# Personnel Policy
# Town of Calais, Vermont
**Adopted: March 12, 2012**

approved & signed 3/12/12

## Section 1: Title and Authority

This document shall be known as the Town of Calais Personnel Policy. It has been adopted by the town of Calais selectboard pursuant to 24 V.S.A. §§ 1121 and 1122.

This personnel policy does not constitute a contract of employment. Employment with the town of Calais 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 selectboard 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 selectboard or its authorized representative.

## Section 2: Persons Covered

This personnel policy applies to full-time and part-time employees of the town of Calais. 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 40 hours per week on a regular and continuing basis. A part-time employee is an employee who works fewer than 30 hours per week on a regular and continuing basis.

Where a conflict exists between this policy and any collective bargaining agreement or individual employment contract, the latter will control.

## Section 3: Equal Employment Opportunity

The policy of the town of Calais 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 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 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: 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 and other employees.

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

**Section 6: Hours of Service**

Regular work hours for the road crew shall be 40 hours per week and one 15-minute break allowed during the day, Monday through Friday, with 30 minutes allowed for lunch, unless the road foreman agrees otherwise.

Regular work hours may be changed and employees may be expected to work additional hours that may exceed 40 hours in a given week, as circumstances require.

All employees are expected to be in attendance during regular work hours. Employees who will be absent from work are expected to notify their supervisor in advance whenever possible. Employees who call in sick are expected to notify their supervisor as soon as possible, but no later than 7 a.m.

**Section 7: Gratuities and Gifts**

Employees may not directly or indirectly ask, demand, exact, solicit, accept or receive a 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.

**Section 8: Outside Employment**

The primary occupation of all full-time employees shall be to the town. Employees may not engage in any outside business **while at work**. Employees are prohibited from undertaking outside employment that interferes with their job performance or constitutes a conflict of interest.

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

**See the Town of Calais Conflict of Interest Policy. (Attachment)**

**Section 9: Political Activity**

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

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 his or her duties and take place or are expressed during non-working hours. Nor is this personnel policy to be construed from prohibiting, restraining or in any manner limiting an individual's right to vote with complete freedom in any election.

Employees of the town of Calais, like all other citizens, are free to speak on any public issue and to express their own opinions. If employees of the town of Calais speak or write publicly as citizens on matters relating to the activities of their job, they must make it clear that they are speaking on their own personal behalf only and not as representatives of the government of the town of Calais. A clear disclaimer to that effect at the beginning of such public comment is required. The right to speak as a private citizen on Calais town matters does not extend to the release of confidential information (i.e., information not subject to disclosure under the Access to Public Documents Act, 1 V.S.A. § 315 et seq.). Moreover, such speech and any preparation time for it must be on the employees' own time, not work time.

If an employee of the town of Calais intends to communicate publicly (orally or written) on a matter of Calais town business as a private citizen, the staff member is requested to advise, in advance, his or her supervisor (if the matter is within the scope of the employee's work responsibilities) or the Calais selectboard. Every Calais town employee has the right to express opinions, disagreements with Calais town policies or actions, and criticisms as a private citizen without fear of reprisal or intimidation. But the Calais selectboard has a legitimate interest in knowing when an employee is going to do so in order to minimize any disruptions in the ability of the town of Calais to function.

**Section 10: 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, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law and sibling-in-law.

**Section 11: 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.

**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 hereby prohibits employees' use of tobacco in any form in all publicly owned buildings, offices and enclosed areas, and in all town vehicles.

**Section 13: Performance Evaluations**

Employees may be subject to job performance evaluations at such times and in such manner as the selectboard or its authorized representative deems reasonable. The results of such evaluations will be submitted to the employee, the employee's supervisor, the selectboard and will become a part of the employee's personnel file.

**Section 14: 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 15: Use of Town Equipment**

The use of town equipment or property for personal use is strictly prohibited.

**Section 16: Use of Town Computer System**

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

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 are subject to the provisions of Vermont's Public Records Law.

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

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

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

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

E-mail messages that are intended to be temporary, non-substantive communications may be routinely discarded. However employees must recognize that e-mails 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.

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

**Section 17: Eligibility for Benefits**

The town offers group life, health, disability and retirement programs for the benefit of its eligible full- and part-time employees.

Part-time employees who are regularly scheduled to work at least 30 hours a week are eligible to receive the above benefits on a pro-rated 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 18: Holiday Leave

Full- and part-time employees will receive the following paid holiday leave:

- 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)
- Columbus Day (second Monday in October)
- Veterans' Day (November 11)
- Thanksgiving Day (4th Thursday in November)
- **Friday after Thanksgiving**
- Christmas Day (December 25)

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

Employees required to work on designated holidays will receive overtime pay for all hours worked in addition to the holiday pay. An employee may choose to take another day off with pay within 30 days if so elected.

