

## **Personnel Policies Town of Cornwall, Vermont**

### **Section 1: Title and Authority**

This policy shall be known as the Town of Cornwall personnel policy. It has been adopted by the Town of Cornwall Select Board pursuant to 24 V.S.A. §§ 1121 and 1122.

This personnel policy does not constitute a contract of employment. Employment with the Town of Cornwall is *at will* and not for any definite period or succession of periods of time. The Town or the employee may terminate employment at any time, with or without notice. The Select Board reserves the right to amend any of the provisions of this personnel policy for any reason and at any time, with or without notice.

This personnel policy will be administered by the Select Board or its authorized representative.

### **Section 2: Persons Covered**

This personnel policy applies to full-time and part-time employees of the Town of Cornwall. Except as stated herein, elected officers and their statutory assistants, members of Town boards and commissions, volunteers, seasonal employees and persons who provide the Town with services on a contract basis are not covered by this policy.

For purposes of this policy, a full-time employee is an employee who works at least 32 hours per week on a regular and continuing basis. A part-time employee is an employee who works fewer than 32 hours per week on a regular and continuing basis.

### **Section 3: Equal Employment Opportunity**

The policy of the Town of Cornwall is to provide equal opportunity to all employees and applicants without regard to race, color, religion, sex, sexual orientation, age, nationality, origin, marital status, disability, veteran's status or any other category under local, state or federal law.

### **Section 4: Probationary Period**

All new employees will be required to complete a three-month probationary period. New employees will be eligible for benefits after successfully completing the probationary period. During the probationary period, an employee may be terminated at any time at the sole discretion of the Town. Notwithstanding any other provision of this policy, an employee terminated during the probationary period will have no right to appeal such termination.

### **Section 5: Hours of Service**

Work hours will be determined by the individual department head.

### **Section 6: Alcohol and Drug Use**

Reporting to work or working under the influence of alcohol or drugs is strictly prohibited, unless the drug is prescribed and used in the manner prescribed by a duly licensed physician or dentist. See the Controlled Substance and Alcohol Employee testing policy approved by the Select Board on August 4, 2009, reviewed September 2010.

### **Section 7: Tobacco Use**

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

### **Section 8: Performance Evaluations**

Employees may be subject to job performance evaluations at such times and in such manner as the Select Board or its authorized representative deems reasonable.

The results of such evaluations will be submitted to the employee, the employee's supervisor, the Select Board and will become a part of the employee's personnel file.

### **Section 9: Personnel Records**

Personnel records will be maintained for each employee of the Town. In accordance with Vermont's Public Records Law, any employee or the employee's designated representative may inspect or copy his or her personnel file at a mutually agreeable time during regular office hours. The Town reserves the right to have its representative present at the time its files are examined or copied.

### **Section 10: Use of Town Computer System**

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

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

### **Section 11: Eligibility for Benefits**

The town offers group health insurance programs for the benefit of its eligible full and part time employees. Eligibility begins after the three month probationary period. Elected officials may be eligible for benefits through a written agreement with the Select Board.

Part-time employees who are regularly scheduled to work at least 32 hours a week are eligible to receive the above benefits on a prorated basis, subject to the eligibility requirements of the insurance carrier.

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

## Section 12: Holiday Leave

After the probationary period, full and part time employees will receive the following paid holiday leave:

- New Year's Day (January 1)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (1st Monday in September)
- Thanksgiving Day (4th Thursday in November)
- Christmas Day (December 25)

Employees will receive holiday leave pay at the employee's regular rate of pay. Part-time employees will receive prorated holiday leave pay based on the number of hours the employee is regularly scheduled to work.

Holidays falling on a Saturday will be observed the preceding Friday. Holidays falling on a Sunday will be observed the following Monday.

Holidays that fall during an employee's vacation leave will not be charged as vacation leave.

## Section 13: Vacation Leave

After the probationary period, full and part time employees will accrue vacation at the following annual rates:

Years of <u>Service</u>	Annual Accrual <u>Rate</u>
1st year	5 days
2nd through 9th year	10 days
10th year through 14th year	15 days
15th and subsequent years	1 day per year of service

Full-time employees will receive vacation leave pay at the employee's regular rate of pay. Part-time employees will receive prorated vacation leave pay based on the number of hours the employee is regularly scheduled to work in a week.

Employees are strongly encouraged to take an annual vacation. If an employee does not use all of the employee's vacation leave in a year, the employee may carry unused vacation leave forward to the next year (CTO time) to a maximum of 240 hours.

An employee who resigns from employment with the Town will be compensated for unused CTO time.

#### **Section 14: Sick Leave**

Employees will receive 10 paid sick leave days per year after the completion of the probationary period. An employee may use sick leave for an illness or injury that prevents the employee from performing the employee's job duties. An employee may also use sick leave to attend the following appointments that cannot be held outside normal working hours:

- A medical appointment
- An appointment eligible for short-term family leave under the provisions of the Vermont Parental and Family Leave Act (21 V.S.A. § 472a).
- Any other appointments authorized in advance by the employee's supervisor.

Full-time employees will receive sick leave pay at the employee's regular rate of pay. Part-time employees will receive prorated sick leave pay based on the number of hours the employee is regularly scheduled to work in a week. If an employee does not use all of the employee's sick leave in a year, the employee may carry unused sick leave forward to the next year (CTO Time) to a maximum of 240 hours. An employee who resigns from employment with the Town will be compensated for unused CTO time.

#### **Section 15: CTO**

Holiday, Vacation and Sick Leave will be calculated using CTO (Combined Time Off). The total number of hours the employee is eligible to receive for the year and will be calculated to determine the amount to be accrued for the number of hours worked each week. The amount accrued will be prorated based on the actual hours worked for the week.

#### **Section 16: Bereavement Leave**

Employees will receive 3 paid bereavement leave days per year. Employees may use bereavement leave for the death of a close relative or any other relative if the relative was living in the same household as the employee immediately preceding his or her death.

Pay for bereavement leave will be at the employee's regular rate of pay. Part-time employees will receive prorated bereavement leave pay based on the number of hours the employee is regularly scheduled to work in a week.

If an employee does not use the entire bereavement leave in a year, the employee may not carry the unused leave forward to the next year. Upon separation from employment, an employee will not be compensated for unused bereavement leave.

#### **Section 17: Parental and Family Leave**

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

#### **Section 18: Short Term Family Leave**

In accordance with the Vermont Short Term Family Leave Law, eligible employees may be entitled to take unpaid leave not to exceed four hours in any thirty-day period and not to exceed twenty-four hours in any twelve month period for the following purposes:

- To participate in preschool or school activities directly related to the academic educational advancement of the employee's child, step-child, foster child, or ward;

- To attend or accompany the employee's child or other family member to routine medical or dental appointments;
- To accompany the employee's parent, spouse or parent-in-law to other appointments for professional services related to their care and well-being; or
- To respond to a medical emergency of the employee's family member.

The Town may require that leave be taken in a minimum of two-hour segments. At the option of the employee, accrued paid leave may be used. An employee shall make a reasonable attempt to schedule appointments for which leave may be taken outside of regular work hours. An employee shall provide the Town with the earliest possible notice of the intent to take short term family leave, but in no case later than seven days before leave is to be taken, except in the case of an emergency.

### **Section 19: Military Leave**

The Town will comply with the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4303 et seq., and 21 V.S.A. §§ 491 et seq.

### **Section 20: Overtime and Compensatory Time Off**

In accordance with the Fair Labor Standards Act, the Town compensates all nonexempt employees at the rate of one and one-half hours for each hour actually worked in excess of forty hours in any workweek. Employees employed in executive, administrative or professional capacities as defined by the FLSA are exempt from this requirement.

In lieu of overtime pay, nonexempt employees may accrue compensatory time off ("comp time") subject to the following conditions:

- Comp time is earned at a rate of one and one half hours for each hour worked in excess of forty hours in any workweek.
- An employee may accrue a maximum of four hundred and eighty hours of comp time (480 hours of comp time represents 320 hours of actual overtime work). An employee who has accrued 480 hours of comp time will be paid overtime compensation for additional overtime hours of work.
- An employee may, at the Town's discretion, be paid in cash in lieu of compensatory time off.
- An employee receiving payment for accrued comp time will be paid at the regular rate of pay earned by the employee at the time the employee receives such payment.
- Upon termination from employment, an employee will be paid for unused comp time at a rate not less than the average regular rate of pay received by the employee during the last three years of employment or the employee's final regular rate of pay, whichever is higher.

An employee who has accrued comp time and requested use of comp time will be permitted to use such time off within a reasonable period after making the request, if such use does not unduly disrupt the Town's operations. Requests for use of comp time must be submitted to the employee's supervisor, who will have sole discretion to grant or deny the request. Requests for use of comp time will not unreasonably be withheld.

## **Section 21: Employment Discrimination**

Vermont and federal law prohibit employment discrimination or retaliation based on race, color, religion, sex, national origin, age, or against a qualified individual with a disability with respect to all employment practices. Vermont law also prohibits discrimination based on sexual orientation, ancestry, HIV status, and place of birth. It is also unlawful to retaliate against employees or applicants who have alleged employment discrimination.

The Town of Cornwall will adhere to all Federal and State laws relating to employment discrimination.

## **Section 22: Sexual Harassment**

Sexual harassment in the workplace is illegal under federal and Vermont law and is strictly prohibited. The Town is committed to providing a workplace free from this unlawful conduct. Please see the Town of Cornwall's Sexual Harassment Policy.

## **Section 23: Employee Discipline**

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

The progressive discipline process does not apply to elected officers and their statutory assistants. However, an elected officer may choose to follow the requirements of this policy for discipline and termination of his or her statutory assistants. A statutory assistant means an individual appointed to his or her position by an elected officer of the Town having express statutory authority to appoint an assistant. Statutory assistants include the assistant clerk and the assistant treasurer.

Under the town's progressive discipline process, an employee may be subject to disciplinary action, up to and including termination, for violation of the provisions of this personnel policy and/or failure to maintain an acceptable level of performance. The Town may take prior disciplinary action into consideration when disciplining or terminating an employee.

## **Section 24: Employee Termination Process**

The Town of Cornwall has adopted an employment termination process. Most often, employee conduct that warrants termination results from unacceptable behavior, poor performance, or violation of the Town's policies, practices, or procedures. However, termination may result from conduct that falls outside of those identified areas. The Town need not utilize this termination process but may take whatever action it deems necessary to address the issue at hand.

The Town also retains the right to unilaterally eliminate a position and thus terminate employment or reduce the work hours for some or all employees due to economic conditions, shortage of work, organizational efficiency, changes in departmental functions, reorganization or reclassification of positions resulting in the elimination of a position or for other related reasons. In such case, this termination process does not apply.

Probationary employees are not subject to the Town's termination process. Notwithstanding any other provision of this policy, an employee terminated during the probationary period will have no right to appeal such termination.

**Section 25: Severability**

If any provision of this personnel policy or the application hereof to any person or a circumstance(s) is held invalid, this invalidity does not effect 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.

Reviewed by Select Board: February 2010  
Approved/Adopted by Select Board: April 20, 2010

## **ADDENDUM A: PERSONNEL ACKNOWLEDGEMENT**

I, \_\_\_\_\_ acknowledge that:

A. I received a copy of the Town's personnel policy on \_\_\_\_\_;

B. I have been given an opportunity to ask questions about said policy and I have been provided with satisfactory information in response to my questions;

C. I understand that the language used in this personnel policy is not intended to create, nor should it be construed to create, a contract of employment between myself and the Town;

D. I acknowledge that the Town reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or none at all, in whole or in part, at any time, with or without notice;

E. I acknowledge that I understand the Town's personnel policy and I agree that I will comply with all of its provisions.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date