

## PERSONNEL POLICIES

### SECTION 1:

**1. INTRODUCTION:** This Manual Section establishes the personnel policies for the Town of Weston, Vermont. This Manual and the requirements herein do not constitute a contract to employment either in whole or in part. The Town of Weston reserves the right to add, amend, change or delete any policy or benefit requirement at any time, except as otherwise committed to by a specific contractual agreement.

**1.1 Term of Employment:** Employment with the Town of Weston is not for any definite period or succession of periods, and may be terminated at any time without notice, except as provided by requirements of this Manual. Wages, and/or any accrued and unused vacation and sick days allowable under these requirements shall be due to the terminated employee only to the day and hour of termination.

**1.2 Applicability of Requirements:** The requirements of this Manual are applicable to all Town Highway employees that perform paid services for the Town as described in Para. 3.4.5 Below.

**1.3 Administration:** The requirements of this Manual shall be administered by the Selectboard, or a duly authorized designate. Revisions to these requirements shall be as authorized by the Selectboard and as indicated on the Manual Revision Record Page. Revisions in the Manual shall be identified by the letter "R" in the left hand margin.

**1.4 Effectively:** The requirements established herein are effective on the date of issue except for those documentation and record requirements for employees hired before the date of issue.

### **2. EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION:**

It is the policy of the Town of Weston to guarantee equal opportunity to all qualified employment applicants and to employees with respect to initial selection, advancement, and general working conditions without regard to race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, age, against a qualified disabled individual or any other characteristic protected by law.

*Revised 2011*

### **3. EMPLOYMENT PROCEDURES AND REQUIREMENTS:**

#### **3.1 Employment Hiring or Termination:**

It is the policy of the Town of Weston to seek the best qualified person available for employment openings.

#### **3.2 Position Notices:**

Descriptions of employment openings shall be posted in the Weston Town Office and advertised in the Message, the designated newspaper of record, when determined by the Selectboard.

**3.3 Employment Application:**

Individuals wishing to apply for a posted and advertised position shall complete an employment application. Application can be obtained at the Town Office or as advertised.

**3.4 Employment Selection Criteria:**

The qualifications of an applicant shall be judged on the basis of information available to the Selectboard and shall include but not be limited to an evaluation of experience, aptitude, education, and character.

*Revised 2011*

**3.4.1. Physical Examinations:** For positions in which health or physical well being are requirements, a physical examination shall be required or a current physical card before entering employees after an offer of employment is made by the Town and such offer will be conditioned on the positive results of the examination. For positions so designated by the Selectboard periodic physical examination will be required. All information resulting from testing described in this paragraph shall remain confidential and shall be maintained separate from the employee's other personnel records.

*Revised 2002*

*Revised 2011*

**3.4.2** All full-time employees shall hold a valid CDL license in good standing, and will comply with the guidelines set forth by the State of Vermont and the Town of Weston, including availability of previous records.

*Revised 2011*

**3.4.3 References/Interviews:** All candidates for Highway employment may be interviewed by the Selectboard to determine their fitness for the position. Employment references may be verified prior to interviewing applicants.

**3.4.4 Position Appointment or Hired:**

Records or minutes of Selectboard determinations of candidate selections shall be documented and filed for retention.

**3.4.5 Types of Employment:**

Town of Weston employment shall be in one of the following categories.

*Revised 2002*

**a. Full-Time**

A full-time employee shall work the regular work hours for the Highway Department – 40 hours plus regular overtime, if any. A full-time employee is subject to all the

requirements established in this Manual and is entitled to the benefits described herein. Full-time employees perform regular and special work tasks as assigned by the department head, or acting department head, and receive remuneration of the amount specified by the Selectboard. Full-time employees are remunerated through the Town payroll system with the Town responsible for making deductions for required taxes and agreed employee contributions for insurance and retirement benefits.

