
TOWN OF WESTFORD

PERSONNEL POLICY

OCTOBER 25, 2023



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NOTE: This document is saved on the P Drive: Town Administrator – Personnel Policy & Job Descriptions – Personnel Policy – Personnel Policy 2023 Approved

PERSONNEL POLICY TOWN OF WESTFORD, VERMONT

Section 1: TITLE AND AUTHORITY

This policy shall be known as the Town of Westford personnel policy. It has been adopted by the Town of Westford Selectboard pursuant to 24 V.S.A. §§ 1121 and 1122. This policy supersedes and replaces all prior manuals, policies, benefits, and practices of the Town of Westford [hereafter “the Town”] regarding employment and personnel matters.

Unless otherwise provided by statute or written contract, employment with the Town of Westford 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, for any reason or no reason, with or without notice or cause. This Policy is not, and should not, be construed as an express or implied contract and it does not modify any existing at-will status of any Town employee. The selectboard reserves the right to revise, modify, delete, or add to any and all policies, rules or benefits described in this personnel policy for any reason and at any time, with or without notice.

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

Section 2: PERSONS COVERED

This personnel policy applies to full-time and part-time (both regular and seasonal) employees and elected and appointed municipal positions of the Town of Westford. Except by separate written agreement, Library Trustees, Library employees, volunteers, and persons who provide the Town with services on a contract basis are not covered by this policy.

For the purposes of this policy, a full-time employee is an employee who works at least 30 hours per week on a regular and continuing basis. A part-time employee is an employee who works fewer than 30 hours per week, but more than 20 hours per week, on a regular and continuing basis. A less-than-twenty-hour employee is one who works less than 20 hours per week on a regular and continuing basis

Section 3: PROBATIONARY PERIOD

All new employees will be required to complete a six-month probationary period. The purpose of this probationary period is to determine whether the employee is suited for the job. During the probationary period, an employee may be terminated at any time at the sole discretion of the Selectboard, or in the case of the Assistant Town Clerk the Town Clerk. Notwithstanding any other provision of this policy, an employee terminated during the probationary period will have no right to appeal such termination.

Section 4: CONDUCT OF EMPLOYEES

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

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

Section 5: CONFLICTS OF INTEREST

Every employee of the Town shall carry out their job responsibilities in a way that ensures that neither the individual employee nor any other employee of the Town will gain a personal or financial advantage from their work for the Town and so that the public trust will be preserved. All decisions made by Town employees shall be made based on the best interest of the community at large rather than the interests of any particular individual or employee.

An employee shall not participate in any official action if the employee has a conflict of interest in the matter under consideration. A "conflict of interest" shall mean a direct or indirect personal or financial interest of the employee, their spouse, domestic partner, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother- or sister-in-law, business associate, employer, or employee, in the outcome of a cause, proceeding, application or any other matter pending before the employee or before the Town.

An employee shall not personally, or through any member of their household, business associate, employer, or employee, represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application or other matter pending before the Town.

An employee shall not use resources not available to the general public, including but not limited to Town staff time, equipment, supplies, or facilities for private gain or personal purposes.

An employee may accept a nominal gift or gratuity in connection with an action associated with their official duties on behalf of the Town with an estimated monetary value not exceeding \$20 once per calendar year, with the understanding that employees may not directly or indirectly ask, demand, exact, solicit, accept or receive any gift, gratuity, act or promise beneficial to that individual, or another, which could influence any action or inaction associated with their official duties on behalf of the Town, or create the appearance of impropriety in connection with any actions or inactions associated with their official duties on behalf of the Town. Nor shall any employee authorized to procure or to recommend procurement of materials, supplies or services corruptly, directly or indirectly, ask, demand, exact, solicit, seek, accept, receive or agree to receive for the employee or another person, any benefit or benefits from the person providing or soliciting the provision of such materials, supplies or services with the exception of items of a *de minimus* nature valued \$20 or less (such as vendor booth "freebies").

Section 6: HOURS OF SERVICE

Regular work hours for persons employed at the Town Office shall be 8:30 a.m. to 4:30 p.m., Monday through Thursday, and 8:30 a.m. to 1:00 p.m. Friday, with 30 minutes' *paid* time allowed for lunch.

Regular work hours for the road crew shall be 6:30 a.m. to 4:30 p.m., Monday through Thursday, with 30 minutes paid time allowed for lunch, unless the Road Foreman and the *Selectboard* agree otherwise.

Regular work hours may be changed at the discretion of the Town and employees may be expected to work additional hours that may exceed forty hours in a given work week, as circumstances require. All road crew employees are required to be available for work on an on-call basis, especially during the winter months. All Town employees are required to be available for work in the event of an emergency, weather-related or otherwise.

Minimum Call Out

An employee will be paid for a minimum of 2 hours at 1½ times an employee's regular hourly rate if they are required to work outside regularly scheduled hours (called out). Minimum call out does not apply when an employee begins work earlier or works longer than their regular work schedule.

All employees are expected to be in attendance during regular work hours. Employees are expected to notify their supervisor in advance when they anticipate being absent from work. Employees who are sick and unable to work as scheduled are expected to notify their supervisor as soon as possible, but no later than 8:30 a.m., or 6:30 a.m. in the case of the Highway Department, absent an emergency.

