



**RUTLAND COUNTY
SOLID WASTE DISTRICT**
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RUTLAND COUNTY SOLID WASTE DISTRICT

PERSONNEL POLICIES AND PROCEDURES

January 1, 2022

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Welcome to RCSWD

Dear Employee:

We are happy to welcome you to the Rutland County Solid Waste District, which will be referred to in this Policy as RCSWD. You have joined an organization that has established an outstanding reputation for quality service. Much of the credit for this goes to every one of our employees. We hope that you, too, will find satisfaction and pride in your work here.

This manual is designed to assist you, as an employee, in understanding RCSWD's basic personnel policies, practices, and procedures. Additionally, the information contained should assist in your appreciation of the expectations RCSWD has of its employees. You are responsible for reading and understanding this Policy, and your performance evaluations will reflect your adherence to RCSWD's policies.

We extend to you our best wishes for your success and happiness with RCSWD.

Mark S. Shea, District Manager

RUTLAND COUNTY SOLID WASTE DISTRICT PERSONNEL POLICY

I. OVERVIEW

A. TITLE AND AUTHORITY

This policy shall be known as the Rutland County Solid Waste District (RCSWD) personnel policy (the “Personnel Policy”). It has been adopted by the RCSWD Board of Supervisors pursuant to 24 V.S.A. §§ 1121, and 1122; and 24 V.S.A. Chapter 121.

The Personnel Policy is to be considered a guideline only. The Personnel Policy does not constitute a contract of employment, bargain, agreement or confers any contractual rights whatsoever. Employment with the RCSWD is *at-will* and not for any definite period or succession of periods of time. RCSWD or the employee may terminate employment at any time, with or without notice. RCSWD, in its discretion, may, in an individual case or generally, modify its interpretation of and/or change, delete, suspend or discontinue any part or parts of the Personnel Policy as well as any other RCSWD guidelines, policies, practices, working conditions, or benefits at any time with or without prior notice. The policies are intended to be considered guidelines only.

The Personnel Policy will be administered by the District Manager and only the District Manager has the authority to bind RCSWD.

Should any provision of this Personnel Policy be found to be unenforceable and invalid, such finding does not invalidate the entire policy, but only the subject provision.

B. PERSONS COVERED

This Personnel Policy applies to full-time and part-time employees of RCSWD. At the time of hire, employees will be classified as either part-time or full-time. Unless otherwise specified, the benefits described in this Personnel Policy apply only to full-time employees. In addition, all employees are classified as either “exempt” or “non-exempt” based upon the duties of the position for which an employee is hired. Only non-exempt employees are eligible for overtime pay for hours worked in excess of forty (40) working hours per work week. Exempt employees are typically salaried and not entitled to overtime compensation.

Except by separate written agreement with the District Manager, elected officers, and persons who provide RCSWD with services on an independent contractor basis are not covered by this policy unless it specifically indicates so.

For purposes of this policy:

1. A full-time employee is an employee who has successfully completed the Probationary Period and works at least 30 hours per week on a regular and continuing basis with no set date for termination of employment.
2. A part-time employee is an employee who has successfully completed the Probationary Period and works fewer than 30 hours per week on a regular and continuing basis with no set date for termination of employment.
3. A temporary employee is an employee (students, interns, special project personnel, temporary help, etc.) hired to work either full-time or part-time for a specified period at the sole discretion of the District Manager.

Where a conflict exists between this policy and any individual employment contract, the version that allows the greater specific benefit to the employee will control. If no benefits are conferred, the Personnel Policy will control.

II. INTRODUCTORY EMPLOYMENT POLICIES

A. EQUAL EMPLOYMENT OPPORTUNITY

RCSWD is an equal opportunity employer. The policy of RCSWD is to provide equal opportunity to all employees and applicants without regard to race, color, creed, religion, ancestry, sex, sexual orientation, gender identity, age, national origin, place of birth, marital status, disability, veteran's status, medical condition, pregnancy, genetic information, crime victim status, or any other category of person protected under state or federal law. RCSWD is dedicated to ensuring the fulfillment of this policy with respect to hiring, placement, promotion, transfer, demotion, layoff, termination, recruitment advertising, pay, and other forms of compensation, training, and general treatment during employment.

B. NO HARASSMENT

Harassment Policy

RCSWD is committed to a workplace free of any harassment. Intentional or unintentional harassment of our job applicants, contractors or employees by another employee, supervisor, vendor, customer, or any third party will not be tolerated and is a violation of this policy. Appropriate disciplinary action, which may include dismissal, will be taken against any employee who violates this policy as determined by the RCSWD in its reasonable discretion.

What Is Harassment?

Harassment can take many forms. It may be, but is not limited to words, pictures, signs, photographs, jokes, pranks, intimidation, physical contact, flirtations, or violence. Harassment is not always necessarily sexual in nature. Vermont and Federal law prohibit harassment or discrimination based upon race, religion, sex, gender identity, marital status, national origin, age,

pregnancy, genetic information, crime victim or veteran status, any other category of person protected under federal or state law, or against a qualified individual with a disability.

Sexually harassing conduct may include unwelcome sexual advances, requests for sexual favors, or any other verbal or physical contact of a sexual nature that prevents an individual from effectively performing the duties of his or her position or creates an intimidating, hostile or offensive working environment, or when such conduct is made a condition of employment or compensation, either implicitly or explicitly.

Responsibility

All RCSWD employees are responsible for keeping the work environment free of harassment. Any employee who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, must report it to either their direct supervisory, the District Manager, or Treasurer, whose contact information is provided below. When management becomes aware that harassment might exist, they are obligated by law to take prompt and appropriate action, whether the victim wants RCSWD to do so.

Reporting

Any incidents of harassment must be immediately reported to your direct supervisor, the District Manager, or Treasurer. If your direct supervisor or the District Manager is involved in the harassment, the employee should immediately report the incident to the Treasurer. Appropriate investigation and disciplinary action will be taken. All reports will be promptly investigated with due regard for the privacy of everyone involved. Any employee found to have harassed a fellow employee or subordinate will be subject to disciplinary action up to and including termination. RCSWD may also take any additional action necessary to appropriately remedy the situation. No adverse employment action will be taken against any employee making a good faith report of alleged harassment.

RCSWD accepts no liability for harassment of one employee by another employee. The individual who makes unwelcome advances, threatens or in any way harasses another employee is personally liable for such action and their consequences. RCSWD will not provide legal, financial or any other assistance to an individual accused of harassment if a legal complaint is filed.

RCSWD prohibits any form of retaliation against any employee for filing a complaint under this policy or for assisting in the investigation of a complaint. An employee who feels that they have been retaliated against for filing a complaint or for participating in an investigation may also make use of this complaint procedure. RCSWD will use the utmost discretion in investigating complaints. Employees who are involved in any aspect of an investigation must avoid discussing the case with any other person.

Contact information for the District Manager and Treasurer follows:

Mark S. Shea, District Manager
2 Greens Hill Lane
Rutland, VT 05701
(802) 775-7209 ext 202
Email: mshea@rcswd.com

Gregory A. Giles, Treasurer
2 Greens Hill Lane
Rutland, VT 05701 ext 205
Email: g.giles@rcswd.com

Employees who believe that they have been sexually harassed may also file a complaint with the Civil Rights Unit with the Vermont Office of Attorney General or the Vermont Department of Labor.

