

Town of Brookline Vermont

Personnel Policy

Section 1: Title and Authority

The provisions hereof shall be known as the Town of Brookline Personnel Policy (“Personnel Policy” or “Policy”). This Personnel Policy does not constitute a contract of employment. Employment with the Town of Brookline is *at will* and not for any definite period or succession of periods. The Town or the employee may terminate employment at any time, the Selectboard reserves the right to amend any of the provisions of this personnel policy. This personnel policy will be administered by the Selectboard of Brookline or its authorized representative.

Section 2: Persons Covered

This Policy applies to full-time and part-time employees hired by the Town of Brookline Selectboard. While the Selectboard does not have authority over elected officials and statutory assistants, the Selectboard expects that all those who work or volunteer for the Town will abide by the provisions herein in good faith. For purposes of this Policy, a full-time employee is an employee who works at least 30 hours per week on a regular and continuing basis. A part-time employee is an employee who works fewer than 30 hours per week on a regular and continuing basis. Where a conflict exists between this policy and any collective bargaining agreement or written individual employment contract, the latter will control. Notwithstanding the foregoing, Section 27 Harassment to Include Sexual Harassment, shall apply to all persons employed by the Town of Brookline without exception.

Section 3: Equal Employment Opportunity

The policy of the Town of Brookline is to provide equal opportunity to all employees and applicants without regard to race, color, religion, ancestry, sex, sexual orientation, gender identity, crime victim status, age, national origin, marital status, disability, veteran’s status or any other category protected under local, state or federal law.

Section 4: Probationary Period

All persons hired after the date of adoption of this Policy will be required to complete a six-month probationary period; in order to determine if the employee is suited for the job. During the probationary period, an employee may be terminated at any time at the sole discretion of the Town. Notwithstanding any other provision of this Policy, an employee terminated during the probationary period shall have none of the procedural rights set forth in this Policy.

Section 5: Emergency Appointments

In order to prevent stoppage of public business or loss or serious inconvenience to the public, appointment of employees on a temporary basis may be authorized with the approval of the

Selectboard or its authorized representative in accordance with these rules for a period not to exceed sixty (60) days. Such appointees shall not be eligible for employee benefits.

Section 6: Conduct of Employees

All employees are expected to conduct themselves in a courteous, helpful and respectful manner in all their interactions with the public and with other employees. All employees are expected to faithfully execute the duties and responsibilities of their office to the best of their ability and in compliance with the provisions of this Policy.

Section 7: Work Week

The work week begins on Sunday at 12:00 a.m. and ends at 11:59 p.m. on Saturday

Section 8: Compensation

1. The Town's Pay Period is every two weeks. Pay is direct deposited on the Wednesday following the end of the Pay Period. If a payday falls on a holiday, paychecks will be issued on the business day preceding the holiday.
2. The Town will make all legally required payroll deductions--Voluntary deductions shall be made only with the employee's written authorization filed in the Town Clerk's office.
3. An employee required by his or her supervisor to attend meetings that are scheduled during non-work hours shall be compensated for that time at his or her base rate of pay.

Section 9: Gratuities and Gifts

Employees may not directly or indirectly ask, demand, exact, solicit, accept or receive a gift, gratuity, act or promise beneficial to that individual, or another, which could influence any action or inaction associated with their official duties on behalf of the Town, or create the appearance of impropriety in connection with any actions or inactions associated with their official duties on behalf of the town.

Section 10: Nepotism

The Town recognizes the potential conflict of interest where a close relative is responsible for supervising or evaluating the work performance of an employee. Therefore, no person shall be hired or transferred in a circumstance where, following that hiring or transfer, he or she will be supervising or evaluating a close relative. For purposes of this Policy "close relative" means a spouse, civil union partner, romantic co- habitant, parent, stepparent, grandparent, child, stepchild, aunt, uncle, niece, nephew, grandchild, sibling, parent-in-law and sibling-in-law. Current employees excluded.

Section 11: Alcohol and Drug Use

1. Drug Abuse: The use, sale or personal possession (on the person or in a workplace desk or town vehicle) of Illegal Drugs during work hours, including rest periods and meal periods or on town property at any time, is a dischargeable offense and may also result in criminal prosecution. Any Illegal Drug found will be turned over to the appropriate law enforcement agency. For purposes of this Policy, an "Illegal Drug" is any drug whose use, sale or possession is unlawful unless the person using or possessing it does so pursuant to a prescription lawfully issued to that person.
2. Alcohol Abuse: The use, sale or personal possession (on the person or in a workplace desk or town vehicle) of alcohol during work hours is a dischargeable offense. For all employees, alcohol consumption is prohibited during the work day, including during scheduled work hours, rest periods and meal periods. Alcohol consumption prior to scheduled work hours is prohibited to the extent that it impairs an employee's ability to perform his assigned work in a safe and reasonable manner.
3. All employees holding a Commercial Driver's License of any class may be required to report for drug and alcohol testing as may be required by Federal and State authorities having jurisdiction.

Section 12: Performance Evaluations

Employees may be subject to job performance evaluations at such times and in such manner as the Select board or its authorized representative deems reasonable. The results of such evaluations will be submitted to the employee, the employee's supervisor, the Selectboard and will become a part of the employee's confidential personnel file. No one but the employee may release or disseminate any of the contents of the employee's personnel file, except as may otherwise be required by law.

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 his or her personnel file at a mutually agreeable time during regular office hours. The Town reserves the right to have its representative present at the time its files are examined or copied.

Section 14: Use of Town Equipment

Except as otherwise provided in this Policy, the use of Town equipment or property for personal use is prohibited.

Section 15: Use of Town Computer System

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

Employees, appointed and elected officials should have no expectation of privacy regarding anything created, sent or received on the Town computer system.

Employees, appointed and elected officials may not introduce software from any outside source on the Town's computer system without explicit prior authorization from the Town Clerk. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the Town computer system.

Employees must recognize that emails sent, received, or stored on the Town computer system are subject to Vermont's Public Records Law and may be covered by the State of Vermont's retention schedule for municipal records.

Section 16: Health Insurance

The Town does not offer health insurance benefits to employees.

Section 17: Retirement

At a full-time employee's request, the Town will make matching retirement contributions of up to 5% of a full-time employee's salary into a qualified retirement account. Full-time employees who are interested in such contributions should submit their request to the Town Treasurer.

Section 18: Vacation

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

- 1st year – no vacation time
- After completion of 1st year – 1 week
- After completion of 5 years – 2 weeks
- After completion of 10 years – 3 weeks

One week is the equivalent of one regular work week and represents the number of days and hours which the employee normally works each week. All employees are encouraged to take their vacation leave annually.

Unused vacation time will be paid upon the employee's separation from employment not to exceed a total of one week.

An employee may choose to (1) be paid out for a maximum of one week of unused vacation time at the end of the employee's employment anniversary date, and/or (2) rollover a maximum of two weeks of accrued vacation time from the employee's employment anniversary date, however rolled over vacation time which is not used within a year of being rolled over is forfeited.

Section 19: Sick Leave

Any employee who works at least 18 hours per week for more than 20 weeks per year who is 18+ years old will accrue 1 hour of paid leave for every 52 hours worked.

Sick leave can be accumulated indefinitely. However, upon termination of employment, whether voluntary, involuntary, or upon retirement, no compensation shall be granted for any unused

portion thereof remaining. An employee can use sick time accrued pursuant to this policy for the following reasons:

- 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 family member, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment, or accompanying the family member to an appointment related to that individual's long-term care.
- The employee is arranging for social or legal services or obtaining medical care or counseling for the employee or for the employee's family member, who is a victim of domestic violence, sexual assault, or stalking or who is relocating as the result of domestic violence, sexual assault, or stalking. As used in this section, "domestic violence," "sexual assault," and "stalking" shall have the same meanings as in 15 V.S.A. § 1151.
- The employee cares for a family member because the school or business where that individual is normally located during the employee's workday is closed for public health or safety reasons.

*For purposes of this policy, "family member" includes spouse, civil union partner, child, step-child, grandchild, foster child, parent, parent-in-law, grandparent, sibling, or ward of the employee.

Employees may take earned sick leave that they have accrued in increments of one hour.

If an employee takes sick leave for longer than one (1) day, the employee must notify the Chair or Vice Chair of the Selectboard as soon as practicable of the employee's intent to take leave and state the expected duration of the leave. The Chair of the Selectboard may, in their sole and absolute discretion, require a doctor's certificate verifying the necessity for absence(s) for three (3) or more concurrent days.

In extremely unusual circumstances, the Chair of the Selectboard may authorize additional use of sick leave.

Section 20: Parental and Family Leave

Eligible employees may receive leave as described in the Family and Medical Leave Act (FMLA) and the Vermont Parental and Family Leave Act (PFLA). The Town reserves the right to designate any qualifying leave of absence granted under this policy as leave under FMLA or the PFLA. Where an employee's leave request is covered by the PFLA and the FMLA, the Town will adhere to the law that provides the most benefits to the employee. If an employee is entitled to leave under both the PFLA and FMLA, the leave periods will run concurrently. For the purposes of determining the twelve month period in which an employee may be entitled to PFLA and/or FMLA leave, the Town will use a rolling twelve month period measured backward from the date an employee commences uses of such leave. Employee may use sick time, vacation and comp-time if they wish during FMLA and PFLA.

Section 21: Short Term Family Leave

In accordance with the Vermont Short Term Family Leave Law, eligible employees may be entitled to take unpaid leave not to exceed four hours in any thirty-day period and not to exceed twenty-four hours in any twelve-month period for the following purposes:

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

The Town may require that leave be taken in a minimum of two-hour segments. At the option of the employee, accrued paid leave may be used. An employee shall make a reasonable attempt to schedule appointments for which leave may be taken outside of regular work hours. An employee shall provide the Town with the earliest possible notice of the intent to take short term family leave, but in no case later than seven calendar days before leave is to be taken, except in the case of an emergency.

Section 22: Leave of Absence Without Pay

All requests for leaves of absence without pay for any reason 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. Employee benefits (e.g. sick leave, etc.) will not accrue during the unpaid leave period unless otherwise determined by the Town.

Section 23: 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. Military leave is unpaid.

Section 24: Jury Leave

All full and part time employees who are summoned for Jury Duty or subpoenaed to appear as a witness in Court shall be entitled to that time off. Jury leave is unpaid.

Section 25: Overtime and Compensatory Time Off

All nonexempt employees shall be paid at the rate of one and one-half hours for each hour actually worked in excess of forty hours in any workweek.

Section 26: Employment Discrimination

Vermont and federal law prohibit employment discrimination or retaliation based on race, color, religion, sex, or national origin, sex or age, or against a qualified individual with a disability with respect to all employment practices. Vermont law also prohibits discrimination based on sexual orientation, ancestry, HIV status, and place of birth. It is also unlawful to retaliate against employees or applicants who have alleged employment discrimination.

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

Section 27: Harassment to include Sexual Harassment

Harassment includes sexual harassment in the workplace. In accordance with 21 V.S.A. § 495h, the Town adopts the following harassment policy. All employees are required to read this policy.

1. All employees of the Town are entitled to work in an environment free from sexual harassment or any other type of inappropriate behavior. Harassment of anyone on the basis of race, religion, color, national origin, age, sex, physical or mental disabilities are prohibited by law and by the policies of the Town. Inappropriate or demeaning language for reasons of sexual orientation, personal appearance, marital status or other personal characteristics is disrespectful and also prohibited by Town policy.
2. Harassment can include such behaviors as slurs, demeaning jokes or comments, innuendoes, unwelcome compliments, cartoons, pictures, pranks, hazing, stereotypical comments, derogatory descriptions, or other verbal or physical contact. Such behavior is considered harassment when it has the purpose or effect of creating an intimidating, hostile, or offensive working environment; unreasonably interferes with an individual's work performance; or affects an individual's workplace opportunities.
3. Sexual harassment is a type of harassment that occurs when the verbal or physical conduct described above is sexual in nature or gender-based. Sexual harassment involves making unwelcome sexual advances, or requests for sexual favors or other conduct of a sexual nature, condition of employment; or making submission to or rejection of such conduct the basis for employment decisions; or creating an intimidating, offensive, or hostile working environment by such conduct.
4. An employee who believes that he or she has been subjected to unwelcome harassment from another employee, supervisor, appointed or elected official, or from an outside party in the work place, or who have observed harassment in the workplace, are encouraged to identify the offensive behavior and request it to stop. If you are unable to address the matter directly to the harasser, or you do and the behavior continues, report the matter directly to your supervisor, appointed official, or elected official, or to the:

Vermont Attorney General's Office
Civil Rights Unit
109 State Street
Montpelier, VT 05609-1001
(888)745-9195 (Toll Free VT)
(802)828-3657

U.S. Equal Employment Opportunity Commission
John F. Kennedy Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203
Phone: 1-800-669-4000

5. All complaints will be investigated promptly, impartially and discreetly. Upon completion of the investigation, the appropriate parties will be notified of the findings. If any employee is found by the Town to have harassed another employee, suitable corrective actions will be taken to include termination of employment.
6. No employee will suffer retaliation from reporting alleged instances of harassment. All employees and officials of the Town must work together to prevent harassing conduct and we trust all will endeavor to treat each other with dignity and respect.

Section 28: Employee Discipline

Progressive discipline shall be used to address employee and employment-related problems. The Town's progressive discipline process applies to any and all employee conduct that the Town, determines must be addressed by discipline.

The progressive discipline process does not apply to elected officers and their statutory assistants. However, an elected officer may choose to follow the requirements of this policy for discipline and termination of his or her statutory assistants. A statutory assistant means an individual appointed to his or her position by an elected officer of the Town having express statutory authority to appoint an assistant. Statutory assistants include, but shall not be limited to, the assistant clerk and the assistant treasurer. Under the town's progressive discipline process, an employee may be subject to disciplinary action, up to and including termination, for violation of the provisions of this personnel policy and/or failure to maintain an acceptable level of performance.

The Town may take prior disciplinary action into consideration when disciplining or terminating an employee. Violations of different rules may be treated as repeated violations of the same rule for purposes of progressive discipline. Most often, employee conduct that warrants discipline results from unacceptable behavior, poor performance, or violation of the Town's policies, practices, or procedures. However, discipline may be issued for conduct that falls outside of those identified areas. The Town also reserves the right to impose discipline for off-duty conduct that adversely impacts the legitimate interests of the Town. The Town reserves the right in its sole discretion to bypass progressive discipline and to take whatever action it deems necessary to address the issue at hand. This means that more or less severe discipline, up to and including termination may be imposed in a given situation at the Town's sole discretion.

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

Employees are prohibited from engaging in conduct listed below and may receive discipline, up to and including termination, for doing so. This list has been established to provide examples of behavior that could warrant a range of disciplinary sanctions. Appropriate levels of discipline may be based on the severity of employee conduct. This list is not exhaustive.

- Refusing to do assigned work or failing to carry out the reasonable assignments of a Supervisor.
- Being inattentive to duty, including sleeping on the job.
- Falsifying a time card or other record or giving false information to anyone whose duty is to make such record.
- Being repeatedly or continuously absent or late, being absent without notice or satisfactory reason or leaving one's work assignment without appropriate authorization.
- Conducting oneself in any manner that is offensive, abusive or contrary to reasonable community standards and expectations of public employees.
- Engaging in any form of harassment including sexual harassment.
- Misusing, misappropriating, or willfully neglecting Town property, funds, materials, equipment or supplies.
- Unlawfully distributing, selling, possessing, using or being under the influence of alcohol or drugs whose possession by the employee is unlawful when on the job or subject to duty
- Fighting, engaging in horseplay or acting in any manner which endangers the safety of oneself or others. This includes acts of violence as well as threats of violence.
- Stealing or possessing without authority any equipment, tools, materials or other property of the Town or attempting to remove them from the Town premises or equipment without approval or permission from the appropriate authority.
- Marking or defacing walls, fixtures, equipment, tools, materials or other Town property, or willfully damaging or destroying property in any way.

Section 29: Employee Termination Process

Employee conduct that warrants termination results from unacceptable behavior, poor performance, or violation of the Town's policies. However, termination may result from conduct that falls outside of those identified areas.

An employee being considered for termination will be provided with a written notice. The notice will contain a brief statement of the reasons termination is being considered and the date, time and place of a pre-termination meeting with the employee's supervisor.

At the pre-termination meeting, the employee will be afforded an opportunity to present the employee's response to the reasons for termination. If the employee declines to attend the pre-termination meeting, the employee may submit written response to the pre-termination notice not later than the scheduled date of the meeting. Within seven calendar days of the date of the meeting, the supervisor will provide the employee with a written notice informing the employee whether he/she has been terminated. If the employee has been terminated, the notice will provide

the general reasons therefore and will also inform the employee of the opportunity to request a post-termination hearing before the Selectboard by giving written notice of such request to the supervisor within seven calendar days. The employee will be informed that the employee's failure to make a timely request for a post-termination hearing will result in such hearing being waived.

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

At the post-termination hearing, the employee will be afforded the opportunity to address the basis for termination by hearing and examining the evidence presented against the employee, cross-examining witnesses and presenting evidence on his/her behalf. The Selectboard will make such determinations as may be necessary in the event of evidentiary objections or disputes. The Rules of Evidence applied in the Courts of the State of Vermont shall not apply. The Selectboard, under the authority granted by 1 V.S.A. 313(e), will consider the evidence presented in the hearing in deliberative session. The Selectboard will render a written decision within fourteen calendar days after close of the hearing, unless otherwise agreed upon by the parties.

Section 30: Lactation Accommodation Policy

30.1 Eligible Employees

All employees who are nursing are eligible to take reasonable breaks under this policy to express breast milk for up to one year after the birth of the employee's child. The Town encourages all eligible employees who intend to take breaks under this policy to notify their supervisor of their intent, for example when they are discussing their return to work following leave relating to childbirth.

30.2 Lactation Breaks

Eligible employees may take a reasonable amount of break time to accommodate the employee's need to express breast milk for the employee's nursing child.

Please contact the Town Clerk or Chair of the Selectboard for information about the designated location for lactation breaks.

30.3 Compensation During Breaks

Lactation breaks under this policy are paid.

Exempt employees may be provided break time with pay when necessary to comply with state and federal wage and hour laws.

30.4 Administration of This Policy

The Selectboard is responsible for administering this policy. If you have any questions regarding this policy or if you have questions about lactation breaks that are not addressed in this policy, please contact the Chair of the Selectboard.

30.5 No Retaliation

The Town expressly prohibits any form of discipline, reprisal, intimidation, retaliation, or discrimination against any individual for requesting or taking lactation breaks, or filing a complaint for violations of this policy, the Fair Labor Standards Act, or applicable state or local law.

The Town is committed to enforcing this policy and prohibiting retaliation against employees who request or take break time under this policy, or who file a related complaint. However, the effectiveness of our efforts depends largely on individuals telling us about inappropriate workplace conduct. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately to the Selectboard. If employees do not report retaliatory conduct, the Town may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

Section 31: Religious Accommodation Policy

The Town complies with Title VII of the Civil Rights Act of 1964, and all applicable state and local fair employment practices laws, and is committed to providing equal employment opportunities to all individuals, regardless of their religious beliefs and practices or lack thereof. Consistent with this commitment, the Town will provide a reasonable accommodation of an employee's sincerely held religious belief if the accommodation would resolve a conflict between the individual's religious beliefs or practices and a work requirement, unless doing so would create an undue hardship for the Town. If you believe you need an accommodation because of your religious beliefs or practices or lack thereof, you should request an accommodation from the Selectboard.

Section 32: Severability

If any provision of this Policy, or the application hereof to any person or circumstance is held invalid, this invalidity will not affect other provisions or applications hereof that can be given effect without the invalid provision or application. For this purpose, this personnel policy is severable.

ADOPTED this 21ST day of January, 2026 by the Selectboard of the Town of Brookline, Vermont, pursuant to 24 V.S.A. §§ 1121 and 1122.

Signatures of Selectboard:

Michael Bel
Ma Wallen
Bruce Bills
E. Mark Bills
DM