Section 7: OUTSIDE EMPLOYMENT

The primary occupation of all full-time employees shall be with the Town. Employees may not engage in any outside business activities during their normal working hours. Employees are prohibited from undertaking outside employment that interferes with their job performance or constitutes a conflict of interest, as defined in Section 6 of this Policy.

Prior to accepting any outside employment, employees will disclose their intent to do so in writing and obtain prior approval from the Selectboard that such employment does not constitute a conflict of interest.

A conflict of interest means a direct or indirect personal or financial interest of an employee, his or her close relative, household member, business associate, employer, or employee. A close relative includes a spouse, domestic partner, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law and sibling-in-law.

Section 8: POLITICAL ACTIVITY

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

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

Section 9: NEPOTISM

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

A close relative includes a spouse, domestic partner, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law, and sibling-in-law.

Section 10: ALCOHOL AND DRUG USE

The Town maintains a drug-free workplace and workforce. The use of alcohol or controlled substances (drugs) and the abuse of prescription drugs are not tolerated during work hours, on work premises, while engaged in work activities away from work premises, or during work-related events. As a Town employee, you are prohibited from working, or presenting yourself for work, while under the influence, or severe aftereffects, of controlled substances and/or alcohol. This policy is designed to promote our goal of providing a safe, healthy, and productive work environment. This policy covers all employees, including drivers and other employees who also are subject to drug testing programs performed in accordance with Federal Department of Transportation (DOT) requirements.

Violations of this policy may subject employees to disciplinary action, up to and including termination of employment and referral for prosecution.

See Section 34: THE DRUG-FREE WORKPLACE ACT OF 1988 for additional details.

Section 11: PROHIBITED CONDUCT

The limited, responsible consumption of alcohol on or off municipality premises at a Town-sponsored business or social function is permitted. The Town expects all attendees at such a function to behave in a professional manner and in accordance with Town policies.

The Town reserves the right to search and inspect all areas of the workplace and its premises for the purposes of maintaining a safe and healthy workplace.

An employee whose ability to safely perform their job responsibilities is affected by the taking of prescription drugs, as prescribed, may be removed from their position by the employee's supervisor, or the Selectboard while concerns regarding safety are addressed. Certification from a licensed medical provider may be required to continue or return to work.

In addition to this policy, employees who operate commercial motor vehicles (CMVs) for the Town are also subject to the provisions of the Town's CMV Drug and Alcohol Policy.

Section 12: TOBACCO USE

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

Section 13: PERSONNEL RECORDS

Personnel records will be maintained for each employee of the Town. In accordance with Vermont's Public Records Act, any employee or the employee's designated representative may inspect or copy their 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 14: USE OF TOWN EQUIPMENT

Except as provided in Section 16, the use of Town equipment or property for personal use is strictly prohibited. Employees should have no expectation of privacy regarding anything stored in or on Town-owned property or Town-owned equipment, including but not limited to desks, filing cabinets, lockers,

and vehicles. Employees should expect that such areas are subject to search at any time to retrieve work-related materials or to investigate violations of workplace rules.

Section 15: USE OF TOWN COMPUTER SYSTEM

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

The Town provides electronic communications systems for use in carrying out its business. All communication and information transmitted by, received from, or stored in these systems are the property of the Town and as such are intended to be used for job-related purposes only. Data and information on the system belongs to the Town and will not be deemed personal. Town employees should avoid conducting Town business using their personal computer, device, or accounts.

Occasional, brief, and appropriate personal use of the Town computer system is permitted, provided it is consistent with this policy and does not interfere with an employee's performance of their job duties and responsibilities.

Employees should have no expectation of privacy or confidentiality regarding anything created, sent, or received on the Town computer system, whether they have been assigned a confidential password, or not. The Town reserves the right to monitor at any time its computer system and data with or without notice. 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 Act and may be covered by the record retention requirements of the State of Vermont's General Records Schedules or Disposition Orders. Accordingly, employees shall not discard or delete any files, documents, data, and other electronic messages created, received, or stored on the Town's computer system except as in accordance with law. Questions regarding the requirements of the Vermont Public Records Act, General Records Schedules, or Disposition Orders as they apply to specific files, documents or data should be directed to the employee's supervisor.

Only legally licensed software will be installed on the Town's computers. Employees are prohibited from introducing software from any outside source on the Town's computer system without explicit prior authorization from their supervisor or Town Administrator. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the Town computer system. Software (including applications, demos, upgrades) cannot be copied or installed without the permission of the Selectboard or their designee. Virus protection software shall not be removed or disabled. Every employee must follow the Town's guidelines for scanning all incoming communications and media, including but not limited to all data disks and files entering or leaving the Town should be scanned for viruses. Employees should log off of the network when they will be away from their desk for an extended period.

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

- Communications that in any way may be construed by others as disruptive, offensive, abusive, discriminatory, harassing, or threatening.