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

A non-exempt employee who is required to work on a holiday will be compensated at the rate of one and one-half times the employee's regular rate of pay.

If a non-exempt employee is not required to work on a holiday, hours paid for the holiday will not be counted as hours worked when determining overtime compensation.

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

**Section 19: Vacation Leave**

Full- and part-time employees will accrue vacation at the following annual rates:

| Years of Service | Annual Accrual Rate |
|---|---|
| 1st year | 5 days |
| 2nd through 5th year | 10 days |
| 5th year through 20th year | 15 days |
| 20th and subsequent years | 20 days |

Full-time employees will receive vacation leave pay at the employee's regular rate of pay. Part-time employees will receive pro-rated 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 during the fiscal year.

An employee who resigns from employment with the town will be compensated for unused vacation leave, provided that the employee gives at least two weeks written notice of the resignation.

**Section 20: Sick Leave**

Employees will receive twelve paid sick leave days per year. 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).
- A funeral not eligible under Section 10.
- 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 pro-rated 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 his or her sick leave in a year, the employee may carry forward a maximum of 125 sick leave days to the next year. If an employee has unused sick leave exceeding 125 days, the employee will not be compensated for that excess unused leave.

Upon separation from employment, an employee will not be compensated for unused sick leave.

**Section 21: Bereavement Leave**

Employees may use up to 10 sick days for 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.

Compensation for bereavement leave will be at the employee's regular rate of pay. Part-time employees will receive pro-rated 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 all of the employee's 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 22: 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.

The town reserves the right to designate any qualifying leave of absence granted under this policy as leave under FMLA or the PFLA. Where an employee's leave request is covered by the PFLA and the FMLA, the town will adhere to the law that provides the most benefits to the employee. If an employee is entitled to leave under both the PFLA and FMLA, the leave periods will run concurrently.

For the purposes of determining the 12-month period in which an employee may be entitled to PFLA and/or FMLA leave, the town will use a rolling 12-month period measured backward from the date an employee uses such leave.

**Section 23: 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 30-day period and not to exceed 24 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, 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 24: Leave of Absence without Pay**

All requests for leaves of absence without pay for any reason other than those covered by federal or state law must be submitted in writing to the employee's supervisor 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 the payment schedule established by the town. Other employee benefits (e.g. sick leave, vacation, seniority, etc.) will not accrue during the unpaid leave period.

**Section 25: 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. Employees who take military leave subject to the provisions of these laws will be granted leave without pay. At the option of the employee, any paid leave accrued prior to the commencement of the leave may be used.

**Section 26: Jury Leave**

The town will compensate employees for their service as jurors or witnesses. In accordance with 24 V.S.A. § 499, employees will otherwise be considered in the service of the town for purposes of determining seniority, benefits, credit towards vacations, sick leave, and other rights, privileges, and benefits of employment.

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

**Section 27: Overtime and Compensatory Time Off**

There will be no compensatory time off.

**Section 28: Employment Discrimination**

Vermont and federal law prohibit employment discrimination or retaliation based on race, color, religion, sex, or national origin, sex or 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.

Employees are encouraged to bring any complaints alleging unlawful discrimination to the attention of the employee's supervisor or a designee who will arrange a meeting to discuss the matter. The meeting will take place as soon as reasonably possible, but in no case later than seven calendar days from receipt of notification. If the supervisor or designee is unable to resolve the matter during this meeting, the aggrieved party may submit to the supervisor or designee a written, signed complaint within seven additional calendar days. The supervisor or designee will then have an additional 15 calendar days in which to conduct an investigation and to issue a report with recommendations to the selectboard. The selectboard will, within 10 calendar days, notify the aggrieved part of its decision.

**Section 29: 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. All employees have the right to work without being subjected to insulting, degrading or exploitative treatment on the basis of their gender. It is against the policies of the town for any individual, male or female, to sexually harass another individual in the workplace. In accordance with 21 V.S.A. § 495h, the town has adopted the following sexual harassment policy. All employees are required to read this policy before signing the employee acknowledgement form.

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

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

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

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

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

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

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

**If the employee does not wish to communicate directly with the alleged harasser or harassers, or if direct communication has been ineffective, then the person with the complaint is encouraged to report the situation as soon as possible to the Chairman of the Selectboard (who has been designated to receive such complaints or reports), or another member of the Selectboard if necessary. It is helpful to an investigation if the employee keeps a diary of events and the names of people who witnessed or were told of the harassment, if possible.**

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

**If the complainant is dissatisfied with this employer's action, or is otherwise interested in doing so, she or he may file a complaint by writing or calling any of the following state or federal agencies:**

Vermont Attorney General's Office
Civil Rights Unit

109 State Street
Montpelier, VT 05609-1001
Tel: (802) 828-3171 (voice/TODD)

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

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

**Section 30: Employee Discipline**

The town of Calais 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. Violations of different rules may be treated as repeated violations of the same rule for purposes of progressive discipline.

