COMPREHENSIVE PERSONNEL POLICY MANUAL

City of Burlington
Including the Burlington Electric Department

Revised
8/11/2014

City of Burlington
Personnel Policy Manual

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SECTION 1

PURPOSE AND POLICY

1.1 PHILOSOPHY

The mission of the City is to provide the highest quality municipal services possible to its citizens. As an employee, you are a valued member of the team that provides these services. The City is committed to initiating, promoting, and maintaining fair and equitable personnel policies for all City employees, and to do so in accordance with all applicable Federal and State laws and regulations.

1.2 PURPOSE

The purpose of this Personnel Policy Manual is to combine in one place the personnel policies and benefits applicable to City employees, with the exception of the School Department and those employees covered under a collective bargaining unit. If these policies conflict with any policy contained in the contracts of any bargaining unit recognized by the City, the contract shall supersede these policies for any member of that union.

An effort has been made to make this Manual both easy to read and understand. For more information regarding a particular benefit or policy, an employee may contact his/her Department Head, supervisor or the Human Resources Department. (See Section 3.) This Manual constitutes neither a contract of employment, nor a promise of job security or job permanence.

Each employee is expected to make himself/herself fully familiar with the policies contained in this Manual as soon as possible after hire and to maintain awareness of any policy changes occurring after the effective date of this Manual.

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

The City recognizes the value of obtaining employee input regarding these policies and will communicate in writing any changes prior to the effective date.

In the event of a conflict between these policies, as amended, and any other written or oral communication, these policies shall be controlling. These policies shall be deemed superseded by any conflicting applicable Federal or State Statute, City Ordinance and/or Charter provision.

1.3 DEPARTMENT DIRECTIVES

Departments may develop their own "Department Directives" for the administration of their Departments and are encouraged to use a similar employee involvement process.

Department Directives, or rules which are deemed necessary for the orderly and efficient administration of Departments, shall be consistent with these personnel policies and procedures, and shall be filed and made available in the administrative offices of such Departments for reference by employees. Department Directives shall not introduce or create benefits or costs not provided for by contract or approved by the Board of Finance and consistent with the appropriation intent and budget. Copies of all Department Directives shall be sent to the Human Resources Director. The Human Resources Director shall provide interpretation as to whether Department Directives are considered consistent. Said interpretation is subject to appeal to the City Council.

1.4 PROCEDURE FOR CHANGE OR REVIEW

Proposed revisions to the current Personnel Policy and/or proposed policy developments may be initiated by the City Council or an employee.

It is the acknowledged intent of the City Council, City Management, and the Human Resources Department to cooperate to the fullest extent possible on the implementation and interpretation of this Personnel Policy Manual, as well as the process for revision of the policies contained therein.

a. These proposed changes shall be submitted in writing to the Human Resources Director for review.

b. The Human Resources Director shall review the proposed changes within a reasonable time and offer written comment on the proposal.

c. The Human Resources Director shall provide all affected employees and employee-involvement committees with an opportunity to review and comment on all revised and/or developed policy proposals prior to approval.

d. Additional input from Department Heads, supervisors, employees, employee-involvement committees and the public may be needed to provide information and gain input on the proposed changes.

e. The City Attorney shall notify the Human Resources Director of recommended amendments to the Personnel Policy in order to ensure that the policy shall comply with Federal and State law and City ordinances. Such amendments shall be presented directly by the Human Resources Director and the City Attorney to the Institutions and Human Resources Policy Committee for review and steps (c) and (d) of this procedure shall be bypassed.

f. Personnel Policy revisions will be reviewed by the City Council Institutions and Human Resources Policy Committee and approved by the City Council.

g. Approved policy revisions will be distributed as replacement pages to the Personnel Policy Manual. Such revisions will be posted and distributed to all employees prior to the effective date.

h. The Human Resources Director will review the Personnel Policy Manual on a

biennial basis.

(Effective: 9/24/01)

1.5 SAVINGS CLAUSE

If any provision of this Personnel Policy is subsequently declared by legislative or judicial authority to be unlawful, unenforceable, or not in accordance with applicable laws, statutes and ordinances of the City of Burlington, State of Vermont and/or United States of America, all other provisions shall remain in full force and effect until a substitute provision can be adopted.

SECTION 2

EQUAL EMPLOYMENT OPPORTUNITY & NONDISCRIMINATION

2.1 PHILOSOPHY

The City is committed to establishing a harmonious workplace where all employees can work to their fullest potential, in an atmosphere of mutual respect.

2.2 POLICY

It is the policy of the City to ensure that all employees and candidates for employment are considered for all positions on the basis of their qualifications and abilities, without regard to political or religious affiliation, race, color, national origin, age, sex, sexual orientation, gender identity (as defined by Vermont State Law), marital status, veteran status, presence of physical or mental impairment or any other non-merit factor. The City shall recruit, hire, upgrade and train all employees in all job classifications and ensure that all personnel actions such as compensation, benefits, City-sponsored training, educational tuition assistance, and social and recreational programs are administered without regard to these differences.

Moreover, the City is committed to valuing diversity, as it is the City's firm conviction that an environment that embraces difference is critical to each employee's ability to succeed and to the overall success of the City's mission.

The City is committed to hiring and promoting the most qualified candidates, to removing barriers that could prevent the realization of each employee's full potential and to achieving and maintaining a workforce that is representative of and sensitive to the diversity of our community.

In accordance with the findings of the City's Equal Employment Action Plan (EEAP), the City will work to achieve a workforce that reflects the composition of the City's citizenry. It is the City's goal to make our workforce more diverse by working to incorporate the findings of the EEAP into the City's regular hiring practices.

Furthermore, the City recognizes that equality of opportunity must extend beyond recruitment and hiring to include employee retention, job assignments, promotions,

training, and working conditions. Diversity is the focus of an ongoing process whereby the City endeavors to provide equal opportunity, equal representation, and excellent services for all its citizens.

To ensure equal employment opportunity and to achieve diversity, Department Heads will, in conjunction with the City's Human Resources Department, develop their Departments' plans to achieve equal employment opportunity, expand outreach through contacts with community organizations and recruitment sources, and periodically evaluate their Departments' recruitment and employee retention efforts, making program changes where desirable or necessary.

The Human Resources Department will provide a report outlining the demographics of the new hires to the City Council at the end of every fiscal year.

Each employee is expected and requested to report any apparent violation of this nondiscrimination policy to one of the following as appropriate: his/her supervisor, Department Head, legal counsel, or the Human Resources Director.

An employee may also contact the U.S. Equal Employment Opportunity Commission (EEOC), 1801 L Street, NW, Washington, DC 20507, or (800)669-4000 (for the hearing impaired, TTY (800)669-6820). Information for the State of Vermont Civil Rights Division is as follows: The Office of the Vermont Attorney General, 109 State St., Montpelier, VT 05609-1001, (802) 828-3171 (for the hearing impaired, TTY (802) 828-3665).

2.3 GRIEVANCE POLICY FOR COMPLAINTS REGARDING CLAIMS OF ALLEGED DISCRIMINATION IN ACCESS TO SERVICES, FACILITIES OR EMPLOYMENT OPPORTUNITIES

The following grievance procedure is hereby established and adopted by the City as a means for addressing complaints from a person alleging that the City has not provided proper access to services, facilities or employment opportunities to an individual with a disability. Any person who has such a complaint may have such grievance addressed in the following procedure:

The City has designated an Americans with Disabilities Act (ADA) Coordinator to assist a grievant in following the procedures set forth in this grievance policy. The ADA Coordinator may be reached at telephone number (802) 865-7145 (TTY 865-7142).

a. Any person with a disability who believes that the City has failed to provide access to a service, facility or employment opportunity may file a written complaint with the ADA Coordinator. Such complaint shall be addressed to the ADA Coordinator at the Human Resources Department and shall state in as much detail as possible the basis for the person's belief that the City is failing to provide proper access to its services.

b. Upon receipt of such a complaint, the ADA Coordinator shall investigate the facts as alleged and shall attempt to resolve the grievance to the mutual satisfaction of the grievant and other parties involved. Should the ADA Coordinator be unable to

resolve the matter to the satisfaction of all parties within ten (10) working days following receipt of the complaint, the ADA Coordinator shall prepare findings and make a determination relevant to the matter and submit the findings and decision to the Institutions and Human Resources Policy Committee.

c. Upon receipt of the decision from the ADA Coordinator, the Institutions and Human Resources Policy Committee shall provide notice to the grievant of an opportunity to present testimony relative to the complaint. The Institutions and Human Resources Policy Committee shall render a decision within thirty (30) calendar days following the completion of the hearing. The Institutions & Human Resource Policy Committee's decision shall be the final administrative remedy available to the grievant.

d. This administrative grievance procedure is not a prerequisite to the pursuit of other legal remedies, including the pursuit of a grievance with the appropriate federal ADA enforcement agency.

SECTION 3

CITY GOVERNMENT: ORGANIZATION AND RESPONSIBILITIES

3.1 CITY ORGANIZATIONAL OVERVIEW

The City is organized into multiple departments as outlined and governed by City Charter and Ordinance: General Administration comprised of the Mayor's Office, Clerk/Treasurer's Office, City Attorneys, Planning and Zoning, Assessors, Human Resources and Retirement; Safety Services comprised of Fire, Police, Code Enforcement and the Airport; Cultural and Recreation comprised of the Library, Parks and Recreation, and City Arts; Burlington Electric, Public Works, Church Street Marketplace, Community and Economic Development Office, and Burlington Telecom.

The Mayor and fourteen (14) members of the City Council are responsible for the fiscal and municipal affairs of the City as described by the City Charter. The Charter, and any amendments to it, must be ratified by the voters of Burlington and by the State Legislature in Montpelier. It is the Mayor and the City Council's responsibility to set strategic direction for the policies of the City. The Mayor is responsible for ensuring that the mission of the City Departments is achieved and that the efficient delivery of municipal services is accomplished.

Some of the Departments have citizens appointed by the City Council and the Mayor to serve on Commissions and Boards as a direct link between the residents and the employees.

3.2 INSTITUTIONS AND HUMAN RESOURCES POLICY COMMITTEE

The President of the City Council annually appoints three City Councilors to the Institutions and Human Resources Policy Committee. The Committee's duties and responsibilities include a biennial review of the Comprehensive Personnel Policy

Manual, the creation of new policies and revision of existing policies, and conducting grievance hearings for employees where no Departmental Commission exists. All policy revisions must be approved by the City Council.

3.3 HUMAN RESOURCES DIRECTOR

The Human Resources Director is appointed by the Mayor and approved by the City Council. The duties and responsibilities of the Human Resources Director are to impartially and equitably administer personnel policies with such assistance as may be necessary from Department Heads and other City officials. The Human Resources Director's scope of responsibility and authority covers all City employees.

3.4 DEPARTMENT HEADS

Department Heads are appointed by the Mayor and are responsible for the efficient operation of their Departments. Exception: the Director of Planning and Zoning is appointed by and reports to the Planning Commission. Department Heads are responsible for the impartial and equitable administration of City policies and Departmental directives, and for encouraging all employees to actively participate in a cooperative management process.

3.5 EMPLOYEES

It is the responsibility of each employee to perform the duties of his/her position.

SECTION 4

CLASSES OF EMPLOYEES

4.1 PHILOSOPHY

It is the philosophy of the City to provide job opportunities that balance efficient, well-planned staffing needs with the desire to provide a variety of flexible work schedules for a diverse workforce. To this end, the City offers a number of different work schedules and arrangements to accommodate its staffing requirements.

The following employee categories are considered regular employment: Sec. 4.3 (Regular Employee), Sec. 4.4 (Limited-Service Employee), and Sec. 4.5 (Job-Share Employee). The following employee categories are not considered regular employment: Sec. 4.2 (Probationary employees), Sec. 4.6 (Temporary employees), Sec. 4.7 (Contract Workers/Consultants), and Sec. 4.8 (Interns and Volunteers).

In order to ensure the public safety and the safety of participants in City programs, the City will conduct a criminal record check on all personnel working in programs that provide services to vulnerable classes or populations (defined to include children, the elderly, and adults with disabilities) See 42 U.S.C. §5119a and 20 V.S.A. §2056c.

All employees, regardless of status, must have a City of Burlington application on file in the Human Resources Department.

4.2 PROBATIONARY EMPLOYEE

A probationary employee is any employee of any status who has not yet completed a probationary period in the employee's current position. During this period an employee is expected to demonstrate the qualifications and skills necessary for his/her new position.

a. Grievance Rights

A probationary employee is not eligible for grievance rights pertaining to termination of employment.

4.3 REGULAR EMPLOYEE

a. Full-Time

An employee who has satisfactorily completed an initial probationary period and is employed in a classified or non-classified position on a continuous year-round basis. A classified position is one that has a title and a rating in the City or Burlington Electric Department Classification Plans, a valid job description on file, and is funded on a regular basis.

1) Hours
Regularly scheduled to work thirty-five (35) or more hours per week. (See Section 5.6 for further definition of established work schedules.)

2) Benefits
Entitled to all employee benefits.

3) Grievance Rights
Eligible for all grievance rights under Section 10 of this policy.

b. Part-Time

An employee who has satisfactorily completed an initial probationary period and is employed in a classified or non-classified position either year-round or on a partial year basis.

1) Hours

Regularly scheduled to work a minimum of twenty (20) hours and up to thirty-four (34) hours per week.

2) Benefits

Entitled to all employee benefits on a prorated basis (based on a 40-hour workweek), subject to any requirements and qualifications of each of the benefit plans.

Entitled to retirement benefits if work hours are not less than 1,200 hours in a twelve-month period. This eligibility requirement applies to any permanent employee who had such a schedule on January 1, 1998, retroactive to the beginning of such a schedule and to employees who achieve such a schedule thereafter.

3) Grievance Rights

Eligible for all grievance rights under Section 10 of this policy.

c. Limited Part-Time

1) Hours

An employee working fewer than 20 hours per week on a regular basis.

2) Benefits

Regular limited part-time employees are not eligible for benefits.

3) Grievance Rights

Eligible for all grievance rights under Section 10 of this policy.

4.4 LIMITED SERVICE EMPLOYEE

A Limited Service Employee is an employee who is not a regular full or part-time employee, is employed in a classified or non-classified position which is scheduled to last at least twelve (12) months but not more than three (3) years, and who has satisfactorily completed an initial probationary period, may be designated as Limited Service by the Board of Finance. These positions may be funded from a source that is outside the General Fund or regular revenue stream of a department, and may be task or time-limited. The Human Resources Department shall perform an administrative review to determine the appropriate compensation for non-classified limited service positions.

a. Hours

Regularly scheduled for twenty (20) or more hours per week.

b. Benefits

Entitled to employee benefits. Employees working 20-34 hours per week will have their benefits prorated (based on a 40-hour workweek), subject to any requirements and qualifications of each of the benefit plans. Employees working less than 20 hours per week shall not receive benefits.

Benefits under the City's retirement system are not available. A limited service

employee funded by an external grant that provides for a retirement benefit may, with Department Head approval, use such funds (up to the City's current retirement contribution percentage) to participate in the City's deferred compensation program.

c. Grievance Rights

Eligible for all grievance rights under Section 10 of this policy.

d. Review

All limited service positions will be evaluated annually by the Department Head, (on or near the anniversary of the date they were designated as limited service) to determine the likelihood of continued need and/or funding. The results of that determination shall be reported to the Human Resources Director within two weeks of the anniversary date. Limited service positions may, at any time, be re-categorized as regular with the approval of the Human Resources Department and the Board of Finance.

e. Classification

All limited service positions that are granted regular status shall be classified within the City's comprehensive classification system.

f. Seniority

A limited service employee who is granted regular status will receive credit for time worked in the limited service status for purposes of seniority. Limited service time will not count towards years of creditable service under the City's retirement system.

4.5 JOB-SHARE EMPLOYEES

A job-share is a single, regular or limited service position performed by two employees with the intent to work for the benefit of the department. Together, the job-share participants are responsible for all the functions of the job. Job-sharing requires the approval of the Department Head and a job-share may be discontinued at the discretion of the Department Head, with reasonable notice to the affected employees.

a. Hours

Up to forty (40) hours per week may be divided, equally or unequally, between the two job-share employees.

b. Benefits

Any job-share employee working between twenty (20) and thirty-four (34) hours per week on a regular basis is entitled to pro-rated benefits. Employees working fewer than twenty (20) hours per week on a regular basis are not entitled to benefits. Life insurance coverage is available only to regular or limited service employees working at least thirty-five (35) hours per week.

c. Personal Leave

Credited on a pro-rated basis to job-share employees on July 1st based on their average weekly hours for the twelve months preceding.

d. Holiday Leave

Job-share employees often do not work five (5) days a week and, consequently, may not be scheduled for any given holiday. In order to ensure an equitable distribution, holiday leave will be granted based on the average daily hours of each job-share employee whether or not he/she was scheduled to work on the holiday. Employees working twenty (20) to thirty-four (34) hours per week on a regular basis are entitled to pro-rated floating holiday leave. Employees working fewer than twenty (20) hours per week are not eligible for floating holiday leave.

e. Grievance Rights

Eligible for all grievance rights under Section 10 of this policy. However, a Department Head's determination that a job-share shall be discontinued is final and is not subject to the grievance process.

4.6 TEMPORARY EMPLOYEE

A Temporary employee is an employee appointed to a position which is either time-limited or task-specific with a term of employment not exceeding twelve (12) months. A temporary employee is not considered to be a regular employee and remains in a probationary status at all times. Temporary employees are not entitled to benefits and do not have grievance rights. Temporary status includes seasonal work as well as work-study or cooperative assignments.

Temporary positions cannot continue longer than twelve (12) months without the consent of the Human Resources Director. It is the responsibility of the Department Head to track the duration of such positions. In the event a Department wishes to extend a temporary position beyond twelve months it must be approved in advance by the Human Resources Director. The Institutions and Human Resources Policy Committee and Board of Finance shall be advised of any such decision by the Human Resources Director**.**

a. Hours

May be scheduled for up to forty (40) hours per week.

b. Benefits

Not entitled to benefits.

c. Grievance Rights

Not entitled to grievance rights under Section 10 of this policy.

d. Age

Must be at least sixteen (16) years of age.

1) Temporary – Seasonal Recreational

Temporary seasonal recreational employment may be full or part-time and may continue for up to seven (7) months per year. These positions provide coverage for jobs that are necessary only in certain parts of the year for certain positions in the Parks and Recreation Department. Temporary seasonal employees are not eligible for overtime compensation. Temporary employment must comply with the recreational employee requirements of the Fair Labor Standards Act (FLSA).

2) Temporary - Intermittent

Temporary intermittent employment occurs when a non-regular employee works sporadic hours on a year-round basis. Employees in this category may work to fill in for other employees on leave, to cover shift schedules not filled by other employees, etc. Temporary intermittent employees are eligible for overtime compensation under the FLSA if the employee works more than 40 hours during the regular workweek.

4.7 CONTRACT WORKERS/CONSULTANTS

Consultants and contract workers are external resources providing services to the City under specifically defined terms and conditions. As such, consultants and contract workers are not City employees, are not entitled to City benefits and are not covered by the City's personnel policies, except where expressly written herein. The following definitions, in general, outline the rules set forth by the IRS and the State of Vermont regarding contract workers/consultants, and provide guidelines for City Department Heads and supervisors to use when hiring an external resource.

a. Contract Workers

A contract worker is defined as a temporary worker possessing skills common to regular City employees, but utilized when the City needs to augment its own workforce to meet temporary increases in workload. Contract workers are employees of a contract agency (such as a temporary agency) and are utilized to perform task-oriented assignments. The contract worker agency is responsible for: wage payments, tax withholding, provision of all health, welfare and other required benefits and for addressing any questions regarding the overall work performance of contract workers.

Contract workers are supervised by City supervisors and must work according to that supervisor's direction. In general, a contract worker may not serve the City in a supervisory role. However, this can occur in special circumstances with the advance approval of the Department Head, Human Resources Director and Institutions and Human Resources Policy Committee.

A contract worker's relationship with the City ends whenever the assignment ends.

b. Consultants

A consultant is an external resource possessing expertise and in-depth skill of a specific professional or industrial application. Typically, their area of expertise is not available among the City's employees. Consultants are often engaged in an independently established trade, business, occupation, or profession, and may be self-employed or employees of a firm or service business.

Generally, the day-to-day activity of a consultant is not supervised by the City, rather the City will provide statements regarding goals, objectives, and deadlines for the project. Additionally, a City supervisor or Department Head normally does not manage nor mandate the specific hours a consultant works. Consultants normally provide their own tools and resources to complete the project, and are generally not required to report to the City's place of business.

Consultants are usually compensated for their end result, but may be paid on a time and material basis. No deductions for taxes, social security benefits, etc., should be made from payments made to consultants.

4.8 INTERNS AND VOLUNTEERS

Individuals may volunteer to perform work or services for a City Department or City-sponsored event. Volunteers are not considered City employees, are not paid for the volunteer work and are not eligible for City benefits.

Individuals may also work without compensation for the purposes of gaining on-the-job skills related to his/her career interest. These positions are considered volunteer opportunities, in exchange for academic credit or practical job experience normally

sponsored through a college, community agency, or a job training/employment program. Interns are not considered City employees and are not eligible for City benefits.

In order to ensure the public safety and the safety of participants in City programs, the City will conduct criminal record checks on volunteers working in programs that provide services to vulnerable classes or populations (defined to include children, the elderly, and adults with disabilities). See 42 U.S.C. §5119a and 20 V.S.A. §2056c.

SECTION 5

EMPLOYMENT

5.1 VACANCIES

a. Whenever there is a vacancy in a regular position, the vacancy shall be posted in a conspicuous place(s) for at least seven (7) working days prior to the position being

filled. An employee wishing to transfer to a vacant position must apply for the position during the posting period in order to be eligible for consideration.

b. All postings and general recruiting procedures shall follow the guidelines outlined in the City's EEO Policy and Program.

c. A vacancy being filled by a current City employee as a result of his/her department's reorganization needs, or in lieu of a layoff, shall not be subject to this posting requirement.

d. The City's employment practices reflect the philosophy that current employees are given priority consideration for vacant positions when competing with reasonably equally qualified external candidates.

e. In the case of an employee who has transferred jobs and the employee has not satisfactorily met the job responsibilities of the newly-held position or is seriously discontent in the newly-held position, the City shall make every reasonable effort to provide the employee an opportunity to return to his/her previous position within a three (3) week period or until the previously vacated position becomes filled or to a vacant similar position within the City.

f. Department Heads are responsible for all hiring decisions made within the Department and for insuring that all City employment policies have been followed during the interview and hiring process. Department Heads may extend a job offer to a prospective employee only after the completion of the appropriate EEO documentation and its approval by the Human Resources Director.

5.2 ELIGIBILITY FOR EMPLOYMENT

a. Physical Exams

An offer of employment made to an applicant for a regular or limited service position is contingent upon the employee satisfactorily passing a physical examination by a member of the Board of Medical Examiners (pursuant to Sec. 24.1 of the Burlington Code of Ordinances). The purpose of the exam is to determine if the prospective employee is medically qualified to carry out the essential functions of the position. Except for those seeking employment as a police officer, firefighter, or in a part-time or seasonal position designated as hazardous, all persons must be examined during the first four (4) weeks of their employment. Those seeking employment as a police officer, firefighter, or in a hazardous part-time or seasonal position, must be examined and found medically qualified by the Board before commencing work. If necessary, the Board may require an applicant to be examined by a medical specialist. In all cases, the cost of the exam will be paid for by the Department hiring the employee. In the case of an internal transfer that requires substantially different job requirements as identified on the job description and once an employment offer has been accepted by the employee, an employment physical may be required to ensure the employee can perform the requirements of the position. In the case of a change of status from part-time to full-time, an employment physical may be required. Additionally, in any case where a City employee has a break in service, said

employee is treated as a new hire and must follow the same procedure set out above regarding physical exams.

b. Employee Orientation

A new employee who is eligible for benefits will attend an orientation session sponsored by the Human Resources Department within thirty (30) calendar days from initial date of employment. The hiring Department is responsible for scheduling an appointment for the new employee's orientation. During the orientation, the employee is informed of the benefits for which he/she is eligible and is provided enrollment forms for all such applicable benefits. In order to begin receiving benefits, the employee must return the completed forms to the Human Resources Department within the first thirty (30) days of employment. Failure to return the forms on time may result in a postponement of the effective date of coverage or denial of coverage. An employee eligible for benefits under the City's Retirement System must attend a retirement orientation and complete the necessary forms prior to enrollment in the City's retirement plan.

c. Probationary Review

1) Duration of Probationary Period

An employee who either voluntarily or involuntarily is transferred, promoted, or appointed into a position that is new to the employee or is newly or hired into a regular position shall be required to successfully complete a probationary period which shall begin on the date of the scheduled change and continue for at least three (3) months or as otherwise required by law or specific Departmental directive. A probationary period may be extended at the Department Head's discretion for a period of up to nine (9) additional months for a maximum probationary period of one (1) year.

Should a supervisor wish to continue an employee's probationary period, the supervisor must contact the Human Resources Director for approval prior to any action being taken.

2) Probation Expiration

On or before the last day of the probationary period, with the approval of the Department Head, the supervisor will notify the employee in writing that:

(a) the employee's performance is satisfactory and the individual shall be retained in the position; or

(b) the employee's performance or conduct is questionable, and that his/her probationary period shall be extended up to a maximum of nine (9) additional months (in no case shall the extension be greater than nine (9) months); or

(c) the employee's services will no longer be required.

3) Termination of a Probationary Employee

With the prior approval of the Human Resources Director, a probationary employee may be disciplined, discharged, laid-off, or otherwise dismissed by a supervisor and neither the reasons for the disciplinary action, discharge, lay-off, nor dismissal may be the subject of a grievance.

5.3 CLASSIFICATION PLAN

a. Plan Coverage

The City has adopted a plan for the classification of its employees, including its Department Heads, non-union supervisory and confidential employees and employees who are members of the AFSCME bargaining unit. The City classification plan does not apply to the following employees: members of the Police and Fire Department bargaining units, employees of the Burlington Electric Department ("BED") covered by a separate classification plan for all BED employees (See Appendix I), and employees of the Burlington School District covered by a different classification system. Issues regarding the reclassification of AFSCME members shall be governed by the terms of the City/AFSCME collective bargaining agreement.

b. Procedure for Classification or Reclassification Request

A Department Head or manager shall contact the Human Resources Department to request the creation and classification of a new position or to report proposed changes in an existing job description and request that the description be updated. The Department shall provide the Human Resources Department with a written memorandum outlining the reason(s) for the request for classification or reclassification, to include a description of whether the duties are new or have been reassigned from another position, why the additional or fewer duties are appropriate for this position, and the operational changes in the department that justify that the position be classified or reclassified. If duties have been reassigned from another position, then both positions will be reviewed.

The request for the creation and classification of a new position by a Department Head shall follow the general procedures for reclassification of a position outlined below.

An employee can request reclassification if he/she asserts that a Department has permanently assigned to his/her position additional significant functions which require additional skills and knowledge. The employee shall provide to the Human Resources Department a written and dated request that specifically describes each function.

If the employee or the Department Head believe that the changes warrant reclassification, the Department will then fill out a "Personnel Information

Questionnaire". The requesting party must submit the original and three (3) copies of the completed Personnel Information Questionnaire to the Human Resources Department. If the requested reclassification would affect the organizational structure of the Department, the Department must supply the current and the proposed organizational charts showing the relation of the position to the rest of the Division or Department along with a written explanation of any other impact to the Department of the proposed reclassification of the position.

During the reclassification review, the new description will then be reviewed with the employee(s) holding the position, if any. Employee comments will then be reviewed with the supervisor and the Department Head. Any discrepancies in the description shall be resolved by the Human Resources Director.

If the Human Resources Department determines that the documentation meets the standard for reclassification as described in subsection c. of this section, the Human Resources Department shall then analyze the request as outlined by the *City of Burlington Guide to Position Measurement* ("Guide") of the Willis Classification Plan. The requesting party shall be given the opportunity to present the request to the Human Resources Department. The reclassification decision by the Human Resources Department shall be final. The resulting grade may be higher, lower, or the same as the existing grade. If the reclassification request is denied, no further request may be made during the subsequent six-month (6) period.

If the Human Resources Department approves the request for reclassification, it shall be forwarded to the Finance Board. The Finance Board shall review the impact of the request on the affected Department and the City in its entirety to determine whether the request is within current budgetary limits. If the Department seeks to implement the reclassification during the current budget year, the Department shall provide specific information about the funding for the reclassification within its existing budget (i.e., the line item from which funds will be transferred).

If denied based on financial grounds, the decision of the Finance Board shall be final and no additional requests for reclassification of that position will be heard during the subsequent six-month (6) period, or until such time as funding can be secured, whichever is earlier.

Alternatively, if the Finance Board determines that the proposed reclassification is within budgetary limits and approves the request, it shall be submitted to the City Council for final approval in accordance with the Charter provision and process governing budget proposals and amendments. The City Council shall review the proposed reclassification in light of the comments of the Human Resources Department and the Finance Board and issue a final decision on the reclassification. If the request is denied based on organizational or financial grounds, the Council's decision shall be final and no additional requests for reclassification of that position will be heard during the subsequent six-month (6) period, or until such time as funding can be secured, whichever is earlier.

If approved as outlined above, the classification or reclassification shall be effective on the date of approval by the City Council or as otherwise indicated in the Council's

order. If, however, the employee demonstrates both that he/she gave written notice to the Human Resources Department of the additional, permanently assigned functions which resulted in a higher classification, and that the employee has been performing those additional functions continuously since the notice, the City Council shall order that the higher classification be effective as of the date of the employee's notice.

If either the Finance Board or the City Council deny the reclassification based on financial grounds, and it is determined that the employee has been performing those additional functions continuously since giving the Human Resources Department the written notice, the Finance Board shall direct the Department to pay the employee at the higher rate retroactive to the date of the employee's notice. The Finance Board shall also direct the Department to terminate the assignment of the additional responsibilities to the employee.

c. Standard for Reclassification

If a position description needs to be amended to reflect additional or fewer responsibilities and/or requires additional or lesser qualifications, it may be reclassified to ensure its appropriate placement within the City's Classification Plan. Reclassifications may involve a single position or an entire class.

A position may be reclassified to a higher grade only if it is demonstrated that the position will perform additional, significant functions that are not addressed in the current job description and that these new functions require added skills and knowledge such that a higher grade placement is warranted. A position may be reclassified to a lower grade if functions identified in the job description are no longer being performed by this position.

The Human Resources Director shall make an initial determination whether the documents submitted appear to meet the standard for reclassification. If the submission as outlined in subsection b. of this section does not demonstrate sufficient grounds for reclassification, the requesting party shall be notified and no additional requests for reclassification for that position will be heard during the subsequent six-month (6) period.

5.4 COMPENSATION PLAN

a. Placement

An employee appointed to a position should normally be compensated at the minimum rate of pay assigned to the class to which the position is allocated. However, at the request of the appointing authority and subject to the approval of the Finance Board, original employment at a salary above the minimum step may be made on written certification by the Human Resources Director that such action is justified by exceptional qualifications of the applicant. Such a request must be made by the appointing authority at the time of the hire and shall not be granted at a later date. To the extent that previous relevant experience equals or exceeds the necessary knowledge and skills, job duties, and responsibilities of the position being sought, those specific and relevant years of experience (less the minimum number of years of

experience required in the position description) may be converted to additional steps at a 2:1 ratio, up to a maximum of step seven (7). Prior relevant experience that does not equal or exceed necessary knowledge and skills, job duties, and responsibilities of the position being sought may be factored in at a higher ratio.

In the case of a former City employee returning within five (5) years to City employment, the employee may be reinstated at the step level in effect at the time of separation providing the employee left City service in good standing. This determination shall be made at the discretion of the Human Resources Director based on the nature of the position and the changes that may have occurred in the position during the period of absence.

In limited situations, a Department Head or management employee may be compensated outside the limits of the City's compensation plan based on the recommendation of the Finance Board and a finding by the City Council either that particular circumstances within the City require that the person holding the position be compensated outside the plan or that the individual assuming the position has specific expertise or qualifications that are essential to the operation of the Department. No commissioner or other City official or employee shall have the authority to make any salary offer or promise to a prospective employee other than as specifically set forth herein. Any salary offer or promise made to a prospective employee that is inconsistent with these provisions shall not be binding upon the City and shall be null and void.

b. Step Increase - Performance Evaluation

Step increases require certification by the immediate supervisor and approval by the Department Head that the employee is performing at an acceptable level of competence. The eligibility date for a step increase shall be the employee's anniversary date of hire as a regular employee and thereafter the end of each year of satisfactory service in the same class until the maximum for that salary range is reached. All step increases are subject to budgetary authority and constraint.

