LINCOLN VERMONT

Welcome to the Town of Lincoln!

We are excited to have you join our hardworking team of elected and appointed officials. Lincoln is a small, tight-knit community where people value our natural surroundings. Together, our collaborative team helps to make the town a desirable place to live, visit, and conduct business, while providing excellent service and value to the taxpayers.

Enclosed you will find our Personnel Policy, which outlines the requirements and expectations of the Selectboard for all town workers. It is important that employees recognize their commitment to providing service to the community and be prepared to provide services in the most effective, efficient, and courteous manner possible.

Please read this Personnel Policy carefully. If you have any questions, please ask the Town Administrator or Selectboard Chair.

We look forward to introducing your colleagues and getting you settled in your new role. Thank you for being here.

TOWN OF LINCOLN PERSONNEL POLICY

Revision 12/17/2024
Revision 1/7/2025
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SECTION 1: TITLE AND AUTHORITY

This Policy shall be known as the Town of Lincoln Personnel Policy. It has been adopted by the Town of Lincoln (hereinafter "Town") Selectboard pursuant to 24 V.S.A. §§ 1121 and 1122.

This Personnel Policy is a guide and may not be construed as a contract or binding agreement under any circumstances. This Policy is not intended, nor does it constitute a contract or agreement for employment. With the exception of those town officers who, by law, can only be removed for cause (e.g., town manager, zoning administrator, etc.), employment with the Town of Lincoln is at-will and not for any definite period or succession of periods of time. The Town or the employee may terminate employment at any time, for any reason or no reason at all, with or without notice.

This Personnel Policy does not constitute an express or implied contractual modification of employees' at-will employment arrangement with the Town as the employer. Nothing contained in this Policy is intended to be part of the employment relationship; instead, the contents merely represent general statements of Town Policy. Any prior policies or verbal or written assurances of continued employment that could be construed as altering the at-will status of this employment relationship or any other unwritten practices or policies to the contrary are hereby superseded and nullified.

The Selectboard reserves the right to amend any of the provisions of this Personnel Policy for any reason, at any time, with or without notice. The Selectboard also retains the right to modify or amend the terms of employment at any time and for any reason, including unilaterally eliminating a position and thus terminating employment, reducing the work hours for some or all employees due to economic necessity, shortage of work, organizational efficiency, changes in departmental functions, reorganizing or reclassifying positions resulting in the elimination of a position, or for other reasons without limitation.

This Personnel Policy will be administered by the Selectboard or its authorized representative.

SECTION 2: PERSONS COVERED

This Personnel Policy applies to full-time, part-time, temporary part-time, on-call, substitute and probationary employees of the Town including employees appointed by the Selectboard. Except by separate written agreement, elected officers and their statutory assistants, members of Town boards and commissions appointed by the Selectboard, volunteers, persons who provide the Town with services on a contract basis, or any person who serves the Town without regular compensation are not covered by this Policy.

For the purposes of this Policy, an employee is classified as a full-time employee if they work a minimum of 32 hours per week on a regular and continuing basis. Conversely, a part-time employee is one who works fewer than 32 hours per week on a consistent and ongoing basis. While part-time employees are not automatically entitled to the full range of benefits available to full-time staff, they may still qualify for certain benefits outlined in Section 18 of this policy, depending on their average weekly hours worked over the course of a year. This provision

ensures that part-time employees who meet the specified work-hour thresholds may be eligible for benefits proportionate to their level of employment.

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

Town Clerk office employees - The positions which exclusively serve the town clerk functions including the Assistant Town Clerk who serves at the will of the Town Clerk as provided for in 24 v.s.a. § 1573 and 24 v.s.a. § 1170. Therefore, Section 21 (DISCIPLINARY PROCEDURES) AND Section 22 (GRIEVANCE PROCEDURES) of the Personnel Policy does not apply to these employees.

SECTION 3: EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Town to provide equal opportunity to all employees and applicants without regard to race, color, religion, ancestry, sex, sexual orientation, gender identity, age, national origin, place of birth, marital status, disability, veteran's status, HIV status, pregnancy, health coverage status, genetic information, crime victim status, or any other category of person protected under state or federal law.

SECTION 4: CONDUCT OF EMPLOYEES

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

All employees are expected to faithfully execute the duties and responsibilities of their office to the best of their ability.

SECTION 5: CONFLICTS OF INTEREST

A conflict of interest means a direct or indirect personal or financial interest of an employee or a person or group closely tied to the employee, including a close relative, household member, business associate, or employer or employee. A close relative includes a spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law, and sibling-in-law.
Every employee of the Town shall carry out their job in a way that avoids conflicts of interest so that the public trust will be preserved. All decisions made by Town employees shall be based on the community's best interest rather than the interests of any particular individual or employee.

An employee shall not participate in any official action if the employee has a conflict of interest in the matter under consideration.

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

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

An employee may accept a nominal gift or gratuity in connection with an action associated with their official duties on behalf of the Town with an estimated monetary value not exceeding $0 (i.e., gratuity in the form of baked goods, appreciation cards, or other non-money related items), with the understanding that employees may not directly or indirectly ask, demand, exact, solicit, accept or receive any gift, gratuity, act or promise beneficial to that individual, or another, which could influence any action or inaction associated with their official duties on behalf of the Town, or create the appearance of impropriety in connection with any actions or inactions associated with their official duties on behalf of the Town. Nor shall any employee authorized to procure or to recommend procurement of materials, supplies, or services, directly or indirectly, ask, demand, exact, solicit, seek, accept, receive, or agree to receive for the employee or another person any benefit or benefits from the person providing or soliciting the provision of such materials, supplies or services with the exception of items of a de minimus nature valued $0 or less (such as vendor booth "freebies").

An employee may attend a hosted meal when provided in conjunction with a meeting directly related to the conduct of Town business or where official attendance is appropriate.

An employee may accept an award publicly presented in recognition of public service.

SECTION 6: HOURS OF SERVICE

All employees are expected to be in attendance during regular work hours. Employees who will be absent from work are expected to notify their supervisor in advance whenever possible.

The Highway Department will observe **summer hours** from April 15th through November 1st, with regular workdays running from 6:00 a.m. to 4:00 p.m., Monday through Thursday. During **winter hours**, from November 2nd through April 14th, the schedule shifts from 7:00 a.m. to 4:00 p.m., Monday through Thursday, with a shorter workday on Friday from 7:00 a.m. to 11:00 a.m. All highway employees are entitled to a 30-minute paid lunch break each workday.

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

SECTION 7: OUTSIDE EMPLOYMENT

The primary occupation of all full-time employees shall be with the Town. Employees may not engage in any outside business activities during their normal working hours. Employees are prohibited from undertaking outside employment that interferes with their job performance or constitutes a conflict of interest, as defined in Section 5 of this Policy.

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

SECTION 8: POLITICAL ACTIVITY

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

This Personnel Policy is not to be construed to prevent employees from becoming or continuing to be members of any political party or organization, from attending a political party or organization meetings or events, or from expressing their views on political matters, so long as:
1) these views are clearly articulated as being those of the individual and not of the Town, 2) these activities do not interfere with the individual's ability to perform their duties effectively, and 3) these activities take place or are expressed during non-working hours. This Personnel Policy is not to be construed as prohibiting, restraining, or in any manner limiting an individual's right to vote with complete freedom in any election.

SECTION 9: NEPOTISM

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

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

SECTION 10: DRUG AND ALCOHOL USE

The Town intends to maintain a drug-free workplace and workforce. The use of alcohol or illegal drugs and the abuse of prescription drugs are not tolerated in the workplace or at work-related events.

As a Town employee, you are prohibited from working, or presenting yourself for work, while under the influence or severe after-effects, of illegal drugs, controlled substances, and/or alcohol. This Policy is designed to promote our goal of providing a safe, healthy, and productive work environment. This Policy covers all employees, including drivers and other employees who are also subject to drug testing programs performed in accordance with Federal Department of Transportation (DOT) requirements.

