

Town of Proctor
Employee Benefits and Policies



Effective September 2008

Resolution to Adopt the Town of Proctor Employee Benefits and Policies

On this _____ day of September, 2008 the benefits and policies contained in this handbook are hereby updated by the Town of Proctor Selectboard.

Richard Norris, Chair

Bruce Baccei

George Finch

Peter Jalbert

Michael O'Malley

Certificate of Receipt

I, _____, have received a copy of the Town of Proctor Employee Benefits and Policies. I have read through the handbook and understand the benefits and policies described therein. Furthermore, I understand that as an employee of the Town of Proctor I am expected to adhere to these policies. Failure to do so will result in disciplinary action.

Signature

Date

After signing the Certificate of Receipt, return to the Administrative Assistant.

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Section 1: General Provisions

1.1 Purpose

The purpose of this handbook is to combine in one place the benefits and policies applicable to Town of Proctor employees. The Selectboard intend in prescribing these policies to establish clear, orderly, fair and uniform guidelines for the administration of personnel matters.

The Town regards all personnel as public employees who are to be governed by high ideals of honor and integrity in all public and personal conduct so as to merit the trust and confidence of the general public and co-workers.

These policies supersede all previous publications, motions, resolutions, etc. on this subject.

1.2 Applicability

These personnel guidelines shall cover all full-time and part-time employees of the Town of Proctor, including the Town Clerk's office staff. It applies to the elected Town Clerk outside the parameters of the Town Clerk's statutory authority.

Only Section 6 applies to elected officers (e.g., the Selectboard, Listers) and members of boards (e.g., Planning Commission) and other positions which are not paid on an hourly/salaried basis. See **Appendix A** for summaries of current elected and appointed positions with an organization chart.

Section 2: Work Schedules and Compensation

2.1 General Policy

It is recognized that employees' daily and weekly work schedules and assignments are based on operating requirements and subject to change. The Town of Proctor retains the right to schedule straight time, overtime, number of shifts, and shift assignments for the purpose of promoting the efficiency of municipal government.

2.2 Work Week / Work Day

The normal work week shall consist of five (5) consecutive days, Monday through Friday, and forty (40) hours for full-time employees. The bi-weekly pay period shall commence at 12:01 a.m. Monday morning and end at 12:00 p.m. Sunday night. All public works personnel are required to be on call and available for winter road work and emergencies.

Supervisors are responsible for (1) establishing regular hours of work and shift schedules for their department and (2) approving all timesheets.

2.3 Lateness or Absences

All employees should be at their work in accordance with their department regulations. Prompt appearance in appropriate uniform or attire for work at the specific time is required for all employees. In the event that an employee will be late or absent from work, he/she shall notify their supervisor and appropriate co-workers prior to or as soon as reasonably possible.

Any employee who is absent without authorization shall forfeit all compensation for the period of such absence. Repeated unexcused lateness or absence from work is grounds for disciplinary action, up to and including dismissal.

2.4 Overtime

Overtime shall be paid at the rate of 1 ½ times the employee's regular hourly rate of pay for hours work beyond forty (40) hours in a seven (7) day work week. Overtime shall not be paid to employees who are paid on a salary basis.

It is the Town of Proctor's policy that overtime work for all employees shall be held to a minimum consistent with efficient and sound management of Town government. An employee's supervisor shall schedule and assign regular work. There will be times, however, when overtime is necessary. A supervisor shall make a reasonable effort to distribute overtime as equitably as possible among employees. **Overtime work shall be assigned and authorized only by a supervisor.** An employee working overtime without permission from his/her supervisor is subject to disciplinary action, up to and including dismissal.

2.5 Calculation of Overtime

Fringe benefits such as vacation pay, holiday pay, sick leave or personal leave shall be used in the computation of overtime pay. For example, eight (8) hours of personal leave used during the pay period will count toward the normal forty (40) hour work week.

2.6 Pay Scale

Starting pay and increases in pay scale shall be the responsibility of the Selectboard.

Section 3: Safety

3.1 Employee Safety

The Town of Proctor is concerned with the general safety of its employees, the general public and with the overall operating procedures within each Department. Each employee is required to familiarize himself/herself with his/her Department's safety rules and regulations. Failure to observe proper safety procedures and requirements is grounds for disciplinary action and/or dismissal.

Employees in any emergency situation are expected to use judgment and care, and perform his/her duties in such a manner to insure the safety of his/herself, co-workers, and the general public. "Emergency" can be defined as a situation demanding immediate action and/or a situation which is believed to pose a threat to life or limb.

Every effort should be made to protect employees and the general public from accidents at all times (e.g., danger signs or barriers shall be placed to warn a person of a potentially dangerous situation).

Employees are required to wear appropriate personal protective equipment as required (e.g., hard hat, safety glasses, hearing protection, respirators, etc.). For specific safety and health policies and procedures refer to the Town of Proctor Safety and Health Program Manual.