**b. Seasonal-Employee**

A seasonal employee works Nov. 1 to May 1. A regular seasonal employee works a 40 hour week and is paid overtime the same as a full time employee. Seasonal employees do not receive any benefits, e.g. no insurance coverage other than carried by the Town to protect the workplace and fiscal liability, no Holiday or vacation allowances, etc., and are remunerated to the amount specified by the Selectboard. Seasonal employees are paid through the Town Payroll System with the Town responsible for making deductions for required taxes.

*Revised 2002*

**c. Temporary:**

Temporary employees are appointed to fill in for full or seasonal employees and/or when deemed necessary by the Selectboard. Temporary employees receive no benefits. Temporary employees are paid through the Town Payroll System with the Town responsible for making deductions or required taxes.

**d. Independent Contractors:**

Independent Contractors are not remunerated through the Town Payroll System and are responsible for the payment of all taxes accruing from Town payments. Remuneration is made from the Highway Fund for the full contract, or invoiced amount. Time sheet records are not required for independent contractors.

*Revised 2011*

**3.5 Probationary Period:**

It is the policy of the Town of Weston that each new town employee complete a three month probationary term before attaining full employment status. During and upon completion of the probationary period the new employee's progress and performance shall be evaluated by the Road Foreman and the Selectboard.

**a. Dismissal:** A probationary employee may be dismissed if: the employee is unable or unwilling to perform the duties of the assigned position satisfactorily; or the employee's habits and dependability do not merit continued employment, or the employee disregards or violates the rules of conduct contained in this manual or any other town policy.

**b. Benefits:**

Full-time probationary employees shall receive the same benefits as regular full-time employees.

*Revised 2002*

*Revised 2011*

### **3.6 Resignation:**

Town Highway employees who voluntarily resign their position are required to give the Town two weeks written notice of their intent. Such resignation shall be submitted to the Selectboard who may at their option waive the two week notice period when such is in the best interest of the Town.

### **3.7 Job Position Reclassification:**

At the discretion of the Selectboard as the result of changes in Town work scope, services, tax revenues, etc., the Town may downgrade employee job descriptions or reduce the size of the Town Work force.

## **4. Highway Employee Conduct:**

### **4.1 Policy:**

The Town recognizes the rights of individuals to live their lives subject to the rules and laws of society as expressed in our various constitutional institutions.

The Town of Weston expects and requires Highway employees to adhere to standards of conduct which are required for the effective performance of Town business. Failure to observe these standards can result in disciplinary action and in some cases termination of employment.

The Town believes that every employee should be aware of their visibility as a Town employee and that they should conduct themselves in a manner that brings credit to themselves and the Town.

Conduct off the job is not specifically covered by these policies and shall not be a subject of Town disciplinary action unless such conduct affects job abilities and performance.

## **5. HIGHWAY EMPLOYEE HOURS OF WORK:**

### **5.1 General:**

The Selectboard shall fix the number of hours to be worked on a daily and weekly basis, and overtime hours for full-time Town Highway employees. A normal working day consists of eight (8) hours. A fifteen minute morning break will be allowed on the job site, or enroute. Overtime will be allowed in order to finish the day's project if completion can be accomplished in two (2) hours or less. One half hour will be required for lunch, non-paid.

Full-time Highway employees shall work a regular eight (8) hour day for five (5) weekdays for a standard 40 hour week. A week begins at 12 p.m. Sunday and ends the

following Sunday at 12 p.m. Over time hours and pay schedules are defined in paragraph 12.

**5.1.1 Exceptions:**

With the approval of the Selectboard work hours for Town Highway employees may be reduced, increased or schedules changed to meet the needs of Town responsibilities.

**6. EMPLOYEE PHYSICAL EXAMINATIONS:**

6.1. In addition to the required employment physical, described in paragraph 3.4.1 above, physical or drug screening examinations will be required periodically for Town employees who drive Town vehicles or are required by State or Federal regulations. Such examinations or screenings shall be performed by a licensed medical practitioner qualified by the State to conduct such testing and shall be paid for by the Town. Examination or screening results not meeting Town requirements or standards may be cause for limiting an employees job task or termination. Records of such testing shall be maintained in a confidential manner.

