

Town of Derby Personnel Policy

I. GENERAL PROVISIONS

A. Introduction

This Town of Derby Personnel Manual has been adopted by the Town of Derby Selectboard pursuant to 24 V.S.A. §1121 and §1122. It supersedes and replaces all prior manuals, policies, benefits, and practices of the Town of Derby regarding employment and personnel matters.

Unless otherwise provided by statute or written contract, **employment with the Town of Derby is at-will and not for any definite period or succession of periods of time.** The Town of Derby may terminate employment at any time, with or without cause. This Manual is not, and should not be construed as, an express or implied contract and it does not modify any existing at-will status of any Town of Derby employee.

B. Administration

This Personnel Manual will be administered by the Selectboard or its authorized representative. It is not intended to be comprehensive or to address all possible applications of, or exceptions to, the policies, rules, and benefits described herein. Specific questions concerning eligibility for a particular benefit or the applicability of a particular policy or rule to an individual should be addressed to the Selectboard or its authorized representative.

The Town of Derby reserves the right to revise, modify, delete, or add to any and all policies, rules, or benefits described in this Personnel Manual at any time, with or without advance notice, and in its sole discretion. Any such changes will be communicated to all employees. A copy of this Personnel Manual, including any changes, is also available at the Town Office.

C. Persons Covered

This Personnel Manual applies to all persons employed by the Town of Derby. The Town Clerk/Treasurer may adopt the entire Personnel Manual as applicable to his/her office, in which case the Clerk/Treasurer and all his/her appointees shall be treated for all purposes as employees of the Town of Derby fully subject to this Personnel Manual and all other Town employment rules and benefits. Elected officials may adopt the Workplace Policies under Section III of this Personnel Manual as being applicable to them. Where a conflict exists between this Personnel Manual and any collective bargaining agreement or individual employment contract, the latter will control.

The following positions in the Town are designated as supervisors for the purposes of this Manual:

- Clerk/Treasurer
- Road Commissioner
- Road Forman
- Zoning Administrator

D. Provisional Employees

All appointments for greater than ninety (90) days shall be made on a provisional basis for a period of thirty (30) days. With the exception of enrollment in the Vermont Municipal Employees' Retirement System, no employee shall be eligible for the Employee Benefits and Leave Policies under Section II of this Personnel Manual until the completion of his or her provisional employment period. At the discretion of the Selectboard, the provisional employment period may be extended to a maximum of twelve (12) months. The purpose of this provisional employment period is to determine whether the employee is suited for the job. One month prior to the end of the provisional employment period, the employee's supervisor shall submit a report to the Selectboard or its authorized representative, reviewing the work of the new employee. At that time, the employee's supervisor shall make a recommendation to the Selectboard regarding the continuation or satisfactory completion of the employee's provisional employment period.

E. Hours of Service

The regular work week shall be seven consecutive days commencing on Monday and ending the next following Sunday.

Regular work hours for employees employed at the Town Hall or Town Offices shall be 7:00 a.m. to 5:00 p.m., Monday through Thursday, with thirty minutes allowed for lunch.

Regular summer work hours for employees of the road crew shall be 6:00 a.m. to 4:00 p.m., Monday through Thursday, with thirty minutes allowed for lunch.

Regular winter work hours for employees of the road crew shall be 6:00 a.m. to 2:00 p.m., Monday through Friday, with thirty minutes allowed for lunch.

Work hours may be changed and employees may be expected to work additional hours that may exceed forty hours in a given week, as circumstances require. Employees regularly scheduled to work less than forty (40) hours per week shall be subject to schedules designated by the Selectboard or the employee's supervisor.

F. Compensation

All employees are paid biweekly based on time cards submitted, except as noted below:

Selectboard	Once a year lump sum payment
Delinquent Tax Collector	Paid on penalty assessed on tax account
1st & 2nd Constables	Quarterly payments

Time cards shall be completed showing dates and times of all work performed in the payee's performance of duties for the Town of Derby.