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

Civil Rights Unit
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609-1001
Tel: (802) 828-3657 (voice)
(888) 745-9195 (Toll Free VT)
(802) 828-3665 (TTY)
Fax: (802) 828-2154
Email: ago.civilrights@vermont.gov
Online: <http://ago.vermont.gov/about-the-attorney-generals-office/divisions/civil-rights/>

Equal Employment Opportunity Commission
JFK Federal Building
475 Government Center
Boston, MA 02203
Tel: 1 (800) 669-4000 (voice)
1 (800) 669-6820 (TTY)
1 (844) 234-5122 (ASL Video)
Fax: 617-565-3196
Email: info@eeoc.gov
Online: www.eeoc.gov

These agencies may conduct impartial investigations, facilitate conciliation, and, if they find that there is probable cause or reasonable grounds to believe unlawful harassment occurred, they may take a case to court.

C. ALCOHOL AND DRUG USE

RCSWD requires you to maintain high standards of safety, quality, and personal conduct in your workplace. In keeping with those standards, it is essential that the workplace be kept free of alcohol and drugs. RCSWD

As a District employee, you are prohibited from reporting to work or working while under the influence, or severe aftereffects, of alcohol, intoxicants, drugs, or controlled substances. This policy is designed to promote our goal of providing a safe, healthy, and productive work environment. This policy covers all employees, including drivers and other employees who also are subject to drug testing programs performed in accordance with Federal Department of Transportation (DOT) requirements.

It is the policy of RCSWD to prohibit the manufacture, distribution, transfer, display, transportation, sale, dispensation, possession, consumption or use of drugs, controlled substances, and/or alcohol by District employees at the workplace and/or during working hours. Prohibited behavior includes manufacturing, distributing, transferring, displaying, transporting, selling, dispensing, possessing, consuming, using, or being under the influence of drugs, controlled substances, and/or alcohol during work hours, on work premises, while engaged in work activities away from work premises, or during work-related events.

For the purposes of this policy, the term “drug” includes both: (a) all state and/or federally controlled substances, including look-alike and designer drugs, and drug paraphernalia, and (b) prescription medications that have not been prescribed for current use by an authorized medical practitioner or that are being used contrary to the prescribing medical practitioner’s instructions. Controlled substances include, but are not limited to, the following substances: marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), barbiturates, benzodiazepine, methadone, methaqualone, and propoxyphene.

The illegal use of prescription drugs is also prohibited. If you are taking medication which may affect your ability to perform your job or otherwise pose safety concerns, whether by prescription or over the counter, please notify your direct supervisor as soon as possible so accommodations can be discussed, if necessary.

Violations of this policy may subject employees to disciplinary action, up to and including termination of employment and referral for prosecution. RCSWD also may provide information and recommendation to participate in an appropriate drug assistance or rehabilitation program.

RCSWD reserves the right to search and inspect all areas of the workplace and its premises for the purposes of maintaining a safe and healthy workplace.

In addition to this policy, employees who operate commercial motor vehicles (CMVs) for RCSWD are also subject to the provisions of RCSWD’s CMV Drug and Alcohol Policy.

D. TOBACCO USE

In recognition of the hazards that tobacco poses to the health of employees, and in accordance with 18 V.S.A. §§ 1421 et seq. and §§ 1741 et seq., RCSWD hereby prohibits employees' use of tobacco in any form, including electronic cigarettes, chewed tobacco products to include snuff, dip, etc. in district owned property, buildings, vehicles, equipment, offices and enclosed areas.

E. WORKPLACE VIOLENCE

RCSWD is committed to ensuring that the work environment is as safe as possible for all its employees and clients. All violent behavior, whether verbal or physical, is prohibited. Violent behavior may include fighting, extreme verbal abuse, vandalism, bodily injury, destruction of property, etc. Threats, threatening language or any other acts of aggression or violence made toward or by any RCSWD employee will not be tolerated. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious, and/or destructive action undertaken for the purpose of domination or intimidation. Weapons are prohibited while performing RCSWD business unless such prohibition is restricted by applicable law. Any form of threats or violence, no matter how minor, will not be tolerated.

It is the responsibility of every employee to report any situation involving a threat and/or any form of violent behavior. Even veiled threats or jokes should be taken seriously. The only way to prevent a potentially dangerous situation is if the appropriate people within the RCSWD are notified. Any threats must be immediately reported to your direct supervisor or the District Manager. Please notify the District Manager of any restraining orders if a potentially violent non-work-related situation exists that could result in violence in the workplace.

All threats against the RCSWD or an employee acting as an agent of the RCSWD will be handled by the District Manager. If a threat is found to be domestic (coming from someone close to the employee or a family member) or spousal in nature, the District Manager will advise the employee of his or her options.

If a determination is made that a threat or an act of violence has occurred, appropriate corrective action, including disciplinary action in the case of employees, will be taken. The severity of the discipline will be determined by the degree and/or frequency of the offense. Depending on the severity of the situation, the local police may need to be called for assistance.

RCSWD expects each employee to support this policy and understand how his or her behaviors may impact the safety of the workplace. In addition, each supervisor is required to enforce all safety-related policies in an attempt to avoid potential hazards. All employees share in the responsibility of assuring that misunderstandings and other problems are resolved in a timely manner so that a safe and productive work environment is maintained.

III. EMPLOYMENT AT RCSWD

A. HIRING/RECRUITING

RCSWD endeavors to hire the most suitable candidate for open positions and encourages current employees to apply for positions for which they are qualified. RCSWD may also solicit and consider applications from external applicants. Decisions to fill positions that are held by hourly employees shall be sole responsibility of the District Manager.

The District Manager shall have authority to hire qualified professional management staff (i.e., Program Manager, Treasurer) for any vacant positions. The Executive Board shall review and vote prior to any appointment for these positions at the request and recommendation of the District Manager.

All staffing appointments shall be conveyed to the Board of Supervisors at their next regular meeting. Any staffing decision shall not exceed the budget unless specifically authorized by the Executive Board.

Notification of employment acceptance shall be given by the District Manager, in writing, to the applicant. The notification shall include the beginning date of employment, beginning salary, general job description, and any other pertinent information. The Personnel Policy will be a part of all employment paperwork, with a copy will be enclosed in the letter of notification and acknowledgement by the applicant should the position be accepted. Written acceptance by the applicant and acknowledgement of receipt of the Personnel Policy should be sent to the District Manager. It shall be placed in the employee's personnel file.

The District Manager shall be under the direction of the Board of Supervisors. All other personnel shall be under the direction and supervision of the District Manager.

Only the District Manager has the authority to provide any employee with an employment contract or special arrangement concerning the terms or conditions of employment. Any such agreement must be in writing and signed by the District Manager.

B. EMPLOYEE ORIENTATION

To assist new District employees, each new employee shall receive an orientation to RCSWD, department, and the position. This orientation shall include, but is not limited to:

- A review of District policies and procedures
- A review of specific policies and procedures of the department
- An introduction to co-workers
- A review of the expectations and requirements of the position, with an identification of significant dates or deadlines
- Training, or cross-training, in specific job functions or operations in which the employee is not specifically trained. The supervisor or a designated co-worker will normally provide such training. For the purpose of this section training does not include external training or

continuing professional education which would require time off from your job or additional expense to RCSWD.