Step increases shall be withheld from employees whose annual performance evaluation indicates less than satisfactory service. Written notice of denial of a step increase and the reasons therefore should be submitted to the employee at least seven (7) calendar days prior to the due date. Once the employee is performing satisfactorily, the supervisor may, with the approval of the Department Head, grant the step increase. **The step increase will not be retroactive**. The employee's eligibility date for the future step increases shall remain unchanged. Any performance evaluation may be grieved pursuant to the procedures set forth in Section 10.

c. Promotions/Placement After Reclassification to a Higher Grade

Promotions occur when an individual applies for and is awarded an existing vacant position in a classification with a higher grade. In addition, an employee may serve in a position that is reclassified. If an employee is promoted or is in a position that has been reclassified to a higher grade, the employee will enter that higher grade at the

lowest step which ensures at least a five (5) percent increase over his or her current rate. However, step placement shall never exceed maximum step placement in the new grade. With the approval of the Human Resources Director, the employee shall be placed at a step based on exceptional qualifications including years of relevant experience. Years of previous experience that are equivalent or substantively similar to the necessary knowledge, skills, and responsibilities of the new position may be converted to additional steps at a 2:1 ratio. Prior relevant experience that is not substantively similar may be factored in at a higher ratio. The new rate shall not be less than the minimum for the grade or more than 10% above the employee's current rate.

When an employee is promoted, the employee's anniversary date will become the date that the employee was promoted to the new position and the employee will enter a new probationary period at that time. However, an employee's anniversary date will not change as a result of a reclassification of the employee's existing position.

d. Reorganization

When a Department Head plans to eliminate a position or to reorganize a single operation or group of operations, the employee will provide a written proposal for the proposed reorganization to the Human Resources Director. This proposal shall identify the basis for the reorganization or the proposed change in position(s), the positions affected, the overall impact on the Department, and shall identify the effect on public service. A proposed organizational chart will be produced. A proposal that would result in the creation of a new position and the addition of employees within a Department will require a review under this section. The Human Resources Director and the requesting Department shall then present the planned reorganization to the City's Chief Administrative Officer (CAO) who shall review the organizational and financial impact of the proposed reorganization on the affected Department and the City and shall make a report to the Finance Board and the City Council. If approved by the CAO, the Department will work with Human Resources to update or create the new job description(s). Upon review by Human Resources (as outlined in Section 5.3), any and all classifications and/or reclassifications would be prepared. The Department will follow the classification procedure for adding new or reclassified positions. Such changes are budget amendments and shall be subject to the provisions governing the preparation and adoption of the budget and budget amendments. Such changes shall require final approval of the City Council before posting, placement, or promoting into the vacant position. This process must be completed prior to the implementation of any actual changes in job duties or assignments.

e. Redlining

If, as a result of a transfer in lieu of layoff or a reclassification which causes an employee to move from his/her former classification grade to a classification grade with lower pay , then the employee will be paid at the rate of their former position for ninety (90) days from the date of the change of position. At the end of the ninety (90) day period, the employee will be placed in the new grade at the step level that reflects his or her years of service with the City.

f. Transfer

If a current City employee voluntarily applies for and is hired into a vacant position in the same Department or in any other City Department and such position is assigned a lower classification grade than the employee's former position, that change in position shall be considered a voluntary transfer. The employee shall be placed as a new hire in the position as provided in Sec. 5.4.a. and the employee will enter a new probationary period at that time. If such position is at the same classification grade as the employee's former position, upon hire, the employee shall be placed at the next step of that grade, shall have a new anniversary date, and enter a new probationary period.

5.5 ANNUAL PERFORMANCE PLANNING AND REVIEW

a. Employee Performance Review and Planning

Annually, the supervisor and employee will meet to jointly review the existing job description including the essential functions of the job and the employee's accomplishments in the position over the course of the year. The employee will sign and date the job description and the signed job description shall be placed in the employee's personnel file.

If the employee performs work not stated in the job description, or does not perform work in the job description, and the work is of some significance in terms of the amount, skill level and importance to the Department, this information will be shared with the Department Head and the Human Resources Department to consider whether the job description needs revision.

The Review and Planning process should include a review of past achievements and challenges, and the establishment of goals (developmental and project/skill) for the upcoming year. If necessary, the supervisor will develop a plan for performance improvement and establish the performance improvement goals that must be met within the appropriate time frame.

The outcome of these conversations should be a memo identifying the agreed-to goals for the up-coming year, including any required performance improvement goals, as well as confirmation of the achievements and challenges from the prior year. The memo shall be reviewed, signed and dated by the employee and placed in the employee's personnel file. If a Performance Improvement Plan is established, the Plan will include the dates for regular supervisory meetings with the employee to monitor progress and provide assistance.

The supervisor will also review the City's Non-Discrimination and Sexual Harassment Policy with the employee (refer to Section 8.9). Both the employee and the supervisor will sign the policy acknowledging the review, which will be placed in the employee's personnel file.

The review documents and signed Non-Discrimination and Harassment Policy shall be accompanied by a completed Change of Status Form (Appendix H) and submitted to the Human Resources Department. All documents will be stored in the employee's personnel file in the Human Resources Department (refer to section 12.9 for storage and retrieval of personnel records).

b. On-going Review

It is expected that the supervisor and employee will meet during the review period and prior to an employee's eligibility for a wage increase to discuss the employee's progress to date on the developed performance plan and goals. If necessary, the employee and supervisor will identify any needed changes to the plan and re-establish a commitment to the work outcomes. In the event that there are performance deficiencies, the supervisor shall document the deficiencies and also create a plan to assist the employee in remedying the matter prior to the next review date.

If the employee is under a Performance Improvement Plan, the supervisor will meet regularly with the employee to review the employee's progress in achieving the stated goals. Such meetings and their results will be documented by the supervisor, shared with the employee, signed by the employee and kept in the employee's personnel file.

c. Department Head Oversight and Review

Department Heads are responsible for reviewing all of the Department's Performance Planning and Review documents. Once this review is complete, the Department Head shall either sign off on the review, or return it to the reviewing manager with instructions for remedying the sited problem. Employee performance evaluations should be received in the Human Resources Department within three (3) weeks of the employee's anniversary date.

Department Heads and managers who do not complete timely performance evaluations may have step movement withheld until such time as the completed forms are received by the Human Resources Department.

5.6 HOURS OF WORK

a. General Policy

It is recognized that employees' daily and weekly work schedules and assignments are based on operating requirements and subject to change. The City retains the right (with appropriate advance notice to affected employees) to schedule straight time, overtime, number of shifts, and shift assignments for the purpose of promoting the efficiency of municipal government. The provisions of this section are intended to apply to regular full-time employees assigned a "normal" workday/week. It is recognized that certain positions may be assigned a normal work day or work week other than as set forth below, i.e. firefighters, continuous operations, part-time, management, etc. In such case, Departmental Directives shall take precedence over the provisions of this section.

b. Work Day / Work Week

Depending on the Department, the normal work day shall be between eight (8) and twenty-four (24) consecutive hours of work, excluding a meal period, within a twenty-four hour period as defined by the Department's operating requirements. When mutually agreeable between a supervisor and employee, a supervisor may institute a flexible schedule different from the normal work day/week as set forth herein, provided that such scheduling is cost effective and compatible with the employee's designated work area. The Department Head may, with fourteen (14) calendar days notice, require the employee to resume his/her normal schedule.

A meal period is normally scheduled for thirty (30) minutes in length; however, exceptions may occur with shift-workers.

c. Work Schedule

All employees shall be scheduled to work a regular work assignment and each non-management work assignment shall have an established starting and quitting time. Except for emergency conditions or specific Department procedures, permanent changes in work schedules shall occur only after allowing seven (7) days notice to the employee.

5.7 NON-EXEMPT OVERTIME

Regular City employees who are non-exempt according to the FLSA shall be paid one and one half times their regular straight time hourly rate of pay for all authorized hours of work in excess of the normal work day or work week. Paid time off due to sick leave, holiday or vacation leave shall be included as time worked for purposes of calculating overtime eligibility. Overtime shall be distributed as equitably as possible among eligible employees.

5.8 CALL BACKS

An hourly employee otherwise eligible for overtime who is called to work outside his/her regularly scheduled shift shall be paid time and one-half for such work, but in no case shall the payment for such call back be less than the minimum as set by the City. Such minimum shall be the same as that contained in the current AFSCME union contract. The minimum payment shall not apply if the employee is called back to rectify a condition caused by the employee.

5.9 SCHEDULING AND TIMEKEEPING FOR EXEMPT EMPLOYEES

City managers and other exempt employees will spend the hours necessary to fulfill their weekly job responsibilities. Those employees will often be expected to work in excess of 40 hours per week.

While compensatory time is not permitted for exempt employees, flexible scheduling is permitted at the discretion of the Department Head.

Exempt employees will not be required to complete weekly timesheets. However, exempt employees shall submit a monthly leave use report that notes any vacation, personal or sick leave, holidays or any other leave time provided by the Personnel Policy that has been taken during that month. The report shall be submitted on the first Monday of the month noting the leave used for the proceeding month.

(Effective: 7/17/2000)

SECTION 6

LEAVES

6.1 POLICY

In acknowledging that employees require time away from work to attend to personal, family and medical needs, the City provides a variety of paid and unpaid leaves. Leave is defined as any absence that occurs during an employee's regularly scheduled work hours and is approved by a Department Head or his/her designee. Leave may be authorized with or without pay and shall be granted in accordance with the policies outlined below on the basis of the work requirements of the employee's Department and, whenever possible, the personal needs of the employee. Regular and Limited Service employees working twenty to thirty-four (20-34) hours in an average work week shall earn a prorated (based on a forty (40) hour work week) amount of vacation, sick, and personal leave based upon the normally scheduled hours worked in an average work week. An employee regularly assigned a normal work week in excess of forty (40) hours (e.g., firefighters) shall earn vacation and sick leave at an appropriate proportional rate.

Except where required by law, any unpaid absence from work extending longer than thirty (30) days will not be counted towards an employee's pension/retirement benefit. Creditable service is the length of service in which an employee has continued to receive wages from the City except where otherwise required by law.

Employees in their probationary period must have documented approval from the Department Head and Director of Human Resources (or designee) to access paid leave time. Unpaid leave only requires Department Head approval. Leave taken while an employee is in probationary status will not be counted as time worked and will therefore serve to extend the probationary period by the number of days equal to all leave time taken. A probationary employee is required to use all available paid leave time before requesting leave without pay.

(Effective: 10/04/12)

6.2 PROCEDURE FOR REQUESTING LEAVE

With the exception of holiday, sick, and injury leave, an employee must submit a request to his/her Department Head or designee indicating the: 1) type of leave, and 2) dates of intended departure and return. This request must be approved prior to the taking of the leave.

6.3 HOLIDAY LEAVE

The following days are recognized as City holidays:

New Year's Day	Bennington Battle Day
Martin Luther King, Jr. Day	Labor Day
Presidents' Day	Columbus Day
Town Meeting Day	Veterans' Day
Memorial Day	Thanksgiving Day
Independence Day	Christmas Day

a. Floating Holiday/Limited Service Days

A limited service day shall be defined as a day during which all City offices are open and all City services are provided. A Department Head shall insure minimum staffing is available to carry out necessary functions. Employees required to work on a limited service day shall be entitled to another day off, which shall be taken during the fiscal year in which it is earned or it will be forfeited. In addition, the day after Thanksgiving shall be a limited service day.

Actual holiday observance dates are governed by the official City holiday posting that shall be made available in the administrative office of each Department for reference by employees.

Whenever a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be the designated holiday.

After his/her first six (6) months of employment, an employee is allowed one (1) floating holiday per fiscal year to be used for personal need. Regular and limited service employees working twenty to thirty-four (20-34) hours in an average work week shall earn a prorated (based on a forty (40) hour work week) amount of floating holiday time. Floating holidays will also be prorated based on the date of hire. An employee shall provide his/her Department Head, or his/her designee, with as much notice as possible when the date for the holiday has been selected, in no case being less than one (1) working day's notice. The floating holiday must be used during the fiscal year in which it is earned or it will be forfeited. There will be no payout for unused floating holidays upon separation.

b. Working Holidays

On designated holidays, employees shall be excused from all duty not required to maintain essential Departmental services. Only in unusual circumstances and after approval by a Department Head or his/her designee, may an employee (whose job responsibility does not require maintaining essential departmental services) work on a holiday.

An exempt employee assigned to work on a day observed as a holiday may take subsequent time off at a time approved by his/her immediate supervisor. The alternate time off should be taken as an entire day within six (6) months of the

holiday worked with the approval of an employee's supervisor. If not taken within this time period, it shall be forfeited.

c. Holiday Exceptions

If an employee works thirty-two (32) hours a week, (e.g. 4 days a week, 8 hours a day) and a holiday falls on one of those workdays, the employee will be paid for his/her eight (8) hours. However, if the holiday falls on the day the employee is not regularly scheduled to work, the employee will receive no pay for that holiday. Additionally, if an employee works a different number of hours each workday, (e.g. 7 hours on one day and 9 hours on the next), the employee will receive holiday pay equal to the regularly scheduled hours for the particular day on which the holiday falls.

Employees working a flexible schedule, including part-time employees, shall receive holiday pay for those hours that they are scheduled to work on that holiday.

6.4 VACATION LEAVE

a. Vacation Leave Accruals

Vacation leave accrues on a weekly basis within a fiscal year according to the following schedules (accrued on a weekly basis within a fiscal year):

Regular and Limited Service Employees Hours of Vacation

Credited Service	Hours Earned per Year
Zero (0) through sixty (60) months	Eighty (80)
Over sixty (60) through one hundred twenty (120) months	One hundred twenty (120)
Over one hundred twenty (120) months through one hundred eighty (180) months	One hundred sixty (160)
Over one hundred eighty (180) months	Two hundred (200)

Department Heads and Senior Management with Ten (10) or More Years of Directly Relevant Experience Upon Hire:

Credited Service	Hours Earned per Year
Zero (0) through one hundred twenty (120) months	One hundred (120)
Over one hundred twenty (120) months through One hundred eighty (180) months	One hundred sixty (160)
Over one hundred eighty (180) months through	Two hundred (200)

Department Heads and Assistant Directors who have a minimum of ten (10) years of directly relevant work experience, as certified by Human Resources upon hire, will accrue vacation time according to the schedule directly above. Those with less than ten (10) years of directly relevant work experience will accrue according to the regular and limited service employee accrual schedule.

Vacation pay shall be equal to the normal hourly or weekly pay of the employee, excluding any premium payments.

For purposes of determining vacation leave (and sick leave), credited service is the length of service for which a regular full or part-time, or limited service employee, actually received wages from a City Department.

In the case of a former City employee returning to City employment, the following shall apply: If the employee had been employed in a regular position for at least five (5) years, left City service in good standing, and is rehired, vacation accruals will be reinstated at the rate in effect at the time of separation. Except when an employee becomes retired with the City and returns to another City position, the employee's accrual rate will reset as if the employee was newly hired.

(Effective 10/04/12)

b. Vacation Leave Use

From an employee's date of hire through the end of that fiscal year, an employee may use or carry over any accrued vacation time. For every fiscal year thereafter, an employee, must use at least fifty percent (50%) of his/her yearly earned vacation benefit according to the above schedule. An employee may carry over, at the end of the fiscal year, a maximum of fifty percent (50%) of his/her yearly vacation benefits, up to a maximum of three hundred sixty (360) hours. Fire Department supervisory personnel in the rank of Battalion Chief and Deputy Chief who are regularly assigned to a twenty-four (24) hour shift schedule shall be allowed to carryover a maximum of five hundred and four (504) hours. Vacation leave in excess of the authorized carryover shall be forfeited and no financial compensation may be paid at the end of the fiscal year (June 30) or upon separation. Vacation time may be used by employees in addition to, or in lieu of, sick leave.

c. Vacation Leave Scheduling

If requested by a supervisor, each employee must submit prior to May 1st, his/her choices for approval as to dates desired for the regular two (2) weeks vacation. First preference for vacation selection will be given according to seniority and choice submittal date within City Departments. Vacation weeks remaining open after completion of the above selection schedule will be considered without regard to seniority. Approval of the taking of one (1) or more full week's vacation must be secured at least two (2) weeks in advance of the vacation. Approval of the taking of four (4) or more hours of vacation leave in one day must be secured at least twenty-four (24) hours in advance of the vacation.

The taking of vacation shall be approved by the employee's immediate supervisor after consideration of how staffing requirements will be met during the requested vacation leave period.

d. Payment for Unused Vacation Leave

An employee who has successfully completed his/her probationary period and who separates from City employment after six (6) months of service shall be paid for accumulated vacation benefits of up to three hundred sixty (360) hours. Fire Department supervisory personnel in the rank of Battalion Chief and Deputy Chief who are regularly assigned to twenty-four (24) hour shift shall be paid for accumulated vacation benefits of up to five hundred and four (504) hours.

Upon separation, an employee may choose to be paid for the value of those three hundred and sixty (360) or five hundred and four (504) hours of vacation time in a lump sum or over a period of time. Consistent with the Retirement Ordinance, regardless of how the vacation accrual is paid out, the employee's last day of actual work shall be considered his/her last day of employment and at that time the employee's active status ends.

During the payout time attributable to the use of accumulated vacation leave after an employee's last day of actual work, holiday, personal, and vacation leave will continue to accrue. However, no sick leave shall be earned.

Upon retirement, an employee's last day paid will be calculated incorporating any vacation payout and this will be the date used in determining the employee's length of creditable service attributable to the commencement of retirement benefits.

In the event of an employee's death after six (6) months of service, payment shall be made to the estate of the deceased employee in an amount equal to the total accrued vacation hours earned.

6.5 SICK LEAVE

The following sick leave benefit shall apply to all non-union employees beginning October 1, 2000. Sick leave shall mean any leave attributable to any physical or mental sickness or accident that prevents an employee from performing his/her regular duties.

Sick leave shall not be considered a benefit that an employee may use at his/her discretion, but shall be used only in case of actual sickness. Sick leave shall also be granted to allow an employee to care for a sick or disabled member of his/her immediate family. Immediate family includes: spouse, party to a civil union, domestic partner, parents, siblings, children, and foster children. Other close family members who reside in the employee's home are also considered immediate family. In addition, sick leave may be used for dependent care due to emergencies. “Emergencies” are, by definition, unexpected, short-term events, such as illness of a daycare provider. Sick leave may also be utilized for doctor’s appointments not able to be scheduled outside of working hours. Except as otherwise provided in this section, no employee shall be entitled to payment for unused sick leave upon separation from City employment.

a. Eligibility

In order to be eligible for sick leave, an employee who is absent from work due to accident or illness must:

1) inform his/her immediate supervisor or Department Head of such fact at the first reasonable opportunity, or as defined by Department Directives;

2) if the employee is convalescing at home, he/she must report to his/her immediate supervisor either in person, by telephone or letter at least once per week. If the employee is away from his/her place of residence, a physician's statement explaining why such absence is necessary, along with an estimate of the required period of absence, must be submitted.

(Effective: 7/17/00)

b. Accrual of Sick Leave

Employees shall accrue ten (10) days (80 hours) of sick time per year. Sick time will be accrued on a monthly basis (6.67 hrs/month). Employees shall accrue up to a maximum of fifteen (15) sick days (120 hours).

An employee who is promoted or transfers from a union position with maximum accrued sick leave greater than one hundred twenty (120) hours will have the opportunity to maintain their existing hours of accrued sick time in a vested sick leave bank as described in subsection e. below.

Except as otherwise provided in this section, any employee eligible for sick leave benefits who is paid less than his/her regularly scheduled work week (excluding advance pay, military leave, disciplinary action and legislative service) shall have his/her sick leave prorated for that week, based on a forty (40) hour work week.

Persons who earn sick leave have the exclusive rights to its use and it shall not be shared.

c. Certification of Illness

If a Department Head or his/her designee has reason to believe that an employee may be taking sick leave unnecessarily, or if an employee is out of work for three (3) consecutive working days due to illness, the Department Head or his/her designee, in order to determine sick leave eligibility, may require:

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

2) a medical examination performed by a physician chosen by the City at its expense; or in the event of absence due to accident or sickness, the City reserves the right to require a doctor's certificate to confirm the employee's fitness to return to work.

Sick leave may be denied by the Department Head or his/her designee upon a determination that the employee's condition is not sufficiently serious to justify sick leave.

d. Sick Bonus

Employees who use less than one (1) day of sick leave in a quarter of a fiscal year and continue to use no sick leave in the following quarters, shall be paid a bonus each quarter, which shall be calculated according to the following schedule. A "day" shall be equal to the employee's average daily hours worked.

1) First full quarter of employment - $25.00
2) Next quarter - $50.00
3) Next quarter - $75.00
4) Next quarter - $100.00
5) Successive quarters - $100.00

Use of sick leave in a quarter shall result in a reduction of the sick leave bonus for that quarter according to the following schedule:

(Effective 7/17/00)

1) One day of sick leave use in a quarter: bonus for that quarter decreases by $25.00 from amount received in previous quarter;
2) Two days of sick leave used in a quarter: bonus for that quarter decreases by $50.00 from amount received in previous quarter;
3) Three days of sick leave used in a quarter: bonus for that quarter decreases by $75.00 from amount received in previous quarter.
4) More than three days of sick leave used in a quarter: bonus for that quarter is zero.

Employees who use sick leave and have their bonus reduced shall proceed each quarter through the schedule as set forth above. As an example, an employee who has progressed to the point of having received a $100.00 bonus the previous quarter and who uses two days of sick leave in the current quarter shall be paid a bonus of $50.00 for that quarter, and shall be eligible for a $75.00 bonus the following quarter, etc.

e. Transition from Previous Sick Time Benefit

To transition to the sick time plan in October 2000, employees hired prior to the 2001 amended personnel policy manual and subsequent to the effective date of this amendment, employees promoted or transferred with accrued sick leave greater than the one hundred twenty (120) hour maximum will maintain their existing hours of

accrued sick time in a 'vested sick leave bank'. The vested sick leave bank will be available for use under the plan outlined above, if the employee uses all his/her active (current plan) sick leave. It may also be used by an employee to supplement his/her benefit under the Short-Term Disability Plan outlined below.

In addition, employees hired before January 1, 2000 who were covered by the Option I sick time benefit and who were entitled to a payout of sick time on termination of employment will retain that payout of accrued sick time as follows:

1) an employee who retires from active service with the City and immediately receives retirement benefits pursuant to the City's Retirement System shall receive an amount equal to his or her salary at the time of retirement for one-third (1/3) the amount of unused sick leave up to the maximum; however, the maximum payment to which an employee is entitled shall not exceed payment for four (4) weeks.

2) an employee who resigns in good standing or is laid off from active service with the City shall receive an amount equal to his/her salary at the time of resignation for one-fourth (1/4) the number of days of accumulated unused sick leave up to the maximum; however, the maximum payment to which an employee is entitled shall not exceed payment of three (3) weeks.

(Effective 7/17/00)

6.6 SHORT-TERM DISABILITY POLICY

As of September 2000, the following short-term disability plan is implemented for eligible employees (i.e., non-union employees and as provided in City collective bargaining agreements):

a. Description

The short-term disability plan provides for income protection for employees during periods of inability to work due to a non-work related serious health condition (as defined under Section 6.15, Parental, Medical, Family Care and Short-Term Family Leave Policy).

b Eligible Employees

Regular full-time and part-time employees with regularly scheduled hours of at least twenty (20) hours per week.

c. Eligibility Period

Employees will become eligible for Short-Term Disability after one (1) year of continuous active employment**.**

d. Benefit Waiting Period

Employees will be eligible for a short-term disability benefit after an absence from work for a period of ten (10) consecutive workdays.

e. Weekly Benefit

Employees will receive a benefit equal to seventy-five percent (75%) of their regular base compensation.

f. Accruals during Benefit Period

Employees will not accrue sick, vacation, or personal time while receiving the short-term disability benefit. However, as required by State law, employees will receive such accruals if the period of short-term disability benefit runs concurrently with the twelve (12) week leave provided by the Section 6.15, Parental, Medical, Family Care and Short-Term Family Leave Policy.

g. Maximum Period of Benefits

Employees will initially be entitled to benefits for a ninety (90) day period of disability. Consistent with terms of the City's Personnel Ordinance Sec. 24-2 (Examination of Disabled Employee), during the ninety (90) day period of short-term disability, the employee shall provide approved health care provider certification regarding the expected date of return to work. If the employee cannot return to work within the initial ninety (90) day period but will be able to return to work within six (6) months of the onset of illness or disability, the employee will be eligible for continuation of the short-term disability benefit for an additional three (3) months, with a maximum benefit period of six (6) months.

h. Benefit Offsets

Employees may choose to substitute accrued sick, vacation, and/or personal time for unpaid time during the ten (10) day waiting period and to supplement the seventy-five percent (75%) short-term disability benefit.

i. Application Procedures

In order to be eligible, an employee must provide documentation from a health care professional (as defined under Section 6.15) regarding the existence and diagnosis of the serious health condition and to provide additional certification as requested to confirm continued disability. The employee may also be required to be examined by the City's Medical Examiner to determine the employee's eligibility or his/her ability to safely perform the job.

j. Early Return to Work

Upon completion of the ten (10) day waiting period, an employee who is medically cleared to return to full duty on a part-time basis may return to work for a period of not less than four (4) hours per day, five (5) days per week for full time employees

and not less than four (4) hours per day for all regularly scheduled days for part time employees. The employee may continue to take short-term disability leave for the remaining four (4) hours or less of the normal workday and supplement the partial short-term disability benefit as provided in subsection h. above.

(Effective 9/24/01)

6.7 WORK-RELATED INJURY LEAVE

a. Injury Reporting, Paperwork and Pay

An employee injured on the job, however slightly, must report the incident/accident immediately to his/her supervisor. If an employee is seeking medical treatment, that employee must first be seen by a medical provider as designated by the City. The supervisor must file a "First Report of Injury" form with the Benefits & Insurance Administrator in the Human Resources Department by the end of the next normal workday. If the employee is out for more than three (3) workdays, a "Wage Statement" and a "Certificate of Dependency" must also be completed. All expenses related to an on-the-job injury are subject to approval by the City's Third Party Administrator (TPA) of the Workers' Compensation Fund. (Please refer to Department Directives, if appropriate, for specific procedures.)

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

(Effective 7/17/00)

In the case of injuries causing absences of three (3) days or fewer, the employee will receive injury leave, not to be charged against sick leave. If the employee does not use sick leave at any other time during the fiscal quarter, he/she will be entitled to the appropriate sick bonus (See Section 6.5.d.). Sick and vacation leave shall be earned during a work-related leave.

In accordance with statutory requirements, the City will make reasonable accommodations to return an employee with a disability to his/her former position or placement within a vacant similar position. Alternate work arrangements such as temporary job reassignment or light duty restrictions may be considered.

b. Workers' Compensation Insurance

The City follows guidelines for Workers' Compensation as outlined by Vermont's Department of Labor and Industry Workers' Compensation Laws. A copy of the Workers' Compensation Law is available in the Human Resources Department.

A City employee has the right, under State Statute, to file a Workers' Compensation Claim up to six (6) months after an injury. The City must file a report to the State within three (3) days of an employee reporting an injury.

An employee injured on the job is entitled to coverage for all reasonably necessary medical services and supplies. The City reserves the right to require an independent medical examination (IME) and/or doctor's certificate at any time, at the City's expense. The employee shall have the right to have a physician present at such examination, paid for by the employee. Refusal to cooperate with an IME may jeopardize coverage of additional benefits. Medical benefit payments are subject to approval by the City's Third Party Administrator (TPA).

Weekly Workers' Compensation payments for lost time, which have been approved by the City's TPA, will be computed as follows:

Subject to the State required minimums and maximums, sixty-six and two-thirds (66-2/3) percent of the average gross wage earned during the twelve (12) weeks preceding the injury, plus a small amount for each dependent child, tax exempt.

Workers' Compensation payments commence following the third day of disability. If the disability continues after the third day for a period of seven consecutive calendar days or more, compensation shall be paid for the whole period of the disability, including the first three days. Workers' Compensation benefits will continue until an injured employee reaches a medical end.

An employee may receive additional compensation once temporary disability benefits end if he/she has not recovered completely from the work-related injury. The law provides a schedule from which permanent partial disability benefits are determined, based on both the particular injury and the seriousness of the functional impairment that remains.

An employee who is disabled by an accident in the line of duty has the right to return to his/her former position or to placement within a vacant similar job and pay classification for a period of up to two (2) years from the date of injury, provided the employee is qualified for the position and is fully capable of performing the essential duties of that position. This guarantee expires if the disability ceases prior to the end of the two (2) year period and the employee does not return to work immediately or if the employee retires or otherwise separates from employment.

If, as a result of an employee's injury, the employee is unable to return to the pre-injury position, he/she may be entitled to vocational rehabilitation assistance to assist in finding suitable alternative employment.

Accident time which is not approved by the City's TPA shall be paid at the employee's normal hourly rate of pay and may result in adjustments to compensation previously paid to the employee for accident time. Accident time may be denied upon a determination by the City or the City's TPA.

6.8 BEREAVEMENT LEAVE

Bereavement leave is available to an employee upon the death of his/her family and is offered on the regularly scheduled workdays immediately following the death. If a death

occurs during an employee's scheduled vacation, additional vacation day(s) may be granted to make up for those used for bereavement leave. An employee may utilize vacation or personal leave to supplement bereavement leave**.** Note: For Fire Department personnel working shift schedules of twenty-four (24) hours on and forty-eight (48) hours off, "working days" shall mean calendar days and not specific scheduled shift days.

a. Death of Spouse, Party to a Civil Union, Domestic Partner, or Child

Upon the death of an employee's spouse, party to a civil union, domestic partner, or child, the employee may request and the Department Head or his/her designee may grant bereavement leave of up to ten (10) working days immediately following such death without loss of pay.

b. Death of Parent

Upon the death of an employee's parent, the employee may request and the Department Head or his/her designee may grant bereavement leave of up to five (5) working days immediately following such death without loss of pay.

c. Death of Immediate Family Member

Upon the death of an immediate family member not otherwise mentioned above (such as brother, sister, father-in-law or mother-in-law, parents of parties to a civil union or domestic partners, grandparent), the Department Head or his/her designee may grant up to three (3) days leave with pay.

d. Other

Upon the request of the employee, the Department Head or his/her designee may grant up to one day leave with pay to attend the funeral of a personal friend or member of the employee's family not mentioned herein.

6.9 MILITARY LEAVE

Applicable Federal laws under 38 USC 4301 and State laws under Title 21, section 491 shall preempt and control in the event of any conflict between those laws and these policies. A copy of the aforementioned laws is available at the Vermont state website at www.leg.state.vt.us/statutes/statutues2.htm and at http://uscode.house.gov.

a. Training

Employees who are members of the National Guard or on the Reserve List of any branch of the Federal Armed Forces, and who are required to attend training camp will annually be allowed five (5) work days paid military leave in addition to the employee's normal vacation allotment. Additional military leave shall be without pay or may be taken as vacation.

Payment for the first week of military leave shall be computed on the same basis as vacation pay.

1) To be entitled to the benefits of this section, an employee must present his/her immediate supervisor with a copy of the orders calling for attendance at the training camp and said orders must be attached to the time sheet.

2) Military leave is calculated on a military fiscal year basis (October 1 through September 30).

b. Active Duty

1) Subject to specific items defined in this policy, it is the overall intent of this policy to offer protection to employees called to or volunteering for active military service, such that their employee rights will be the same, as if they had not left for such military service.

2) An employee who has not utilized his/her military leave benefits for the military year (October 1-September 30) in which he/she is called to active duty shall be eligible for such benefits according to subsection 6.9.a. An employee also shall have the option to remain on vacation status until his/her unused vacation balance is exhausted, receiving all employee benefits during that time. After that time the City will compensate employees while in active service for the differential between the employee's military pay, which shall be computed on the military base pay received and other monetary compensation including any payments made for housing, and the amount designated as the straight-time weekly salary for the position for the employee. A copy of the military pay voucher shall be submitted prior to authorization for payment to the employee for the period of leave. An employee shall not receive City benefits during this period, including the accrual of any sick or vacation time.

3) The City will hold the employee's job open for three hundred sixty-five (365) days (from service date called to active duty), but will only guarantee employment in a position in the same pay classification as the job he/she previously held, with compensation at the same percent of the ultimate for that former pay classification based on the City's or BED's compensation system in effect upon return.

4) No employee shall suffer loss of seniority, where applicable, while on active military leave.