It is the Policy of the Town to prohibit the manufacture, distribution, transfer, display, transportation, sale, dispensation, possession, consumption, or use of illegal drugs, controlled substances, and/or alcohol by Town employees at the workplace and/or during work hours.

Prohibited behavior includes manufacturing, distributing, transferring, displaying, transporting, selling, dispensing, possessing, consuming, using, or being under the influence of illegal drugs, controlled substances, and/or alcohol during work hours, on work premises, while engaged in work activities away from work premises, and/or during work- related events.

For the purposes of this Policy, the term "illegal drug" includes both: (a) all state and/or federally controlled substances, including look-alike and designer drugs and drug paraphernalia, and (b) prescription medications that have not been prescribed for current use by an authorized medical practitioner or that are being used contrary to the prescribing medical practitioner's instructions. Controlled substances include but are not limited to the following substances: marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), barbiturates, benzodiazepine, methadone, methaqualone, and propoxyphene.

<u>Prohibited Conduct:</u>
The following actions are prohibited in the workplace, on municipal property, while using municipal equipment, or during any time period in which you are on municipal business:

- Possessing, consuming, or using illegal or controlled substances as defined by federal, state, and local statutes. (Controlled substances may be taken pursuant to a properly issued prescription, provided the controlled substance is taken as and, in the amount, prescribed and so long as the medication does not adversely affect the employee's ability to perform the essential functions of their job).
- Distributing, transferring, displaying, transporting, selling, or possessing with the intent to distribute illegal or controlled substances.
- Possessing or using drug paraphernalia except when used for legal substances and in a legally prescribed manner.
- Being under the influence of illegal or controlled substances as demonstrated by actions and/or other evidence.
- Growing and/or manufacturing any illegal drug or controlled substance.
- Possessing or using alcohol.
- Being under the influence of alcohol.

An employee must notify the *Selectboard* in writing if they are convicted of a violation of a criminal drug statute occurring in the workplace and must do so no more than five (5) calendar days after the conviction.

The limited, responsible consumption of alcohol on or off municipality premises at a Town-sponsored business or social function is permitted, but only if it has been authorized in writing and in advance by the *Selectboard.* The Town expects all attendees at such a function to behave in a professional manner and in accordance with Town policies.

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

The illegal use of prescription drugs is prohibited. If an employee is legally taking prescription drugs that affect the employee's ability to perform any of the essential functions of their job safely, their supervisor or the *Town Administrator /Selectboard chair* will determine whether the employee should continue to perform their functions until concerns regarding safety can be addressed. Medical certification may be required.

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

SECTION 11: TOBACCO USE

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

SECTION 12: PERFORMANCE **REVIEW**

Employees may be provided with job performance evaluations at such times and in such manner as the Selectboard or Selectboard's authorized representative(s) deems reasonable, at least once annually. The results of this review may be the basis for any merit pay increases awarded in the fiscal year following the review. The Town of Lincoln Performance Review Policy is incorporated into this personal policy and attached as Addendum C.

SECTION 13: PERSONNEL RECORDS

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

SECTION 14: USE OF TOWN EQUIPMENT

Except as provided in Section 15, the use of Town equipment or property for personal use is prohibited. Employees should have no expectation of privacy regarding anything stored in or on Town-owned property or Town-owned equipment, including but not limited to desks, filing cabinets, lockers, and vehicles. Employees should expect that such areas may be searched at any time to retrieve work-related materials or investigate suspected workplace rules violations.

SECTION 15: USE OF TOWN COMPUTER SYSTEM

For purposes of this Policy, "computer system" means all computers and devices and any related hardware, equipment, components, or software, including, but not limited to, host computers, file servers, workstation terminals, laptops, tablets, smartphones, internal or external communication networks, the world wide web (www), the Internet, commercial online services,

bulletin board systems, backup systems, and the internal and external e-mail systems accessed via the Town's computer equipment.

To the furthest extent possible, all electronic communications regarding Town business should be conducted via official Town computer systems. A Town employee should avoid conducting Town business using their personal computer, device, or account unless authorized by the Town.

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

Employees should have no expectation of privacy or confidentiality regarding anything created, sent, or received on the Town computer system. The Town may monitor at any time its computer system without warning or any specific notice to employees, including any and all computer transactions, communications, and transmissions for any reason including, but not limited to, ensuring compliance with this Policy and evaluating the use of its computer system. All files, documents, data, and other electronic messages created, received, or stored on the Town computer system are open to review and regulation by the Town and may be subject to the provisions of Vermont's Public Records Law.

Employees may not introduce software from any outside source on the Town's computer system without prior written authorization from their supervisor. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the Town computer system.
Employees who have a confidential password to access the Town's computer system should be aware that this does not mean the computer system is for personal confidential communication, nor does it suggest that the computer system is the property of that person. Additionally, employees with a confidential password to access the Town's computer system or any Town-sponsored computer networks or software-as-a-service shall provide access to the Town Administrator and Selectboard.
Transmission of electronic messages on the Town computer system shall be treated with the same degree of propriety, professionalism, and confidentiality as written correspondence. The following are examples of prohibited uses of the Town computer system:

- Communications that in any way may be construed by others as disruptive, offensive, abusive, discriminatory, harassing, or threatening;
- Communications of sexually explicit images or messages;
- Transmission of chain letters or solicitations for personal gain, commercial or investment ventures, religious or political causes, outside organizations, or other non- job-related solicitations during or after work hours;
- Access to Internet resources, including websites and news groups, that are inappropriate in a business setting;
- Unauthorized disclosures. Unauthorized disclosures include disclosures of non-public information unless the disclosure is authorized by law, and the dissemination of confidential, proprietary, or privileged information.
- Any other use that may compromise the integrity of the Town and its business in any way.

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

SECTION 16: PERSONAL USE OF SOCIAL MEDIA

This section applies to employees using social media in their personal, non-official capacity. Personal or non-official use of social media means day-to-day use of social media by employees that is unrelated to their official work duties. Employees' personal or non-official use of social media may occur during work or off-duty hours. Consistent with Section 15, occasional, brief, and appropriate personal use of social media is permitted during work hours provided it is consistent with this Policy, does not interfere with an employee's job duties and responsibilities, and does not have a detrimental effect on employee productivity or the Town's operations.

Employees using social media in their personal capacity are expected to be truthful, courteous, and respectful toward supervisors, co-workers, residents, customers, and other persons or entities associated with or doing business with the Town.

When posting content or commenting on Town business in their personal capacity, employees must use a disclaimer that establishes that their posted content or comments represent their own opinions and do not represent those of the Town. Employees must not attribute personal statements or opinions to the Town when engaging in the use of social media, and if, through their identification or posts, any confusion as to whether their statements might be attributable to the Town arises, they must clarify that their posts are their own and not those of the Town.

Personal use of social media should not be tied to the Town's business, and employees must not use their town email account or password in conjunction with a personal social media platform.

Personal use of social media that adversely or negatively affects or impacts the workplace is prohibited. The following is a non-exhaustive list of examples, situations, or activities when personal use of social media may adversely or negatively affect an employee's duties or the workplace:

- Name-calling and personal attacks or other such demeaning behavior;
- Friendships, dating, or romance between co-workers;
- Cyber-bullying, stalking, or harassment;
- Release of private or confidential data;
- Unlawful activities;
- Misuse of town social media;
- Inappropriate use of the Town's name, logo, or the employee's position or title;
- Using town-owned computer systems or equipment for extensive personal social media use; or
- Violating federal, state, or local law.

