CITY OF MONTPELIER

Personnel Plan

Approved by Montpelier City Council
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October 24, 2007

CITY OF MONTPELIER PERSONNEL PLAN

Personnel Plan as approved by the City Council October 24, 2007.

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Sec. 2-700. INTRODUCTION & TITLE.

The personnel regulations shall be known as and may be cited as the "City of Montpelier Personnel Plan," hereinafter referred to as the "personnel plan." The personnel plan is designed to establish a clear cut, orderly and systematic method for the handling of personnel problems and matters, and is sufficiently flexible to meet changing situations and conditions from time to time to provide a thread of continuity in the operations of the City.

Sec. 2-701. ADMINISTRATION.

Responsibility. The City Manager and department heads of the City of Montpelier shall have the basic responsibility for the administration of the personnel plan. They shall promote the personnel program and make every effort to justly consider the rights and interests of the employees consistent with the best interests of the City of Montpelier.

Sec. 2-702. APPLICATION & AMENDMENTS.

(a) **Application**. The regulations and benefits as prescribed in the personnel plan shall apply to any and all persons in the employ of the City of Montpelier with the exception of those classes of employees specifically excluded hereunder, elected officials, elected or appointed boards, committees, commissions, and employees who are members of a bargaining unit, as that term is defined in the Vermont Municipal Employee Labor Relations Act, 21 V.S.A. Chapter 22. All actions relative to the fixing of the salaries and benefits of the City Manager and the City Clerk-Treasurer shall be referred to the City Council. The salaries and wages of all personnel in salary and/or wage scales greater than Class 20 and personnel in positions designated as unclassified in Section 2-724 shall annually be fixed by the City Manager after conferring with the City Council.

(b) **Amendments**. The City Council, upon its own motion or upon the recommendation of the City Manager, after notification to the department heads, may modify, suspend, repeal, delete sections of or add sections thereto for amending the personnel plan; and shall from time to time as the need arises, review, revise and update the plan. The City Manager may designate a committee to annually review the Personnel Plan and report its findings to the City Manager.

Sec. 2-703. DEFINITIONS.

(a) **Classified Employee**. Any person employed in a position or job listed in the classification plan.

(b) **Department Head and/or Director**. The appointed official or other designated authority responsible for the administration and operation of a department.

(c) **Full Time Employee.** A person employed by the City who is regularly scheduled to work forty (40) hours per week, inclusive of thirty (30) minutes break time per day, and exclusive of any overtime that may be required.

(d) The scheduling of each employee's paid break time shall be at the discretion of the department head.

(e) **Function**. The normal required or expected activity or duty of a person, department or agency.

(f) **Job Description**. A general and/or specific written categorization of duties and responsibilities of a job within each department approved by the City Manager and subject to change from time to time at the discretion of the City Manager.

(g) **Job-Sharing**. Means a unique employment classification reserved for individuals who together share what was once a full-time, permanent position and which may one day return to such status. This arrangement is possible upon request which, with approval of the department head and City Manager if in their mutual judgment City services would either be enhanced, or at least not disadvantaged thereby. Such job sharing status may be eliminated at the discretion of the City Manager, including the necessary transfers or layoffs.

(h) **Part-Time Employee**. A person employed by the City who is regularly scheduled to work less than forty (40**)** hours a week.

(i) **Pecuniary Interests**. Means or refers to having any interest in matters involving money, contracts, or other things of value.

(j) **Position Classification**. Means the arrangement of like positions, jobs, or work functions into major occupational groups, having minimum and maximum pay ranges.

(k) **Probationary Employee**. Means a person serving in a probationary period**,** following their appointment or promotion to a regular position in the classified service.

(l) **Probationary Period**. Means a specified period of time which a person entering upon regular employment with the City must demonstrate the ability to perform the functions of the position before attaining permanent employee status.

(m) **Regular Employee**. Means a person who has successfully completed the probationary period and is employed by the City in a full-time or part-time classified job or position or in a full-time job **or** part-time position designated as unclassified in Section 2-724.

(n) **Seasonal Employee:** Means a person employed on a seasonal or as needed basis.

(o) **Temporary Employee**. Means a person employed by the City on a temporary basis to work in a short-term job or position.

(p) **Temporary Reclassification**. Means a temporary change in the classification of a classified position upon discretion of the department head and City Manager.

(q) **Unclassified Employees**. A person who is employed in a position or job not listed in the classification plan.

(r) **Off Payroll**: An employee who is neither actually at work, nor in paid leave status.

Sec. 2-704. RESERVE

Sec. 2-705. GENERAL PROVISIONS.

(a) **Purpose**. It is the purpose of the personnel plan that through the equitable administration of the program, just consideration shall be given the rights and interests of City employees consistent with the best interests of the City of Montpelier.

(b) **Contents of Personnel Plan**. Included in this personnel plan are provisions dealing with employment, employee selection, in-service training, promotions, disciplinary action, appeal procedures, grievances, departmental transfers, layoffs and recall, vacations, leaves of absence, sick leave, paid holidays, termination of employment, employee organizations, public conduct of employees, employee development, fringe benefits, job classification, job descriptions, pay plan, and other miscellaneous items relative to the administration of personnel.

(c) **Regular and Probationary Part-time Employees Who Have a Work Week of at least Twenty (20) Hours But Less Than Thirty (30) Hours**. Employees under this category who have a work week of at least twenty (20) hours but less than thirty (30) hours shall receive holiday pay, sick leave, vacation days and leaves of absence with pay on a prorated basis measured by the ratio of the part-time employee's regular work schedule bears to a forty (40) hour work week.

(d) **Regular and Probationary Part-time Employees Who Have a Work Week of Thirty (30) Hours but Less than Forty (40) Hours.:** Employees under this category who are regularly scheduled to work at least thirty (30) hours but less than forty (40) hours are eligible to participate in the insurance programs offered by the City on the same basis as regular full time employees. Regular employees scheduled to work at least twenty (20) hours, but less than thirty (30) hours a week are eligible to participate in the insurance programs offered by the City, but the City's contribution to the cost of premiums shall be prorated based on the ratio between the part time employee's regular work schedule and a forty (40) hour week.