All employees are expected to comply with the applicable safety and health rules and orders of VOSHA. In addition, if an employee believes that a safety or health violation exists that threatens physical harm or that an imminent danger exists, he shall alert his supervisor or the appropriate person at the Town. Also, no person shall discriminate against any employee who makes a report to VOSHA or participates in any proceedings.

3.2 Accident Reporting Procedures

When an employee or other person has been injured a "First Report of Injury" form must be properly completed according to the procedures described in Section 7.7.1 of this manual.

If there has been damage to Town of Proctor or private property while on the job, a properly completed accident report (see **Appendix B**) must be submitted within twenty-four (24) hours of the accident. The employee's supervisor shall be responsible for signing and forwarding the properly completed report to the Administrative Assistant for processing. A copy of the completed report shall also be forwarded to the Selectboard to ensure that they are made aware of the incident. If one or more employees other than the employee reporting the accident witnessed the accident, at least one such employee must sign the accident report.

Section 4: Leaves

4.1 Policy

The Town of Proctor recognizes that your job represents only a portion of what you do and how you spend your time. In acknowledging that employees require time away from work to attend to personal, family, and medical needs, the Town provides a variety of paid and unpaid leaves.

Leave is defined as any absence that occurs during an employee's regularly scheduled work hours that is approved by a supervisor. Leave may be authorized with or without pay, and shall be granted in accordance with the policies outlined below on the basis of the work requirements of the employee's Department and, whenever possible, the personal needs of the employee. Leaves, as set forth in this section, shall be granted only to full-time employees.

4.2 Procedure for Requesting Leave

With the exception of holiday, sick, and injury leave, an employee must submit a written request to his/her supervisor indicating the type of leave and the dates of intended departure and return. This request must be approved in writing prior to taking of the leave. Such approval shall not be unreasonably withheld.

4.3 Holiday Leave

The following days are recognized as Town of Proctor holidays:

January	New Year's Day	November	Veteran's Day
May	Memorial Day		Thanksgiving Day
July	Independence Day		Day after Thanksgiving Day
August	Bennington Battle Day	December	Christmas Day
September	Labor Day		

It is the policy of the Town to ensure that all full-time employees enjoy the same number of holidays each year. The standard shall be the number of holidays in a particular year that will be celebrated by full-time employees working a normal work week, Monday through Friday. Therefore, when a holiday falls on a Saturday or Sunday it will be observed as prescribed by the Federal Government.

An employee becomes eligible for holiday leave upon his/her date of hire. For an employee to qualify for pay for these un-worked holidays, the employee must have

- Worked his/her last scheduled day before the holiday is observed;
- Worked his/her scheduled work day after the holiday is observed if any such days are scheduled for him/her;
- Unless a doctor's note is present to verify illness or hospitalization; or
- He/she has been granted permission to take a vacation day.

Employees on vacation during the period in which a holiday falls shall be eligible for another day off with pay mutually agreed upon by the affected employee and his/her supervisor.

In the event that an employee is required to work on a paid holiday, that employee shall receive overtime pay for the hours worked.

4.4 Vacation Leave

4.4.1 Accrual of Vacation Leave

Vacation leave may be taken as earned time after completion of six (6) months of continuous service. Thereafter, each employee shall be entitled to earn vacation leave on the basis of the following table:

6 months through completion of 1 year	5 working days
1 year through completion of 5 years	10 working days
6 years through completion of 10 years	15 working days
In excess of 10 years	20 working days

Vacation leave will not be accrued during any type of leave of absence without pay.

4.4.2 Vacation Leave Use

Employees are eligible to take their full earned vacation leave at any time between July 1 and June 30 of the current fiscal year, with approval of his/her supervisor.

Vacation leave may not be accumulated from year to year. The Town has a “use it or lose it” policy on vacation leave. All vacation leave must be used by the end of the fiscal year (i.e., June 30 of the current year).

Absence on account of sickness, injury, or disability in excess of that accrued through this benefits handbook, at the request of the employee and the approval of his/her supervisor can be charged against earned vacation leave. Employees may also take vacation leave to care for members of their family who are ill.

Vacations may not be taken in segments exceeding two weeks without authorization from the Selectboard.

In the event of adverse weather conditions or other emergencies, public works personnel who are on vacation, may be called to return to perform municipal services (e.g., snow removal, water filter plant maintenance). Employees shall either be paid overtime for hours worked or arrange to take off an equivalent amount of time at a later date.

4.4.3 Payment for Accrued and Unused Vacation Leave

Upon separation, an employee shall be eligible for vacation pay that has accrued, which has not been used (provided the employee gives a minimum of two (2) weeks notice if he/she resigns). There is no payout at year end for accrued and unused vacation time. Vacation leave may not be accumulated from year to year. The Town has a “use it or lose it” policy on vacation leave.

4.5 Personal Leave

4.5.1 Accrual of Personal Leave

Employees shall accrue a total of 40 hours of personal leave per year, computed from thirty (30) days after the date of hire.