Most often, employee conduct that warrants discipline results from unacceptable behavior, poor performance, or violation of the town's policies, practices, or procedures. However, discipline may be issued for conduct that falls outside of those identified areas. The town also reserves the right to impose discipline for off-duty conduct that adversely impacts the legitimate interests of the town. The town reserves the right in its sole discretion to bypass progressive discipline and to take whatever action it deems necessary to address the issue at hand. This means that more or less severe discipline, up to and including termination may be imposed in a given situation at the town's sole discretion.

The town also retains the right to unilaterally eliminate positions or reduce the work hours of a position or positions 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.

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

The town will normally adhere to the following progressive disciplinary process, but reserves the right to bypass any or all steps of progressive discipline when it determines, in its sole discretion, that deviation from the process is warranted: (1) verbal warning; (2) written warning; (3) suspension; and (4) termination.

Employees are prohibited from engaging in 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 warrant a range of disciplinary sanctions. Appropriate levels of discipline may be based on the severity of employee conduct. This list is not exhaustive.

- Refusing to do assigned work or failing to carry out the reasonable assignments of a supervisor or the selectboard;
- Being inattentive to duty, including sleeping on the job;
- Falsifying a time card 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 harassment including sexual harassment;
- Misusing, misappropriating, or willfully neglecting town property, funds, materials, equipment or supplies;
- Unlawfully distributing, selling, possessing, using or being under the influence of alcohol or drugs when on the job or subject to duty;
- Fighting, engaging in horseplay or acting in any manner which endangers the safety of oneself or others, including acts of violence and/or 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;
- Willful violation of town rules or policies.

**Section 31: Employee Termination Process**

The town of Calais has adopted an employment termination process as described in this policy. Usually, 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.

An employee being considered for termination will be provided with a written notice. The notice will contain a brief statement of the reasons termination is being considered and the date, time and place of a pre-termination meeting with the employee's supervisor.
At the pre-termination meeting, the employee will be afforded an opportunity to present the employee's response to the reasons for termination. If the employee declines to attend the pre-termination meeting, the employee may submit written response to the pre-termination notice not later than the scheduled date of the meeting.

Within seven days of the date of the meeting, the supervisor will provide the employee with a written notice informing the employee whether he/she has been terminated. If the employee has been terminated, the notice will provide the general reasons therefore and will also inform the employee of the opportunity to request a post-termination hearing before the selectboard by giving written notice of such request to the supervisor within seven days. The employee will be informed that the employee's failure to make a timely request for a post-termination hearing will result in such hearing being waived.

If a request for a post-termination hearing is made, the selectboard will provide the employee with a notice informing the employee of the date, time, and place of the post-termination hearing before the selectboard. The notice will inform the employee of his or her right to be represented by counsel, to present and cross-examine witnesses and to offer supporting documents and evidence. The notice of will also inform the employee of his or her right to have the hearing conducted in executive session in accordance with 1 V.S.A. § 313.

At the post-termination hearing, the employee will be afforded the opportunity to address the basis for termination by hearing and examining the evidence presented against the employee, cross-examining witnesses and presenting evidence on his/her behalf. The selectboard will make such determinations as may be necessary in the event of evidentiary objections or disputes. When the hearing is adjourned, the selectboard, under the authority granted by 1 V.S.A. § 313(e), will consider the evidence presented in the hearing in deliberative session.

The selectboard will render a written decision within 14 days after close of the hearing, unless otherwise agreed upon by the parties.

**Section 32: 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.

**ADOPTED this** 12 **day of** March **20**12.

**SIGNATURES of SELECTBOARD MEMBERS:**

/s/ Denise Wheeler, Chair

/s/ John Brakett, Vice chair

Scott Bassage

Mike Garraud

Toby Talbot

**TOWN OF CALAIS**
**CONFLICT OF INTEREST POLICY**
**Adopted: January 14, 2008**

[for adoption by legislative body as a policy; applies to all "public officers"]

**Article 1. Authority**. Under the authority granted in 24 V.S.A. § 2291(20), the selectboard of Calais hereby adopts the following policy concerning conflict of interest.

**Article 2. Purpose**. The purpose of this policy is to ensure that the business of this municipality will be conducted in such a way that no public official of the municipality will gain a personal or financial advantage from his or her work for the municipality and so that the public trust in municipal officials will be preserved. It is also the intent of this policy to insure that all decisions made by municipal officials are based on the best interest of the community at large.