SECTION 17: PUBLIC RECORDS

Any written or recorded information that is produced or acquired by a Town employee in the course of Town business is a public record, subject to Vermont's Public Records Law and may be covered by the State of Vermont's retention rules and disposition schedules for municipal records. Although the Town discourages the use of personal computers, devices, or accounts to conduct Town business (see Section 15, above), the use of a personal computer, device, or account does not prevent an otherwise public record from being subject to public inspection and copying. In the uncommon event that an employee uses their personal computer, device, or account to conduct Town business, the record created, sent, or received should be forwarded by the employee to the employee's Town computer system, or otherwise captured and retained as a Town record. All employees are required to respond in the manner prescribed by Vermont's Public Records Act regardless of where a Town public record may be stored. All employees must provide any Town public records stored in their personal computers, devices, or accounts that are responsive to a public records request.

SECTION 18: EMPLOYEE BENEFITS

18-1 Holiday Leave

The Town of Lincoln recognizes the following paid holidays for eligible employees::

- New Year's Day
- Martin Luther King Jr. Day
- Washington's Birthday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Indigenous People's Day
- Veteran's Day
- Thanksgiving Day
- Christmas Eve – (4-Hour half day)
- Christmas Day

The Lincoln Selectboard shall approve the Town of Lincoln Holiday Schedule for the upcoming calendar year no later than November 30th of the current year.

Eligibility

Holiday leave benefits are available to all full-time employees and eligible part-time employees.

Eligible part-time employees are those who have worked at least five hundred and twenty (520) hours during the preceding twelve (12) months.

New part-time employees who have not yet completed twelve (12) months of employment shall be eligible for holiday leave benefits upon working five hundred and twenty (520) hours for the Town.

Holiday Pay

Full-time employees shall receive holiday pay for the number of hours in their regularly scheduled workday at their normal rate of pay. For example, Highway Department employees working a summer schedule of four ten-hour days shall receive ten (10) hours of holiday pay, while those working a winter schedule of nine-hour days shall receive nine (9) hours of holiday pay.
Eligible part-time employees shall receive prorated holiday pay equal to one-half (½) of the holiday benefit provided to a full-time employee. For example, if a full-time employee receives eight (8) hours of holiday pay, an eligible part-time employee shall receive four (4) hours of holiday pay.

Holiday leave that is not actually worked shall not be counted as hours worked for purposes of overtime calculations.

Holiday Observance

When a recognized Town holiday falls on a Friday, Highway Department personnel and the Town Clerk shall schedule an alternate day off during the same workweek, Monday through Thursday, subject to operational needs and supervisor approval. Employees shall receive holiday pay for the Friday holiday and shall not receive both a full week's regular pay and holiday pay for the same work week. Unless an employee is required to work on the holiday or is called in for an emergency, the total of hours worked, and holiday pay shall not exceed the employees regularly scheduled weekly hours.

Employees who are required to work on a recognized holiday shall receive holiday pay in addition to compensation for all hours actually worked on the holiday. Such hours shall be compensated in accordance with the Town's overtime provisions, when applicable.

Holidays During Leave

A recognized holiday that occurs during an employee's approved vacation leave shall not be charged against the employee's accrued vacation balance.

18-2 Vacation Leave

The Town of Lincoln provides paid vacation leave to eligible employees to promote rest, wellness, and work-life balance.

Eligibility and Accrual

Full-time employees shall accrue vacation leave at the following annual rates based on completed years of service. Vacation leave shall be credited on the employee's anniversary date.

Years of Service	Annual Accrual Rate
0-1 years	40 hours accrued at end of probation
1-3 years	80 hours

4-6 years	120 hours
7+ years	160 hours

Part-time employees who have worked at least one thousand forty (1,040) hours shall be eligible for prorated vacation leave. The prorated amount shall be calculated based on the employees' average hours worked during the twelve (12) months preceding the anniversary date. For newly eligible employees who have not completed twelve (12) months of employment, the prorated amount shall be calculated based on the employees' average hours worked during the ninety (90) days preceding eligibility.

Example Calculation: A part-time employee becomes eligible after working 1,040 hours and has averaged 20 hours per week during the preceding 90 days. If a full-time employee in the same years-of-service category receives 80 hours of annual vacation leave based on a 40-hour workweek, the part-time employee's annual vacation entitlement would be prorated as follows:

20 hours ÷ 40 hours = 50%

80 hours × 50% = 40 hours of vacation leave annually.

Employees shall move to the next vacation accrual tier on their anniversary date following completion of the required years of service.

Use of Vacation Leave

Vacation leave shall be compensated at the employee's regular rate of pay. Vacation leave may be used only for hours the employee would otherwise have been scheduled to work.

Vacation leave must be used in increments of no less than two (2) hours.

Employees are strongly encouraged to take vacation leave each year. Requests for vacation leave shall be submitted to the employee's supervisor as far in advance as practicable and no less than forty-eight (48) hours before the requested leave period. This notice requirement may be waived at the discretion of the employee's supervisor or the Town Administrator.

Approval of vacation leave requests shall be subject to operational needs and staffing requirements.

Carryover of Vacation Leave

Vacation leave is tracked on a calendar-year basis from January 1 through December 31. Employees may carry forward unused accrued vacation leave into the following calendar year up to a maximum of one hundred twenty (120) hours.

Any accrued vacation leave in excess of one hundred twenty (120) hours at the end of the calendar year shall be forfeited unless otherwise authorized by the Selectboard.

Negative Balances

Employees may not use vacation leave that has not been accrued. Negative vacation leave balances are prohibited. If an employee does not have sufficient accrued vacation leave available, approved time off shall be unpaid unless another paid leave category applies.

Separation from Employment

Upon separation from employment, an employee who has successfully completed the introductory period shall be compensated for up to a maximum of forty (40) hours of unused, accrued vacation leave at the employee's regular rate of pay.

Employees who separate from employment during their introductory period shall not be entitled to payment for accrued vacation leave.

Unused, accrued vacation leave shall be calculated based on the employee's available vacation leave balance as of the effective date of separation.

18-3 Sick Leave

Purpose

The Town of Lincoln provides paid sick leave to eligible employees to allow time away from work for personal illness, injury, medical care, family caregiving responsibilities, and other qualifying purposes as provided by Vermont law and this policy.

Eligibility

For purposes of this section, an **eligible employee** means an employee or elected official of the Town who:

1. Is eighteen (18) years of age or older;
2. Works an average of eighteen (18) or more hours per week during the year; and
3. Is expected to work more than twenty (20) weeks in a twelve (12) month period.

An eligible employee does not include an individual who:

- Works on a per diem or intermittent basis;
- Works only when the individual indicates availability to work;
- Is under no obligation to work for the Town; or
- Has no reasonable expectation of continued employment with the Town.

Sick Leave Accrual

Eligible employees shall receive forty (40) hours of paid sick leave on January 1 of each calendar year.

Newly eligible employees hired during the calendar year shall receive a prorated amount of sick leave based on their date of hire.

Permitted Uses of Sick Leave

Eligible employees may use accrued sick leave in increments of not less than one (1) hour for any of the following purposes:

- The employee is ill, injured, or unable to perform assigned duties due to a physical or mental health condition.
- The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.
- The employee cares for a sick or injured parent, grandparent, spouse, child, sibling, parent-in-law, grandchild, or foster child, including assisting that individual in obtaining medical care or accompanying the employee's parent, grandparent, spouse, or parent-in-law to appointments related to long-term care.
- The employee obtains medical care, counseling, legal services, or social services, or relocates due to domestic violence, sexual assault, or stalking affecting the employee or a covered family member, as defined by Vermont law.
- The employee cares for a covered family member whose school, place of care, or business is closed due to a public health or public safety emergency.

Notice and Documentation

Employees shall provide notice of the need for sick leave as soon as practicable and shall inform their supervisor of the anticipated duration of the absence whenever possible.