5) In light of the fact that the military will provide full benefits for the employee and his/her immediate family while on active duty, the employee will be considered on military leave without pay. Beginning the first day of the month following the commencement of military benefits, the City will cease to provide health and dental benefits for an employee subject to COBRA benefits. If the employee elects to do so, his/her dependents shall continue to be covered by the City's health and dental insurance at no additional costs to the employee. All other

benefits shall be administered according to "no pay status". In addition, the City shall reactivate an employee's health, dental and life benefits at the termination of active duty upon written notice to the City of the employee's intention to claim restoration to his/her former position.

(a) An employee shall not accrue vacation and/or disability leave benefits for the period without pay.

(b) An employee shall be responsible for any voluntary deductions and shall make payment arrangements with Payroll prior to beginning the no pay status.

6) No employee shall suffer any loss in service credit to the City while on full time active duty, provided that he/she returns to City employment within one hundred twenty (120) days of discharge. The City shall continue to contribute to the retirement system on the employee's behalf.

7) If an employee retires within three (3) years of discharge from active military duty, his/her retirement earnings shall be computed by utilizing earnings from the most recent years of service to the City.

8) This policy is not intended to apply to the annual two-week training leave where the employee opts for time off without pay, or similar training.

9) Should this policy conflict with Federal or State statutes regarding military leave, such Federal or State statutes shall take precedence.

6.10 JURY LEAVE

An employee summoned to jury duty will be excused from his/her normal work schedule for the period necessary to perform such duty. If the jury is excused from duty during working hours, the employee shall immediately report for work. An exception is that of an employee working on shift who has not had at least a six (6) hour rest period, exclusive of one-half (½) hour travel time to and from work, prior to the commencement of his/her shift. An employee required to serve on a jury, and thus be absent from regular duty, shall be paid 100% of regular base pay by the City upon presentation of proof of jury service. Under no circumstances shall an employee be eligible for receipt of jury pay and city pay at the same time.

In order to be excused from work for jury duty, an employee must present to his/her supervisor a copy of the letter from the court requiring the employee’s appearance for jury duty and must attach it to his/her time sheet.

6.11 EDUCATIONAL LEAVE

Upon request by the Department Head and after consideration and recommended approval by the Human Resources Director, The Institutions and Human Resources Policy Committee may grant an employee unpaid leave of absence for educational purposes not to exceed one year. The employee’s position may be filled temporarily

during his or her absence. Upon termination of such leave the employee is entitled to reinstatement to his or her former position or to placement within a similar job and pay classification.

6.12 PERSONAL LEAVE

All employees shall be granted sixteen (16) hours leave on July 1st for personal business during each year without loss of pay or deduction of sick leave. Non-probationary Fire Department personnel assigned to twenty-four (24) hour shifts will be granted forty-eight (48) hours of personal time on July 1st. Part-time employees working at least twenty (20) hours per week will be granted pro-rated personal time based on their average weekly hours on July 1st. New employees will have personal time awarded in the following manner: hired between July 1 and December 31, 16 hours; hired between January 1 and March 31, 8 hours; hired after March 31, zero hours. Personal business is defined as any business that cannot be conducted at a time not in conflict with the employee's regular work day, an emergency over which he has no control which requires immediate attention, and the observance of a religious obligation. Notice of such leave shall be given as much in advance as possible and may be taken as a portion of a day, but in no event in periods of less than one (1) hour. A personal business day may not be used during the day immediately before or after an employee's scheduled vacation. The City may require substantiation for personal leaves. There shall be no payout of personal leave upon separation from the City.

(Effective: 10/04/12)

6.13 LEAVE WITHOUT PAY

Upon affirmative recommendation of the Department Head and approval of the Human Resources Director, an employee may be granted leave without pay for up to thirty (30) days. Leave without pay in excess of thirty (30) days shall require the approval of the Mayor**.** At the expiration of a leave without pay, the employee shall return to the same position. Failure of the employee to report promptly at the expiration of such leave shall be considered a resignation. Leave without pay shall not constitute a break in service; however, during leave without pay in excess of thirty (30) calendar days, vacation and sick leave shall not accrue. No other benefits will be provided during this period of leave and the employee's medical and dental benefits will be available at one hundred percent (100%) of the cost paid by the employee.

6.14 REPLACING EMPLOYEES ON LEAVE

City Departments may fill, on a temporary basis, positions of employees granted a leave of absence. The return of an employee from a leave of absence shall be regarded as just and sufficient cause for the termination of the temporary replacement.

6.15 PARENTAL, MEDICAL, FAMILY CARE AND SHORT-TERM FAMILY LEAVE

a. Introduction and Definitions

The City provides that an eligible employee may take up to sixteen (16) weeks of unpaid leave during a twelve (12) month period relating to the birth or adoption of a child, or twelve (12) weeks of unpaid leave during a twelve (12) month period relating to the serious health condition of the employee, or the care of a seriously ill dependent, and additional short-term family leave consistent with the provisions of the Vermont Parental and Family Leave Act, 21 V.S.A. §470-474 and the Federal Family and Medical Leave Act, 29 U.S.C. §2601-2654. A summary of the provisions of the Federal and State laws and City policy is provided below.

Definitions

For purposes of this section, an "immediate family member" shall mean a spouse, a party to a civil union, domestic partner, son, daughter, stepchild, a ward of the employee who lives in the employee's home, parent, parent-in-law, or other close family member who resides in the employee's home.

For purposes of this section, a "serious health condition" shall mean an illness, injury, impairment, or condition that includes any period of incapacity connected with an inpatient hospital stay or any period of incapacity involving "continuing treatment by a health care provider" as that phrase is defined in Federal regulations.

For purposes of this section, “emergency” means circumstances where the required notice could have a significant adverse impact on the family member or the employee.

b. Parental, Medical and Family Care Leave

1) Eligibility

In order to be eligible for leave under this policy, an employee must have been employed for at least one year and have worked at least 1,250 hours during the previous twelve (12) month period. Upon meeting this initial eligibility requirement, an employee is entitled to the benefit.

A twelve (12) month period shall mean July 1 through June 30 of each year. Effective April 1, 2009, the City will provide only one twelve (12) week leave during each twelve (12) month period (sixteen (16) weeks for parental leave) as provided under the law, even if more than one qualifying event has occurred. The twelve (12) month period begins on the first day of the leave. Additional leave beyond the twelve (12) week period may be taken only with the approval of the Human Resources Director.

(a) Parental Leave

An eligible employee shall be entitled to take sixteen (16) weeks of unpaid parental leave during the employee's pregnancy and within one year following the birth or adoption of a child or the initial placement of a child under eighteen (18) years of age with the employee for the purpose of adoption or foster care of a child.

Parental leave may be taken intermittently or on a reduced schedule only with the approval of the Department Head. Although accrued leave can be used to supplement the work week, exempt employees who work a reduced schedule due to intermittent leave shall be paid only for the hours worked during the work week. Medical leave may, when medically necessary, be taken intermittently or by reducing the normal weekly or daily work schedule. If intermittent or reduced schedule leave is used, the employee must give due consideration to potential disruption to his or her department due to the absence and the employee may be required to temporarily transfer to an available alternative position of equivalent pay and benefits which better accommodates recurring periods of leave.

(b) Medical and Family Care Leave

An eligible employee shall be entitled to take twelve (12) weeks of unpaid medical leave if the employee is unable to work because of a serious health condition. An employee shall be entitled to take unpaid family medical care leave in order to care for an immediate family member with a serious health condition.

(Effective: 9/24/01)

(c) Leave related to a Service Member

(1) Qualifying Exigency Leave

Eligible employees are entitled to up to twelve (12) weeks of leave because of "any qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. By the terms of the law, this provision requires the Secretary of Labor to issue regulations defining "any qualifying exigency" and such regulations will be applicable once they are issued.

(2) Military Caregiver Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty while on active duty is entitled to up to twenty-six (26) weeks of leave in a single twelve (12) month period to care for the service member. This provision is effective immediately upon enactment. This military caregiver leave is available during "a single twelve (12) month period" during which an eligible employee is entitled to a combined total of twenty-six (26) weeks of all types of parental, family, and medical leave.

2) Notice from Employee and Certification from Physician

An employee must provide reasonable notice to his or her Department Head of intent to take leave under this policy. In the case of parental leave, reasonable notice shall mean notice at least six (6) weeks prior to the leave. In the case of medical leave, an employee must give at least thirty (30) days prior notice of a leave which is foreseeable. In cases of emergency, the employee shall notify the Department Head as soon as practicable. All notices must include the date the leave is expected to commence and the estimated duration of the leave. A form shall be available from the Human Resources Department for this purpose.

An employee shall provide certification from the attending health care provider for the employee or the employee's immediate family member supporting the need for medical leave and the estimated duration of the leave. The City may require that additional certification from the attending health care provider be supplied to the City to confirm the need for the leave. The City may require that the employee submit to a further examination to confirm the medical need for the leave under this policy.

After receipt of the notice from the employee and information from the treating physician, the City will confirm with the employee whether the requirements for leave under this section have been met and whether the leave taken by the employee shall be counted toward the twelve (12) week period provided by this section.

3) Use of Accrued Paid Leave

An employee may use available accrued leave time, including sick, vacation and personal leave. The use of accrued paid leave shall not extend the twelve (12) week leave period provided by this section.

4) Continuation of Employee Benefits

An employee shall continue to receive health care benefits including medical, dental and life, and accrual credit towards retirement. The City will continue to pay its share of the employee's health insurance coverage. However, the employee shall be responsible for the payment of the employee's contribution for health insurance and retirement during the leave period. Should the employee elect not to return to work after the expiration of the leave period, the employee shall pay the City the entire cost of the insurance coverage during the leave period. If a returning employee exhausts their accrued leave and can no longer utilize paid time off, the cost of the benefits will be recouped by the City upon the employee’s return to work.

5) Return to Work

An employee who wishes to return to work prior to the originally scheduled date shall give reasonable notice of his or her intent to return to work.

Except for an employee returning from caring for a family member, employees returning to work after a medical leave will be required to provide certification from the health care provider that he or she is able to perform all the essential functions of his or her employment. Consistent with other existing policies, the City may require that the employee complete a return to work examination with the City's medical examiner or other health care provider designated by the City.

An employee who fails to return to employment at the end of the leave period and who has not been granted a leave extension by the City will be subject to disciplinary action including termination.

All qualified returning employees shall be entitled to return to the same position or a position of like seniority, status and pay.

c. Short-Term Family Leave

In addition to the leave provided above, an employee shall also be entitled to take unpaid leave not to exceed four (4) hours in any thirty (30) day period and not to exceed twenty-four (24) hours in any twelve (12) month period for any of the following purposes:

1) 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. An employee may use available paid vacation or personal time for this leave at his/her discretion.

(Effective: 3/26/00)

2) To attend or to accompany the employee's child, stepchild, foster child or ward who lives with the employee or the employee's parent, spouse, civil union partner, domestic partner or parent-in-law to routine medical or dental appointments. An employee may use available paid vacation or personal time for this leave at his/her discretion. An employee may use sick time if the appointment cannot be scheduled outside of regular work hours.

3) To accompany the employee's parent, spouse, civil union partner, domestic partner or parent-in-law to other appointments for professional services related to their care and well-being. An employee may use available paid vacation or personal time for this leave at his/her discretion. An employee may use sick time if the appointment cannot be scheduled outside of regular work hours.

4) To respond to a medical emergency involving the employee's child, stepchild, foster child or ward who lives with the employee, or the employee's parent, spouse, civil union partner, domestic partner or parent-in-law. An employee may use available paid vacation or personal time for this leave at his/her discretion. An employee may use sick time if the appointment cannot be scheduled outside of regular work hours.

An employee may be required to take leave in a minimum of two-hour segments. An employee shall make a reasonable attempt to schedule appointments for which leave may be taken under this subsection outside of regular work hours. In order to take leave under this section, an employee shall provide the Department with the earliest possible notice, but in no case later than seven days before the leave is to be taken, except in the case of an emergency.

6.16 LEGISLATIVE LEAVE

An employee who is elected to a State office and who submits to the Department Head and Human Resources Director no later than ten (10) days after receiving certification of his/her being voted into office written notification of his/her intention to serve, shall be granted a leave of absence for the duration of the legislative session. During his/her absence that employee will be considered on legislative leave without pay. Beginning the first day of the month following commencement of legislative leave, the City will provide health, dental and life insurance benefits for the employee and his/her dependents at the rate of seventy-five percent (75%) with the remaining twenty-five percent (25%) paid by the employee, subject to applicable COBRA benefits. Upon termination of legislative service, the employee must provide written notice to the Department Head and Human Resources Director of his/her intention to claim restoration to his/her former position.

Leave under this provision shall not cause loss of job status, seniority, or the right to participate in insurance or other employee benefits. An employee shall not accrue credit toward retirement, or vacation, sick or disability leave during the period without pay. An employee on leave under this provision must return to his/her former position within seven (7) days of the last day of the legislative session.

6.17 ADMINISTRATIVE LEAVE

Any decision to place an employee on paid administrative leave must be made in consultation with the City's Human Resources Director and the City's legal counsel, unless such consultation results in a conflict for the Human Resources Director. The Mayor or designee, a Department Head, or the Human Resources Director can place an employee on paid administrative leave from duty at any time that the Mayor or designee, the Department Head, or the Human Resources Director believes it is in the best interests of the City or of the employee that the employee be placed on a leave from their duties. Examples of reasons for a paid administrative leave, include but are not limited to, to provide an opportunity for the investigation of, or inquiry about, charges or allegations relating to the employee; or if in the judgment of the Mayor or designee, the Department Head, or the Human Resources Director, the employee's continued presence at work is detrimental to the best interests of the City, the public or the ability of the workforce/office to perform its work in the most efficient manner possible or to the well being or morale of persons in the City's care.

Employees who are placed on a paid administrative leave shall receive notice in writing that they have been placed on a paid administrative leave, a brief explanation of why, when it shall begin and when it will end, if known at that time. The employee will also be informed whether they are permitted to be present at their worksite as well as any other

restrictions that may be applicable under the circumstances.

The Mayor or designee, the Department Head, or the Human Resources Director will review the status of the leave every ten (10) business days and will, after consultation with the Human Resources Director and the City's Legal Counsel, determine if it is necessary to continue the leave period.

SECTION 7

EMPLOYEE BENEFITS

7.1 PHILOSOPHY

The City provides a comprehensive benefit package for City employees and their dependents. Components of the benefit package include: health, dental, life insurance and retirement, as well as the services of an employee assistance (counseling) program and dependent and child care assistance options.

7.2 ELIGIBILITY

Unless otherwise specifically stated herein, the benefits described in this section are provided only to Regular full and part-time and Limited Service employees. Regular and Limited Service employees working at least twenty (20) and up to thirty-five (35) hours in an average work week shall be entitled to such benefits on a prorated basis. If a part-time employee wishes to take advantage of these benefits, he/she is responsible for the balance of the monthly premium. Employees on leave without pay shall not be entitled to benefits under this section during the period of absence unless specifically provided for in Section 6 or if they are eligible to purchase benefits through the City under COBRA guidelines.

For the purposes of employee benefits, the City defines dependents as a legally married spouse, a party to a civil union, a domestic partner, or a dependent child. A legal spouse, a party to a civil union and a dependent child are determined according to applicable Federal and State laws. In addition, certain insurance contracts may include dependent children riders.

A domestic partnership will be recognized when an employee submits a signed and witnessed "Affidavit of Domestic Partnership" to the Human Resources Department.

The Affidavit of Domestic Partnership declares the relationship meets all of the following criteria:

a. The persons are not related by blood closer than would bar marriage in the State of Vermont.
b. Neither person is married or related by marriage.
c. The persons share primary residence and the common necessities of life.
d. The persons are eighteen (18) years old or older.
e. The persons are competent to enter a contract.

f. The persons declare that they are each other's sole domestic partner and have been each other's sole domestic partner for a period of at least six (6) consecutive months prior to the execution of this Statement of Domestic Partnership.
g. The persons have agreed between themselves to be responsible for each other's welfare.
h. The persons have agreed to notify the Human Resources Department of any change in the status of their domestic partnership.

(Effective: 9/24/01)

Either member of the domestic partnership may terminate the domestic partnership benefits by filing a "Termination Statement" with the Human Resources Department**.** All records of domestic partnership of City employees will be maintained as part of the employee's confidential benefit's file.

It should be noted that all employee declarations of dependents must be true and correct. Any misrepresentation or falsification of information may result in disciplinary action up to and including termination and disqualification from applying in the future for any City employment.

7.3 INSURANCES

a. Medical and Hospital

The City maintains a group medical, major medical, and hospital insurance policy for all employees and their dependents. Dependents are defined as legally married spouses, parties to a civil union, or domestic partners (refer to Section 7.2) and dependent children. Civil Union and Domestic Partner coverage is taxed as per IRS regulations for the value of the additional benefit coverage. An employee may be required to contribute to the cost of such coverage. The eligible employee will be covered on the first day of the month following his/her date of hire. The benefits shall be provided through a self-insured plan or under a group insurance policy or policies issued by an insurance company or companies selected by the City. If these benefits are insured by an independent company, all benefits are subject to the provisions of the policies between the City and the insurance company. An employee's medical coverage will expire on the first day of the next month following an employee's last day of employment. If an employee separates from the City and remains uninsured, under COBRA guidelines the City shall allow him/her to purchase the current medical insurance coverage until he/she is otherwise insured, in accord with COBRA's guidelines and regulations for a period not to exceed eighteen (18) months unless for approved exceptions. According to federal law, COBRA is not available to parties to a civil union or domestic partners.

b. Dental Insurance

The City maintains a group dental plan for employees and their dependents. Employees may be required to contribute to the cost of such plan. Dependents are defined as legally married spouses, parties to a civil union, or domestic partners (refer to Section 7.2) and dependent children. Civil Union and Domestic Partner coverage

is taxed as per IRS regulations for the value of the additional benefit coverage. An eligible employee will be covered on the first day of the month following his/her date of hire. An employee's dental coverage will expire on the first day of the next month following an employee's last day of employment.

If an employee separates from the City and remains uninsured, under COBRA guidelines the City shall allow the employee to purchase the current dental insurance coverage until he/she is otherwise insured, in accord with COBRA's guidelines and regulations for a period not to exceed eighteen (18) months unless for approved exceptions. According to federal law, COBRA is not available to parties to a civil union or domestic partners.

c. Life Insurance

The City maintains a life insurance policy for regular and limited service full time employees.

7.4 EDUCATIONAL AID

An employee who has completed his or her probationary period is encouraged to pursue educational courses during other than working hours that are designed to upgrade or improve his or her job-related skill or to broaden one's skill base or abilities. **The granting of all educational aid is subject to budgetary limitations.** Below are the mandatory guidelines for receiving educational aid (all relevant stipulations of union contracts take precedent in conflict with these guidelines):

a. General Guidelines:

1) The tuition cost for educational programs which are deemed to be directly beneficial to the City will be at no cost to the employee. The City shall not pay for any one course more than once with the exception of those courses for which the City has been fully reimbursed by the employee.

2) Educational programs should occur outside of an employee's regular working hours. Any absence during work hours must be specifically approved by the employee's Department Head in advance and the employee shall not be paid by the City for such absences, unless course attendance is mandated by the City.

3) Application to attend courses must be submitted to the Department Head on the proper form and courses must be approved by the employee's immediate supervisor, prior to committing the City to any financial obligation. All applicants must receive final approval from both the Department Head and the Human Resources Department.

4) Payment for the course will be made directly to the educational institution at the time the employee is registered and billed for the program.

5) Evidence of satisfactory completion of each course must be submitted to the Human Resources Department within thirty (30) days of the completion of the course.

6) An employee who earns a grade below C or does not complete a course shall reimburse the City for the total costs paid toward the course. Such reimbursement shall be made over a period of time agreed to by the employee and the City not to exceed six (6) months. This program shall not apply to any program mandated by the City. Such mandates shall be noted on approval forms by the employee's supervisor(s) prior to final approval for enrollment into the program.

7) An employee who, for reasons other than layoff, leaves City employment while enrolled in a course shall reimburse the City for the total costs paid by the City towards the course prior to the employee's separation from the City.

8) Educational materials, student fees, books, etc. shall not be paid by the City, except for those courses mandated by the City. Upon prior approval the City will pay for course material when the purchase of the material is in lieu of tuition.

9) The employee will sign an agreement waiver that empowers the City to withhold either pay or accrued unpaid vacation if the City is owed any reimbursement for either aid provided under this policy. In addition, the agreement will provide that the employee will pay any costs incurred by the City in the collection of such reimbursement in the event it is not fully paid by the employee during employment.

b. <u>Qualified Degree Program</u>:

1) The City may, based on budgetary limitations, pay tuition costs for a Qualified Degree Program (QDP) which is deemed to be directly beneficial to the City.

2) An employee approved for enrollment in a QDP must comply with all general guidelines for Educational Aid. In addition, the following terms must be met:

(a) Establishment of an anticipated completion date for the degree. A completion date may be extended by the Director of the Human Resources Department or the relevant Department Head (revenue departments only).

(b) Applications for annual renewals must be submitted to the Human Resources Department on the proper form prior to committing the City to any further financial obligation. Subject to budgetary limitations, applicants will receive final renewal approval from the Human Resources Department.

3) The employee enrolled in a QDP or a course relating to a specialized skill shall reimburse the City for the total costs paid by the City for all courses when any of the following occur:

(a) For reasons other than layoff, the employee separates from the City within

two (2) years of the completion of the QDP;

(b) The employee does not complete the QDP by the anticipated date; and/or

(c) The employee separates from the City prior to the completion of the QDP.

(d) If the total QDP tuition costs paid by the City cannot be recouped from the employee through wage garnishment as provided in the Educational Aid General Guidelines, the employee agrees to repay the City for any outstanding tuition costs within one (1) year.

7.5 EMPLOYEE ASSISTANCE PROGRAM

The City provides all employees with the services of an Employee Assistance Program (EAP). The program is designed to provide personal and/or family counseling in areas such as marital or dependent relationship difficulties, alcohol and drug abuse, stress, legal or financial concerns, problems with children, and emotional problems, at little or no cost to the employee or the employee's immediate family members. Voluntary participation in the EAP is confidential.

7.6 HEALTH CARE FLEXIBLE SPENDING ACCOUNT

This program allows an employee to anticipate out-of-pocket medical expenses by depositing pre-tax earnings into a flexible spending account from which the employee is reimbursed for qualified health expenses not covered by insurance. Therefore, those expenses are exempt from Federal, State, and FICA taxation.

The flexible spending plan year runs from January 1st through December 31st. The enrollment period for the following plan year is December of each year. Employees who wish to continue to participate must re-enroll each year. A maximum amount as established annually by the City may be deposited in the flexible spending account.

The money in this account may be used only for qualified, unreimbursed medical and dental expenses as outlined in the IRS Code. Money not used for eligible expenses during a plan year must be forfeited under IRS guidelines.

Please contact the Human Resources Department for more information and enrollment forms.

7.7 CHILD/DEPENDENT CARE ASSISTANCE PLAN

The Dependent Care Assistance Plan (DCAP) commences on January 1st of every year. The DCAP is a salary reduction/reimbursement plan which allows employees to use tax-free dollars to pay their dependent care expenses. Dependent care includes child care expenses as well as expenses incurred for the care of an employee's dependent (spouse, child, parent as defined by IRS regulations) who is mentally or physically incapable of caring for himself/herself.

The DCAP establishes a tax-sheltered account for funds that reimburse employees for child or dependent care expenses. The plan year is January 1 through December 31. Employees must enroll in the plan in December unless there is a qualifying "life event". At the start of each plan year, the employee determines how much is deducted from his/her weekly wages and thus, not taxed. This amount is taken out of the employee's paycheck and deposited in a DCAP account each week.

The employee then submits receipts from the dependent care provider to the Third Party Administrator of the plan, Flex Compensation Inc (FCI). Reimbursements are processed weekly by FCI. Employees may reduce their taxable income by as much as their total cost for dependent care, or the total of their earnings, but no more than a maximum amount as established annually by law. Money not used for eligible expenses during a plan year must be forfeited under IRS guidelines.

SECTION 8

PERSONAL CONDUCT

8.1 PHILOSOPHY

City employees are expected to perform their duties in a conscientious and professional manner that will not adversely affect job performance of others or the efficiency of City services. Employees are expected to be courteous to all members of the general public and co-workers.

8.2 BEHAVIOR OF EMPLOYEES

The following actions constitute grounds for immediate discipline which may include dismissal (this list is meant solely for the purpose of example and is not intended to be all inclusive):

a. arriving at the job under the influence of illegal drugs or consuming illegal drugs or alcoholic beverages during working hours including meal breaks (see Section 8.11);

b. theft and theft of services;

c. damage or misuse of City property, including but not limited to the misuse of City property to access pornography;

d. unauthorized use of City property for personal, private, or political gain;

e. the falsification of any documents;

f. insubordination while interacting with his/her supervisor;

g. verbal, written and/or physical conduct which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment;

h. negligence and/or dereliction in the performance of his/her official duties;

i. acts of discrimination including sexual harassment (see Section 8.9);

j. tardiness;

k. failure to report to work for at least three (3) consecutive scheduled shifts without proper notification;

l. abuse of the leave provisions hereof;

m. violation of any copyright protection laws including, but not limited to, those laws applying to computer programs, video tapes, books, magazines, etc.;

n. violations of City or Department rules, regulations and/or policies and safety standards.

o. possession of any type of firearm or other weapon on City property, unless job related;

p. conviction of a crime of moral turpitude or a crime of violence, or a drug or alcohol offense that would prevent the employee from fully performing the requirements of his or her position;

q. imposition by a court conditions of release that limit the employee's contact with the public or with members of the workforce that would prevent the employee from fully performing the requirements of the position;

r. acts or threats of domestic violence (See Section 8.10 and Appendix D).

Employees are required to promptly notify their supervisors and the Human Resources Director of any criminal charges, convictions, and loss of motor vehicle privileges if a driver's license is required as a condition of employment. Employees may be disciplined if there is a nexus between the misconduct and the employee's position. Employees shall be subject to discipline for failure to provide notice for any of the above. The supervisor and Human Resources Department will maintain this information in a confidential manner to the extent possible.

8.3 PERSONAL APPEARANCE OF EMPLOYEES

Employees are to wear attire that is appropriate, professional and provides adequate safety protection for their employment. (See Department Directive.)

8.4 CHILDREN IN THE WORKPLACE

Employees shall refrain from bringing their children to work. If a situation occurs when it is necessary for employees' children to be temporarily present at the work site, employees are responsible for providing appropriate supervision to ensure the safety of

their child in the workplace. The City reserves the right to require a parent to remove a child at any time.

If an infant is brought into City offices, in accordance with the limits of this policy, the mother of the infant, whether she is an employee or visitor, has the right to breastfeed her infant in the City's workplace. Employees who are breastfeeding may request a flexible schedule for the period they are nursing.

8.5 DOGS IN THE WORKPLACE

At the discretion of each Department with the approval of the Department Head, dogs may be brought to work provided that particular care is taken to ensure public and employee safety and that the presence of dogs does not interfere with City operations.

8.6 SMOKING POLICY

All City facilities and vehicles shall be considered non-smoking areas, except for those specific areas designated for smoking (see Department Directives for designated areas, if applicable). Note: Each Departmental Directive must comply with Vermont's Worksite Smoking Law, 18 V.S.A., Section 1421-28, requiring employers to have a written, posted smoking policy which either: 1) provides for a smoke-free workplace; or 2) restricts smoking to designated, separately enclosed and ventilated smoking area .

8.7 POLITICAL EXPRESSION

All employees are entitled to exercise their rights as citizens to express their opinions and to cast their votes, except as controlled by City Charter. Employees may not:

a. use official authority or governmental resources for the purpose of interfering with or affecting the result of an election or nomination for office;

b. directly or indirectly coerce, attempt to coerce, command, or unduly influence a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes;

c. no employee shall attach any political sign, button, or paraphernalia to any City property, vehicle or uniform; and/or engage in conduct which might imply a Department's support of a political candidate or cause while the employee is on duty.

8.8 DISCIPLINARY ACTION

The City subscribes to a policy of progressive discipline in most cases when dealing with disciplinary actions related to the personnel policies contained in this document**.** This includes, but is not limited to, an oral warning; a written reprimand; formal referral to EAP, suspension; demotion; and dismissal. In situations that warrant other than an oral reprimand, an employee shall be given a written notice specifying the act(s) that gave rise to the disciplinary action, the appropriate remedy, and notice of right to appeal. A copy of the written notice shall be kept in the employee's personnel file for at least three (3) years. Except in a case resulting in discharge, any written reprimand remaining in an

employee's personnel file after that time will not be taken into consideration in relation to any further disciplinary action. Notwithstanding the above, materials related to a "major offense" shall not be removed from the file. For the purposes of this section, a "major offense" shall mean conviction of a crime involving moral turpitude, or either a conviction or an administrative adjudication finding that the employee participated in discriminatory behavior, including sexual harassment, the excessive use of force, the violation of another's civil rights or act involving dishonesty or theft. The measure of disciplinary action shall in all cases be properly and reasonably related to the severity of the offense. Certain types of behavior by an employee may warrant immediate disciplinary action without the imposition of progressive levels of discipline. This may include suspension or dismissal without an oral or written reprimand. (Refer to Section 10 for Grievance Policy.)

*Note to supervisors and managers: Progressive discipline requires documentation in order to be effectively implemented. Supervisors are expected to document and share with employees both positive and negative performance and behavioral matters so as to properly meet the standards for discipline and performance review.

Consistent with the requirements of the Federal Fair Labor Standards Act (FLSA), exempt employees shall not be subject to a term of suspension without pay for periods of less than full days.

NOTE: Failure to observe proper safety procedures will result in disciplinary action (see Section 11.1 and/or Department Directives).

Department Heads

Department heads may be disciplined at any time during their appointment. Certain behavior and/or performance may result in an election not to reappoint.

8.9 NON-DISCRIMINATION AND SEXUAL HARASSMENT POLICY

Employees are expected to be respectful of other employees and members of the public and to conduct themselves in a professional manner at all times while engaged in public service. All employees are prohibited from engaging in any acts of wrongful conduct or discrimination toward any employee, co-worker or member of the general public.

a. Non-Discrimination Policy

Employees are entitled to work in an environment free of discrimination and harassment. Any act(s) of derogatory or unwelcome conduct made on the basis of a person's religious affiliation, race, color, national origin, ancestry, place of birth, age, sex, sexual orientation, gender expression (as defined by Vermont State Law), the presence of physical or mental impairment, or receipt of public assistance shall be considered a violation of this policy. Wrongful conduct includes comments, slurs, jokes, innuendoes, cartoons, pranks, physical harassment, etc., which are based on or related to any of the listed categories. In addition, no employee shall engage in any act(s) of derogatory or unwelcome conduct as outlined above toward a member of the public. Any allegation that a City employee has engaged in such conduct toward

a member of the public shall be subject to the investigation and disciplinary procedures outlined below.

Individual acts of wrongful conduct as outlined above may not meet the legal definition of harassment in the workplace as the Courts define that term. As defined by the Courts, harassment is a type of discrimination that is sufficiently severe or pervasive that it has the result of creating a hostile or offensive work environment. However, the City wishes to make clear to its employees and the public that it is its policy that no acts of wrongful conduct will be tolerated. Thus, immediate discipline may occur even if the legal standard for harassment is not met. Employees are, therefore, also on notice that should wrongful conduct meet the legal standard for workplace harassment, they are subject not only to immediate disciplinary action by the City but may be individually liable for that conduct in any resulting legal action that could be brought by the person who is the victim of such wrongful conduct.