**7. ALCOHOL/DRUG ABUSE:**

**7.1 Policy:**

Working for the Town while under the influence of alcohol or drugs is expressly forbidden. Employees who experience alcohol or drug dependencies are expected & encouraged to seek assistance in the treatment of their problems. Such employees may, without fear or reprisal seek guidance from the Selectboard or the Road Foreman.

**7.2 Disciplinary Action:** An employee, who reports for work under the influence of alcohol or a controlled substance, or who consumes or uses alcohol or substance white at work, may be subject to dismissal.

**8. WORKPLACE SAFETY:**

**8.1. General:** Creating & maintaining safe working conditions & following safe work procedures & practices are goals that the Town & its employees shall constantly peruse. Town employees shall observe safe work practices, including but not limited to, the wearing of protective clothing or equipment, following all prescribed work practices as present written requirements or Road Foreman instructions, reporting to the Road Foreman or Selectboard all material, medical or working conditions which could have an impact on the safety of Town employees or property. Failure to follow safe work procedures may be cause for disciplinary action or dismissal.

**8.2. Reporting Work Related Injuries:** All work related injuries or accidents shall be reported to their Department Head or the Selectboard—any member in an emergency—

immediately after the occurrence of the event. Injuries must be reported on Workman's Compensation Accident Reporting Forms/First Report of Injury Forms which are available at the Town Office. The completed form shall be submitted to the Town Clerk or responsible Town Office person within 24 hours of the incident. Failure to report such occurrences on the proper form within the prescribed time period will jeopardize any claim for compensation.

*Revised 8/23/2011*

**8.3. Vermont Occupational Safety Hazards Act (VOSHA):** In the interest of the safety & well-being of town workers, all employees shall acquaint themselves with the rules & regulations of VOSHA. All Department Heads shall be responsible for enforcing safety rules as required by VOSHA and/or adopted by the Town.

All employees shall conduct themselves in a safe manner at all times in accordance with these regulations & shall not violate the VOSHA regulations. Any defective, unsafe equipment, or practice or any known medical or psychological condition which creates a danger to the worker, a co-employee or the public shall immediately be brought to the attention of the Department Head (Town Manager/selectboard) or (his/her/its) authorized representative, and use of such unsafe equipment or practice shall cease immediately.

*Revised 2004*

**8.4 Smoking Policy:** In accordance with Vermont Statutes Annotated Title 18, Section 1421, et seq., and 1742 and 1743, the Town of Weston is committed to providing a smoke free workplace; Smoking in any form is prohibited in all enclosed indoor places of publicly owned buildings and offices. Upon request of an employee, and with agreement of the other employees, a smoking area may be designated in an unenclosed outdoor place of the publicly owned building. An employee's failure to comply with the smoking policy shall constitute cause for disciplinary action, and the failure of the Town to implement or enforce the policy shall be grounds for a grievance procedure by an aggrieved employee, and any violations shall be promptly remedied.

*Revised 2004*

## **9. PERSONNEL RECORDS:**

**9.1. Requirements:** The Town shall maintain a Personnel Record file containing the following types of information for each employee remunerated through the Town Payroll system.

**9.1.1. Employee Employment History Card:** The Employee Employment History Card shall include the first date of the employee's employment (if known – if not known an adjusted best guess), date of birth, address, SSI#, pay rate history, all insurance coverage's processed by the Town, vacation allowances, job position history, physical/drug examination history (but not the results) training history, license history, and other relevant personnel data. Employment History Cards shall be retained on file for one full year after employee's termination or retirement. Other pertinent employee data, i.e. Letters of Commendation, Disciplinary Records, insurance payments, Accident

Reports, etc. shall be kept in an employee folder with the Employee's Employment History Card.

**9.1.2. Medical Records:** Medical & Drug records shall be maintained in a Town Confidential Record area separate from employment records.

