

**PERSONNEL POLICY  
TOWN OF BARNARD, VERMONT**

**AS ADOPTED October 1, 2025**

**Section 1: TITLE AND AUTHORITY**

This policy shall be known as the Town of Barnard Personnel Policy. It has been adopted by the Town of Barnard Selectboard pursuant to 24 V.S.A. §§ 1121 and 1122. This personnel policy does not constitute a contract of employment.

Employment with the Town of Barnard 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. This personnel policy will be administered by the Selectboard or its authorized representative.

**Section 2: PERSONS COVERED**

This personnel policy applies to full-time and part-time employees of the Town of Barnard. Except by separate written agreement, elected officers and their statutory assistants, members of Town boards and commissions, volunteers, seasonal employees, and persons who provide the Town with services on a contract basis are not covered by this policy.

For purposes of this policy, a full-time employee is an employee who works at least 35 hours per week on a regular and continuing basis.

For purposes of this policy, a part-time employee is an employee who works less than a full-time employee. Only part-time employees who work at least 24 hours per week on a regular and continuing basis shall be eligible for holiday, sick, or personal leave, with such leave to be prorated in accordance with the number of hours an employee works on an average weekly basis.

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

**Section 3: EQUAL EMPLOYMENT OPPORTUNITY**

The policy of the Town of Barnard is 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, genetic information or any other category of person protected under state or federal law.

#### **Section 4: PROBATIONARY PERIOD**

All new employees will be required to complete a six-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 Selectboard. Notwithstanding any other provision of this policy, an employee terminated during the probationary period will have no right to appeal such termination.

#### **Section 5: 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 elected and appointed officials.

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 personnel policy.

#### **Section 6: CONFLICTS OF INTEREST**

Every employee of the Town shall carry out their job in a way that ensures that neither the individual employee nor any other employee of the municipality will gain a personal or financial advantage from their work for the municipality, and so that public trust will be preserved. All decisions made by municipal employees shall be made based on the best interest of the community at large rather than the interests of any individual or employee.

An employee shall not participate in any official action if they have a conflict of interest in the matter under consideration. A "conflict of interest" shall mean a direct or indirect personal or financial interest of the employee, their spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother- or sister-in-law, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the employee or before the municipality.

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

An employee shall not use Town resources unavailable to the 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 from a citizen in connection with an action associated with their official duties on behalf of the Town with an estimated monetary value not exceeding \$100 once per calendar year, 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. Private gifts from citizens with a monetary value of less than \$100 or are consumable are allowed. Nor shall any employee authorized to procure or to recommend procurement of materials, supplies or services corruptly, 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 \$20 or less (such as vendor booth “freebies”).

## **Section 7: HOURS OF SERVICE**

Work hours for full-time and part-time employees other than the road crew shall be set by the Selectboard and may include alternative work scheduling such as flexible hours (flextime) and remote working (telecommuting).

Regular work hours for the road crew shall be 40 hours per week as determined by the Selectboard. Overtime pay shall be applied after 8 hours per day. During summer hours, the road crew may request to work four 10-hour days. On summer hours, the overtime policy shall be overtime after 40 hours per week. Seasonal schedule shall be approved annually by the Selectboard.

All road crew 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 8: 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 for which they are paid by the Town. Employees are prohibited from undertaking outside employment that interferes with their job performance or constitutes a conflict of interest.

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.

A conflict of interest means a direct or indirect personal or financial interest of an employee, his or her close relative, household member, business associate, 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.

### **Section 9: POLITICAL ACTIVITY**

No employee may use his or her 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 political party or organization meetings or events, or from expressing their views on political matters, so long as these views are clearly articulated as being those of the individual and not of the Town, and these activities do not interfere with the individual's ability to effectively perform his or her duties and take place or are expressed during non-working hours. Nor is this personnel policy to be construed as prohibiting, restraining or in any manner limiting an individual's right to vote with complete freedom in any election.

### **Section 10: NEPOTISM**

Recognizing the potential for a conflict of interest to occur in the workplace where a close relative is responsible for hiring, firing, supervising, or evaluating the work performance of another close relative, the Town prohibits a close relative from being hired or transferred into a position that is overseen by a supervisor or elected official who has authority to hire and fire.

A close relative includes but is not limited to a spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, daughter or son-in-law, parent-in-law and sibling-in-law.

## **Section 11: ALCOHOL AND DRUG USE**

The following conduct is prohibited during working hours, while using municipal equipment, and/or while on municipal property:

- The use of alcohol;
- The use of drugs except in the manner prescribed by a duly-licensed physician or dentist;
- Being under the influence of drugs or alcohol;
- The possession, sale, transfer, or purchase of illegal drugs.

An employee who engages in any of the above behaviors will be subject to disciplinary action up to and including termination.

The Town offers a free, confidential Employee Assistance Program (EAP) through the Vermont League of Cities and Towns. Under Vermont law, an employee may not be terminated for a positive drug or alcohol test if they agree to participate in, and then successfully complete, the municipality's Employee Assistance Program (EAP). An employee may be suspended for the period necessary to complete an Employee Assistance Substance Abuse Program.

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 12: 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 hereby prohibits employees' use of lighted tobacco in any form, including electronic cigarettes, in all publicly owned buildings, offices and enclosed areas, and in all Town vehicles.

## **Section 13: PERFORMANCE EVALUATIONS**

Employees may be subject to job performance evaluations at such times and in such manner as the Selectboard or its authorized representative deems reasonable. The results of such evaluations will be submitted to the employee, the employee's supervisor and the Selectboard, and will become a part of the employee's personnel file.

## **Section 14: PERSONNEL RECORDS**

Personnel records will be maintained for each employee of the Town in a locked enclosure at the Town Office. 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 15: USE OF TOWN EQUIPMENT**

Except as provided in Section 16, an employee shall not use Town-owned property or Town-owned equipment unavailable to the public, including but not limited to Town staff time, equipment, supplies, or facilities, for private gain or for personal purposes, without the written approval of the Selectboard.

### **Section 16: USE OF TOWN COMPUTER SYSTEM**

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 regarding anything created, sent, or received on the Town computer system. The Town may monitor all computer transactions, communications, and transmissions to ensure compliance with this policy and to evaluate 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 explicit prior authorization from their supervisor. Employees may be held responsible for any damage 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 operating 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.

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 uses of the Town computer system which are prohibited:

- Communications that in any way may be construed by others as disruptive, offensive, abusive, discriminatory, harassing, or threatening.

- Communications or access 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.
- Use of social media on the job will be appropriate, respectful and part of the operations of the Town.
- Access to Internet resources, including web sites and news groups, that are inappropriate in a business setting.
- Any other use that may compromise the integrity of the Town and its business in any way.

Email messages that are intended to be temporary, non-substantive communications may be routinely discarded. However, 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 rules and disposition schedules for municipal records.

For purposes of this section, "computer system" means all smart phones, computer-related components and equipment including, but not limited to, host computers, file servers, workstation terminals, laptops, software, 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.

## **Section 17: ELIGIBILITY FOR BENEFITS & EMPLOYMENT**

The town offers the following benefits for its eligible full-time highway department employees who work at least 35 hours per week:

1. Health insurance.
2. Long-term and short-term disability insurance.
3. Retirement under the Vermont Municipal Retirement System (VMERS).

The town offers retirement under the Vermont Municipal Retirement System (VMERS) for all employees who work at least 24 hours per week.

The town reserves the right to agree upon different terms with an employee regarding benefits. The town reserves the right to change insurance carriers, or to add, delete or amend insurance benefit programs in its sole discretion. The town also reserves the right to change the amount or percentage of its contribution to the cost of any group health insurance program. Employees will be provided with advance notice of any change in the contribution rate.

Road Crew special condition of employment:

- A Commercial Driver's License (CDL) Class B or better, and a valid medical card must be maintained. The cost of the associated medical physical will be reimbursed by the Town.

### **Section 18: HOLIDAY LEAVE**

Holiday pay will be based on the daily time of the work season in which the holiday falls. Example: If a holiday falls in a season where the road crew employees are working a 4-day week, 10 hours per day, the holiday will be 10 hours.

Employees who work at least 24 hours per week will receive the following paid holiday leave:

- New Year's Day (January 1)
- President's Day (3<sup>rd</sup> Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (1<sup>st</sup> Monday in September)
- Thanksgiving Day (4<sup>th</sup> Thursday in November)
- Christmas Day (December 25)

Employees who work at least 24 hours per week but less than 35 hours per week will receive holiday pay at a prorated rate. All employees will receive holiday leave pay at the employee's regular rate of pay.

Holidays falling on a Saturday will be observed the preceding Friday. Holidays falling on a Sunday will be observed the following Monday.

### **Section 19: PERSONAL LEAVE**

Paid leave for the full year is earned on July 1 for the year. Employees will receive personal leave pay at the employee's regular rate of pay. The Road Foreman will receive 21 days of personal leave per year and all other highway department employees that work at least 35 hours per week will receive 11 days of personal leave per year. In addition, the Road Foreman and all other employees that work at least 35 hours per week will receive an additional eight hours of personal leave per one year of employment, not to exceed a total of 23 personal leave days. Employees are strongly encouraged to take an annual vacation. Paid personal leave does not accrue and thus, when not used, is not carried forward into the next year. Employees will not be paid for unused personal leave time upon separation from employment.

## **Section 20: SICK LEAVE**

Full-time and part-time employees will receive 5 days of sick leave on July 1 of each year. Employees will receive sick leave pay at the employee's regular rate of pay.

An employee may only use sick leave for:

- Medical appointments, including vision and dental appointments.
- Illness or injury that prevents the employee from performing their job duties.
- A medical appointment or an activity eligible for short-term family leave under the provisions of the Vermont Parental and Family Leave Act.
- Bereavement leave related to the death of a close friend or family member.

Paid sick leave will accrue and be carried forward until used, not to exceed a total of 10 days accrued at any time. Employees will not be paid for unused sick time upon separation from employment.

## **Section 21: 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 (VPFLA). These federal and state laws will determine employee eligibility, the qualifying reasons for such leave and the length of leave.

The Town reserves the right to designate any qualifying leave of absence granted under this policy as leave under FMLA or the VPFLA. Where an employee's leave request is covered by the VPFLA 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 VPFLA 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 VPFLA and/or FMLA leave, the Town will use a rolling twelve-month period measured backward from the date an employee uses such leave.

## **Section 22: SHORT TERM FAMILY LEAVE**

In accordance with the 21 V.S.A. § 472a, 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, 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 personal 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 the case of an emergency where the required seven-day notice could have a significant adverse impact on the family member of the employee.

### **Section 23: LEAVE OF ABSENCE WITHOUT PAY**

All 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 and include a specified date of return.

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. personal leave, seniority, etc.) will not accrue during an unpaid leave period.

### **Section 24: 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.

### **Section 25: JURY LEAVE**

The Town will not compensate employees for their service as jurors or witnesses when unrelated to their status as a Town employee. 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 toward personal 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 employee's regular rate of pay exceeds their compensation as a witness.

## **Section 26: OVERTIME AND COMPENSATORY TIME OFF**

In accordance with the federal Fair Labor Standards Act, 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 and personal days do not count as hours worked for purposes of calculating either overtime or compensatory time eligibility.

## **Section 27: EMPLOYMENT HARASSMENT AND DISCRIMINATION**

The Town is committed in all areas to providing a work environment that is free from unlawful harassment and 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, 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 also unlawful to retaliate against employees or applicants who have alleged employment 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, 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; 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, 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. Employees who are found to have engaged in harassment may face disciplinary action up to and including termination. Any individual who believes that she or he has been the target of this type of harassment, or who believes she or he has 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 Town Clerk or a member of the Selectboard.

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:

Vermont Attorney General's Office  
Civil Rights Unit  
109 State Street  
Montpelier, VT 05609-1001  
Tel: (802) 828-3171 (voice)  
(802) 828-3665(TTY)

Equal Employment Opportunity Commission  
JFK Federal Building  
475 Government Center  
Boston, MA 02203  
Tel: (617) 669-4000 (voice)  
1-800-669-6820 (TTY).

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 28: 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 gender. 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. § 495h, the Town has adopted the following sexual harassment policy. All employees are required to read this policy before signing the employee acknowledgement 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:

- either 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 he/she 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 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;

- retaliation of any kind 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.);
- derogatory or provoking remarks about or relating to an employee's sex;
- harassing acts or behavior directed against a person on the basis of his or her sex;
- 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 individual who believes that she or he has been the target of sexual harassment, or who believes she or he has 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.

Employees who are found to have engaged in sexual harassment may face disciplinary action up to and including termination.

Any employee who wishes to report sexual harassment should file a complaint with the Town Clerk or a member of the Selectboard.

Once the Town receives a complaint of sexual harassment, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. If sexual harassment is found to have occurred, the Town will take appropriate action, ranging from a verbal warning up to and including dismissal.

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

Vermont Attorney General's Office  
Civil Rights Unit  
109 State Street  
Montpelier, VT 05609-1001  
Tel: (802) 828-3171 (voice)  
(802) 828-3665 (TTY)

Equal Employment Opportunity Commission  
JFK Federal Building  
475 Government Center  
Boston, MA 02203  
Tel: (617) 669-4000 (voice)

1-800-669-6820 (TTY).

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.

## **Section 29: EMPLOYEE DISCIPLINE**

The Town of Barnard has adopted a progressive discipline process to identify and address employee and employment-related problems. The Town's progressive discipline process applies to any and all employee conduct that the Town in its sole discretion, determines must be addressed by discipline.

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 also retains the right to unilaterally eliminate positions or reduce the work hours of a position or positions due to economic conditions, shortage of work, organizational efficiency, changes in departmental functions, reorganization or reclassification of positions resulting in the elimination of a position or for other related reasons.

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 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.

- Engaging in any illegal activity.
- Refusing to do assigned work or failing to carry out the reasonable assignments of the Highway Foreman or Selectboard.
- 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 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 premises 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.
- Willful violation of Town rules or policies.

### **Section 30: EMPLOYEE TERMINATION PROCESS**

The Town of Barnard has adopted an employment termination process. Most often, employee conduct that warrants termination results from unacceptable behavior, poor performance, or violation of the Town's policies, practices, or procedures. However, termination may result from conduct that falls outside of those identified areas. The Town need not utilize this termination process but may take whatever action it deems necessary to address the issue at hand.

The Town also retains the right to unilaterally eliminate a position and thus terminate employment or reduce the work hours for some or all employees due to economic conditions, shortage of work, organizational efficiency, changes in departmental functions, reorganization or reclassification of positions resulting in the elimination of a position or for other related reasons. In such case, this termination process does not apply.

Probationary employees are not subject to the Town's termination process. Notwithstanding any other provision of this policy, an employee terminated during the probationary period will have no right to appeal such termination.

An employee being considered for termination will be provided with 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 a 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 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.

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. When the hearing is adjourned, the Selectboard, under the authority granted by 1 V.S.A. § 312(e), will consider the evidence presented in the hearing in deliberative session.

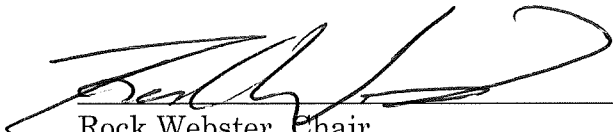
The Selectboard will render a written decision within fourteen days after close of the hearing, unless otherwise agreed upon by the parties.

**Section 31: SEVERABILITY**

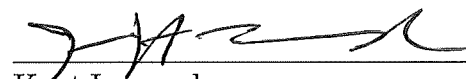
If any provision of this personnel policy or the application hereof to any person or a circumstance(s) is held invalid, this invalidity does not affect other provisions or applications of the personnel rules which can be given effect without the invalid provision or application. For this purpose, this personnel policy is severable.

**ADOPTED this 1st day of October 2025.**

**SIGNATURES of SELECTBOARD:**

  
\_\_\_\_\_  
Rock Webster, Chair

  
\_\_\_\_\_  
Richard Lancaster

  
\_\_\_\_\_  
Kurt Lessard

**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 of employment between myself and the Town;
- D. I acknowledge 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;
- F. I acknowledge that it is my responsibility to comply with all the provisions of the Town's personnel policy.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

Use this document as a template for an agreement between the municipality and any elected officer who agrees to be bound by the personnel policy.

**ADDENDUM B: Agreement by Independently Elected Officer to be Bound by Personnel Policy**

This is a contract between the Selectboard of the [insert name of municipality] and [insert name and title of independently elected officer], collectively referred to as "parties." In exchange for the provision of benefits by the Town as follows: [list benefits]. [Insert name] agrees to be bound by the provisions of the [insert name of municipality] Personnel Policy, except the provisions on Probationary Period, Performance Evaluations, Employee Discipline, and Employee Termination.

[Insert name] agrees as follows:

- [she / he ] has received a copy of the Town's Personnel Policy and understands that it is [her / his] responsibility to familiarize [herself / himself] with its contents;
- [she / he ] has been given an opportunity to ask questions about said policy and has been provided with satisfactory information in response to those questions;
- [she / he ] acknowledges 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;
- [she / he ] acknowledges that [she / he ] understands the Town's personnel policy and agree that [she / he] will comply with all of its provisions.

The parties agree that this shall not constitute a contact for employment. [If applicable, insert the following: "In addition to the above, [name] agrees that [her / his] statutory assistant, [name], who holds the position of [insert title], will be subject to the Town's Personnel Policy except the provisions on Performance Evaluations, Discipline, and Termination, which do not apply to him/her. In return, said statutory assistant will receive benefits from the Town as follows: [list benefits]]

Entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

**BY: Independently-Elected Official:**

**Selectboard:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_