4.5.2 Personal Leave Use

After thirty (30) days after the date of hire, employees are eligible to take their full earned personal leave at any time between July 1 and June 30 of the current fiscal year, with approval of his/her supervisor. Personal leave may be taken in hour increments to accommodate special needs of employees.

Personal leave may not be accumulated from year to year. The Town has a “use it or lose it” policy on personal leave. All vacation leave must be used by the end of the fiscal year (i.e., June 30 of the current year).

Absence on account of sickness, injury, or disability in excess of that accrued through this benefits handbook, at the request of the employee and the approval of his/her supervisor can be charged against earned personal leave. Employees may also take personal leave to care for members of their family who are ill.

4.5.3 Payment for Accrued and Unused Personal Leave

Upon separation, an employee shall not be eligible for personal leave pay that has accrued, which has not been used. There is no payout at year end for accrued and unused personal time. Personal leave may not be accumulated from year to year. The Town has a “use it or lose it” policy on personal leave.

4.6 Sick Leave

4.6.1 Eligibility

Sick leave shall mean any leave attributable to any physical or mental sickness that prevents an employee from performing his/her regular duties, including, but not limited to, disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery there from.

Sick leave shall not be considered a benefit that an employee may use at his/her discretion, but shall be used only in case of actual sickness.

4.6.2 Accrual of Sick Leave

Employees shall accrue a total of 40 hours of sick leave per year, computed from thirty (30) days after the date of hire.

4.6.3 Sick Leave Use

After thirty (30) days after the date of hire, employees are eligible to take their full earned sick leave at any time between July 1 and June 30 of the current fiscal year, with approval of his/her supervisor. Sick leave may be taken in hour increments to accommodate special needs of employees.

An employee who is absent from work on account of sickness must:

- Inform his/her supervisor of such fact at the first reasonable opportunity; and
- If the employee is convalescing at home, he/she must report to his/her supervisor either in person, by telephone or letter at least once per week. If the employee is away from his/her place of residence, a physician’s statement explaining why such absence is necessary, along with an estimate of the required period of absence, may be required at the discretion of the Selectboard.

Employees may use sick leave for the purpose of seeing a doctor or dentist and inform their supervisor ahead of time of their planned absence.

Sick leave may not be accumulated from year to year. The Town has a “use it or lose it” policy on sick leave. All sick leave must be used by the end of the fiscal year (i.e., June 30 of the current year).

4.6.4 Certification of Illness

If the Selectboard has reason to believe that an employee may be taking sick leave unnecessarily, or if an employee is out of work for three (3) consecutive working days due to illness, the Selectboard, to determine sick leave eligibility, may require:

- A certification of disability from his/her physician (specifying the expected length of the sick leave and/or any work restrictions or light-duty assignments upon return to work) in order to be eligible for benefit for that particular absence (unless otherwise agreed to, a certificate of disability from a physician shall be the responsibility of the employee).

Sick leave may be denied by the Selectboard upon a determination that the employee’s condition is not sufficiently serious to justify sick leave.

4.6.5 Payment for Accrued and Unused Sick Leave

Upon separation, an employee shall not be eligible for sick leave pay that has accrued, which has not been used. There is no payout at year end for accrued and unused sick time. Sick leave may not be accumulated from year to year. The Town has a “use it or lose it” policy on sick leave.

4.7 Work-Related Injury Leave

4.7.1 Injury Reporting, Paperwork and Pay

An employee injured on the job, however slightly, must report the incident/accident immediately to his/her supervisor. If necessary, the employee shall seek medical attention immediately. The supervisor must file a “First Report of Injury” form (see **Appendix C**) by the end of the next normal workday with the Administrative Assistant for processing and notify the Selectboard Chair within twenty-four (24) hours.

After filing the First Report of Injury form, the VLCT PACIF will follow-up with one of three (3) letters: 1) No Medical Attention, 2) Medical Only, or 3) Lost Time. The specific condition will dictate any subsequent forms that need to be completed and returned. Sample letters and corresponding forms are provided in **Appendix C**.

An employee may be unable to perform his/her regular duties based upon the physician’s report provided to the Administrative Assistant. When this occurs, the employee may be eligible to receive compensation benefits from the VLCT PACIF. All expenses related to an on-the-job injury are subject to approval by the VLCT PACIF.

A summary of rights and benefits for employees injured while on the job is provided in **Appendix D**.

If you cannot work four (4) days or more due to your injury, you get temporary total disability benefits. The amount is 2/3rds of your base wage. You get an additional \$10 per week for each of your children. The Town of Proctor also has a Wage Continuation Program to supplement the

Worker's Compensation wage replacement benefit. To be eligible for the Wage Continuation benefit you must:

- Be eligible for weekly benefits under the Worker's Compensation Act; and
- Have been employed by the Town for over one (1) year.

You are then entitled to wage continuation compensation for four (4) weeks at forty (40) hours.