Retaliation in any form against a person making a claim of discrimination, specifically including sexual harassment as outlined below, or participating in an investigation involving a claim of discrimination is prohibited. Prohibited retaliatory acts include, but are not limited to, acts which affect an employee's status, grade or work assignments. Any such acts of retaliation will be subject to discipline and are unlawful under State law.

b. Sexual Harassment

Sexual harassment is a form of discrimination. It is the policy of the City to prevent the occurrence of sexual harassment in the workplace and provide a work environment free from sexual harassment. Prohibited sexual harassment includes: comments, slurs, jokes, innuendoes, cartoons, pranks, unwelcome sexual advances, requests for sexual favors, and other unwelcome and inappropriate verbal or physical conduct of a sexual nature, which would result in an intimidating, hostile or offensive working environment. Employees have the right to be free from such harassment on the job, either from co-workers, supervisors, or managers. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is a violation of Title VII of the Civil Rights Act that defines sexual harassment as a form of sex discrimination to include:

1) submission to such conduct is made either explicitly or implicitly a term or condition of employment;

2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such an individual; and/or

3) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

c. Grievance Procedure

While it is the City's policy to resolve these issues at the first supervisory level, any

employee who believes he/she is being discriminated against by a co-worker, customer, supervisor or manager is strongly encouraged to immediately notify any of the following personnel: his/her supervisor, Department Head, the Human Resources Director, the Mayor or City's legal counsel. An employee may also contact the EEOC or Vermont Attorney General's Office (see below for contact information). Where the employee believes that he/she is being discriminated against by his/her supervisor or manager, he/she should notify one of the alternative personnel listed above. All complaints, notification or investigation of a discrimination claim will be kept confidential to the greatest extent possible. Once a determination has been made that discrimination has occurred, an appropriate remedy will be applied promptly, up to and including dismissal of the employee engaged in discriminatory conduct. As in all disciplinary actions, appropriate process will be followed. Employees are encouraged to act quickly and not tolerate acts of discrimination.

d. Investigation of Complaints

All notifications of alleged discrimination will be reported by the employee's supervisor, manager, Department Head, or legal counsel in writing to the Human Resources Director or the Mayor within three (3) working days. In cases of unusual or serious complaints, or if the supervisor does not feel comfortable investigating a complaint, the Department Head, the Human Resources Director, the Mayor or designee or the employer's legal counsel will be responsible for investigating the claim promptly. If a member of the public notifies any City employee or official of a complaint of alleged discrimination by a City employee, the complaint shall immediately be reported to the Human Resources Director. An investigation should, where feasible, include interviews with the directly involved parties, and where necessary, employees who may have observed the alleged behavior or who may be similarly situated as the complainant so as to experience the same behavior.

e. Disciplinary Action

Once a determination has been made that behavior in violation of this policy has occurred, an appropriate sanction will be established and applied promptly depending upon the severity of the offense, which will follow the City's progressive discipline policy (see Section 8.8). However, any instance of serious, repeated or continuous violations of this policy, to include threatened or actual physical advances or abuse, shall be grounds for immediate dismissal. Any of the above disciplinary actions will be recorded in the employee's personnel file.

Where the alleged acts cannot be substantiated sufficient to warrant individual discipline, a general warning will be made to all employees in the concerned Department reviewing the City's policy and the possible ramifications of discrimination.

A written report of the resolution regarding the alleged discrimination complaint and any action taken must be filed with the Human Resources Director within a reasonable amount of time, but in no case shall the resolution be filed later than fourteen (14) working days from the initial notification.

Within thirty (30) days of the written resolution, a follow-up investigation will be conducted to determine if sanctions were appropriate and to ensure that the wrongful behavior has been terminated.

U.S. Equal Employment Opportunity Commission, 1801 L Street, NW, Washington, DC 20507, or 1-800-669-4000 (for the hearing impaired, contact their TTY number (1-800-669-6820). Information for the State of Vermont Civil Rights Division is as follows: The Office of the Vermont Attorney General, 109 State St., Montpelier, VT 05609-1001, (802) 828-3171 (for the hearing impaired, contact their TTY number (802) 828-3665).

(Effective 5/20/02)

8.10 STATEMENT ON DOMESTIC VIOLENCE POLICY

The City is committed to promoting the health and safety of all its employees. The City will strive to heighten awareness of domestic violence and to address the occurrence of domestic violence and its effects in the workplace. The City will be cognizant of the likelihood that there are both victims and perpetrators of domestic violence in the workforce and will take steps to keep the workforce a safe and healthy environment.

a. Domestic Violence

Domestic violence is defined as a pattern of coercive behavior used by one person to gain power and control over another. Domestic violence may include physical violence, sexual, emotional, and psychological intimidation, verbal abuse, stalking and economic control. Although men can be victims of domestic violence, it is a major cause of injury or death to women. Domestic violence occurs between people of all racial, economic, educational and religious backgrounds, in heterosexual and same sex relationships, and between people living together or separately, married or unmarried, and in short-term or long-term relationships. Domestic violence is legally defined in Vermont as occurring between family members or persons who, for any length of time, are living or have lived together as sexual partners or as roommates, are having or have had a sexual relationship, and adults or minors who are dating or have dated.

b. Early Intervention and Prevention Strategies

The City will promote the use of early prevention strategies to avoid or minimize the occurrence of domestic violence and its effects in the workplace and will provide support and assistance to employees who are the victims of domestic violence.

The City recognizes that victims of domestic violence may have problems with job performance or conduct that is caused by domestic violence and should offer the employee a referral for appropriate assistance (e.g. EAP and/or the local domestic violence service programs). The City will make every effort to preserve the confidentiality and privacy of the employee.

c. Acts or Threats of Domestic Violence Committed by an Employee

The City is also committed to providing a workplace in which the occurrence of domestic violence will not be tolerated. Any act of domestic violence as defined above committed by an employee on City premises, during working hours, or at a City-sponsored social event is potentially subject to criminal prosecution and/or disciplinary action up to and including discharge (See Appendix D for expanded policy).

8.11 DRUG-FREE WORKPLACE POLICY

The federal Drug-Free Workplace Act of 1988 requires the City to maintain a drug-free workplace as a condition of its receiving certain grants and funds. This policy applies to all classes of employees, including independent contract workers/consultants and employees from temporary employment agencies. (See also Policy on Prohibition of Drugs and Alcohol at Work and Testing of Employees, Section 8.13). In addition, employees whose position requires them to hold a Commercial Drivers License (CDL) are also subject to Drug and Alcohol policy specific to holders of CDL. (See also Alcohol and Drug Policy and Procedures for Employees Holding Commercial Driver's Licenses, Appendix E).

The City is charged with the general safety and well-being of its employees and the general public, and is committed to providing all employees with a safe and efficient work environment free from misuse of prescribed medication or use of regulated drugs. An employee who is using or is under the influence of any drug on the job may pose serious safety and health risks not only to the user but also to others.

a. Definitions

1) Controlled Substance - as used in this policy shall mean a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined in regulation 21 CFR 1308.11-1308.15.

2) Conviction - means a finding of guilt (including a plea of no contest) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

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

4) Illegal Drug - any controlled substance which is not legally obtainable, or which is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and not being used for prescribed purposes. Examples include but are not limited to, cannabis (including marijuana, hashish and hash), hallucinogens (including LSD, psilocybin mushrooms, peyote and mescaline), stimulants (including cocaine, amphetamines, "speed" and Ritalin), depressants (including barbiturates and Quaaludes), narcotics (including opium, heroin and morphine), nitrous oxide, and anabolic steroids.

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

6) Under the Influence - means, for the purpose of this policy, that a drug noticeably affects the employee.

7) Workplace – is defined to mean anywhere a City employee is while the employee is performing his or her job functions and or is scheduled to be working. This includes but is not limited to non-City owned property which is used in the conduct of City business, including property used temporarily for business related purposes, such as lodging sites rented for seminars, training, or other City activities.

b. Illegal and Legal Drugs and City Work

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

2) Legal Drugs: For certain positions, the legal use of a drug can pose a significant risk to the safety of the employee or others. Employees who feel or have been informed that the use of such a legal drug may present a safety risk to his or her co-workers or the general public and/or could cause foreseeable damage to property, are to confidentially report such legal drug use to their immediate supervisor or the Human Resources Director.

c. Policy Provisions

1) Employees shall be required, as a condition of their employment by the City, to abide by the terms and conditions of this Drug-Free Workplace Policy.

2) An employee shall notify the appointing authority of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Failure to do so will result in discipline, up to and including dismissal.

3) The City as the employer of a convicted employee who works in a federally funded program must notify the involved federal grant agency of the conviction within ten (10) days of receiving notice of the conviction.

4) An employee **convicted** under any criminal drug statute for a violation occurring in the workplace, while on or off duty, or on duty away from the workplace, shall be immediately dismissed for the first offense.

5) In the absence of compelling mitigating circumstances, an employee **convicted** under any criminal drug statute for a violation not occurring in the workplace while **on** duty shall be subject to immediate dismissal for the first offense if convicted of a felony. If the conviction is not a felony, discipline up to and including dismissal may be imposed, including for the first offense, provided that there is a nexus between the offense and the job of the employee.

6) Appropriate disciplinary and/or corrective action is to be taken within thirty (30) days after the employer receives notice of a conviction. This, however, is not to be construed to limit the authority of the City to take such action thereafter. Any disciplinary action must comply with any applicable collective bargaining agreement, Section 504 of the Rehabilitation Act of 1978, and the Americans with Disabilities Act, if applicable.

7) An employee who engages in the manufacture, use, sale, purchase, transfer or possession of an illegal drug in any City workplace while on or off duty, or on duty away from the workplace, and who is **not convicted** under any criminal drug statute, shall be subject to discipline up to and including dismissal for the first occurrence. Where a drug test in accordance with 21 V.S.A. Subchapter 11, Drug Testing, is used to establish a first time drug use by an employee while on duty or at the work site, dismissal shall not occur if the employee participates and satisfactorily completes a substance abuse assistance or rehabilitation program approved for such purposes. An employee engaging in manufacture, use, sale, purchase, transfer or possession of an illegal drug while off duty and away from the workplace may be subject to discipline, up to and including dismissal, including for the first offense, provided there is a nexus to the employee's job and just cause for the discipline.

8) Any employee on City premises who appears to be under the influence of, or who possesses illegal drugs, or who has used such drugs on City premises, may be temporarily relieved from duty pending further investigation and shall be escorted home. (See also Policy on Prohibition of Drugs and Alcohol at Work and Testing of Employees, Section 8.13).

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

10) Employees must observe other work rules established by their employing departments regarding the use, possession or presence of drugs involving their employment.

11) Each employee of the City will make a good faith effort to maintain a drug-free workplace and uphold and promote this policy.

d. Responsibilities

1) Employer: It is the responsibility of the City to advise each employee of this policy; to post the policy annually at each work site; to include a copy of this policy in each new employee's orientation; to permit and encourage employees to avail themselves of the City's Employee Assistance Program (EAP); to provide training for managers and supervisors regarding the management of employees towards a drug-free workplace; and to take action with regard to any violations of this policy. It is also the responsibility of the City to report violations of this policy to its federal contracting agencies and/or federal grant providers.

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

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

3) Employee Assistance Program: It is the responsibility of the EAP to provide necessary information and support to the employee, the City and its administration to ensure adequate implementation of this policy. This will include informing employees of the dangers of drug abuse in the workplace and to inform them of drug counseling, rehabilitation and EAP programs available to employees. (Please refer to Section 7.5 for additional information regarding EAP).

e. Drug-Free Awareness Information

1) The Effects of Alcohol and Drugs on Health, Work and Personal Life

   The hazards of misuse of alcohol and illegal drugs extend far beyond the individual use. Impaired employees endanger themselves, co-workers and the general public. An employee with drugs or alcohol in his/her system tends to be less productive and more likely to injure themselves or other persons in an accident. In addition, medical costs tend to be higher for employees with substance abuse problems. Alcohol and drug abuse costs both the City and the employees. Alcohol remains the number one abused drug in this country. Alcohol consumption causes a number of changes in behavior. Even low doses can impair the judgment and coordination required for driving. Low to moderate doses can increase the incidence of a variety of aggressive acts. Moderate to high doses cause marked impairment in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses may cause respiratory depression and death. If combined with other depressant drugs, much lower doses of alcohol will produce the effects just described. Long-term consumption of large quantities of alcohol can lead to permanent damage to vital organs such as the brain and liver.

2) Signs and Symptoms of an Alcohol or Drug Abuse Problem

   Drugs can show their effects in many different ways. Some of the most

noticeable signs of drug abuse are lethargy or hyperactivity, respiratory depression, constricted or dilated pupils, nausea, slurred speech, excitement, loss of or increased appetite, mood swings, poor perception of time and distance, relaxed inhibitions, disoriented behavior, aggressive or passive behavior, watery eyes, runny nose, chills and sweats, convulsions, apathy, depression, and the use of drug paraphernalia. Some of the signs and symptoms of alcohol misuse are the odor of alcohol, slurred speech, staggering, tremors, vomiting, cramps, delirium, loss of appetite, using arms for balance, leaning against walls and doorways, swaying while maintaining balance, and confusion.

Multiple substance abuse is abuse of more than one drug, either at the same time or over a period of time and it involves any combination of:

(a) Alcohol
(b) Prescription drugs
(c) Over-the-counter drugs
(d) Illegal drugs

Multiple substance abuse is especially dangerous because different substances interact with each other to produce unexpected effects and dangers.

3) Methods of Intervention for Suspected Alcohol or Drug Problems

Alcohol and substance abuse is a complex problem calling for specialized supervision and care. Do not enable a person who you think has an alcohol or drug abuse problem to continue the abuse.

Leave the diagnosis and treatment of persons with a suspected abuse problem to professionals. The Department of Transportation outlines the circumstances under which testing for drug and alcohol use will be conducted. If there is a positive test result, assessment and treatment will be provided by a qualified substance abuse professional.

The City provides all regular and limited service employees with the services of an Employee Assistance Program (EAP). In addition, the City's health insurance plans provide varying levels of coverage for counseling and substance abuse treatment.

Counseling provided through the EAP and the employee's health insurance plans is strictly confidential. Any employee who believes that he/she may have difficulty in complying with any provisions in this policy is strongly encouraged to voluntarily seek assistance.

8.12 DRUG & ALCOHOL TESTING POLICY FOR EMPLOYEES REQUIRED TO HAVE COMMERCIAL DRIVER'S LICENSES

(See Appendix E for Policy)

8.13 PROHIBITION OF ILLEGAL DRUGS AND ALCOHOL AT WORK AND TESTING OF EMPLOYEES

The City recognizes that an employee under the influence of or use of alcohol and/or illegal drugs while at work can endanger the employee, co-employees, the general public and property. Accordingly, employees must be free of alcohol and illegal drugs when they arrive at work or the workplace and while at work and the workplace. See the Drug-Free Workplace Policy (Section 8.11) for other prohibitions relating to drugs and work and required procedures. All employees who hold a Commercial Drivers License as a requirement of their position shall be subject to the City's Commercial Drivers License Requirement Policy (Section 8.12) as it relates to drug and alcohol use and work.

a. Prohibited Conduct

1) Coming to work or the workplace under the influence of illegal drugs or alcohol
2) Possessing or using illegal drugs while at work or the workplace
3) Possessing or using alcohol while at work or the workplace
4) Misusing this policy in regards to subordinates or co-workers
5) Providing false information in connection with a test, falsifying test results through tampering, contamination, dilution or substitution

An employee who commits any of the above violations is subject to discipline up to and including termination (See subsection d. on Consequences below). If an employee is covered by a collective bargaining agreement, the collective bargaining agreement's policies and procedures relating to discipline shall be followed.

b. Definitions

1) Alcohol – shall mean beer, porter, stout, ale, wines, cordials, distilled spirits and liquors, together with any other food or beverage that contains one percent or more of the product of distillation of any fermented liquor, rectified either once or more often whatever may be the origin thereof and includes ethyl alcohol and alcohol which is considered nonpotable. Alcohol can also be found in medicinal products such as Lysterine and NyQuil.

2) Illegal Drug – shall mean a controlled substance as stated in Schedule I by the U.S. Drug Enforcement Administration or its metabolites. It shall also mean other drugs or their metabolites which are likely to cause impairment to employees on the job such as: cannabinoids (including marijuana, hashish and hash), hallucinogens (including LSD, psilocybin mushrooms, peyote and mescaline), stimulants (including cocaine, amphetamines, "speed" and Ritalin), depressants (including barbiturates and Quaaludes), narcotics or opiates (including opium, heroin and morphine), amitriptyline, benzodiazepines, doxepin, glutethimide, hydromorphone, imipramine, meperidine, methadone, methaqualone, oxycodone, pentazocine, phenytoin, phencyclidine, phenothiazines, and propoxyphene.

   Illegal drugs also includes any controlled substance legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained

and not being used for prescribed purposes, including ingesting at non-therapeutic levels.

3) Legal Drug/Drug – shall mean prescribed drugs and over-the-counter drugs that have been legally obtained and are being used for the purpose for which they were prescribed or manufactured. Legal drugs may result in positive drug test results.

4) Probable Cause – shall mean that there are sufficient, describable observations, sounds and/or smells such that a prudent person could reasonably believe that an employee is under the influence of an illegal drug, drug or alcohol.

5) Under the Influence – shall mean that an illegal drug, drug, alcohol, or a combination thereof, noticeably affects the employee or that a test reveals any measurable amount of an illegal drug, drug or alcohol.

6) Work – shall mean performing job functions assigned by the City for which the employee receives compensation.

7) Workplace – shall mean anywhere a City employee is while the employee is performing his or her job functions and/or is scheduled to be working. This includes, but is not limited to, City property, non-City owned property which is used in the conduct of City business, including property used temporarily for business related purposes, such as lodging sites rented for seminars, training, or other City activities.

c. Employee Suspected of Being under the Influence of or Use of Alcohol or Illegal Drugs

A supervisor who has probable cause to believe an employee is using or is under the influence of alcohol or illegal drugs when the employee arrives at work or while the employee is working and/or on the work site, may, with the specific approval of the Human Resources Director or his/her designee, require the employee to submit to a drug or alcohol test to be performed by the City's designated agent (See Appendix F). The supervisor must complete the appropriate Probable Cause documentation. The appropriate documentation must then be forwarded to the Human Resources Director prior to the test being conducted. In the event that the employee is working outside the normal hours of 8:00 a.m. to 4:00 p.m., every reasonable effort will be made by the supervisor to contact the Human Resources Director, his/her designee or the Department Head.

All such tests shall be carried out consistent with the policies and procedural safeguards set forth in Title 21 of the Vermont Statutes Annotated, Chapter 5, Subchapter 11 that are stated in Appendix G attached hereto and incorporated herein as City Policy and Procedure.

d. Consequences of Positive Tests Results

1) Positive test for Legal Drug(s) for Prescribed Purposes

2) Positive test for Legal Drug(s) used at non-therapeutic levels
3) Positive test for an over the counter medication
4) Positive test for Illegal Drug(s)
5) Positive test for Alcohol

If the employee tests positive for an illegal drug and or alcohol, or a legal drug used at a non-therapeutic level, or an over the counter medication at a non-therapeutic level, then the following remedial and disciplinary actions are recommended. The measure of disciplinary action taken shall in all cases be properly and reasonably related to the severity of the offense.

(a) Remedial Consequences:

1. First Offense: The City will provide the employee with the opportunity to participate in a rehabilitation program.

(b) Disciplinary Consequences:

1. FIRST OFFENSE:

   If the employee agrees to participate in and successfully completes a rehabilitation program, the employee will be given a minimum of a one (1) week unpaid suspension or as long as necessary to complete the rehabilitation program, and a letter of reprimand in the personnel file. The unpaid suspension may not exceed three (3) months. If the employee either refuses to participate in the rehabilitation program or does not successfully complete it, disciplinary action, up to and including termination will be imposed.

2. SECOND OFFENSE:

   A minimum of two (2) weeks unpaid suspension and a letter of reprimand in the employee's personnel file, or other disciplinary action, up to and including termination.

3. THIRD OFFENSE:

   Termination.

If an employee tests positive for a legal drug at a therapeutic level it shall be treated as a negative test result and the Laboratory's report shall not identify the drug.

If an employee tests positive for an over the counter medication at a therapeutic level it shall be treated as a negative test result and the Laboratory's report shall not identify the drug.

In any situation where the City has requested a drug or alcohol test on the basis of a probable cause determination, it may remove the employee from active duty and

place the employee on paid administrative leave if there are any concerns that the employee cannot perform the essential functions of the position. Where appropriate, the City will make transportation arrangements to deliver the employee to his or her home or other appropriate location.

e. Refusal to Submit to a Required Test

Refusal to submit to a required drug or alcohol test will be treated as if the employee had tested positive for alcohol or an illegal drug, and the employee will be subject to the consequences provided for above.

The City will not hire an outside applicant who tests positive for illegal drugs or alcohol. In the case of an internal transfer, the applicant will not be awarded the position and will be subject to disciplinary action as explained above.

SECTION 9

SEPARATION

9.1 PHILOSOPHY

These policies are designed to ensure that separation from City employment (due to retirement, voluntary or involuntary separation, or a reduction in force) is processed in a timely and efficient manner. A review hearing process has also been developed to safeguard the employee's rights in the case of involuntary separation.

9.2 POLICY

It is the policy of the City to terminate employment due to: 1) an employee's voluntary or involuntary separation or retirement; 2) the expiration of an employment contract (see section 9.6); or 3) a reduction in the workforce.

9.3 VOLUNTARY SEPARATION

In the absence of a specific written agreement, employees are free to resign at any time. The City requests that an employee provide the City with at least two (2) weeks notice prior to separation. An employee who is absent from work for three (3) consecutive days without giving proper notice to a supervisor will be considered as having voluntarily resigned subject to the opportunity for a pre-termination hearing. Exceptions (i.e., an extreme emergency) to this policy must be approved by the Department Head.

For information on the payout of accrued leave upon termination (see Section 6.4, Vacation Leave and Section 6.5, Sick Leave).

9.4 INVOLUNTARY SEPARATION

Once an employee has successfully completed the probationary period, the employee may not be discharged without due process. The Human Resources Director shall review all proposed discharges prior to any termination action. The review should include information to determine the reason(s) for discharge and that the discharge is: a) warranted by the circumstances; b) properly documented; c) supported by the employee's personnel record; and d) consistent with the City's policies and procedures.

Prior to discharge, an employee shall be entitled to a pre-termination hearing before the Department Head or his or her designee. At such hearing, the employee shall be provided with an explanation of the reason(s) for discharge and an opportunity to address the basis for the disciplinary decision. After hearing from the employee, should the Department Head determine that discharge is warranted, the employee shall be provided with written notice of the following information:

a. the effective date of the discharge;
b. the reason(s) for the discharge;
c. notification of the employee's right to request a hearing for review of the discharge action.

A Department Head may discharge an employee effective immediately following the opportunity of a pre-termination hearing and delivery of written notification to the employee. If an employee chooses not to participate in a pre-termination hearing, then the notice of discharge will be mailed to the employee by certified mail to the address provided by the employee.

9.5 HEARING RIGHTS FOR INVOLUNTARY SEPARATION

a. An employee who has been discharged from his/her employment, and who desires a review hearing, must give written notice of such to the Human Resources Director no later than fifteen (15) calendar days after mailing a notice of discharge. If the employee chooses not to participate in the pre-termination hearing, the employee shall have the right to appeal within fifteen (15) calendar days of the date of the mailing of the discharge notice.

b. The employee is entitled to at least forty-eight (48) hours notice of a hearing. The employee is also entitled to be represented by an attorney, or other representative at the employee’s own expense at the hearing, to hear the evidence presented by the City and to present evidence on his/her behalf.

c. The review hearing shall be heard by the Institutions and Human Resources Policy Committee. The Institutions and Human Resources Policy Committee shall render a written decision within fifteen (15) calendar days after the hearing, unless otherwise agreed upon by the parties. The decision of the Institutions and Human Resources Policy Committee shall be final.

9.6 EXPIRATION OF EMPLOYMENT CONTRACT

It is expected that individuals hired on a contractual, consultant, or limited service basis will terminate employment: 1) after a specified period of time; 2) after completion of the

project for which they were hired; or 3) when funding for their positions is no longer available to the City.

Since such employees should be aware of the limited nature of their positions, terminations due to any of the reasons listed in the paragraph above shall be considered voluntary (see Section 9.3).

9.7 REDUCTION IN FORCE

In the event that it becomes necessary to proceed with a reduction in force, the City will make every effort to ensure a smooth transition both for the affected employees and the delivery of municipal services. (Refer to Departmental Directives for specific procedures to be used in the event of required workforce reduction.)

A decision by the Administration or a Department to eliminate a position based on the anticipated or current need within the City for financial savings or greater organizational efficiency shall not be subject to the grievance procedure for involuntary separation outlined in the preceding section.

9.8 RETIREMENT

The City maintains its own retirement pension plan. For additional retirement plan details, contact the Retirement Office.

9.9 DISABILITY RETIREMENT

In order to be eligible for disability retirement, an employee must be leaving employment in good standing.

If an employee becomes, in the judgment of the Board of Medical Examiners and the Retirement Board, mentally or physically incapable of performing his or her duties with the City and such incapacity is expected to be permanent, the employee may be eligible for disability benefits at the end of ninety (90) days after the onset of the disability. For additional disability retirement details, contact the Retirement Office.

9.10 SEPARATION FORM

The Human Resources Department will enclose in the employee's benefit separation notification packet a separation form to be filled out by the employee after separation. Exiting employees are encouraged to fill out the form and send it to the Human Resources Department for processing. All information is reviewed and filed and, if appropriate, the information is shared with the Department Head and/or supervisor(s) in order to improve employment practices in the City.

9.11 EXIT INTERVIEW

Upon separation from City employment, the exiting employee is encouraged to contact the Human Resources Department to schedule an exit interview. The purpose of this interview is to share any ideas, concerns, or thoughts about working for the City.

No records of the interview will be filed in the employee's personnel file.

SECTION 10

GRIEVANCES

10.1 PHILOSOPHY

The grievance procedure is designed to foster candid and open communication between employees and supervisors. It is intended that the grievance procedure will serve to improve employee morale and the operations of all City departments. No employee shall face any punishment or discriminatory act as a result of the use of the grievance process.

10.2 POLICY

The City promotes the fair and unbiased treatment of its employees. An employee who believes that discrimination is or may be the basis of their complaint should refer to the policy and procedures in Section 8.9. An employee who believes the City has treated the employee unfairly based on political affiliation, marital status or veteran status or has a dispute or difference of opinion with the City involving the meaning, interpretation, or application of an express provision(s) of these policies, may personally or through a representative appeal for relief from that condition.

A grievance may also arise as a result of a disciplinary action. For an explanation of the City's policy of progressive discipline (see Section 8.8, Disciplinary Action).

10.3 GRIEVANCE PROCEDURE

All grievances shall be handled in accordance with the following procedures. Every effort will be made to resolve the grievance to the mutual satisfaction of all parties at the lowest organizational level possible. The employee will have the opportunity to present the grievance to his/her immediate supervisor and continue with the process up to and including the Institutions and Human Resources Policy Committee or respective Commission. No grievance shall be processed unless it is submitted within fifteen (15) calendar days after the employee concerned has become aware or should have become aware, through the use of reasonable diligence, of the occurrence or recurrence of the event giving rise to the alleged grievance. If a grievance is not presented within the time limit, it shall be considered waived.

Step 1:

The employee or the employee's representative shall present his/her grievance to his/her immediate supervisor. If the supervisor cannot determine an immediate solution satisfactory to both parties, the employee has the right to prepare a written statement of the grievance, which shall be submitted to the employee's next level of supervision within three (3) work days of receipt of his/her immediate supervisor's answer. If a satisfactory solution has not been rendered, the employee may continue to present his/her grievance through each successive level of supervision up to the

Department Head. At each level, the employee shall have three (3) working days from receipt of a decision of the supervisor to submit the grievance to the next level. The grievance shall state the complaint and the action requested.

Step 2:

The Department Head shall, within five (5) working days of receipt of a written grievance, investigate and attempt to resolve the grievance. If a satisfactory solution cannot be reached, the Department Head shall render a written response within eight (8) working days following receipt of the written grievance and forward a copy of the decision and the grievance to all involved parties, including the Human Resources Director.

Step 3:

If the employee is not satisfied with the Department Head's decision, the employee shall have ten (10) working days following receipt of the Department Head's decision to submit his/her grievance to the Chair of the Board of Commissioners with copies to his/her Department Head and the Human Resources Director. Where a Commission does not exist, the employee may submit the grievance to the Institutions and Human Resources Policy Committee with copies to his/her Department Head and the Human Resources Director. The Commission or the Institutions and Human Resources Policy Committee shall hold a hearing on the matter within fifteen (15) working days of receipt of the employee's grievance. The employee is entitled to at least forty-eight (48) hours notice of a hearing. The employee is also entitled to be represented at the hearing by an attorney or other representative at the employee's own expense. The Commission or Institutions and Human Resources Policy Committee shall render a written decision within fifteen (15) calendar days after the hearing or submission of written briefs whichever is later. The decision of the Commission or Institutions and Human Resources Policy Committee shall be final.

In grievances alleging discrimination on the basis of disability, all notices required herein shall also be sent to the Human Resources Director, who shall provide the employee with the grievance procedure for complaints regarding disability and access issues and who shall investigate the complaint as indicated in that grievance policy (see Section 2.3, Grievance Policy for Complaints Regarding Claims of Alleged Discrimination in Access to Services, Facilities, or Employment).

10.4 FAILURE TO RESPOND

An employee may be represented at the employee's own expense at any step in the grievance procedure. Failure by the employee or a representative to proceed to a higher step within the time frame specified in Section 10.3 will automatically terminate the grievance process. However, when mutually agreeable, time limits may be extended. Failure by the appropriate City official to render a decision within the allotted time shall constitute denial, and the employee may then proceed to the next step.

10.5 EFFECTIVE DATE OF DECISION

No grievance decision shall have a retroactive effect greater than fourteen (14) days prior to the filing of the grievance. Pre-approved extended times are permissible.

10.6 GRIEVANCE DOCUMENTATION

Documentation resulting from a grievance shall not be kept in an employee's personnel file, but maintained in a separate grievance file. Any and all correspondence relating to a grievance shall be forwarded to the Human Resources Director.

SECTION 11

SAFETY

11.1 EMPLOYEE SAFETY

The City is concerned with the general safety of its employees, the general public and with the overall operating procedures within each Department. Each employee is required to read and be familiar with Departmental safety rules, regulations and specific Departmental Directives concerning all aspects of this safety policy. Where required by OSHA, departments are responsible for ensuring that appropriate training is made available to all employees prior to being assigned to work. Failure to observe proper safety procedures will result in a safety rule violation which is explained in the employee's Safety Manual and/or Departmental Directives.

a. An employee in an emergency situation is expected to use appropriate judgment and care, and perform duties in such a manner as to insure personal safety, the safety of co-workers and the general public.

b. "Emergency" is defined as an occurrence or condition or combination thereof that calls for prompt action to prevent danger to the health or safety of individuals or damage to property.

c. All reasonable effort shall be made to protect employees and the general public from potentially dangerous situations.

d. Employees are required to wear appropriate personal protective equipment as required by the position (i.e., hard hat, safety glasses, hearing protection, respirators, etc.).

11.2 HAZARDOUS DUTIES

a. When an employee is called upon to perform a task and adequate protection is not provided, the employee is expected to bring the situation to the attention of the immediate supervisor. If not satisfied with the response of the supervisor, the employee may refuse to perform the task.

b. When an employee has refused to perform an assigned task due to the hazards involved, the employee must submit a written report of such refusal, including a

description of the hazards involved, to the immediate supervisor within twenty-four (24) hours of such refusal.

c. The supervisor must immediately report to the Department Head any employee refusal under this section. The Department Head shall investigate and may order that the task be discontinued or that the employee proceed only after being equipped with appropriate safety protection.

11.3 ACCIDENT REPORTING PROCEDURES

a. When an employee or other person has been injured or there has been damage to City or private property while on the job, a properly completed accident report must be submitted within twenty-four (24) hours of the accident. The employee's supervisor shall be responsible for signing and forwarding the properly completed report to the appropriate Department personnel and the City's Benefit's and Insurance Administrator (refer to Workers' Compensation Policy for State reporting requirements, Section 6.7).

b. If one or more employees other than the employee reporting the accident witnessed the accident, at least one such employee must sign the accident report.

c. Any employee reporting lost time due to a work-related accident must have a physician's note indicating he/she is unable to work and shall notify his/her immediate supervisor, who shall then notify the appropriate Department personnel and the City's Benefit's and Insurance Administrator (see Department Directives) as soon as possible.

d. In cases of employee injury, refer to Section 6.7, Work-Related Injury Leave.

SECTION 12

MISCELLANEOUS POLICIES

12.1 RECEIPT OF GIFTS AND/OR GRATUITIES

City employees shall not accept any gift or gratuity from any person, company, or organization with whom the City transacts any business, or from any person within or outside City employment whose interests may be affected by an employee's performance or non-performance of official duties. A gift or gratuity is defined as an item over twenty dollars ($20) in value that would not be considered a business expense by the City. An employee who receives an unsolicited gratuitous gift is encouraged to donate the item to a non-profit organization on behalf of the employees of the City.

12.2 OUTSIDE EMPLOYMENT

a. An employee's primary employment responsibility shall be to the City. No employee shall engage in any outside business activities other than regular duties assigned during normal working hours. Outside employment which interferes with the

employee's job performance or results in a conflict of interest for the City shall be prohibited and shall be grounds for disciplinary action.

b. If the Department Head or designee deems that such outside employment is a conflict of interest, the Department Head will notify the employee in writing stating the reasons for the conflict of interest and a date by which either the outside or City employment must cease.

