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Town of Hinesburg  
Personnel Policy Manual

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## Section 1: Introduction

95  
96 Welcome to the Town of Hinesburg. Our Town is dedicated to providing efficient, quality, and economical  
97 municipal services to the citizens of our community. The Town organization is committed to providing  
98 high quality services and expects each employee to be courteous, friendly, and helpful to work  
99 cooperatively with other employees, to care about your work, and to help foster a productive and supportive  
100 working environment.

101 We depend on employees to help the Town continue to provide quality services. The best way to  
102 accomplish this overarching goal is through working together with mutual respect and friendly cooperation.  
103 Although this is a legal document intended to make clear certain rules, processes and procedures, we are  
104 dedicated to constantly maintaining a positive work environment.

105 The Town believes our employees are our greatest asset and our best investment. We strive to provide a  
106 safe, pleasant, and enjoyable work atmosphere in which the skills, abilities, and creativity of individual  
107 employees can flourish. We believe we provide outstanding incentives and rewards in terms of total  
108 compensation that includes monetary compensation, employee benefits, pleasant working conditions, and  
109 flexibility in meeting the needs of employees within the context of serving the community. Our ultimate  
110 goal is to provide an outstanding place to work and an organization that consistently provides excellent  
111 services to the community.

112 Our employees are important to us. Likewise, it is important that employees recognize the significance of  
113 their commitment to their role in providing service to the community. We expect employees to provide  
114 services in the most effective, efficient, and courteous manner possible. Employees should work together  
115 as a team, both within their department and among the various town departments.

116 Please read this Personnel Policy Manual thoroughly and keep it as reference. The purposes are to:

- 117 • Inform employees of personnel policies of the Town of Hinesburg;
- 118 • Establish effective communication between Town employees and management; and
- 119 • Ensure equity in the Town's human resources administration.

120 When questions arise that are not answered in these guidelines, do not hesitate to ask your Department  
121 Head or the Town Manager for assistance.

122 Feel free to offer suggestions, comments, and ideas as to how it might be improves. Thank you for your  
123 dedication to the organization and the community!

## Section 2: Definitions

124 Unless otherwise provided, the following definitions shall apply to this Personnel policy:

126 Full-Time Employee -A full-time employee regularly work 40 hours per week year-round. A full-time  
127 employee is subject to all rules and regulations and receives all benefits and rights as provided by this  
128 Personnel Policy Manual.

129 Regular Part-Time -A regular part-time employee is an employee who works 20 or more hours per week,  
130 but less than the normal 40-hour work week, year-round. Regular part-time employees are eligible for all  
131 employment benefits provided in this policy on a proportional basis; with the exception of retirement  
132 benefits under the Vermont Municipal Employees Retirement System (VMERS), which requires that an  
133 employee work not less than 24 hours per week to be eligible.

134 Non-Regular Part-Time -A non-regular part-time employee is an employee who works less than 20 hours  
135 per week. These employees receive no benefits beyond those required by law.

136 Seasonal – An employee who regularly works up to 40 hours a week for a limited duration of four  
137 continuous months or less. These employees receive no benefits beyond those required by law.

138 Probationary Employee Any town employee during their initial six (6) months of service, or police  
139 officers, firefighters or EMS personnel during their initial twelve (12) months of service, shall be  
140 designated a probationary employee, and entitled to benefits as provided by this Personnel Policy Manual.  
141 The probationary period may be extended for an additional period of as much as six (6) months at the  
142 discretion of the Town Manager.

143 Department Head- A part-time or full-time employee defined by the Town Manager as head of a Town  
144 Department. A Department Head typically has direct supervisory responsibilities.

145 Town Manager -The full-time Chief Executive Officer of the Town of Hinesburg, hired by the  
146 Selectboard, and further defined by 24. V.S.A. Chapter 37

147 Salaried Employee (also known as exempt employee) – As defined by the Federal Fair Labor Standards  
148 Act, an employee who receives a salary, as opposed to an hourly wage, and meets one or more of the  
149 following criteria:

- 150 i. who manages a department and directs the work of two or more other employees;
- 151 ii. who works directly with management policies in non-manual work or regularly assists an  
152 executive; or
- 153 iii. whose work requires advanced education and consistent exercise of discretion.

154 Salaried employees are not eligible for overtime compensation or holiday compensation as outlined in this  
155 Personnel Policy Handbook.

156 Hourly Employee (also known as “non-exempt” employees) – As defined by the Federal Fair Labor  
157 Standards Act, a non-exempt employee must be paid the minimum wage and overtime pay for any time  
158 worked beyond forty (40) hours in a given work week. Under the Fair Labor Standards Act, non-exempt  
159 employees are entitled to time and one-half of their regular pay rate for each hour of overtime.

160 Combined Time Off (CTO) As outlined in this Personnel Policy Manual, CTO is paid time off for  
161 scheduled and unscheduled absences by the employee to meet individual interests needs and  
162 circumstances.

163 Extended Sick Bank (ESB) As outlined in this Personnel Policy Manual, ESB hours may be used instead  
164 of CTO for absences due to illness or injury.

## 165 Section 3: Administration

### 166 3.1 Title & Authority

167 This policy shall be known as the Town of Hinesburg Personnel Policy Manual. It has been adopted by  
168 the Town of Hinesburg Selectboard pursuant to 24 V.S.A. §§ 1121 and 1122.

### 169 3.2 Notice & Disclaimer of Contract

170 This Personnel Policy Manual does not constitute a contract of employment. Employment with the Town  
171 of Hinesburg (hereinafter the “Town”) is at will and not for any definite period or succession of periods of

172 time. The Town or the employee may terminate employment at any time, with or without notice. The  
173 Selectboard reserves the right to amend any of the provisions of this Personnel Policy Manual for any  
174 reason and at any time, with or without notice.

### 175 3.3 Amendment & Administration

176 The Personnel Policy Manual is intended to serve as a practical guide to the Town and the employees of  
177 the Town. However, since it is only a summary, compiled for the convenience of our employees and  
178 supervisors, it is not intended to cover all topics or circumstances. The Town reserves the right to amend  
179 any of the provisions of this Personnel Policy Manual for any reason and at any time, with or without  
180 notice, in accordance with all applicable laws. Employees may receive updated information concerning  
181 changes to the Personnel Policy Manual. This Personnel Policy Manual will be administered by the Town  
182 Manager or their authorized representative. However, each Department Head shall be responsible for the  
183 administration of these regulations with respect to employees within their department.

184 In some instances, operations policy or policies may be adopted by a department to cover specific  
185 circumstances and to maintain efficient and effective operations, as long as they do not conflict with the  
186 Personnel Policy Manual. Such policies must be approved by the Town Manager or their authorized  
187 representative.

### 188 3.4 Persons Covered

189 This Personnel Policy Manual applies to full-time, part-time, and non-regular part-time employees of the  
190 Town of Hinesburg. Except by separate written agreement, elected officers and their statutory assistants,  
191 members of Town boards, commissions and committees, volunteers (other than Volunteer Fire and First  
192 Response department members) and persons who provide the Town with services on a contract basis are  
193 not covered by this Personnel Policy Manual. Where a conflict exists between this policy and any  
194 collective bargaining agreement or individual employment contract, the latter will control.

195 Volunteer Fire and First Response department members, as members of a department of the Town of  
196 Hinesburg as per Selectboard Resolution signed January 7, 2021, shall be subject to all sections of this  
197 personnel policy except Section 8: Benefits and Section 9: Compensation. Where a conflict exists  
198 between this policy and the Hinesburg Fire Department Operating Guidelines, this policy will control.

### 199 3.5 Applicable Time Periods

200 The accumulation of Combined Time Off (CTO) shall commence with the date of hire, except as  
201 otherwise provided. For all other purposes, the term “year” shall refer to the July 1 – June 30 fiscal year.

## 202 Section 4: Equal Employment Opportunity

203 The policy of the Town of Hinesburg is to provide equal opportunity to all employees and applicants  
204 without regard to race, color, religion, ancestry, sexual orientation, gender identity, age, national origin,  
205 place of birth, marital status, disability, veteran’s status, HIV status, pregnancy, genetic information or  
206 any other category of person protected under state or federal law.

## 207 Section 5: Employment Practices

### 208 5.1 Vacant Positions

209 When a vacancy is anticipated or occurs, the Department Head shall notify the Town Manager as soon as  
210 possible. The Department Head may suggest filling the vacancy from within, eliminating the position, or  
211 changing the position and revising the job description. The Town Manager must approve all job

212 description changes and vacancy appointments, whether through internal transfer, promotion, or external  
213 search process, and consistent with applicable labor union contracts.

214 When a Department Head believes there is a need to create an additional position, they must submit a  
215 written request to the Town Manager that describes and substantiates the need as fully as possible. They  
216 may additionally be asked to submit a proposed job description and suggested pay range. No new  
217 position can be established without advance approval by the Town Manager and available funding per  
218 established budget. The rate of pay or hiring range must be approved, prior to the internal or external  
219 search, promotion, or transfer process, by the Town Manager.

