** A public official, employee or volunteer shall not participate in any public business before a public body which affects his/her financial interest. Public business shall mean participating in the award of a contract, seeking or opposing a permit from a public body on which the official, employee or volunteer sits as the authority to grant or deny such permit, soliciting employment from the Town, or otherwise requesting some status, right, or benefit from the Town that has financial value. This shall not include supporting or opposing the passage of a legislative measure unless such measure relates substantially to the public official or employee's private/personal interest rather than to the public interest.
- (7) **Representation of Private Party.** A public official, employee or volunteer shall not represent a private party in any matter before any Town public body. Nothing in this section shall prohibit a public official, employee or volunteer from representing his/her own interests before any Town public body. In such cases, the public official, employee or volunteer shall act only in his/her individual capacity and not also in any official capacity on behalf of the Town.
- (8) **Use of Confidential Information.** A public official, employee or volunteer shall not, without authorization, disclose or use confidential information acquired in the course of official duties. A public official, employee or volunteer shall not use any confidential information acquired in the course of official duties to further his/her personal interest.

- (9) Unusual Relationships. Whenever a public official, employee or volunteer has special or unusual (beyond being casual or reasonably common) relationship with a party to an official action of the public body on which the official, employee or volunteer sits, the official, employee or volunteer shall disclose the relationship and the body may advise as to whether the official, employee or volunteer should recuse him/herself in accordance with this policy.

If a conflict of interest, as defined above, is determined to exist, the public official, employee or volunteer shall disclose the conflict, and recuse him or herself prior to any consideration and/or vote on the action being contemplated.

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

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

D. INAPPROPRIATE USE OF PUBLIC POSITION

A public official, employee or volunteer shall not use his/her public position to further a personal interest or the interest of an immediate family member.

A public official, employee or volunteer shall not use the powers or prestige obtained through election, appointment or employment, to influence the decision of a subordinate on a matter where the official, employee or volunteer has significant private/personal pecuniary interest.

Public officials, employees or volunteer are empowered to discharge specific statutory duties in the public interest and should not interfere with the statutory duties of others. A public official, employee or volunteer shall not attempt to influence Town staff's recommendations regarding matters in which the public official, employee or volunteer has a personal/private or financial interest.

A public official, employee or volunteer shall not use Town staff or resources to advance a personal/private or financial interest.

E. INCOMPATIBILITY OF OFFICES

Incompatible offices set forth in 17 V.S.A., Section 2647, shall not be held simultaneously by any Town public official, or employee, with the exception of a member of the Fire Department and First Response.

A Town Selectman shall not serve as a member of the Town Planning Commission or Zoning Board of

Adjustment.

A member of the Town Planning Commission shall not serve as a member of the Town Zoning Board of Adjustment.

A member of the Town Zoning Board of Adjustment shall not serve as a member of the Town Planning Commission.

A Town Selectman, Planning Commissioner, or member of the Zoning Board of Adjustment shall not be an employee of the Town of Georgia.

F. FAIR AND EQUAL TREATMENT

1 No public official, employee or volunteer shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

2 No public official, employee or volunteer shall request, use, or permit to be used, any publicly-owned or publicly-supported property, vehicle, equipment, labor, or service for the personal convenience or the private advantage of him/herself or any other person. This rule shall not be deemed to prohibit a public official, employee or volunteer from requesting, using or permitting the use of such publicly-owned property, vehicle, equipment, or material which is provided as a matter of stated policy for the use of Town public officials, employee or volunteer in the conduct of official Town business.

3 No public official, employee or volunteer shall discriminate on the basis of race, color, religion, national origin, or sex.

G. DISCLOSURE AND RECUSAL PROCEDURES

Whenever a matter comes before a Board, Commission or Committee, on which any of the conflict of interest situations described above shall exist, the following provisions shall apply:

(1) The public official, employee or volunteer involved shall disclose to the relevant Board, Commission or Committee, in an open public meeting, the nature of the conflict of interest, and prior to any consideration of the matter by said Board, Commission or Committee.

(2) Following such disclosure, such public official, employee or volunteer shall leave the room and shall not participate in any consideration, discussion or vote on the matter before the Board, Commission or Committee. If the official, employee or volunteer wishes to address the issue at an open public meeting, the official, employee or volunteer may re-enter the room as a member of the public and participate as a member of the public. During deliberation and vote on the matter, the official, employee or volunteer shall not be present. The official, employee or volunteer may attend executive session to discuss the matter at the invitation of the Board, Commission or Committee, if such attendance complies

with the statutory requirements of the Open Meeting Law.

(3) The public official, employee or volunteer shall not, during any part of the Board, Commission, or Committee meeting pertaining to the matter requiring the disclosure, represent, advocate on behalf of, or otherwise act as the agent of the person or business entity in or with which the official has such an interest or relationship.

The foregoing shall not be construed as prohibiting the official, employee or volunteer from testifying as to factual matters at a hearing of the Selectboard, Planning Commission, Zoning Board of Adjustment, or any other committee.

H. COMPLAINT OF ETHICS VIOLATION

1 A person, who believes that an appointed public official, employee or volunteer of the Town of Georgia has violated any portion of this policy, may send or deliver a signed, written complaint to the Selectboard. The complaint shall include the name of the person alleged to have committed the violation and the specifics of the act(s) which constitute the violation. The Selectboard shall forward the complaint to the appropriate public official(s) for resolution.

2 Any complaint against an elected official shall be directed to the elected official. A person may ask an elected body to reconsider a matter that they believe involved an unethical act by an elected official.

I. RE-AFFIRMATION OF ETHICS POLICY

Selectboard: Annually at their re-organizational meeting, Selectboard shall, in a public meeting, re-affirm this Ethics Policy of the Town of Georgia. Each new Selectboard member shall sign a form acknowledging that they have received and understand the Ethics Policy.

Boards, Commissions and Committees: Upon appointment and annually at their re-organizational meetings, all boards, commissions, and committees appointed by the Selectboard shall, in a public meeting, re-affirm this Ethics Policy of the Town of Georgia. Each new board, commission or committee member shall sign a form acknowledging that they have received and understand the Ethics Policy.

Department Heads and Full-Time Employees: Upon hiring, Department Heads shall be required to distribute and review with their full-time employees a copy of this Ethics Policy and the Personnel Policies and Rules of the Town of Georgia. Each full-time employee will be required to sign a form acknowledging that he/she has received and understands this Ethics Policy and the Personnel Policies and Rules.

Elected Position: Each person seeking an elected position in the Town of Georgia shall be given a copy of this Ethics Policy of the Town of Georgia along with a petition.

Appointed Position: Each person seeking an appointed position in the Town of Georgia shall be given a copy of this Ethics Policy, of the Town of Georgia, upon submittal of a letter requesting appointment.

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

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

Ethics Policy Acknowledgement

I, _____, acknowledge that:

- A. I received a copy of the Town's Ethics Policy on _____;
- B. I have been given an opportunity to ask questions about said Ethics Policy and I have been provided with satisfactory information in response to my questions;
- C. I understand that the language used in this Ethics Policy is not intended to create, nor should it be construed to create, a contract of employment between myself and the Town;
- D. I acknowledge that the Town reserves the right to add, amend or discontinue any of the provisions of this Ethics Policy for any reason or none at all, in whole or in part, at any time, with or without notice;
- E. I acknowledge that I understand the Town's Ethics Policy and I agree that I will comply with all of its provisions.

Employee's Signature

Date _____