12.3 SOLICITATION IN THE WORKPLACE

The intent of this policy is to eliminate direct solicitation for non-business related interests in the workplace. The City seeks to provide a professional work environment for all of its employees which is free of solicitations and/or situations in which employees may feel pressured to participate in, sponsor or endorse a particular cause.

a. Direct internal or outside solicitation (including such use of the City's e-mail system) of employees by employees or vendors for non-City business purposes shall be prohibited in the City during normal working hours.

b. Subject to the approval of the Department Head or his/her designee, the City may make space available to employees, groups, or organizations to make presentations to employees on items of general interest after normal working hours.

c. The City shall make available limited space in common non-work areas for individuals or groups to place business cards, petitions, general information, or products which may be of general interest to employees.

d. The Mayor may authorize specific work-site, non-political fund raising campaigns.

12.4 ANTI-NEPOTISM/CONFLICT OF INTEREST

The City recognizes that employing relatives in positions where one is responsible for supervising or evaluating the work performance of another relative has the potential to create a conflict of interest in the workplace. The purpose of this policy is to prevent those conflicts from occurring in any way. Therefore, it is the policy of the City that no relatives shall be hired or transferred under the following conditions:

a. When one close relative would supervise or evaluate the other; or

b. When one close relative would supervise or evaluate the immediate supervisor of the other.

Unless advance written approval is obtained by the Human Resources Director, no close relative will be employed within the same division of a department.

Close relative is defined as, parent, grandparent, spouse, party to a civil union, domestic partner, child, sibling, grandchild, aunt, uncle, niece, nephew, parent-in-law, brother/sister-in-law, step-parent, step-child, and any other person closely related or living with the employee.

An employee who becomes the relative or domestic partner of another employee or who resides with another department employee, is required to immediately report the change to the Department Head. The employee will not be required to leave city employment solely as a result of that change in circumstances. However, the employee will be subject to disciplinary action, up to and including dismissal, if any favoritism or other inappropriate action occurs which is attributable to the relationship with the other employee.

Where a conflict of interest has arisen during employment, the employee and the City must take all reasonable and practicable measures to address conflicts of interest, including, but not limited to, changes in supervision, work location, and/or work shift to avoid the conflict or the appearance thereof. Any steps taken by the City will not be subject to the grievance procedure.

12.5 USE OF PRIVILEGED INFORMATION

In the handling of official duties, employees shall not use privileged and/or confidential information for their own financial advantage or to provide friends, relatives or acquaintances with such advantages. If an employee has an outside financial or personal interest which could be considered a conflict of interest related to City plans or activities, she/he must immediately report the situation to his/her supervisor. Each employee is responsible for insuring that she/he releases only information that is available to the general public. Use of privileged information for private gain is just cause for disciplinary action.

12.6 PUBLIC RELATIONS AND MEDIA CONTACT

The City will generally provide a response to media inquiries within twenty-four (24) hours of receipt to the extent feasible. Individuals designated to speak on the organization's behalf are the Mayor or designee. When inquiries require a detailed technical explanation, a spokesperson may be designated to address a particular issue. That spokesperson will usually be a senior staff person who is qualified to speak on the City's behalf on the issue in question.

PROCEDURE

a. All media inquiries regarding significant matters, whether verbal or written, are to be directed to the Assistant to the Mayor who will evaluate the request and answer or direct it as appropriate to the following:

    1) City Attorney, Chief Administrative Officer or Human Resources Director if the inquiry involves policy or positions.

    2) Appropriate Department Heads if the inquiry regards general functional or organizational trends.

b. Any media contact not made initially through the Mayor's Office should be immediately reported to the Mayor's Office.

c. All press releases will be issued by the Mayor or designee. In addition, press releases that include quotes by senior City staff will be approved by the individual quoted. Staff who work with organizations seeking approval for press releases that mention the City must send such releases to the Assistant to the Mayor for review prior to distribution. Inquiries should be directed to the Assistant to the Mayor.

d. Media inquiries or press releases regarding routine matters shall be evaluated by the relevant Department Head to determine whether to refer to the Mayor's Office pursuant to the policy and procedure outlined above.

12.7 USE OF CITY PROPERTY

a. In General

For this policy, the term "property" is intended as an all-inclusive term to cover all items owned, rented, leased or otherwise under the control of the City and to include all office and computer equipment, e-mail accounts, telephones, machinery, vehicles or any other items. City property shall be used only for official City business or activities and may not be utilized for other purposes without the written approval of the appropriate Department Head or his/her designee in charge of the equipment or in a manner consistent with the policies provided below. Employees, including recognized volunteers and interns, entrusted with the use of City property are responsible for using it in a manner that is appropriate for its use. The defacement, vandalism, destruction or reckless use of City property by an employee is expressly prohibited. Violation of any provision of this policy may result in disciplinary action up to and including dismissal, denial of future access to the use of the equipment, restitution for any costs to the City, and other civil liability.

b. Equipment & Telephones

1) An employee may use City equipment for personal, non-business use only upon specific approval of the Department Head or his/her designee in charge of the equipment.

2) In no case shall an employee permit an individual who is not a City employee to use City equipment.

3) An employee using City equipment under this Section must assume full liability for its negligent use.

4) Employee use of City telephones/faxes for personal business is discouraged and should be kept to a minimum. Unless an employee has received prior approval from his/her immediate supervisor, an employee shall not make long distance personal calls for which a City Department will be billed. Any long distance personal calls made by an employee and charged against his/her Department's telephone bill must be reimbursed by that employee.

(Effective 3/26/01)

c. Operation of Department Vehicles

1) No City vehicle may be used for the personal business of any employee. A Department Head may approve the use of a City vehicle for the purposes of City business. Use of City vehicles by Department and Division Heads will be monitored by the Mayor or designee.

2) All employees operating a City vehicle must have a valid Vermont driver's license or a Commercial Driver's License (CDL) as applicable. Any employee who operates a City vehicle in violation of any motor vehicle law is subject to the disciplinary process.

3) All employees operating or riding in City vehicles shall wear a seat belt at all times when the vehicle is being operated.

4) All employees using a bicycle or electric bicycle to conduct City business shall be required to wear a helmet.

5) There shall be no smoking in any City vehicle.

6) All employees shall operate City vehicles in a safe and responsible manner including, but not limited to, the use of a hands-free device when using a cell phone.

7) See specific Department Directives for other references to the use of City vehicles including public safety and emergency vehicles.

d. Computer System

1) For purposes of this policy, the term "computer system" is intended to be all-inclusive and includes all computer-related components and equipment and telecommunication equipment including, but not limited to, host computers, file servers, workstation terminals, laptops, software, all internal or external communication networks, the World Wide Web (WWW), the Internet, commercial online services, bulletin board systems, and the internal and external e-mail systems accessed via City computer equipment.

2) The computer system is provided to City employees in order to conduct official City business. Occasional, brief, and appropriate personal use that occurs only during an employee's break or lunch periods and that does not interfere with City business or employees' duties is permitted consistent with compliance with this policy. Examples of inappropriate and prohibited personal use include, but are not limited to, the following: game playing or gambling; administering, promoting, advertising or soliciting commercial businesses or activities; registering for non-work related activity; accessing or attempting to gain unauthorized access to internal or external sources by hacking or any unauthorized method; chain letters or communications. The group e-mail and all-user e-mail system shall be used only for the transmission of official City business. The transmission of harassing, embarrassing, indecent, profane,

pornographic, obscene or unlawful materials or accessing sites containing such information is expressly prohibited and may result in discipline up to and including termination. An employee encountering such material shall immediately notify his/her supervisor.

(Effective 3/26/01)

3) Employees have no right or expectation of privacy regarding anything created, sent or received on the City computer system including e-mail, sites accessed on the Internet or WWW, or any other use of computer equipment. The City may monitor computer transactions and communications in order to evaluate the use of the City's computer system and to ensure compliance with this policy. All files and documents created on the City computer systems shall be considered City property. All computer communications are subject to public disclosure laws.

4) Employees must comply with all software licenses, copyrights, and other state and federal laws governing intellectual property.

5) In order to protect the safety and security of the City's computer network from computer viruses and other damage or disruption, employees may not utilize software (including discs) from any exterior source, including their personal equipment, on the City's computer equipment without first running a virus check on the incoming file(s) and or attachments.

6) A Department Head may establish a more stringent policy on computer use if he/she determines that employees' personal use of computer equipment is disruptive to the operations of the Department.

(Effective 3/26/01)

12.8 BUSINESS RELATED TRAVEL

The City Training and Travel Reimbursement Policy outlines the terms and conditions of employee reimbursement for necessary expenses incurred while traveling on department business. Travel terms and conditions as outlined within contracted Union agreements shall take precedent over the terms and conditions of this Training and Travel Reimbursement Policy.

a. Responsibility and Enforcement

1) The City assumes no obligation to reimburse employees for expenses that are not in compliance with this policy. The employee is responsible for complying with the travel policy, timely and accurate completion of all required forms, and reimbursement to the City for expenses incurred that are disallowed. If the employee disagrees with the amount reimbursed, the employee may appeal the decision to the Director of Human Resources who will resolve the dispute in consultation with the City's Chief Administrative Officer.

2) While the City will offer ultimate approval for reimbursement, each department

is encouraged to make autonomous decisions regarding the use of their allocated funds.

3) The employee is responsible for ensuring that all expenses reimbursable to the employee by any other party have been deducted prior to submission for reimbursement.

4) All reimbursements of expenses are subject to review as a result of a subsequent audit.

5) The Director of Human Resources may approve exceptions to this policy and will consider such requests only when they are submitted in writing.

b. Travel Authorization

1) Prior to traveling on department business requiring an overnight stay, expenditure of funds must be approved in advance by the employee's supervisor. All approvals must be received prior to committing the department to any financial obligations including, but not limited to, airline tickets, hotel rooms, meal costs, and registration fees.

c. Travel Arrangements

1) Employees requesting reimbursement for mileage while traveling for official business in their own vehicle will be reimbursed after that travel according to current federal mileage reimbursement rates. Any requests for such reimbursement should include a printed statement from www.mapquest.com or similar program used for calculating mileage indicating a starting point, ending point, and total mileage.

Mileage rates will be updated annually according to IRS standards.

d. Transportation

1) Airfare

The City has the right to choose the most cost-effective airlines and may require an employee to travel on a Saturday to take advantage of reduced airfare. If Saturday travel is necessary the City will pay the associated hotel and meal costs. Arrangements should be made early enough to take advantage of advance purchase discounts when possible.

Coach air fares are the only allowable fares. Upgrades will not be allowed unless no additional charges are incurred.

Participation in a frequent flyer program must not influence employee flight selection which would result in incremental cost to the department.

Airport parking fees for vehicles arriving and departing will be reimbursed.

2) Ground Transportation

A rental vehicle may be considered if the type of trip or location of meeting is such that use of local transportation (taxis, airport shuttle, buses) is not practical or is more expensive. Rental vehicles shall be reserved and rented at the lowest applicable rate available.

e. Automobile Insurance

1) The City's automobile insurance policy automatically covers rental vehicles used for department business. Insurance coverage offered by automobile rental agencies would be in addition to that covered by the department. If additional insurance is purchased, reimbursement will not be made to the employee.

2) The City's automobile insurance coverage does not provide coverage for vehicles owned by employees who use their personal vehicles for business-related purposes. The mileage rate reimbursement covers this expense (as specified by the Internal Revenue Service).

3) The City is also covered by a Group Travel and Accident Insurance policy. Additional insurance purchased by the employee will not be reimbursed.

f. Travel Cash Advances

1) A cash advance may be issued for expected items that are not typically allowed as credit card purchases (such as cab fare, tolls, and meals**). Cash advance requests should be submitted a minimum of ten (10) business days prior to departure date.**

2) All advances will be calculated according to the standards of the Office of Government-Wide Policy of the U. S. General Services Administration. The rates can be calculated according to the travel destination at the following website: http://www.gsa.gov.

3) Travelers wishing to be reimbursed for their expenses after the travel event will be reimbursed according to the above listed per diem rates. Within five (5) business days of returning to work, employees are to submit all receipts along with the claim form (except in cases where Union contracts do not require meal receipts).

4) Amounts not used for any given meal may be substituted for additional meals within that day. Daily totals, however are not to exceed the Per Diem total.

5) Meal allowances are not intended for entertaining guests. Meals provided for individuals other than the employee will not be reimbursed.

6) Employees shall take advantage of meals and other expenses which are included in the price of the event (e.g. conference registration fees) in order to avoid

incurring additional expenses.

g. Credit Card

In the absence of requesting a travel advance for per diem costs, employees traveling on department business are requested to use their personal credit card for these expenses. The City will reimburse the employee for allowable expenses within ten (10) business days of receiving a Reimbursement Form.

In the event that a City Corporate Credit Card is secured that will allow individual departmental accounts, this corporate credit card is to be used as the first option to the traveler's personal card.

h. Receipts

Original itemized receipts must accompany all expenses. Credit card (non-itemized) vouchers and the detachable portion of restaurant tickets are not acceptable and **will not** be reimbursed.

i. Two or More Employees

1) When two or more employees travel together, each employee needs to complete and submit a Reimbursement Form.

2) The City shall limit the number of employees attending the same conference, seminar, etc. to three employees per department per year for all non-required events. Any requests for exceptions shall be submitted, in writing, to the Director of Human Resources at least fifteen (15) business days ahead of the departure date.

j. Compensation

Compensation for business-related travel for non-exempt employees shall be in accordance with the Fair Labor Standards Act as it applies to the following situations:

1) Travel Time During the Work Day

Time spent by an employee in travel as part of the Department's business will be counted as time worked (including weekends).

2) One Day Out-of-Town Travel

Travel time that is at the Department's request (except for meal periods), occurring outside of an employee's normal working hours will be counted as time worked. Travel time between the employee's home and the point of departure is excluded from the time worked.

3) Overnight Travel

Travel time that occurs outside of an employee's normal working hours will not be paid to the employee unless they are otherwise engaged in work-related activities. If travel occurs during normal working hours on working or non-working days (i.e., Saturday or Sunday for an employee who works Monday to Friday) then the travel time will be counted as hours worked.

k. Lodging

1) Reasonable and necessary accommodations will be reimbursed. Employees traveling with a spouse or other non-employee will be responsible for expenses incurred above the single room rate.

2) If there is a significant financial advantage to the Department for an employee to extend a business trip (stay an extra day) it is requested that an employee do so, unless such a situation would cause undue hardship to the employee.

3) The City will not reimburse the employee for non-conventional lodging (i.e. staying with a friend or relative).

l. Telephone Usage

1) Whenever possible, business calls should be made using the departmental long-distance calling card.

2) In the event that a departmental calling card does not exist, business calls must be documented and will be reimbursed.

m. Other

Reimbursement for other business related expenses not mentioned herein, arising from an emergency or other unusual circumstance will be made at the discretion of the Director of Human Resources. Request for such reimbursement must be submitted in writing and include the nature and amount of expense in addition to the justification.

n. Non-reimbursable

The following miscellaneous expenses will not be reimbursed (this list is meant solely for the purpose of example and is not intended to be all inclusive):

- personal items (i.e., tooth paste, soap, aspirin, etc.)
- snacks/vending machine
- laundry and dry cleaning
- losses (lost clothing, personal belongings, etc.)
- spouse/companion travel
- alcoholic beverages
- valet services
- paid television
- entertainment (i.e., movies, amusement parks, etc)

- expenses related to vacation or personal days while on a trip
- missing receipts
- parking tickets/fines
- speeding tickets/fines
- gasoline or other purchases for personal vehicles

12.9 EMPLOYEE PERSONNEL RECORDS

a. All personnel actions will be documented to insure accurate maintenance of personnel records relative to an employee's employment history, personal status, and leave information.

b. Personnel files may be viewed only in the Human Resources Department between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, or by appointment.

c. Personnel files will be stored in a secure area within the Human Resources Department. Access to the files must be through a member of the Human Resources Staff. Original records shall be kept in the Human Resources Department and shall be considered the official version of such documents. As an aid in the performance planning and review process, copies of such documents may be retained (in a secure location) as appropriate. Such copies are subject to all of the same confidential access regulations contained in this section.

d. All files concerning a terminated employee shall be sent to and stored in the Human Resources Department until disposition under the document retention policy. In the event that an employee changes jobs resulting in a change in his/her supervisor, the initial supervisor shall forward all personnel and personnel-related files to the Human Resources Department.

e. No record of any disciplinary action shall be placed in an employee's file without written notification to the employee.

f. No information shall be placed in a personnel file, or altered, removed or destroyed thereafter, without the knowledge and permission of the Human Resources Director.

g. Information that is not relevant to the employee's job performance or otherwise work-related should not be retained in any personnel file.

h. Other employee information such as medical files, grievances, and electronic record keeping systems shall be stored in separate files in the Human Resources Department and shall be considered confidential in compliance with Health Insurance Portability and Accountability Act (HIPAA) and other applicable Federal, State and local laws.

i. In accordance with V.S.A. § 317, ". . . `public record' or `public document' means all papers, staff reports, individual salaries, salary schedules or any other written or recorded matters produced or acquired in the course of agency business except: . . . (7) personal documents relating to an individual, including information in any files maintained to hire, evaluate, promote or discipline any employee of a public agency, information in any files relating to personal finances, medical or psychological facts

concerning any individual or corporation; provided, however, that all information in personnel files of an individual employee of any public agency shall be made available to that individual employee or his designated representative; . . ."

j. Personnel files shall be maintained for each City employee and shall be considered confidential. An employee or the employee's designated representative (designation shall be in writing and signed by the employee) shall have access to all information contained within his/her personnel file during normal business hours by appointment. Additional access to an employee's personnel file shall be given on a "need to know" basis, and limited to the following personnel: the employee's supervisor(s), the employee's Department Head, the City's legal counsel, and the Human Resources staff.

12.10 EMPLOYEE REFERENCES

City employees shall not provide any professional references on past or current City employees to prospective employers or any other organization or individual. Appropriate personnel in each department may verify information on dates of employment and position(s) held by past or current employees.

APPENDIX A

EEO RECRUITMENT PROCEDURES …….81

RECRUITMENT SOURCES AND COMMUNITY ORGANIZATIONS……..83

APPENDIX A

EEO RECRUITMENT PROCEDURES

1. The statement "Women, Minorities, and Persons with Disabilities Encouraged to Apply" will be placed on each Notice of Vacancy for any position posted.

2. When advertising for positions which have been posted, place a Notice of Vacancy in Vermont's local media to reach minority groups. These ads will include the statement "Women, Minorities, and Persons with Disabilities Encouraged to Apply".

3. Establish and maintain a current list of recruitment sources and community organizations (see page 84 for list).

4. Send a Notice of Vacancy to the recruitment sources and community organizations.

5. All Department hiring managers will complete and submit a City of Burlington Recruitment Disposition Form to the Human Resources Department for selection approval prior to making any offer of employment to any candidate.

6. Human Resources will:

   a. maintain a file of relevant documents related to the recruitment, including but not limited to, copies of each Notice of Vacancy; copies of all advertisements, including location and dates of placement; and copies and/or notations of referrals received including name, address, and phone number of all applicants when provided.

   b. maintain a record of sources contacted for a given job posting.

   c. maintain a record of responses to the job posting.

   d. maintain a record of positions offered to candidates, including offers accepted and declined.

7. Application will be maintained on file for twenty-four (24) months

8. Job descriptions will be maintained for each position within the City and the description will list the minimum qualifications including the education, experience and/or skill requirements.

9. Written descriptions of any training and/or apprenticeship programs offered to employees will be maintained on file.

10. The City's EEO Policy will be disseminated to all employees and recruitment sources.

11. Orientation and training will be provided for area supervisors regarding the contents of the EEO Policy and goals and their impact of the Department.

12. Ensure and maintain a working environment which, consistent with existing City policies, is free of harassment, intimidation, and coercions at all sites and in all facilities at which City employees are assigned to work.

13. Ensure that all supervisory personnel are aware of and carry out the City's policy to maintain such a working environment.

RECRUITMENT SOURCES AND COMMUNITY ORGANIZATIONS

ABENAKI NATION

ASSOCIATION FOR CEREBRAL PALSY

CHAMPLAIN COLLEGE CAREER SERVICES

CHAMPLAIN VALLEY AGENCY ON AGING

CHAMPLAIN VOCATIONAL SERVICES

CHITTENDEN COUNTY COMMUNITY ACTION

CHITTENDEN EMERGENCY FOOD SHELF

COMMUNITY & ECONOMIC DEVELOPMENT OFFICE – OFFENDER RE-ENTRY PROGRAM

COMMUNITY COLLEGE OF VERMONT

DISABLED VETERANS OUTREACH PROGRAM

G.G.T. TIBET INN

LAO ASSOCIATION OF VERMONT

NEW ALPHA MISSIONARY BAPTIST CHURCH

PEACE & JUSTICE CENTER

SAINT MICHAEL'S COLLEGE STUDENT RESOURCE CENTER

SPECTRUM YOUTH & FAMILY SERVICES

UNITED STATES DEPARTMENT OF LABOR – VETERANS EMPLOYMENT

UNIVERSITY OF VERMONT CAREER SERVICES

VERMONT ADULT LEARNING

VERMONT ASSOCIATION OF BUSINESS, INDUSTRY AND REHABILITATION

VERMONT DEPARTMENT OF AGING AND DISABILITIES

VERMONT DEPARTMENT OF EMPLOYMENT AND TRAINING

VERMONT DEPARTMENT OF LABOR

VERMONT TECHNICAL COLLEGE

VERMONT WORKS FOR WOMEN

APPENDIX B

DOMESTIC PARTNESHIP TAXATION FOR INSURANCES……85

AFFIDAVIT OF DOMESTIC PARTNERSHIP ……86
(Effective 2/17/10)

DEPENDENCY AFFIDAVIT…….89

TERMINATION OF DOMESTIC PARTNERSHIP……...90

Domestic Partner Taxation for Health and/or Dental Insurance

Employees who have added their Civil Union Partners or Domestic Partners and children to the City of Burlington's health and/or dental plans are required to complete a Dependency Affidavit.

This form will only have to be completed one time certifying that the children the employee has covered are children the employee could claim on a tax return – eligible dependents as defined by the Internal Revenue Code.

If the children covered are not the employee's eligible dependents, the taxation amount will increase based on what plan the employee's domestic partner and child(ren) would be required to purchase in the marketplace. For instance, a covered domestic partner and child would be taxed on the two-person amount. A covered domestic partner and more than one child would be taxed on the family plan amount.

AFFIDAVIT OF DOMESTIC PARTNERSHIP

We, the undersigned, duly sworn, do depose and say as follows:

1. We are not related by blood.

2. Neither of us is married, nor are we related by marriage.

3. We share a primary residence and the common necessities of life.

4. We are both over the age of 18 and are mentally competent to enter into a contract.

5. We are the sole domestic partner of each other and have been each other's sole domestic partner for a period of at least six (6) months prior to the execution of this document.

6. We are responsible for each other's welfare.

7. We agree to notify the Human Resources Department of any changes in the status of our domestic partnership arrangement, within 30 days of the change.

8. We understand that the information contained in this statement will be held confidential and will be subject to disclosure only upon express written authorization or if otherwise required by law.

9. We understand that Civil Union or Domestic partners may be eligible for COBRA benefits for up to six months under the Vermont Statute.

10. The City may require an employee to produce documentary evidence to support the employee's request for insurance coverage for a domestic partner and the domestic partner's dependent children. Evidence to support the request may include, but is not necessarily limited to the following:

    a. Evidence of joint purchase of home;
    b. A copy of a lease for a residence identifying both parties as responsible for the payment of rent;
    c. Evidence of a joint checking account;
    d. Evidence of a joint savings account;
    e. A title for a car showing joint ownership;
    f. Evidence of joint liability for credit cards;
    g. A copy of the plan proceeds form specifying that the domestic partner is the named beneficiary of employee's life insurance;
    h. Evidence that the domestic partner is the beneficiary of the employee's retirement plans;
    i. Evidence of durable powers of attorney for property or health;
    j. Wills specifying the domestic partner as the major recipient of employee's financial assets;
    k. Or other forms of evidence depicting significant joint financial interdependency.

Any misrepresentation or falsification of information on an application or affidavit for health and dental benefit coverage under this Policy shall result in loss of health and dental insurance coverage, shall be considered gross misconduct, and may result in disciplinary action up to and including dismissal.

We understand that this statement of domestic partnership may have legal implications regarding financial obligations of our relationship and tax implications under Federal and Vermont law. The following is the manner in which income and our taxes will be calculated:

1. The cost of the City's single plans shall be used to calculate the cost of benefits when adding a civil union or domestic partner.

2. For civil union partners, State tax will not be withheld nor will the cost of the benefit count toward total income for State purposes.

3. For civil union partners, Federal taxes will be withheld on the total value of the benefit and the total value will be added to income for Federal year end earnings.

4. An employee whose domestic partner does not qualify for dependent status will pay State and Federal tax on the value of the benefit. The total value will be added to income for both State and Federal year end earnings.

5. If an employee adds a domestic partner and one child, not the employee's, the cost of the City's 2-person plan will be used as the benefit value. If the child is the child of the employee AND the employee claims the child as a dependent, then the cost of the single plan would be used as the benefit value.

6. If an employee adds a domestic partner and two children, not the employee's, the cost of the City's family plan will be used as the benefit value. If the children are the children of the employee AND the employee claims the children as dependents, then the cost of the single plan would be used as the benefit value.

AFFIDAVIT OF DOMESTIC PARTNERSHIP – Page 2

SIGNATURE OF AFFIANT: _____
(Domestic Partner)

PRINTED NAME OF AFFIANT: _____
(Domestic Partner)

ADDRESS: _____

_____

TELEPHONE NUMBER: _____

DATE:_____

SWORN AND SUBSCRIBED TO BEFORE ME THIS ___ DAY OF ____, _____ AT BURLINGTON, VERMONT.

BEFORE ME: _____
(Notary Public)

AS A CITY OF BURLINGTON EMPLOYEE: I HEREBY CERTIFY THAT THIS AFFIDAVIT CONTAINS NO FALSE INFORMATION AND DECLARE THAT THE STATEMENTS CONTAINED ON THIS FORM ARE TRUE AND CORRECT. I AM AWARE THAT IF AN INVESTIGATION DICLOSES MISREPRESENTATIONS OR FALSIFICATIONS, MY AFFIDAVIT MAY BE REJECTED AND I MAY BE DISMISSED FROM CITY SERVICE AND I MAY BE DISQUALIFIED FROM APPLYING IN THE FUTURE FOR ANY POSITION COVERED BY THE RULES AND REGULATIONS OF THE CITY OF BURLINGTON.

SIGNATURE OF AFFIANT: _____
(Employee)

PRINTED NAME OF AFFIANT: _____
(Employee)

ADDRESS: _____

_____

TELEPHONE NUMBER: _____

DATE: _____

SWORN AND SUBSCRIBED TO BEFORE ME THIS ____ DAY OF _____, _____AT BURLINGTON, VERMONT.

BEFORE ME: _____
(Notary Public)

NOTE: The Internal Revenue Service has determined that if an employee receives health and/or dental benefits for a domestic partner or civil union partner or such partner's child and the partner or the child is not also a dependent of the employee, as that term is defined by the Internal Revenue Code, the employee must pay federal income taxes on the value of the benefit (see other side of this form). If the employee's partner or any of the children added to the health or dental plan qualify as dependents as defined by the Internal Revenue Code, please complete the attached Dependency Affidavit.

If you have questions regarding the potential legal or tax affects of signing this affidavit, you should consult an attorney.

THIS AFFIDAVIT SHALL BE MAINTAINED AS PART OF THE EMPLOYEE'S CONFIDENTIAL BENEFITS FILE.

DEPENDENCY AFFIDAVIT

(For employees adding domestic partners, civil union partners and children to health and/or dental coverage)

The Internal Revenue Service has determined that if an employee receives health or dental benefits for a domestic partner or civil union partner or such partner's child and the partner or the child is not also a dependent of the employee, as that term is defined by the Internal Revenue Code, the employee must pay Federal income taxes on the value of the benefit and assume the value as income. If the employee's partner or any of the children added to the health or dental plan qualify as dependents as defined by the Internal Revenue Code, please complete this Affidavit.

The City can rely on the employee and partner's signed and notarized affidavits that the dependency requirements are met. The employee can rely on the certification to establish that the domestic partner or civil union partner as a dependent for purposes of excluding benefits from the employee's income.

The following individuals added to my health and/or dental plan meet the definition of dependent as defined by the Internal Revenue Code:

_____

_____

SIGNATURE OF EMPLOYEE: _____ _____

PRINTED NAME OF EMPLOYEE: _____

DATE: _____

SWORN AND SUBSCRIBED TO BEFORE ME THIS ____ DAY OF _____, _____ AT BURLINGTON, VERMONT.

BEFORE ME: _____

(Notary Public)

SIGNATURE OF PARTNER: _____ _____

PRINTED NAME OF PARTNER: _____

DATE: _____

SWORN AND SUBSCRIBED TO BEFORE ME THIS ____ DAY OF _____, _____ AT BURLINGTON, VERMONT.

BEFORE ME: _____

(Notary Public)

AFFIDAVIT BY DOMESTIC PARTNER
TERMINATING DOMESTIC PARTNERSHIP

I, duly sworn, do depose and say as follows:

_____ and I are no longer domestic partners;
(Printed domestic partner name)

and,

I mailed my former domestic partner a copy of this notice on _____,
to (Date)

ADDRESS: _____

_____

AS A CITY OF BURLINGTON EMPLOYEE:

I HEREBY CERTIFY THAT THIS AFFIDAVIT CONTAINS NO FALSE INFORMATION AND DECLARE THAT THE STATEMENTS CONTAINED ON THIS FORM ARE TRUE AND CORRECT. I AM AWARE THAT IF AN INVESTIGATION DICLOSES MISREPRESENTATIONS OR FALSIFICATIONS, MY AFFIDAVIT MAY BE REJECTED AND I MAY BE DISMISSED FROM CITY SERVICE AND I MAY BE DISQUALIFIED FROM APPLYING IN THE FUTURE FOR ANY POSITION COVERED BY THE RULES AND REGULATIONS OF THE CITY OF BURLINGTON.

SIGNATURE OF AFFIANT: _____
(Employee)

PRINTED NAME OF AFFIANT: _____

(Employee)

ADDRESS: _____

_____

TELEPHONE NUMBER: _____ _____

DATE: _____

SWORN AND SUBSCRIBED TO BEFORE ME THIS ____ DAY OF _____, _____AT BURLINGTON, VERMONT.

BEFORE ME: _____
(Notary Public)

THIS AFFIDAVIT SHALL BE MAINTAINED AS PART OF THE EMPLOYEE'S CONFIDENTIAL BENEFITS FILE.

APPENDIX C

POLICY AND PROCEDURE FOR APPLICANT BACKGROUND
RECORD CHECKS……....92

LIST OF POSITIONS REQUIRING BACKGROUND RECORD CHECKS……95

POLICY AND PROCEDURE FOR APPLICANT BACKGROUND RECORD CHECKS

In order to ensure the public safety and the safety of participants in City programs, the City will conduct a criminal record check on applicants for employment or volunteer service ("applicants") working in programs that provide services to vulnerable classes or populations defined to include children, the elderly, and adults with disabilities (s*ee* 42 U.S.C. §5119a and 20 V.S.A. §2056c).

Criminal record checks will be conducted on persons sixteen (16) years of age or older. The City will pay for costs associated with the background record checks.

1) The Human Resources Director shall maintain a list of all City employment and volunteer positions in programs that provide care or services to vulnerable populations and that will therefore be subject to this policy.

   A request for a record check will be submitted only after the issuance of a conditional offer of employment or service has been made to a covered applicant. Applicants subject to this policy may not begin employment or service with the City until they have been approved for service after the completion of the record check procedure.

2) The applicant will be required to provide information regarding his or her place of birth, past residency information and will be required to sign a release form(s) authorizing the City to order the record check. It is the applicant's responsibility to fill out the application and authorization form(s) in a truthful and complete manner and to return the forms to the Human Resource Department in a timely basis. Failure to provide the required forms will disqualify the applicant from further consideration for employment or service. An applicant's provision of false, incomplete, or misleading information during the application process will also result in automatic termination of the applicant from further consideration. If it is determined that an applicant has failed to fully disclose his or her background through misunderstanding or inadvertence, such failure will be considered as a factor in the decision whether the applicant will be given further consideration.

3) A Vermont criminal record check will be completed on all applicants through the Vermont Department of Public Safety Vermont Crime Information Center (VCIC).

   An out-of-state background and criminal record check may be conducted by a private contractor or an FBI national record check or national crime information center (NCIC) check.

   The City may accept documentation from another employer or qualified entity that it has conducted an appropriate record check on a City applicant for employment within the previous six (6) months as proof of compliance with this policy. All volunteers for positions subject to this policy will be checked at the time of their initial application, and that check will be applicable to all volunteer service by that person for the following calendar year. Volunteer service by that person beyond that calendar year shall be considered new service and a new background check shall be required.