- Communications of sexually explicit images or messages.
- Transmission of chain letters or solicitations for personal gain, commercial or investment ventures, religious or political causes, outside organizations, or other non-job-related solicitations during or after work hours.
- Accessing Internet resources, including web sites and news groups, which are inappropriate in a business setting.
- Any other use that may compromise the integrity of the Town and its business in any way.

Nothing in this policy will be interpreted or applied in a manner that interferes with employee rights to organize, form, join, or assist labor organizations, to bargain collectively through representatives of their choosing to the extent allowed by law, or to engage in other concerted activities for the purpose of addressing the terms and conditions of employment.

Section 16: PUBLIC RECORDS

Any written or recorded information that is produced or acquired by a Town employee in the course of Town business is a public record, subject to Vermont's Public Records, 1 V.S.A. §§315 et seq., and may be covered by the State of Vermont's retention rules and disposition schedules for municipal records. Although the Town discourages the use of personal computers, devices, or accounts to conduct Town business (see Section 16, above), the use of a personal computer, device, or account does not prevent an otherwise public record from being subject to public inspection and copying. In the uncommon event that an employee uses their personal computer, device, or account to conduct Town business, the record created, sent, or received should be forwarded by the employee to the employee's Town computer system, or otherwise captured and retained as a Town record. All employees are required to respond in the manner prescribed by Vermont's Public Records Act regardless of where a Town public record may be stored. All employees must provide any public records stored in their personal computers, devices, or accounts that are responsive to a public records request.

Section 17: ELIGIBILITY FOR BENEFITS

Subject to the eligibility requirements of the insurance carriers, the Town offers group insurance and other benefit programs to its eligible full-time employees and elected officials. Details about these benefits, as they exist on the date of hire or election will be provided to the employee or elected official.

Part-time employees who are regularly scheduled to work at least 20 hours a week are eligible to receive the above benefits on a prorated basis, subject to the eligibility requirements of the insurance carrier. If any questions arise regarding the implementation or interpretation of any insurance plan, the terms and conditions of the actual plan documents and summary plan documents shall govern.

This Personnel Policy is not contractual in nature and does not guarantee any continuance of insurance benefits. The Town reserves the right to change insurance carriers, or to add, delete or amend insurance or other 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. The Town will endeavor to provide employees with advance notice of any change in the contribution rate.

Section 18: HOLIDAY LEAVE

The following holidays shall be official holidays together with any other day so proclaimed by the Selectboard:

- New Year's Day (January 1)

- Town Meeting Day (1st Tuesday in March)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (1st Monday in September)
- Thanksgiving Day and the day after (4th Thursday in November)
- Christmas Day (December 25)

Three (3) floating holidays are available as follows: one day January 1st, one day May 1st, and one day September 1st. Floating holidays may be accrued; however, they must be used by December 31st.

Employees will receive holiday leave pay equal to the number of hours of the employee's typical workday on which the holiday falls, 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 be paid as a holiday, not charged as vacation leave.

Section 19: VACATION LEAVE

The following holidays shall be the official holidays of the Town together with any other day so proclaimed by the Selectboard:

<u>Years of Service</u>	<u>Annual Accrual Rate</u>
Less than 1 year	40 hours (1 week)
1-4 years	80 hours (2 weeks)
5-9 years	120 hours (3 weeks)
10-15 years	160 hours (4 weeks)
16+ years	200 hours (5 weeks)

Vacation leave accrual begins on the date of hire on a bi-weekly basis. Probationary employees accrue vacation leave but may not use it until they have worked for six (6) months. An increase in the annual rate of accrual of vacation time will occur on the anniversary date of hire.

Full-time employees will receive vacation leave pay at the employee's regular rate of pay. Part time employees will receive prorated vacation pay based on the number of hours the employee is regularly scheduled to work in a week and at the employee's regular rate of pay. Leave must be taken in a minimum of 15- minute increments.

Employees are strongly encouraged to take an annual vacation.

Employees are expected to make a timely request and make a reasonable effort to schedule vacations in accordance with the needs of the Town. Requests for vacation should be submitted to the employee's supervisor as soon as possible but not less than one week in advance of the requested time off. This notice may be waived at the discretion of the supervisor or Town Administrator. Supervisors shall consider the Town's priorities of business and office coverage before granting such a request. Vacation will be scheduled at the discretion of the Supervisor upon consultation with the employee.

If an employee does not use all of their accrued vacation leave in one calendar year, the employee may carry unused, accrued vacation leave forward to the next year up to a maximum of 240 vacation hours. Any unused, accrued vacation leave that exceeds the amount carried forward will be forfeited. Employees may elect to cash out up to two weeks of accrued vacation leave per year.

An employee who resigns from employment with the Town will be compensated for unused, accrued vacation leave, with the exception that any employee who terminates during their probationary period will not be entitled to compensation for any accrued vacation time.

Section 20: EARNED SICK TIME LEAVE

Definition

For the purposes of this Section of the Policy, the following definition shall apply: “eligible employee” means an employee or an elected official of the Town who: (a) is age 18 or older; (b) works an average of 18 or more hours per week during the year; and (c) is expected to work 20 or more weeks in a 12-month period. This definition includes newly hired employees and those who are still in their probationary period of employment. This definition does not include an individual who: (i) works on a per diem or intermittent basis; (ii) works only when he or she indicates that he or she is available to work; (iii) is under no obligation to work for the Town; and (iv) has no expectation of continuing employment with the Town.