The District Manager or his/her designee shall document completion of this program prior to employee working alone or unassisted. Such documentation shall be placed in the employee's personnel file.

C. PROBATIONARY PERIOD

New employees will be required to complete a (3) three-month probationary period. The purpose of the Probationary Period is to determine whether the employee is suited for the job. Notwithstanding any other provision of this policy, an employee terminated during the Probationary Period will have no right to appeal such termination.

During the Probationary Period, the employee's direct supervisor shall confer with the employee at least once per month for the evaluation of the employee's work with a copy to the employee's personnel file. During the Probationary Period, an employee may be terminated at any time at the sole discretion of the District Manager.

D. CONDUCT OF EMPLOYEES

All employees are considered representatives of RCSWD and are expected to conduct themselves in a courteous, helpful, and respectful manner in all their interactions with the public, other employees, and elected and appointed officials.

All employees are expected to faithfully execute the duties and responsibilities of their office to the best of their ability and in compliance with the provisions of this Personnel Policy.

E. APPEARANCE

Dress, grooming and personal cleanliness standards are an important part of RCSWD's image. They may also contribute to the morale of all employees and affect the professional image RCSWD presents to the community. Employees who have contact with the public are expected to present a professional appearance and to dress according to the requirements of their position. Clothing must be clean, neat, and without holes.

Employees who do not have contact with the public may wear more casual clothing throughout the workweek. Employees who are required to wear uniforms must wear neat and clean uniforms. Employees who are provided clothing or reflective vests or clothing, must ensure they are neat and clean. All safety requirements for each position must be met.

Professional appearance means that employees maintain good hygiene and grooming.

RCSWD reserves the right to determine appropriate dress and appearance. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in

proper attire. Under such circumstances, employees will not be compensated for the time away from work.

The District Manager will address questions, and determinations as to what constitutes appropriate attire.

IV. HOURS & COMPENSATION

A. EMPLOYMENT CLASSIFICATIONS

All employees of RCSWD are “At-Will” employees. At the time you are hired, you are classified as either a full-time, or part-time employee. You will also be told whether your position qualifies for overtime pay. Unless otherwise specified, the benefits described in this Manual apply only to full-time employees. All other policies described in this Manual and those communicated to employees by RCSWD, apply to all employees, with the exception of certain wage, salary and time off limitations applying only to “non-exempt” employees. If you are unsure of your job classification, please ask the District Manager. All employees, regardless of classification, are considered to be employed “at will” and may quit or be terminated at any time and for any lawful reason.

B. HOURS OF SERVICE

- a) Office Hours - The regular office hours, Monday through Fridays, shall be from 7:00 a.m. to 4:30 p.m.
- b) Working Hours - The regular work week shall consist of forty (40) hours. The staff shall stagger their hours to have office coverage during normal working hours. The regular workday shall be eight hours. A one-half hour lunch time shall be allowed to be taken within the normal workday.
- c) Transfer Station Hours: The hours of the transfer station will be set as posted.

Regular work hours for administrative persons in the office shall be 8:30 a.m. to 4:30 p.m., Monday through Friday, with thirty (30) minutes time allowed for lunch. Any adjustment to work hours must be approved in writing by the District Manager.

Regular work hours for the transfer station staff shall be 7:00 a.m. to 3:00 p.m., Monday through Saturday, with thirty (30) minutes allowed for lunch. Days off and adjustment to staff schedules are determined by the District Manager. These hours are subject to change based upon RCSWD’s business judgment.

Regular work hours may be changed, and employees may be expected to work additional hours that may exceed forty (40) hours in a given week, as circumstances require. All RCSWD employees may be asked to be available for work in the case of an emergency, weather-related or otherwise determined by the District Manager.

All employees are expected to be in attendance during their regular work hours. Employees who will be absent from work are expected to notify their immediate supervisor in advance whenever possible. Employees who are calling in sick are expected to notify their immediate supervisor as soon as possible, but no later than the start of their scheduled time to work. If your immediate supervisor is not available, notify the District Manager of your absence.

C. OVERTIME AND COMPENSATORY TIME OFF

In accordance with the federal Fair Labor Standards Act, RCSWD compensates non-exempt employees at the rate of one and one-half hours for each hour actually worked in excess of forty hours in any workweek. Holidays, sick time, vacation days, personnel days, etc., do not count as hours worked for purposes of calculating either overtime or compensatory time eligibility.

In place of overtime pay, RCSWD in its discretion may provide non-exempt employees with compensatory time off (“comp time”) subject to the following conditions:

- a. Overtime hours and compensatory time must be authorized in advance by the District Manager.
- b. Compensatory time is earned at a rate of one- and one-half hours for each hour worked in excess of forty hours actually worked in any workweek.
- c. An employee may accrue a maximum of sixteen (16) hours of comp time.
- d. An employee may, at the District Manager’s discretion, be paid in cash in lieu of compensatory time off.
- e. Upon termination from employment, an employee will not be paid for unused comp time.

An employee who has accrued compensatory time and requests use of compensatory time will be permitted to use such time off within a reasonable period after making the request if such use does not unduly disrupt RCSWD’s operations. Requests for use of comp time must be submitted to the District Manager, who will have sole discretion to grant or deny the request. Requests for use of comp time will not unreasonably be withheld.

D. PERFORMANCE EVALUATIONS

The District Manager is responsible for overseeing an annual written performance evaluation for each full-time staff employee of RCSWD. Supervisors shall evaluate each employee under his/her supervision. The supervisor shall first complete a written evaluation of the employee. The District Manager shall review all performance evaluations, including comments, to ensure consistency and uniformity. If the District Manager finds discrepancies or inaccuracies in or among evaluations, these will be discussed with the supervisor. Then the written evaluation will be reviewed with employee in a confidential conference.

The results of the supervisor’s evaluation of the employee will be submitted to the employee, and the District Manager. At, or within two business days of the conference, the employee may add comments to the evaluation, either on the evaluation form or in a separate statement. The District Manager shall review all performance evaluations and sign off on them. The District Manager may make changes to revise performance evaluations if it is in the best interest of RCSWD.

Employees must sign written evaluations. The employee's signature does not necessarily indicate agreement with the contents of the evaluation, only that he or she has been made aware of it. While favorable performance evaluations may be a factor in determining wage increases, no employee is entitled to a wage increase because he or she receives a favorable evaluation.

Evaluations shall be made part of the personnel file of each employee.

The District Manager shall report to the Board of Supervisor when this task has been completed.

E. EMPLOYEE RECOGNITION AWARD

While it is appropriate to compensate all employees in a fair and consistent manner, RCSWD recognizes that some employees perform at a higher than satisfactory level by either doing significantly more than what is normally expected of the position, by working on special projects of major importance in addition to assigned duties and responsibilities, or by performing their regular duties at a level that far exceeds expectations. The use of merit and bonus awards is a positive way to inspire excellence in performance and an appropriate way to reward those employees who contribute beyond expectations.

Merit awards generally fall into three (3) categories: non-recurring bonuses; and other forms of recognition (such as days off, letters of commendation, plaques, etc.) which may be more appropriate in certain circumstances or for some employees.