Employees are expected to make reasonable efforts to schedule routine, preventive, or non-emergency medical appointments outside of regular work hours whenever feasible.

The Town reserves the right to require reasonable documentation supporting the use of sick leave when permitted by law.

Compensation

Sick leave shall be compensated at the employee's regular rate of pay for the number of hours the employee was scheduled to work during the period of absence.

Sick leave hours shall not be considered hours worked for purposes of calculating overtime.

Carryover of Sick Leave

Unused sick leave shall carry forward from one calendar year to the next; however, an employee may not maintain a sick leave balance exceeding eighty (80) hours.

Any sick leave accrued in excess of eighty (80) hours shall be forfeited at the end of the calendar year unless otherwise authorized by the Selectboard.

Separation from Employment

Unused or accrued sick leave has no cash value and shall not be paid out upon separation from employment, retirement, resignation, termination, or death.

Sick Leave Bank

Purpose

The Sick Leave Bank is established to provide additional paid leave to employees experiencing a catastrophic illness, injury, or other approved emergency circumstance affecting either the employee or an immediate family member, when the employee has exhausted available paid leave balances.

The Sick Leave Bank consists of voluntary donations of accrued sick leave and vacation leave from eligible employees.

Contributions

Employees may voluntarily donate accrued sick leave or vacation leave to the Sick Leave Bank.

No employee may donate more than fifty percent (50%) of their combined accrued leave balances at the time of donation.

Leave donated to the Sick Leave Bank becomes the property of the Bank, has no cash value, and may not be returned to the donating employee.

The maximum balance that may be maintained in the Sick Leave Bank at any time shall be one hundred twenty (120) hours.

Eligibility for Sick Leave Bank Benefits

To be eligible to receive leave from the Sick Leave Bank, an employee must:

- Be on an approved medical leave of absence due to the employee's own serious health condition or that of an immediate family member;
- Have exhausted all available paid leave balances;
- Have previously contributed leave to the Sick Leave Bank;
- Submit a written request for leave from the Bank; and
- Meet all requirements established by this policy.

Pregnancy alone shall not qualify for Sick Leave Bank benefits unless accompanied by medical complications that prevent the employee from performing their duties.

Injuries or illnesses that are work-related and compensated through Workers' Compensation are not eligible for Sick Leave Bank benefits.

Approval Process

Requests for leave from the Sick Leave Bank shall be submitted to the Town Administrator.

Distribution of leave from the Sick Leave Bank shall require the approval of all employees eligible to donate to the Bank. Approval shall be obtained separately for each request.

The Town Administrator shall maintain records of donations, requests, approvals, and distributions.

Return of Unused Leave

Any Sick Leave Bank hours granted but not used by the employee shall be returned to the Sick Leave Bank for future use by eligible employees.

Administration

The Town Administrator shall be responsible for administering the Sick Leave Bank and maintaining all records related to contributions, balances, requests, approvals, and distributions.

18-4: Bereavement Leave

Employees may be provided with up to 3 paid bereavement leave days (pro-rated for part-time employees) related to the death of a close family member, domestic partner, or member of an employee's household. The exact amount of time off depends upon the circumstances and is subject to supervisor's approval. For purposes of this section of the Personnel Policy, "close family member" is defined as the following: *spouse, civil union partner, romantic co- habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt, uncle, niece, nephew, parent-in-law, or sibling-in-law.*

If additional time off is needed, or if time off is needed for the funeral of a friend or a relative who is not included above, the employee's supervisor may grant, on a case-by-case basis, the use of a reasonable amount of accrued sick leave, if available, or unpaid leave, if unavailable. The amount of such time off, if approved, will depend upon the individual circumstances, such as the distance to be traveled, closeness of the employee's relationship with the person who died or the employee's family, and the employee's level of responsibility in making funeral or other arrangements.

Paid bereavement leave is not carried forward into the next year nor compensated upon separation from employment.

18-5: Short Term Family Leave

In accordance with 21 V.S.A. § 472a, eligible employees may be entitled to take unpaid leave not to exceed four hours in any 30-day period and not to exceed 24 hours in any 12- month period for the following purposes:

- To participate in preschool or school activities directly related to the academic educational advancement of the employee's child, stepchild, foster child, or ward who lives with the employee, such as a parent-teacher conference;
- To attend or accompany the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse, or parent-in-law to routine medical or dental appointments;
- To accompany the employee's parent, spouse, or parent-in-law to other appointments for professional services related to their care and well-being; or
- To respond to a medical emergency of the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse, or parent-in-law.

The Town may require that leave (including accrued paid leave) be taken in a minimum of two-hour segments. At the option of the employee, accrued paid leave may be used. Before taking leave under this section, an employee shall make a reasonable attempt to schedule appointments outside of regular work hours. An employee shall provide the Town with the earliest possible notice of the intent to take short-term family leave, but in no case, later than seven days before leave is to be taken, except in an emergency where the required seven-day notice could have a significant adverse impact on the family member of the employee.

18-6: Crime Victim Leave

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

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

A "crime victim" is a person who has:

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

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

18-7: Leave Of Absence Without Pay

A request to take unpaid leave from employment for the purpose of attending town meeting must be made at least seven days prior to the date of the town meeting. Such leave will be granted provided that it does not cause an interruption of the essential operation of town government.

Other requests for leaves of absence without pay for any reason other than those covered by federal or state law must be submitted in writing to the employee's supervisor and must set forth the purpose for which the leave is requested. All leave requests must be for a definite period of time and include a specified date of return. Such leave requests are subject to the sole discretion of the Town.

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

18-8: Military Leave

The Town will comply with the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4303 et seq., and 21 V.S.A. §§ 491 et seq. Employees who take military leave subject to the provisions of these laws will be granted leave without pay. At the option of the employee, any paid leave accrued prior to the commencement of the leave may be used.

18-9: Jury Leave

The Town will compensate employees for their service as jurors or witnesses when unrelated to their status as a Town employee at the employee's regular hourly rate. In accordance with 21 V.S.A. § 499, employees will otherwise be considered in the service of the Town for purposes of determining seniority, benefits, credit towards vacations, sick leave, and other rights, privileges, and benefits of employment.

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

18-10: Uniforms

The Town will provide highway department employees with a managed uniform program. Full-time employees (scheduled to work 32 or more hours weekly) will be allocated $25.00 for weekly uniform rentals through the program. Regularly scheduled part-time employees (scheduled to work less than 32 hours) will be allocated $18.00 for weekly uniform rentals.

Employees are responsible for ensuring all items purchased or rented by the Town of Lincoln on behalf of the employee are returned prior to leaving employment. Any shortages will be deducted from the employee's final paycheck.

Uniforms must be approved by the Selectboard or an appointed official.

18-11: Boot Allowances

The Town will provide an annual allowance for the purchase of approved safety footwear to full-time and part-time employees of the Highway Department. The allowance will be distributed as follows:

- **Full-time employees** will receive an annual allowance of $300.00 for the purchase of approved safety footwear.
- **Part-time employees** will receive an annual allowance of $150.00 for the purchase of approved safety footwear.

Employees must obtain prior approval from the Lincoln Highway Supervisor before purchasing safety footwear to ensure the footwear meets the minimum safety standards required for the work environment.

Employees will purchase the safety footwear independently and submit a valid receipt of payment to the Town for reimbursement. Reimbursement will only be provided for footwear that has been pre-approved by the Highway Supervisor.

The safety footwear allowance is on a calendar year basis, from January 1 to December 31. Any unused portion of the allowance will not roll over into the following calendar year and will be forfeited.

New employees will receive a prorated safety footwear allowance based on their start date, equivalent to half of the annual allowance, until the end of their probationary period.

Employees who have given notice of resignation or intend to leave employment within 60 days are not eligible for reimbursement of the footwear allowance.