Earned Sick Leave

Eligible full-time employees accrue 80 hours per year of sick time. Part-time employees accrue pro-rated sick time based on the average number of hours they work within a work week. Sick time will be awarded to employees in a lump sum on the employee’s anniversary date. Sick leave may be used as it accrues.

Accrual Limit

An Eligible employee may accrue up to 240 hours of sick time in one 12-month period.

Use of Earned Sick Leave

Eligible employees may use paid leave in increments no smaller than fifteen minutes.

An employee may use accrued sick leave for the purposes below:

- The employee is ill or injured.
- The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.
- The employee cares for a sick or injured parent, grandparent, spouse, domestic partner, child, brother, sister, parent-in-law, grandchild, or foster child, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment, or accompanying the employee’s parent, grandparent, spouse, domestic partner, or parent-in-law to an appointment related to their long-term care.
- The employee is arranging for social or legal services or obtaining medical care or counseling for the employee or for the employee’s parent, grandparent, spouse, domestic partner, child, brother, sister, parent-in-law, grandchild, or foster child, who is a victim of domestic violence, sexual assault, or stalking or who is relocating as the result of domestic violence, sexual assault, or stalking. As used in this section, “domestic violence,” “sexual assault,” and “stalking” shall have the same meanings as in 15 V.S.A. § 1151.
- The employee cares for a parent, grandparent, spouse, domestic partner, child, brother, sister, parent-in-law, grandchild, or foster child, because the school or business where that individual is normally located during the employee’s workday is closed for public health or safety reasons.

Employees are expected to notify their supervisor prior to the first hour of the workday or sooner if they are unable to report to work due to illness or injury. An employee whose absence for reasons of illness or injury extends beyond three (3) consecutive days may be required to obtain a certificate from a licensed medical provider. For all other permitted purposes, employees are encouraged to provide written notice as soon as practicable of the intent to use earned sick time and the expected duration of the employee's absence. Employees are encouraged to make reasonable efforts to avoid scheduling routine or preventive health care or other appointments during regular work hours.

Compensation for the use of paid leave will be at the employee's regular rate of pay.

Use of this paid leave does not diminish the rights, if any, that an employee may have under the Vermont Parental Family Leave Act, 21 V.S.A. § 470.

Carryover of Earned Sick Leave

If an employee does not use all of their accrued sick leave in a 12-month period the accrued, unused sick leave carries over into the next 12-month period up to a total of 240 hours.

Compensation at Time of Separation from Employment

The Town will not compensate eligible employees for unused, accrued sick leave at the time of separation from employment.

Donation of Sick or Vacation Time:

Eligible employees may voluntarily donate up to 5 days of their accrued vacation/sick leave balance to be converted to cash to financially assist another employee who has exhausted their sick leave, vacation leave and holiday hours due to an extended illness or condition. Additional days may be donated upon approval of the Selectboard.

All full-time employees who have completed the probationary period (12 months) will be considered eligible to participate.

The donating employee shall complete a Donor Certification Form. The employee receiving the donation shall complete a Recipient of Donated Sick/Vacation Leave Form. No donations will be processed until the written authorizations are submitted to the Treasurer. The authorization will remain valid until the individual revokes it or they become ineligible to participate.

Prior to proceeding with the donation, the Treasurer will verify the eligibility of the named recipient (i.e. employee status and exhaustion of paid leave).

The donated vacation/sick will be converted to dollars by the Town by multiplying the number of hours donated by the donor's hourly base pay rate at the time of processing. The resulting amount, less mandatory withholding (see below), will be paid to the designated recipient.

The IRS has ruled that these payments are to be considered wages, and therefore taxable income to the recipient. The payment(s) will be included on the recipient's W-2. State and Federal income tax, FICA/Medicare tax and Supplemental Retirement contributions depending on the eligibility of the recipient, will be withheld by the Town at the time of payment. The IRS has ruled that the donating employee realizes no income and incurs no tax-deductible expense or loss, either upon donation or payment to the recipient.

The donations process for a recipient each pay period shall be limited to the amount equal to that individual's regular gross earnings per pay period (i.e. their current hourly base rate multiplied by their scheduled hours of work per pay period). In the event donations exceed this limit, they will be

processed in order of the date on the donation authorization form, with the earliest date processed first. Excess donations will be held until the following pay period(s) and processed at that time.

Once a donation has been processed, neither the donor nor the recipient may revoke the transaction, even if it has not yet been paid.

Section 21: BEREAVEMENT LEAVE

Employees may be provided with up to two paid bereavement leave days (pro-rated for part-time employees) related to the death of a close family member, domestic partner, or member of an employee's household. The exact amount of time off is dependent upon the circumstances and subject to supervisor approval. For purposes of this policy, close family member is defined as the following: spouse, domestic partner, parent, stepparent, grandparent, child, stepchild, foster child, grandchild, sibling, aunt, uncle, niece, nephew, parent-in-law, or sibling-in-law.

Paid bereavement leave does not accrue and thus, when not used, is not carried forward into the next year and will not be compensated upon separation from employment.