**Article 3. Definitions**. For the purposes of this policy, the following definitions shall apply:

A. **Conflict of interest** means any of the following:

1. A direct or indirect personal interest of a public officer, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, civil union partner, in the outcome of a cause, proceeding, application or any other matter pending before the officer or before the public body in which he or she holds office or is employed;

2. A direct or indirect financial interest of a public officer, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, civil union partner, in the outcome of a cause, proceeding, application or any other matter pending before the officer or before the public body in which he or she holds office or is employed;

3. A situation where a public officer has publicly displayed a prejudgment of the merits of a particular quasi-judicial proceeding before the board. This shall not apply to a member's particular political views or general opinion on a given issue; and

4. A situation where a public officer has not disclosed ex parte communications with a party in a proceeding before the board.

B. **Emergency** means an imminent threat or peril to the pubic health, safety or welfare.

C. **Official act or action** means any legislative, administrative or judicial act performed by any elected or appointed officer or employee while acting on behalf of the municipality.

D. **Public body** means any board, council, commission or committee of the municipality.

E. **Public interest** means an interest of the community as a whole, conferred generally upon all residents of the municipality.

F. **Public officer** or **public official** means a person elected or appointed to perform executive, administrative, legislative or quasi-judicial functions for the municipality.

G. **Quasi-judicial proceeding** means a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunities to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, the result of which is appealable by a party to a higher authority.

**Article 4. Disqualification**.

A. A public officer shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.

B. A public officer shall not personally, or through any member of his or her 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 public body in which the officer holds office or is employed.

C. In the case of a public officer who is an appointee, the public body which appointed that public officer shall have the authority to order that officer to recuse him or herself from the matter.

D. Public officers shall not accept gifts or other offerings for personal gain by virtue of their public office that are not available to the public in general.

E. Public officers 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.

**Article 5. Disclosure**. A public officer who has reason to believe that he or she has or

may have a conflict of interest but believes that he or she is able to act fairly, objectively and in the public interest in spite of the conflict of interest shall, prior to participating in any official action on the matter disclose to the public body at a public hearing the matter under consideration, the nature of the potential conflict of interest and why he or she believes that he or she is able to act in the matter fairly, objectively and in the public interest. Nevertheless, the person or public body which appointed that public officer retains the authority to order that officer to recuse him or herself from the matter, subject to applicable law.

**Article 6. Recusal.**

A. A public officer shall recuse him or herself from any matter in which he or she has a conflict of interest, pursuant to the following:

1. Any person may request that a member recuse him or herself due to a conflict of interest. Such request shall not constitute a requirement that the member recuse him or herself;

2. A public officer who has recused him or herself from a proceeding shall not sit with the board, deliberate with the board, or participate in that proceeding as a board member in any capacity;

3. If a previously unknown conflict is discovered, the board may take evidence pertaining to the conflict and, if appropriate, adjourn to a short deliberative session to address the conflict; and

4. The board may adjourn the proceedings to a time certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the board. The board may then resume the proceeding with sufficient members present. In the case of a public officer who is an appointee, the public body which appointed that public officer shall have the authority to order that officer to recuse him or herself from the matter, subject to applicable law.

**Article 7. Enforcement; Progressive Consequences for Failure to Follow the Conflict of Interest Procedures.**

In cases where the conflict of interest procedures in Articles 5 and 6 have not been followed, the selectboard may take progressive action to discipline an offending public officer. In the discipline of a public officer, the board shall follow these steps in order:

A. The chair shall meet informally, in private, with the public officer to discuss possible conflict of interest violation.

B. The board may meet to discuss the conduct of the public officer. Executive session

may be used for such discussion, in accordance with 1 V.S.A. § 313(4). The public officer may request that this meeting occur in public. If appropriate, the board may admonish the offending public officer in private.

C. If the board decides that further action is warranted, the board may admonish the offending public officer at an open meeting and reflect this action in the minutes of the meeting. The public officer shall be given the opportunity to respond to the admonishment.

D. Upon majority vote, the board may request that the offending public officer resign from the board.

**Article 8. Exception**. The recusal provisions of Article 6 shall not apply if the legislative body of the municipality determines that an emergency exists and that actions of the public body otherwise could not take place. In such cases, a public officer who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Article 5.

**Article 9. Effective Date**. This policy shall become effective immediately upon its adoption by the Calais selectboard.

Signatures: _/s/Paul Hannan, Chair_____
_/s/Denise Wheeler, Vice Chair __
_/s/Nedene Martin_____
_/s/John Brabant_____
_/s/Anne Winchester_____

Date: __January 14, 2008_____

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