## 220 5.2 Internal Transfer & Promotion

221 The Town Manager shall have the authority to transfer and/or promote an employee to a different position  
222 between town departments without advertising or otherwise searching externally.

## 223 5.3 External Searches

224 As deemed appropriate by the Town Manager, the Town may publicly advertise any job vacancy in  
225 venues such as: the town website, online websites and job boards, and/or appropriate print/ online  
226 newspapers, trade journals, etc. Additionally, the vacancy shall be posted in appropriate locations  
227 accessible to Town employees.

228 The Town Manager will use professional judgement on how best to advertise but will generally include:  
229 job title, hiring range, a brief description of the role and required / desired qualifications. Posting the  
230 hiring range does not necessarily preclude an initial salary that is higher, if justified by the qualifications  
231 and/or market conditions; however, approval of the Town Manager is required.

## 232 5.4 Applications

233 Application procedures for employment, including the application materials to be submitted, shall be  
234 determined by the Town Manager as appropriate for the type of job vacancy. Application forms shall  
235 include information about the applicant's identity, work experience, references, and any other information  
236 deemed relevant by the Town Manager. Application forms shall not include a request for criminal  
237 history record information unless otherwise provided for by the law including 21 V.S.A. §§ 495. All  
238 applications must be signed by the applicant attesting to the truthfulness of the information provided.  
239 Any materially false statement or deliberately misleading information shall be grounds for rejection of the  
240 application or dismissal from the Town's services if the falsehood is discovered after the hire.

241 Among other reasons, written employment applications may be rejected from any applicant:

- 242 a) whose application clearly indicates that minimum required qualifications are not fulfilled;
- 243 b) whose employment has been terminated for just cause from a department of the Town;
- 244 c) who has practiced or attempted fraud or deception in any statement of fact pertinent to the  
245 application; or
- 246 d) who is a close relative of a sitting member of the Town board, commission, of a Trustee or of the  
247 department head of the department to which they are applying as the Town prohibits such a  
248 hiring.

## 249 5.5 Selection

250 Upon review of applications, and conducting interviews as appropriate, the Town Manager, together with  
251 the Department Head, shall select the applicant whose integrity, qualification, and references indicate they  
252 best meet the needs of the town. The Town Manager, together with the Department Head, shall make a



253 conditional offer of employment to the selected individual that is consistent with applicable law,  
254 including 21 V.S.A. §§ 495.

255 After a conditional offer of employment has been made to a selected individual, but before the  
256 commencement of work, public safety employees and employees that handle money are required to  
257 undergo a background check.

## 258 5.6 Probationary Period

259 All new employees will be required to complete a six-month probationary period, except public safety  
260 employees who must complete a twelve-month probationary period. Additionally, any employee that is  
261 transferred or promoted to a new position will complete a six-month probationary period. The  
262 probationary period for new employees may be extended by the Town Manager.

263 The purpose of this probationary period is to determine whether the employee is suited for the job.  
264 During the probationary period, an employee may be terminated at any time at the discretion of the Town  
265 Manager. Notwithstanding any other provision of this Personnel Policy Manual, an employee terminated  
266 during the probationary period will have no right to grieve or appeal such termination.

267 During the probationary period of an employee who has been transferred or promoted and where the  
268 employee fails to meet the job performance expectations of the new position, the Town Manager may

- 269 • demote the employee to the prior position, if available;
- 270 • demote the employee to a position similar to the prior position, if available; or
- 271 • terminate the employee.

272 Notwithstanding any other provision of this Personnel Policy Manual, an employee who has been  
273 transferred or promoted and who is terminated during the probationary period will have a right to grieve  
274 or appeal such termination only on the grounds the termination was discriminatory.

## 275 5.7 Personnel Records

276 Personnel records will be maintained for each employee of the Town. Personnel records for each  
277 employee are kept in the office of the Town Manager and are the property of the Town. These records  
278 are confidential in nature and should be accessible only to the Town Manager, or designee, and the  
279 employee. The employee personnel records may include, among other things, application materials,  
280 correspondence and agreements regarding employment by the Town, performance evaluations, and  
281 documentation of issues related to leave, promotion, discipline, dismissal or resignation. Each employee  
282 is responsible for updating the Town Manager, in writing, any pertinent changes in the employee's  
283 situation, including the employee's address, marital status, or the number and names of dependents.

284 Any medical records related to an employee will be separately maintained by the Town in a separate,  
285 confidential file to which access is restricted.

286 In accordance with Vermont's Public Records Law, 1 V.S.A. §§ 315-320, any employee or the  
287 employee's designated representative may inspect or copy their personnel file at a mutually agreeable  
288 time during regular office hours. The Town reserves the right to have its representative present at the time  
289 its files are examined or copied.

290 Requests for specific information regarding employees, which are not made by the employee or  
291 employee's designated representative, must be made to the Town Manager and shall be granted on a  
292 "need to know" basis for bona fide Town purposes. Other requests shall be denied except as follows:



335 Every employee of the Town shall carry out their job in a way that ensures that neither the individual  
336 employee nor any other employee of the municipality will gain a personal or financial advantage from  
337 their work for the municipality and so that the public trust will be preserved. All decisions made by  
338 municipal employees shall be based on the best interest of the community at large rather than the interests  
339 of any particular individual or employee. An employee shall disclose any actual, perceived or potential  
340 conflict of interest and shall decline to participate in any action or sphere of influence in their capacity as  
341 a Town employee in any decision or transaction unless the conflict of interest is determined to be  
342 nonexistent by the Town Manager.

343 An employee shall not personally, or through a close relative, business associate, employer or employee,  
344 represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause,  
345 proceeding, application or other matter pending before the municipality. An employee shall not use  
346 resources not available to the general public, including but not limited to town staff time, equipment,  
347 supplies, or facilities for private gain or personal purposes.

348 An employee may accept, from an individual or entity, nominal gifts or gratuity in connection with the  
349 actions associated with their official duties on behalf of the Town with an aggregated estimated monetary  
350 value not exceeding \$20.00 per calendar year. Employees may not directly or indirectly ask, demand,  
351 exact, solicit, accept or receive any gift, gratuity, act or promise beneficial to that individual, or another,  
352 which could influence any action or inaction associated with their official duties on behalf of the Town, or  
353 create the appearance of impropriety in connection with any actions or inactions associated with their  
354 official duties on behalf of the Town. Any employee authorized to procure or to recommend procurement  
355 of materials, supplies or services, directly or indirectly, shall not ask, demand, exact, solicit, seek, accept,  
356 receive or agree to receive for the employee or other person, any benefit or benefits from the person  
357 providing or soliciting the provision of such materials, supplies or services with the exception that the  
358 employee may receive items of de minimis nature valued \$20.00 or less (such as vendor booth “freebie”)  
359 per calendar year from an individual or entity.

360 An employee may accept, from an individual or entity, a gift in the form of a meal if the meal is routine  
361 and not unusual.

### 362 6.3 Fraud

363 The Town has an interest in preventing fraud; fraud by Town employees will not be tolerated.  
364 Additionally, this section of the Personnel Policy Manual encourages Town employees to combat fraud  
365 involving other employees, elected or appointed officials, consultants, vendors, contractors, outside  
366 agencies and /or any other parties that have a business relationship with the Town.

367 Fraud involves the use of an individual’s occupation for personal enrichment or benefit through the  
368 deliberate misuse or misapplication of Town’s resources or assets. Examples of activities that constitute  
369 fraud include, but are not limited to the following:

- 370 • Theft of money or property;
- 371 • Receiving bribes;
- 372 • Misappropriation in handling funds, securities, supplies or other assets belonging to the Town;
- 373 • Engaging in transactions or decisions that involve a conflict of interest as defined in this  
374 Personnel Policy Manual;
- 375 • Destruction, removal or inappropriate use of records, furniture, fixtures, tools, vehicles, mobile  
376 communication devices, computers, or other Town equipment;
- 377 • Workers’ compensation fraud;

- 378 • Payroll falsification; and
- 379 • Expense reimbursement falsification.

380 Department Heads and other management are ultimately responsible for the detection and prevention of  
381 fraud. However, Department Heads and other management rely on the observation and communication of  
382 all employees to detect and prevent fraud.

383 Any irregularity with respect to Town assets that an employee suspects or detects shall be immediately  
384 reported to the the Town Manager, except for complaints relating to actions by the Town Manager,  
385 which will be referred directly to the Selectboard. Investigations will be conducted by the Town  
386 Manager. The attorney for the Town will be consulted as necessary.

387 Any employee who reports a suspected fraud or irregularity to the Town Manager shall not attempt to  
388 personally conduct an investigation related to the suspected fraud or irregularity. The Town Manager (or  
389 Selectboard if the complaint is against the Town Manager), and the attorney for the Town, shall have  
390 primary responsibility for the investigation of all suspected fraudulent acts. All instances that are  
391 investigated will be disclosed to the Auditor responsible for preparing the Town's annual financial audit.  
392 If the investigation substantiates that fraudulent activities have occurred, the Town Manager (or  
393 Selectboard if the complaint is against the Town Manager), with the assistance of the attorney for the  
394 Town, as necessary, shall prepare a written report documenting the suspected fraud. The Town Manager  
395 (or Selectboard if the complaint is against the Town Manager) in consultation with the attorney for the  
396 Town, will decide whether to refer the suspected fraud to appropriate law enforcement and/or regulatory  
397 agencies for further investigation.