Section 22: PARENTAL AND FAMILY LEAVE

The Town reserves the right to designate any qualifying leave of absence granted under this policy as leave under FMLA or the VPFLA. A request for leave must be made to the employees' supervisor or the Town Administrator. Where an employee's leave request is covered by the VPFLA and the FMLA, the Town will adhere to the law that provides the most benefits to the employee. If an employee is entitled to leave under both the VPFLA and FMLA, the leave periods will run concurrently.

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

Section 23 SHORT-TERM FAMILY LEAVE

In accordance with 21 V.S.A. § 472a, 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 12-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, stepchild, foster child, or ward who lives with the employee, such as a parent-teacher conference.
- To attend or accompany the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse or parent-in-law 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 child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse or parent-in-law.

The Town may require that leave (including vacation and personal leave) be taken in a minimum of two-hour segments. At the option of the employee, accrued paid leave may be used. Before taking leave under this section an employee shall make a reasonable attempt to schedule appointments 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 where the required seven-day notice could have a significant adverse impact on the family member of the employee.

Section 24: CRIME VICTIM LEAVE

In accordance with 21 V.S.A. § 472c, eligible employees who are crime victims may be entitled to take unpaid leave for the following purpose of attending a deposition or court proceeding related to:

- a criminal proceeding when the employee has a legal right or obligation to appear at the proceeding.
- a relief from abuse, neglect, or exploitation hearing when the employee is the plaintiff
- hearings concerning an order against stalking or sexual assault, when the employee seeks the order as plaintiff.

A “crime victim” is a person who has obtained a:

- Relief from abuse order against a family or household member.
- Court order against stalking or sexual assault.
- Court order against abuse of a vulnerable adult; or
- Sustained physical, emotional or financial injury as the direct result of the commission or attempted commission of a crime or act of delinquency and is identified as a crime victim in an affidavit filed by law enforcement official with a prosecuting attorney. This also includes the victim’s child, foster child, parent, spouse, stepchild or ward of the victim who lives with the victim, or a parent of the victim’s spouse, provided that the individual is not identified in the affidavit as the defendant.

At the option of the employee, accrued sick leave, vacation leave, or any other accrued paid leave may be used.

Section 25: LEAVE OF ABSENCE WITHOUT PAY

A request to take unpaid leave from employment must be submitted in writing to the employee’s supervisor or the Town Administrator and must set forth the purpose for which the leave is requested. All leave requests must be for a definite period of time and include a specified date of return.

If a leave of absence without pay is granted, the employee may, at the Town’s sole discretion, continue the employee’s group health plan coverage by paying the required premium in accordance with the payment schedule established by the Town. Other employee benefits (e.g. sick leave, vacation, seniority, etc.) will not accrue during an unpaid leave period. that exceeds 30 days.

Section 26: MILITARY LEAVE

Employees who take military leave subject to the provisions 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. will be granted leave without pay. At the option of the employee, any paid leave accrued prior to the commencement of the leave may be used.

Section 27: CIVIL DUTY AND JURY LEAVE

All employees entitled to vote in national, state, and municipal elections shall, when necessary, be allowed sufficient time off with pay to exercise this right. Approval of such leaves shall be given by the employee’s supervisor.

Employees may request time off for the purpose of attending Town Meeting. Requests must be at least seven (7) days prior to the date of the Town Meeting. Employees may take unpaid leave or use accrued vacation leave.

The Town will compensate full-time employees for their service as jurors or witnesses when their appearance is unrelated to their status as a Town employee. Full-time employees shall be paid the difference between the employee's actual salary and that received from the court as compensation for their appearance in the court proceeding.

Section 28: OVERTIME

The Town compensates all exempt and nonexempt full-time employees, including full-time elected officials, at the rate of one and one-half hours for each hour actually worked in excess of their regularly scheduled daily hours. Holidays actually worked, sick time, and vacation days do count as hours worked for purposes of calculating overtime. All work beyond an employee's regularly scheduled hours shall be approved in advance by the Board or immediate supervisor, except for state, local and federal elections, adverse weather events or emergency situations. If an employee or elected official holds two or more positions, and the combined hours worked for the multiple positions exceeds the employee/elected official's daily scheduled hours, the employee/elected official may be eligible for overtime if the overtime has previously been approved by the Board.

Section 29: EQUAL EMPLOYMENT AND ANTI-DISCRIMINATION

It is the policy of the Town of Westford to provide equal employment opportunities to all people based on individual merit, competence, and need. The Town does not discriminate against employees or applicants for employment on any legally recognized basis including, but not limited to race, color, religion, sex, sexual orientation, age, national origin, marital status, disability, veteran status, ancestry, pregnancy, gender identity, HIV status, place of birth, or any other recognized basis under local, state, or federal law ("Protected Bases"). This policy applies to all terms and conditions of employment, including hiring, placement, promotion, training, compensation, layoff, and termination.

All employees, including supervisors, department heads, and elected officials are required to abide by this policy.