Individual award programs should not be construed as establishing automatic or mandatory increases for attainment of certain ratings on performance evaluations.

Supporting Documentation: The following documents are recommended as supporting documentation:

- A copy of the performance evaluation for the period of time being recognized by the award;
- Comments and recommendations from the employee's supervisor, and the District Manager;
- Any other material or information that supports the award being recommended.

The District Manager will approve letters of commendation, plaques, etc. The District Manager in conjunction with the Board of Supervisors Chairman will approve any single award over \$150.00 in value. Any monetary award shall not contribute to a budget deficit.

F. PERSONNEL RECORDS

Personnel records will be maintained for each employee of RCSWD. In accordance with Vermont's Public Records Law, any employee or the employee's designated representative may inspect or copy his or her personnel file at a mutually agreeable time during regular office hours.

RCSWD reserves the right to have its representative present at the time its files are examined or copied.

G. EMPLOYEE AVAILABILITY/EMERGENCY CONTACT INFORMATION

Due to the nature of service with RCSWD it is sometimes necessary to contact employees on short notice. Therefore, all employees shall be required to provide their current contact information and current emergency contact persons and their contact information. Employees are responsible for reporting any change in their contact information or emergency contact information.

H. ABSENCES/TARDINESS

If an employee finds it unavoidable to be tardy or absent from a scheduled shift, the employee must contact their direct supervisor or the District Manager immediately and if possible, no less than 24 hours before the scheduled shift. The direct supervisor or the District Manager will confirm receipt. If an employee becomes sick during a shift, immediately notify their direct supervisor or the District Manager. RCSWD will respond in a timely manner and do whatever it can to accommodate the employee.

I. INCLEMENT WEATHER

Employees whose departments are closed due to inclement weather may be paid for hours missed from work, and administrative staff may Telework. Employees whose departments are not closed due to inclement weather or whose jobs require that they report are expected to report to work. Those who fail to report are considered unexcused and may not use leave to make up their work hours. The District Manager will determine any closures due to inclement weather.

J. TELEWORK

Occasional telework arrangements are approved on a case-by-case basis, focusing first on the business needs of the organization, and are infrequent, and not regularly scheduled. Occasional telework can allow employees to attend to sporadic household appointment needs, continue to perform work during workplace disruptions, including severe weather or natural disaster, spread of a communicable disease, or provide uninterrupted time for project work. Occasional telework does not require a telework agreement, however approval must be documented, which can be done by email. Occasional telework is not appropriate as a substitute for sick time off and should not be used when the employee's own or a family member's illness or injury interferes with the employee's ability to perform their work. While teleworking, the employee shall be available and reachable by phone, computer, virtual meeting with staff, and email. Telework must be approved by the District Manager in advance.

Daily telework documentation shall be reported to the District Manager daily, and shall include the time that work started, outreach to team members or others, work completed, breaks, and the time work ended.

K. TRAVEL REIMBURSEMENT

Travel Reimbursement applies to only Full-Time Employees and Part-Time Employees who work a minimum of 30 hours a week.

- a) Mileage - District employees using their personal automobile on District business shall be reimbursed at the current U.S. Government rate for mileage plus tolls and parking fees. Proof of insurance may be required by RCSWD prior to such travel, at RCSWD's discretion.
- b) Meals - District employees required to obtain meals while travelling on District business shall be reimbursed a maximum of \$15.00 for breakfast, \$20.00 for lunch, and \$30.00 for dinner within Vermont; for meals out-of-state, reasonable costs will be reimbursed. Amounts above these figures may be authorized where meal figures are set in advance for specific meetings.
- c) Authorization - The District Manager shall approve all requests of staff for travel and meal expenses before payment. The Treasurer shall approve requests of the District Manager.

Employees are required to submit receipts of each transaction for approval as soon as possible but no later than one month after the expense was incurred. Failure to submit a reimbursement request within one month of incurring the expense, will result in a denial of the requested reimbursement.

L. EMPLOYEE DISCIPLINE

The District Manager is responsible for carrying out and enforcement of all disciplinary action on behalf of RCSWD. RCSWD has adopted a progressive discipline process to identify and address most employee and employment-related problems. RCSWD's progressive discipline process applies to any and all employee conduct that the District Manager in its sole discretion, determines must be addressed by discipline. Notwithstanding the foregoing, in cases of severe misconduct or a major breach of policy, including but not limited to safety violations, the District Manager, in its sole discretion, may bypass the progressive discipline process all together.

Under RCSWD's progressive discipline process, an employee may be subject to disciplinary action, up to and including termination, for violation of the provisions of this Personnel Policy and/or failure to maintain an acceptable level of performance. RCSWD may take prior disciplinary action into consideration when disciplining or terminating an employee. Violations of different rules may be treated as repeated violations of the same rule for purposes of progressive discipline.

Most often, employee conduct that warrants discipline results from unacceptable behavior, poor performance, or violation of RCSWD's policies, practices, or procedures. However, discipline may be issued for conduct that falls outside of those identified areas. RCSWD also reserves the right to impose discipline for off-duty conduct that adversely impacts the legitimate interests of RCSWD. RCSWD reserves the right in its sole discretion to bypass progressive discipline and to

take whatever action it deems necessary to address the issue at hand. This means that more or less severe discipline, up to and including termination, may be imposed in a given situation at RCSWD's sole discretion.

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

RCSWD will normally adhere to the following progressive disciplinary process but reserves the right to bypass any or all steps of progressive discipline when it determines, in its sole discretion, that deviation from the process is warranted: (1) verbal warning; (2) written warning; (3) suspension (with or without pay); and (4) termination.

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

- a) Engaging in any illegal activity;
- b) Insubordination;
- c) Dishonesty;
- d) Refusing to do assigned work or failing to carry out the reasonable assignments of the Supervisor/District Manager;
- e) Refusing to wear proper dress or personal protective equipment, safety vest/shirts, proper shoes, etc;
- f) Failure to report personal injury or property damage;
- g) Violation of District policies.
- h) Neglect or carelessness;
- i) Being inattentive to duty, including sleeping on the job;
- j) Falsifying a timecard or other record or giving false information to anyone whose duty is to make such record;
- k) Being repeatedly or continuously absent or late, being absent without notice or satisfactory reason or leaving one's work assignment without appropriate authorization;
- l) Conducting oneself in any manner that is offensive, abusive or contrary to reasonable community standards and expectations of public employees;
- m) Engaging in any form of harassment including sexual harassment;
- n) Misusing, misappropriating, or willfully neglecting District property, funds, materials, equipment or supplies;
- o) Unlawfully distributing, selling, possessing, using or being under the influence of alcohol or drugs when on the job or subject to duty;
- p) Fighting, engaging in horseplay or acting in any manner which endangers the safety of oneself or others. This includes acts of violence as well as threats of violence;
- q) Stealing or possessing without authority any equipment, tools, materials or other property of RCSWD or attempting to remove them from the premises without approval or permission from the appropriate authority;

- r) Marking or defacing walls, fixtures, equipment, tools, materials or other District property, or willfully damaging or destroying property in any way;
- s) Failure to search for or disclose public records upon request;
- t) Violating Local, State, or Federal laws, regulations, or ordinances; and
- u) Willful violation of District rules or policies.