Lost time attributable to a work-related injury shall be reported on an employee's timesheet as "injury leave." Injury leave shall mean paid leave given to an employee due to absence from duty caused by an accident, injury or occupational disease that occurred while the employee was engaged in the performance of his/her duties.

Worker's Compensation benefit payments are not taxable – i.e., there should be no tax withholdings from the benefit payment.

4.7.2 Workers' Compensation Insurance

The Town of Proctor is a member of the Vermont League of Cities and Towns Property and Casualty Intermunicipal Fund (VLCT PACIF). All policies in this handbook are consistent with the 2004 VLCT PACIF Workers' Compensation and Employers' Liability Coverage Provisions.

4.8 Non-Work-Related Injury/Illness Leave

4.8.1 Injury Reporting, Paperwork, and Pay

An employee suffering from a non-work-related injury or illness must inform his/her supervisor of such fact at the first reasonable opportunity. If you anticipate being unable to work for more than seven (7) days you should apply for Short-term Disability benefit payments. Application forms for Short-term Disability claims are available from the Administrative Assistant.

If approved, the Short-term Disability benefit payments are 60% of your base wage.

Lost time attributable to a non-work-related injury shall be reported on an employee's timesheet as "non-work-related injury leave." Non-work-related injury leave shall mean paid leave given to an employee due to absence from duty caused by an accident, injury or occupational disease that occurred while the employee was not engaged in the performance of his/her duties.

Short-term Disability benefits are taxable – i.e., at a minimum social security and medicare taxes will be withheld from benefit payments. It will be up to the employee to request additional state and federal tax withholdings.

4.8.2 Short-term Disability Insurance

The Town of Proctor is a member of the Vermont League of Cities and Towns Health Trust. All policies in this handbook are consistent with the VLCT Health Trust Group Short Term Disability Coverage Provisions.

4.9 Bereavement Leave

The purpose of bereavement leave is to enable an employee to take care of personal arrangements and needs caused by the death of a member of his/her family or domestic partner and to relieve him/her of the concern over loss of earnings on the regularly scheduled workdays immediately following the death.

Employees become eligible for payment of time lost due to bereavement after thirty (30) days from the date of hire. Employees may take up to three (3) days off in the event of the death of a member of their immediate family (e.g., parent, spouse, child), three hours off for a local funeral, and up to one day off for a non-local funeral of a member of their extended family. If a death occurs during an employee's scheduled vacation, additional vacation day(s) may be granted to make up for those used for bereavement leave. An employee may utilize vacation or personal leave to supplement bereavement leave. Such leaves are subject to approval by the Selectboard.

4.10 Civil Leave

An employee summoned to jury duty shall be excused from his/her normal work schedule for the period necessary to perform such duty. An employee required to serve on a jury, and thus be absent from regular duty, shall be paid the difference between the compensation received from such jury service and his/her usual weekly pay upon presentation of proof of jury pay received.

4.11 Parental and Family Leave

Any full-time employee shall be entitled to take unpaid leave for a period not to exceed twelve (12) weeks in a twelve (12) month period during the employee's pregnancy and following the birth or adoption of his/her child. The twelve (12) month period begins on the first day of leave.

Written notice of intent to take parental leave shall be given to the Selectboard, including the date of leave expected to commence and estimated duration of the leave, four (4) weeks prior to the anticipated commencement of the leave. Upon approval of the Selectboard, an employee may commence or return from leave earlier or later than estimated.

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

Any full-time employee shall be entitled to take unpaid family leave for a period not to exceed twelve (12) weeks in a twelve (12) month period to care for a seriously ill spouse, child, stepchild, ward, foster child, parent, or parent of the employee's spouse. The twelve (12) month period begins on the first day of leave.

Accrued vacation, sick, or personal leave may be used by the employee during parental or family leave. However, utilization of vacation, sick, or personal leave shall not extend the twelve (12) weeks allowed for parental and family leave if the weeks are taken continuously.

The Town of Proctor shall continue employment benefits for the duration of the parental or family leave.

4.12 Unpaid Leave

Unpaid leave for specific purposes shall be considered by the Selectboard on a case by case basis.

4.13 Special Leaves of Absence

Special leaves of absence normally not to exceed ten (10) days may be granted with or without pay, for unusual reasons, with the approval of the Selectboard when it is, in their opinion, in the best interests of the Town of Proctor.

Section 5: Employee Benefits

5.1 Insurances

5.1.1 Medical and Health

Full-time employees and qualified elected or appointed officials are eligible for complete group health coverage as offered by the Town of Proctor. Employees become eligible to participate in the plan thirty (30) days after their date of hire. Application to enroll in the plan must be made to the Administrative Assistant.

The Town shall pay eighty-five (85) percent of the cost of the insurance plan for the employee and his/her family, if applicable, with the employee paying fifteen (15) percent.

In the event that your employment with the Town of Proctor is terminated, you and any of your family members who are covered by our plan may continue coverage with the group under federal "COBRA" (Consolidated Omnibus Budget Reconciliation Act of 1985) mandates. You must pay the entire premium for your coverage.