18-12: Insurance

The Town will provide regular full-time employees with health, dental and vision insurance. New employees are eligible to participate in the insurance plans the first day of the month after working thirty (30) days. Example: A new employee date of hire is August 15th; the employee would be eligible to participate in the health insurance effective October 1st. Employees will contribute a portion of the expense by pre-tax deduction based on the following schedule:

Health: Eligible employees will contribute ten percent (10%) of the cost through weekly payroll deductions. Employees will be able to choose from Single, 2 Person or Family coverage.

Dental: Eligible employees will be able to choose from Single, 2 Person or Family coverage. The Town of Lincoln will cover 100% of the single cost of coverage. Employees choosing 2 Person or Family coverage will contribute to the balance of the cost through weekly payroll deductions.

Vision: Eligible employees will be able to choose from Single, 2 Person or Family coverage. The Town of Lincoln will cover 100% of the single cost of coverage. Employees choosing 2 Person or Family coverage will contribute to the balance of the cost through weekly payroll deductions.

The Selectboard reserves the right to change the offered benefits or employee contribution percentage with 60 days' notice.

Insurances are renewed on an annual basis beginning in January. No changes in coverages are allowed except in the cases of a qualifying event or open enrollment in November.

In the event an employee's weekly paycheck is not sufficient to make an employee's insurance premium contribution for any reason, the employee shall arrange to pay the balance within seven (7) days of the payment shortfall. Otherwise, the Town shall automatically deduct the amount due from the next paycheck, or if that amount is not sufficient, the employee shall be removed from the Town's coverage.

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA), employees terminated from employment will be given the right to choose to continue the group health benefits for a limited period of time at a cost equivalent to 100% of the employer's cost plus a 2% administrative fee. Employees should refer to the Notice of COBRA Continuation Coverage Rights for additional information.

18-13: Retirement

Vermont Municipal Employees' Retirement System (VMERS). VMERS is the public pension plan provided by the State of Vermont for participating municipalities' employees. Enrollment is mandatory and employees working on a regular basis for not less than 24 hours per week and for not less than 1040 hours a year must join the system as a condition of employment.

Contributions to the system begin immediately upon the date of hire or as soon as an employee meets the eligibility requirements. Employees are required to contribute a percentage of their wages to the plan on a pre-tax basis. In addition, the Town of Lincoln contributes a percentage on the employees' behalf based on the employees' wages. Employee contributions are deducted weekly and are sent monthly with the employer contributions.

The Town of Lincoln participates in GROUP A of the plan options. VMERS determines the required rates of contribution July 1st of each year.

Employees are considered fully vested after 5 years of creditable service. Please refer to https://www.vermonttreasurer.gov/vmers for additional information.

18-14: Certifications and Licenses

Upon prior approval and proof of payment submitted to the Town Administrator, the Town shall reimburse any employee for reasonable costs attributable to continuing education, training, certification, licensing and testing when these activities are required by law to legally perform the duties assigned to that employee.

The Town shall not reimburse employees for costs associated with (1) reinstating a license or certification that was revoked by the issuing authority or deemed legally invalid for cause or (2) obtaining or renewing a Class 1 driver's license. Employees shall be compensated for time spent engaged in these activities upon prior authorization by the Selectboard.

Highway employees will be reimbursed for the cost of obtaining or renewing a Commercial Driver's License (CDL). Medical examinations for CDL's are not a requirement for municipalities and will not be considered a reimbursable expense under this policy. Employees seeking reimbursement under this section must have prior written approval from the Selectboard prior to obtaining or renewing a CDL.

The Selectboard reserves the right to institute additional policies and agreements regarding educational reimbursements.

18-15: Worker's Compensation

A. Worker's compensation issues shall be administered in accordance with the provisions of 21 VSA Chapters 9 and 11, and any applicable state regulations. This shall include, by way of example but not limitation, employment reinstatement rights.

B. Employees are entitled to use their annual leave to make up the difference between payment the workers' compensation benefit paid to the employee by the Town's workers compensation carrier and his/her weekly straight time base wage (up to 40 hours per weekly pay period and do not include overtime or on call pay). All required withholdings would be deducted from the town check. Employees must inform the Town Administrator in writing their request to use annual leave. The employee shall continue to be eligible for all benefits as set forth in these Personnel Rules for a one year period, except that after 26 weeks, the employee will stop accruing any vacation or sick leave time. Once an employee has been absent from work and receiving Workers' Compensation benefits for one year, if the employee is still unable to return to work, the employee shall be considered to have voluntarily terminated his or her status as a Town employee in good standing (unless a claim is otherwise determined to be fraudulent) as if the employee tendered a two (2) week notice.

C. An employee injured at work who fails to immediately report back to work (in accordance with the work schedule in effect at that time) upon a "fit for duty" medical diagnosis shall be discharged.

D. An employee found to be gainfully employed by someone other than the Town while on leave due to a worker's compensation injury shall be discharged.

E. The Town reserves the right to have any employee who is out of work due to a worker's compensation claim evaluated by medical professional(s) of its choice at Town expense (including mileage reimbursement) at mutually convenient times.

F. Employees out on workers' compensation leave must pay their weekly portions of all premiums within 7 business days of the payroll ending period or they may be dropped from the Town's insurance plans.

G. While out on workers' compensation leave, employees must check in with the-Town Administrator to keep them updated on their status and respond within two working days of receipt to any reasonable request for information. They must also provide all medical notes and records to the Town's worker's compensation carrier within 48 hours of receipt.

SECTION 19: COMPENSATION

19-1: Overtime

In accordance with the federal Fair Labor Standards Act (FLSA), the Town compensates nonexempt employees at the rate of one and one-half hours for each hour actually worked in excess of forty hours in any workweek. Holidays, sick time, and vacation days do not count as hours worked for purposes of calculating overtime.

Overtime must be approved in advance by the employee's supervisor or the Selectboard.

19-2: On-Call/Call-Out

Definitions:

On-Call: Ready to go to work at any time if needed, especially if there is an emergency.

Call-Out: An instance of being summoned to work in order to deal with an emergency or to do repairs.

All highway personnel are encouraged to be available in the case of inclement weather or emergencies. Full-time highway personnel will be afforded five extra floating days to compensate for being "on-call".

Employees who are called out for an emergency will receive a minimum of two hours of wages at the rate of one and half (1.5) times their regular hourly rate. Hours worked above two hours on the same call-out will continue to be paid at a rate of 1.5, the regular hourly rate, until the employee takes a break of eight (8) or more hours. For the safety and well-being of the employee, employees will not be allowed to work beyond sixteen (16) hours consecutively, without an eight (8) hour rest period.

If an employee with call-out pay does not work more than 40 hours in the week (vacation, holiday, sick, etc. excluded), then any additional hours worked in the week will be paid at the regular rate.

In addition to the on-call and call-out provisions above, employees working on a holiday will receive eight hours (prorated for part-time or half days) of holiday pay at their regular rate of pay.

19-3: Wages

All regular full and part-time employees shall be paid either an hourly wage or weekly salary. For the purposes of these Personnel Rules, salaried employees that qualify as exempt under the Fair Labor Standard Act will not qualify for overtime compensation.

PLACE HOLDER FOR FUTURE COMPENSATION POLICY

19-4 Increases

PLACE HOLDER FOR FUTURE COMPENSATION POLICY

19-5 Time Sheets

Non-Salaried Employees shall maintain daily time sheets to be used as the basis for determining all compensation periods. Time sheets shall report accurately all work arrival times, departure times (except for paid breaks) and authorized leaves, (using the next closest 15-minute interval). Employees must sign their time sheets and submit them to the Bookkeeper, Treasurer or Selectboard if so directed. The Town reserves the right to mandate the use of punch clocks or other timing-keeping technology for non-salaried employees.

Highway personnel are required to log a summary of their daily activity on their time sheets or other time keeping technology as may be instituted.