(e) **Excluded Employees**. Individuals who have been employed on a seasonal or as-needed basis shall be excluded from coverage under the Personnel Plan and shall not be entitled to any rights or benefits contained in the Personnel Plan, except to the extent required by applicable law. Provided, however, that such employees shall have the right to present grievances, except grievances relating to discipline or discharge, in accordance with Section 2-720 and shall be covered by the provisions of the Personnel Plan relating to non-discrimination and sexual harassments. Temporary employees may be granted some or all benefits at the discretion of the City Manager if it is in the best interest of the City to do so within the limits of the annual budget or City Council amended budget.

(f) **Budget Limitations**. Except when specific actions are taken, during the course of the fiscal year, in accordance with the provisions of this Personnel Plan, salaries and wages for all positions, shall be in accordance with the amounts appropriated in the budget for the fiscal year.

(g) **Job Sharing**. Employees in a job sharing arrangement shall divide all benefits previously permitted to the regular employee, who is now authorized to convert to job sharing as stipulated elsewhere in this plan, on a prorated basis measured by the ratio that the average number of hours in their work week bears to a forty (40) hour work week, as the two newly-created job sharing employees mutually request. If the employees cannot agree on the division of benefits, the City Manager may allocate benefits between them in accordance with the principles of the Personnel Plan.

(h) **Temporary Change of Status.** An employee may request a temporary change of status from regular full-time to part-time status. The granting and duration of temporary change of status will be approved and determined by the City Manager upon recommendation of the appropriate department head. The duration of the temporary change of status shall be no more than six months, at which time it shall be reviewed and may be extended. Any regular employee granted a temporary reclassification shall, upon return to regular full-time status, be entitled to all benefits available to regular employees and shall retain his/her level of seniority.

Sec. 2-706. EMPLOYMENT PROVISIONS.

(a) **Procedure for Employment**. Recruitment procedures for employment with the City of Montpelier shall be determined by the City Manager and may include, but are not limited to, any of the following: job advertisement, including media advertisements, employment agencies, written or oral examinations, financial background checks, criminal history check, fitness test, physical examinations and psychological examinations.

(b) **Applications for Employment**. Applicants for employment with the City of Montpelier shall file a written application with the department in which they are interested or with the office of the City Manager on forms provided for this purpose.

(c) **Vacancies**. When a vacancy occurs in any department, the department head shall notify the City Manager of the vacancy by written memorandum briefly explaining the nature of the vacancy.

(d) **Scope of Examination**. The type and scope of written and oral examinations shall be selected by the City Manager or, in cases the City Manager deems appropriate, selected by the department head and approved by the City Manager based upon the characteristics of the job opening and shall be practical in nature. The examinations may be given by the City Manager or by a person, persons or agency designated by the City Manager.

(e) **Special Requirements For Employment**.

(1) **General Age Limitation**. Eighteen (18) years of age shall be the minimum age allowed for regular employment with the City of Montpelier. Sixteen (16) years of age shall be the minimum age allowed for seasonal employment.

(2) **Physical or Medical Examination Required**. Any person who has been offered a position of employment with the City of Montpelier may, prior to the commencement of employment, be required to undergo a fitness test, medical and/or psychological examination from a City designated physician at the expense of the City of Montpelier. All such medical records will remain the property of the City of Montpelier. The results of the medical examination will be furnished to the applicant upon written request. The City's job offer to the applicant shall be contingent on the results of the fitness test, medical and psychological examinations.

(f) **Probationary Period**. Any person entering upon regular employment with the City of Montpelier shall be employed on a probationary basis which shall be a minimum of six (6) months to a maximum of twelve (12) months. The probation period is a working test period during which the employee may be dismissed at the discretion of the City. The determination of the length of the probationary period after the initial (6) months minimum, shall be made by the department head or by the City Manager in cases deemed appropriate by the City Manager. The employee shall be notified in writing of the termination or extension of the probationary period. If said determination is made by a department head, the department head shall notify the City Manager in writing of the termination or extension of the probationary period. The employee shall remain in probationary status until such time as the employee has been notified in writing of the termination, successful or unsuccessful, of the probationary period. Probationary status employees shall be paid at the rate of pay established for that position. An employee may be discharged from employment during the employee's probationary period by the department head or the City Manager without the benefit of notice or hearing as provided in Section 2-719 or any other section of this Personnel Plan.

(g) **Discrimination**. The City shall not discriminate against any applicant or employee in a manner which would violate any applicable laws because of race, religion, creed, color, ancestry, national origin, age, sex, sexual orientation, place of birth, political affiliation or handicap. The provisions of this policy prohibiting discrimination shall not be construed to change the definition of family or dependent in any employee benefit plan.

(h) **Equal Opportunity**. The City of Montpelier is an equal opportunity employer in accordance with the federal and state statutes pertaining to civil rights.

(i) **Residency Requirement**. All employees of the City of Montpelier holding unclassified positions are required as a condition of their continued employment with the City to reside within the City limits of Montpelier. Any employee appointed to one of these positions will move into the City within six (6) months of the employee's appointment. City employees holding unclassified positions and residing outside the City limits on the date of adoption of this amended Personnel Plan, shall be exempt from the foregoing, with respect to the employee's present position. The City Manager may make reasonable individual exemptions due to hardship conditions.

(j) **Employee Personnel File**. The City shall keep a central personnel file for each employee. Supervisors may keep working files.

With the exception of material that is confidential or privileged under law, information provided to the City with the specific request that it remain confidential, and pre-employment information, an employee, upon appropriate request, may inspect the employee's own personnel file during working hours. A representative of the City will be present when an employee reviews their file.

Sec. 2-707. EMPLOYEE DEVELOPMENT.

(a) **In-service Training**. The employees of the City of Montpelier shall be eligible to participate in -service training program**s** developed or sponsored by the City or other public agency to further their proficiency in their respective jobs or positions to the extent required by their supervisor**.**

(b) **Training Fostered and Promoted**. The City Manager in cooperation with department heads shall strive to foster- and promote in-service training programs for municipal employees for the purpose of equipping employees to better perform their jobs which will result in improved efficiency and quality of service to the City, and assist the employees to equip themselves for advancement in their respective jobs and positions.

(c) **Program Development**. In-service training programs shall be developed by the City Manager in cooperation with department heads and other agencies and shall be allowed in accordance with the provisions of the annual budget.

(d) **Records**. A record of each in-service training program, school, or conference attended and satisfactorily completed by an employee, shall be kept as part of the employee's personnel record. Such accomplishments by employees shall be given consideration in departmental promotions and merit pay increases.

Sec. 2-708. EMPLOYMENT ORGANIZATIONS.

The employees of the City of Montpelier who are municipal employees as that term is defined in the Municipal Labor Relations Act, 21 V.S.A. Chapter 22, are subject to said act and shall have the rights set forth therein.

Sec. 2-709. EMPLOYEE CONDUCT.

(a) **Outside Employment**. It is difficult for any person to properly and efficiently serve more than one full-time employer. A regular city employee shall provide the City Manager with written notice of any outside employment. If, in the opinion of the City Manager, secondary employment interferes with an employee's performance of duties, the City Manager shall give written notice to the employee, requiring the employee to cease or modify such employment. If the employee refuses to do so, the City Manager may take such actions as is deemed appropriate**,** including, but not limited to, termination of employment with the City of Montpelier.

(b) **Pecuniary Interests**. No employee of the City shall have any financial interest in or profit from any contract, service, purchase, sale, or work performed by the City, nor shall any employee solicit, receive, or agree to receive any compensation, gift, reward, or gratuity from any source except the City of Montpelier for any matter or proceeding connected with or related to the duties of such employee unless otherwise provided for by law. Any employee who is aware of a conflict or potential conflict must notify the City Manager immediately.

(c) **Duties and Responsibilities**. Every employee shall fulfill to the best of the employees ability all duties and responsibilities of the employee's position. Each employee shall, during working hours, be subject to such other laws, rules and regulations that pertain thereto, and the employee shall devote full time, attention and efforts to the employee’s office and employment. The employee shall not use the employee's position to secure special privileges or exemptions for individual personal gain or benefit to others. The employee shall not use City property or equipment for the employee's private use or for use other than that which serves the public interest.

(d) **Confidential Information**. An employee shall not disclose confidential information gained by reason of the employee's official position except as authorized or required by law, nor shall the employee otherwise use such information for the employee's personal gain or benefit.

(e) **Political Office**. City of Montpelier employees are subject to the restrictions of the federal Hatch Act because the City of Montpelier has programs financed in whole or in part by loans or grants made by the United States or a federal agency. Under the Hatch Act, covered employees may not be candidates for public office in a partisan election or use official authority or influence to interfere with or affect the results of an election or nomination. Covered employees may not directly or indirectly solicit contributions from subordinates in support of a political party or candidate. However, this rule is not to be construed as restricting the rights of the employees to exercise their voting franchise or from becoming or continuing to be members of any political party.

Sec. 2-710. WORK WEEK AND OVERTIME.

(a) **Work Week**. The basic work week for regular employees in full-time classified jobs or positions shall be forty (40) hours, beginning on Tuesday and ending the following Monday, to coincide with the Payroll schedule. The basic work week for all other employees shall be set by the City Manager. The first day of an employee's work week during the pay period shall not be changed or altered for the purpose of avoiding the payment of overtime.

(b) **Overtime**. All hourly employees shall receive time and one-half their basic hourly rate for assigned or approved hours worked in excess of forty (40) hours per work week. Sick leave, vacations and paid holidays shall be counted as time worked for the purpose of computing overtime. In addition, Department Heads or the City Manager may approve overtime rates of pay for employees who work outside their regular work hours but have not exceeded the forty (40) hours of actual work in the week. At the sole discretion of the supervisor or Department Head regular hourly employees may elect to accrue and use compensatory time in lieu of overtime pay to the extent allowed by law at the rate of one and one-half hours for each hour worked in excess of the forty (40) hour work week upon approval of the department head. Salaried employees shall not be entitled to overtime pay but may, upon the approval of the immediate supervisor and the City Manager, take compensatory time off on an hour for hour basis. Employees may not accumulate more than forty (40) hours compensatory time without prior approval of the City Manager. Accumulated compensatory time of salaried employees shall not represent an encumbrance upon the City of Montpelier; if the time is not taken, it is not compensable.

Sec. 2-711. PROMOTIONS.

(a) **Basis for Promotion**. Promotions to fill vacancies in positions of greater responsibility shall be based on the employee's ability and qualifications, past work performance, seniority, achievements in training programs, and employee initiative.

(b) **Manager to be Notified of Vacancy**. The department head of each department shall notify the City Manager by written memorandum of any vacancy existing or soon to exist within that department.

(c) **Notice of Vacancy**. When a vacancy exists in a position of greater responsibility within any department, the employees of the respective departments' shall be apprised of the vacancy by the department head or City Manager by written notice posted in a conspicuous place with the department. Other City employees shall be apprised of the vacancy by written notice posted in a conspicuous place in City Hall.

(d) **Examination May Be Required**. The department head, subject to the approval of the City Manager, shall determine whether an examination is required to fill a vacancy in any department.

In the event examinations are required to select candidates for promotion, the examination material and examiner shall be selected by the department head and approved by the City Manager. Such examinations may be either in writing or oral, or both, and upon such matters as will fairly test the knowledge of the applicant for the requirements of the position to be held. The department head, upon prior written approval of the City Manager, may require psychological examinations or polygraph examinations, or both**,** in the manner and to the extent allowed by applicable state of federal statutes. In cases deemed to be appropriate by the City Manager, the City Manager shall determine the requirement, type and scope of examinations to fill a vacancy in any department.

(e) **Preference for Promotion**. Insofar as practical and consistent with the best interests of the City of Montpelier, preference for promotion within any department may be given to employees within that department excepting the position of department head or director which shall be open generally to all qualified applicants.

(f) **Promotional Probationary Period**. Any employee selected for promotional advancement within classified positions shall serve a promotional probationary period of no less than six (6) months nor more than twelve (12) months. The length of such promotional probationary period shall be specified in writing by the department head or by the City Manager in cases deemed to be appropriate by the City Manager. The employee shall be notified in writing of the termination, successful or unsuccessful, of the probationary period. The employee shall remain on probation until notified in writing of the termination of the probationary period. Upon promotion, the employee shall be reclassified in the new position and assume the duties and compensation of that position. In the event the employee should not successfully complete the 'probationary period, that employee may, at the discretion of the City Manager, revert back to the last regular classified position at the employee's pay step in that position at the time of the employee's selection for promotion, may be placed in any other vacancy for which the employee is qualified, or may be dismissed from employment.

Sec. 2-712. VACATIONS.

(a) **Entitlement**. Effective January 1, 1985, each regular employee shall accrue vacation days with pay as follows:

1. A new employee shall not accumulate nor use vacation days during the first six months' employment.

2. An employee shall be credited with six vacation days upon completion of the employees first six months of continuous employment.

3. An employee with more than six months but fewer than seven years of continuous employment shall accrue vacation days at the rate of one day per completed calendar month of employment. Total accumulation may not exceed thirty (30) days.

4. An employee with seven or more years, but fewer than fourteen years of continuous employment, shall accrue vacation days at the rate of one and one-half days, per completed calendar month of employment. Total accumulation may not exceed thirty-five (35) days.

5. An employee with fourteen or more years of continuous employment shall accrue vacation days at the rate of two days per calendar month of employment. Total accumulation may not exceed forty (40) days.

6. The City Manager may make reasonable individual exemptions to the rate of vacation accrual based on experience or other considerations.

7. Re-employment. Except in the instance of lay-off, an employee rehired by the City shall not receive credit for prior City employment in establishing the employee's rate of vacation day accrual. An employee re-employed within two years**,** after lay-off shall receive credit for prior City employment in establishing the employee's rate of vacation day accrual but shall not accrue vacation days for the period during which the employee was not on the payroll.

8. Absent without pay. An employee who is on unpaid leave or off payroll for six or more days during any month shall not accrue vacation days for that month. This does not apply to the employee whose absence is covered under Family Medical Leave, Workman's Comp, or Short-term Disability. An employee whose absence is not approved or excused shall also be subject to disciplinary action.

9. Adverse Weather Conditions. An employee who is not able to report to work or on request leaves work early due to storm conditions or impassable roads shall have this absence charged first to accumulated compensatory time, if the employee so elects, or if the employee does not elect to use compensatory time or has no accumulated compensatory time, then the absence shall be charged to vacation time.

(b) **Working Vacation Disallowed**. Vacations with pay are intended as a period of rest and relaxation, and no employee shall be allowed to work for the City during the employee's vacation to receive extra pay.

(c) **Vacation Scheduling**. Vacation scheduling is the exclusive prerogative of the department heads for their subordinates. Leave must be requested in advance by the employee and is subject to approval by the department head. Vacation days shall not be advanced for use prior to their being earned.

(d) **Vacation Pay Upon Termination**. Upon separation from the employ of the City of Montpelier, the employee shall be entitled to pay for any accrued vacation time which remains unused**,** subject to the accrual limits set forth herein.

(e) **Vacation Pay in Case of Death**. If an employee dies when in the employ of the City of Montpelier, the employee's accrued vacation time, earned wages, and any other fringe benefits due the employee in effect at that time, shall be paid as follows:

1. To a beneficiary whose name has been filed by the employee with the office of the City Treasurer.

2. If no beneficiary is named, then to the surviving spouse.

3. If no beneficiary is designated and the employee is not survived by a spouse, then to the estate of the deceased employee.

(f) **Total Accumulation**. Employees may accrue vacation days in excess of the limits set forth in Section 2-712(a) upon written permission of the City Manager.

(g) **Vacation Day**. A vacation day shall not exceed eight (8) hours.

Sec. 2-713. PAID HOLIDAYS.

(a) **Official Legal Holidays**. The official paid legal holidays of the City of Montpelier are hereby established as follows:

New Year's Day	January 1
Martin Luther King Jr. Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Columbus Day	2nd Monday in October
Veterans' Day	November 11
Thanksgiving Day	4th Thursday in November
Christmas Day	December 25

(b) **Entitlement**. Each regular and probationary employee of the City of Montpelier shall be entitled to receive holiday pay, up to a maximum of eight (8) hours, for each official legal holiday, as herein established, computed on the regular base pay rate of the employee.

(c) **Working a Holiday**.
In the event that the City Manager or a Department Head requires an employee to work on any of the scheduled holidays, the employee shall be paid their holiday pay plus time and one-half for all hours worked; or the employee may elect to be paid their holiday pay plus be credited compensatory time at the rate of one and one-half hours for each hour worked.

(d) **If Holiday Falls During Vacation Period**. If an employee takes the employee's earned vacation during a period which includes an official legal holiday, the employee shall not be charged a vacation day for that holiday.

(e) **If a Holiday Falls on a Weekend**. If any holiday falls on a Sunday, the following Monday shall be considered the holiday. If a holiday falls on a Saturday, the preceding Friday shall be considered the holiday.

(f) **Work Requirement**. In order to be eligible for holiday pay, the employee must work the last regular work day prior to an official legal holiday and the first regular work day following an official legal holiday unless the employee is on authorized paid leave of absence.

(g) **Optional Holidays**. Each regular and probationary employee shall be eligible to receive pay for two (2) optional holidays, up to a maximum of eight (8) hours each, during each calendar year computed on the regular base pay rate of the employee. The employee shall request and receive prior approval from the department head for the date of the optional holiday. In the case of new employees, each employee shall be eligible to receive one optional holiday during the employee's first calendar year of employment after the employee has served six (6) months and following the successful completion of the probationary period. Optional holidays shall be taken as one full work day in length. Optional holidays are non-cumulative and shall not be carried into succeeding years.

(h) **Administrative Leave**. Subject to the operating needs of any department, leave without loss of pay may be granted to regular and probationary employees on the day after Thanksgiving Day. Such day shall not be considered a holiday under this article. Employees who are scheduled to work on that day will get up to eight hours compensatory time off in addition to their regular pay.

Employees who have that day as a regularly scheduled day off, and do not work, shall receive their regular pay.

Sec. 2-714. SICK LEAVE.

(a) **Privilege, Not a Right**. The employees of the City of Montpelier are hereby advised that sick leave is not to be considered a right of the employee, but is a privilege granted by the City. Any employee who develops a pattern of sick leave or abuses the sick leave program may be denied sick leave compensation and be subject to disciplinary action.

(b) **Basis for Sick Leave Credit**. Each regular and probationary employee may earn one (1) working day per full month of employment to use as sick leave. Earned sick leave shall be with pay computed at the regular base pay rate of the employee.

(c) **Sick Leave to Accumulate**. Each regular and probationary employee may accumulate earned sick leave on the basis of one (1) working day per full month of employment. An employee who is off payroll or on unpaid leave for six or more days during any month shall not accrue sick days for that month. This does not apply to the employee whose absence is covered under Family Medical Leave, Workman's Comp, or Short-term Disability. Total accumulation may not exceed nine hundred sixty (960) hours. Employees with accumulated sick leave in excess of nine hundred sixty (960) hours as of July 1, 2007, will continue to accumulate sick leave and shall not be subject to the nine hundred sixty (960) hours maximum.

(d) **Unused Sick Leave**. Unused sick leave may accumulate from year to year up to the total accumulation amount allowed (960 hours) except as noted in Sec. 2-714 (c).

(e) **Sick Leave Accumulation Incentives**. Each fiscal year, commencing July 1, 1989, regular employees who experiences no loss of work days as defined below due to illness, disability or for any reason chargeable to sick leave, shall be granted a bonus payable on the second regular payday of July, commencing July, 1990, as follows: Less than 8 hours ($200); Less than 16 hours ($100); Less than 24 hours ($50).

(f) **Requirements and Conditions**.

1. The granting of sick leave with pay shall be allowed in cases of actual sickness, hospitalization or disability of the employee. A physician's certificate may be required from the employee to entitle the employee to pay.

2. The employee may use up to five (5) of his/her sick days per year for an illness of the employee's child, stepchild, or ward who lives with the employee, foster child, parent, spouse/civil union partner, or parent of the employee's spouse/civil union partner. This shall not be construed to limit the ability to use sick leave for the serious illness of a family member as provided under the federal and state statutes relating to family and medical leave.

(g) **Notification**. In order to be eligible for paid sick leave, the employee shall notify the department head, when possible**,** at least twenty-four (24) hours prior to hospitalization or home confinement for medical reasons upon instructions from a physician. In the event that sickness, hospitalization or disability occurs so as to prevent the employee from notifying the employee's department head in advance, the employee shall cause notification to be sent to the department head within two (2) hours after the time set for reporting for the employee's regular duties.

(h) **Termination of Employment**. Accrued earned sick leave shall not be payable to any employee upon voluntary or involuntary separation from employment with the City of Montpelier.

(i) **Vacation Time as Sick Leave**. The employees of the City may elect to use vacation time to cover an absence**,** sickness or disability upon approval of the department head following exhaustion of all accrued sick leave due the employee. Accrued sick leave shall not be used as vacation time.

(j) **Compensation for Sick Leave**. An employee on sick leave shall be paid at the employee's regular base wage during the period of illness or disability**.** An employee who is disabled by reason of sickness or injury shall file a timely claim for coverage under the City's short term disability plan, usually not later than fourteen (14) calendar days following the onset of the disability. An employee who is eligible for benefits under the City's short term disability plan is not eligible for continued use of accrued sick leave except as follows: subject to the rules and regulations of the City's short term disability insurance carrier, an employee may use accrued sick leave or other accrued paid leave to make up the difference between the employee's regular base weekly wages or salary and the payment received under the City's short term disability plan.

The City shall provide Long Term Disability Income Insurance for regular employees. An employee who is sick or disabled for more than 180 days shall file a timely claim for coverage under the City's long term disability plan. An employee who is eligible for benefits under this plan may not use accrued sick leave to supplement the maximum monthly benefits under this insurance program.

(k) **A working day** or a day as used in this section shall not exceed eight (8) hours.

Sec. 2-714A. FAMILY LEAVE AND PARENTAL LEAVE.
The purpose of this section is to comply with Vermont's Parent and Family Medical Leave Act 21 VSA 472, and the federal Family and Medical Leave Act (FMLA). To the extent that either act provides a greater benefit than set forth herein for an eligible employee, the City will adhere to the requirements of law. Any leave taken under the provisions of this Personnel Plan will run concurrent with the statutory leave available under state or federal law.

(1) **"Family Leave"** means a leave of absence from employment for one of the following reasons:

(A) The serious illness of the employee.
(B) The serious illness of the employee's child, stepchild, or ward who lives with the employee, foster child, parent, spouse or parent of the employee's spouse.

"Parental Leave" means a leave of absence from employment for one of the following reasons:

(A) The birth of the employee's child.

(B) The initial placement of a child 16 years of age or younger with the employee for the purpose of adoption.

"Serious Illness" means an accident, disease or physical or mental condition that:

(A) poses imminent danger of death;

(B) requires inpatient care in a hospital; or

(C) requires continuing in-home care under the direction of a physician.

(2) LEAVE.

During any consecutive 12-month period, an employee shall be eligible to take unpaid leave for a period not to exceed 12 weeks.

(1) for parental leave, during the employee's pregnancy and following the birth of an employee's child or within a year following the initial placement of a child 16 years of age or younger with the employee for the purpose of adoption.

(2) for family leave, for the serious illness of the employee or the employee's child, stepchild or ward of the employee who lives with the employee, foster child, parent, spouse or parent of the employee's spouse.

(3) during the leave, the employee may use accrued sick leave or vacation leave, not to exceed twelve weeks, consistent with the existing policy. The utilization of accrued vacation leave shall not extend the leave provided herein.

The full text of the state law is available in the City Manager's Office or from Department Heads.

Sec. 2-715. WORK RELATED INJURY LEAVE.

(a) **Requirement**. The City of Montpelier is covered by workers' compensation insurance for on-the-job injuries. All injuries, whether major or minor, shall be immediately reported to the employee's supervisor or department head, who shall cause a report to be filed concerning the specific injury. Failure to report an injury may result in loss of leave and compensation.

(b) **Ineligibility**. Any employee who is injured in the course of working for another employer shall not be eligible for sick leave**.**

(c) **Compensation for Injury Leave**. In the case of job-related injury or illness, the City will pay the difference between the employee's base weekly pay, less the amount of Workers' Compensation received, for a period not to exceed ninety (90) days.

Sec. 2-716. LEAVES OF ABSENCE WITH PAY.

(a) **Professional Purposes**. A leave of absence with pay may be granted by the City Manager in the City Manager's sole discretion to any regular employee to permit the employee to attend in-service training schools, professional meetings, professional conferences or conventions, or for any other justifiable reason considered in the best interests of the City of Montpelier by the City Manager.

(b) **Bereavement Leave**. Each regular and probationary employee is eligible for up to three (3) days death in the immediate family. Such leave may be granted by the department head upon approval of the City Manager. The immediate family shall mean the employee's spouse or civil union partner or a relative living in the household. Immediate family shall also include the parents, brothers, sisters, children, grandparents and grandchildren of the employee or of the employee's spouse or civil union partner**.**

(c) **Incidental Leaves**. Leaves of absence with pay which are of one (1) working day or less in duration may be granted at the discretion of the department head to any regular employee for

dental appointments, appointments for physical examination, transportation of a sick member of the immediate family to or from a hospital or doctor's office, to perform voting privileges, personal emergencies, attend a funeral or for any other justifiable reason, but shall not exceed three (3) working days per year.

(d) **Military Reserve Components**. Any regular employee who is a member of any Military Reserve Component of the Armed Forces of the United States, such as the National Guard, shall be eligible for a leave of absence with pay to attend the activities of such Military Reserve Component for a period of time not to exceed fifteen (15) days in any one calendar year. This provision shall exclude weekend duty with Reserve Components.

(e) **Absence for Jury Duty**. Leave of absence with pay shall be granted to a regular employee for the performance of jury duty or while in attendance as a witness pursuant to a summons duly issued and served in any proceeding, civil or criminal, in any court of competent jurisdiction within or without the state, or in any other proceeding before a board, commission, attorney or other person or tribunal in the State authorized by law to hear testimony under oath. In order to receive pay for such leave of absence, the employee, upon the employee's receipt of payment of jury service or witness fee, shall remit to the Treasurer's Office such compensation received, minus travel expenses paid.

(f) **Working day** or day as used in this section shall not exceed an eight (8) hour day.

Sec. 2-717. LEAVE OF ABSENCE WITHOUT PAY.

(a) **Eligibility .** A regular employee of the City of Montpelier shall be eligible for leave of absence without pay from the employee's regular employment for justifiable cause upon recommendation of the department head and approval of the City Manager.

(b) **Maximum Leave Allowable**. The maximum leave of absence without pay which may be granted to any employee from the employee's regular duties at any one time shall not exceed one year.

(c) **Request for Leave**. Requests for extended leaves of absence without pay must be made in writing to the department head, stating the purpose and length of leave time desired, at least fourteen (14) days prior to the commencement of such leave.

(d) **Restoration of Employment**. Any regular employee granted a leave of absence without pay shall be eligible for restoration to duty at the same classification and at the pay rate currently in effect, provided that the employee’s prior position has not been eliminated in the interim. The employee shall notify the employee's respective department head in writing of the employee's intention to return to work at least fourteen (14) days in advance of the day the employee intends to commence work.

(e) **Not to be Used as Vacation Time**. Leaves of absence without pay shall not be approved for use as an extension of vacation time, but shall only be approved for justifiable reasons requiring the extended absence of the employee from the employee's regular duties.

(f) **Suspension of Leave**. Earned leave (i.e. sick leave, vacation leave) shall not accrue during any month when an employee is on leave of absence without pay for six (6) or more days.

(g) **Military Leave**. Military leave and veteran's re-employment rights shall be granted in accordance with applicable law.

Sec. 2-718. UNAUTHORIZED ABSENCE FROM DUTY.

(a) **Considered Termination of Employment**. Any unauthorized absence from duty for a period of three (3) consecutive working days shall be considered as a resignation and termination of employment without notice. Unauthorized absences for less than three days may be cause for disciplinary action up to and including dismissal.

(b) **Working Day** as used in this section shall mean the work day which the employee is normally and regularly scheduled to work.

Sec. 2-719. DISCIPLINARY ACTION

(a) **Disciplinary Action**. A department head or City Manager or both may take disciplinary action against any regular employee for justifiable cause. Disciplinary action may include but not be limited to the following at the discretion of the City Manager; oral or written reprimand, demotion, suspension from duty without pay or dismissal from employment with the City of Montpelier. Whenever appropriate, discipline will be applied with a view toward uniformity and consistency.

(b) **Cause for Disciplinary Action**. The following listed actions are some examples of the causes that may be considered for disciplinary action by the department head or City Manager or both:

(1) Acts of insubordination toward any supervisory officer, department head or municipal officer.

(2) Willful disregard or disobeying of a supervisory or neglect of duty or in competency.

(3) Use of drugs (other than legally prescribed) or alcoholic beverages while on duty or reporting for duty in an intoxicated condition.

(4) Violation of the City ordinances, State laws or Federal laws; or conviction of a felonious crime.

(5) Misuse, including use of city property for personal benefit, theft, misappropriation, destruction or conversion of City property.

(6) Neglect of duty, unauthorized absence from work, or frequent tardiness.

(7) Accepting cash, gifts ~~or~~ other valuable items or services for performing any municipal service.

(8) Uncivil or discourteous attitude or the use of indecent, abusive, lewd or slanderous language toward the public or fellow employees.

(9) Violation of Department Rules, Regulations, Policies or Procedures.

(10) Sexual harassment.

(11) Any other conduct which an employee knows, or should know, will have a substantial adverse impact on the City or the employee's continued employment with the City.

(c) **Notice of Disciplinary Action**. Any employee who is to be disciplined shall be notified in writing of the disciplinary action to be taken and the reason for such action.

(d) **City Manager to be Notified**. Whenever a department head disciplines an employee of the department, the department head shall, within seventy-two (72) hours after taking disciplinary action, notify the City Manager in writing, stating the specific nature of the infraction and the disciplinary action taken.

(e) **Working Days**. Working days when used in this section shall mean Monday through Friday inclusive, excluding Saturdays and Sundays and days on which City Hall is closed.

Sec. 2-720. GRIEVANCE, APPEALS AND PROCEDURE FOR CORRECTION.

(a) **Procedure in Grievances.** Regular or probationary employees may seek review of a disciplinary action or review of an alleged violation of the provisions of this personnel plan through the following grievance procedure:

(1) Within two (2) working days of the occurrence of the grievance, the employee shall submit the grievance in writing to the employee's immediate supervisor.

(2) The immediate supervisor of the aggrieved employee shall, within two (2) working days of receipt of the grievance, discuss the grievance with the employee and attempt to satisfy and correct the grievance according to the supervisor's discretion and findings. The supervisor shall, within three (3) working days of the discussion of the grievance, submit the supervisor's answer in writing to the aggrieved employee.

(3) If the grievance is not resolved, the grievance shall be submitted to the department head in writing within five (5) working days, who shall respond in writing within three (3) working days of the receipt of the written grievance.

(4) If the grievance is not resolved, the grievance shall be submitted to the City Manager, or designee, shall, within five (5) working days of receipt of the grievance from the department head, arrange a meeting with the department head, supervisor and the aggrieved employee to hear the grievance. The City Manager shall, within ten (10) working days after the meeting, submit the Manager's answer in writing to the aggrieved employee and the department head. The method and manner of conducting a hearing relative to grievances shall be at the discretion of the City Manager.

The employee, while appearing before the City Manager, has the right to be represented by counsel and to present any material, witnesses or evidence helpful to the employee’s case. However, the administration has similar rights. The decision of the City Manager shall be final.

Working days -- working days, when used in this section, shall mean Monday through Friday inclusive, excluding Saturdays and Sundays and days on which City Hall is closed.

For sexual harassment grievances see Sec. 2-275,

Sec. 2-721. LAYOFF AND RECALL.

(a) **General Layoff**. General departmental layoffs due to changes in programs or program needs, lack of work or lack of sufficient funds may be ordered by the City Manager.

(b) **Notice of Layoff**. A notice of general layoff shall be given by posting such notice in a conspicuous place within their respective departments at least fourteen (14) days prior to the effective date.

(c) **Temporary Layoffs**. Temporary layoffs may be ordered by the department heads for reasons of job completion, insufficient funds, inclement weather, lack of job materials, or other reasonable causes, subject to approval by the City Manager.

(d) **Order of Layoffs and Recalls**. In the event of layoff, the sequence shall generally be as follows, provided that the remaining employees are presently qualified to perform the required work.

(1) Temporary employees before part-time employees;

(2) Probationary employees before regular employees;

(3) Regular employees who have a work week of more than twenty (20) but less than forty (40) hours before regular full time employees. Regular employees normally shall be laid off in accordance with their seniority of employment within their position classification, provided that the remaining employees are presently qualified to perform the required work.

The order of recall shall be in the reverse order of layoff, within classification.

(e) **Exceptions**. The City of Montpelier reserves the right to retain or recall key employees out of the normal order of layoff and recall set forth in subsection (d) above.

Sec. 2-722. RESIGNATION OR TERMINATION OF EMPLOYMENT.

(a) **Resignation or Termination of Employment in Good Standing**. To resign or terminate employment with the City in good standing, the employee shall give the employee's respective department head oral notice followed by a written notice of the employee's intention to resign or terminate employment at least fourteen (14) days prior to the effective date.

(b) **Short Notice**. Extenuating circumstances may occur in some cases necessitating shorter notice which may be allowed for good cause shown subject to the recommendation of the department head and approval of the City Manager.

Sec. 2-723. FRINGE BENEFITS.

(a) **Retirement**.

(1) The City shall maintain a contributory retirement program for eligible employees by participating in the Vermont Municipal Employees' Retirement System which is governed by Title 24, V.S.A.., Chapter 125.

(b) **Social Security**. City employees will participate in the Federal Social Security system.

(c) **Workers' Compensation**. The City shall annually insure its employees under the Vermont Worker's Compensation Act to protect its employees for on-the-job injuries.

(d) **Health Insurance**

(1) The City shall maintain a program of health insurance for its regular and probationary employees. The employee's share of the costs of premium payments for the health insurance program shall be as determined by the City Council.

(2) The City shall offer retirees under the age of 65 the opportunity to continue in the City's health insurance program. Retirees over the age of 65 shall have the opportunity to participate in the City's Medicare supplementary program. Eligibility for retiree coverage shall be limited to retirees who elect to continue their coverage within thirty days of separation from employment with the City and provided all other requirements for eligibility are met. Eligibility of such retirees ends once a retiree no longer participates in coverage. A surviving spouse and other dependents of a participating retiree may continue coverage. The surviving spouse and other dependents must elect to continue coverage within thirty days of the retiree's death. Retirees and their dependents shall pay the full costs of continuing in the health insurance plan. All health insurance benefits for retirees are available only as allowed by the City insurance carrier.

(e) Disability Income Insurance. The City shall maintain a program of short term and long term disability income insurance for its regular and probationary employees. The City shall pay the premiums for the disability insurance programs. Participation in the plans is subject to the eligibility requirements of the insurance carrier.

(f) Life Insurance. The City shall maintain a program of group life insurance for its regular and, probationary employees, the premiums to be paid by the City, which shall provide each employee with $1,000 of life insurance for each $1,000 of base wages, or fraction thereof. Participation in the insurance plan is subject to the eligibility requirements of the insurance carrier.

(g) Merit Pay Plan. The City shall maintain a merit pay plan for all regular employees, other than department heads, not included in any collective bargaining agreement. Such plan shall become effective January 1, 1989, and is payable after the employee's anniversary date of the employee's current position. Each employee will be eligible for the Merit Pay except for those employees who are absent from work for more than 180 days in any fiscal year.

Each department head will present the City Manager with a comprehensive outline of a Merit Pay Plan. Outlines shall be included in each budget report to the City Manager. Each plan should include, but is not limited to, a yearly performance appraisal, physical fitness measures, review of absences, and an objective skill proficiency and/or level of training review. The City Manager shall approve each department's specific outline prior to implementation. Should there be a non appropriation of funds, this section will be waived, with the exception of the frozen longevity amount, if applicable.

(h) **Longevity Pay** Each employee who was once eligible for longevity pay will have their longevity pay remain at the current level of payment. This amount will be included in the amount of Merit Pay which shall be established in the normal budgetary process. Any employees hired after July 1st, 1985, shall not be eligible for longevity pay.

Sec. 2-724. POSITION CLASSIFICATION.

(a) **Classification**. A job and classification schedule for the Personnel Plan employees shall be kept on file in the City Manager's office and issued as needed. The City may reassign new or different duties to employees on a temporary or permanent basis, and /or may reclassify or reallocate existing positions, based on the operational needs of the City. In the event of a reassignment or reclassification of jobs or positions to a higher or lower class, no employee shall receive less than the employee's current wage or salary.

(b) **Annual Adjustment of Salaries and Wages**. The City Council shall determine the adjustment to be made to the salary and wage budgets of the various City Departments in accordance with the recommendation of the City Manager. Any adjustments in salaries and wages as budgeted shall be made effective the first day of the fiscal year or at some other date as determined by the City Council.

(c) **Periodic Salary and Wage Adjustment**. Periodic salary or wage adjustment in any position in the classified service may be made on the basis of merit determined through the process of evaluation of job performance, attitude, initiative, knowledge, skill and experience. Periodic salary or wage increases may be granted only upon the recommendation of the department director and approval of the City Manager in accordance with the following schedule:

STEP 1: The initial appointment for entrance or probationary level for new employees shall be at Step I in any classified position, unless an applicant has unusual abilities, training and experience. Employees at this level shall serve at least six (6) months and not more than one (1) year prior to initial evaluation for advancement to Step II.

STEP II: Employees at Step II in any classified position shall serve at Step II at least one (1) year and not more than one (1) year and two (2) months prior to initial evaluation for advancement to Step III.

STEP III: Employees at Step III in any classified position shall serve at least two (2) years and not more than two (2) years and two (2) months prior to initial evaluation for advancement to Step IV. Upon the recommendation of the department director and approval of the City Manager, an employee who demonstrates unusual ability, initiative and performance may be advanced to Step IV at any time within the two-year period.

STEP IV: Employees at Step IV in any classification position shall serve at least three (3) years and not more than three (3) years and two (2) months prior to initial evaluation for advancement to Step V. Upon the recommendation of the department director and approval of the City Manager, an employee who demonstrates unusual ability, initiative and performance may be advanced to Step V at any time within the three-year period.

STEP V: Employees at Step V have reached the limit of the pay range for their position classification.

Sec. 2-725. SEXUAL HARASSMENT.

Sexual harassment of the employees of the City of Montpelier will not be tolerated and is illegal under state and federal law.

This means that the following behaviors are grounds for disciplinary action:

1. Abusing the dignity of an employee through insulting or degrading sexual remarks or conduct;

2. Threats, demands, or suggestions that employee's work status is contingent upon the employee's toleration of or acquiescence to sexual advances; or

3. Retaliation against employees for complaining about the behaviors described above.

If an employee encounters such abuses from supervisors, fellow employees or non-employees in the workplace, the employee should contact the supervisor, department head, City Clerk-Treasurer, Assistant to the City Manager or the City Manager. If an employee reports an instance of sexual harassment to a department head, the department head shall report the matter to the City Clerk-Treasurer, Assistant to the City Manager or the City Manager as soon as possible.

If the employee is not satisfied with the supervisor's, department head's, City Clerk/Treasurer's, Assistant to the City Manager's or City Manager's response, they may file a grievance in accordance with the process set forth in Sec. 2-720(a). The employee may also file a complaint with the following state or federal agencies: Vermont Attorney General's Office, Equal Employment Opportunity Commission, or Vermont Human Rights Commission. Complaints to state and federal agencies may be filed without having gone through City complaint procedures.

The City of Montpelier wants all its employees to know that they can work in security and dignity, free of insulting, degrading, or exploitive treatment and that it is illegal under state and federal law for any employee, male or female, to sexually harass another employee.

Full text of policy is available in the City Manager's Office. All employees are to receive a copy of the policy.

Sec. 2-726. SUBSTANCE ABUSE.

Policy: Working under the influence of alcohol or controlled substances may endanger the public, co-workers and the employee and result in poor or inaccurate job performance. Employees who experience alcohol or drug abuse problems are expected and encouraged to seek assistance in the treatment of their problems. Such employees may, without fear of reprisal, seek guidance from supervisors, department heads, the City Manager or the City's Employee Assistance Program.

Prohibition on Manufacture, Possession, Distribution, or Use: Employees shall not manufacture, possess, distribute or use controlled substances in the workplace. Employees shall not report to work or work under the influence of alcohol, or controlled substances, unless the drug is prescribed by a duly licensed physician or dentist.

Disciplinary Action: An employee who manufactures, possesses, or distributes a controlled substance in the workplace shall be subject to disciplinary action such as, but not limited to, oral reprimand, written reprimand, suspension, required participation in a City-approved drug abuse assistance or rehabilitation program, or dismissal. An employee who reports for work under the influence of alcohol or controlled substances, or who consumes or uses such substances while at work, shall be dismissed immediately.

Notification Provisions: As a condition of employment, an employee must abide by the aforementioned restrictions and, further, is required to inform the City Manager within five days of any criminal drug statute conviction.

The City will notify any federal agency, with whom the City is contracting, within ten days of receiving notice from the affected employee of a conviction for violations occurring in the workplace.

The City will take appropriate personnel action, as proscribed above, within thirty days of receiving notice of a conviction from an employee.

Sec. 2-727. SEVERABILITY.

The sections, paragraphs, sentences, clauses and phrases of this Personnel Plan are severable and if any phrase, clause, sentence, paragraph or section of this Personnel Plan is subsequently declared by legislative or judicial authority to be unconstitutional, unlawful, unenforceable, or not in accordance with applicable statutes, the remaining phrases, clauses, sentences, paragraphs and sections of this Personnel Plan shall remain in full force and effect.

APPENDIX A

Contents:

Sexual Harassment Policy