G. Overtime

In accordance with the provisions of the Fair Labor Standards Act, nonexempt employees are eligible to receive overtime pay at a rate of one and one-half times their regular pay for time actually worked in excess of forty (40) hours per workweek. Exempt employees are not eligible for overtime; they are expected to work as many hours as required to perform the duties of the position. Employees shall be paid to the nearest quarter ($\frac{1}{4}$) hour for overtime purposes.

No employee may work over forty (40) hours in a given workweek without prior authorization of his or her supervisor. Acceptance of a directive to work overtime is considered a condition of employment. At the supervisor's discretion, an employee's work schedule may be adjusted during a workweek to avoid overtime.

In lieu of a cash payment, any nonexempt employee may elect to take compensatory time, which accumulates at the rate of one and one-half hours for each hour worked in excess of forty (40) hours in any workweek. An employee's election to accrue compensatory time in lieu of monetary payment for overtime is subject to the following conditions:

- At the end of each pay period in which overtime is worked, each employee shall notify his/her supervisor of an election to take compensatory time instead of reimbursement by monetary payment.
- An employee may accrue a maximum of sixty (60) hours of compensatory time, after which overtime will be monetarily paid.
- At the Town's discretion, an employee may be compensated with monetary payment in lieu of use of compensatory time (at their regular rate of pay) or instead of accrual of compensatory time.
- Requests for use of compensatory time must be submitted to the employee's supervisor, who will have discretion to grant or deny the request. Requests for use of compensatory time will not unreasonably be withheld.

Call out: Road crew employees shall be credited with a minimum of two (2) hours of work if called in to work outside of his or her regular work hours of 7:00 a.m. to 3:30 p.m., Monday through Friday.

H. Personnel Records

Personnel records will be maintained for each employee of the Town. An employee or employee's designated representative may inspect or copy his or her own personnel records at a mutually agreeable time during regular office hours. The Town reserves the right to have an authorized representative present at the time its files are examined or copied.

I. Separation from Employment

1. The Selectboard may, at any time, terminate an employee's employment with the Town by providing the employee a written notice of termination. Termination shall be effective on the date set forth in the notice.

2. Employees may resign from employment with the Town at any time by providing the Selectboard written notice of resignation. The employee may specify the effective date of his/her resignation which, absent unusual circumstances, should not be earlier than two weeks following the date the notice is delivered to the Selectboard.

II. EMPLOYEE BENEFITS AND LEAVE POLICIES

A. Persons Receiving Benefits

Nonprovisional employees who work in the following positions shall receive leave and benefits and holiday compensation as described below:

- Assistant Clerk/Treasurer
- Clerk/Treasurer
- Road Crew
- Zoning Administrator

Nonprovisional employees who work in the following positions shall receive prorated leave and benefits as described below, based on the number of hours the employee is regularly scheduled to work in a workweek unless otherwise specified for a particular benefit:

- Maintenance

Employees who work in the following positions shall be entitled to no benefits or holiday compensation, unless otherwise specified for a particular benefit:

- Animal Control Officer
- Auditors
- Boat Wash/Milfoil Removal
- Cemetery
- Constables
- Health Officer
- Planning Commission
- Recycling
- Zoning Board

B. Health, Life and Disability Insurance

The Town offers a group health, life, and disability insurance programs for the benefit of its employees. If any questions arise regarding the implementation or interpretation of any insurance plan, the terms and conditions of the actual plan documents and summary plan descriptions shall govern.

This Personnel Manual is not contractual in nature and does not guarantee any continuance of insurance 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, life, and disability insurance programs. The Town also has a Cafeteria Plan in place that allows for full time employees to pay for certain items, such as health insurance, with pre-tax dollars. For more information contact the Town Clerk or ask your Supervisor.

C. Retirement

The Town of Derby participates in the Vermont Municipal Employees Retirement System (VMERS) administered by the State of Vermont. All employees who work

on a regular basis for not less than 24 hours per week and for not less than 1040 hours in a year, including vacation time, are required to participate in Plan B. Enrollment in VMERS is mandatory as soon as you meet the minimum hours eligibility requirements, regardless of status as a provisional employee of the Town. Contribution rates for both the Town and the employee are set by VMERS. Questions regarding your VMERS enrollment, eligibility, employee contribution or other questions should be directed to the Office of the State Treasurer, Retirement Division.

D. Holiday Leave

The following holidays shall be official holidays with any other day so proclaimed by the Selectboard:

- New Year's Day
- Martin Luther King Day
- Presidents Day
- Memorial Day
- Fourth of July
- Labor Day
- Indigenous Peoples Day (Columbus Day)
- Veterans Day
- Thanksgiving Day
- Christmas Day

All municipal departments and offices working a five (5) day workweek shall observe any holiday which falls on a Saturday on the preceding Friday and any holiday which falls on a Sunday on the following Monday unless otherwise agreed to with your supervisor or as directed by the Selectboard.

All municipal departments and offices working a four (4) day workweek shall observe any holiday which falls on a Sunday on the following Monday unless otherwise agreed to by your supervisor. Holidays falling on a Friday or Saturday are unpaid holidays for employees working a four (4) day workweek.

Employees shall be compensated for holidays as though the employee has worked his or her normal workday but such hours shall not be counted for overtime. In the case of an employee not entitled to benefits (as identified in Section II.A above) who works on a holiday, compensation shall be one and one half (1½) times his or her regular rate for the hours actually worked on a holiday.

E. Vacation Leave

Annual vacation leave, based on years of continuous service, shall be granted on the following basis:

<u>Years of Service</u>	<u>Annual Accrual Rate</u>
1st and 2 nd year	One (1) week
3 rd through 5 th year	Two (2) weeks
6 th year	Two (2) weeks + ten (10) hours
7 th year	Two (2) weeks + twenty (20) hours

8 th year	Two (2) weeks + thirty (30) hours
9 th through 16 th year	Three (3) weeks
17 th year	Three (3) weeks + ten (10) hours
18 th year	Three (3) weeks + twenty (20) hours
19 th year	Three (3) weeks + thirty (30) hours
20 th and subsequent years	Four (4) weeks

Vacation shall be credited to employees as follows:

One week is the equivalent of one regular workweek and represents the number of days and hours which the employee normally works each week. Vacation leave will be by calendar year. Vacation leave for the first year of employment shall be prorated based on the date of hire. All employees are encouraged to take their vacation leave annually. A maximum of up to one (1) week accrued vacation time may be carried over. Should the leave time not be taken during the following year, it shall be forfeited. Upon separation an employee may be paid for accrued vacation not to exceed a total of four (4) weeks.

Employees are expected to make a timely request and a reasonable effort to schedule vacations in accordance with the needs of the Town. Supervisors shall consider the Town's priorities of business and office coverage before granting such a request. Vacations will be scheduled at the discretion of the Supervisor upon consultation with the employee.

F. Sick Leave

All employees are entitled to forty (40) hours of sick leave per year. An employee may use sick leave for the following:

- Illness or injury that prevents the employee from performing the employee's job duties;
- A medical or dental appointment for the employee or a member of the employee's family. Employees are expected to make a timely request for medical or dental appointments and a reasonable effort to schedule in accordance with the needs of the Town; or
- A funeral not eligible as Bereavement Leave.

Employees are expected to notify their supervisor within the first hour of the work day or sooner if they are unable to report to work. An employee, whose absence for reasons of illness or injury extends beyond three (3) consecutive days, shall provide the Town with a statement from an attending physician attesting to the employee's inability to work.

Sick leave may be accumulated up to a maximum of 160 hours. Upon separation unused sick leave will not be compensated.

G. Bereavement Leave

In case of death of an immediate family member, an employee may be excused from work with pay for a maximum of three (3) consecutive workdays. A member of the

immediate family shall include a grandparent, parent, guardian, brother, sister, spouse, child or stepchild.

H. 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 of time and include a specified date of return.

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

I. Civil Duty and Jury Duty

All employees entitled to vote in national, state, and municipal elections shall, when necessary, be allowed sufficient time off with pay to exercise this right. Approval of such leaves shall be given by the Supervisor.

Should any employee be called for jury duty within any state or federal judicial court, the Town shall pay to the employee the difference between the employee's regular salary and that received from the court.

J. Military Leave

The Town will proudly 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.

K. Parental and Family Leave

Eligible employees will receive leave to the extent required by the Vermont Parental and Family Leave Act, 21 V.S.A. § 472 (PFLA). The Town reserves the right to designate any qualifying leave of absence granted under this policy as leave under PFLA. For the purposes of determining the twelve month period in which an employee may be entitled to PFLA leave, the Town will use a rolling twelve-month period measured backward from the date an employee uses such leave.

L. Short-Term Leave

In accordance with and subject to the provisions of 21 V.S.A. § 472a, eligible employees are 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 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, at least seven days before leave is to be taken except in the case of an emergency.

III. WORKPLACE POLICIES

A. Rules of Conduct Policy

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 and other employees. All employees shall comply with the following conduct guidelines.

REQUIRED CONDUCT. The following conduct is required of all employees, except as may be otherwise authorized by law, rule, contractual agreement, or supervisor approval:

- Employees shall fulfill all of the duties and responsibilities of their position in an efficient, timely and effective manner. Employees shall pursue the common good in their official activities, and shall uphold the public trust.
- Employees shall be punctual in reporting to work and shall remain at work until the scheduled end of their workday unless otherwise authorized by a supervisor. Unexpected absences shall be reported as soon as possible.
- Employees shall devote their full time, attention, and effort to the duties and responsibilities of their position during their scheduled work time, to the exclusion of other activities including but not limited to political activity.
- Employees shall respect the legitimate privacy interests of their co-workers, superiors, and employer, both as to personal property and work product in the workplace.
- Employees shall wear attire appropriate to their position.
- Employees shall carry out their work in a manner which minimizes risk of personal injury or property damage to the employee, other employees, the Town, and the public.
- Employees shall report to an immediate supervisor, or any supervisor or the Selectboard if the immediate supervisor is not available, any work incident which results in personal injury or property damage. Any such incident warranting emergency services shall be immediately reported to the police or fire and rescue as appropriate. Employees shall not discuss any such incident with anyone other

than Town officials, except as may be necessary for rendering of emergency services.

PROHIBITED CONDUCT. Prohibited conduct for all employees includes but is not limited to the following:

- Employees shall not use, or attempt to use, their positions to obtain special privileges or exemptions for themselves or others.
- Employees shall not use, or attempt to use, Town personnel, property, or equipment for their private use or for any use not required for the proper discharge of their official duties.
- Employees shall not solicit or accept any form of compensation from anyone except the Town for activities which are related to their position, unless it is provided for by law or approved by the Selectboard. Prohibited compensation shall include any gift, reward, loan, gratuity or other valuable consideration, including free meals, provided to employees, their immediate family, or business associate(s).
- Employees shall not engage in any employment, activity, or enterprise which has been or may be determined by the Town to be inconsistent, incompatible, or in conflict with their duties as a Town employee or with the duties, functions or responsibilities of the Town of Derby, as the mere appearance of impropriety may constitute a conflict of interest.
- Employees shall not engage in any outside employment, activity, or enterprise during their work hours.
- Employees shall not disclose, directly or indirectly, information which they receive or have access to by virtue of their official duties, either for the private gain or benefit of themselves or others, except as authorized by their superiors or by law.
- Employees shall not interfere with a lawful request for public information. Providing information must be done in a manner which does not show preference to any particular entity, business or organization.
- Employees shall not solicit any form of private contract as a result of information gained through their employment.
- Employees shall not smoke or use smokeless tobacco within any Town-owned buildings, work areas or vehicles.
- Employees shall not report to work or engage in work under the influence of alcohol or drugs, and employees shall not consume alcohol or drugs during their scheduled work time. The only exception to this rule is use of a drug prescribed by a duly licensed health care provider, provided such use is in the manner prescribed.
- Employees shall not violate the Town's Equal Employment, Anti-Discrimination Policies, or Sexual Harassment policies.

B. Equal Employment & Anti-Discrimination Policy

It is the policy of the Town of Derby to provide equal employment opportunity to all persons based on individual merit, competence and need. The Town of Derby does not discriminate against employees or applicants for employment on any legally

recognized basis including, but not limited to: race, color, religion, sex, sexual orientation, age, national origin, marital status, disability, veteran status, ancestry, pregnancy, gender identity, HIV status, place of birth, or any other recognized basis under local, state or federal law (“Protected Bases”). This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, training, compensation, layoff, and termination. A copy of this policy will be provided to all employees and elected or appointed officials.

Harassment of one employee by another employee or supervisor on any of these Protected Bases is prohibited. Harassment means unwelcome conduct that is based on any of these Protected Bases. An employee who harasses another employee because of one of these Protected Bases will be subject to discipline up to and including immediate dismissal. Examples of harassment may include, but are not limited to: offensive jokes, gestures, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, and offensive objects, pictures, or written materials.

Retaliation against an employee who complains about having been subjected to harassment because of one of these Protected Bases, or who cooperates in an investigation of such alleged harassment, is a violation of this policy.

If you believe you have been subjected to harassment because of one of the Protected Bases as described in this policy, or to retaliation for having brought or cooperated with a complaint or investigation of harassment, you should report it promptly to your supervisor. If reporting to a supervisor is not possible, then your complaint should be reported to the Chairperson of the Selectboard or another member of the Selectboard if necessary. Department supervisors and the Chairperson of the Selectboard may be contacted through the Town Clerk’s Office located at 124 Main Street, Derby, VT 05829 or by telephone at (802) 766-4906.

You may also contact:

- Vermont Human Rights Commission, 14-16 Baldwin Street, Montpelier, VT 05633-6301, telephone (800) 416-2010 (voice), (877) 294-9200 (TTY).
- U.S. Equal Employment Opportunity Commission, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, telephone (800) 669-4000 (voice), (800) 669-6820 (TTY).

If the Town of Derby receives a complaint of harassment or discrimination, or has reason to believe that harassment or discrimination because of one of these Protected Bases has occurred, it will investigate the matter. Investigations will be conducted in a confidential and discrete manner to the extent possible, and complaints will be disclosed only to those persons necessary to thoroughly investigate and address the matter. If a violation of this policy is found to have occurred, corrective action will be taken and the offending employee shall be subject to discipline including but not limited to dismissal from employment.

C. Sexual Harassment Policy

It is the policy of the Town of Derby to promote a workplace that is free of sexual harassment. Sexual harassment in the workplace is unlawful under state and federal law and will not be tolerated by any employee, whether male or female. A copy of this policy will be provided to all employees and elected or appointed officials. Additional copies are available in the Town Office.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, written, physical, and nonphysical conduct of a sexual nature when:

- Submission to such conduct is explicitly or implicitly made a term or condition of employment;
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual, including, but not limited to placement, promotion, training, or compensation; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creates an intimidating, offensive, or hostile working environment.

Sexual harassment may be indirect or even unintentional, and may include off-duty conduct that affects an employee's working environment. Examples of sexual harassment may include, but are not limited to, coercion of sexual relations, touching or grabbing an employee's body parts, and sexually offensive comments, name-calling, jokes, gestures, innuendos and other unwelcome sexually oriented statements. Employees of the Town of Derby are prohibited from bringing into the workplace or otherwise displaying any written materials or images that may be considered sexually suggestive or offensive in nature.

Discrimination based on a person's sex may also be considered sexual harassment even if the discrimination is non-sexual in nature. For example commenting that a person cannot do a particular task or job because of her sex may be considered sexual harassment.

Retaliation against an employee who complains in good faith about having been subjected to sexual harassment, or who cooperates in an investigation of sexual harassment, is a violation of this policy. Retaliation is a recognized form of harassment and will be handled in the same manner as other forms of harassment under this policy.

If you believe you have been subjected to sexual harassment, or retaliation for having brought or supported a complaint of sexual harassment, you are encouraged but not required to directly inform the offending person or persons that such conduct is offensive and must stop. If you do not wish to communicate directly with the alleged harasser or harassers, or if such direct communications have been ineffective, then you should immediately report the matter to your supervisor or, if that contact is not possible, then to the Chairperson of the Selectboard (who has been designated to receive such complaints or reports), or another member of the Selectboard if

necessary. Department supervisors and the Chairperson of the Selectboard may be contacted through the Town Clerk's Office located at 124 Main Street, Derby, VT 05829 or by telephone at (802) 766-4906. If possible, it is helpful to an investigation if the employee keeps a diary of events and names of people who witnessed or were told of the harassment. Upon advance request, reasonable accommodations will be made for persons with disabilities who need assistance with filing or pursuing a complaint under this policy.

Complaints regarding sexual harassment or retaliation may also be filed with the following state and federal agencies:

- Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05609-1001, telephone: (802) 828-3657 (voice), (802) 828-3665 (TTY).
- U.S. Equal Employment Opportunity Commission, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, telephone (800) 669-4000 (voice), (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.

If the Town of Derby receives a complaint of sexual harassment, or has reason to believe that sexual harassment has occurred, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. Investigations will be conducted in a confidential and discrete manner to the extent possible, and complaints will be disclosed only to those persons necessary to thoroughly investigate and address the matter. The Town is required by law to take action if it learns of potential sexual harassment, even if the person subjected to the harassment does not wish to file a complaint. Supervisors are responsible for promptly responding to any complaint or suspected incidents of sexual harassment. Supervisors should report any complaints or suspected incidents of sexual harassment to the Chairperson of the Selectboard.

If a violation of this policy is found to have occurred, corrective action will be taken and the offending employee shall be subject to discipline including but not limited to dismissal from employment. If the complainant is dissatisfied with the actions taken by the Town, he or she may file a complaint with the state or federal agencies identified above.

D. Computer Use and Electronic Communications Policy

The Town of Derby provides a variety of electronic communications systems for use in carrying out its business. All communication and information transmitted by, received from or stored in these systems are the property of Town of Derby and, as such, are intended to be used for job-related purposes only. Data and information on the system will not be deemed personal or private.

Personal use of electronic communications systems, software, computers and other electronic devices owned, leased or maintained by the Town is strictly prohibited.

The following summary guidelines regarding access to and disclosure of data on any Town of Derby electronic communication system, software, computers and other electronic devices will help you better determine how to use these systems in light of your own and the Town's privacy and security concerns. The following are summary guidelines only; employees should contact the Selectboard for more detailed information regarding particular questions, situations, or concerns.

Monitoring: The Town of Derby may access and disclose all data or messages stored on its systems or sent over its electronic mail system. The Town reserves the right to monitor communication and data at any time, with or without notice, to ensure that Town property is being used only for Town business purposes. The Town also reserves the right to disclose the contents of messages for any purpose at its sole discretion. Electronic communications and data may be subject to the Vermont Public Records Act.

Employees are not authorized to retrieve or read any e-mail messages that are not sent to them and cannot use a password, access a file, or retrieve any stored information unless authorized to do so.

Passwords: Assigned individual passwords to Town computer data, accounts or systems should not be given to other employees, unless so directed by a supervisor, or to any persons outside the Town's employment. The Town reserves the right to override any employee-selected passwords and/or codes. Employees are required to provide the Town with any such codes or passwords if requested by a supervisor. An employee concerned about a supervisor's directive to share a password or login code may bring such concerns to the Selectboard. Passwords should not be stored in computer data files, on the network, or be displayed openly at any workstation.

Message Content: The Town's Workplace Policies Rules of Conduct shall govern what is prohibited electronic message content. In addition, the e-mail system may not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.

Public Records: All files, documents, data and other electronic messages created, received or stored in the course of official Town business may be subject to the provisions of Vermont's Public Records Act and may be covered by the record retention requirements of the State of Vermont's General Records Schedules or Disposition Orders. Accordingly, employees shall not discard or delete any files, documents, data and other electronic messages created, received or stored in the course of official Town business except as in accordance with law. Questions regarding the requirements of the Vermont Public Records Law, General Records Schedules, or Disposition Orders as they apply to particular files, documents or data should be directed to the employee's supervisor or the Selectboard.

Personal Computer Security: Only legally licensed software will be installed on Town of Derby computers. Users are expected to read, understand and conform to the

license requirements of any software product(s) authorized for installation. Software cannot be copied or installed without permission of the Selectboard or its designee. Virus protection software shall not be removed or disabled. Each employee must follow Town guidelines for scanning all incoming communications and media, including but not limited to all data disks and files entering or leaving Town of Derby should be scanned for viruses. Employees should log off of the network when they will be away from their desk for an extended period.

Internet Use: The Internet is to be used for Town business purposes only. Without limiting the foregoing, employees with Internet access are expressly prohibited from accessing, viewing, downloading, or printing pornographic or other sexually explicit materials.

Staff members are not permitted to download applications, demos or upgrades without the approval of a supervisor or the Selectboard or its designee. Employees will use the standard e-mail system provided by the Town of Derby for official e-mail communications, and should not install their own e-mail systems. Additionally, use of instant messaging programs is prohibited unless otherwise approved by a supervisor or the Selectboard.

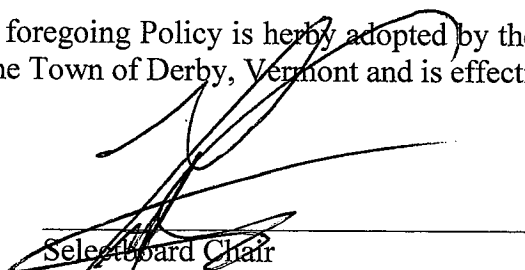
If you do not understand any part of the policy, it is your responsibility to obtain clarification from your supervisor or the Selectboard. If a violation of this policy is found to have occurred, the offending employee may be disciplined including but not limited to dismissal from employment.

E. Mileage Reimbursement Policy

An employee may request mileage reimbursement when the employee uses his or her personal vehicle for official Town business. Travel from home to work and from work to home, even if the employee is called to work on a non-scheduled day, is not eligible for mileage reimbursement.

The mileage reimbursement rate will be at the current rate as approved by the Selectboard. Mileage reimbursement forms are available from the Town Clerk and must be completed to request reimbursement.

The foregoing Policy is hereby adopted by the Selectboard, the town clerk and the town treasurer of the Town of Derby, Vermont and is effective as of September 9, 2019.



Selectboard Chair

September 9, 2019

Date



Clerk/Treasurer

September 9, 2019

Date

RECEIPT AND ACKNOWLEDGEMENT OF PERSONNEL POLICY MANUAL

Please read the following statements and sign below to indicate your receipt and acknowledgement of this Personnel Manual:

- I have received a copy and understand that it is my obligation to read the Personnel Manual. I understand that the policies, procedures and benefits described in it are subject to change at the sole discretion of the Town at any time.
- I understand that, unless otherwise provided by statute or contract, my employment with the Town is terminable at-will, meaning at any time and for any reason or no reason, regardless of the length of my employment or the granting of benefits of any kind.
- I am aware that the descriptions of benefits in this Manual are not contractual in nature and do not guarantee any continuance of benefits.
- I acknowledge that during the course of my employment with the Town, confidential information may be made available to me. I understand that any such confidential information must not be used outside of the Town premises or disseminated to persons who are not Town employees, except as authorized and necessary for Town business or as required by law.
- I understand that my signature below indicates that I have read and understand the statements above and that it is my responsibility to familiarize myself with the provisions of the Personnel Manual and to adhere to the policies contained herein, including but not limited to those policies concerning equal employment opportunities, discrimination and sexual or other harassment.
- I understand that this Receipt and Acknowledgment will be placed in my personnel record.

Employee's Name (please print)

Employee's Signature

Dated: _____

DERBY, VT TOWN CLERK'S OFFICE
RECEIVED FOR RECORD

SEPTEMBER 10 _____ A.D. 2019

at 7 o'clock 10 minutes _____ A M

and recorded in Book TOWN #15 Page 261-275

of TOWN _____ Records.

Attest: Maureen Stearns 15
ASSISTANT Town Clerk