Excessive Absences: Whether authorized or unauthorized, excessive absences cause a disruption to the smooth flow of work. Employees who have excessive absences of any kind will be subject to disciplinary action up to and including discharge.

Grievance Procedure: Employees shall have the right to present grievances and receive an objective hearing of their disciplinary complaints from the District Manager.

Any employee has the right to appeal the disciplinary decision of the District Manager, excluding verbal warnings or written warning, to the Executive Board and request a hearing by the Executive Board by submitting a request, in writing, to the Chair, within five (5) business days of receiving the written decision of the District Manager. The Executive Board shall hold a hearing within fifteen business days of receiving the request. The Executive Board shall confirm or overturn the Disciplinary action of the District Manager after listening to and reviewing the employee's and District Manager's testimony at the hearing. Any actions taken shall be documented and be part of the employee's personnel file.

V. EMPLOYEE BENEFITS

A. ELIGIBILITY FOR BENEFITS

RCSWD offers group insurance and other benefit programs to its eligible full-time employees. Details about those benefits, as they exist on the date of hire, will be provided to each employee by the District Manager.

Eligible part-time employees who are regularly scheduled to work less than 30 hours a week are eligible to accrue sick time at a rate of one hour for every fifty-two hours worked, or as outlined in Vermont State Law.

RCSWD reserves the right to change insurance carriers, or to add, delete or amend insurance or other benefit programs in its sole discretion. RCSWD also reserves the right to change the amount or percentage of its contribution to the cost of any group health insurance program. Employees will be provided with advance notice of any change in the contribution rate. For the most up to date details on benefits provided, please see the District Manager for plan information.

B. HOLIDAYS

All Full-time employees who work a minimum of 30 hours a week will receive the following paid holiday leave:

1. New Year's Day (January 1)
2. Presidents Day (3rd Monday in February)
3. Memorial Day (last Monday in May)
4. Independence Day (July 4)
5. Labor Day (1st Monday in September)
6. Indigenous Peoples' Day (2nd Monday in October) or Veterans' Day (November 11)
7. Thanksgiving Day (4th Thursday in November)
8. Friday following Thanksgiving
9. Christmas Eve Afternoon (4 hours)
10. Christmas Day (December 25)

Part-Time Employees or Temporary Employees are not eligible for paid holiday leave but may receive pro-rated pay only if a holiday falls upon their scheduled day of work. If they work on a holiday, they will receive the holiday pay in addition to regular pay for any hours worked (double pay).

Employees will receive holiday leave pay for the number of hours in the employee's typical workday on which the holiday falls, at the employee's regular rate of pay. Holiday leave that is not actually worked by an employee will not be included in calculating overtime for that employee.

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

Holidays that fall during an employee's vacation leave will not be charged as vacation leave. All District offices (main office and transfer station) will be closed for New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

A minimum amount of staff (a minimum of one person at the main office, one person at the scale house, household hazardous waste, and one person at the recycling center and depending on what day of the week the holiday is on will be at the transfer station) will be required to work on the following holidays: President's Day, Columbus Day or Veteran's Day, the Friday after Thanksgiving and Christmas Eve. All other staff would take the day or portion thereof as a paid holiday.

Upon approval of the District Manager and pending adequate employee coverage at the main office and Transfer Station in the manager's sole discretion, eligible employees (hourly or salaried) may be allowed to switch their holiday time off sometime during two (2) consecutive workweeks.

Hourly employees will have the following options if they work on a holiday:

1. Hourly employees will receive the holiday pay in addition to regular pay for any hours worked (double pay).

OR

2. Receive regular pay for hours worked on these days and use the holiday time sometime in the previous or following workweek with District Manager approval.

Holidays on Saturdays or Sundays: If a holiday falls on a Saturday or a Sunday, salaried employees, pending adequate employee coverage and District Manager's approval, will be allowed to take that holiday time off sometime during the week before or the week after the holiday in lieu of pay for that holiday time.

If a holiday falls on a Saturday or Sunday, all hourly employees whose normal work schedule does not include working on a Saturday or a Sunday, pending adequate employee coverage and the District Manager's approval, will be allowed to take that holiday time off sometime during the week before or the week after the holiday in lieu of pay for that holiday time.

If a holiday falls on a Saturday, and RCSWD Transfer Station is closed, all hourly employees scheduled to work on that day will receive a paid holiday as part of their pay. If the Saturday holiday is a day RCSWD Transfer Station is open, then the options of 1 or 2 listed above apply for employees who work that day.

C. VACATION

Vacation leave accrual and usage only apply to all regular full-time employees who work a minimum 30 hours a week. The annual year for vacation leave shall coincide with the anniversary year of each employee.

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

<u>Years of Tenure</u>	<u>Annual Accrual Rate</u>
6 months – 2 years	10 days working days per year
2 – 7 years	15 days working days per year
7 or more years	20 days working days per year

A maximum of ten (10) vacation days may be carried over from one year to another and must be used within the subsequent year.

If an employee has used, prior to separation, more vacation time than earned, the value of the unearned amount shall be deducted from that employee's final paycheck.

Employees are strongly encouraged to take an annual vacation. Employees shall request vacation time via the "Request for Vacation Time" form. Vacations shall be scheduled thirty (30) days in advance with his/her supervisor/District Manager. This notice may be waived at the discretion of the District Manager.

However, an employee may not take vacation during the employee's probationary period. An increase in the annual rate of accrual of vacation time will occur on the anniversary of the date of hire.

Full-time employees will receive vacation leave pay at the employee's regular rate of pay.

Vacation leave must be taken in a minimum of 2-hour increments.

D. SICK LEAVE

Definition

For the purposes of this Section of the Policy, the following definition shall apply: "eligible employee" means an employee: (a) is age 18 or older; (b) works an average of 18 or more hours per week during the year; and (c) is expected to work more than 20 weeks in a 12-month period. This definition includes newly hired employees and those who are still in their probationary period of employment. This definition does not include an individual who: (i) works on a per diem or intermittent basis; (ii) works only when he or she indicates that he or she is available to work; (iii) is under no obligation to work for RCSWD; and (iv) has no expectation of continuing employment with RCSWD.

Sick Leave

Eligible full-time employees shall be entitled to seven (7) days of sick leave annually, (4.66 hours per month) Employees may use sick leave benefits for an absence due to their own illness or injury or the illness of a member of their immediate family or for medical or dental appointments for the employee or member of the immediate family. Immediate family shall be as follows: employee's spouse or civil union partner, domestic partner, parent, child, father-in-law or mother-in-law, grandparent, stepparent or if the employee is designated the caregiver of persons in the same household.

Eligible part-time employees or temporary employees (whether part- or full-time) will earn one (1) hour of paid sick leave for every fifty-two hours worked by that employee. Such leave will accrue to the employee based on hours actually worked by that employee.

An employee may also be required to present satisfactory proof of a family relationship and/or satisfactory proof of a family member's illness or injury if the employee wishes to use accrued sick leave to care for the family member. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence. Abuse of sick leave may result in discipline, up to and including termination of employment.