Harassment of one employee by another employee or by a supervisor is prohibited. Harassment means unwelcome conduct that is based on any of these Protected Bases. An employee who commits harassment will be subject to discipline up to and including immediate dismissal. Examples of harassment may include offensive jokes, gestures, slurs, epithets, or name calling, physical threats, intimidation, ridicule or mockery, insults or put downs, and offensive objects, pictures, or written materials.

Simple teasing, offhand comments, or isolated incidents that are not serious are not illegal. To be unlawful, the conduct must be so frequent or severe that it creates a hostile or offensive work environment or results in an adverse employment decision (such as the victim being fired or demoted).

Any employee who believes they have been subjected to harassment, or to retaliation for having brought or cooperated with a complaint or an investigation of harassment, should report it promptly to a supervisor. If reporting to a supervisor is not possible, then a report should be made to the supervisor's supervisor or the Town Administrator.

All complaints shall be reported to the Town Administrator:

Town of Westford
Attn: Town Administrator
1713 VT Route 128
Westford, VT 05494
Tel: 802-878-4587
Email: townadmin@westfordvt.us

If the complaint is about the Town Administrator, a report should be made to the Chairperson of the Selectboard or another designated member of the Selectboard.

Complaints of harassment or retaliation may also be filed with the following state and federal agencies:

- Civil Rights Unit
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609-1001
Email: ago.civilrights@vermont.gov
Telephone: 802-828-3657
888-745-9195 (Toll Free VT)
- U.S. Equal Employment Opportunity Commission (EEOC)
JFK Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203-0506
Website: www.eeoc.gov
Telephone: 800-669-4000
800-669-6820 (TTY)
844-234-5122 (ASL Video)

If the Town receives a complaint of harassment or discrimination or has reason to believe that harassment or discrimination has occurred, it will promptly, thoroughly, and impartially investigate the matter. Investigations will be conducted in a confidential and discrete manner to the extent possible and complaints will be disclosed only to those persons necessary to thoroughly investigate and address the matter.

If a violation of this policy occurs, corrective action will be taken, and the offending employee shall be subject to discipline up to and including dismissal from employment.

Section 30: SEXUAL HARASSMENT

It is the policy of the Town to promote a workplace that is free of sexual harassment. Sexual harassment in the workplace is unlawful under state and federal law and will not be tolerated by any employee, whether male or female. A copy of this policy will be provided to all employees and elected or appointed officials. Additional copies are available in the Town Office.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, written, physical, and nonphysical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment.

- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual, including but not limited to placement, promotion, training, or compensation; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may be indirect or even unintentional and may include off-duty conduct that affects an employee's working environment. Examples of sexual harassment may include, but are not limited to, coercion of sexual relations, touching or grabbing an employee's body parts, and sexually offensive comments, name-calling, jokes, gestures, innuendos, and other unwelcome sexually oriented statements. Employees of the Town are prohibited from bringing into the workplace or otherwise displaying any written materials or images that may be considered sexually suggestive or offensive in nature. Sexual harassment can also include offensive remarks about a person's sex, such as a man making offensive comments about women in general, vice versa, or a person who makes offensive comments about a person who is transgender.

Retaliation against an employee who complains in good faith about having been subjected to sexual harassment, or who cooperates in an investigation of sexual harassment, is a violation of this policy. Retaliation is a recognized form of harassment and will be handled in the same manner as other forms of harassment under this policy.

If you believe you have been subjected to sexual harassment, or retaliation for having brought or supported a complaint of sexual harassment, you are encouraged but not required to directly inform the offending person or persons that such conduct is offensive and must stop. If you do not wish to communicate directly with the alleged harasser or harassers, or if such direct communications have been ineffective, then you should immediately report the matter to your supervisor. A report may also be made to the Town Administrator. Complaints about a supervisor should be made either to that person's supervisor or the Town Administrator.

All complaints shall be reported to the Town Administrator:

Town of Westford
Attn: Town Administrator
1713 VT Route 128
Westford, VT 05494
Tel: 802-878-4587
Email: townadmin@westfordvt.us

If the complaint is about the Town Administrator, a report should be made to the Chairperson of the Selectboard or another designated member of the Selectboard.

For any complaint of harassment or discrimination, if possible, because it is helpful to the investigation, the employee is encouraged to keep a diary of events and to record the names of people who witnessed or were told of the harassment. Upon request, reasonable accommodations will be made for persons with disabilities who need assistance with filing or pursuing a complaint under either the anti-discrimination or sexual harassment policies.

Complaints regarding sexual harassment or retaliation may also be filed with the following state and federal agencies:

- Civil Rights Unit

Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609-1001
Email: ago.civilrights@vermont.gov
Telephone: 802-828-3657
888-745-9195 (Toll Free VT)

- U.S. Equal Employment Opportunity Commission (EEOC)
JFK Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203-0506
Website: www.eeoc.gov
Telephone: 800-669-4000
800-669-6820 (TTY)
844-234-5122 (ASL Video)

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

If the Town receives a complaint of sexual harassment or has reason to believe that sexual harassment has occurred, it will take all steps necessary to ensure that the matter is promptly investigated and addressed. Investigations will be conducted in a confidential and discrete manner to the extent possible and complaints will be disclosed only to those persons necessary to thoroughly investigate and address the matter. The Town is required by law to act if it learns of potential sexual harassment, even if the person subjected to the harassment does not wish to file a complaint. Supervisors and Department Heads are responsible for promptly responding to any complaint or suspected incidents of sexual harassment, and for notifying the Town Administrator. The Town Administrator should report any complaints or suspected incidents of sexual harassment to the Chairperson of the Selectboard, or other designated Selectboard Member.