SECTION 20: RESIGNATION, LAYOFF, TERMINATION

20-1: Resignation

An employee may voluntarily resign at any time by submitting a written notice of resignation to their supervisor, the Town Administrator or the Selectboard Chair. Employees are expected to provide at least two weeks' written notice before their final working day.

The employee's resignation date will be the last actual day worked. Paid leave (such as vacation, floating or sick leave) may be requested during the notice period, but must be approved through the standard leave approval process. Extended leave during the notice period requires approval from the Town Administrator. Paid leave may not be used on the final day of employment unless specifically authorized by the Town Administrator.

If the employee submits a resignation with a future effective date but does not report to work during the notice period, their last day worked will be considered their official resignation date for payroll, benefits and employment records.

20-2: Layoff

Any Town employee may be laid off whenever it is necessary to reduce the number of employees in any department because of change in the function or organization of a department, financial restrictions, changes in work demands, elimination of job categories, or for reasons deemed appropriate by the Selectboard. Employees so affected shall be notified at least ten (10) working days in advance of the action to be taken. To the extent possible, layoffs within a department shall be made in inverse order of seniority. However, seniority shall not be the only determining factor regarding layoff. The Selectboard may consider written recommendation submitted by the relevant Supervisor or Town Administrator as specified below. The decision of the Selectboard is final.

1. The special contributions, skills, and performance of a less senior department employee.
2. Reasons why departmental operations would be best maintained through the retention of a position filled by a less senior employee.

20-3: Recall

Recall shall be in reverse order of any layoffs.

20-4: Termination or Resignation

Upon an employee's termination or resignation from service with the Town, an employee shall be paid for accrued but unexercised vacation time as provided for in Section 18 (BENEFITS). Payment will be based on the current rate in effect at termination or resignation multiplied by the numbers of hours of unpaid vacation time on record at the time of termination. Any payment due to a terminating employee in light of vested interests in the Town's retirement program shall be determined according to the terms of the retirement system. Upon termination or resignation, an employee will receive payment for hours worked.

SECTION 21: DISCIPLINARY PROCEDURES

A. The provisions of Article 21 shall apply only to regular full-time and regular part-time employees; they shall not apply to “elected” employees or their appointees. The Town may exercise its right to discipline, suspend or discharge an employee in whatever manner is deemed necessary. Grounds for disciplinary action may include, but shall not be limited to situations where an employee:
   1. Is convicted of a felony while an employee of the Town;
   2. Exhibits uncivil or discourteous attitudes or behavior through the use of indecent, abusive, impolite, offensive, rude, lewd and/or slanderous language towards the public or other Town officials or employees;

3. Violates the work conditions or fails to comply with other applicable employment terms and conditions as set forth in these Personnel Rules and other Town policies;
4. Is absent from work without their supervisor's or Town Administrator's permission except for unforeseen emergencies or fails to promptly notify their supervisor or Town Administrator of a need for authorized leave without good reason;
5. Is repeatedly or excessively tardy for work or absent;
6. Acts recklessly or endangers themselves or others;
7. Refuses or fails to perform job assignments or the reasonable orders of a supervisor, Town Administrator or Selectboard member;
8. Falsifies municipal records or time sheets or removes official records from Town property without authorization by their supervisor, Town Administrator, Town Clerk or Selectboard member;
9. Misappropriates or willfully damages property not owned by them during work;
10. Commits any acts of violence or threatens violence toward another person during work;
11. Leaves work early without notifying their Supervisor, Town Administrator or Selectboard member;
12. Displays conduct unbecoming of a Town employee;
13. Violates any written Town policies, especially with regards to safety;
14. Is found to have misrepresented his or her application credentials;
15. Posts or publicly displays materials or information on Town property that is aimed at public, other employees or any Town official and is derogatory in nature; or
16. Engages or entices, any strikes, work stoppage, slowdowns, mass resignations, mass absenteeism, picketing during work hours, conduct or action that interferes with or prevents the Town from effectively and efficiently discharging its responsibilities to the public; or any other similar actions that would involve suspension of disruption of the normal work of the Town.

B. The Supervisor, Town Administrator or Selectboard may bring any violation of these Personnel Rules to the attention of the employee. Only the Selectboard may impose disciplinary action.
C. Disciplinary action may normally be dispensed in the following manner, although it need not be administered in this order:
    1. Verbal warning with a memo to personnel file;
    2. Written warning;
    3. Suspension without pay;
    4. Discharge.
D. Disciplinary action shall be applied in a fair manner and shall be consistent with the infraction for which disciplinary action is being administered, taking into consideration an employee's past conduct. The Town is not required to follow the sequence of disciplinary action described in the Article if an infraction is sufficiently severe to merit immediate suspension or discharge, as determined by the Selectboard, subject to the employee's right of appeal in accordance with the provisions of Article 22.

E. If an employee is suspended, they shall be notified in writing of the effective date(s), reason, duration, and rights of appeal under the grievance procedures of the Personnel Rules. The notice shall be presented upon the employee's return to work, or within seventy-two (72) hours of the start of the suspension, whichever comes first. A suspension shall be unpaid (suspended employees shall not be eligible for leave pay) and shall not exceed two (2) weeks. During the period of suspension, employees shall remain obligated to pay the employee's shar of insurance premiums directly.
F. If the Town is considering a discharge, it shall provide the affected employee with notice that their employment may be terminated, with a description of the charges and the evidence, and with the opportunity to present reasons why the Town should not discharge them. If the Town decides to discharge the employee, the Town will notify the employee of the effective date and rights of appeal under the grievance procedures of the Personnel Rules within seventy-two (72) hours of the discharge.
G. All actions of a disciplinary nature shall become a part of that person's permanent personnel file.
H. Employees shall be required to acknowledge all records of disciplinary action inserted into their personnel file by signing the document and returning it to the Town Administrator, Supervisor or Selectboard member. Employees are expected to sign whether or not they agree with the actions and shall be entitled to submit a written rebuttal of a disciplinary action to insert in their personnel file, provided such correspondence is received by the Town Administrator, Supervisor or Selectboard member within fifteen (15) working days of the notice being acknowledged by or given to the employee. Every disciplinary notice shall include a statement advising employees of their right to grieve and/or refute the disciplinary action as set forth in these Personnel Rules.
I. In the event an employee is the recipient of three (3) disciplinary actions (not including verbal warnings) within a five (5) year period, that employee shall be immediately discharged for misconduct.

SECTION 22: GRIEVANCE PROCEDURES

A. The provisions of Article 22 apply only to regular full-time and regular part-time employees; they shall not apply to elected employees or their appointees nor to probationary employees. The provisions of this grievance process do not alter the At Will nature of the employment of Town employees. A grievance is defined as an alleged violation of the express written provisions of these Personnel Rules. Any grievance which may arise between an employee and the Town, or another employee(s) shall be settled in the simplest and most direct manner. The procedures shall be as follows unless a Supervisor, Town Administrator, or Selectboard member waive their role because of their partiality;

Step 1: Any employee or group of employees having a grievance shall first present the grievance orally to the supervisor or Town Administrator within five (5) working days after the event giving rise to the grievance or upon receipt of written notification, whichever comes last. If the grievance arises as a result of an action of the Selectboard, then employee or group of employees having a grievance shall present the grievance orally to the Selectboard within five (5) working days after the event giving rise to the grievance or upon receipt of written

notification, whichever comes last. If the grievance is not resolved to the satisfaction of the employee, then the grievance may be appealed as noted in Step 2.