**9.1.3. Time Sheets:** Work hour time sheets shall be maintained in the Personnel Record section of the Town Records for all full, seasonal & temporary Town Employees. Rate/Accounts sheets shall be moved to long term storage for the period of time prescribed by the Federal & State Tax Statutes of Limitation. At the end of the retention period the records may be destroyed.

**10. Payday:** Town employees are paid bi-weekly, on Wednesday, for the previous two weeks period or portion thereof, ending the preceding Sunday at midnight. All employees shall complete a time card each week and turn it into the Road Forman each Monday morning.

## **11. BENEFITS**

### **11.1 Health Insurance**

All full time Town employees are entitled to Health Insurance as approved by Selectboard with a percentage paid by the Town for the employee, the employee's legally married spouse and employee's natural born or adopted children. The current payment sharing schedule provides for 100% of the premium to be paid by the Town and 0% paid by the employees. Because the cost of health care is constantly changing the Selectboard reserves the right to review and amend the split arrangement on an individual basis. Any change in policy payment coverage or percentage split will be coordinated with employees prior to policy renewal.

*Revised 12/22/09 (shown by italics)*

*Revised 2010*

**11.2 Unemployment Insurance:** Each Town Highway full time employee is covered by the Town paid Unemployment Insurance.

**11.3 Retirement Benefits:** Each full time employee is immediately eligible & is entitled to participate in a joint Town /Employee funded retirement program. The employee's share, 4.5% of gross weekly wages, are deducted from the employee's weekly salary & matched by a Town funded amount equal to 5.0% of the employee's weekly gross wages and paid quarterly to the Town's Retirement Fund Insurance Carrier.

**11.4. Vacation:** Each full time employee, based on length of service calculated from the date of employment, is entitled to paid vacation days as indicated by the following schedule:

One week (five days) after one year of employment.

Two weeks (ten days) after three years of employment.

Two weeks (ten days) plus one additional day per year for every year of service over 10 years of employment.

Vacation pay will be based upon a 40-hour week. Vacation time is not cumulative from year to year. If vacation time is not taken by the end of the year from first day of employment, the employee will be paid for the unused vacation time at the end of the employment year. Vacations may be taken any time between May 15 and October 15 of each calendar year. Between October 16 and May 14 single vacation days may be taken with the permission of the road foreman – anything greater than one day must be approved by the Selectboard. Approval will be based on weather conditions and substitute driver availability.

*Revised 2002*

**11.5. Sick Pay:** Each full time Highway Employee is eligible to receive sick pay. Each Highway Employee is to receive six (6) paid sick days per year. Cumulative. For employment terminations see 1.1. Above.

*Revised 2002*

*Revised 2011*

**11.6. Funeral Pay:** A highway Employee will receive 3 paid funeral days maximum for a death in his/her and his/her spouse's immediate family (mother, father, sister, brother, child or grandchild) and one paid funeral day for the death of a grandparent. Funeral pay shall be based upon an eight hour day.

**11.7. Jury Duty:** The Town will pay an employee the difference in pay between his/her regular salary and jury pay for up to 15 days service on a jury.

**11.8. Paid Holidays:** Full time employees (only) are entitled to nine (9) holidays per year, Six of the holidays are fixed by date as listed below. If one of the listed holidays falls on a Saturday it will be celebrated on the following Friday, with holidays falling on a Sunday celebrated on the following Monday. The two floating holidays are President's Day, to be celebrated in February on a day of Department Choice when winter storm schedules allow with the other floating holiday used either on some other National or State Holiday or on the employee's choice. In addition each full time employee is entitled to two hours of paid leave on Election Day.

\* New Years' Day – January 1

\* President's Day – February – Floating

\* Town Meeting Day – First Tuesday in March

\* Memorial Day – May 30<sup>th</sup>

\* Independence Day – July 4<sup>th</sup>

\* Labor Day – September – First Monday

\* Thanksgiving – November – fourth Thursday

\* Christmas – December 25<sup>th</sup>

\* Optional – One Floating (Employee's Choice) holiday per year.