4) The Human Resources Director will oversee the administration of the record checks for

all City Departments. The Director will appoint a staff person who will be responsible for implementing this procedure. This designated staff person will be responsible for sending and receiving all information regarding applicant record checks. In consultation with the City Attorney's Office, this staff person shall then review the results of each record check. If the record check reveals a conviction(s), there shall be an initial administrative determination whether the applicant is eligible for employment or service using the following standards as a guide:

The City will consider all convictions in making a decision; however, not all unfavorable record check information will be an automatic bar to service or employment for every position. Factors that will be considered in deciding whether an applicant should be granted employment or volunteer status include:

(a) nature and character of the past conduct;

(b) how the past conduct relates to the particular functions of the individual's job; and

(c) length of time since the offending conduct.

Felony convictions of any nature will be viewed with extreme caution. Felony convictions for sexual offenses, crimes of violence, sale of regulated drugs, and crimes of moral turpitude will disqualify an applicant from service in any position that has contact, or the potential for contact, with vulnerable classes. Misdemeanor convictions, particularly where remote in time, may be viewed with more leeway depending on the nature of the charge. Any pending criminal charges will also be considered and may serve to disqualify an applicant from service.

5) If the results of the record check are favorable, the Department supervisor shall be notified that the applicant has been approved for service. If the initial administrative determination is to disqualify the applicant from service, the City shall notify the affected applicant within ten (10) days with the reason(s) and provide the applicant an opportunity to request a review of the initial determination. If a review is requested, a review committee will be appointed by the Human Resources Director and the affected applicant will be notified of the meeting date and time. The review committee will have a representative from Human Resource Department, the City Attorney's Office and the Burlington Police Department. The applicant may be represented at such meeting as the applicant chooses. The review committee will hear any information presented by the applicant regarding the disqualification in order to determine if any exception should be granted. A full written disclosure of the criminal background history shall be made to the committee as part of the review process. The decision by the review committee shall be final.

6) All information obtained in response to the criminal record check or disclosed in the review process shall be kept confidential to the extent permissible by law, and will not be discussed by the committee outside of the review process. Criminal record check records will be maintained separate from any other personnel file. All records and forms used during this procedure will be maintained for a minimum of three years, or as otherwise required by law.

7) In the event the applicant feels a mistake has been reported in the criminal record, it is the applicant's responsibility to contact the reporting agency and resolve any issues. The City is not responsible for errors or omissions that may be reported on criminal record checks.

8) It is acknowledged that the City occasionally contracts with other entities (e. g. contractors) to provide staffing or services for some City-sponsored programs. It is the City's further policy that the contractor shall be responsible to complete a comparable criminal background check on its employees or volunteers having contact with vulnerable populations in all City-sponsored programs.

LIST OF POSITIONS REQUIRING BACKGROUND RECORD CHECKS

Department	Positions
City Arts	Arts Mentor Classroom Instructor Americorps VISTA Volunteer Senior Art Guild Coordinator Early Arts Education Coordinator
CEDO	Community Development Specialist Community Justice Coordinator Offender Reentry Project Specialist Executive Secretary (Community Justice-Victim and Offender Services only) Americorps VISTA Volunteer
DPW	Crossing Guard
Library	Librarian I Americorps VISTA Volunteer Youth Services Clerk Outreach Volunteer Page -Youth Area
Parks and Recreation	Youth Basketball Site Coordinator After-School Basketball Coordinator Volunteer Coach Volunteer Counselor- After-School Basketball Volunteer Counselor- Friday Night Basketball Day Camp Director Day Camp Counselor Basketball Camp Counselor Soccer Camp Counselor Track & Field Director/Counselor Tennis Instructor Playground Program Counselor Lifeguard Lacrosse Camp Director/Staff Pre-school Camp Counselor 242 Main Street Youth Program Administration Recreation Coordinator Site Coordinator Bus Driver Skate Instructor Arena Maintenance Worker

APPENDIX D

DOMESTIC VIOLENCE POLICY…….97

DOMESTIC VIOLENCE POLICY

The City of Burlington is committed to promoting the health and safety of all its employees. The purpose of this policy is to heighten awareness of domestic violence and to provide guidance for employees and management in addressing the occurrence of domestic violence and its effects in the workplace.

A. Definitions

1) Domestic Violence: A pattern of coercive behavior used by one person to gain power and control over another. Domestic violence may include physical violence, sexual, emotional, and psychological intimidation, verbal abuse, stalking and economic control. Although men can be victims of domestic violence, it is a major cause of injury or death to women. Domestic violence occurs between people of all racial, economic, educational and religious backgrounds, in heterosexual and same sex relationships, and between people living together or separately, married or unmarried, and in short-term or long-term relationships. Domestic violence is legally defined in Vermont as occurring between family members or persons who, for any length of time, are living or have lived together as sexual partners or as roommates, are having or have had a sexual relationship, and adults or minors who are dating or have dated.

2) Batterer, Abuser, Offender, Perpetrator: The individual who commits an act of domestic violence as defined above.

3) Survivor or Victim: The individual who has been or is currently the subject of domestic violence.

4) Safety Plan: A course of action and precautions that help the victim maintain safety at work and/or home.

5) Relief from Abuse Order: The Vermont Abuse Prevention Statute (15 V.S.A. Sec. 1101-1115) provides a mechanism for a victim of abuse to apply for a protective order from the Court called a Relief from Abuse Order. The Order restrains an abuser from abusing the victim, prohibits violent or threatening acts and/or harassment, and/or contact or communication with or physical proximity to another person. The Order also addresses possession of the residence and custody of children. A foreign abuse prevention order shall be accorded full faith and credit throughout Vermont and shall be enforced as if it were an order of this state.

B. Policy

1) Early Intervention and Prevention Strategies

a. It is the policy of the City to promote the use of early prevention strategies to avoid or minimize the occurrence of domestic violence and its effects in the workplace. The City will provide support and assistance to employees who are victims of domestic violence. This support may include: confidential means for coming forward for help, resource and referral information, additional security at the workplace, work schedule adjustment, phone security measures, workplace relocation, or leave necessary to

obtain medical services, counseling, legal assistance, court appearances. Written resource and referral information will be made available in all languages spoken by employees. Other appropriate assistance will be provided based on individual need. In all responses to domestic violence, the City will respect the autonomy of the adult survivor, and their confidentiality to the extent permitted by law, to direct her or his own life.

b. The City, through its Departments, will maintain, publish and post in locations of high visibility, such as bulletin boards, break rooms, company phone directories, and/or on line information sources, a list of resources for victims and perpetrators of domestic abuse. The City will also maintain, publish and post any other policies regarding maintaining safety at the workplace.

2) Leave Options for Employees Experiencing Threats of Violence

a. At times an employee may need to be absent from work due to domestic violence. The length of time should be determined by the individual's situation and by collaboration among the employee, supervisor/manager, and the Human Resources Department.

b. Managers/Supervisors should be mindful that the effects of domestic violence can be severe and may take extended periods of time to address fully.

c. When possible, the City will consider leave options consistent with current policy and existing bargaining unit contracts. Employees, supervisors and managers are encouraged to first explore whether paid options can be arranged which will help the employee cope with a domestic violence situation without having to take a formal unpaid leave of absence. Depending upon the circumstances, these options may include:

(1) Arranging flexible work hours so that the employee can handle legal matters, court appearances, housing, and childcare in a manner that is consistent with the employee's safety plan.

(2) Considering use of existing paid leave or authorized leave without pay especially if requests are for relatively short periods.

d. When responding to an employee's domestic violence situation, there may be rare situations where the employer would want to review documents relating to the domestic violence and the employer could look to the types of documentation listed below. You are advised, however, that due to the emergency nature of some of these requests, the employee may in some circumstances not be able to provide such documentation:

(1) A Relief from Abuse Order, criminal charge paperwork or conviction record.

(2) Other Court records such as divorce or Family Court proceedings;

(3) Child custody paperwork;

(4) Police reports;

(5) Signed affidavits regarding the abuse;

(6) State Agency records; or

(7) Medical documentation.

To the extent possible, all documentation submitted shall be handled in a secure and confidential manner so as to respect the employee's right to privacy.

3) Procedures for Employees with Performance Issues Related to Domestic Violence

a. Although the City retains the right to discipline employees for cause, the City recognizes that victims of domestic violence may have performance or conduct problems such as chronic absenteeism or inability to concentrate. When an employee who is subject to discipline confides that the job performance or conduct problem is caused by domestic violence, the City should offer the employee a referral for appropriate assistance (e.g., EAP and/or the local domestic violence service programs) as part of the performance assessment.

b. The manager/supervisor, in collaboration with the employee and the Human Resources Department, should allow a reasonable amount of time for the employee to obtain assistance for the domestic violence.

4) Disciplinary Procedures for Employees Who Commit Acts or Threats of Domestic Violence

a. The City is committed to providing a workplace in which the occurrence of domestic violence will not be tolerated. Any physical assault or threat made by an employee while on City premises, during working hours, or at a City-sponsored social event is a serious violation of this policy and is potentially subject to criminal prosecution. This policy not only applies to acts against other employees, but to acts against all other persons, including intimate partners. Employees found to have violated this policy may be subject to corrective or disciplinary action, up to and including discharge, and subject to being reported to appropriate law enforcement and to criminal prosecution.

b. Employees convicted of a crime as a result of domestic violence may be subject to corrective action (such as transfer) or disciplinary action, up to and including discharge, when such action affects the work performance of the convicted employee or affects the normal operations of the City.

C. Guidelines Regarding Assistance for Victims and Perpetrators

1) General Guidelines

a. The City seeks to create a supportive workplace environment in which employees feel comfortable discussing domestic violence and seeking assistance for domestic violence concerns.

b. The following information is provided to help employees assist co-workers who are victims of domestic violence to obtain the services and to enhance the safety of the City's workplaces.

c. Recognizing that services and support for victims of domestic violence are limited and that victims may face threats of further violence or death if they attempt to leave a violent person, managers/supervisors should seek to provide a non-judgmental and supportive environment for the employee. Managers/supervisors should respect the victim's need to be self-directing and maintain the strictest confidentiality.

d. A successful workplace intervention may consist of providing the employee with a non-judgmental place to discuss the violence and information to begin accessing resources in the community, or assisting the employee to formulate a safety plan for the work environment.

e. If an employee discloses that she/he is a victim of domestic violence, it is important to send the following messages so that the victim does not feel blamed for the violent acts of the batterer:

- You do not deserve to be treated this way.
- You are not to blame.
- You are not alone
- There is help available.

f. If a manager/supervisor believes an employee is being abused but has not disclosed this to her or his manager/supervisor, the manager/supervisor should address any job performance issues and provide the employee with information regarding the EAP and local domestic violence programs and/or other community resources.

It is important that all employees know how to best respond to the effects of domestic violence in the workplace. The following clarifies roles for all staff:

(1) Managers/Supervisors:

(a) Will be required to participate in basic domestic violence training provided by the City in consultation with the Vermont Network Against Sexual Assault and Domestic Violence.

(b) Should establish a relationship with Domestic Violence and Batterers Intervention programs in the community to share information and resources.

(c) Should inform and update supervised personnel on a periodic basis about the City's policy and procedures on encouraging work environments free from violence, threats and harassment.

(d) Should post information about domestic violence in work areas and also have information available where employees can obtain it without requesting it or being seen getting it.

(e) Should be responsive when an employee who is either the victim or the perpetrator of domestic violence asks for help and assist the employee to contact EAP, local domestic violence or batterer's intervention programs.

(f) Should be aware of physical or behavioral changes in the employee and consult with EAP and the local domestic violence program for advice. The manager/supervisor's role is not to diagnose or counsel the employee, but to refer the employee to appropriate resources. The following behaviors may be associated with domestic violence: absenteeism, inappropriate/excessive clothing, obsession with time, repeated physical injuries, chronic health problems (for example, chronic pain), isolation, emotional distress, depression, distraction and excessive number of personal phone calls.

(g) Must be respectful of the employee's personal choices. If the manager/supervisor observes signs of violence, it is appropriate to convey concern and to educate the employee about available resources. It is critical that the manager/supervisor respect the employee's privacy and not pressure the employee to disclose any personal information.

(h) Should work with the victim, the Human Resources Department, EAP and/or the local domestic violence programs as necessary to assist the victim to develop a workplace safety plan and make reasonable accommodations according to that plan. When assisting an employee to develop a workplace safety plan, the manager/supervisor should ask what changes, if any, could be made at the workplace to make the employee feel safe. Victims of domestic violence know their abusers better than anyone else. When it comes to their safety, they must determine the most effective way to stay safe and managers/supervisors can assist them in developing this safety plan. In addition, if it is determined that other employees or members of the public are at risk, it is essential to take measures to protect them.

(i) Respect the employee's boundaries and privacy, even if the employee/manager disagrees with the decisions about her/his relationship. A victim of domestic violence may need to make numerous attempts to leave the abuser before being able to do so. It is often difficult to leave because of factors like financial and childcare responsibilities, or threats of violence.

(j) Shall maintain the confidentiality of domestic violence circumstances and any other referrals under this policy to the extent permitted by law; and inform other employees of the domestic violence circumstances on a need to know basis only. Whenever possible, the manager/supervisor should give advance notice to the employee who is experiencing domestic violence of the manager/supervisor needs to inform others about the domestic violence situation.

(k) If necessary and when possible, should try to adjust the employee's work schedule and/or grant leave if the employee needs time off for medical assistance, legal assistance, court appearances, counseling, relocation, or to make other necessary arrangements to enhance her or his safety. This approved leave should not be held against the employee in evaluating job performance.

(l) Should review the safety of parking arrangements and available phone protections. The manager/supervisor should make sure that the parking areas are well-lit and provide escorts (i.e., manager/supervisors or fellow employees) to parked cars and priority parking near the building entrance for employees who fear for their safety at work. The same parties should consider protective measures to reduce the possibility of harassment through the phone.

(m) Maintain communications as best as possible with the employee during any absence and preserve the confidentiality of the employee's whereabouts. Managers should recognize that an employee may be residing at a safe house or shelter and may have difficulties maintaining this communication.

(n) Should work with Human Resources Department to relocate an employee to an alternate worksite, whenever feasible, if the employee requests to relocate for safety reasons or transfer the abuser.

(o) Cooperate with local law enforcement personnel regarding the service of an employee with a Relief from Abuse Order.

(p) Comply with all Relief from Abuse Orders if provided to you by victim. If both the plaintiff and defendant in an abuse proceeding are City of Burlington employees, the manager/supervisor should work with the Human Resources Department to consider relocating the defendant to a work location in which the defendant will have no contact with plaintiff. If violations of an order are observed, the manager/supervisor should document these violations, notify the victim and call the police if appropriate.

(q) After consultation with the Human Resources Department and legal counsel, take any appropriate corrective or disciplinary action consistent with policy, procedure and/or collective bargaining agreements, up to and including termination, against any employee who commits acts of domestic violence at any City worksite, or who is convicted of a crime as a result of domestic violence when such action affects the work performance of the convicted

employee, affects the safety of other employees or affects the normal operations of the City. Some sources of potential information for managers and supervisors regarding pending criminal matters include the local Department of Probation or Parole and the District Court.

(2) Options for Employees Who are Victims of Domestic Violence

(a) Call the local police if in immediate danger.

(b) Call the local domestic violence program (1-800-ABUSE95) to discuss your options, as they assist victims of domestic violence daily while maintaining anonymity and provide information confidentially.

(c) Talk with a trusted colleague, manager/supervisor, or union representative.

(d) Contact EAP (1-800-287-2173)

(e) Work with your manager/supervisor, the Human Resources Department, EAP, the local domestic violence programs and/or others to develop a safety plan.

(f) Notify your supervisor of the possible need to be away from work and find out your leave options. Be clear about when you plan to return to work and maintain communication with your supervisor during your absence. If necessary and available, make alternate arrangements for receiving your paycheck.

(g) If you are concerned about your safety at work, submit a recent photograph of the abuser and/or vehicle, a copy of any Relief from Abuse Order, any other relevant court orders, and other identifying information for the abuser, such as car type and make, car color and license number to your supervisor and the police. This assists your employer in identifying the abuser if he/ she appears in the workplace.

(h) Obtain assistance for and documentation of the abuse (including old injuries) from your health care provider.

(i) Consider whether you need the services of the Secretary of State's Safe at Home Address Confidentiality Program which provides victims of domestic violence, sexual assault and stalking with a substitute mailing address so they can relocate to a safe place unknown to their abusers. (safeathome@sec.state.vt.us or 1-800-439-8683.)

(3) Options for Employees Who Are Perpetrators of Domestic Violence

(a) Contact EAP (1-800-287-2173)

(b) Contact a Batterer's Intervention Program.

(4) Options for Other Employees Who Have Concerns about Domestic Violence

(a) If you know or believe that a colleague is a victim of domestic violence, communicate your concerns for her/his safety directly to the colleague. Tell your colleague that you appreciate her/his confiding in you. Say that you are sorry it is happening and you can never say the following too often:

- It is not your fault.
- You do not deserve to be treated this way.
- You are not alone and I am glad you told me about what you are going through.
- I am here for you and help is available in the workplace and at home.

Your colleague needs support and validation, not judgment. Leaving is only possible when she/he believes it is safe to do so. A victim can only leave when she/he takes back control of her/his life.

(b) Be clear that your role is to support and help, not to judge. It takes a long time to get over being victimized by someone you love. Tell your colleague that getting free is not easy but help is available 24 hours a day, 365 days a year from the local domestic programs at 1-800-ABUSE95 or EAP hotline at 1-800-287-2173. Tell your colleague that they can speak to someone anonymously and confidentially at these numbers. Maintain the confidentiality of the domestic violence circumstances and do not reveal any other referrals under this policy to the extent permitted by law. If the victim gives you permission, discuss the employee's situation with the EAP counselors, Human Resources Department, or a local domestic violence program for further guidance.

(c) Report any threats of violence you experience or witness to your manager/ supervisor, the police, EAP, and/or the Human Resources Department.

(d) Educate yourself regarding domestic violence. Getting Free by Ginny Nicarthy is one of many good resource books available. Check your local library or the local domestic violence program regarding this book and other materials.

(e) Volunteer at a local domestic violence program or organize a workplace drive for financial support of domestic violence programs.

APPENDIX E

ALCOHOL AND DRUG TESTING POLICY AND PROCEDURES FOR EMPLOYEES HOLDING COMMERCIAL DRIVERS LICENSES…… 106

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ALCOHOL AND DRUG TESTING POLICY AND PROCEDURES FOR EMPLOYEES HOLDING COMMERCIAL DRIVERS LICENSES (CDL)

All City employees who are required to have a Commercial Drivers License (CDL) in order to perform the work assigned or may be assigned to them under their job description is covered by this policy. The Federal Highway Administration, Department of Transportation Alcohol and Drug rules apply to every person who operates a Commercial Motor Vehicle (CMV) in interstate or intrastate commerce, and is subject to the Commercial Drivers' License (CDL) requirements of part 383.

PROHIBITION OF USE OF ALCOHOL AND DRUG/CONTROLLED SUBSTANCES

A. Prohibitions of use of Alcohol are tied to the performance of safety-sensitive functions:

1) A driver may not report for duty or stay on duty:

   a. With an alcohol concentration of 0.04 or greater.
   b. If in possession of alcohol (unless it is being transported as cargo); **Note:** *This includes any product (medication, food or other product) containing alcohol, regardless of the alcohol content.*
   c. If using alcohol.
   d. Within four hours of using alcohol.

2) A driver who has an accident may not use alcohol until post-accident testing is done or for a period of eight hours, whichever comes first.

3) Drivers cannot refuse to submit to alcohol testing.

4) Motor carriers, including the City, who know about any of the above acts, cannot permit the driver to perform a safety-sensitive function.

B. Prohibitions of Use of Drugs/Controlled Substances

1) The drug testing rules cover the same drivers as the alcohol testing rules.

2) The illicit use of drugs by safety-sensitive drivers is prohibited **on or off duty.**

3) Any unauthorized use of controlled substances is prohibited and the use of legally prescribed controlled substances (such as barbiturates, amphetamines, morphine, etc.) by safety-sensitive drivers involved in interstate commerce are prohibited in some instances in accordance with the Federal Motor Carrier Safety Administration (FMSCA).

4) An employee may use a drug or a controlled substance only if it has been prescribed or administered by a physician and if a physician has advised the employee that the drug or substance will not affect the employee's ability to safely operate a motor vehicle. The City may request that the employee obtain a written statement from his/her physician stating that s/he is aware of the employee's duties pertaining to the operation of commercial vehicles and in his/her medical opinion the prescribed drug or substance will not affect the employee's ability to safely operate a motor vehicle.

5) All urine specimens are analyzed for the following drugs: Marijuana (THC metabolite), Cocaine, Amphetamines, Opiates (including heroin), Phencyclidine (PCP).

C. Circumstances under Which Employees Will Be Tested

1) There are five situations where testing can be done to determine the presence of alcohol and/or drugs:

a) Pre-Employment/Pre-Use – Testing shall occur before a new driver can perform any safety-sensitive duties or when a person transfers into a safety-sensitive function from elsewhere in the City. Only drug testing is done in this situation.

b) Post-Accident – Testing shall occur following a Department of Transportation accident in which:

(1) A life is lost.

(2) The driver was cited for a moving traffic violation.

(3) Post-accident alcohol testing should be done as promptly as possible. If a test cannot be done within eight hours, it should not be done. Post-accident drug testing should be done within thirty-two (32) hours, or not done at all.

c) Random – Unannounced random testing is required on a certain percentage of drivers each year. The random selection process used at the City is a computerized random generator within a mainframe computer, which ensures that each driver has an equal chance of being tested each time selections are made. Drivers are randomly selected from the pool. Random testing for alcohol must be completed just before, during or immediately after performing safety-sensitive work. Random testing for drugs can be done any time you are at work. Once you are notified that you have been selected for testing, you must proceed immediately to the test site.

Random testing is done as follows: ten percent (10%) of all drivers must be randomly tested for alcohol. The random testing rate for drug testing is fifty percent (50%).

d) Reasonable Suspicion – Testing shall occur if the City has reason to believe that an employee's behavior or appearance may indicate alcohol or drug use. Testing for reasonable suspicion must be based on:

(1) The observations of a trained supervisor or other trained individual designated by the City.

(2) Specific, clearly stated observations concerning the employee's appearance, behavior, speech or body odor.

(3) Observations for alcohol testing must be made just before, during, or just after the performance of a safety-sensitive function.

Alcohol testing for reasonable suspicion must be done as soon as practical but not later than eight hours of the observation.

An employee cannot report for duty or stay on the job while under the influence of alcohol or while impaired by alcohol as shown by behavior, speech or performance that indicates alcohol misuse. The City cannot allow an employee to continue to perform safety-sensitive duties until:

(1) The employee's alcohol concentration is less than 0.02; or

(2) twenty-four (24) hours have passed from the time of the initial observation.

e) Return-to-Duty and Follow-Up – Return-to-duty testing is required for drivers who violate prohibitions and are returning to work. In order to return to work an alcohol concentration of less than 0.02 or a negative drug test is required. Follow-up testing is required when a driver returns to a safety-sensitive function. The D.O.T. rules call for a minimum of six (6) tests during the first year back in a safety-sensitive position; however, follow-up testing can continue for up to five (5) years, subject to the EAP's protocols for the individual.

DRUGS

A. Process for Drug Testing

Testing is a two-stage process:

1) A screening test is performed. If it is positive for one or more of the drugs, then;

2) A confirmation test is performed for each identified drug using state-of-the-art gas chromatography/mass spectrometry (GC/MS) analysis. GC/MS confirmation ensures that over-the-counter medications or preparations are not reported as positive results.

Drug testing is conducted by analyzing a driver's urine specimen. The driver provides a urine specimen in a location that affords privacy and the ability for the driver to observe the "collector" as he seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing laboratory. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS).

The specimen collection procedures and chain of custody ensures that the specimen's security, proper identification and integrity are not compromised. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a laboratory but only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the driver has seventy-two (72) hours after notification of a positive result to request the split specimen be sent to another DHHS-certified laboratory for analysis at the driver's own expense. This split specimen procedure essentially provides the driver with an opportunity for a "second opinion". If the driver cannot afford the expense, the driver should speak with the City's

Human Resources Director.

All drug test results are reviewed and interpreted by a Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO contacts the driver (in person or by telephone) and conducts an interview to determine if there is an alternative medical explanation for the drugs found in the driver's urine specimen. If the driver provides appropriate documentation and the MRO determines that it is legitimate medical use of the prohibited drug, the drug test result is reported as negative to the employer.

B. Consequences of a Positive Drug Test

A driver must be removed from safety-sensitive duty if s/he has a positive drug test result. The removal cannot take place until the MRO has interviewed the driver and determined that the positive drug test resulted from the unauthorized use of a controlled substance. Notwithstanding the foregoing, the City may remove a driver from a safety sensitive function if it determines it is unsafe for the driver to begin or to continue to operate the commercial vehicle. A driver cannot be returned to safety-sensitive duties until s/he has been evaluated by a substance abuse professional, has complied with recommended rehabilitation, and has a negative result on a return-to-duty drug test. Follow-up testing to monitor the driver's continued abstinence from drug use is also required.

C. Assistance Available for Employee who Test Positive

Information or assistance on drug issues are available on a confidential basis from the Employee Assistance Program.

The City will provide employees who fail testing for the first time with an opportunity for treatment and to hold a job open for the employee while they are in treatment. It is the policy of the City to not utilize owner/operators or their employee drivers, for the foreseeable future, following a positive drug test.

D. Discipline

In instances where employees are covered by collective bargaining agreements, the terms and conditions of said agreement and/or past practice involving disciplinary action shall apply and shall supersede this section.

An employee who violates this policy will be subject to disciplinary action, up to and including termination of employment.

The following disciplinary action may be taken for violations of this policy discovered during post-accident, reasonable suspicion, and random testing. The measure of disciplinary action taken shall in all cases be properly and reasonably related to the severity of the offense.

1) FIRST OFFENSE:

A minimum of one (1) week unpaid suspension and a letter of reprimand in the

employee's personnel file, or other disciplinary action.

2) SECOND OFFENSE:

A minimum of two (2) weeks unpaid suspension and a letter of reprimand in personnel file, or other disciplinary action, up to and including termination if test results are positive.

3) THIRD OFFENSE:

Termination.

ALCOHOL

A. The following alcohol tests are required:

1) Post-accident - conducted after accidents on drivers whose performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all fatal accidents even if the driver is not cited for a moving traffic violation.

2) Reasonable suspicion - conducted when a trained supervisor or trained individual designated by the City observes behavior or appearance that is characteristic of alcohol use.

3) Random - conducted on a random unannounced basis just before, during, or just after performing safety-sensitive functions.

4) Return-to-duty and follow-up - conducted when an individual who has violated the prohibited alcohol conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced. At least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty. Follow-up testing may be extended for up to sixty (60) months following return to duty.

B. Random Alcohol Testing

Random alcohol testing must be conducted just before, during, or just after a driver's performance of safety-sensitive duties. The driver is randomly selected for testing from a "pool" of subject drivers. The testing dates and times are unannounced and are reasonably spread throughout the year. Each year, the number of random tests conducted by the employer must equal at least ten (10) percent of average number of driver positions subject to the regulations.

C. Process for Alcohol Testing

Screening tests are conducted using saliva devices or breath testing using evidential breath testing (EBT) and non-evidential breath testing devices approved by the National Highway Traffic Safety Administration (NHTSA). NHTSA periodically publishes a list of approved devices in the Federal Register.

Two tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted. The driver and the individual conducting the confirmation breath test (called a breath alcohol technician (BAT)) complete the alcohol testing form to ensure that the results are properly recorded. The confirmation test, if required, must be conducted using an EBT that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results. The confirmation test results determine any actions taken.

Testing procedures that ensure accuracy, reliability and confidentiality of test results are outlined in the Part 40 rule. These procedures include training and proficiency requirements for the screening test technicians (STT), breath alcohol technicians (BAT), quality assurance plans for the breath testing devices (including calibration requirements for a suitable test location), and protection of driver test records.

D. Consequences of a Positive Alcohol Test

Drivers who engage in prohibited alcohol conduct must be immediately removed from safety-sensitive functions. Drivers who have engaged in alcohol misuse cannot return to safety-sensitive duties until they have been evaluated by a substance abuse professional and complied with any treatment recommendations to assist them with an alcohol problem. To further safeguard transportation safety, drivers who have any alcohol concentration (defined as 0.02 or greater) when tested just before, during or just after performing safety-sensitive functions must also be removed from performing such duties for twenty-four (24) hours. If a driver's behavior or appearance suggests alcohol misuse, a reasonable suspicion alcohol test must be conducted. If a breath test cannot be administered, the driver must be removed from performing safety-sensitive duties for at least twenty-four (24) hours.

Once an employee tests positive, before an employee can return to a safety-sensitive job, the employee must:

1) Have an alcohol test of less than 0.02, or a verified negative drug test (depending on the violation).

2) Complete recommended treatment.

In addition, the employee will complete a minimum of six (6) follow-up tests within the first year back to work. (Follow-up testing can be done for up to five (5) years after return to work.)

E. Assistance Available for Employees who Test Positive

The City will provide employees who fail testing for the first time with an opportunity for treatment and to hold a job open for the employee while they are in treatment. It is the policy of the City to not utilize owner/operators or their employee drivers, for the foreseeable future, following a positive alcohol test.

F. Discipline

In instances where employees are covered by collective bargaining agreements, the terms and conditions of said agreement and/or past practice involving disciplinary action shall apply and shall supersede this section.

An employee who violates this policy will be subject to disciplinary action, up to and including termination of employment.

The following disciplinary action may be taken for violations of this policy discovered during post-accident, reasonable suspicion, and random testing. The measure of disciplinary action taken shall in all cases be properly and reasonably related to the severity of the offense. (Refer to Grievance Procedure, Section 10).

1) FIRST OFFENSE:

   A minimum of one (1) week unpaid suspension and a letter of reprimand in the employee's personnel file, or other disciplinary action.

2) SECOND OFFENSE:

   A minimum of two (2) weeks unpaid suspension and a letter of reprimand in personnel file, or other disciplinary action, up to and including termination if test results are positive.

3) THIRD OFFENSE:

   Termination.

CONFIDENTIALITY OF DRUG AND ALCOHOL TEST RECORDS/RESULTS

Alcohol test results and other confidential information may be released only to the employer and the substance abuse professional. The City, the drug-testing laboratory, and the Medical Review Officer will maintain the driver's drug/alcohol testing results and records under strict confidentiality. They cannot release the drug/alcohol testing results to others without the written consent of the driver. For example, if the driver changes jobs and gives written consent for the potential new employer to be provided with the results consistent with law.

Exceptions to these confidentiality provisions are limited to a decision maker in arbitration, litigation or administrative proceedings arising from a positive drug test. If a driver initiates a grievance, hearing, lawsuit, or other action as a result of a violation of these rules, the employer may release relevant information to the decision maker.

Statistical records and reports are maintained by employers and drug testing laboratories. This information is aggregated data and is used to monitor compliance with the rules and to assess the effectiveness of the drug testing programs.

CONSEQUENCES FOR REFUSING DRUG OR ALCOHOL TESTING

As part of the alcohol and drug rules of the DOT and this City Policy and Procedure, an employee covered by this Policy must submit to alcohol and drug testing as described herein. If an employee refuses to be tested, the employee cannot continue on the job. A "refusal to test" occurs any time the employee:

1) Fails to provide enough breath for alcohol testing or urine for controlled substances testing without a valid medical reason after being notified of the testing requirements.

2) Clearly obstructs the testing process as determined by the Collector.

EMPLOYEE EDUCATION AND TRAINING

The City will provide information on drug and or alcohol use and treatment resources to safety-sensitive drivers.

DRIVERS OBLIGATIONS TO REPORT CONVICTIONS FOR DRIVING VIOLATIONS

A. Notifications of Convictions in States other than State of License

Each person who operates a commercial motor vehicle, who has a commercial driver's license issued by a State or jurisdiction, and who is convicted of violating, in any type of motor vehicle, a State or local law relating to motor vehicle traffic control (other than a parking violation) in a State or jurisdiction other than the one which issued his/her license, shall notify an official designated by the State or jurisdiction which issued such license, of such conviction. The notification must be made within thirty (30) days after the date that person has been convicted.

B. Notifications of Convictions in State of License and Employer

Each person who operates a commercial motor vehicle, who has a commercial driver's license issued by a State or jurisdiction, and who is convicted of violating, in any type of motor vehicle, a State or local law relating to motor vehicle traffic control (other than a parking violation), shall notify his/her current employer of such conviction. The notification must be made within thirty (30) days after the date that the person has been convicted. If the driver is not currently employed, he/she must notify the State or jurisdiction which issued the license according to 49 CFR §383.31(a).