Step 2: A written grievance shall be submitted to the Town Administrator within five (5) working days of the informal meeting with the supervisor or Town Administrator. The grievance must specifically identify the provision(s) of these Personnel Rules or Town policies that are disputed and the desired outcome and shall be signed by the affected party (or parties). The Town Administrator will schedule an information hearing to review the matter with the supervisor, and grievant and/or with the employee's representative (if so chosen) within five (5) working days of receipt of the grievance. The Town Administrator shall render a written decision on the matter within five (5) working days of the hearing. If the grievance is not resolved to the satisfaction of the employee, then the grievance may be appealed as noted in step 3. If the grievance arises as a result of an action by the Selectboard a written grievance shall be submitted to the Selectboard within five (5) working days of the informal meeting with the supervisor, Town Administrator, or Selectboard. The grievance must specifically identify the provision(s) of these Personnel Rules or Town policies that are disputed and the desired outcome and shall be signed by the affected party (or parties). The Selectboard will schedule an information hearing to review the matter with the supervisor, and grievant and/or with the employee's representative (if so chosen) within five (5) working days of receipt of the grievance. The Selectboard shall render a written decision on the matter within five (5) working days of the hearing.

Step 3: An appeal of the Town Administrator or Selectboards' decision shall be submitted in writing to the Selectboard within five (5) working days after the date on which the Town Administrator or Selectboard rendered or was supposed to render their decision. The Selectboard shall convene a hearing in executive session within fifteen (15) days of receiving the written appeal at its sole convenience, to consider evidence and testimony from the Town Administrator, supervisor and grievant and/or their representative. The Selectboard shall render a written decision on the matter, signed by a majority of the Selectboard members, within ten (10) days of the close of the hearing. The decision of the Selectboard is final and not subject to any further appeal. Failure of the Selectboard to render a decision within the specified time shall be construed as approval of the grievance.

B. Failure by the grievant to adhere to the deadlines within this grievance procedure shall terminate the grievance.

SECTION 23: EMPLOYMENT HARASSMENT AND DISCRIMINATION

The Town is committed in all areas to providing a work environment that is free from unlawful discrimination. Vermont and federal law prohibit employment discrimination or retaliation based on race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, health coverage status, crime victim or veteran status, any other category of person protected under federal or state law, or against a qualified individual with a disability with respect to all employment practices. Vermont law also prohibits discrimination based on sexual orientation, ancestry, HIV status, and place of birth. It is unlawful to retaliate against employees or applicants who have alleged employment discrimination.

Harassment based on a person's protected category is a type of discrimination. Examples of harassment include the following: insulting comments or references based on a person's race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, crime

victim or veteran status, disability, sexual orientation, ancestry, HIV status, place of birth; aggressive bullying behaviors; inappropriate physical contact or gestures; physical assaults or contact that substantially interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment; and
retaliation against an employee for complaining about the behaviors described above or for participating in an investigation of a complaint of harassment.

Petty slights, annoyances, and isolated incidents (unless serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

The Town will not tolerate unlawful harassment based on a person's race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, crime victim or veteran status, disability, sexual orientation, ancestry, HIV status, place of birth, or membership in a classification protected by law. Likewise, the Town will not tolerate retaliation against an employee for filing a complaint of harassment or for cooperating in an investigation of harassment.

All employees, including supervisors and other management personnel, are expected and required to abide by this policy. Any employee who believes that they have been the target of this type of harassment or who believes they have been subjected to retaliation for having brought or supported a complaint of harassment is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop.

Any employee who wishes to report harassment should file a complaint with:

The acting Selectboard Chair
Office phone:
(802) 453-2980

The acting Selectboard Vice-Chair
Office phone:
(802) 453-2980

A prompt, thorough, and impartial investigation will be conducted, and confidentiality will be protected to the extent possible. If it is determined that unlawful harassment has occurred, the Town will take immediate and appropriate corrective action. No person will be adversely affected in employment with the Town as a result of bringing a complaint of unlawful harassment. Complaints of harassment or retaliation may also be filed with the following agencies:

Civil Rights Unit
Vermont Attorney General's Office 109 State Street
Montpelier, VT 05609-1001
Tel: (802) 828-3657 (voice)
(888) 745-9195 (Toll Free VT)
(802) 828-3665 (TTY)
Fax: (802) 828-2154
Email: ago.civilrights@vermont.gov

Online: http://ago.vermont.gov/about-the-attorney-generals-office/divisions/civil-rights/

Equal Employment Opportunity
Commission JFK Federal Building 475
Government Center
Boston, MA 02203
Tel: 1 (800) 669-4000 (voice)
1 (800) 669-6820 (TTY)
1 (844) 234-5122 (ASL Video)
Fax: 617-565-3196
Email: info@eeoc.gov
Online: www.eeoc.gov

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

SECTION 24: SEXUAL HARASSMENT

Sexual harassment in the workplace is illegal under federal and Vermont law and is strictly prohibited. The Town is committed to providing a workplace free from this unlawful conduct. All employees have the right to work without being subjected to insulting, degrading, or exploitative treatment on the basis of their sex, sexual orientation, or gender identity. It is against the policies of the Town for any individual, male or female, to sexually harass another individual in the workplace. In accordance with 21 V.S.A. §§ 495 and 495h, the Town has adopted the following sexual harassment policy. All employees are required to read this policy before signing the employee acknowledgment form.
Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

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

- explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- touching or grabbing a sexual part of an individual's body;
- touching or grabbing any part of an individual's body after that party has indicated, or it is known, that such physical contact was unwelcome;
- continuing to ask an individual to socialize on- or off-duty when that person has indicated they are not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;

- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- retaliating in any way for having filed or supported a complaint of sexual harassment (e.g., ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);
- making derogatory or provoking remarks about or relating to an employee's sex, sexual orientation, or gender identity;
- directing harassing acts or behavior against a person on the basis of their sex, sexual orientation, or gender identity;
- any off duty conduct which falls within the above definition and affects the work environment.

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

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

Any employee who wishes to report sexual harassment should file a complaint with:

The acting Selectboard Chair
Office phone:
(802) 453-2980

The acting Selectboard Vice-Chair
Office phone:
(802) 453-2980

A prompt, thorough, and impartial investigation will be conducted, and confidentiality will be protected to the extent possible. If it is determined that unlawful harassment has occurred, the Town will take immediate and appropriate corrective action. No person will be adversely affected in employment with the Town as a result of bringing a complaint of unlawful harassment.

Complaints of sexual harassment or retaliation may also be filed with the following agencies:

Civil Rights Unit
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609-1001

Tel: (802) 828-3657 (voice)
(888) 745-9195 (Toll Free VT)
(802) 828-3665 (TTY)
Fax: (802) 828-2154
Email: ago.civilrights@vermont.gov
Online: http://ago.vermont.gov/about-the-attorney-generals-office/divisions/civil-rights/

Equal Employment Opportunity
Commission JFK Federal Building
475 Government Center
Boston, MA 02203
Tel: 1 (800) 669-4000 (voice)
1 (800) 669-6820 (TTY)
1 (844) 234-5122 (ASL Video)
Fax: 617-565-3196
Email: info@eeoc.gov
Online: www.eeoc.gov
These agencies may conduct impartial investigations, facilitate conciliation, and, if they find that there is probable cause or reasonable grounds to believe sexual harassment occurred, they may take a case to court.

Revision 7-7-2026 of the Town of Lincoln Personnel Policy are ADOPTED this 7th day of July 2026. This policy shall be reviewed and updated on an annual basis before May 1st.

SIGNATURES of SELECTBOARD:

_____

_____

_____

_____

_____

ADDENDUM A: Personnel Acknowledgement

I, _____, acknowledge that:

A. I received a copy of the Town's Personnel Policy on _____, and it is my responsibility to familiarize myself with its contents;

B. I understand that it is my responsibility to ask questions if there is anything in the Policy that I do not understand;

C. I understand that the language used in this Personnel Policy is not intended to create, nor should it be construed to create, a contract or agreement for employment between myself and the Town;

D. I understand that this Policy replaces any and all prior versions and that the Town reserves the right to add, amend, or discontinue any of the provisions of this Policy for any reason or none at all, in whole or in part, at any time, with or without notice.