If a violation of this policy occurs, corrective action will be taken, and the offending employee shall be subject to discipline up to and including dismissal from employment. If the complainant is dissatisfied with the actions taken by the Town, they may file a complaint with the state or federal agencies identified above.

Section 31: Prohibited Conduct

Employees are prohibited from engaging in the conduct listed below and may receive discipline, up to and including termination, for doing so. This list has been established to provide examples of behavior that could result in discipline. This list is not exhaustive.

- Engaging in any illegal activity.
- Refusing to do assigned work or failing to carry out the reasonable assignments of a supervisor or the Town Administrator.
- Being inattentive to duty, including sleeping on the job.
- Falsifying a timecard or other record or giving false information to anyone whose duty is to make such record.
- Being repeatedly or continuously absent or late, being absent without notice or satisfactory reason or leaving one's work assignment without appropriate authorization.
- Conducting oneself in any manner that is offensive, abusive or contrary to reasonable community standards and expectations of public employees.

- Engaging in any form of discrimination or harassment including sexual harassment.
- Misusing, misappropriating, or willfully neglecting Town property, funds, materials, equipment or supplies.
Smoking or using smokeless tobacco within any Town-owned buildings, work areas or vehicles.
- Unlawfully distributing, selling, possessing, using or being under the influence of alcohol or drugs when on the job or subject to duty. The only exception to this rule is use of drug prescribed by a duly licensed health care provider, provided such use is in the manner prescribed and the employee is cleared to work while using such prescription drug.
- Fighting, engaging in horseplay, or acting in any manner which endangers the safety of oneself or others. This includes acts of violence as well as threats of violence.
- Stealing or possessing without authority any equipment, tools, materials or other property of the Town or attempting to remove them from the premises without approval or permission from the appropriate authority.
- Marking or defacing walls, fixtures, equipment, tools, materials or other Town property, or willfully damaging or destroying property in any way.
- Failure to search for or disclose public records upon request.
- Disclosing confidential information about the Town's business.
- Willful violation of Town rules or policies.

Section 32: EQUAL EMPLOYMENT OPPORTUNITY

- A. It is the policy and practice of this municipality to assure that no person will be discriminated against, or be denied the benefit of any activity, program, or employment process, in any area of employment, including but not limited to recruitment, advertising, hiring, promotion, transfer, demotion, lay off, termination, rehiring, rates of pay, benefits, development opportunities, and/or other compensation. This municipality is strongly committed to non-discrimination and equal opportunity in all employment actions for qualified persons without regard to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identification, or disabling condition. It is the policy of this municipality to provide a workplace that is free of harassment for being a member of a protected class, and this municipality prohibits retaliatory action for any protected activity. With this in mind, the following policy is set in place.
1. This municipality shall consider all qualified applicants for available positions without regard to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identity, or disability, provided the individual is qualified to perform the work available. Attempts will be made to contact known sources of minority and women potential applicants to maximize the participation of such applicants.
 2. All recruitment advertisements will include the municipality's commitment to Equal Employment Opportunity, and job specifications/descriptions should be reviewed periodically and properly identify job-related requirements.
 3. EEO posters shall be placed and maintained in conspicuous locations.
 4. Advancement to positions of greater responsibility is based on an individual's demonstrated performance.
 5. Compensation, benefits, job assignments, layoffs, employee development opportunities, and discipline shall be administered consistent with federal and state laws, and without bias to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identity, or disability.
 6. Executive, management and supervisory level employees have the responsibility to further the implementation of this policy and ensure conformance by subordinates.
 7. Any municipal employee who engages in discrimination of a member of a protected class or unlawful harassment may be subject to appropriate discipline.

8. Any supervisory or managerial employee who knows of unlawful discrimination or harassment in the workplace, and fails to take immediate and appropriate corrective action, may be subject to disciplinary action.

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

1. Recruit, hire, upgrade, train, and promote in all job classifications without regard to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identity, or disability.
2. Base employment decisions on the principles of Equal Employment Opportunity and with the intent to further the municipality's commitment to workplace diversity.
3. Ensure that all other personnel actions such as compensation, benefits, municipal-sponsored training, educational tuition assistance, social and recreational programs shall be administered without regard to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identity, or disability.
4. Provide reasonable accommodations for applicants and/or employees with disabilities, which will enable them to successfully perform the essential job functions.
5. Ensure that employees and applicants are not subjected to intimidation and/or harassment, threats, coercion, or discrimination because they have filed a complaint, assisted or participated in an investigation or any other activity, or opposed any act or practice made unlawful.
6. Investigate claims of discrimination and unlawful harassment in the workplace; and
7. Promote inclusion and diversity in all levels of the workforce.

Section 33: USE OF EXCESSIVE FORCE

This municipality (1) prohibits the use of excessive force by its law enforcement agencies against any individuals engaged in nonviolent civil rights demonstrations; and (2) prohibits its law enforcement agencies from physically barring entrance to or exit from a facility or location that is the subject of a nonviolent civil rights demonstration.

Section 34: THE DRUG-FREE WORKPLACE ACT OF 1988

The Town of Westford is responsible for and committed to maintaining safe, efficient working conditions for its employees by providing a drug-free workplace. Therefore, Town employees shall not engage in the unlawful manufacture, distribution, possession, transfer, display, transportation, dispensation, consumption, sale, or use of controlled substances (drugs) on the job or on any municipal work site.

1. The illegal use, possession, sale, distribution, or manufacture of controlled substances in or on property belonging to the municipality will not be tolerated and is considered to be grounds for review and termination of employment at the discretion of the employee's supervisor.
2. Any employee of the municipality who has a controlled substance dependency, or any other controlled substance-related problem, shall immediately seek professional assistance or counseling.
3. Any employee of the municipality who is convicted of violating any criminal drug statute must inform his or her supervisor within five (5) days after the conviction. The criminal conviction of any employee of this municipality for the use, possession, sale or distribution of a controlled substance may be considered grounds for review and termination of employment at the discretion of the employee's supervisor.
4. If an employee who is convicted of violating any criminal drug statute works in a federally funded program, the municipality will notify the agency that provides the federal funding within ten (10) days of the municipality receiving the notice of the conviction. In the case of the

Vermont Community Development Program, notify the Department of Housing and Community Development.

5. 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.
6. If the use of legal drugs endangers safety, management may (but is not required to) reassign work on a temporary or permanent basis.

All current and future employees shall be informed of this policy and shall acknowledge in writing their understanding and acceptance of this policy.

Section 35: WHISTLEBLOWER PROTECTIONS

A. The Town of Westford shall not discriminate or retaliate against a Town employee or agent for engaging in the following:

1. Providing to a public body a good faith report or good faith testimony that alleges an entity of municipal or state government, a municipal employee or official, or a person providing services to the municipality under contract has engaged in a violation of law or in waste, fraud, or abuse of authority, or an act threatening health or safety.
2. Assisting or participating in a proceeding to enforce the provisions of this policy.

B. Neither the Town nor any Town officer or employee shall attempt to restrict or interfere with, in any manner, a municipal employee's ability to engage in any of the protected activity described in subsection (a) of this policy. Employees are not required to report misconduct to the municipality or its agents prior to reporting to any governmental entity and/or the public.

C. Neither the Town nor any Town officer or employee shall require employees or agents to forego monetary awards as a result of such reports.

Section 36: TEXTING WHILE DRIVING

This municipality (1) prohibits the practice of texting while driving by its employees in municipal vehicles; and (2) requires its employees to adhere to Vermont statute, 23 V.S.A. § 1095b. "Handheld use of portable electronic device prohibited."

Section 37: 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 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 26 day of October, 2023.

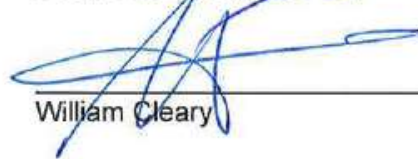
WESTFORD SELECTBOARD



Lee McClenny, Chair



David Baczewski



William Cleary

ADDENDUM A: Personnel Acknowledgement

I, _____, acknowledge that:

- A. I received a copy of the Town’s personnel policy on _____ and it is my responsibility to familiarize myself with its contents.
- B. I understand that it is my responsibility to ask questions if there is anything in the policy that I do not understand.
- 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 this policy replaces any and all prior versions and that the Town reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or no reason, in whole or in part, at any time, with or without notice.
- E. I acknowledge that it is my responsibility to comply with all the provisions of the Town’s personnel policy.

Employee’s Signature

Date

ADDENDUM B: Agreement by Independently Elected Officer to be Bound by Personnel Policy

This is a contract between the Selectboard of the Town of Westford, Vermont, and *[insert name and title of independently elected officer]*, collectively referred to as "parties."

In exchange for the provision of benefits by the Town as follows:

[list benefits]

[Insert name] agrees to be bound by the provisions of the Town of Westford Personnel Policy, except the provisions on Probationary Period, Performance Evaluations, Employee Discipline, and Employee Termination.

[Insert name] agrees as follows:

- *[name]* has received a copy of the Town's Personnel Policy and understands that it is *[name]* responsibility to familiarize themselves with its contents;
- *[name]* has been given an opportunity to ask questions about said policy and has been provided with satisfactory information in response to those questions;
- *[name]* acknowledges 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;
- *[name]* acknowledges that they understand the Town's personnel policy and agree that they will comply with all of its provisions.

The parties agree that this shall not constitute a contract for employment.

[If applicable, insert the following: "In addition to the above, [name] agrees that their statutory assistant, [name], who holds the position of [insert title], will be subject to the Town's Personnel Policy except the provisions on Performance Evaluations, Discipline, and Termination, which do not apply to him/her. In return, said statutory assistant will receive benefits from the Town as follows: [list benefits]]

Entered into this _____ day of _____, 20____

By: Independently Elected Official:

Selectboard:
