

**TOWN OF CHARLOTTE  
WORKPLACE and EMPLOYMENT POLICIES**

**MARCH 2005**

**TABLE of CONTENTS**

	PAGE
INTRODUCTION	1
SECTION 1. GENERAL POLICY	1
SECTION 2. WORKPLACE and EMPLOYMENT POLICIES	1
2.1. Non-Discrimination Policy	2
2.2. Health and Safety Policies	2
2.2.1. Vermont Occupational Safety Hazards Act Policy	2
2.2.2. Smoking Policy	3
2.2.3. Alcohol and Drug Policy	3
2.3. Harassment Policy (summary)	4
2.4. Political Activity Policy	5
2.5. Confidentiality Policy	5
2.6. Conflict of Interest Policy	6
ATTACHMENTS	
A. Town of Charlotte Harassment Policy	
B. Vermont Employment and Personnel Information Resources	

# **TOWN OF CHARLOTTE**

## **WORKPLACE and EMPLOYMENT POLICIES**

**MARCH 2005**

### **INTRODUCTION**

The purpose of this document is to provide information on the town, state, and federal workforce policies that apply to all persons who provide services to or act on behalf of the Town of Charlotte. This document shall be known as *Town of Charlotte Workplace and Employment Policies*. It is intended for distribution to elected and appointed town officers, employees, and volunteers. (For information on personnel policies for employees, refer to *Town of Charlotte Personnel Policies*.)

### **SECTION 1. GENERAL POLICY**

It is the general policy of the Town of Charlotte to comply with all federal and state requirements regarding employment practices and workplaces. In keeping with this general policy, the Charlotte Selectboard hereby adopts the policies set forth below which are applicable to all persons who provide services to or act on behalf of the town, regardless of whether such services are provided or actions are taken as an elected or appointed town officer or employee and regardless of whether the person receives compensation from the town. Unless the context clearly indicates otherwise, all such persons may be referred to as “employees” in any of the policies provided below.

For the purpose of the policies set forth below, a “workplace” shall include any town property when the person is at such property for the purpose of performing town duties or any other place which the person attends in the course of performing town duties.

### **SECTION 2. WORKPLACE and EMPLOYMENT POLICIES**

The Selectboard has the obligation under law to endorse, adopt, and administer town, state, and federally mandated workplace policies that apply

to all persons who provide services to or act on behalf of the town, as described above.

## **2.1. Non-Discrimination Policy**

The Town of Charlotte promotes and maintains a policy of equal employment opportunity. The Selectboard interviews candidates and hires employees on the basis of their qualifications for the positions available. The Selectboard does not discriminate in hiring, compensation, training, or advancement or in any other aspect of employment on the basis of age, sex, religion, race, color, national origin or place of birth, veteran status, physical condition or disability, HIV status, sexual orientation, or marital or civil union status.

(See 21 V.S.A. Sec. 495.)

Any employee who believes that he or she has been the subject of any discriminatory employment policy, practice, or procedure by the town should bring the matter to the attention of the Selectboard and may pursue the grievance policy described in *Town of Charlotte Personnel Policies*.

Any employee or candidate for a position who believes that he or she has been the subject of any form of discrimination in hiring or employment practices may bring the matter to the attention of the Selectboard and may also contact the Vermont Attorney General's Office, Division of Civil Rights, in Montpelier.

## **2.2. Health and Safety Policies**

### **2.2.1. Vermont Occupational Safety Hazards Act Policy.**

All employees must acquaint themselves with the applicable rules and regulations of the Vermont Occupational Safety Hazards Act (VOSHA). Employees must act in a safe manner and must not violate VOSHA rules. Unsafe practices or equipment must be reported to the Selectboard immediately. The Selectboard is responsible for making the VOSHA information available and for enforcing safety rules as required by the State of Vermont or adopted by the Board. (See 21 V.S.A. Sec. 201.)

Information on VOSHA regulations is available from the Town Clerk. VOSHA may be reached at the Department of Labor and Industry in Montpelier.

**2.2.2. Smoking Policy.** The Town of Charlotte has established a smoking policy in accord with Vermont law (18 V.S.A. Sec. 1421). The Charlotte policy does not allow smoking in any form in any part of the Charlotte Town Hall or in any town-owned building. Failure of an employee to comply with the smoking policy constitutes cause for disciplinary action. Violations must be promptly remedied. The failure of the town to implement or enforce the policy shall be grounds for a grievance by an aggrieved employee.

**2.2.3. Alcohol and Drug Policy.** It is the policy of the Town of Charlotte to promote and maintain a healthful and lawful working environment. Working under the influence of alcohol or regulated drugs may endanger the public or result in poor job performance. An employee who has an alcohol or drug use problem that may interfere with work performance is expected and encouraged to seek assistance and treatment. The

Selectboard members or an immediate supervisor shall provide guidance and information without prejudice, such as the location of approved drug-abuse assistance or rehabilitation programs, to any employee who asks for help with an alcohol or drug problem.

Employees shall not come to work under the influence of alcohol or consume alcohol while at work. Any employee who does so shall be subject to immediate dismissal.

The illegal use, possession, sale, or distribution of controlled substances by the town's employees is not permitted within Town Hall or on any town-owned property.

Any employee of the town found selling, manufacturing, or in possession of drugs in amounts that indicate drug sales or distribution activity will be immediately dismissed from employment by the town. An employee using illegal drugs or in possession of amounts that appear to constitute "personal use" will be subject to penalties ranging from suspension without pay to summary discharge. If an employee's performance appears to be affected by what appears to be drug use, an evaluation by a certified drug-abuse professional may be required as a condition of continued employment.

Any employee convicted of a criminal drug statute violation occurring in the workplace shall notify the Selectboard no later than five (5) calendar days after such conviction. If the employee's employment position is supported by any federal grant funds, the Selectboard shall notify the appropriate federal grant agency within ten (10) calendar days of notification and take appropriate personnel action against such employee within thirty (30) calendar days after receiving notice from the employee. A criminal drug statute conviction of any employee of the Town of Charlotte shall be considered grounds for termination of employment.

### **2.3. Harassment Policy**

The Town of Charlotte actively seeks to provide and maintain a productive workplace free of harassment of any employee, elected official, or citizen.

The Town of Charlotte does not accept or condone actions of harassment by employees, appointees, elected officials, volunteers, or others. All employees have the duty to prevent harassment and foster a productive working atmosphere that allows individuals to perform their duties. Harassment will not be tolerated. Harassing behavior as defined by the Charlotte Selectboard includes not only unlawful harassment as defined under federal and/or state law but also any other harassing behavior that may not be unlawful but is unprofessional or inappropriate in the work environment. Unlawful harassment will result in immediate dismissal from employment by the Town of Charlotte. (For the full text of the *Town of Charlotte Harassment Policy*, adopted by the Selectboard on March 24, 2003, please see Attachment A of this document.)

#### **2.4. Political Activity Policy**

Employees **may**--outside of work hours and outside of the workplace:

- become members of political parties
- attend political meetings
- express opinions on public issues
- support candidates for public office, and
- run for public office unless that is prohibited by any federal, state, or local law or regulation.

Employees **may not** during work hours and in the workplace request from any other employee:

- participation, direct or indirect, in any political activity
- membership in any political organization or party
- contributions for any political party, organization, or candidate
- a signature on any petition supporting a candidate for office, or
- a signature on any petition supporting a position or opinion on any public question.

In addition, employees may not use their positions or authority as town employees in order to promote or impede the cause of any candidate for office or any public issue or question. Employees may not use town facilities, equipment, or supplies in order to promote or impede the cause of any candidate for office or any public issue or question.

#### **2.5. Confidentiality Policy**

No employee shall disclose any confidential information relating to the officers, employees, transactions, property, or affairs of the town unless required by law or authorized to do so by the Selectboard.

#### **2.6. Conflict of Interest Policy**

For the purposes of this policy and document, “conflict of interest” is defined as any interest or activity—whether financial, personal, public, or private—that conflicts with, or

has the potential to conflict with, the impartial performance of the town duties and responsibilities of anyone acting on behalf of the town.

Employees of the town shall not engage in any activity--financial, personal, public, or private-- that involves a conflict of interest with their town duties and responsibilities. Further, to maintain the public trust, town employees shall try diligently to avoid any situation that has the potential for conflict of interest or the appearance of a conflict of interest.

**a) Contracts.** No employee of the Town of Charlotte shall have a beneficial interest, directly or indirectly, in any contract with the town, regardless of amount, or furnish any material, or perform any labor, except in the discharge of his or her official duties, unless such contract shall have been awarded upon bids advertised for by newspaper publication. Such publication shall run at least two (2) times in newspapers having general circulation within the town. The second publication shall run at least seven (7) days before the published date for the opening of such bids. In the event of any emergency where immediate action shall be deemed by the Selectboard to be more important to the town than the receipt of formal bids, this section shall not apply.

**b) Financial and Personal Interests.** No employee of the Town of Charlotte shall use his or her position to secure special privileges for himself or herself or for others. No employee of the town shall take part in any decision concerning the business of the town in which he or she has a direct or indirect financial or personal interest greater than that of any other citizen or taxpayer in the town. If his or her official duties require an individual to take action in respect to any matter in which he or she has a financial or personal interest, he or she shall recuse himself or herself from participating in any manner in the consideration or disposition of the matter.

**c) Favoritism.** No employee of the Town of Charlotte shall provide consideration, treatment, or advantage to anyone that is more favorable than the treatment normally accorded to members of the public at large.

**d) Gifts or Other Valuables.** No person employed by the Town of Charlotte shall accept or give, directly or indirectly, any gift, service, money in excess of \$20, favor, loan, promise, or any other thing or service of value that is intended to be, or could be considered to be, payment for special treatment or an effort to affect the discharge of official duties.

Any person employed by the Town of Charlotte who receives a gift or is offered a gratuity in excess of \$20 from any source because he or she is a town employee shall within twenty-four (24) hours inform the Selectboard. The Board shall decide whether such a gift or gratuity may be accepted. Failure to report such gifts or gratuities, or any offer thereof, may present grounds for suspension or dismissal of an employee.

**e) Nepotism.** No employee shall appoint or attempt to influence the appointment of any person related to him or her by blood, marriage, or civil union to any employment position for which compensation is received from the town.

## **HARASSMENT POLICY**

### **TOWN OF CHARLOTTE**

**Effective Date:** March 24, 2003, revised July 28, 2008

**Purpose:** The Town of Charlotte actively seeks to provide and maintain a productive workplace free of harassment of any employee, elected official or citizen.

**Policy:** The Town of Charlotte does not accept or condone actions of harassment by employees, elected officials, volunteers or others. All employees have the implicit duty to prevent harassment and foster a productive working atmosphere that allows individuals to perform their duties. Harassment will not be tolerated. Harassing behavior includes unlawful harassment as defined under federal and/or State law and other harassing behavior that may not be unlawful but is unprofessional or inappropriate in the work environment.

#### **Procedure:**

##### **1. Unlawful Harassment under Federal or State Laws**

- a. Harassment means unlawful harassment, which constitutes a form of discrimination. It is verbal or physical conduct based on an individual's race, religion, color, national origin, age, disability, ancestry, place of birth, sexual orientation or gender which has the purpose or effect of substantially interfering with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Examples of harassment include but are not limited to the following: slurs, jokes, graffiti, negative stereotyping; racial, ethnic or religious epithets; and posting or distribution of written or graphic material that shows hostility to a protected individual or group.

- b. Unlawful sexual harassment is a form of sexual discrimination. This includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
  - Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
  - 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 working environment.
- c. Examples of sexual harassment which constitute unlawful harassment include, but are not limited to, the following:
- Either explicitly or implicitly conditioning any term of employment (such as continued employment, wages, evaluation, advancement, time off, assigned duties or shifts) on the provision of sexual favors.
  - Touching or grabbing a sexual part of any individual's body.
  - Touching or grabbing any part of any individual's body after that person has indicated, or it is known, that such physical contact is unwelcome.
  - On or off duty continuing to ask an employee to socialize when that person had indicated she or he is 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 the 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.
  - Retaliation of any kind for having filed or supported a complaint of sexual harassment (such as, ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.).
  - Derogatory or provoking remarks about or relating to an employee's sex or sexual orientation.
  - Harassing acts or behavior directed against a person on the basis of his or her sex or sexual orientation.
  - Off-duty conduct that falls within the above definition and affects the work environment.
- d. Reporting complaints of Unlawful Harassment.

Any employee or other person who feels she/he has been a target of unlawful harassment, or who believes she/he has been subjected to retaliation for having brought or supported a complaint of unlawful harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop. If the employee or other person does not wish to communicate directly with the alleged harasser or harassers, or if direct communication has been ineffective, then the person with the complaint

is encouraged to report the situation as soon as possible to the Selectboard Assistant, the Chair of the Selectboard, or any selectboard member who is not the subject of the complaint, or to his or her supervisor, as may be appropriate under the circumstances. It is helpful to an investigation if a diary is kept of events and names of people who witnessed or were told of the harassment.

e. Investigating Complaints of Unlawful Harassment

In the event a complaint of unlawful sexual harassment is received or there is reason to believe that harassment is occurring, all necessary steps will be taken to ensure that the matter is promptly investigated and addressed. The Town is committed, and required by law, to take action if it learns of potential unlawful harassment, even if the aggrieved person does not wish to formally file a complaint. Failure to appropriately report or address such harassment complaints or suspected acts shall be considered a violation of this policy. The Town may utilize an impartial outside resource to conduct the investigation.

No employee or other person will be penalized for voicing good faith concerns regarding alleged harassment. Cooperation in an investigation of harassment is required.

The Town recognizes that the privacy of the individuals involved is very important and the information surrounding the report and the investigation will be kept as confidential as possible. Care will be taken to protect the identity of the person with the complaint and of the accused party or parties.

It shall be a violation of this policy for any employee or other person who learns of the investigation or complaint to take any retaliatory action which affects the working environment or any person involved in the investigation. This violation can result in corrective action up to and including termination of employment.

A typical harassment investigation will usually include the following steps:

- A prompt investigation will be conducted including interviews with relevant parties. Employees, elected officials, volunteers or others involved are required to cooperate in any investigation.
- The aggrieved person is strongly encouraged to summarize the complaint in writing, including the following information: the nature of the harassing behavior, the date and time of the event(s), whether there were any witnesses, or physical evidence.
- If the allegation is not found to be credible, the person with the complaint and the accused person shall be so informed, with appropriate instruction to each, including the right of the complainant to contact any of the state or federal agencies identified below. If the

complained of behavior is found not to constitute unlawful harassment, but is otherwise inappropriate behavior, appropriate corrective action will be taken as determined by the Selectboard.

- If the validity of the complaint cannot be determined, appropriate action will be taken to assure that all parties are informed of this harassment policy.
- If the investigation reveals that the complaint is valid, the Town will inform the complaining person and the accused person of the results of the investigation and what appropriate corrective actions will be taken, up to and including termination, to ensure that the harassment will cease and that no retaliation will occur.
- If the complainant is dissatisfied with the Town's action, or is otherwise interested in doing so, she/he may file a complaint by writing or calling any of the following state or federal agencies:
  1. Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05602, 802-828-3171 (voice/TDD).  
Complaints should be filed within 300 days of the adverse action.
  2. Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114, 617-565-3200 (voice), 617-565-3204 (TDD).  
Complaints must be filed within 300 days of the adverse action.

Each of these agencies can conduct impartial investigations, facilitate conciliation, or, if there are reasonable grounds to believe harassment occurred, take the case to court. Although employees are encouraged to file their complaint of harassment through the Town's complaint procedure, an employee is not required to do so before filing a charge with these agencies.

In addition, a complainant also has the right to hire a private attorney, and to pursue a private legal action in state court within three or six years, depending on the type of complaint.

## **2. Other Inappropriate Harassment**

- a. Inappropriate or harassing behavior that is not "unlawful harassment" under State and federal law is also prohibited. The Town will not tolerate verbal or physical conduct by any employee, elected official, volunteer or other person that harasses another on account of that individual's race, religion, color, national origin, age, disability, ancestry, place of birth, sexual orientation or gender, whether or not the harassment is found to constitute "unlawful harassment."
- b. Any employee or person who feels that a supervisor, other employee or non-employee's actions or words constitute inappropriate harassment has a responsibility to report the situation as soon as possible. The employee should follow the reporting options outlined in this policy in Section 1.e.

- c. Harassing behavior that is clearly not unlawful, but is inappropriate, will be investigated.

A copy of this policy will be provided to every employee and extra copies will be available in the Town office.

Reasonable accommodations will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment, upon advance request.

**References:** Vermont Statutes on Sexual Harassment, 1993, 2007  
Vermont Statutes on Sexual Orientation, 1992  
Federal Statutes: Title VII of the Civil Rights Act of 1964  
Age Discrimination in Employment Act of 1967  
Americans with Disabilities Act of 1990

**Approved by the Town of Charlotte Selectboard on July 28, 2008.**

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Charles Russell, Chair

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Edward Stone

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Winslow Ladue

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Jennifer Cole

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Francis J. Thornton

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## **RETIREE HEALTH INSURANCE POLICY**

### **TOWN OF CHARLOTTE**

The Town of Charlotte health insurance benefit includes a retiree section to provide health insurance for retirees and spouses, civil union partners or domestic partners as described below.

Eligibility: The plan is available to retired Town employees and their spouses, civil union partners or domestic partners. An employee is considered retired when he or she reaches age 65 and retires from employment with the Town. The employee must be full-time or permanent part time (approved for 20 or more hours per week) and participate in the health insurance benefit offered by the Town at the time of retirement. If the employee's spouse, civil union partner or domestic partner is also enrolled in the Town health insurance program as a dependent while the employee remains employed by the Town, the spouse, civil union or domestic partner is also eligible for the retiree coverage when he or she reaches age 65. Domestic partners must meet the enrollment eligibility as described in the Domestic Partner Rider of the insurance provider. In order to be enrolled in the Town retiree health insurance plan, the enrollee must be enrolled in Medicare Part A and Part B.

Availability: The plan must be available through the Town's health insurance provider.

Coverage options: Enrollees are required to enroll in the health insurance plan option determined by the Selectboard for all retired employees and spouses, civil union partners or domestic partners.

Enrollment: It is the employee's responsibility to apply for and complete all materials necessary for enrollment in Medicare coverage. The employee must contact Medicare directly to do this. The employee will be responsible for obtaining and maintaining Medicare Parts A and B coverage and providing the Town with evidence of this coverage.

Premium payment:

The retired employee and/or spouse, civil union partner or domestic partner will pay the full cost of the premium. If the spouse, civil union partner or domestic partner reaches age 65 while the employee is still employed, the premium will be paid according to town policy for health insurance in effect at that time for town employees and their dependents.

Payments for health insurance coverage will be due in advance by the 15<sup>th</sup> of each month, for coverage in the following month. Exceptions to this payment schedule will only be made in extreme circumstances as determined by and subject to the approval of the Selectboard.

The employee and the employee's spouse, civil union or domestic partner will be removed from the retiree section of the Town health insurance program in the event the

Town is not fully reimbursed for the monthly insurance premium, per payment terms described above.

Discontinuance of coverage: Coverage will be discontinued when an employee notifies the Town in writing that he or she no longer wishes to be enrolled in the Town retiree health insurance program. **If an employee and/or spouse, civil union or domestic partner elect not to join the retiree section of the Town health insurance program at the time the employee or spouse, civil union or domestic partner retires, or is removed from the retiree section for any reason, he or she will not be allowed to rejoin the retiree section at a later date.**

Early retirement: Employees who retire before age 65, in keeping with the Town early retirement policy, may elect, at the time of retirement, to continue health insurance coverage under the Town health plan being provided at the time of retirement. The retired employee is responsible for payment of the full cost of the premium. The spouse, civil union or domestic partner is also eligible for coverage, provided the Town is fully reimbursed for all monthly premiums for the this coverage. Upon reaching age 65 the retired employee and or spouse, civil union or domestic partner is eligible for enrollment in the town retiree health insurance plan. If the employee elects not to continue health insurance coverage when he or she retires or if the coverage is discontinued at any time, it is not possible to obtain this coverage at a later date.

Survivor benefit: If an employee enrolled in a Town health insurance program dies, the spouse's, civil union partner's or domestic partner's coverage will continue under the terms described above and subject to applicable COBRA laws.

Approved by the Selectboard on 6/28/04.

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Charles Russell, Chair

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Jenny Cole

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Eleanor Russell

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Ed Stone

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