5.1.2 Life and Accidental Death and Dismemberment

Full-time employees and qualified elected or appointed officials are eligible for life and accidental death and dismemberment coverage as offered by the Town of Proctor. The effective date of the current group policy is February 1, 2003. Qualified employees working for the Town on February 1, 2003 became eligible for the benefits on the first day of the following calendar month. Qualified employees hired after February 1, 2003 become eligible for the benefits on the first day of the calendar month following the date they were hired.

This is a noncontributory policy with the Town paying one hundred (100) percent of the premium.

5.1.3 Short-term Disability

Full-time employees and qualified elected or appointed officials are eligible for short-term disability coverage as offered by the Town of Proctor. The effective date of the current group policy is February 1, 2003. Qualified employees working for the Town on February 1, 2003 became eligible for the benefits on the first day of the following calendar month. Qualified employees hired after February 1, 2003 become eligible for the benefits on the first day of the calendar month following the date they were hired.

This is a noncontributory policy with the Town paying one hundred (100) percent of the premium.

Refer to Section 4.8 Non-Work-Related Injury/Illness Leave for a summary of the current short-term disability coverage and procedures that apply. The Town does not provide long-term disability coverage.

5.1.4 Unemployment

The Town of Proctor shall provide Unemployment Insurance, as established by Federal and State statutes on Unemployment Insurance and pay the premium.

5.1.5 Worker's Compensation

The Town of Proctor shall provide Workers' Compensation Insurance, as established by State statutes on Workers' Compensation Insurance and pay the premium. See Section 7.7 Work-Related Injury Leave.

5.2 Social Security and Medicare

The Town of Proctor shall contribute to the employee's social security and Medicare taxes in the amount prescribed by Federal statutes.

5.3 Employee Assistance Program

The Town of Proctor provides all full-time employees and qualified elected or appointed officials with the services of an Employee Assistance Program (EAP). The program is designed to provide personal and/or family counseling in areas such as marital or dependent relationship difficulties, alcohol and drug abuse, stress, legal or financial concerns, problems with children, and emotional problems. These services are provided at little or no cost to the employee or the employee's immediate family members. Participation in the EAP is confidential.

See **Appendix E** for a summary of the EAP provisions.

5.4 Educational Aid

Full-time employees are encouraged to seek outside training, as necessary, to develop and improve the skills required for their position. Required training should be identified in an Employee's Performance Plan. An employee must obtain approval from the Selectboard prior to enrolling in training courses/workshops. The Town of Proctor shall pay for registration fees, course materials, mileage reimbursement to/from training location, and meals.

5.5 Retirement – 457 Deferred Compensation Plan

Full-time employees and qualified elected or appointed officials are eligible for retirement benefits as offered by the Town of Proctor. Employees become eligible to participate in the retirement plan after thirty (30) days from date of hire. The Town, however, will provide a matching contribution of five (5) percent of the gross forty (40) hour weekly pay after the employee's three (3) year anniversary date. To receive the matching contribution, the employee is required to contribute a minimum of five (5) percent of the gross forty (40) hour weekly pay. There is no vesting schedule for the matching contribution. The employee is considered 100% vested as of his/her three (3) year anniversary date.

See **Appendix F** for a plan enrollment form.

5.6 Uniforms

The Town of Proctor provides uniforms for its Highway, Water, and Wastewater Department employees and pays one hundred (100) percent of rental costs.

5.7 Mileage Reimbursement

The Town of Proctor shall provide mileage reimbursement for use of personal vehicles for municipal business at a rate equal to that set by the Internal Revenue Service.

Section 6. Personal Conduct

6.1 General Requirements

Every employee shall perform to the best of his/her ability, the duties and responsibilities of his/her position, based upon his/her job description. See **Appendix G** for Town of Proctor employee job descriptions. All employees shall during hours of duty devote his/her full time, attention, and efforts to his/her office and employment. An employee shall not use his/her position to serve special privileges or exemption for him/herself or others.

6.2 Town of Proctor Drug and Alcohol-Free Workplace Policy

[Section updated by Selectboard on June 28, 2010.]

As an employer, the Town of Proctor is responsible for maintaining safe, efficient working conditions for its employees by providing a drug-free workplace. Therefore, municipal employees shall not engage in the unlawful manufacture, distribution, possession or use of controlled substances (drugs) on the job or on any municipal work site.

An employee who is under the influence of any drug on the job may pose serious safety and health risks not only to the user but also to co-workers and the general public at large.