398 The Town Manager (or Selectboard if the complaint is against the Town Manager) shall make a final  
399 decision as to the disposition of the case with respect to the Town's involvement, which may include  
400 discipline of the employee in accordance with this Personnel Policy Manual or an appropriate Bargaining  
401 Unit contract.

402 The Town Manager shall keep the identity of the reporting employee confidential throughout the entirety  
403 of the process, to the extent permitted by law.

#### 404 6.4 Hours of Service

405 Regular work hours shall be determined by the Department Head and the Town Manager. All employees  
406 are expected to be in attendance during regular work hours and punctual in reporting to work. Employees  
407 who will be absent from work are expected to notify their Department Head as far in advance as possible  
408 and all unexpected absences shall be reported as soon as possible. An employee failing to report to work,  
409 without explanation, for three consecutive work shifts shall be considered to have abandoned their  
410 position. An employee who abandons their position will be subject to termination.

411 Regular work hours may be changed and employees may be expected to work additional hours that may  
412 exceed forty hours in a given week, as circumstances require. All Highway and Utilities & Facilities  
413 employees are required to be available for work on an on-call basis. All Town employees are required to  
414 be available for work in the case of an emergency, weather-related or otherwise.

#### 415 6.5 Reasonable Accommodations for Person with Disabilities

416 The Town is committed to complying with all applicable provisions of the Americans with Disabilities  
417 Act (ADA), 42 U.S.C. §§ 1201 et seq. It is the Town's policy to not discriminate against any qualified  
418 employee or applicant with regard to any terms or conditions of employment because of such an  
419 individual's disability or perceived disability so long as the employee can perform the essential functions

420 of the job. Consistent with the policy of nondiscrimination, the Town will provide reasonable  
421 accommodations to a qualified individual with a disability, as defined by the ADA, who has made the  
422 Town aware of their disability, provided that such accommodation does not constitute an undue hardship  
423 on the Town.

424 Applicants or employees with disability who believe that they need a reasonable accommodation should  
425 make the Town aware of their disability by contacting their Department Head or Town Manager.

426 Upon receipt of an accommodation request, the Town will review potential reasonable accommodation(s)  
427 that the Town may be able to make to enable an employee to perform the essential functions of their job.  
428 The Town will determine the feasibility of the requested accommodation considering various factors,  
429 including, but not limited to, the nature and cost of the accommodation, the available financial resources  
430 in the department and available to the Town, the impact of the accommodation on the operation of the  
431 Town, the impact on the ability of other employees to perform their duties, and the impact on the Town's  
432 ability to conduct business.

433 As part of this process, an applicant or employee may be required to provide authorization to the Town to  
434 communicate with and obtain documentation from their doctor regarding the medical condition(s) for  
435 which reasonable accommodation is sought, and may further be required to be evaluated by a doctor of  
436 the Town's choice. All such medical information discussed and received shall be treated as confidential  
437 to the extent required and permissible by law. The Town Manager or Department Head will inform the  
438 employee of its decision on the accommodation request or on how to make the accommodation.

#### 439 6.6 Reasonable Accommodations for Individuals with Pregnancy-Related Conditions

440 Vermont law protects women with pregnancy-related conditions and extends the same rights and  
441 standards with respect to the provisions of reasonable accommodations as a qualified individual with a  
442 disability, regardless of whether the pregnant individual qualifies as a person with a disability. The Town  
443 will provide reasonable accommodations to a woman with a pregnancy-related condition who has made  
444 the Town aware of their condition, provided that such accommodation does not constitute an undue  
445 hardship on the Town. See V.S.A. §§ 495K (Effective January 1, 2018)

#### 446 6.7 Reasonable Accommodations for Nursing Mothers

447 Vermont Law, 21 V.S.A. § 305, provides protection for nursing mothers in the workplace for up to three  
448 years following the birth of a child. So long as it will not substantially disrupt operations and upon  
449 request, the Town will make a reasonable accommodation to provide reasonable time throughout the day  
450 and an appropriate private space, that is not a bathroom stall, for a nursing mother to express breast milk  
451 for her nursing child.

#### 452 6.8 Flexible Working Arrangements

453 Employees have the right to request a flexible working arrangement according to Vermont law, 21 V.S.A.  
454 § 309. A flexible working arrangement is an intermediate or long-term change in the employee's regular  
455 working arrangement, including changes in the number of days or hours worked, changes in the time the  
456 employee arrives at or departs from work, work from home, or job sharing.

#### 457 6.9 Telecommuting

458 An employee request for a flexible working arrangement may involve a request to telecommute.  
459 Alternatively, a supervisor may identify an advantage to the Town in offering a telecommuting option to  
460 an employee. Telecommuting is the practice of working at home or another work site other than the  
461 Town Office or as described in the employee's job description. It is an alternative that may be granted

462 only to certain employees in certain positions, consistent with applicable law, at the sole discretion of the  
463 Town Manager. Telecommuting is not an employee benefit, but an alternative approach to fulfilling the  
464 Town's work requirements strictly on a case-by case basis.

465 The Town Manager shall consider whether the proposed alternative work site is suitable for  
466 telecommuting.

#### 467 6.10 Outside Employment

468 The primary occupation of all full-time employees shall be with the Town. Employees may not engage in  
469 any outside business activities during their normal working hours. Additionally, employees may not  
470 engage in outside business activities during times that are not normal working hours if the outside  
471 business activities interfere with their job performance or constitute an actual perceived or potential  
472 conflict of interest.

473 Prior to accepting outside employment, employees will disclose their intent to do so in writing and obtain  
474 prior clearance from their Department Head and the Town Manager that such employment does not  
475 constitute a conflict of interest.

#### 476 6.11 Political Activity

477 An employee shall not use their official authority for the purpose of interfering with or affecting the  
478 nomination or election of any candidate for public office, or demand or solicit from any individual direct  
479 or indirect participation in any political party, political organization or support of any political candidate.  
480 Employees are prohibited from using Town facilities, equipment or resources for political purposes and  
481 from pursuing political activities while working.

482 This Personnel Policy Manual is not to be construed to prevent employees from becoming or continuing  
483 to be members of any political party or organization, from attending political party or organization  
484 meetings or events, or from expressing their views on political matters, so long as these views are clearly  
485 articulated as being those of the individual and not of the Town, and these activities do not interfere with  
486 the individual's ability to effectively perform their duties and take place or are expressed during non-  
487 working hours. This Personnel Policy Manual is not to be construed as prohibiting, restraining or in any  
488 manner limiting an individual's right to vote with complete freedom in any election.

#### 489 6.12 Nepotism

490 The Town in recognition of the potential for an actual, perceived or potential conflict of interest to occur  
491 in the workplace where a close relative is responsible for supervising or evaluating the work performance  
492 of another close relative, prohibits the hiring or transferring of close relatives, when doing so will result in  
493 a close relative supervising or evaluating another close relative, or a close relative supervising or  
494 evaluating the immediate supervision of another close relative.

495 Additionally, the Town prohibits the hiring of close relatives or a household member of a sitting member  
496 of a Town board, authority, commission, trustee, or committee. Further, an employee of the Town shall  
497 not directly hire or attempt to influence the hiring of a close relative.

#### 498 6.13 Use of Substances

499 Employees shall not be involved with the unlawful manufacture, distribution, possession, or use of an  
500 illegal drug, controlled substance or alcohol while on Town premises or while conducting Town business  
501 off premises. This policy shall apply to all employees, including any employee that is telecommuting or

502 otherwise working from an alternative work site. Any employee who discovers a violation of this policy  
503 shall notify their Department Head or the Town Manager.

504 An employee must report a conviction under a criminal drug statute for violations occurring on or off  
505 Town premises while on Town business to the Department Head or Town Manager within 5 (five) days  
506 after the conviction or plea. The Town will notify any government agency providing grant funds or any  
507 government agency with which the Town has a qualifying contract of such conviction or plea within 10  
508 (ten) days thereafter. Upon request, the Town Manager shall meet with the employee (and a Union  
509 Representative, if the employee is part of a collective bargaining unit) before taking any further action.

510 Employees shall only use prescription drugs on Town premises which have been prescribed by a licensed  
511 medical practitioner, and such drugs shall be used only as prescribed. Further, such drugs may not  
512 interfere with the ability of the employee to perform job functions. An employee in a safety-sensitive  
513 position may not perform safety-sensitive job duties while taking prescribed medication that adversely  
514 affect the employee's ability to safely and effectively perform those job duties.

515 An employee shall not consume alcohol or recreational marijuana on Town premises or off Town  
516 premises while conducting Town business. An employee who is on duty, including any employee who is  
517 telecommuting or otherwise working from an alternative work site, shall not be under the influence of  
518 alcohol. A violation of this policy may result in disciplinary action, up to and including discharge.

519 In appropriate circumstances, the Town shall provide an employee with an opportunity for counseling or  
520 rehabilitation in overcoming addiction to, or dependence upon, alcohol and drugs. The Town will inform  
521 employees about available drug counseling as per 41 USC § 8103.

522 In addition to the foregoing policy regarding a Drug Free Workplace, employees who operate a  
523 commercial motor vehicle (CMV) are required to adhere to the Town of Hinesburg's Drug and Alcohol  
524 Policy for CMV Drivers.

#### 525 6.14 Safety & Health

526 The safety and health of every employee is important to the Town. All employees are required to comply  
527 with the rules and regulations of Vermont Occupational Safety and Health Administration (VOSHA). All  
528 employees shall report unsafe equipment and any hazardous working conditions immediately to the  
529 Department Head or Town Manager. Retaliation against any employee or other individual who reports a  
530 safety hazard is strictly prohibited and may be grounds for discipline up to and including termination.

531 All employees shall immediately report any accident which results in personal injury, even if minor, or  
532 property damage of any kind, to their Department Head and the Town Manager.

#### 533 6.15 Tobacco Use

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

538 Each employee has a responsibility to report violations of this policy to their supervisor or, if not  
539 resolved, the Town Manager. It is the responsibility of Department Heads to ensure adherence to this  
540 policy and to investigate complaints. If management fails to enforce the policy, employees can contact  
541 the Vermont Department of Health at (866) 331-5622 which will then contact the employer. The law

542 prohibits an employer from retaliating against an employee for assisting in the supervision or enforcement  
543 of these laws.

544 Copies of this “Tobacco Use” section will be distributed to all employees and lessees of Town owned  
545 buildings and will be posted wherever required workplace posters are displayed.

#### 546 6.16 Use of Town Equipment & Vehicles

547 Except in rare cases expressly authorized by the Town Manager and re-authorized at least annually on  
548 July 1, the use of Town equipment or property for personal use is strictly prohibited. Town vehicles shall  
549 be used for Town business purposes only. In situations where employees have been authorized to drive  
550 vehicles between home and work, they shall restrict the vehicle use to Town purposes and only incidental  
551 personal use on the way to and from work is permitted. Employees should have no expectation of privacy  
552 regarding anything stored in or on Town owned property or Town owned equipment, including but not  
553 limited to desks filing cabinets, lockers and vehicles. Employees should expect that such areas may be  
554 searched at any time to retrieve work-related materials or to investigate violations of workplace rules.

#### 555 6.17 Use of a Portable Electronic Device

556 Use of Portable Electronic Devices in Motor Vehicles Pursuant to 23 V.S.A. § 1095b, an employee shall  
557 not use a portable electronic device while operating a Town vehicle or operating a personal vehicle for  
558 Town business except in a hands-free mode.

559 a) For purpose of this section, “portable electronic device” shall include any device that sends or  
560 receives phone calls, text messages, emails, or accesses the internet. “Operating” means  
561 operating a motor vehicle on a public highway or other place that is open to the general  
562 circulation of vehicles and includes while temporary stationary because of traffic, a traffic control  
563 device, or other temporary delays. “Operating” does not include operating a motor vehicle with  
564 or without the motor running when the operator has moved the vehicle to the side of or off the  
565 public highway and has halted in a location where the vehicle can safely and lawfully remain.  
566 The prohibitions of this subsection shall not apply:

- 567 i. to hands free use;
- 568 ii. to activation or deactivation of hands-free use;
- 569 iii. when use of a portable electronic device is necessary for a person to communicate with  
570 law enforcement or emergency service personnel under emergency circumstances;
- 571 iv. to use an ignition interlock device, as defined in 23 V.S.A. § 1200;
- 572 v. to use a global positioning or navigation system if it its installed by the manufacturer or  
573 the device is placed in an accessory or location in the vehicle, other than the operator’s  
574 hands, where the device will remain stationary under typical driving conditions.

575 b) Other use of Portable Electronic Devices shall be occasional, brief and appropriate personal use  
576 of personal portable electronic devices is permitted, provided it is consistent with this policy and  
577 dose not interfere with an employee’s job duties and responsibilities. Portable electronic devices  
578 issued by or belonging to the Town shall not be used for personal communications during  
579 business hours, except in emergency situations or anticipated emergency situations that require  
580 immediate attention.

#### 581 6.18 Use of Town Computer System

582 The Town computer system is to be used by employees for the purpose of conducting Town business.  
583 Occasional, brief, and appropriate personal use of the Town computer system is permitted, provided it is  
584 consistent with this policy and does not interfere with an employee’s job duties and responsibilities.



585 Employees must use their Town signatures in messages pertaining to Town business sent to third parties.  
586 Employees must not use Town signatures in any personal messages.

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

593 With the exception of departments that need to run their own computer network, employees may not  
594 introduce software from any outside source on the Town's computer system without explicit prior  
595 authorization from the network administrator. Employees may be held responsible for any damages  
596 caused by using unauthorized software or viruses they introduce into the Town computer system, and may  
597 also be subject to discipline up to, and including termination.

598 Employees who have a confidential password to access the Town's operating system should be aware that  
599 this does not mean the computer system is for personal confidential communication, nor does it suggest  
600 that the computer system the property of that person. Transmission of electronic messages on the Town  
601 computer system shall be treated with the same degree of propriety, professionalism, and confidentiality  
602 as written correspondence. The following are examples of uses of the Town computer system which are  
603 prohibited:

- 604 • Communication that in anyway may be construed by others as disruptive, offensive, abusive,  
605 discriminatory, harassing, or threatening;
- 606 • Communication about sexually explicit images or messages;
- 607 • Transmission of chain letters or solicitations for personal gain, commercial or investment  
608 ventures, religious or political causes, outside organizations, or other non-job-related  
609 solicitations during or after work hours;
- 610 • Knowingly infringing upon the copyright or other intellectual property rights of third parties;
- 611 • Sharing user identification information with another person except the network administrator or  
612 other person authorized by the Department Head or the Town Manager;
- 613 • Disabling, interfering with, or not following proper security measures;
- 614 • Deletion or modification of computer files and/or data without prior consent of the primary user;
- 615 • Access to internet resources, including websites and news groups, that are inappropriate in a  
616 business setting;
- 617 • Any other use that may compromise the integrity of the Town and its business in anyway.

618 Email messages that are intended to be temporary, non-substantive communications may be routinely  
619 discarded. However, employees must recognize that emails sent, received, or stored on the Town  
620 computer system are subject to Vermont's Public Records Law and made be covered by the State of  
621 Vermont's retention rules and disposition schedules for municipal records.

## 622 6.19 Security of Town Computer System

623 Security of Town computers is the responsibility of each employee. Problems arising from security  
624 breaches occurring as a result of employee negligence or non-compliance with this policy may result in  
625 disciplinary action up to and including termination.

626 No one shall be granted unattended access to Town computers, servers or network systems except an  
627 employee of the Town, unless the person granted access is working as part of a formal vendor or support  
628 relationship with the Town.

629 **A. Physical Security of Computers at Town Offices**

630 Every employee shall lock their computer if it is unattended and the employee expects to be out  
631 of sight of the computer or desk area. Every employee expecting to be out for more than 90  
632 minutes should shut down or log off the computer before leaving. All employees must shut down  
633 their computers before leaving work for the day. The only exceptions are:

- 634 • an employee leaves for an appointment, expects to return, but does not;
- 635 • an emergency prevents an employee from shutting down prior to leaving; or
- 636 • IT support requires the systems to remain on for some reason.

637 No employee passwords to access Town information systems shall be visible at any workstation.  
638 If a list of passwords is necessary, it shall be secured. All computers shall be programmed with a  
639 screen saver “timeout” of 20 minutes, requiring re-entering a password to reactivate the  
640 computer. Employees shall not tamper with or change the screen saver “timeout” programmed  
641 on their computer.

642 **B. Physical Security of Computers Outside of Town Offices**

643 Any employee taking a Town computer outside of the office shall take all reasonable precautions  
644 to ensure the physical safety of the computer as well as to prevent unauthorized access to the  
645 computer. This shall include:

- 646 • never leaving a computer unattended or out of sight unless it has a cable lock attaching it  
647 to a piece of furniture or another item that is hard to move;
- 648 • never leaving a computer in an unlocked vehicle; and
- 649 • never leaving a computer, even in its bag, on the seat of a vehicle unless it is covered by  
650 another item to make it less obvious that it is a computer. It should be locked in the  
651 vehicle’s trunk.

652 A Town computer shall not be connected to an open, unsecured Wifi network when a secure  
653 WiFi is available. If an unsecure WiFi network must be used, the amount of time on it should be  
654 minimized. Confidential information of any kind shall not be accessed or transmitted on an open  
655 WiFi network.

656 **C. Working at Home**

657 When an employee uses a Town computer to work at home, they must take precautions to prevent  
658 either advertent or inadvertent access to that computer or confidential information displayed on  
659 its screen(s) by other members of the household. These precautions shall include:

- 660 • locking or logging out of the computer whenever the employee is away from it;
- 661 • closing windows with confidential information when someone might see it; and
- 662 • turning the screen away from others in the room.

663 Home networks must be protected by a firewall between the network and the internet. Ideally, a  
664 Town computer should be connected to a home network with a physical (Ethernet) cable. When  
665 a home WiFi is used, that network shall be protected, with a password or key and secured using  
666 appropriate WiFi security, preferably WPA or WPA2, or as determined by Town employee in  
667 charge of IT and Communications. Use of WEP for WiFi security is not allowed when using  
668 Town computers to work at home.

669 **D. File Security**

670 Any file requiring that access be restricted to specific people or groups, must have their  
671 permissions set, or be placed in a folder which has its permissions set, to limit access to only those  
672 people or groups. All employees should apply password protection for either opening or  
673 modifying any files that they create or have in their folders that they believe are sensitive,  
674 confidential or difficult to replace. All employees are required to have provided their Department  
675 Head with all passwords they used to protect any applications or documents created or stored on  
676 Town computers. These passwords will be given to the Town Manager's Office by the  
677 Department Heads and the Town Manager's Office will keep a master list.

678 **6.20 Use of Social Media**

679 The term "social media" refers to online applications and mobile-based tools that facilitate the sharing of  
680 information, interactivity, and communication amongst individuals, groups, organizations, and the  
681 government through digital transmission. These tools currently include social networks, blogs, video  
682 sharing, podcasts, wikis, message boards, Front Porch Forum, and other online forums. Currently  
683 available technologies include picture and video sharing, and wall postings. This policy covers all social  
684 media tools, both existing and to be developed. Employee use of social media can occur in an 'official  
685 capacity', where the employee is specifically authorized to speak on behalf of the Town in a social media  
686 forum; or in a 'personal capacity' where the employee is not specifically authorized to speak on behalf of  
687 the Town.

688 For the Town of Hinesburg policy on social media covering employee use of social media in an official  
689 capacity and use of Town social media sites by the public, please refer to the Town of Hinesburg Social  
690 Media Policy.

691 **6.21 Personal Use of Social Media**

692 The purpose of this policy is to notify Town employees that their personal use of social media  
693 technologies may be the proper subject of Town review and corrective action where there is a  
694 nexus between the personal use and the workplace.

695 Employees are expected to be attentive and careful in their use of social media. Employees  
696 should be aware that their use of social media may be perceived as representing the Town or the  
697 Town government, and should tailor their use accordingly.

698 At all times, including off-duty hours, employees are prohibited from using social media to  
699 violate any Town policies, procedures, and practices. Inappropriate postings or repostings will  
700 subject employees to disciplinary action up to and including termination.

701 Examples of such posts might include, but are not limited to: offensive posts meant to  
702 intentionally harm someone's reputation; bullying; harassment; threats of violence; posts that  
703 could contribute to a hostile work environment; discriminatory remarks based on race, color,  
704 religion, gender, familial status, national origin, disability, age, genetic information, sexual  
705 orientation, military or veteran status or any other status protected by applicable law; or posts  
706 that could result in a loss of the public's faith or trust in a town employee/official/department.

707

708 **Section 7: Performance Evaluations**

709 The Town has a performance evaluation process whereby each employee is evaluated by their supervisor  
710 on at least an annual basis. The primary purpose of the evaluation is to formally discuss the performance  
711 objectives for each employee, discuss areas of strong performance and areas that may need improvement,  
712 develop a plan of action for meeting goals and objectives, and for establishing a dialogue between the  
713 employee and their supervisor. The results of such evaluations will be submitted to the employee, the  
714 employee's department head and the Town Manager and will become a part of the employee's personnel  
715 file. The evaluation process will be developed by the Town Manager and may be changed from time to  
716 time at their discretion.

717 **Section 8: Employee Benefits**

718 **8.1 Eligibility for Benefits**

719 The Town offers a comprehensive benefits package for the benefit of its eligible full-time and part-time  
720 employees as follows:

721 Part-time employees who are regularly scheduled to work year-round at least 20 hours a week may elect  
722 to participate in the aforementioned benefits on a prorated basis, subject to the eligibility requirements of  
723 the insurance carrier or other benefit provider. The Town will pay a proportionate share of the cost of the  
724 benefit programs based on the ratio of work hours per week to 40 hours per week. The employee is  
725 responsible for the balance.

726 The Town reserves the right to change carriers, or to add, delete or amend benefit programs in its sole  
727 discretion. The Town also reserves the right to change the amount or percentage of its contribution to the  
728 cost of any group health insurance or other benefit program. Employees will be provided with advance  
729 notice of any change in the contribution rate or change in benefit plan program offerings.

730 **8.2 Health Insurance Opt-Out Program**

731 One time per year, during the open enrollment period, all full-time employees will have the opportunity to  
732 participate in a health insurance opt-out program. Proof of an alternative source of health insurance  
733 coverage is required in order to participate in the program. Employees choosing to opt-out of the Town's  
734 health care plan will receive an amount equal to 75% of the annual premium of an individual person plan  
735 payable in weekly installments. If for any reason an employee terminates their employment prior to the  
736 end of the year, their weekly installments terminate as well. Opt-out payments are subject to normal  
737 withholding taxes.

738 **8.3 Holiday Compensation**

739 The Town observes the following holidays each year. Full-time and part-time employees will receive paid  
740 holiday leave for the number of hours they are scheduled to work on the day the holiday falls:

- 741 • New Year's Day (January 1)
- 742 • Martin Luther King Jr.'s Birthday (3<sup>rd</sup> Monday in January)
- 743 • Presidents Day (3<sup>rd</sup> Monday in February)
- 744 • Memorial Day (last Monday in May)
- 745 • Juneteenth (June 19<sup>th</sup>)
- 746 • Independence Day (July 4)
- 747 • Bennington Battle Day (August 16)
- 748 • Labor Day (1<sup>st</sup> Monday in September)

- 749 • Indigenous Peoples Day (second Monday in October)
- 750 • Veteran’s Day (November 11)
- 751 • Thanksgiving Day and the adjacent following day
- 752 • Christmas Eve (December 24<sup>th</sup>)
- 753 • Christmas Day (December 25<sup>th</sup>)
- 754

755 Employees will receive holiday pay for the number of hours in the employee’s typical work day on which  
756 the holiday falls, at the employee’s regular rate of pay. Part-time employees will receive pro-rated  
757 holiday leave pay based on the number of hours the employee is regularly scheduled to work. Holiday  
758 leave that is not actually worked by an employee will not be included in calculating overtime for that  
759 employee.

760 Holidays falling on Saturday will be observed the preceding Friday. Holidays falling on a Sunday will be  
761 observed the following Monday. Holidays that fall during an employee’s vacation leave will not be  
762 charged as vacation leave.

763 An employee who wished to work on a holiday and does not receive “holiday-pay” (as described in the  
764 compensation section of this Policy) may, with the pre-approval of their Department Head or the Town  
765 Manager in the case of Department Heads, take an alternative day off, referred to as a “flex holiday”. An  
766 employee may only use one “flex-holiday” per calendar year. Notwithstanding that limitation, the  
767 Christmas Eve and Christmas Day holidays may floated to other religious holidays.

#### 768 8.4 Combined Time Off (CTO)

769 Combined Time Off (CTO) provides a certain number of days for paid time off each year to eligible  
770 employees. The CTO program coordinates into one program a specific number of days which employees  
771 may use for paid time off (both scheduled and unscheduled time off) according to their individual  
772 interests, needs and circumstances. Proper management and budgeting of time off is the responsibility of  
773 the employee.

774 All regular full-time and regular part-time employees are eligible to participate in the CTO Program. An  
775 employee’s accumulative CTO may not exceed a maximum of two times the annual allotment. Hours  
776 accrued in excess of two times the annual allotment will be transferred to Extended Sick Bank (ESB) if  
777 adequate Space available on July 1 each year

778 CTO will be used for scheduled or planned absences such as vacations, holidays, planned personal  
779 absences, and appointments. The Department Head must approve such absences in advance. Scheduling  
780 of CTO shall accommodate, to the greatest extent possible, preferences shall be given to seniority with  
781 regard to conflicts in scheduling time off. In the event that a regular holiday falls during a scheduled  
782 period of CTO, CTO hours will not be charged to that day.

783 CTO may be used for absences which have not been approved in advance by the Department Head, such  
784 as lateness, illness, family emergencies and transportation problems if the employee does not have any  
785 accumulated Sick Time. Unscheduled or unplanned absences must be reported by employees to their  
786 Department Head as far in advance of normal working hours as possible. It is expected that an employee  
787 will keep their Department Head informed as possible about the probable length of their absence

788 **8.5 Accrual of Combined Time Off (CTO)**

789 All regular full-time and regular part-time employees accrue CTO on a monthly basis; for example, an  
790 employee who has been employed with the Town for seven years will earn fourteen (14) hours of CTO at  
791 the completion of each calendar month worked. Employees can use CTO hours from the completion of  
792 one calendar month of employment, in units of one-half hour. Employees do not accrue CTO hours  
793 during a Leave of Absence or during a period of unpaid absence.

794 The allocation of CTO hours for eligible employees is based on length of continuous eligible service and  
795 classification as follows.

Length of Service	Days Accumulated Per Month
Less than one year	8 hours/month 96 hours/year
Beginning 2 <sup>nd</sup> year to 4 years completed	11.34 hours/month 136 hours/year
Beginning 5 <sup>th</sup> year to 10 years completed	14 hours/month 168 hours/year
Beginning 10 <sup>th</sup> year to 15 years completed	16.67 hours/month 200 hours/year
Beginning of 16 <sup>th</sup> year	18 hours/month 216 hours/year

796

797 Employees are strongly encouraged to take an annual vacation. Requests for vacation should be  
798 submitted to the employee’s supervisor as soon as possible but not less than 48 hours in advance of the  
799 requested time off. An employee’s accumulative CTO may not exceed a maximum of two-times the  
800 maximum number of CTO hours of their allotment. Hours accrued in excess of two times the annual  
801 allotment will be transferred to Extended Sick Bank (ESB), if adequate space is available, on July 1 each  
802 year. If adequate ESB space is not available, hours will be lost without pay.

803 An employee who resigns from employment with the Town with at least 14 days advanced notice will be  
804 compensated for unused, accrued CTO up to a maximum of 324 hours, with the exception that any  
805 employee who terminates during their probationary period will not be entitled to compensation for any  
806 accrued vacation time.

807 **8.6 Conversion of Combined Time Off (CTO)**

808 Below are two situations where CTO can be converted:

809 • **Laid Off / Terminating Employees**

810 Unused CTO hours will be paid at 100% of its value upon termination as outlined here. Any  
811 Town employee may be laid off whenever it is necessary to reduce the number of employees in  
812 any department because of change in the function or organization of a department, financial  
813 restrictions, changes in work demands, elimination of job categories, or related reasons.  
814 Employees so affected shall be notified ten (10) working days in advance of the action to be  
815 taken. To the extent possible, layoffs within a department shall be made in the inverse order of  
816 seniority. However, seniority shall not be the determining factor regarding layoff upon receipt by  
817 the Town Manager of a written recommendation submitted by the relevant Department Head,  
818 which specifies:

- 819 1. The special contributions, skills, and performance of a less senior department employee.
- 820 2. Reasons why departmental operations would be best maintained through retention of a  
821 position filled by a less senior employee.

822 Recall shall be in the reverse order of any layoffs. Laid off employees will be eligible for health  
823 insurance benefits at their own expense as provided by the Consolidated Omnibus Budget  
824 Reconciliation Act of 1986 (COBRA). An exit interview may be offered.

825 Payments under this section will not exceed payment for 324 hours unused CTO.

826 • **Extended Sick Bank Hours**

827 An employee may exchange their current CTO Bank for ESB hours on an hour-for-hour basis, up  
828 to a cumulative maximum of 480 hours, on July 1 of each year. Other than termination, if an  
829 employee resigns, retires or otherwise leaves their position with the town permanently in good  
830 standing and with at least 14 days advanced notice, they will be paid for one-half of their  
831 accumulated sick bank hours up to a maximum of 240 hours.

832 **8.7 Longevity Bonus**

833 Employees shall receive a longevity bonus on the last pay period of June beginning at the completion of 5  
834 years of eligible service and every year thereafter according to the following schedule:

- 835 1. Completion of 5 years of service - \$250.00
- 836 2. Completion of 10 years of service - \$375.00
- 837 3. Completion of 15 years of service - \$500.00
- 838 4. Completion of 20 years of service - \$625.00
- 839 5. Completion of 25 years of service - \$750.00
- 840 6. Completion of 30 years of service - \$875.00
- 841 7. Completion of 35 years of service - \$1,000.00

842 Any employee who reaches their anniversary date of hire during any given year, shall be paid the bonus  
843 regardless of whether they remain a Town employee through the last pay period of June of that year.

844 **8.8 Parental and Family Leave**

845 An employee is entitled to take unpaid leave for a period not to exceed twelve (12) weeks during the  
846 employee's pregnancy and following the birth or adoption of their child, to care for a seriously ill spouse,  
847 child, stepchild, ward, foster child, parent, or parent of the employee's spouse. The employee may use  
848 CTO or ESB hours during parental or family leave. However, utilization of CTO or ESB shall not extend  
849 the leave provided and expounded on above.

850 The Town shall continue employee benefits for the duration of the leave. The Town may require that the  
851 employee pay the entire cost of the benefits during the leave at existing Town rates if the employee does  
852 not have accumulated CTO or Sick Bank Hours to cover the cost of their share of the benefit. Written  
853 notice of intent to take parental leave shall be given the Town, including the date leave is expected to  
854 commence and estimated duration of the leave, six weeks prior to the anticipated commencement of the  
855 leave. Upon approval by the Town Manager, an employee may return from leave earlier or later than  
856 estimated.

857 Upon return from maternity leave, the employee shall be offered the same or comparable job at the same  
858 level of compensation, employment benefits, seniority or any other term or condition of employment  
859 existing on the day leave began.

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

863 **8.9 Short Term Family Leave**

864 An employee is entitled to take unpaid leave of up to four (4) hours in any thirty (30) day period, not to  
865 exceed 24 hours in any 12-month period:

- 866 a) To participate in pre-school or school activities related to the academic progress of the  
867 employee's child, stepchild, foster child or ward who lives with the employee. An example  
868 would be a parent-teacher conference.
- 869 b) To attend or accompany any of the following people to routine medical or dental appointments;  
870 child, stepchild, foster child or ward who lives with the employee: parent, spouse, or parent-in-  
871 law.
- 872 c) To accompany a parent, spouse or parent-in-law to other appointments for professional services  
873 related to their care and well-being. An example would be a meeting with a nursing home  
874 administrator about care for an elderly parent.
- 875 d) To respond to a medical emergency involving the employee's child, stepchild, foster child or  
876 ward who lives with the employee; or the employee's parent, spouse or parent-in-law.

877 Before taking short-term leave, the employee must make a reasonable attempt to schedule appointments  
878 outside of regular work hours. In addition, the employee must provide the employer with a seven-day  
879 notice, before the leave is to be taken, except in the case of emergencies. If the employee chooses, the  
880 employee may use CTO for the short-term leave permitted above.

881 **8.10 Military Leave**

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

887 **8.11 Jury Leave**

888 The Town will compensate employees for their services as jurors or witnesses. In accordance with 21  
889 V.S.A. § 499, employees will otherwise be considered in the service of the Town for purposes of  
890 determining seniority, benefits, credits towards vacations, sick leave, and other rights, privileges, and  
891 benefits of employment.

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

896

897 **8.12 Sick Time**

898 All regular full-time and regular part-time employees accrue sick time on a monthly basis in their  
899 Extended Sick Bank. Regular full-time employees will accrue eight (8) hours and regular part-time  
900 employees will accrue a pro-rated amount based on the number of hours a week they work compared to a  
901 40-hour work week.

902 Sick time may be used for absences due to illness, care for a family member, medical and dental  
903 appointments for the employee or dependents, birth, adoption or foster care initial placement.



904

905 Any employee whose absence for reasons of sickness extends beyond five (5) consecutive workdays shall  
906 provide the Department Head with a statement from a licensed physician attesting to the employee's  
907 inability to work. A statement shall be submitted on a weekly basis for so long as the employee remains  
908 absent for reasons of sickness. A consistent pattern of unscheduled absences or lateness may be  
909 considered excessive, and may be cause for concern and/or discipline.

910

911

## Section 9: Compensation

912

### 9.1 Overtime for Hourly Employees (Non-Exempt)

913

Overtime compensation for a non-exempt employee is for work performed in excess of forty (40) hours  
914 within the pay period defined by the Town of Hinesburg; the pay period is Thursday through Wednesday.

915

916 Compensation will be by monetary reimbursement at the rate of one and one-half times the employee's  
customary hourly rate.

917

918 Concerning issues of overtime compensation, Department Heads shall be responsible for ensuring  
compliance with the following procedures;

919

- All employees shall notify their Department Head in advance of the need to perform overtime  
920 work. Employees must receive prior approval from their Department Head.

921

- Department Heads retain the right to work with their employee to restructure working hours to  
922 meet the needs of the department, the employees and budgetary limitations.

923

### 9.2 Time Bank for Non-Exempt Employees

924

At the written request of the employee, and upon approval of the Department Head, the Town Manager  
925 may authorize non-exempt employees (ie. hourly) to establish and utilize a Time Bank instead of

926

927 receiving monetary reimbursement for overtime work. A written request from the employee, approved by  
the Department Head and authorized by the Town Manager must be on file in the Town Manager's office

928

929 in order for a Time Bank to be established and utilized. Time Bank hours are earned and accumulated at  
the rate of one and one-half hours for each hour worked in excess of forty (40) hours worked per week.

930

931 An employee may not accumulate more than one hundred and twenty (120) hours in their Time Bank.

932

932 This provision does not pertain to overtime work on a holiday (employee must receive monetary  
reimbursement for holiday overtime hours).

933

934 It is at the employee's discretion whether they establish and utilize a Time Bank for compensation in  
935 excess of forty (40) hours worked in a pay period. Usage of Time Bank hours, as with other types of  
936 leave, must be pre-approved by the employee's Department Head and cannot create a hardship for the  
department or interfere with operational requirements.

937

938 If, at the termination of an employee's employment, there is unused hours in the Time Bank, the  
939 employee must be paid for the unused time at the final pay rate received by the employee. It is up to the  
employee and the approving Department Head to keep a record of the Time Bank hours.

940

### 9.3 (Reserved)

941

### 9.4 Employee Development

942

942 Employees may request permission to attend training programs offered during normal work hours.

943

943 Department Heads may grant release time for this purpose if the work needs of the department permit and

944 if such training programs are relevant to the employee's current position / job. Additional considerations  
945 include whether the course has potential to benefit the Town; value and relevance to the employee; length  
946 of time, if any, the employee will be absent from work; and, program cost and available budgetary  
947 allocation.

#### 948 9.4 Continuing Education

949 The Town encourages employees to continue their education and, accordingly, will reimburse employees  
950 for 100% of tuition costs of a course or program that an employee is enrolled in, not to exceed \$1,000.00  
951 per year.

952 In order to receive reimbursement for a course or program, four requirements must be met:

- 953 1. The course or program must be approved by the Town Manager in writing prior to enrolling;
- 954 2. The course must be job related;
- 955 3. A grade of "C" or better must be obtained; and
- 956 4. Adequate funds must be available in the Town's budget.

957 An employee may be reimbursed for one course per semester. Reimbursement, not to exceed \$1,000.00  
958 will also be given to full-time employees who have satisfied the above requirements for a course  
959 confirming credit for a high school diploma or GED.

960 Courses taken under this provision shall be outside of the employee's working hours.

961 Upon completion of the course, a receipt for the course or program and an official statement of grades  
962 earned must be submitted to the Town Manager. These items must be turned in before a reimbursement  
963 check will be issued. An employee must have worked one full year before becoming eligible for these  
964 educational benefits.

## 965 Section 10: Harassment

### 966 10.1 Employment Harassment and Discrimination

967 The Town is committed in all areas to providing a work environment that is free from unlawful  
968 harassment and discrimination. Vermont and federal law prohibit employment discrimination or  
969 retaliation based on race, color, religion, sex, gender identity, marital status, national origin, age,  
970 pregnancy, genetic information, veteran status, any other category of person protected under federal or  
971 state law, or against a qualified individual with a disability with respect to all employment practices.  
972 Vermont law prohibits discrimination based on sexual orientation, ancestry, HIV status, and place of  
973 birth. It is also unlawful to retaliate against employees or applicants who have alleged employment  
974 discrimination.

975 Examples of harassment include the following: insulting comments or references based on a person's  
976 race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic  
977 information, veteran status, disability, sexual orientation, ancestry, HIV status, place of birth; aggressive  
978 bullying behaviors; inappropriate physical contact or gestures, physical assaults or contact that  
979 substantially interferes with an individual's work performance or creates an intimidating, hostile or  
980 offensive working environment; retaliation against an employee for complaining about the behaviors  
981 described above or participating in an investigation of a complaint of harassment.

982 Petty slights, annoyances, and isolated incidents (unless serious) will not ride to the level of illegality. To  
983 be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive  
984 to reasonable people.

985 The Town will not tolerate unlawful harassment based on a person's race, color, religion, sex, gender  
986 identity, marital status, national origin, age, pregnancy, genetic information, veteran status, disability,  
987 sexual orientation, ancestry, HIV status, place of birth, or membership in a classification protected by law.  
988 Likewise, the Town will not tolerate retaliation against an employee for filing a complaint of harassment  
989 or for cooperating in an investigation of harassment.

990 All employees, including department heads and other management personnel, are expected and required  
991 to abide by this policy. Employees who are found to have engaged in harassment may face disciplinary  
992 action up to and including termination. Any individual who believes that they have been the target of this  
993 type of harassment, or who believes they have been subjected to retaliation for having brought or  
994 supported a complaint of harassment, is encouraged to directly inform the offending person or persons  
995 that such conduct is offensive and must stop.

996 Any employee who wishes to report harassment should file a complaint with one of the following  
997 individuals: the Town Manager, or the Chair of the Selectboard. The names, addresses and telephone  
998 numbers of all parties can be found on the Town website [www.Hinesburg.org](http://www.Hinesburg.org)

999 A prompt, thorough and impartial investigation will be conducted and confidentiality will be protected to  
1000 the extent possible. If it is determined that unlawful harassment has occurred, the Town will take  
1001 immediate and appropriate corrective action. No person will be adversely affected in their employment  
1002 with the Town as a result of bringing a complaint of unlawful harassment.

1003 Complaints of harassment or retaliation may also be filed with the following agencies:

1004 Vermont Attorney General's Office  
1005 Civil Rights Unit  
1006 109 State Street  
1007 Montpelier, VT 05609-1001  
1008 Tel:(802)828-3171 (voice)  
1009 (802)828-3665 (TTY)  
1010  
1011 Equal Employment Opportunity Commission  
1012 JFK Federal Building  
1013 475 Government Center  
1014 Boston, MA 02203  
1015 Tel: (800)669-4000 (voice)  
1016 (800)669-6820 (TTY)  
1017

1018 These agencies may conduct impartial investigations, facilitate conciliation, and, if they find that there is  
1019 probable cause or reasonable grounds to believe unlawful harassment occurred, they may take a case to  
1020 court.

## 1021 10.2 Sexual Harassment

1022 Sexual Harassment in the workplace is illegal under Vermont and federal law and is strictly prohibited.  
1023 The Town is committed to providing a workplace free from this unlawful conduct. All employees have  
1024 the right to work without being subjected to insulting, degrading or exploitative treatment on the basis of

1025 their gender. It is against the policies of the Town for any individual to sexually harass another individual  
1026 in the workplace. In accordance with 21 V.S.A. §§ 495h, the Town has adopted the following sexual  
1027 harassment policy. All employees are required to read this policy before signing the employee  
1028 acknowledgement form.

1029 Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for  
1030 sexual favors and other verbal or physical conduct of a sexual nature when:

- 1031 • submission to that conduct is made either explicitly or implicitly a term or condition of  
1032 employment;
- 1033 • submission to or rejection of such conduct by an individual is used as a component of the basis  
1034 for employment decisions affecting that individual; or
- 1035 • the conduct has the purpose or effect of substantially interfering with an individual's work  
1036 performance or creating an intimidating, hostile or offensive work environment.

1037 Examples of sexual harassment include, but are not limited to, the following when such instances or  
1038 behavior come within one of the above definitions:

- 1039 • either explicitly or implicitly conditioning any term of employment (e.g., continued employment,  
1040 wages, evaluation, advancement, assigned duties or shifts) on the provisions of sexual favors;
- 1041 • touching or grabbing a sexual part of an individual's body;
- 1042 • touching or grabbing any part of an individual's body after that party has indicated that or it is  
1043 known that such physical contact is unwelcome;
- 1044 • whistling, gesturing, or staring in a suggestive manner that is unwelcome;
- 1045 • continuing to ask an individual to socialize on or off-duty when that person has indicated they are  
1046 not interested;
- 1047 • displaying or transmitting sexually suggestive pictures, objects, cartoons or posters if it is known  
1048 or should be known that the behavior is unwelcome;
- 1049 • continuing to write sexually suggestive notes or letters if it is known or should be known that the  
1050 person does not welcome such behavior;
- 1051 • referring to or calling a person a sexualized name if it is known or should be known that the  
1052 person does not welcome such behavior;
- 1053 • telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it  
1054 is known or should be known that the person does not welcome such behavior;
- 1055 • retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g.,  
1056 ostracizing the person, pressuring the person, pressuring the person to drop or not support the  
1057 complaint, adversely altering that person's duties or work environment, etc.);
- 1058 • derogatory or provocative remarks about or relating to an employee's sex;
- 1059 • harassing acts or behavior directed against a person on the basis of their sex;
- 1060 • off-duty contact which falls within the above definition and affects the work environment.

1061 It is also unlawful to retaliate against employees for filing a complaint of sexual harassment or for  
1062 cooperating in an investigation of sexual harassment.

1063 Any individual who believes they have been the target of sexual harassment or believes they have been  
1064 subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to  
1065 directly inform the offending person or persons that such conduct is offensive and must stop.

1066 Employees who are found to have engaged in sexual harassment may face disciplinary action up to and  
1067 including termination.

1068 Any employee who wishes to report sexual harassment should file a complaint with one of the following  
1069 individuals: the Town Manager, or Chair of the Selectboard. The names, addresses, and telephone  
1070 numbers of all parties can be found on the Town website: [www.Hinesburg.org](http://www.Hinesburg.org)

1071 Once the Town receives a complaint of sexual harassment, it will take all necessary steps to ensure that  
1072 the matter is promptly investigated and addressed, and confidentiality will be protected to the extent  
1073 possible. If sexual harassment is found to have occurred, the Town will take appropriate action, ranging  
1074 from verbal warning up to and including dismissal.

1075 Complaints of sexual harassment or retaliation may also be filed with the following agencies:

1076 Vermont Attorney General's Office  
1077 Civil Rights Unit  
1078 109 State Street  
1079 Montpelier, VT 05609-1001  
1080 Tel:(802)828-3657 (voice)  
1081 Tel:(888)745-9195 (voice-Toll Free VT)  
1082 (802)828-3665 (TTY)  
1083 Email: [civilrights@atg.state.vt.us](mailto:civilrights@atg.state.vt.us)  
1084

1085 Equal Employment Opportunity Commission  
1086 JFK Federal Building  
1087 475 Government Center  
1088 Boston, MA 02203  
1089 Tel: (800)669-4000 (voice)  
1090 (800)669-6280 (TTY)  
1091 (844)234-5122 (ASL Video)  
1092

1093 These agencies may conduct impartial investigations, facilitate conciliation, and, if they find that there is  
1094 probable cause or reasonable grounds to believe sexual harassment occurred, they may take a case to  
1095 court.

## Section 11: Employee Discipline

1096 The Town of Hinesburg has adopted a progressive discipline process to identify and address employee  
1097 and employment-related problems. The Town's progressive discipline process applies to any and all  
1098 employee conduct that the Town, in its sole discretion, determines must be addressed by discipline.  
1099

1100 Under the Town's progressive discipline process, an employee may be subject to disciplinary action, up  
1101 to and including termination, for violation of the provisions of this personnel policy and/or failure to  
1102 maintain an acceptable level of performance. The Town may take prior disciplinary action into  
1103 consideration when disciplining or terminating an employee. Violations of different rules may be treated  
1104 as repeated violations of the same rules for purposes of progressive discipline.

1105 Most often employee conduct that warrants discipline results from unacceptable behavior, poor  
1106 performance, or violation of the Town's policies, practices, or procedures. However, discipline may be

1107 issued for conduct that falls outside of those identifies areas. The Town also reserves the right to impose  
1108 discipline for off-duty conduct that adversely impacts the legitimate interests of the Town. The Town  
1109 reserves the right in its sole discretion to bypass progressive discipline and to take whatever action it  
1110 deems necessary to address the issue at hand. This means that more or less severe discipline, up to and  
1111 including termination, may be imposed in a given situation at the Town’s sole discretion.

1112 The Town also retains the right to unilaterally eliminate positions or reduce the work hours of a position  
1113 or positions due to economic conditions, shortage of work, organizational efficiency, changes in  
1114 departmental functions, reorganization or reclassification of positions resulting in the elimination of a  
1115 position or for other related reasons.

1116 The Town will normally adhere to the following progressive disciplinary process, but reserves the right to  
1117 bypass any or all steps of progressive discipline when it determines, in its sole discretion, that deviation  
1118 from the process is warranted:

- 1119 1. **Verbal warning** – a verbal warning from the Department Head or Town Manager notifying the  
1120 employee of conduct considered inappropriate, or action that is lacking or needs improvement,  
1121 and the actions and procedures necessary to improve.
- 1122 2. **Written Warning** – a written statement, signed by the Department Head or Town Manager,  
1123 notifying the employee of conduct considered objectionable, or action that is lacking or needs  
1124 improvement, and the actions and procedures necessary to improve, specifying that recurrence of  
1125 the same or similar activity or lack of activity will result in more severe disciplinary action. The  
1126 reprimand shall be filed in the employee’s personnel file.
- 1127 3. **Suspension with or without pay** – the temporary removal of an employee from the performance  
1128 of job functions due to negative conduct of great significance or unresponsiveness to multiple  
1129 written warnings; a suspended employee shall remain on the active roster of regular Town  
1130 employees for the purposes of accrual of benefits.
- 1131 4. **Demotion** – the reduction of an employee’s rate of pay limited to a maximum of ten (10) percent  
1132 of an employee’s annual wages or salary within the past consecutive twelve (12) month period of  
1133 employment due to negative conduct of great significance or unresponsiveness to suspension;
- 1134 5. **Dismissal** – the termination of an employee’s working relationship with the Town, subject only  
1135 to the payment of accrued earnings or applicable benefits due to negative conduct of great  
1136 significance or unresponsiveness to levels of discipline above.

1137 Employees are prohibited from engaging in conduct listed below and may receive discipline, up to and  
1138 including termination, for doing so. This list has been established to provide examples of behavior that  
1139 could warrant a range of disciplinary sanctions. Appropriate levels of discipline may be based on the  
1140 severity of employee conduct. This list is not exhaustive.

- 1141 • Engaging in any illegal activity.
- 1142 • Refusing to do assigned work or failing to carry out the reasonable assignment of a Department  
1143 Head, the Town Manager or the Selectboard.
- 1144 • Being inattentive to duty, including sleeping on the job.
- 1145 • Falsifying a timecard or other record or giving false information to anyone whose duty is to make  
1146 such records.
- 1147 • Being repeatedly or continuously absent or late, being absent without notice or satisfactory reason  
1148 or leaving one’s work assignment without appropriate authorization.

- 1149 • Conducting oneself in any manner that is offensive, abusive or contrary to reasonable community
- 1150 standards and expectations of public employees.
- 1151 • Engaging in any form of harassment including sexual harassment.
- 1152 • Missing, misappropriating, or willfully neglecting Town property, funds, materials, equipment or
- 1153 supplies.
- 1154 • Unlawfully distributing, selling, possessing, using or being under the influence of alcohol or
- 1155 drugs when on the job or subject to duty.
- 1156 • Fighting, engaging in horseplay or acting in any manner which endangers the safety of oneself or
- 1157 others. This includes acts of violence as well as threats of violence.
- 1158 • Stealing or possessing without authority any equipment, tools, materials or other property of the
- 1159 Town or attempting to remove them from the premises without approval or permission from the
- 1160 appropriate authority.
- 1161 • Marking or defacing walls, fixtures, equipment, tools, materials or other Town property, or
- 1162 willfully damaging or destroying property in any way.
- 1163 • Inappropriate use of a Mobile Communication Device while operating a vehicle.
- 1164 • Inappropriate use of Social Media.
- 1165 • Willful violation of Town rules or policies.

## Section 12: Appeals to Personnel and Disciplinary Actions

### 12.1 Policy

The Town shall make a reasonable effort to be equitable and fair in its relations with employees. An appeal procedure is provided for employees who disagree with personnel or disciplinary actions taken by the Town.

### 12.2 Right of Appeal

Town employees have a right to appeal actions regarding position classification, compensation, dismissal, demotion and suspension. Disagreements over interpretations of specific rules are not subject to appeal, but may be dealt with through the grievance provisions of this manual.

### 12.3 Appeal Procedure

Appeals of personnel and disciplinary actions shall be made by the employee by submitting them to the Town Manager in writing within five (5) working days of the employee's receipt of the notice of personnel or disciplinary action. A hearing on such appeal shall be held as soon as possible after receipt of the notice of appeal, but in no event longer than fifteen (15) working days after receipt of the notice of appeal. The purpose of the hearing will be to enable the Town Manager to gather information regarding the personnel action being appealed. The hearing will be closed and informal; the employee and the Department Head will be present; counsel may represent the employee, and, if appropriate, witnesses may be brought by the employee and/or the Department Head. The Town Manager within five (5) working days of the hearing shall make a decision, in writing. The Town Manager may uphold the original actions, modify the severity of the actions, or overrule the action of the Department Head.

### 12.4 Restoration of Position (Status)

If the original action is overruled, the employee shall be restored to their original position or status with no loss of rights, privileges or compensation. The action of the Town Manager is final with no further appeal.

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Section 13: Grievance Procedures

13.1 Policy

Prompt consideration and equitable adjustment of employee grievances is necessary to ensure that the work of the Town of Hinesburg is accomplished in an efficient and effective manner. It is the intent of the Town to address grievances informally whenever possible. Both Department Heads and employees are expected 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.

13.2 Definition

A grievance of any matter considered by the employee as grounds for complain, except in the case of personnel action arising out of discipline, dismissal, demotion or suspension. Adjustment for such complaints is separately provided (Section 13: Appeals of Personnel and Disciplinary Action).

13.3 Procedure

An employee who believes that inequitable treatment has been received because of some conditions of employment may appeal for relief from that condition. The employee is expected to initially discuss any grievances with their Department Head. If the matter cannot be settled at that level, or the employee's grievance pertains to their Department Head, they may present their grievance to the Town Manager.

Section 14: Severability

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

Adopted this 21st day of June, 2023.

SIGNATURES of SELECTBOARD:

