

# **Town of Waterford**

## **Personnel Policy**



**3<sup>rd</sup> DRAFT**

July 15, 2022

Resolution to Adopt the Town of Waterford Personnel Policy

On this \_\_\_\_ day of \_\_\_\_\_, 2022, the benefits and policies contained in this handbook are hereby adopted by the Town of Waterford Selectboard.

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Gary Allard, Chair

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Mike Barrett, Vice Chair

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Rob Begin

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Marcia Martel

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Susan Hayes

### **Certificate of Receipt**

I, \_\_\_\_\_, have received a copy of the Town of Waterford Personnel Policy. I have read through the handbook and understand the benefits and policies described therein. Furthermore, I understand that as an employee of the Town of Waterford I am expected to adhere to these policies. Failure to do so will result in disciplinary action.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

After signing the Certificate of Receipt, return to the Town Clerk.

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## **Introduction**

The Town of Waterford is dedicated to providing efficient, high quality, and economical municipal services to the residents of our community. We depend on employees and appointed and elected officials to accomplish these goals by working together with mutual respect and friendly cooperation. This handbook is a legal document intended to make clear certain rules, processes and procedures, and compensation and benefits that we believe will establish an outstanding place to work and support the provision of excellent services to the Town of Waterford. Town employees and officials are the key to the success of Waterford.

Please read all of the information presented and keep it as a reference. When questions arise that are not answered in this handbook do not hesitate to ask your Department Head or the Town Selectboard for assistance. Thank you for your service and dedication to our community!

## **Definitions**

**Close Relative** – A person with a relationship of spouse, civil union partner, domestic partner, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt, uncle, niece, nephew, parent-in-law or sibling-in-law.

**Conflict of Interest** – A Conflict of Interest occurs when an employee is in a position to influence a work-related action, decision or transaction in any cause, proceeding, application or any other matter pending before the employee or the Town that may result in a personal interest or gain for that employee or a personal interest or gain for a Close Relative, business associate, employer or employee of that individual. This personal interest or gain may appear in the form of a benefit received by a company or firm in which the employee, or the employee's Close Relative, has a business interest, or when an employee or Close Relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealing involving the Town.

**Compensatory Time (Comp Time)** – Leave provided to employees, instead of overtime pay, as compensation for overtime work.

**Computer System** – 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 or smartphones, internal or external communication networks, 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.

**Department Head** – The authorized and designated head of each Town department. The Town Clerk, Town Treasurer, Highway Foreman and Transfer Station Foreman are the four Town Department Heads. The Highway and Transfer Station Foremen and Selectboard-appointed officials report to the Selectboard.

**Exempt Employee** – An employee who is not subject to the provisions of the federal Fair Labor Standards Act (FLSA).

**Non-Exempt Employee** – An employee who is subject to the provisions of the federal Fair Labor Standards Act (FLSA). The FLSA provides overtime and minimum wage protections to covered employees.

**Financial Interest** – Any interest which may yield, directly or indirectly, a monetary or other material benefit (other than the employee's salary, wage, or compensation by the Town for services).

**Full-Time Employee** – An employee who works a minimum of thirty (30) hours per week on a regular and continuous basis.

**Part-Time Employee** – An employee engaged on a yearly part-time basis whose regularly scheduled hours are fewer than 30 per week.

**Pay Period** – Recurring length of time over which employee work and leave time is recorded and compensated. Bi-weekly, starting on a Monday at 12:01 am through the second Sunday at 12:00 pm.

**Personal Interest** – An interest or potential advantage which arises from family, business or political association, whether or not any financial interest is involved.

**Probationary Period** – The initial six (6) months (or longer if extended by the Town Selectboard) of service with the Town.

**Regular Employee** – A Part-Time or Full-Time Employee hired by the Town for an indefinite term.

**Temporary Employee** – An employee hired by the Town for a fixed term of service. These employees receive no benefits beyond regular pay, workers' compensation insurance, unemployment insurance, or other benefits as required by state or federal law. This includes seasonal employees.

## **Section 1: General Provisions**

### **1.1 Title and Authority**

This policy shall be known as the Town of Waterford Personnel Policy. It has been adopted by the Town of Waterford Selectboard pursuant to 24 V.S.A. § 1121 and 1122.

This policy does not constitute a contract of employment. Employment with the Town of Waterford is at will and not for any definite period or succession of periods of time. The Town or the employee may terminate employment at any time, with or without notice. The Selectboard reserves the right to amend any of the provisions of this personnel policy for any reason and at any time, with or without notice.

### **1.2 Purpose**

The purpose of this handbook is to combine in one place the benefits and policies applicable to Town of Waterford employees and elected officials. The Selectboard's intent in prescribing these benefits and policies is to establish clear, orderly, fair and uniform guidelines for the administration of personnel matters.

The Town regards all personnel, hired, elected or appointed, 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.

These policies supersede all previous publications, motions, resolutions, etc. on this subject.

### **1.3 Applicability**

These personnel policies shall cover all full and part-time employees of the Town of Waterford. These policies will include the Town Clerk and appointed staff and the Town Treasurer and appointed staff if the Town Clerk and Town Treasurer so choose and agree in writing (see Addendum A).

Only Section 6 applies to elected officers (e.g., Selectboard, Listers, Auditors) and appointed officials and members of boards (e.g., Delinquent Tax Collector, Planning Commission, Development Review Board) and other positions which are not paid on an hourly/salaried basis.

### **1.4 Equal Employment Opportunity**

The Town of Waterford will provide equal opportunity to all employees and job applicants without regard to race, color, religion, sex, sexual orientation, age, nationality origin, marital status, disability, veteran's status or any other category under local, state or federal law.

### **1.5 Probationary Period**

All new employees will be required to complete a six (6) month probationary period. The purpose of this probationary period is to determine whether the employee is suited for the job. During the probationary period, an employee may be terminated at any time at the sole discretion of the Town Selectboard. Notwithstanding any other provision of this policy, an employee terminated during the probationary period will have no right to appeal such termination.

## **1.6 Evaluation of Performance**

Each employee shall be evaluated on an annual basis. The purpose of the evaluation is for the supervisor to assess the strengths and weaknesses of an employee. The Selectboard will use evaluations to aid in consideration of salary/wage increases, bonuses, disciplinary action, training programs and other personnel activity.

## **1.7 Review by Employee**

Each employee (and elected or appointed Town Official) shall receive a copy of the Town of Waterford Personnel Policy upon hire (or election/appointment) and shall acknowledge that he/she has read and understands the benefits, policies, and personal conduct requirements described therein and shall sign a notice of receipt. Each employee (and elected or appointed Town Official) shall receive a copy of any amendments or updates of the Town of Waterford Personnel Policy as they are approved by the Selectboard and shall acknowledge that he/she has read and understands the changes and shall sign a new certificate of receipt.

## **Section 2: Work Schedules and Compensation**

### **2.1 General Policy**

It is recognized that employees' daily and weekly work schedules and assignments are based on operating requirements and are subject to change. The Town of Waterford retains the right to schedule straight time, overtime, number of shifts, and shift assignments for the purpose of promoting the efficiency of municipal government.

### **2.2 Work Week / Work Day**

The Highway Foreman, Town Clerk and Town Treasurer are responsible for establishing regular hours of work and shift schedules for their departments. The Transfer Station will operate 7 am – 12 pm on Saturdays.

The bi-weekly pay period shall commence at 12:01 am Monday morning and end at 12:00 pm on the second Sunday night. All Highway Department personnel are required to be on-call and available for winter road work and emergencies.

Employees are allowed two (2) paid fifteen (15) minute breaks and a paid thirty (30) minute lunch break during the work day. Any break or lunch time taken in excess of these allotted sixty (60) minutes is unpaid.

### **2.3 Compensation**

Starting compensation, increases in compensation and annual performance bonuses shall be recommended by Department Heads and approved by the Town Selectboard. Employees shall be paid weekly and may elect to receive pay automatically into their bank account with Direct Deposit.

## **2.4 Lateness or Absences**

Timely appearance in appropriate uniform or attire for work at the specific time is required for all employees. In the event that an employee will be late or absent from work, he/she shall notify their supervisor and appropriate co-workers prior to or as soon as reasonably possible.

Employees shall only be paid for actual hours worked and recorded on time sheets. If an employee arrives after the regular shift starting time or leaves before the regular shift ends, the employee may use earned vacation or comp time if approved by their Department Head.

Any employee who is absent without authorization shall forfeit all compensation for the period of such absence. Repeated unexcused lateness or absence from work is grounds for disciplinary action, up to and including dismissal.

## **2.5 Overtime**

Overtime shall be paid at the rate of 1 ½ times the employee's regular hourly rate of pay for hours worked beyond forty hours in a work week. Overtime shall not be paid to salaried employees. All overtime work shall be assigned and authorized only by the Department Head.

It is the Town of Waterford's policy that overtime work for all employees shall be held to a minimum consistent with efficient and sound management. Town Department Heads shall schedule and assign regular work hours and ensure that approved overtime fits into the Town-approved budget for that department. There will be times when overtime is necessary. Department Heads shall make a reasonable effort to distribute overtime as equitably as possible among employees. Overtime may not be worked without approval.

Overtime can be converted into comp time. One hour of overtime will be converted to one hour and a half of comp time. A maximum of sixteen (16) hours of comp time can be accumulated. Comp time may be carried forward from year to year. Department Heads must be notified twenty-four (24) hours in advance that comp time will be used and the employee will be absent.

## **2.6 On-Call**

Highway Department employees are required to be available for work on an on-call basis in the event of any emergency or snow storm, especially during the winter months. Prompt response, within an hour of being called, is required for emergencies. Employees will be paid from the time they leave their house, and will receive a minimum of 3 hours of pay for call-ins.

# **Section 3: Safety**

## **3.1 Employee Safety**

The Town of Waterford is concerned with the safety of its employees, officials and the general public. Each employee is required to familiarize him/herself with their department's safety rules and regulations. Failure to observe proper safety procedures and requirements is grounds for disciplinary action and/or dismissal depending upon the seriousness of the safety violation.

Employees are required to wear Personal Protective Equipment (PPE) (e.g., hard hat, safety glasses, hearing protection, respirators, vests, etc.) and comply with all applicable safety and health rules and orders of VOSHA. If an employee believes that a safety or health violation exists, he/she shall alert his/her Department Head or the Selectboard. No person shall discriminate against any employee who makes a report to VOSHA or participates in any proceedings.

### **3.2 Accident Reporting Procedures**

When an employee has been injured in the course of performing their work for the Town, it shall be reported to his/her Department Head immediately. If necessary, the employee shall seek medical attention immediately. An accident report shall be submitted within the twenty-four (24) hours from the time of the accident to the Town Selectboard for timely processing.

When there has been damage to Town of Waterford or private property due to employee action, it shall be reported to his/her Department Head immediately. An accident report shall be submitted within twenty-four (24) hours from the time of the accident to the Town Selectboard for timely processing.

## **Section 4: Employee Benefit – Paid and Unpaid Leave**

### **4.1 Policy**

Acknowledging that employees require time away from work to attend to personal, family and medical matters, the Town of Waterford provides a variety of paid and unpaid leave.

Leave is defined as any absence that occurs during an employee's regularly scheduled work hours that is approved by their Department Head. The Highway Foreman leave will be approved by the Selectboard. 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. **Paid leave, as set forth in this section, shall be granted only to full-time employees, with the exception of pro-rated Holiday Leave.**

### **4.2 Procedure for Requesting Leave**

With the exception of Holiday and sick leave, an employee must submit a written request to their Department Head indicating the type of leave and dates of intended departure and return. This request must be approved in writing prior to taking the leave. Such approval shall not be unreasonably withheld. Leave that must be taken in the event of an emergency can be approved verbally, with the Department Head providing the written record of the leave.

### **4.3 Holidays**

The following Holidays will be paid only to employees that are regularly scheduled to work on these days. Employees that regularly work fewer than 8 hours on these days will only be compensated for their regularly scheduled hours. If an employee is required to work on a holiday, they will earn regular pay for the hours they work in addition to the Holiday pay (resulting in double time.) If the Holiday falls on a Saturday, the Holiday will be taken on the Friday before, if it falls on a Sunday, the Holiday will be taken on the following Monday.

An employee becomes eligible for Holiday Leave upon his/her date of hire.

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (3rd Monday in January)
- Presidents Day (3rd Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (1st Monday in September)
- Veterans' Day (November 11)
- Thanksgiving Day (4th Thursday in November)
- Day after Thanksgiving (4th Friday in November)
- Christmas Day (December 25)

#### 4.4 Vacation Leave

Vacation Leave shall be earned from the date of hire in accordance with the schedule below. Vacation Leave will be tracked in the payroll system and accrued per pay period.

- **0 – 2 Year**      **0.75 Hours per weekly pay period + 1 Hr last period (40 Hrs/Yr)**
- **>2 – 5 Years**    **1.5 Hours per bi-weekly pay period + 2 Hr last period (80 Hrs/Yr)**
- **>5 – 15 Years**   **2.5 Hours per bi-weekly pay period (130 Hrs/Yr)**
- **15+ Years**        **3.0 Hours per bi-weekly pay period + 4 Hr last period (160 Hrs/Yr)**

Part-time employees shall not earn Vacation Leave.

Vacation Leave can be earned but not used until after successful completion of the 6 month probationary period.

If an employee does not use all of their accrued Vacation Leave in a year, the employee may carry unused, accrued Vacation Leave forward to the next year up to a maximum of 40 hours. Any unused, accrued Vacation Leave that exceeds the amount allowed to be carried forward shall be forfeited.

Employees are strongly encouraged to take an annual vacation. Requests for vacation should be submitted to the Employee's Department Head as soon as possible, but not less than 48 hours in advance of the requested time off.

An employee who resigns or is terminated from employment with the Town will be compensated for accrued vacation leave at their current rate of pay, with the exception that any employee who leaves or is terminated during their probationary period will not be entitled to compensation for any accrued vacation time.

#### 4.5 Sick Leave

Sick Leave shall be earned from the date of hire at a rate of **5 days per year**. Sick Leave will be tracked in the payroll system. The 5 days is pro-rated from the date of hire or termination.

Part-time employees shall not earn Sick Leave.

If an employee does not use all of their Sick Leave within the year, the unused Sick Leave shall be forfeited. Sick Leave is not compensated at the time of resignation or termination of employment.

An employee may use sick leave for the purposes below:

- The employee is ill or injured.
- The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.
- The employee cares for a sick or injured parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment, or accompanying the employee's parent, grandparent, spouse or parent-in-law to an appointed related to his/her long-term care.
- The employee cares for a parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, because the school or business where that individual is normally located during the employee's workday is closed for public health or safety reasons.

Employees must notify their Department Head as soon as practicable of the intent to use earned Sick Leave and the expected duration of the employee's absence. Employees must make reasonable efforts to avoid scheduling routine or preventive health care or other appointments during regular work hours.

If an employee is out of work for three (3) consecutive days due to illness, or illness of a family member, the Department Head may require the employee to obtain a certification of disability from his/her or the family member's physician (specifying the expected length of the sick leave and/or any work restrictions or light-duty assignments upon return to work.) Failure to produce a certificate may result in unpaid leave.

Compensation for use of paid Sick Leave will be at the employee's regular rate of pay. Use of this paid leave does not diminish the rights that an employee may have under the Vermont Parental Family Leave Act, 21 V.S.A § 470.

An employee who resigns or is terminated from employment with the Town will not be compensated for unused Sick Leave.

#### **4.6 Bereavement Leave**

Full-time employees will receive five (5) paid bereavement days per year for the death of an immediate family member (parent, grandparent, spouse, child or grandchild). Employees may also use bereavement leave for the death of a Close Relative if the relative was living in the same household as the employee immediately preceding death. Employees will receive two (2) paid bereavement leave days per year for other Close Relatives.

#### **4.7 Civil Leave**

Both Part-time and Full-time employees are entitled to the following benefits for performing their civic duties:

In the event of Jury Duty unrelated to their status as a Town employee, the Town shall pay the employee's regular pay for the regularly scheduled hours of work that are missed due to reporting for jury duty or serving as a juror or witness.

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 employee's regular rate of pay exceeds their compensation as a witness.

In the event of Military Reserve Duty, the Town shall pay the difference between the employee's regular pay and the pay received while serving in this capacity. Documentation of duty pay must be presented to employee's Department Head in order to receive the difference. Only the time corresponding to the employee's regular work hours will be compensated.

#### **4.8 Unpaid Leave**

After completing the 6 month probationary period, all employees, full and part-time, shall be eligible to take up to 12 weeks of unpaid leave of absence for the birth of a child, maternity or paternity leave, adoption, or for the illness of employee or family member that exceeds available Sick and Vacation Leave. As much advance notice as possible is required, with notification of the estimated length of the absence.

Holiday, Vacation, Sick and Bereavement Leave are not earned while an employee is in an unpaid status.

### **Section 5: Other Employee Benefits**

#### **5.1 Health and Dental Benefits**

Full-time employees and qualified elected and appointed officials (working 30 or more hours per week) are eligible for the health and benefits below:

**Group health coverage.** Employees become eligible to participate in the plan on the 1<sup>st</sup> of the month after thirty (30) days of their hire. The Town of Waterford offers health insurance through Blue Cross Blue Shield. 100% of the premium is paid by the Town. The Town of Waterford offers dental insurance through Delta. 100% of the premium is paid by the Town.

**Health Reimbursement Arrangement (HRA).** The Town makes an annual contribution of \$4,000 to an HRA on behalf of eligible employees participating in the group health plan. Employees must present the Town with receipts to receive tax free reimbursement of qualified medical expenses. Eligible expenses are outlined on page 18 of IRS Publication 969 and can be found in detail as the medical and dental expenses that would generally qualify for the medical

tax deduction in Publication 502. HRA funds do not carry over at the end of the year, and any unused funds are forfeited. There is a 90-day grace period to submit receipts for previous year medical expenses or upon termination for medical expenses that were incurred while still an employee.

In the event that employment with the Town of Waterford is terminated, the employee and family members who are covered by the plan may continue coverage under federal “COBRA” (Consolidated Omnibus Budget Reconciliation Act) mandates. The former employee must pay 100% of the premium.

## **5.2 Disability and Life Insurance**

Full-time employees and qualified elected or appointed officials (working 30 or more hours per week) are eligible for disability and life insurance.

The Town of Waterford offers Short-term and Long-term Disability and Life insurance through Madison National. The Town pays 50% of the premium, the employee pays the other half.

## **5.3 Retirement**

Only Full-time employees are eligible for the following retirement benefit:

The Town of Waterford will deposit 6% of Gross Pay into a Simplified Employee Pension (SEP-IRA) held by the employee. These payments are deposited at the end of December or early January when the gross pay for the year is known.

## **5.4 Uniforms**

The Town of Waterford has designated a work uniform of Town t-shirt, work pants and appropriate footwear for the Highway Department personnel and a work uniform of a Town t-shirt for the Transfer Station personnel. As this is a required uniform, the benefit is not a taxable fringe benefit and will not be taxed as income.

The Town of Waterford will provide work T-shirts with the Town of Waterford screen-printed on them to Highway Department and Transfer Station employees. Highway Department employees will be able to bring receipts for work pants and/or appropriate footwear to the Town Treasurer for reimbursement, not to exceed \$250 per year. Any unused amount for uniforms does not carry over into the next year and is not paid to the employee. (This benefit begins in 2023 as the old system for a clothing allowance was already followed for 2022.)

## **5.5 Mileage Reimbursement**

In the event it is necessary to use a personal vehicle to conduct Town of Waterford business, the Town of Waterford shall provide mileage reimbursement at a rate equal to that set by the Internal Revenue Service. All use of a personal vehicle must be authorized by the employee’s Department Head or Selectboard prior to use and documented.

## **Section 6: Personal Conduct**

### **6.1 General Requirements**

Every Town official and employee shall perform to the best of their ability, the duties and responsibilities of their position, based upon their job description. All employees shall during hours of duty devote their full time, attention, and efforts to their office and employment. An employee shall not use his/her position to provide special privileges or exemptions for him/herself or others. An employee is prohibited from accepting any gratuity from a resident or contractor in the performance of their duties or as consideration for any special favors.

### **6.2 Use of Town Property for Personal Use Prohibited**

No Town employee or resident shall use Town property and/or equipment for personal use at any time. This includes the use of a Town vehicle for commuting to and from work, even in the event that a work site will be visited before going to the Town Garage.

### **6.3 Drug and Alcohol-Free Workplace**

As an employer, The Town of Waterford is responsible for maintaining safe, efficient working conditions for its employees by providing an illegal drug and alcohol-free workplace. An employee who is under the influence of drugs or alcohol may pose serious safety and health risks not only to him/herself but also to co-workers and the public at large. Any employee on municipal premises who appears to be under the influence of, or possesses illegal drugs or alcohol, or has used illegal drugs or alcohol on the premises, may be temporarily relieved from duty pending further investigation.

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.

### **6.4 Smoking and Tobacco**

The Town of Waterford, to comply with the provisions of state and federal statutes and to protect employees and the general public prohibits smoking and the use of smokeless tobacco products in the workplace except in designated areas.

Town of Waterford municipal facilities and vehicles shall be entirely smoke and tobacco free. Smoking and use of smokeless tobacco products is also strictly prohibited at all municipal job sites.

### **6.5 General Harassment**

The Town of Waterford will not tolerate unlawful harassment based on race, sex, religion, national origin, age, disability, color, or sexual orientation or any other protected status defined by law. Likewise, the Town will not tolerate retaliation against an employee or official for filing a complaint of harassment or for cooperating in an investigation of harassment.

In addition to complaints made by employees or officials, the Town will also address any complaints of harassment committed in the workplace by employees or officials against non-employees and by non-employees (such as vendors, customers, or other workplace visitors) against Town employees or officials.

See Complaint Procedures on the Town Website at [www.waterfordvt.org](http://www.waterfordvt.org)

Employees may also contact the State of Vermont Attorney's General Office, 109 State Street, Montpelier (802-828-3171).

## **6.6 Sexual Harassment**

Sexual harassment in the workplace is unlawful. It is also unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating with an investigation of sexual harassment. Employees have the right to work without being subject to insulting, degrading or exploitative treatment on the basis of their gender. Sexual harassment, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, by Town of Waterford employees in any form is strictly prohibited.

Employees who violate this policy will be subject to disciplinary action, up to and including discharge. An employee subject to sexual harassment is encouraged to report it before it becomes severe or pervasive; he/she shall notify the Selectboard Chair or Vice Chair (if preferred). A prompt, thorough and impartial investigation will be conducted and employee confidentiality will be protected to the greatest extent possible. If it is determined that unlawful sexual harassment has occurred, the Town Selectboard will take immediate and corrective action.

Employees may also contact the State of Vermont Attorney's General Office, 109 State Street, Montpelier (802-828-3171).

## **Section 7: Voluntary Separation**

### **7.1 Resignation**

In the absence of a specific written agreement, employees are free to resign any time. An employee is strongly encouraged to provide their Department Head or Town Selectboard with at least two (2) weeks of notice prior to separation. An employee who is absent from work for three (3) consecutive days without proper notice will be considered as having voluntarily resigned. Exceptions (e.g., an extreme emergency) to this policy must be approved by the Selectboard.