_____ _____

Employee's Signature Date

ADDENDUM B: Agreement by Independently Elected Officer to adhere to the provisions of the Town of Lincoln Personnel Policy

This is an agreement between the Town of the Lincoln and

INSERT TOWN OFFICIAL NAME (hereafter "Town Official"), collectively referred to as "parties."

In exchange for the provision of benefits by the Town in Section 18 "Employee Benefits" of the Town of Lincoln Personnel Policy.

The Town Official has agreed to adhere to the provisions set forth in the Lincoln Personnel Policy; however, there is a key modification regarding disciplinary action. Instead of following the usual range of disciplinary measures outlined in the policy, the Town of Lincoln will only exercise the termination of provided benefits as the sole form of discipline. In such cases, the Town Official will be given a thirty (30) day notice prior to the discontinuation of these benefits. This exception ensures that while the Town Official remains subject to the overarching guidelines of the Personnel Policy, the approach to discipline is specifically limited to the revocation of benefits, with adequate notice given to the individual.

Town Official:

- has received a copy of the Town's Personnel Policy and understands that it is

  the Elected Official's _____ responsibility to familiarize themselves with its contents;
- has been given an opportunity to ask questions about said Policy and has been provided with satisfactory information in response to those questions;
- acknowledges that as per section 1 of the Town's Personnel Policy, the Selectboard reserves the right to amend any of the provisions of the Personnel Policy for any reason, at any time, with or without notice;
- acknowledges that they understand the Town's Personnel Policy and agrees to comply with all of its provisions.

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

If any term of this agreement, the provisions of the Personnel Policy to which it incorporates by reference, or the application hereof of either to any person or a circumstance(s) is held invalid, this invalidity does not affect other provisions or applications of the agreement's terms, which can be given effect without the invalid term(s) or application(s). For this purpose, this agreement is severable.

Entered into this _____ day of _____, 20_____

BY: Independently Elected Official:	**Selectboard:**

ADDENDUM C: Town of Lincoln Performance Review Policy

1. Purpose

The purpose of the Performance Review Policy is to provide a structured framework for evaluating and improving employee performance within the Town of Lincoln. This policy is designed to ensure a consistent and equitable assessment of employee contributions, promote professional growth, and align individual achievements with the Town's strategic goals and values. Under this policy, new employees will undergo a performance review at the 90-day mark, and all employees will be reviewed annually. The Town of Lincoln is committed to fostering an environment of open communication, where employees receive regular feedback and have the opportunity to contribute their own insights, supporting a culture of continuous improvement and mutual development.

In addition to conducting annual Cost of Living and wage analyses, the Performance Reviews will play a crucial role in guiding the Selectboard's decisions regarding wage increases, training needs, and the overall cultural health of town departments. By integrating performance review outcomes with economic and departmental assessments, the Selectboard will ensure that compensation adjustments are fair and reflective of individual and organizational performance. Furthermore, the insights gained from performance evaluations will help identify areas for professional development and training, as well as assess and enhance the cultural dynamics within town departments. This comprehensive approach aims to align employee performance with organizational goals and maintain a positive and productive work environment.

2. Scope

This policy applies to all employees of the Town of Lincoln, including full-time, part-time, and temporary staff.

3. Probationary Period

3.1. Duration

- All new employees will undergo a 90-day probationary period, starting from the first day of employment.

3.2. Purpose

- The probationary period allows both the employee and the Town of Lincoln to assess whether the employment relationship is a good fit.
- It provides an opportunity for new employees to acclimate to their roles, receive feedback, and demonstrate their suitability for the position.

3.3. Review Process

- New employees will receive informal feedback on their performance until the end of the 90-day probationary period, at which a formal performance review will be conducted.
- The review will include feedback from the employee's supervisor or manager, assessment of job performance, and discussion of any areas for improvement or development.
- The supervisor or manager will complete a Performance Review Form, summarizing the employee's performance, strengths, and any concerns.

- Based on the review, a decision will be made regarding the continuation of employment. This may include confirmation of the employee's regular status, extension of the probationary period, or termination of employment if performance expectations are not met.

4. Annual Performance Reviews

4.1. Frequency

- Formal performance reviews will be conducted annually for all employees, typically beginning with employees and managers filling out the forms in May with employee/supervisor meetings scheduled for June.
- In alignment with the Town of Lincoln's dedication to fostering a culture of open communication, employees will receive regular feedback and be encouraged to share their own insights. This ongoing dialogue is essential for supporting a culture of continuous improvement and mutual development. By ensuring that feedback is a two-way process, the Town aims to create an environment where employees are actively engaged in their growth and development. This approach not only enhances the effectiveness of annual performance reviews but also contributes to a more dynamic and collaborative workplace, where both individual and organizational success are continuously pursued.

4.2. Purpose

- Annual reviews provide a formal opportunity to evaluate and discuss an employee's performance over the past year.
- They aim to recognize achievements, address any performance issues, set goals for the upcoming year, and support career development and growth.
- The process helps the Selectboard make informed decisions on annual wage increases and adjustments based on performance and market conditions.

4.3. Review Process

- Employees will complete a Self-Assessment Form prior to the review meeting, reflecting on their own performance, accomplishments, and areas for improvement.
- Supervisors or managers will complete a Performance Review Form, which will assess the employees' performance against established goals and job expectations.
- The Town Administrator will collect the Self-Assessments and Performance Review Forms by the end of May and schedule meetings with the employees and their supervisors/managers for June.
- The review meeting will involve a discussion between the employee and their supervisor or manager. Key topics will include:
    - Achievement of performance goals and objectives
    - Strengths and areas for improvement
    - Professional development needs and opportunities
    - Setting goals for the upcoming year

4.4. Documentation

- The Performance Review Form will be completed and signed by both the employee and the supervisor or manager.
- Copies of the completed review will be provided to the employee and Selectboard, with one copy retained in the employee's personnel file.

5. Performance Improvement

5.1. Addressing Performance Issues

- If performance issues are identified during the probationary period, regular feedback period or at the annual review, a Performance Improvement Plan (PIP) may be developed.
- The PIP will outline specific areas for improvement, measurable goals, and a timeline for achieving these goals.

5.2. Follow-Up

- Regular follow-up meetings will be scheduled to monitor progress, provide additional feedback, and make necessary adjustments to the PIP.
- The outcome of the PIP will be reviewed at the end of the specified period, and appropriate actions will be taken based on the employee's progress.

6. Appeals Process

6.1. Employee Concerns

- Employees who disagree with the outcomes of their performance review may submit a written appeal to the Town Administrator within 10 business days of receiving the review.

6.2. Review of Appeals

- The Town Administrator will review the appeal and, if necessary, conduct additional discussions or investigations.
- A final decision will be communicated to the employee, and any necessary adjustments to the review or related actions will be made.
- If the employee is unsatisfied with the decision of the Town Administrator, the employee may appeal to the Selectboard within 10 business days of the unsatisfactory decision.
- The Selectboard will review the appeal and, if necessary, conduct additional discussions or investigations.
- A final decision will be communicated to the employee and any necessary adjustments to the review or related actions will be made.

7. Policy Review

7.1. Updates

- This Performance Review Policy will be reviewed periodically and updated as needed to ensure it remains effective and aligned with best practices and organizational needs.

7.2. Communication

- Employees will be informed of any changes to this policy, and updates will be communicated through official channels.

8. Conclusion

The Town of Lincoln is committed to fostering a supportive work environment through effective performance management. By adhering to this policy, we aim to enhance employee performance, support professional development, and achieve our organizational goals.

This Performance Review policy was ADOPTED the 1st day of October 2024 by the Lincoln Selectboard. The signed original is stored separately and can be provided upon request.