1) Contents and Form of Notification.

The notification to the State official and employer must be made in writing and contain the following information:

a. Driver's full name (c)(1);
b. Driver's license number (c)(2);
c. Date of conviction (c)(3);
d. The specific criminal or other offense(s), serious traffic violation(s), and other violation(s) of State or local law relating to motor vehicle traffic control, for which

the person was convicted and any suspension, revocation, or cancellation of certain driving privileges which resulted from such conviction(s) (c)(4);

e. Indication whether the violation was in a commercial motor vehicle (c)(5);
f. Location of offense (c)(6); and
g. Driver's signature (c)(7).

[52 FR 20587, June 1, 1987, as amended at 54 FR 40787, Oct. 3, 1989].

The information and content within this policy and procedure section is subject to change, based upon regulatory action and alterations to existing standards. The City will make every effort to provide timely information to all drivers affected by this standard, as these changes may occur.

DEFINITIONS

A. Alcohol - Intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl and isopropyl alcohol.

B. Alcohol Concentration (or content) – Alcohol in a volume of breath (shown as grams of alcohol/210 liters of breath) as indicated by an evidential breath test.

C. Alcohol Use – Consumption of any beverage, mixture or preparation, including medications containing alcohol.

D. Breath Alcohol Technician (BAT) – An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing (EBT) device.

E. Confirmation Test – *In alcohol testing*: a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.

In controlled substances testing: a second test to identify the presence of a specific drug or metabolite. In order to ensure reliability and accuracy, this test is separate from and uses a different technique and chemical principle from that of the screening test.

F. Controlled Substances – In this regulation, the terms "drugs" and "controlled substances" are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to:

1) Marijuana
2) Cocaine
3) Opiates
4) Phencyclidine (PCP)
5) Amphetamines, including methamphetamines

G. Driver – Any person who operates a Commercial Motor Vehicle (CMV) including:

1) full time, regularly employed drivers
2) casual, intermittent or occasional drivers
3) leased drivers
4) independent, owner-operator contractors who are either directly utilized by or under lease to the City or who operates a CMV.

H. Evidential Breath Testing (EBT) Device – A device used for alcohol breath testing that has been approved by the National Highway Safety Administration.

I. Medical Review Officer (MRO) – A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the City's drug testing program. The MRO must have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test, medical history and other relevant biomedical information.

J. Performing (a safety-sensitive function) – A driver is considered to be performing a safety-sensitive function when he or she is actually performing, ready to perform or immediately available to perform any safety-sensitive function.

Safety-sensitive functions for operators of CMVs are listed under Part 395.2, On-duty time, paragraphs 1-7 and includes the following times and/or activities:

1) At a carrier or shipper plant, terminal, facility or other property, or on any public property, waiting to be dispatched, unless the driver is relieved from duty by the motor carrier/City.

2) Inspecting the following equipment:

   a. service brakes, including trailer brake connections
   b. parking (hand) brake
   c. steering mechanism
   d. lighting devices and reflectors
   e. tires
   f. horn
   g. windshield wipers
   h. rear vision mirrors
   i. coupling devices
   j. fire extinguisher
   k. spare fuses
   l. warning devices for stopped vehicles

3) Inspecting, servicing, or conditioning any commercial motor vehicle at any time.

4) At the driving controls of a commercial motor vehicle in operation.

5) While in or upon any commercial motor vehicle except when resting in a sleeper berth.

6) Supervising or assisting in loading or unloading a vehicle.

7) Attending a vehicle being loaded or unloaded.

8) While in readiness to operate the vehicle.

9) When giving or receiving receipts for shipments loaded or unloaded.

10) Performing the driver requirements of sections 392.40 and 392.41 of part 392, Driving Motor Vehicles, relating to accidents.

11) Repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

K. Screening Test (initial test) – *In alcohol testing*: a procedure to determine if a driver has a prohibited concentration of alcohol in his/her system.

In controlled substances testing: a screen to eliminate "negative" urine specimens from further consideration.

L. Substance Abuse – Refers to patterns of use that result in health consequences or impairment in social, psychological and occupational functioning.

M. Substance Abuse Professional – A licensed physician (medical doctor or doctor of osteopathy), or licensed or certified psychologist, social worker, employee assistance professional or certified addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

APPENDIX F

DESIGNATION OF DRUG/ALCOHOL TESTING COLLECTOR AND MEDICAL REVIEW OFFICER ……..…….. 118

DESIGNATION OF DRUG/ALCOHOL TESTING COLLECTOR AND MEDICAL REVIEW OFFICER

The City designates Champlain Valley Urgent Care Corporation to act as the Collector of test samples and designates Dr. Timothy Fitzgerald or his designee as its Medical Review Officer.

In performing its duties, Champlain Valley Urgent Care Corporation and its agents shall comply fully with Title 21 VSA subchapter XI.

APPENDIX G

TITLE 21 VERMONT STATUTES ANNOTATED SUBCHAPTER XI
DRUG TESTING ……..120

TITLE 21 VERMONT STATUTES ANNOTATED SUBCHAPTER XI DRUG TESTING

21 V.S.A

Subchapter XI. Drug Testing

A. § 514. Administration of tests

An employer may request an applicant for employment or an employee to submit to a drug test pursuant to this subchapter, provided the drug testing is performed in compliance with all the following requirements:

1) Drugs to be tested – The test shall be administered only to detect the presence of alcohol or drugs, as defined in subdivision 511(3) of this title, at non-therapeutic levels.

2) Written policy – The employer shall provide all persons tested with a written policy that identifies the circumstances under which persons may be required to submit to drug tests, the particular test procedures, and the drugs that the test(s) shall identify.

   a) Drugs that will be screened for are any drug listed or classified by the U.S. Drug Enforcement Administration as a Schedule I drug, or its metabolites, and alcohol. It shall also mean other drugs or their metabolites which are likely to cause impairment of the individual on the job, which are: amitriptyline, amphetamines, barbiturates, benzodiazepines, cannabinoids,marijuana, cocaine, doxepin, glutethimide, hydromorphone, imipramine, meperidine, methadone, methaqualone, opiates, oxycodone, pentazocine, phenytoin, phencyclidine, phenothiazines, and propoxyphene. In addition, the Commissioner of Health may, pursuant to Chapter 25 of Title 3, add drugs to this list not recognized as being commonly abused and likely to cause impairment of the employee on the job at the time of the passage of this act.

   b) A statement that over the counter medications and other substances may result in a positive test and the consequences of a positive test result.

   c) The employer's policy shall incorporate all provisions of this section.

3) Blood samples – An employer may not request or require that a blood sample be drawn for the purpose of administering a drug test.

4) Designated laboratory – The employer shall use only a laboratory designated by the Department of Health.

5) Chain of Custody – The collector shall establish a chain of custody procedure for both sample collection and testing that will assure the anonymity of the individual being tested and verify the identity of each sample and test result.

6) Urinalysis Procedure – If a urinalysis procedure is used to screen for drugs, the employer shall:

   a. Require the laboratory performing the test to confirm any sample that tests positive by testing the sample by gas chromatography with mass spectrometry or

an equivalent scientifically accepted method that provides quantitative data about the detected drug or drug metabolites; and

b. Provide the person tested with an opportunity, at his or her request and expense, to have a blood sample drawn at the time the urine sample is provided, and preserved in such a way that it can be tested later for the presence of drugs.

7) Laboratory reports – A laboratory may report that a urine sample is positive only if both the initial test and confirmation test are positive for the particular drug. Test results shall only be provided by written report in accordance with subdivision (9) of this section.

8) Negative test results – The detection of a drug at a therapeutic level as defined by the Commissioner of Health shall be reported as a negative test result. The laboratory's report shall not contain any information indicating the presence of a drug at a therapeutic level as defined by the Commissioner.

9) Information to be supplied – The laboratory shall provide the Medical Review Officer with a written report of the drug test result. The Medical Review Officer shall review the report, and discuss the results and options available with the individual tested. The written report shall include all of the following information:

a. The unique identifier code of the person tested.

b. The type of test conducted for both initial screening and confirmation.

c. The results of each test.

d. The detection level, meaning the cut-off or measure used to distinguish positive and negative samples, on both the initial screening and confirmation procedures.

e. The name and address of the laboratory.

f. Any other information provided by the laboratory concerning that person's test.

10) Preservation of samples – The collector shall ensure that a portion of any positive sample is preserved in a condition that will permit accurate re-testing for a period of not less than ninety (90) days after the person tested receives the result.

11) Medical Review Officer – The employer shall contract with or employ a certified Medical Review Officer who shall be a licensed physician with knowledge of the medical use of prescription drugs and the pharmacology and toxicology of illicit drugs. The Medical Review Officer shall review and evaluate all drug test results, assure compliance with this section and sections 515 and 516 of this title, report the results of all tests to the individual tested, and report only confirmed drug test results to the employer.

12) Collector – The employer shall designate a collector to collect specimens from job applicants and employees. The collector may be an employee for the purposes of collecting specimens from job applicants. The collector may not be an employee for the purposes of collecting specimens from employees for drug testing based on

probable cause. (Added 1987, No. 61, § 1, eff. Sept. 1, 1987; amended 2001, No. 92 (Adj. Sess.), § 3, eff. May 1, 2002.)

APPENDIX H

CHANGE OF STATUS FORM……124

EMPLOYEE CHANGE OF STATUS FORM

The following change is effective as of:
Employee Name: Soc. Sec. #:
Supervisor's Name:
Account #: Position #:
Union:

Change from

Status:	RFT	RPT	TEMP.	LTD.SERV.CLASS	LTD. SERV.NON-CLASS	LTD.PT
	x					

Authorized Hrs. Per Wk.		Exempt:		Non-Exempt:		
JOB TITLE		DEPT.		GRADE/STEP		HOURLY RATE

Change to

Status:	RFT	RPT	TEMP.	LTD.SERV.CLASS	LTD. SERV.NON-CLASS	LTD.PT
	x					

Authorized Hrs. Per Wk.		Exempt:		Non-Exempt:		
JOB TITLE		DEPT.		GRADE/STEP		HOURLY RATE

Reason for change

- ☐ Hired
- ☐ Annual Review/Step Increase
- ☐ Semi-Annual Review
- ☐ Promotion
- ☐ Transfer
- ☐ Re-classification of existing job
- ☐ Leave of Absence (include dates):
- ☐ Other:
- ☐ Re-Hire
- ☐ Resignation
- ☐ Retirement
- ☐ Layoff
- ☐ Termination
- ☐ Demotion

Authorization

Department Head or Designee: _____ Date _____
Human Resources: _____ Date: _____

Department Use Only

APPENDIX I

BURLINGTON ELECTRIC DEPARTMENT POLICIES……126
Wage Compensation……126
Overtime & Premium Pay..……126
Educational Aid..……130

WAGE COMPENSATION

1. There shall be a minimum and maximum wage compensation established for each job classification.

2. A new employee, as well as a continuing employee newly assigned to a different job classification, shall have his/her starting wage compensation established based on such employee's education, training, prior work experience, and other relevant factors. The starting wage compensation shall be within the range for the job classification. The restriction of the immediately preceding sentence need not apply in the event of a transfer for the Department's benefit.

3. Each eligible employee may have his/her wage compensation increased by a general increase normally granted as of July 1 of each year. The minimum and maximum of each job classification wage compensation range shall be increased by the percentage of such pay increase.

4. Merit Pay

   a. An employee who is not at the maximum rate of pay for his/her job classification shall be eligible for consideration for a performance-related wage compensation increment.

   b. Consideration for a merit pay increase shall occur upon completion of an Employee Performance Planning & Review document by an employee's immediate supervisor and review of such document by the employee. A merit pay increase must be approved by the immediate supervisor, Area Supervisor and General Manager.

   c. Consideration for a merit pay increase shall be made at the end of each six (6) months of employment from the date of hire, date of last change of job classification, or granting of a merit pay increase, whichever is later.

   d. If an employee transfers to a position within the same pay grade, such employee's review date remains the same.

   e. The normal merit pay increase for an exempt and non-exempt employee shall be equal to zero percent (0%) to three percent (3%) of the maximum for such employee's job classification.

   f. In no event shall the granting of a merit pay increase provide the employee a wage compensation which exceeds the maximum for the employee's job classification.

OVERTIME & PREMIUM PAY

This overtime and premium pay policy covers those employees who are defined as hourly (non-exempt) and are covered by the Fair Labor Standards Act (FLSA).

1. Overtime work is defined as time worked outside an employee's established working schedule, or time worked beyond forty (40) hours in a single work week, or time worked beyond eight (8) hours in a single work day. An employee whose normal schedule calls for more than eight (8) hours of work in a single work day, or whose schedule is changed for the convenience of the employee, shall not be entitled to overtime compensation unless such employee works more than forty (40) hours in a single work week. Travel time to and from the work place shall not be considered time worked, except when working in an emergency situation for another utility.

2. Unless otherwise established by these policies, the overtime rate of pay for employees shall be at the rate of one and one-half (1 1/2) times the straight time rate for all overtime work.

3. <u>Double Time Pay</u>

   a. An employee, except an employee assigned to Sunday work as part of his/her scheduled forty (40) hour work week, shall be paid at twice the regular rate of pay for all Sunday work.

   b. An employee assigned to work on Sunday as part of his/her scheduled forty (40) hour work week, shall be paid at twice the regular rate of pay for all work performed on his/her second consecutive day off.

   c. An employee will be paid at twice the normal rate of pay for all continuous time worked beyond fourteen (14) hours and such rate will continue for all hours worked until the continuous eight (8) hour rest period as provided by 4.b. of this section (if applicable) has elapsed. For the purpose of calculating the consecutive hours of work, the two (2) hours immediately following release from work shall be counted if an employee returns to work during such two (2) hour period. As qualified by the preceding sentence, the fourteen (14) hour period is calculated from the time that the employee commenced work, but in no case shall an employee be paid for time not actually worked.

   d. A non-shift employee shall be paid at twice the normal rate of pay for all Saturday hours worked on planned overtime jobs exclusive of those hours, including lunch period, during which such employee works on a normal work day. Otherwise, the normal overtime rate of compensation shall apply.

   e. Planned overtime work which is scheduled outside the employee's normal daily work hours to accommodate the employee shall not be subject to the double pay requirement.

   f. When an employee is assigned to work on a day observed as a holiday that falls on one of his/her normal work days, he/she shall be paid two and one-half (2 1/2) times the normal pay rate for time worked on such day which falls within the hours the employee works on a normal work day. This includes payment for the straight-time holiday pay and time and one-half (1 1/2) for overtime. For hours worked on such day of observance that are outside the employee's normal work day hours, he/she shall be paid two (2) times the normal rate of pay for work

during such hours. When an employee is assigned to work on a day observed as a holiday which falls on a scheduled day off, the employee shall be paid two and one-half (2 1/2) times the normal pay rate for the first eight (8) hours worked and two (2) times normal pay rate for hours worked beyond eight (8) hours.

g. An employee assigned to work on a day observed as a holiday may elect to be paid at straight time for hours worked and carry the full eight (8) hours on BED records and take a subsequent day off at a time approved by his/her immediate supervisor. The alternate day off must be taken within six (6) months of the holiday worked and shall be taken in one eight (8) hour block.

h. An employee receiving a call out minimum for a period during which the employee is entitled to two (2) times the normal pay rate, shall have his/her minimum call out pay calculated according to the double time rate.

4. Minimum Rest Periods

a. Rest time shall be taken immediately following the completion of the work that caused the need for rest time or, with the approval of the employee's supervisor, at the end of that day's work. The only exception allowed would be in the case of an extreme emergency involving customers out of service, and then the rest time shall be taken immediately following the end of the emergency.

b. A non-shift employee who works any overtime between 12:00 midnight and 6:00 a.m. will be entitled to a minimum aggregate of six (6) hours rest (exclusive of travel time and established lunch period), before reporting for a regular work schedule. If such rest period should overlap the employee's scheduled work day, he/she shall suffer no loss in pay for the time of such overlap.

c. An employee who has worked continuously fourteen (14) hours or more shall be entitled at the end of the work assignment to eight (8) continuous hours of rest (exclusive of travel time and established lunch period), before reassignment or reporting for the normally scheduled work day or reassignment. If such rest period should overlap the employee's normal work day, he/she shall suffer no loss in pay for the time of such overlap.

d. If an employee is required to return to work before the appropriate minimum rest period has elapsed, he/she shall be paid at the prevailing rate until the full continuous rest period has been granted.

e. The rest period entitlements of subsections a. and b. of this section shall not apply in cases of actual or threatened interruption of service.

f. Travel time as mentioned above shall be a maximum of one-half (1/2) hour each way.

5. Compensation for Temporary Assignments

   a. When a non-exempt employee is temporarily assigned to perform normal and routine duties and assume the responsibilities of a non-exempt job in a classification higher than his/her regular classification for a period of two (2) or more consecutive hours in a day, he/she shall receive pay at a percentage step of the higher classification for all hours worked in the higher classification equal to the percentage step of his/her present classification. Said assignments shall normally be made in writing by the area Supervisor prior to the assumption of said duties and responsibilities. Hours worked, as defined above, shall be exclusive of holiday, vacation and/or disability leave.

   b. When a non-exempt employee is temporarily assigned to perform normal and routine duties and assume the responsibilities of an exempt position for a period of two (2) or more consecutive hours in a day, he/she shall receive a $5.00 per hour increase in his/her normal rate of pay for all hours worked in said assignment. Said assignments shall normally be made in writing by the appropriate Area Supervisor prior to the assumption of said duties and responsibilities. Hours worked, as defined above, shall be exclusive of holiday, vacation and/or disability leave.

   c. When an employee is temporarily assigned to work in a classification lower than his/her regular classification (this does not include a demotion), he/she shall be paid his/her regular base rate.

6. Sunday Shift Premium

   An employee assigned to a classification requiring him/her to work any one of the Sunday shifts shall receive in addition to regular rate plus shift differential, a premium of seventy-five cents (75¢) per hour for Sunday time worked.

7. Shift Differential

   Effective July 1, 2003, a shift employee shall receive in addition to the regular rate, a premium for both evening and night shifts of one dollar and fifty cents ($1.50) per hour.

8. Climbing Premium

   A premium of fifty cents (50¢) per hour shall be paid to an employee for time spent climbing poles and/or structures to a height of eighty-five (85) feet or more above the ground.

9. Meal Allowance for Unscheduled Overtime

   a. Whenever a non-exempt employee works continuously one (1) or more hours prior to or three (3) or more hours after his/her scheduled work day, he/she shall have the following options:

1) continue working and receive a payment of $15.00 in his/her paycheck in lieu of a meal break. Payment of the $15.00 meal allowance shall be initiated on the employee's timesheet and be reimbursed to the employee in his/her paycheck; or

2) cease working temporarily at a time approved by the supervisor for the purpose of obtaining a meal. In such case, the cost of the employee's meal up to $15.00 as verified by a receipt, shall be reimbursed to the employee through the Petty Cash System on the written application of the employee approved by his/her supervisor. The employee will not be paid for the period of the meal break, which shall not exceed thirty (30) minutes in length.

b. An employee shall be entitled to two (2) meal allowances if required to contiguously work one (1) or more hours before and three (3) or more hours after his/her normal work day.

c. When an employee has been required to work five (5) or more consecutive hours of emergency overtime which is not contiguous with his/her regular work hours, such employee shall be entitled to one of the options set forth in subsection a above.

d. The provisions of subsections a and b hereof shall not apply to scheduled overtime operations, or when an employee is called at home one (1) or more hours prior to the requested reporting time (excluding up to one-half (1/2) hour travel time).

10. Definitions

a. Emergency or unscheduled overtime means overtime worked during an actual or threatened interruption of service.

b. Scheduled overtime means overtime which is planned prior to the end of the preceding work day.

11. Requirement to Work Overtime

Employees shall be required to work overtime if not enough qualified employees volunteer to meet the requirements of a job. Failure to comply is subject to disciplinary action.

EDUCATIONAL AID

1. General Guidelines:

a. The tuition cost for educational programs which are deemed to be directly beneficial to BED will be at no cost to the employee. BED shall not pay for any one course more than once with the exception of those courses for which BED has been fully reimbursed by the employee.

b. It is understood that educational programs will be normally undertaken outside of an employee's regular working hours.

c. Application to attend courses must be submitted on the proper form and courses must be approved by the employee's immediate supervisor(s), Sector Manager and General Manager prior to committing BED to any financial obligation.

d. Payment for the course will be made to the educational institution at the time the employee is registered and billed for the program.

e. Evidence of satisfactory completion of each course must be submitted to the BED Human Resources Department within 30 days of the completion of the course.

f. An employee who earns a grade below C or does not complete a course shall reimburse BED for the total costs paid by BED towards the course. Such reimbursement shall be made over a period of time agreed to by the employee and BED but not to exceed three (3) months. This subsection shall not apply to any program mandated by BED. Such mandates shall be noted on approval forms by the employee's supervisor(s) and Sector Manager prior to final approval for enrollment into the program.

g. An employee who, for reasons other than layoff, leaves BED employment while enrolled in a course shall reimburse BED for the total costs paid by BED towards the course. Such reimbursement will be made prior to the employee's separation from BED. This subsection shall not apply to any program mandated by BED. Such mandates shall be noted on approval forms by the employee's supervisor(s) and Sector Manager prior to final approval for enrollment into the program.

h. Educational materials, student fees, books, etc. shall not be paid by BED except for those courses mandated by BED. Upon approval of the General Manager, BED will pay for course material when the purchase of the material is in lieu of tuition.

2. Qualified Degree Program:

a. An employee who is enrolled in a degree program which is deemed to be directly beneficial to BED shall have the tuition cost(s) paid by BED for all courses required for the degree provided the course of study is a qualified degree program (QDP).

b. To be considered a QDP, it must be determined by the employee's supervisor(s), Sector Manager and General Manager that attainment of the degree is of benefit to BED. Prior to enrollment into the QDP, the employee must sign an agreement with BED which specifies the following:

1) An anticipated completion date for the degree. This date must comply with guidelines established by the educational institution. A completion date may be extended by the General Manager or his/her designee.

2) Compliance with the policy outlined herein.

c. The employee's supervisor(s), Sector Manager and General Manager will assess each course within the QDP to determine the benefit to BED. This assessment will be noted on approval forms by the supervisor(s), Sector Manager and General Manager prior to final approval for enrollment into the course. Any individual course that directly benefits BED will be handled under 1. General Guidelines of the policy.

d. Excluding those courses that were deemed to be directly beneficial to BED, the employee enrolled in a QDP shall reimburse BED for the total costs paid by BED for all courses when any of the following occur:

1) for reasons other than layoff, the employee separates from BED within one year of the completion of the QDP;

2) the employee does not complete the QDP by the anticipated date; and/or

3) the employee separates from BED prior to the completion of the QDP.

This reimbursement shall be made over a period of time agreed to by the employee and BED but not to exceed one (1) year.

APPENDIX J

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ID POLICY

The ID badge system was designed to improve personal safety and building security as well as to comply with NERC (North American Electric Reliability Corporation) standards. The ID badges are mandatory and must be on person and displayable at all times.

All visitors including quests, vendors, contractors, etc, need to sign in and out at the front desk to receive a visitor badge and must be escorted through the building by appropriate BED personnel.

SMOKING POLICY

As per applicable law.

PETS IN THE WORKPLACE

Pets are prohibited from entering BED's office building at 585 Pine Street per a resolution passed by the Burlington Electric Commission on December 12, 2008. This prohibition does not apply to service animals as defined and covered by the ADA.

BUSINESS-RELATED TRAVEL

I. Purpose

See policy statement

II. Statement

A. General Expense Guidelines

- The Department has no intention of denying an employee reimbursement for necessary expenses incurred while traveling on department business. Travel expenses must be reasonable and directly related to Department business. The Department will not compensate employees for the inconvenience of travel, per se, or for personal expenses incurred while traveling on behalf of the Department.

- Questionable items must be approved by the General Manager or CFO before the expense is incurred.

B. Responsibility and Enforcement

- The Department assumes no obligation to reimburse employees for expenses that are not in compliance with this policy. The employee is responsible for complying with the travel policy, timely and accurate completion of all required forms, and if necessary, will reimburse the Department for expenses incurred that are not allowable. If the employee disagrees with the amount reimbursed he/she is welcome to appeal to their Manager who will meet with the General Manager and CFO to resolve.

- The employee's supervisor must review all travel requests and expenses incurred and approve them only if the necessity for travel is valid and expenses incurred are for Department purposes only and are in compliance with this travel policy.

- The employee is responsible for ensuring that all expenses reimbursable to the employee by any other party have been deducted on the claim form.

- Travel claim forms that do not conform to these policies and guidelines will be returned to the employee's supervisor for adjustment or completion.

- All reimbursements of expenses are subject to review and adjustment as a result of a subsequent audit.

- In unusual circumstances, the General Manager may approve exceptions to this policy in advance.

III. Policies – General

A. Travel Authorization

- Prior to traveling on Department business requiring an overnight stay or expenditure of Department funds in excess of $50, approval must be granted from the employee's Supervisor, Area Manager, and General Manager. All approvals must be received prior to committing the Department to any financial obligations including, but not limited to, airline tickets, hotel rooms and registration fees.

- Authorized travel status does not include interim periods of time scheduled primarily for the convenience of the traveler, including side trips, layovers, and late returns which are not necessary for the conduct of Department business.

B. Travel Arrangements

- Travel arrangements should result in the most economical use of Department resources. The Purchasing Office will be responsible for all of the necessary arrangements, including registration fees, lodging, air travel, vehicle rental and any other travel arrangements. Employees are welcome to work with the Purchasing Office for unique arrangements; however, in no case will special accommodations be made which result in an economic disadvantage to the Department.

C. Credit Card

- Employees traveling on Department business are requested to use their personal credit card for expenses. The Department will reimburse the employee for allowable expenses within 5 business days upon receipt of an Expense Report.

- In the event an employee does not have a personal credit card or objects to that, he/she can request a Department credit card. If an employee uses a Department credit card

and charges an item that is not allowable, the employee will have 5 business days to reimburse the Department by cash/check or a payroll deduction.

D. Travel Cash Advances

- Department advances for estimated expenses will ordinarily not be issued to an employee.

- A cash advance may be issued for expected items not likely to be charged such as cab fare, tolls and fast food meals. The amount of the advance shall not include any expense that will be billed directly to the Department or amounts that will be charged to a credit card. The amount of request should be indicated on the "Request for Approval to Attend" (RTA) form.

- Under unusual circumstances, Department-funded travel advances may be obtained by submitting the request with a written explanation to the General Manager.

E. Receipts

- Original itemized receipts must accompany all expenses. Credit card (non-itemized) vouchers and the detachable portion of restaurant tickets are not acceptable.

F. Insurance

- The Department's automobile insurance policy automatically covers rental vehicles used for Department business. Insurance coverage offered by automobile rental agencies would be in addition to that covered by the Department. If purchased, reimbursement will not be made to the employee.

- The Department's automobile insurance coverage does not provide primary coverage for vehicles owned by employees who use their personal vehicles for business-related purposes. The mileage rate reimbursement covers this expense (as specified by the Internal Revenue Service).

- The Department is also covered by a Group Travel and Accident Insurance policy. Additional insurance purchased by the employee will not be reimbursed.

- Only individuals employed by the Department or those individuals contracted to work in a capacity for the City and who receive permission from the General Manager are permitted to operate a Department/rental vehicle.

- Prior approval from the General Manager or their designee must be obtained for family members to be eligible as passengers in Department/rental vehicles. See Letter of Understanding - Insurance Coverage for Family Members in Company/Rental Vehicles on Business Trips/Use. See the Department's Insurance Policy for specifics or direct questions to BED’s Manager of Risk Management & Governmental Affairs .

G. Funding Other than the Department

- Reimbursement of travel costs associated with sponsored projects must comply with all provisions stipulated by the sponsoring agency, or with all provisions of this travel policy if more restrictive.

- Only those expenses not paid from other sources will be reimbursed by the Department, provided compliance with this policy. The RTA form should indicate what expenses will be paid by the sponsoring agency. If reimbursement is paid directly to the employee, the employee shall provide the Department with the reimbursement check (or a copy).

H. Two or More Employees

- When two or more employees travel together, it is necessary for each employee to submit a separate form for reimbursement. However, when two or more employees use the same vehicle (Department, rental or personal), one employee should report the cost.

- The Department has the right to limit the number of employees attending the same conference, seminar, etc.

I. Compensation

- Compensation for business-related travel shall be in accordance with the Fair Labor Standards Act as it applies to the following situations:

  1. Travel time during the work day -- time spent by an employee in travel as part of the Department's business will be counted as time worked.

  2. One day out-of-town travel -- travel time that is at the Department's request (except for meal periods) occurring outside of an employee's normal working hours will be counted as time worked. Travel time between the employee's home and the point of departure is excluded from the time worked.

  3. Overnight travel -- travel time, as a passenger, that occurs outside of an employee's normal working hours will not be paid to the employee unless they are otherwise engaged in work-related activities. If travel occurs during normal working hours on working or non-working days (i.e., Saturday or Sunday for an employee who works Monday to Friday) then the travel time will be counted as hours worked.

IV. Policies - Expenses

A. Transportation

- The Department will pay transportation costs based on the lowest practical scheduled rates. Exceptions may be made for special circumstances upon written approval from the General Manager.

1. Airfare

- Airline reservations will be arranged through the Purchasing Office. The Department has the right to choose the most cost-effective airlines and may require an employee to travel on a Saturday to take advantage of reduced airfare. If Saturday travel is necessary the Department will pay the extra hotel and meal costs, provided the extra costs do not exceed the savings, taking into account the time away. Arrangements should be made early enough to take advantage of advance purchase discounts.

- If an employee would like to extend the business trip by using vacation or personal time, and there is no additional charge to do so, it will be allowed.

- Coach airfares, but not first class airfares, are allowable. Upgrades will not be allowed unless no additional charges are incurred.

- Participation in a frequent flyer program must not influence employee flight selection which would result in incremental cost to the Department.

- Airport parking fees for vehicles arriving and departing will be reimbursed.

- Overnight and extended stay parking will only be reimbursed in unusual circumstances and provided prior approval.

- Employees should select the least expensive mode of ground transportation.

2. Personal Vehicle

- An employee shall use a Department vehicle for business-related travel unless the use of a personal vehicle is approved in advance by the employee's Area Manager. If the employee receives approval to use a personal vehicle for such travel, she/he is liable for any accidents and all aspects of insurance on her/his vehicle.

- Personal use of vehicles shall be reimbursed at a rate equal to the Internal Revenue Service (IRS) standard mileage rate. This rate is intended to cover the costs of gasoline, oil, tires, repairs, insurance and depreciation. Therefore, these items should be charged separately. The IRS standard mileage rate will be updated as of January 1 each year.

- Parking fees and tolls will be reimbursed separately to the employee.

- Personal vehicle mileage must be supported by a mileage log with dates and destinations.

- Mileage between an employee's residence and work is not reimbursed.

- Reimbursement will also be made for travel to and from other City Departments and

the McNeil Generating Station.

3. Rental Vehicle

- An employee may choose a rental vehicle, rather than use of personal vehicle, if approved by the employee's Area Manager.

- A rental vehicle may be considered if the type of trip or location of meeting is such that use of local transportation (taxis, airport shuttle, buses) is not practical or is more expensive. Rental vehicles shall be reserved and rented at the lowest applicable rate available.

- The Department will only reimburse for the use of compact or mid-size rental vehicles. The cost of a full-size car will only be allowed if there are more than 3 passengers or a larger size vehicle is provided at no extra charge above the compact or mid-size rate.

- The Department has provisions for insuring rental vehicles against damage. It is included in The Department's automobile coverage. Refer to Section III, F. Insurance, regarding insurance coverage.

- Insurance coverage for family members or other passengers in Department/rental vehicles on business trips must be pre-approved. Please refer to "Letter of Understanding".

4. Department Vehicle

- All operators of Department vehicles must be at least eighteen (18) years of age and in possession of all licenses and permits as required by law.

- Only individuals employed by the Department are permitted to operate a Department vehicle.

- When transportation is by Department vehicle, reimbursable transportation expenses will be limited to actual costs incurred for fuel, oil, and necessary vehicular maintenance and repairs supported by receipt or invoice.

- The Department of Public Works (DPW) must be used whenever possible for vehicle maintenance and gasoline.

B. Lodging

- Reasonable and necessary accommodations will be reimbursed. Employees traveling with a spouse or other non-employee will be responsible for expenses incurred above the single room rate.

- If there is a significant financial advantage to the Department for an employee to extend a business trip (stay an extra day) it is requested that an employee do so, unless such a

situation would cause undue hardship to the employee.

- The Department will not reimburse the employee for non-conventional lodging (staying with a friend or relative).

- Corporate discount rates will be obtained by the Purchasing Office, whenever possible.