The following conditions shall be applicable to all employees of the Town of Proctor:

- Employees shall be required, as a condition of their employment, to abide by the terms and conditions of this Drug and Alcohol-Free Workplace Policy.
- An employee shall notify his/her supervisor, who shall notify the Selectboard, of any criminal drug or alcohol statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Failure to do so will result in discipline, up to and including dismissal.
- If a convicted employee works in a federally funded program, the involved federal grant agency shall be notified of the conviction within ten (10) days of the municipality's receiving the notice of the conviction.
- An employee convicted under any criminal drug statute for a violation occurring in the workplace, while on or off duty, or on duty away from the workplace, shall be immediately dismissed for the first offense.
- In the absence of compelling mitigating circumstances, an employee convicted under any criminal drug or alcohol statute or for a violation not occurring in the workplace while not on duty shall be subject to immediate dismissal for the first offense if convicted of a felony. If the conviction is not a felony, discipline up to and including dismissal may be imposed, including for the first offense, provided that there is a direct connection between the offense and the job of the employee. For example, if an employee is required to possess a valid driver's license as noted on his/her job description (including CDLs), he/she must notify the Selectboard immediately if his/her driver's license is suspended as a result of any criminal conduct conviction. Criminal conduct conviction may be considered grounds for disciplinary action, up to and including dismissal.

- Appropriate disciplinary and/or corrective action is to be taken within thirty (30) days after the employer receives notice of a conviction. This, however, is not to be construed to limit the authority of the employer to take such action thereafter. Any disciplinary action must comply with Section 504 of the Rehabilitation Act of 1978 and the Americans with Disabilities Act, if applicable.
- An employee not convicted under any criminal drug statute, but who engages in the illegal manufacture, distribution, dispensation, possession or use of controlled substances in any municipal workplace while on or off duty, or on duty away from the workplace, shall be subject to discipline up to and including dismissal for the first occurrence. An employee engaging in such actions while off duty and away from the workplace may be subject to discipline, up to and including dismissal, including for the first offense, provided there is a nexus to the employee's job and just cause for the discipline.
- Any employee on municipal premises who appears to be under the influence of, or who possesses illegal or non-medically authorized drugs, or who has used such drugs on municipal premises, may be temporarily relieved from duty pending further investigation.
- If the use of legal drugs endangers safety, management may (but is not required to) reassign work on a temporary or permanent basis.
- Employees must observe other work rules established by their employing departments regarding the use, possession or presence of drugs involving their employment.
- Each employee of the municipality will make a good faith effort to maintain a drug-free workplace and uphold and promote this policy.

Legal Drugs: For certain positions, the legal use of a drug can pose a significant risk to the safety of the employee or others. Employees who feel or have been informed that the use of such a drug may present a safety risk, are to report such drug use to their immediate supervisor.

Illegal Drugs: The use, sale, purchase, transfer or possession of an illegal drug by an employee while in a municipal facility, while performing municipal business, or while on the job is prohibited. Being under the influence of any illegal drug while conducting municipal business, while on municipal property or in a municipal facility, or while operating any municipal equipment is prohibited. Misuse of prescription drugs is considered to be the illegal use of drugs, this includes both the use of such drugs in a manner inconsistent with the prescribed use and any use of prescription drugs by persons for whom they are not prescribed.

It is the responsibility of each municipal Supervisor/Manager to advise each employee of this policy; to post the policy annually at each worksite; to include a copy of this policy in each new employee's orientation.

It is the responsibility of each employee to be aware of and to abide by this policy.

It is the responsibility of the Selectboard to ensure that managers, supervisors, and employees receive training and orientation regarding the implementation of this policy.

Definitions:

Controlled Substance: as used in this policy shall mean a controlled substance in Schedule I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined in regulation at 21 CFR 1300.11 - 1300.15.

Conviction: means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

Criminal Drug Statute: means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use of, or possession of any controlled substance.

Illegal Drug: any drug which is not legally obtainable, or which is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and not being used for prescribed purposes.

Legal Drug: includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

Under the Influence: means, for purposes of this policy, that the employee is noticeably affected by a drug.

Workplace: is defined to include non-municipally owned property which is used in the conduct of municipal business, including property used temporarily for business related purposes, such as lodging sites rented for seminars, training, or other municipal activities.

6.3 Town of Proctor Smoking Policy

[Section updated by Selectboard on March 8, 2010.]

The Town of Proctor, in order to comply with the provisions of 18 VSA 1421, et seq., has established this policy to protect workers by prohibiting smoking and use of smokeless tobacco products in the workplace except in designated areas.

The United States Surgeon General, in his 1986 report on Involuntary Smoking, concluded:

- Involuntary Smoking is a cause of disease, including lung cancer, in healthy nonsmokers;
- The simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to environmental tobacco smoke.

In 1993, the Environmental Protection Agency (EPA) classified environmental tobacco smoke as a Group A carcinogen, that is, a substance known to cause cancer in humans. The EPA recognizes no safe level of exposure for Group A carcinogens.

Smokeless tobacco is a significant health risk and is not a safe substitute for smoking cigarettes. According to the Centers for Disease Control, smokeless tobacco contains 28 cancer-causing agents (carcinogens). It is a known cause of human cancer, as it increases the risk of developing cancer of the oral cavity, other oral health problems, and can lead to nicotine addiction and dependence.

In light of these findings, Town of Proctor municipal facilities and vehicles shall be entirely smoke and tobacco free. Smoking and use of smokeless tobacco products is strictly prohibited within all Town-owned vehicles; within all municipal facilities including the Town Office, Town Garage, Water and Wastewater Department buildings, Fire Department, Skating Rink hut/rink, Pool; and within all municipal job sites.

This policy applies to all employees, clients, contractors, and visitors. Smoking may only occur at a reasonable distance (e.g., 30 feet or more) outside any enclosed area where smoking is prohibited to insure that environmental tobacco smoke does not enter the area through entrances, windows, ventilation systems or any other means. Copies of this policy are posted at each municipal facility.

6.4 Town of Proctor Anti-Sexual Harassment Policy

Sexual harassment is unlawful in the workplace; therefore, the Town of Proctor is committed to providing a harassment-free work environment for all persons, regardless of their race, sex, religion, color, age, handicap, national origin, or sexual orientation. Any employee who engages in such harassment, who permits employees under his/her supervision to engage in such harassment, or who retaliates or permits retaliation against an employee who reports such harassment, is guilty of unlawful conduct and shall be subject to remedial action which may include the imposition of discipline up to and including dismissal. Retaliation against witnesses or persons who participate in the investigation of harassment is also unlawful conduct, and offenders may be subject to discipline up to and including dismissal.

In the workplace, constitutionally protected speech does not include ethnic or sex-related slurs, unwelcome sexual advances, the display of derogatory graphic materials, verbal or physical conduct of a racial or sexual nature, or other forms of harassing conduct. This type of behavior is unprofessional and produces an uncomfortable work environment. This unlawful conduct will not be tolerated.

Sexual harassment includes, but is not limited to the following:

- Unwelcome or unwanted sexual advances, including patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or other similar physical conduct considered unacceptable by another individual;
- Requests or demands for sexual favors, including subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequence concerning one's employment status;
- Verbal abuse or kidding that is sexually oriented and considered unacceptable by another individual, including commenting about an individual's body or appearance where such comments go beyond mere courtesy; telling "dirty jokes" that are clearly unwanted and considered offensive by others, or any sexually-oriented comments, innuendos, or actions that offend others;
- Engaging in any type of sexually-oriented conduct that would unreasonably interfere with another's work performance, including extending unwanted sexual attention to someone that reduces personal productivity or time available to work at assigned tasks; and
- Creating a work environment that is intimidating, hostile or offensive because of unwelcome or unwanted sexually-oriented conversations, suggestions, requests, demands, physical contacts or attention or display of posters, photos, or calendars.

All supervisors and acting supervisors shall maintain a working environment that is free and secure from occupational hazards including sexual harassment. Any intrusion into the work location of any element that can cause an undue interference to an employee's performance of assigned duties shall not be tolerated. Supervisors should demonstrate by their own conduct that they are committed to providing a work environment free of harassment. Supervisors shall at all times refrain from harassment and retaliation and should counsel and instruct subordinates in defining and preventing harassment.

Supervisors or acting supervisors shall immediately deal with any act of sexual harassment of which they become aware. If the supervisor or acting supervisor is unable to make a resolution, he/she shall notify the Selectboard Chair within 24 hours. Every precaution shall be taken to ensure confidentiality at this informal information-gathering stage. This shall be followed by a written report.

The supervisor or acting supervisor shall immediately investigate any complaint of sexual harassment, and move to have any such incident resolved. Supervisors will notify the Selectboard Chair any time an employee complains of harassment or of conduct which would constitute harassment.

When employees report harassment by citizens, supervisors shall use all appropriate means to stop the harassing conduct. The supervisor shall promptly inform the Selectboard about the report and what was done to resolve it.

Individuals who experience sexual harassment should make it clear to the offending person that such behavior is offensive to them. Upon the occurrence of an act of sexual harassment or upon repetition of such acts, the victim should immediately report the incident to his/her supervisor or Selectboard Chair. All employees are assured that they may make such reports without fear of retaliation or reprisal by the Town or their supervisors.

The employee has the right to speak in private with the person to whom the sexual harassment complaint is made, or to have a witness to the harassment present.

Each complaint of sexual harassment will be fully and completely investigated by the Selectboard. All investigations will be handled with discretion, sensitivity, and due concern for the dignity of those involved, and will be as thorough as necessary. Anyone who is alleged to have committed acts of sexual harassment will be contacted during the investigation and permitted to make a statement.

All persons named as potential witnesses by the employee will be contacted as required during the course of the investigation. Any employee who has observed the incident(s) of sexual harassment should cooperate in the investigation. All employees are assured that they may cooperate in such investigation without fear of retaliation or reprisal by the Town or their supervisors.

Employees may expect a timely resolution of all complaints.

An employee may decline to use the above described Town procedure and file a complaint directly with:

State of Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609-1001
(802) 828-3171

Equal Employment Opportunity Commission
1 Congress Street
Boston, MA 02114
(617) 565-3200 Voice (617) 565-3204 TDD

He/she may also file with either of these agencies while simultaneously pursuing the Town's complaint procedure.