**12. OVERTIME PAY STANDARDS:** This section establishes the standards for determining what work hours are to be paid at overtime or premium rates for full time & seasonal Highway employees.

*Revised 2004*



**12.1 Wage Employees:** All Highway Employees will be paid time and a half for all time worked over either (8) hours in one calendar day or time worked over 40 hours in one week. Any time worked on a Town paid holiday because of storm or other emergency will be paid at 1 ½ times the employees' straight time current pay rate plus 8 hours pay for the holiday.

*Revised 2004*

**12.2 Salary Employee:** All full time public works salaried employees required to work in excess of forty (40) hours per week by order of the Public Works Director of his/her designee shall be compensated in the amount determined by multiplying one and one half (1 ½) the hours actually worked by one-fortieth (1/40) of an employee's weekly salary.

**12.3. Off Duty Call Out:** When an employee is called from "Off Duty" to work, a minimum of three hours will be paid.

**13. DISMISSAL:** The following conduct is unacceptable for all employees of the Town of Weston. All confirmed instances of any of the following conduct shall be considered violations of the Town's employee conduct guidelines and are subject to disciplinary action which may range from a verbal reprimand to dismissal.

**1.1** Repeated tardiness, unexcused absence, or job abandonment.

**1.2** Use of controlled substances during work hours or in a manner which affects job performance.

**1.3** Failure to respond to direction of the employee's Supervisor or the Selectboard, or inability to relate to, work with, and perform job tasks with fellow employees or Supervisor.

**1.4** Improper use of position, including giving, rendering, paying or receiving any service or other valuable thing on account of or in connection to any appointment, proposed appointment, promotion or proposed promotion.

**1.5** Lack of productivity, failure to discharge job obligation, inefficiency, or incompetence.

**1.6** Gambling, sleeping on duty, theft, disregard for safety rules, falsifying work records, falsifying time and attendance records, and engagement in any other such behavior which would constitute a negative influence on employee's work habits.

**1.7** Action during working hours that would constitute a threat to the safety of the public or fellow employees or Town property. Possession of firearms or any other dangerous weapons while on duty is prohibited.

**1.8** False representations on job applications.

1.9 Willful and/or negligent destruction of property, improper use of Town property, facilities, or funds; conviction of criminal offense; or engaging in prohibited political activity.

1.10 Malfeasance, misfeasance and/or nonfeasance, or the doing of an illegal deed, wrongfully doing a legal deed, or the failure to perform deeds that should be done is prohibited.

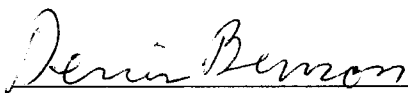
1.11 Any other conduct that impairs the efficiency and the effectiveness of Town government, or which could cause public mistrust of an employee's professionalism.

1.12 Any violation of this policy or any other Town policy.  
*Revised 2011 (13-1.12)*

**14. HIGHWAY AND GARAGE EQUIPMENT:** The Town Garage & Equipment and materials are for Town use only. Exempt uses: Green-up Day, and Weston Volunteer Fire Department, Inc.

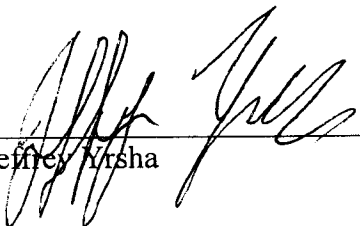
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Date Revised: June 11, 2002  
January 6, 2004  
February 24, 2004  
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August 23, 2011

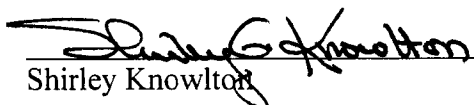
Weston Selectboard,

  
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Denis Benson (Chairman)

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Robert Johnston (Vice-Chairman)

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Darrell Hart

  
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Jeffrey Trsha

  
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Shirley Knowlton