C. Meals

- Per diem rates will not be used.

- Employees shall take advantage of meals and other expenses which are included in the price of the event in order to avoid incurring additional expenses.

- Actual meal costs will be reimbursed, including taxes and a reasonable tip (guideline below).

- Alcoholic beverage expenses are not to be reimbursed and should not be included in the cost of the meals.

- Itemized receipts are required. Credit card voucher slips and detachable restaurant stubs supplement the itemized receipt, but do not replace it.

D. Gratuities

- Reasonable gratuities will be reimbursed. The following is a guideline to use when tipping:

  - *Restaurant Waiters* - 15 to 20 % of the total bill, before taxes.
  - *Chambermaid* - $1 -$2 per night per guest.
  - *Bellhop* - $1 - $2 per bag.
  - *Drivers (Taxi)* - 15% - 20% of the fare, but never less than $1.

E. Telephone Usage

1. Business

- Calls must be documented and will be reimbursed.

2. Personal

- One call will be allowed for a trip of 1 to 3 nights. Two calls will be allowed for a trip of more than 3 nights. All calls should be reasonable in duration.

F. Other

- Reimbursement for other business related expenses not mentioned herein, arising from an emergency or other unusual circumstances, will be made at the discretion of the General Manager or CFO. Request for such reimbursement must be written and include

the nature and amount of expense in addition to justification.

G. Non-reimbursable

- The following miscellaneous expenses will NOT normally be reimbursed for:

  - personal items (i.e., tooth paste, soap, aspirin, etc.)
  - snacks/vending machine
  - laundry and dry cleaning
  - losses
  - spouse/companion travel
  - alcoholic beverages
  - valet services
  - paid television
  - entertainment (i.e, movies, amusement parks, etc)
  - expenses related to vacation or personal days while on a trip
  - missing receipts
  - parking tickets/fines
  - speeding tickets/fines
  - gasoline or other purchases for personal vehicles

V. Forms

A. Request for Approval to Attend - form used to approve business related travel requiring an overnight stay or expenditure of Department funds in excess of $50. Form needs to be completed and signed by the employee and employee's immediate supervisor, Area Manager and General Manager. ALL approvals must be received prior to committing the Department to any financial obligations.

B. Expense Report - the form used to authorize expenses incurred while on Department business (credit cards and cash) and to provide documentation supporting all travel expenditures for budgetary and timely accounting purposes. All travel reimbursement must be accompanied by pertinent conference brochures, agendas, schedules of meetings, or a concise statement of purpose, destination, and dates of the trip.

The report must be completed within five (5) business days of when the employee returns to work. In accordance with IRS regulations, any travel costs including airfare, prepaid and advances, not substantiated within 60 calendar days from the conclusion of the travel must be treated as taxable compensation to the employee (the amounts will be added to the employee’s gross salary for the year and will be subject to withholding and employment taxes).

C. Mileage Reimbursement - form used to log miles for business use of personal car. Mileage is reimbursed at a rate equal to the Internal Revenue Service (IRS) standard mileage rate. Must be approved by employee's supervisor.

VI. Contacts:

Chief Financial Officer (CFO), Daryl Santerre, 865-7410
Accounts Payable, Jen Bouchard, 865-7369

VII. Related Documents/Policies

- City of Burlington Personnel Policy Manual (incl. BED Policies & Department Directives)
- IBEW Contract
- Procedures - Request for Approval to Attend
- Procedures - Travel Arrangements
- Procedures - Reimbursement for Expenditures While on Department Business
- Policy - Reimbursement for Meal Expenditures While on Department Business
- Procedures - Mileage Reimbursement

Effective Date: January 1, 2000 *(Revised April 1, 2000*)

Request for Approval to Attend

Statement

- Prior to traveling on Department business, requiring an overnight stay or expenditure of Department funds in excess of $50, approval must be granted from the employee's Supervisor, Area Manager, and General Manager. All approvals must be received prior to committing the Department to any financial obligations including, but not limited to airline tickets, hotel rooms and registration fees.

Procedures

- Employee must complete Request for Approval to Attend (RTA) form and submit to his/her supervisor for approval. The form shall include all information regarding travel, as well as registration forms for seminars, conferences, etc. The following information must be completed on the form:

  - employee name
  - name of function
  - location of function
  - date(s)
  - reason for attending
  - account number(s)
  - cash advance requirement
  - name of hotel/motel intending to stay at number of days and cost per night
  - other expected expenses

- Approval must be granted by the employee's Supervisor, Area Manager, and General Manager.

- Upon final approval, the General Manager's Administrator shall forward the RTA form to

the Purchasing Office. Purchasing shall forward a copy of the authorized RTA form to the employee/supervisor and Accounts Payable (for petty cash).

Forms available from Accounts Payable and Purchasing.

Contacts:
Chief Financial Officer (CFO), Daryl Santerre, 865-7410
Accounts Payable, Jen Bouchard, 865-7369
Purchasing, Jeff Turner, 865-7456

Related Documents/Policies
Travel Policies & Procedures

Effective Date: January 1, 2000 *Last Revised*: December 10,1999

Reimbursement for Meal Expenditures While on Department Business

Statement

- There may be instances where business meals are beneficial to the Department's mission. We recognize these meals may be subjective and there is the potential for misinterpretation of their legitimate use. Thoughtful consideration by all employees is essential in making prudent ethical decisions about these expenditures.

- All requests for meal reimbursement for Department business are expected to be reasonable.

- The Department will pay actual meal expense incurred.

- Itemized receipts are required for reimbursement. Detachable restaurant stubs and credit card voucher slips will not be allowed for reimbursement.

- Alcoholic beverage expenses are not to be reimbursed and should not be included in the cost of the meals.

- Business meals for intra-departmental activities involving only Departmental employees are appropriate when they are conducted for legitimate business purposes. These must be approved by the General Manager, in advance.

Procedures

Business meal expenses will be reimbursed through petty cash. Original, itemized receipts must be submitted for reimbursement accompanied by a description of the event, its location, the number of people involved and the date. Prior approval must be granted by the General Manager for meals that will exceed $50.

Forms
Expense Report -- available at Accounts Payable

Contacts:
Chief Financial Officer (CFO), Daryl Santerre, 865-7410
Accounts Payable, Jen Bouchard, 865-7369

Effective Date: January 1, 2000

Travel Arrangements

Statement

- Travel arrangements should result in the most economical use of resources. The Purchasing Office will be responsible for all of the necessary arrangements, including registration fees, lodging, air travel, vehicle rental and any other travel arrangements. Employees are to work with Purchasing for unique arrangements. However, in no case will special accommodations be made which result in an economic disadvantage to the Department.

Procedures

1. Purchase Request

- A Purchase Request (PR) is required for items requiring advance payment from the Department. Normally, registration fees for conferences and seminars require advance payment. The employee/supervisor shall generate a PR upon receiving a copy of the signed Request for Approval to Attend (RTA) form.

2. Accommodations, Air Travel, Rental Vehicle

- Purchasing will make the necessary arrangements by what was indicated on the RTA form. A credit card will normally be used to secure the above mentioned.

3. Cash Advance

- Amount approved on the RTA form will be available from Accounts Payable prior to the date of departure, but no sooner than 3 days prior.
- Original itemized receipts must be saved for each cash expense.

4. Credit Card

- Employees will use their personal credit card for expenses incurred while on business travel. However, in the event an employee does not have a credit card she/he can request a Department issued credit card.
- Employees will be reimbursed for allowable expenses within 5 business days after an expense report has been completed and submitted.

Forms
Purchase Request -- HTE system
Request for Approval to Attend -- available at Accounts Payable

Contacts:
Chief Financial Officer (CFO), Daryl Santerre, 865-7410
Accounts Payable, Jen Bouchard, 865-7369
Purchasing, Jeff Turner, 865-7456

Effective Date: January 1, 2000 *Last Revised*: December 10, 1999

Reimbursement for Expenditures While on Department Business

Statement

- The Department has no intention of denying an employee reimbursement for necessary expenses incurred while traveling on Department business. Expenses must be directly related to the Department. An employee should be able to answer the following questions before seeking reimbursement for an item:

  1. Was the expense required to conduct Department business?

  2. Is the request reasonable?

  3. Was the money actually spent?

  4. Would a frugal employee have incurred this expense?

- Questionable items must be approved by the General Manager or CFO before the expense is incurred.

Procedures

- Employee must complete an Expense Report for expenses incurred while on Department business. Each expense must be documented on the form and supported by an original itemized receipt. Meals and tips should be listed separately. The form must be completed within 5 business days upon returning from a trip and submitted to the employee's supervisor.

- Once the forms have been submitted to the employee's supervisor the supervisor must review expenses incurred. The supervisor shall approve only the expenses which are allowable. Once approved, the supervisor shall forward the expense report to Accounts Payable. Accounts Payable will settle up with the employee.

- If there is a balance due the employee, the Department will reimburse the employee for allowable expenses within 5 business days upon receipt of an Expense Report.

- If there is a balance due the Department, the employee will have 5 business days to reimburse the Department. Reimbursement may be made by cash/check or payroll deduction.

Forms
Expense Report – available from Accounts Payable
Request for Approval to Attend – available from Accounts Payable

Contacts
Chief Financial Officer (CFO), Daryl Santerre, 865-7410
Accounts Payable, Jen Bouchard, 865-7369

Effective Date: January 1, 2000 *Last Revised*: December 10, 1999

Mileage Reimbursement

Statement

- Personal use of automobiles is permitted and reimbursed if pre-approved. Mileage will be reimbursed at a rate equal to the Internal Revenue Service (IRS) standard mileage rate. (This rate is intended to cover the costs of gasoline, oil, tires, repairs, and insurance, depreciation, parking fees, tolls, license and garage rent incurred for the business use of the personal vehicle).

- The IRS standard mileage rate will be updated as of January 1 each year.

Procedures

- When a personal vehicle is used a "Mileage Reimbursement Form" must be submitted to the employees supervisor for approval.

- Once approved, the form must be forwarded to Accounts Payable for reimbursement. Reimbursement will be paid within 5 business days.

Forms
Available from Accounts Payable

Contacts
Chief Financial Officer (CFO), Daryl Santerre, 865-7410
Accounts Payable, Jen Bouchard, 865-7369

Effective Date: January 1, 2000 *Last Revised*: December 10, 1999

SAFETY

Each employee is required to familiarize himself/herself with the BED Accident Prevention Manual.

1. Hazardous Duties

   a. When an employee is called upon to perform a task which the employee considers to

be hazardous and that his/her safety has not been reasonably protected, the employee is expected to bring the situation to the attention of the immediate supervisor. If not satisfied with the response of the immediate supervisor, the employee may refuse to perform the task.

b. When an employee has refused to perform an assigned task due to the hazards involved, the employee must submit a written report of such refusal, including a description of the hazards involved, to his/her immediate supervisor within seventy-two (72) hours of such refusal. The matter will then be referred to a panel consisting of the immediate supervisor, the Safety & Training Coordinator, as well as a third member employee to be chosen by the employee. The panel shall consider all evidence presented, determine the reasonableness of the employee's refusal to perform the assigned task and recommend to the Division Manager whatever action it deems appropriate.

2. Accident Reporting Procedure

a. When an employee or other person has been injured or there has been damage to BED or private property, a properly completed accident report must be submitted to the BED Safety & Training Coordinator within twenty-four (24) hours of the accident. The employee's supervisor shall be responsible for signing and forwarding the properly completed report to the Safety Area.

b. If one or more employees other than the employee reporting the accident witnessed the accident, at least one such employee must sign the accident report.

c. If an employee misses scheduled work time due to a work-related accident, the employee's supervisor shall notify the Safety & Training Coordinator as soon as possible, but no later than 12:00 noon the following business day.

3. Safety Rules Violations

a. Class I Violations

It is extremely important that each employee strictly obey BED's safety rules and instructions as they pertain to the work performed by such employee. Certain violations of the safety rules are considered more serious than others.

1) Failure to use body belt when using aerial lifts.

2) Failure to use insulated protective equipment.

3) Failure to comply with rubber glove rules.

4) Failure to ground vehicle where applicable.

5) Failure to follow switching and tagging procedures.

b. Class II Violations

Class II Violations are defined to be any violations of the safety rules and instructions other than those specifically categorized as Class I Violations.

c. Class I Safety Violations will normally be disciplined as follows:

1) First Offense – Three (3) working day suspension without pay and a letter of reprimand to remain in the employee's file for three (3) years.

2) Second Offense – Ten (10) working day suspension without pay and letter of reprimand to remain in the employee's file for three (3) years. (Must occur while disciplinary action for the First Offense is in effect).

3) Third Offense – Discharge from further employment at BED. (Must occur while disciplinary actions for the First Offense is in effect).

d. Class II Safety Violations will normally be disciplined as follows:

1) First Offense – Letter of reprimand to remain in the employee's file for one (1) year.

2) Second Offense – Three (3) working day suspension without pay and letter of reprimand to remain in the employee's file for three (3) years. (Must occur while disciplinary action for the First Offense is in effect).

3) Third Offense – Ten (10) working day suspension without pay and letter of reprimand to remain in the employee's file for three (3) years. (Must occur while disciplinary actions for the First and Second Offense are in effect).

4) Fourth Offense – Discharge from further employment at BED. (Must occur while disciplinary actions for the Second and Third Offense are in effect).

Any combination of four (4) active Safety Violations shall constitute discharge from further employment at BED.

4. Removal of First Offense Letter of Reprimand

a. First Offense Class I Safety Violation

A letter of reprimand received for a First Offense Class I Safety Violation only, may be removed from an employee's personnel file by the General Manager a minimum of one (1) year after the date of issue, at the recommendation from the Safety & Training Coordinator provided that:

1) Beginning on the date the reprimand was issued, the employee has worked one (1) continuous year without being the subject of further disciplinary action for a safety violation;

2) Within that year the employee designs, develops, and presents a safety related workshop approved by the Safety & Training Coordinator; AND

3) The employee receives a positive safety performance review from the Safety & Training Coordinator.

b. First Offense Class II Safety Violation

A letter of reprimand received for a First Offense Class II Safety Violation only, may be removed from an employee's personnel file by the General Manager a minimum of six (6) months after the date of issue, and at the recommendation from the Safety & Training Coordinator provided that:

1) Beginning on the date the reprimand was issued, the employee has worked six (6) continuous months without being the subject of further disciplinary action for a safety violation;

2) Within those six (6) months the employee designs, develops, and presents a safety related workshop approved by the Safety & Training Coordinator; AND

3) The employee receives a positive safety performance review from the Safety & Training Coordinator.

WORKERS' COMPENSATION

1. Burlington Electric follows guidelines for Workers' Compensation as outlined by the Department of Labor and Industry, the Vermont Workers' Compensation Laws. A copy of the Vermont Workers' Compensation Law is available in the Human Resources Department.

2. In the event of a work-related accident, the injured employee, or the employee's supervisor in the event of an incapacitating injury, must complete an Employer's First Report of Injury form. The employee's supervisor shall be responsible for forwarding a completed and signed report to the Safety Area before the end of the workday.

3. Notwithstanding the above, the Department reserves the right to require an independent medical examination (IME) and/or doctor's certificate, at any time, for any employee injured in a work-related accident. The employee shall have the right to have a physician or surgeon designated and paid by him/her present at such examination.

4. In the event of conflicting opinions between the IME and the employee's personal physician, each case will be managed on an individual basis.

5. The Department will compensate an employee for lost time attributable to a work-related injury. Lost time attributable to a work-related injury shall be reported on the employee's time sheet as "accident time."

Such accident time which is not approved by Workers' Compensation shall be paid at the employee's normal hourly rate of pay, and may result in adjustments to compensation

previously paid to said employee for accident time.

Weekly compensation for lost time which has been approved by Workers' Compensation will be equivalent to the injured employee's average weekly net income after taxes as earned twelve (12) weeks prior to the injury.

Specifically, wage replacement for approved lost time attributable to a particular accident will be computed as follows:

Subject to the State required minimums and maximums, sixty-six and two-thirds (66 2/3) percent of the average gross wage earned during the twelve (12) weeks preceding the injury is the required compensation according to Vermont law and is tax exempt.

REDUCTION IN FORCE

1. When the Board of Electric Commissioners determines that a reduction in BED staff is appropriate, the employee or employees to be laid off will be determined after consideration of an employee's prior GMP service at Moran and/or City of Burlington service, length of BED service, job performance, work experience, training, employment skills and the needs of BED.

2. Positions into which displacement or bumping will be allowed shall be limited to those positions specified by the General Manager.

3. Notwithstanding the above, an employee scheduled for layoff that has at least twenty-five (25) years of combined service with BED, GMP service at Moran and/or the City of Burlington, in lieu of layoff shall be offered another employment position with BED. If the offered position is rejected, the employee may be laid off.

4. An employee transferred in lieu of layoff into a lower paying position is not guaranteed that his/her salary will be "red-lined." The General Manager will decide this issue each time there is a layoff.

5. An employee transferred in lieu of layoff shall serve a probationary period. Any such employee who fails to perform satisfactorily in the new position may be laid off. Any employee governed by this section shall be entitled to grievance rights pursuant to the appropriate section.

6. An employee laid off shall be entitled to the following:

   a. Ninety (90) days advance notice of layoff or three (3) months termination pay at the discretion of the General Manager.

   b. Health and life insurance coverage at BED's expense for two (2) months following the last day of employment.

   c. Reasonable time off, as scheduled with his/her supervisor, for the purpose of obtaining other employment.

d. If rehired by BED within one (1) year of layoff, shall be deemed to have had no break in service (exclusive of time laid off) for the purposes of determination of seniority and the earning of vacation and disability leave and shall regain disability leave balance earned prior to layoff.

e. In the event that an employee receives termination pay, the date the payment is received shall be considered the last day of employment.

PROCEDURES FOR ON-THE-JOB INJURIES

THE NUMBER ONE PRIORITY THROUGHOUT THESE PROCEDURES IS THE SAFETY AND WELL-BEING OF EVERY EMPLOYEE.

INJURED EMPLOYEE'S RESPONSIBILITIES:

1. Immediately notify supervisor of any injury.
2. Fill out the "Employee's First Report of Injury" form and submit it to your supervisor before the end of the work day.
3. Notify the Safety Area and your supervisor immediately in the event of medical treatment.
4. Workers' Compensation law, Administrative Rule #12, allows the City of Burlington to refer an employee to a particular provider(s) for the first visit after an injury. In the event an injury does require medical care, employees are required to seek initial treatment with one of the offices of the City Medical Examiners (Concentra or Champlain Valley Urgent Care).
5. Bring Medical Treatment Questionnaire (MTQ) to medical provider and have the medical provider complete the questionnaire. Forward the completed questionnaire to the Safety Area within eight (8) working hours of treatment.

NOTE: An employee reporting lost time/restricted duties due to a work related injury, MUST have a physician's note/MTQ indicating as such. Failure to provide a physician's note/MTQ will result in use of sick time. Expenses related to an on-the-job injury (i.e. medical treatment, prescriptions, lost time, etc.) are paid for out of the Workers' Compensation Fund and are all subject to prior approval by the Insurance Carrier and BED's Third Party Administrator (TPA).

6. Forward all medical bills to the following address: Safety Area, Burlington Electric Department, 585 Pine Street, Burlington, VT 05401.
7. Forward a completed "Medical Treatment Questionnaire" to the Safety Area within eight (8) working hours of treatment, after EACH follow-up visit to a medical provider. This includes treatment from a physician, physical therapist, registered nurse, or any other medical provider.
8. Adhere to any work restrictions.
9. Work with supervisor and Safety Area to establish light duty assignment and sign "Medical Treatment Questionnaire".
10. Maintain contact with supervisor regarding recovery while recuperating at home or at work.
11. List restricted time and/or lost time on time sheet.

SUPERVISOR'S RESPONSIBILITIES:

1. Notify the following immediately in the event of an accident in which the injured employee is hospitalized:
   a) Safety Area; and
   b) Division Manager(s) involved.
2. Complete and sign the "Employee's First Report of Injury" form.
3. Forward completed "Employee's First Report of Injury" form to the Human Resources and BED Safety Department within eight (8) working hours of the time received. All levels of supervision must review and sign report prior to the Area Supervisor's review.
4. Within two (2) days of the event, the supervisor should investigate the incident or accident.
5. The Safety & Training Coordinator in collaboration with the supervisor will complete an incident investigation report and forward or fax the report to the Human Resources Department (fax 864-1777).
6. Issue safety reprimand(s), if warranted. Forward copies of reprimand(s) to the Sector Manager, Safety Area and Human Resources.
7. Complete employee's section of the "Employer's First Report of Injury" form, if the employee is incapacitated.
8. Have a "Medical Treatment Questionnaire" completed and submitted to the Safety Area within eight (8) working hours of treatment for any incapacitated employee under your supervision.
9. Adhere to injured employee's work restrictions.
10. Work with injured employee and Safety Area to establish light duty assignment(s). Review and sign injured employee's "Medical Treatment Questionnaire". If light duty work is unavailable in the supervisor's area, the employee may be temporarily reassigned to another area.
11. Coordinate with Safety Area an ergonomic review of the injured employee's job and work place, when applicable.

MANAGER'S RESPONSIBILITIES:

1. Review, sign and forward "Employee's First Report of Injury" form to the Safety Area within eight (8) working hours from the time received.
2. Notify General Manager of accident when necessary.
3. Issue Safety reprimand(s) if warranted. Forward copies of reprimand(s) to supervisor(s), Safety Area and Human Resources Department.

SAFETY & TRAINING COORDINATOR RESPONSIBILITIES:

1. Notify Manager of Risk Management & Governmental Affairs of event.
2. Complete the Safety Coordinator Section of *BED's Employees' First Report of Injury Claim Form* in its entirety and forward to the injured employee's Manager within eight (8) working hours of the time received.
3. Investigate the incident or accident, particularly with the injured employee (i.e. provide photographs, sketches/diagrams, measurements, witnesses, etc.) and give recommendations.
4. Issue Safety reprimand(s), when necessary, and forward a copy to the Manager and Human Resources.

5. Keep updated MTQs on file for each employee to ensure that they are following any work restrictions/limitations.

MANAGER OF RISK MANAGEMENT & GOVERNMENT AFFAIRS RESPONSIBILITIES:

1. Complete the employee employment data section of *BED's Employees' First Report of Injury Claim Form* in its entirety and forward to the Safety & Training Coordinator within eight (8) working hours of the time received.

GENERAL MANAGER'S RESPONSIBILITIES:

1. Review written investigative reports from Safety & Training Coordinator when applicable.
2. Take appropriate disciplinary action when necessary. Submit copy of disciplinary action to Division Manager, supervisor(s), Safety Area and Human Resources.

HEALTH AND SAFETY PURCHASE PROGRAM

1. Any regular full- or part-time, non-probationary employee may purchase a health club membership or safety equipment beginning July 1st of each year through the Health and Safety (H & S) Purchase Program. The Program may not be used for purchases of less than $50.00. The following items may be purchased through the H&S Purchase Program:

    a. An individual or family (spouse, domestic partner, children) health club membership.
    b. Safety equipment that is required, per BED's Safety Manual, in order for the employee to perform his/her job, and that is not already provided by the Department.
    c. Safety equipment (such as fire extinguishers, fire ladders and smoke detectors) for an employee's residence.

2. An employee wanting to make a purchase through the Department must complete a purchase authorization card detailing the cost (including Vermont sales tax).

3. All purchases made through BED must be on a purchase order issued by the Purchasing Area prior to the purchase of the item.

4. No H&S purchases may be made during the month of June.

5. An employee may pay for his/her H&S purchase in its entirety at any time during the fiscal year of purchase.

6. An employee who has made an H&S purchase shall have appropriate weekly payroll deductions made (not less than $5.00) to clear his/her account prior to June 30th of each year. Weekly deductions are based on fifty (50) weeks per fiscal year.

7. Use of the H&S Purchase Program may be denied to an employee who has failed to adhere to the requirements, or who does not otherwise satisfy the provisions of this directive.

8. Upon separation from BED, an employee's outstanding H&S account balance shall be deducted from the employee's final paycheck(s).

9. If an employee is on a "no pay" status, he/she shall make arrangements with the Payroll Area to make either weekly payments or a lump sum payment prior to beginning the "no pay" status.

EMPLOYEE PARKING

1. The Department will provide on-site parking to employees at no cost.

2. An employee may park in any of the designated areas as listed below:

   a. The north parking lot in back of the Pine Street facility.
   b. The south parking lot in front of the Pine Street facility.
   c. The first row in front of the McNeil Station.
   d. The parking area in the back of the Pine Street facility near the Distribution Area.

3. Parking in the front row closest to the Pine Street facility, is reserved for BED customers, vendors, or for handicapped individuals as designated.

4. All employee parking is available on a first-come, first-served basis. Those parking areas designated by signs will be reserved for Departmental vehicles.

EMPLOYEE UNIFORMS

1. The Department will provide uniforms and appropriate safety equipment such as safety glasses for employees in particular areas or types of jobs. An adequate number of uniforms in an employee's appropriate size shall be provided.

2. An employee provided with a uniform/safety equipment, except as otherwise approved by his/her immediate supervisor, shall wear the uniform/safety equipment while on duty.

3. An employee provided with a uniform/safety equipment must return such uniform/ equipment to the Department prior to separation from employment, or have the value of the same deducted from the employee's final pay.

4. The employee is responsible for laundering his/her uniform.

EVALUATION OF WORK SCHEDULES BETWEEN 35-39 HOURS/WEEK

BED recognizes that not all positions require an employee to be scheduled on a forty (40) hour a week basis and that a number of diverse work schedules or arrangements may need to be utilized. Due to shifts in workload and changes in staffing requirements, a need may exist for an employee to work in a full-time capacity between thirty-five (35) to thirty-nine (39) hours per week.

BED acknowledges that employees' daily and weekly work schedules and assignments are based on operating requirements and are subject to change.

In the event that an employee and/or supervisor requests a change from a forty (40) hour work week to a thirty-five (35) to thirty-nine (39) hour work week, the current guidelines shall be followed:

1. A supervisor may institute a flexible schedule different from the normal work day/week as set forth in Section 5.6.b.

2. If an employee requests a change in work schedule from forty (40) to thirty-five (35) to thirty-nine (39) hours, the employee must request the change in writing to his/her supervisor. Included in the request should be the following information:

   a. the reason(s) for such request;
   b. the number of work hours/days requested; and,
   c. a description of how his/her work will be impacted by the proposed change.

3. In reviewing the request, the supervisor should consider the employee's request related to current staffing needs in the employee's designated work area, workload, shift schedules, and the reasonableness of the request.

4. After review of the request, the supervisor must respond to the employee's request in writing within thirty (30) days from the initial request.

   a. If the request is approved, the memo must include the effective date of the work schedule change and a brief description of the employee's work schedule, with notification to the affected employee, Human Resources and Payroll.
   b. If the request is not approved, the memo must include the reason(s) for the denial, with notification to the affected employee and to Human Resources.

5. If a supervisor recommends a change in work schedule from forty (40) hours to thirty-five (35) to thirty-nine (39) due to staffing issues, changes in job duties, etc., the requesting supervisor must request the change in writing to his/her approving supervisor. Included in the request shall be the following information:
   a. the reason(s) for such a request;
   b. the number of work hours/days subject to change; and,
   c. a staffing review (including comments/concerns from the affected employee) and description of the impacts to the work area.

6. In reviewing the request, the approving supervisor should consider the request related to current staffing in the designated work area, workload, shift schedules, and reasonableness of the request.

7. After review of the request, the approving supervisor (including all other applicable supervisors) must respond to the requesting supervisor's request in writing within thirty (30) days from the initial request.

   a. If the request is approved, the memo must include the effective date of the work schedule change and a brief description of the employee's work schedule, with notification to the affected employee, Human Resources and Payroll.
   b. If the request is not approved, the memo must include the reason(s) for the denial.

8. For any requests, final approval rests with the General Manager or his/her designee.

9. If the employee is regularly scheduled to work thirty-five (35) to thirty-nine (39) hours per week, he/she is considered a regular full-time employee and will continue to be eligible for all full-time benefits. The employee's weekly pay will be prorated based on the number of scheduled hours per week.

10. A non-exempt employee will not be eligible for overtime payment or compensatory time, unless he/she works more than forty (40) hours per week.

11. An exempt employee will not be eligible for exempt compensatory time, unless he/she works more than forty (40) hours per week.

12. Except for emergency conditions or specific Department procedures, permanent changes in work schedules shall occur only after allowing seven (7) days notice to the employee(s).

GUIDELINES FOR EVALUATING FLEXIBLE WORK SCHEDULES

Refer to Section 5.6 "Hours of Work" for further definition of established work schedules.

1. Requests for change in normal workday/workweek are subject to the following criteria:

    a. The desired schedule does not require BED to incur additional costs (e.g. overtime, hiring additional personnel) to accommodate the change of schedule.
    b. The desired schedule does not have a negative impact on co-workers, customer service, outside contacts associated with an employee's position, or BED's operations (e.g. customers/outside contacts must be able to schedule appointments with employees, etc.).
    c. The desired schedule is compatible with the employee's work area and job function.
    d. Sufficient coverage will be maintained within the employee's work area.
    e. The employee's written request for a change in his/her normal workday/workweek will be signed by the employee, and then submitted to his/her supervisor. Final determination will be made by the supervisor.
    f. Prior to approval, all criteria listed above must be satisfactorily addressed.
    g. Disapproval or approval by the supervisor will be given within ten (10) working days from receipt of the employee's request for a schedule change.

2. Upon approval by the supervisor, the employee understands that:

    a. Should BED's staffing needs or job requirements change, BED reserves the right to require the employee to return to his/her former workday/workweek. Refer to Section 5.6.C for permanent changes to an employee's work schedule.
    b. If the employee, after changing to the requested work day/work week, is unhappy with or unable to work the new schedule, the employee shall submit in writing to his/her supervisor a request to change back to his/her original work day/work week. The supervisor shall respond to the employee's request within ten (10) working days from receipt of the request. With such approval from his/her supervisor, the

employee may return to his/her original workday/workweek.

c. If a holiday occurs during the new work schedule, only eight (8) hours will be credited for the holiday (e.g. a ten (10) hour workday would require using two (2) hours of vacation leave or working longer another day(s) to make the time up during the same week).
d. If the employee is scheduled to work a ten (10) hour workday and requests leave (e.g. vacation, sick, personal, etc.), he/she may use eight (8) hours of leave and make up the remaining two (2) hours another day during the same week.
e. The employee is responsible to make the necessary notifications to employees and/or outside contacts in regards to his/her approved schedule change.

USE OF DEPARTMENT VEHICLES

Refer to Section 12.7 "Use of City Property, Equipment and Vehicles".

Unless otherwise indicated, any exceptions to the following directive must be obtained in advance by the General Manager or his/her designee.

1. All operators of Department vehicles must be at least eighteen (18) years of age and in possession of all licenses and permits as required by law.

2. Only individuals employed by BED or those contracted to work in a capacity for the City and who receive permission from the General Manager are permitted to operate a Department vehicle.

3. Driver and passengers are required to use seat belts while in a Department vehicle.

4. No hitchhikers may be picked up in a Department vehicle.

5. In the event of an accident involving a Department vehicle, the driver of the vehicle is responsible for:

   a. filling out ALL City accident report forms, as well as a State accident report if applicable, by the end of that work day; and,
   b. forwarding all forms to the Safety Area within twenty-four (24) hours of the accident.

6. The Department radio must be in the "on" position whenever a vehicle is in operation.

7. Vehicle maintenance shall be performed by approved City personnel whenever possible.

8. The person operating a BED vehicle assumes full liability for its negligent use.

9. An employee normally assigned a Department vehicle shall use the municipal license plates provided by the Department. Any exceptions must be approved by the General Manager.

10. There shall be no smoking in Department vehicles.

11. Department vehicles should be kept locked when not in use.

VEHICLE USE BY FORESTERS

1. Due to the nature of the Foresters' job duties and responsibilities, BED will provide Department vehicles that enable them to procure wood and travel to undeveloped areas or wood harvesting operations throughout Vermont, New York, New Hampshire and Quebec.

2. Foresters assigned a Department vehicle may not use such vehicle for their personal use unless such use is in conjunction with travel for authorized Department business.

AUTOMOBILE ACCIDENT PROCEDURES

In the event an employee is involved in an accident with a BED vehicle, the following steps must be followed.

1. The employee who had the accident must fill out ALL City accident report forms and a State report if applicable by the end of the workday and forward to the Safety Area.

2. All claims are handled through the BED Safety Area.

3. It is the responsibility of the employee who is involved in the accident to complete all information on each form. If the employee is seriously injured and unable to complete the forms, the employee's supervisor will be responsible for following all of the above procedures.

4. Questions relating to this directive should be directed to the Safety Area.