All employees shall cooperate in investigating complaints of harassment. The nature of harassment violations, particularly those involving sexual harassment require a high degree of confidentiality and flexibility in approaches to investigation and resolution. All employees shall keep their communications in such investigation confidential and shall disclose them only to Town officials and employees who need the disclosure in order to perform their duties.

REMEMBER

SEXUAL HARASSMENT IS ILLEGAL

and is prohibited by

THE VERMONT FAIR EMPLOYMENT PRACTICES ACT
(Subchapter 6 of Title 21 of the Vermont Statutes)

and

TITLE VII OF THE CIVIL RIGHTS ACT OF 1964
(42 United States Code Section 2000e et seq.)

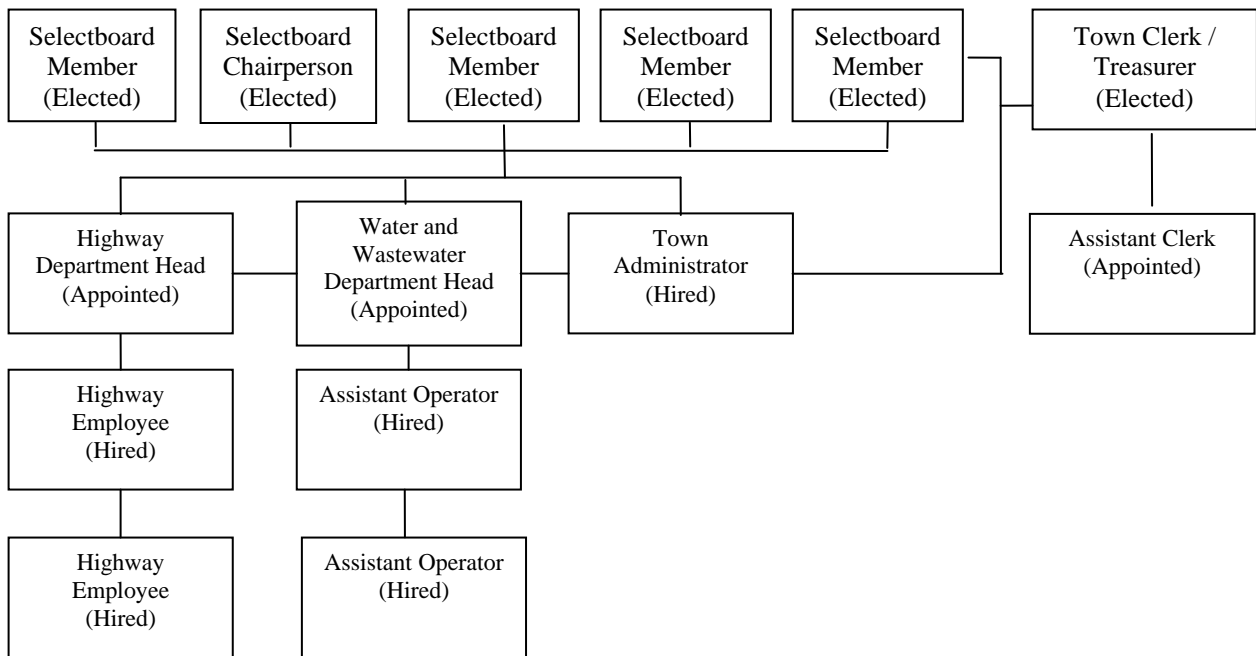
Section 7: Voluntary Separation

7.1 Resignation and Retirement

In the absence of a specific written agreement, employees are free to resign at any time. An employee is strongly encouraged to provide the Town of Proctor with at least two (2) weeks notice prior to separation. An employee who is absent from work for three (3) consecutive days without giving proper notice to his/her supervisor will be considered as having voluntarily resigned. Exceptions (e.g., an extreme emergency) to this policy must be approved by the Selectboard.

In the event that an employee does not provide at least two (2) weeks notice prior to separation, that employee will not be eligible for payment of accrued and unused vacation leave. For information on the payout of accrued and unused leave upon separation, see Section 4.4, Vacation Leave, Section 4.5 Personal Leave, and Section 4.6 Sick Leave.

Appendix A: Elected and Appointed Positions with Organization Chart



Appendix B: Accident Report Form

Appendix C: Workers' Compensation Forms

Appendix D: Work Injuries: Rights and Benefits for Employees Injured on the Job

Appendix E: Employee Assistance Program (EAP) Provisions

Invest EAP is sponsored by the Vermont League of Cities and Towns Health Trust & PACIF. Invest EAP offers confidential counseling, information and referral services to help employees and their families with a variety of personal, work related or family problems. It is paid for in advance by the Town of Proctor and is free for employees and family members to use.

See program brochure for details.

Appendix F: 457 Deferred Compensation Plan Enrollment Form

Appendix G: Job Descriptions