The maximum of 240 hours of sick time may be carried over from one year to another. The number of sick time permitted is pro-rated based upon the average number of hours worked based upon the six months prior. For example, a full-time employee who works an average of forty hours per week from July 1 through December 31, will be permitted to carry forward the full 240 hours. A part-time employee who works an average of twenty hours per week from July 1 through December 31, will be permitted to carry forward 120 hours.

If an employee is unable to work due to incapacitation for more than seven (7) days of sick leave, a doctor's note indicating that "the employee is able to perform the duties listed in the employee's job description" must be provided to the District Manager upon request before returning to work.

An employee who resigns or is dismissed for any cause shall not be paid for unused sick leave. Employees may cash in their accrued time at time of retirement. (The full retirement age, also known as the "normal retirement age," is the age at which people can receive full retirement benefits upon leaving the workforce.)

Sick leave shall not be used immediately prior to termination of employment except for legitimate medical conditions validated by a doctor's note.

An employee may use sick leave for the purposes below:

- a. The employee is ill, injured, or incapacitated.
- b. The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.
- c. The employee cares for a sick or injured parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment, or accompanying the employee's parent, grandparent, spouse, or parent-in-law to an appointment related to his or her long-term care.
- d. The employee is arranging for social or legal services or obtaining medical care or counseling for the employee or for the employee's parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, who is a victim of domestic violence, sexual assault, or stalking or who is relocating as the result of domestic violence, sexual assault, or stalking. As used in this section, "domestic violence," "sexual assault," and "stalking" shall have the same meanings as in 15 V.S.A. § 1151.
- e. The employee cares for a parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, because the school or business where that individual is normally located during the employee's workday is closed for public health or safety reasons.

Employees must provide notice as soon as practicable of the intent to use earned sick time and the expected duration of the employee's absence. Employees must make reasonable efforts to avoid scheduling routine or preventive health care or other appointments during regular work hours.

Compensation for use of paid leave will be at the employee's regular rate of pay.

Use of this paid leave does not diminish the rights that an employee may have under the Vermont Parental Family Leave Act, 21 V.S.A. § 470.

Attendance Incentive

To acknowledge and encourage attendance at the workplace, RCSWD utilizes the following incentive program. Sick leave bonuses are awarded by January 30th for the annual year just ending.

Employees using zero hours of sick time: 16 hours of personal time

Employees using two or less days of sick time: 8 hours of personal time

To be eligible for the Attendance Incentive Program an employee must be full time and have successfully completed probation. This program in no way to encourage or allows an employee to come to work sick and possibly spread sickness to others or encourage employees to work with an injury that needs medical attention.

E. PERSONAL LEAVE

Personal leave accrual and usage only apply to all regular full-time employees who work a minimum 30 hours a week. The annual year for personal leave shall coincide with the anniversary date of each employee.

Regular full-time employees shall earn two (2) days of personal leave annually on January 1st of each year. Such personal leave shall be allowed for personal emergencies or personal appointments that occur during the employees normally scheduled day of work. An employee who wishes to utilize personal time, shall notify their supervisor or District Manager as soon as possible. The use of Personal Time is subject to the approval of the District Manager.

All personal leave must be approved by the District Manager and cannot be carried over from one year to another.

An employee who resigns or is dismissed for any cause shall not be paid for any unused personal leave.

F. BEREAVEMENT LEAVE

Employees are provided with up to three (3) paid bereavement leave days (pro-rated for part-time employees) related to the death of a close family member, domestic partner, or member of an employee's household. The exact amount of time off is dependent upon the circumstances and subject to supervisor approval. For purposes of this policy, close family member is defined as the following: spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt, uncle, niece, nephew, parent-in-law, or sibling-in-law.

If additional time off is needed, or if time off is needed for the funeral of a friend or a relative who is not an immediate family member as defined above, nor a domestic partner, nor member of an employee's household, the employee's supervisor may grant, on a case-by-case basis, the use of a reasonable amount of accrued sick leave, if available, or, if not, unpaid leave. The amount of such time off, if approved, will depend upon the individual circumstances such as the distance to be traveled, closeness of the employee's relationship with the person who died or the employee's family, and the employee's level of responsibility in making funeral or other arrangements.

Paid bereavement leave does not accrue and thus, when not used, is not carried forward into the next year nor compensated upon separation from employment.

G. JURY LEAVE

RCSWD will compensate employees for their service as jurors or witnesses when unrelated to their status as a District employee. Employees must show the jury summons or subpoena to the District Manager as soon as possible so that the District Manager may make arrangements to accommodate their absence. RCSWD will compensate the employee for the difference between their regular rate of pay and their compensation for jury duty. In accordance with 21 V.S.A. § 499, employees will otherwise be considered in the service of RCSWD for purposes of determining seniority, benefits, credit towards vacations, sick leave, and other rights, privileges, and benefits of employment.

Employees are expected to report for work whenever the court schedule permits. Either RCSWD or the employee may request an excuse from jury duty if, in RCSWD's judgment, the employee's absence would create serious operational difficulties. RCSWD will continue to provide all contractual benefits for the full term of the jury duty absences at the normal contribution of the employee.

When District employees are called to serve as a witness in a court proceeding due to their status as an employee of RCSWD, RCSWD will compensate the employee for the difference between their regular rate of pay and their compensation as a witness. RCSWD will pay the difference only when the employees' regular rate of pay exceeds their compensation as a witness.

H. MEDICAL INSURANCE

RCSWD currently provides medical insurance through Blue Cross/Blue Shield Vermont, Platinum Plan; (90% paid by district - 10% paid by employee). RCSWD expressly reserves the right, in its sole discretion, to explore health plan options and/or alternatives with various providers to determine if equal or better benefits exist with cost savings to RCSWD and its employees.

I. HEALTH INSURANCE BUYOUT

Employees who can demonstrate that they are covered under a health plan through non-District employment of a spouse, or other lawful sources, and who choose not to enroll in RCSWD health plan shall qualify for a premium reduction incentive of \$5,000.00 per year paid on a pro-rated basis by pay period. Employees who intend to utilize the Health Insurance Buyout program shall complete the prescribed documentation that shall be subject to the approval of the District Manager. In the event the employee loses coverage under an alternate plan, the employee shall immediately notify the District Manager or his or her designee to re-enroll in RCSWD plan. In this scenario, additional documentation for re-enrollment and elimination of the Health Insurance Buyout program shall be filed and approved by the District Manager. Premium reduction incentive payments will cease upon re-enrollment.

J. DENTAL PLAN: None currently offered. However, if a feasible plan can be identified, and sufficient participation can be obtained for enrollment, RCSWD shall pay a percentage of the employee's premium.

K. TERM LIFE INSURANCE

Benefit is \$25,000; AD&D is \$25,000 – (Premiums are paid 100% by RCSWD)

L. SHORT-TERM DISABILITY

Benefit is up to 60% of wage replacement, or up to a maximum of \$500.00/week. Benefit day begins 8th consecutive day of disability due to accidental injury or sickness. Benefit period is up to 26 weeks.

M. LONG-TERM DISABILITY

Benefit is up to 60% of wage replacement or up to a maximum of \$4,000.00/month.

Elimination period: 180 calendar days of disability caused by the same or related sickness or injury, which must be accumulated within a 360-calendar day period. Maximum benefit period has a sliding scale based upon age and benefit time period.

N. 457(b) DEFERRED COMPENSATION PLAN

Participation includes being part of the State of Vermont Deferred Compensation Plan. The plan is managed by Prudential Investing. Only regular employees may opt into the plan. Contributions to the plan come entirely from the employee and may be withheld as a payroll deduction. Employees who opt into this plan coordinate directly with Prudential Investing to coordinate their investment plan and administration (e.g., investment selection type, rolling funds, etc.). RCSWD shall ensure any payroll deducted contributions are delivered to Prudential Investing.

O. RETIREMENT PLAN

All regular employees who are at least 18 years of age and who work a minimum of 1000 hours annually shall be entitled to participate in the Rutland County Solid Waste District Retirement Plan. An eligible employee is vested after one (1) year. Five (5) percent of eligible employees' gross compensation for the fiscal year is contributed to the pension plan by RCSWD.

P. EMPLOYEE ASSISTANCE PROGRAM (EAP)

A confidential resource designed to provide personal and/or family counseling or information in areas such as marital or dependent relationship difficulties, alcohol and drug abuse, stress, legal, or financial concerns, problems with children, and emotional challenges, is provided at no cost to the employee or the employee's household members. Contact Information: www.investeap.org, 1-800-287-2173.

Q. COBRA

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under RCSWD's health plan when a "qualifying event" would normally result in the loss of eligibility. Some

common qualifying events are resignation, termination of employment for any reason, or death of an employee; a reduction in an employee's hours, or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements as a result of age or full-time student status.

Under COBRA, the employee or beneficiary pays the full cost of coverage at RCSWD's group rates plus an administration fee. The employee is provided with a written notice describing his or her rights as granted under COBRA when the employee becomes eligible for coverage. The notice contains important information about the employee's rights and obligations and payment terms.

R. SOCIAL SECURITY

All District employees are required to participate in the Social Security and Medicare systems. Both the employee and RCSWD are required to contribute to Social Security and Medicare. Employee and District contributions are determined by law and are subject to change. Deductions are noted on employee's paychecks.

S. WORKER'S COMPENSATION INSURANCE

As required by Vermont law, District employees are covered by Worker's Compensation Insurance. This insurance provides coverage for medical expenses, or other benefits in the event of certain eligible work-related injuries.

VI. UNPAID LEAVES OF ABSENCE

A. PARENTAL AND FAMILY LEAVE

RCSWD will comply with the provisions of the Vermont Parental and Family Leave Act (VPFLA) which provide eligible employees with up to 12 weeks of unpaid leave in a 12-month period for various family and medical reasons. Under certain circumstances, employees may take leave on an "intermittent" schedule or a "reduced leave" schedule. The granting and duration of each leave of absence will be determined by RCSWD in conjunction with applicable law. For purposes of this policy, a "rolling" 12-month period will be used, measured forward from the date the employee first uses any family or medical leave.

While Employees may utilize their paid time off while on medical leave to offset the financial implications of unpaid medical leave, the use of paid time off does not extend the 12-week period.

Eligibility for leave under the VPFLA is determined by the provisions set by the VPFLA.

RCSWD reserves the right to designate any qualifying leave of absence granted under this policy as leave the VPFLA. A request for leave must be made to the District Manager.

B. SHORT TERM FAMILY LEAVE

Under VPFLA, an employee who has worked at least 30 hours a week for at least 12 months is entitled to the following short term family leave for up to 24 hours unpaid leave in any 12-month period (but not more than 4 hours in any 30 day period and a minimum of two-hour segments).

In accordance with VPFLA, eligible employees may be entitled to take unpaid leave not to exceed four (4) hours in any thirty (30) day period and not to exceed twenty-four (24) hours in any twelve-month period for the following purposes:

- a. To participate in preschool or school activities directly related to the academic educational advancement of the employee's child, stepchild, foster child, or ward who lives with the employee, such as a parent-teacher conference;
- b. To attend or accompany the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse or parent-in-law to routine medical or dental appointments;
- c. To accompany the employee's parent, spouse or parent-in-law to other appointments for professional services related to their care and well-being; or

To respond to a medical emergency of the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse or parent-in-law.

RCSWD may require that leave (including vacation and personal leave) be taken in a minimum of two-hour segments. At the option of the employee, accrued paid leave may be used before taking leave under this section an employee shall make a reasonable attempt to schedule appointments outside of regular work hours.

An employee shall provide RCSWD with the earliest possible notice of the intent to take short term family leave, but in no case later than seven (7) days before leave is to be taken, except in the case of an emergency where the required seven (7) day notice could have a significant adverse impact on the family member of the employee.

C. CRIME VICTIM LEAVE

In accordance with 21 V.S.A. § 472c, eligible employees who are crime victims may be entitled to take unpaid leave for the following purpose of attending a deposition or court proceeding related to:

- a. a criminal proceeding when the employee has a legal right or obligation to appear at the proceeding;
- b. a relief from abuse, neglect, or exploitation hearing when the employee is the plaintiff
- c. hearings concerning an order against stalking or sexual assault when the employee seeks the order as plaintiff.

A "crime victim" is a person who has:

- d. obtained a relief from abuse order against a family or household member;
- e. obtained a court order against stalking or sexual assault;

- f. obtained a court order against abuse of a vulnerable adult; or
- g. sustained physical, emotional or financial injury as the direct result of the commission or attempted commission of a crime or act of delinquency and is identified as a crime victim in an affidavit filed by law enforcement official with a prosecuting attorney. This also includes the victim's child, foster child, parent, spouse, stepchild or ward of the victim who lives with the victim, or a parent of the victim's spouse, provided that the individual is not identified in the affidavit as the defendant.

At the option of the employee, accrued sick leave, vacation leave, or any other accrued paid leave may be used.

D. MILITARY LEAVE

RCSWD will comply with the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4303 et seq., and 21 V.S.A. §§ 491 et seq. Employees who take military leave subject to the provisions of these laws will be granted leave without pay. At the option of the employee, any paid leave accrued prior to the commencement of the leave may be used.

An employee who leaves their position to enter military service in time of war or for annual two-week training or is otherwise called to duty, shall be carried on the rolls at military leave status and upon their discharge shall be entitled to be reinstated to the employees' former position or an equivalent position for which they are qualified. There shall be no compensation for military leave time. Military leave shall not be used in computing personal leave, sick leave, or vacation leave.

E. LEAVE OF ABSENCE WITHOUT PAY

Other 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 not to exceed four (4) months and must include a specified date of return. All leave of absences must be approved by the District Manager.

If a leave of absence without pay is granted by the District Manager, the Executive Board will be informed of the details, the employee may, at RCSWD's sole discretion, continue the employee's group health plan coverage by paying the required premium in accordance with the payment schedule established by RCSWD. Other employee benefits (i.e., sick leave, personal time, vacation, etc.) will not accrue during an unpaid leave period that exceeds one (1) day.

F. OUTSIDE EMPLOYMENT WHILE ON LEAVE

Employees who are on any approved leave of absence may not engage in any form of self-employment or perform work for any other employer during that leave, except when the leave is for military service. If you accept any employment or go into business while on a leave of absence from RCSWD other than for military service, you will be considered to have voluntarily resigned from employment with the RCSWD as of the day on which you began your leave of absence.

VII. EQUIPMENT/COMPUTER POLICIES

A. USE OF DISTRICT EQUIPMENT

Except as provided in Section VII (C), the use of District equipment or property for personal use is strictly prohibited. Employees should have no expectation of privacy regarding anything stored in or on District-owned property or District-owned equipment, including but not limited to desks, filing cabinets, lockers, and vehicles. Employees should expect that such areas may be searched at any time to retrieve work-related materials or to investigate violations of workplace rules.

B. USE OF DISTRICT COMPUTER SYSTEMS

For purposes of this policy, "computer system" means all computers and devices and any related hardware, equipment, components, or software, including, but not limited to, host computers, file servers, workstation terminals, laptops, tablets, cell phones, smartphones, internal or external communication networks, the world wide web (www), the Internet, commercial online services, bulletin board systems, backup systems, and the internal and external e-mail systems accessed via RCSWD's computer equipment.

All electronic communications regarding District business should be, to the furthest extent possible, conducted via official District computer systems. A District employee should avoid conducting District business using his or her personal computer, device, or account.

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

Employees should have no expectation of privacy or confidentiality regarding anything created, sent or received on RCSWD computer system. RCSWD may monitor at any time its computer system without warning or any specific notice to employees including any, and all computer transactions, communications and transmissions for any reason including, but not limiting to ensuring compliance with this policy and evaluating the use of its computer system. All files, documents, data, and other electronic messages created, received, or stored on RCSWD computer system are open to review and regulation by RCSWD and may be subject to the provisions of Vermont's Public Records Law.

Employees may not introduce software from any outside source on RCSWD's computer system without explicit prior authorization from their supervisor. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into RCSWD computer system.

Employees who have a confidential password to access RCSWD's computer system should be aware that this does not mean the computer system is for personal confidential communication,

nor does it suggest that the computer system is the property of that person. Usernames and passwords to a computer, applications, vender accounts, or other district business shall be documented and filed in RCSWD Manager's secure file cabinet.

Transmission of electronic messages on RCSWD computer system shall be treated with the same degree of propriety, professionalism, and confidentiality as written correspondence. The following are examples of uses of RCSWD computer system which are prohibited:

- a) Communications that in any way may be construed by others as disruptive, offensive, abusive, discriminatory, harassing, or threatening;
- b) Communications of sexually explicit images or messages;
- c) Transmission of chain letters or solicitations for personal gain, commercial or investment ventures, religious or political causes, outside organizations, or other non job-related solicitations during or after work hours;
- d) Access to Internet resources, including web sites and news groups, that are inappropriate in a business setting;
- e) Any other use that may compromise the integrity of RCSWD and its business in any way.

C. EQUIPMENT OPERATION

Employees/Vendors may not use District-owned equipment or vehicles unless approved by the District Manager. No equipment may be used outside of RCSWD's service area, for personnel use, or for private use.

Depending upon the situation, RCSWD may issue other equipment or property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, uniforms, cellular telephones, computers, and computer-related equipment. Employees are responsible for items formally issued to them by RCSWD, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees will be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment, and their agreement to pay for any lost or unreturned property through payroll deduction. RCSWD may take such action as it deems appropriate or necessary to recover and/or protect its property, including payroll deduction to cover the cost of lost, stolen, or unreturned items.

Each employee who is anticipated to operate a RCSWD vehicle during the course of employment, is required to hold a valid and current driver's license. Proof of a valid and current driver's license must be placed in the employee's personnel file. Any changes in an employee's driving record that result in suspension of license or cancellation of automobile insurance must be reported to the District Manager immediately. Any moving violations that an employee incurs while under RCSWD's employment must also be reported to the District Manager. Failure to do so may result in disciplinary action, up to and including termination. Employees who are not able to maintain insurance or an acceptable driving record will not be permitted to drive RCSWD vehicles.

Employees must notify the District Manager if any vehicle, equipment, machine, tool, etc. appears to be damaged or defective, or is in need of repair. The employee shall document such cases

utilizing an incident report form, prior to the end of the shift. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, or unsafe use or operation of equipment will likely result in disciplinary action, up to and including termination of employment. (Also see RCSWD vehicle and equipment maintenance policy)

The District Manager will be responsible for maintaining an accurate inventory of tools, keys, cell phones, computers, and equipment.

District property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business without prior written approval by the District Manager or his written designee.

All employees shall be solely responsible for their personal property at all times.

D. SOCIAL NETWORKS, PERSONAL WEBSITES AND BLOGS

Social networking, personal websites, and blogs have become common methods of self-expression. RCSWD respects the right of employees to use these media during their personal time. Employees must understand that material posted on these media may be read by persons other than those for whom it is intended. Employees are cautioned that they are responsible for the contents of social media posts they make. Posts that contain obscene, inciting, hateful, or harassing material, that are unlawful, that contain personal attacks on coworkers, that reasonably call into question the employee's judgment, or that reasonably cause concern among the public may result in discipline, up to and including termination from employment. Similarly, conduct that would violate District policies if done in person also violates District policy if done through social media. Employees may not disclose confidential information over social media or similar sites.

Employees who post on media sites and who have identified themselves as a member or employee of RCSWD on those sites must make it clear that they are expressing their own views and not those of RCSWD. Use of social media during working hours is prohibited, unless specifically authorized as part of an employee's job duties.

VIII. ETHICS CODE

A. CONFIDENTIAL AND PROPRIETARY INFORMATION

RCSWD considers its confidential and proprietary information, including the confidential and proprietary information of our customers and vendors, to be one of its most valuable assets. As a result, employees must carefully protect and must not disclose to any third party any confidential and proprietary information belonging to RCSWD, its customers, or vendors. Such protected information includes, but is not limited to, the following matters of technical nature, such as computer software, product sources, product research and designs; and matters of business nature, such as customer lists, customer contact information, and any other proprietary information, whether communicated orally or in documentary, computerized or other tangible form, considering RCSWD's or its customers' operations and business.

Employees should ensure that any materials containing confidential or proprietary information are filed and/or locked up before leaving their work areas each day. During the workday, employees should not leave any sensitive information lying around or unguarded. Any questions about this policy should be addressed to the District Manager.

B. PUBLIC RECORDS

Any written or recorded information that is produced or acquired by a District employee in the course of District business is a public record, subject to Vermont's Public Records Law and may be covered by the State of Vermont's retention rules and disposition schedules for municipal records. Although RCSWD discourages the use of personal computers, devices, or accounts to conduct District business (see Section VII (D), above), the use of a personal computer, device, or account does not prevent an otherwise public record from being subject to public inspection and copying. In the uncommon event that an employee uses their personal computer, device, or account to conduct District business, the record created, sent, or received should be forwarded by the employee to the employee's District computer system, or otherwise captured and retained as a District record. All employees are required to notify the District Manager, and not respond on their own, since there may be a need for legal assistance, and redacting privileged information. All employees must provide any District public records stored in their personal computers, devices, or accounts to the District Manager to be responsive to a public records request. (Also see RCSWD FOIA policy)

C. CONFLICTS OF INTEREST

Every RCSWD employee shall carry out his or her job in a way which ensures that neither the individual employee nor any other employee of RCSWD will gain a personal or financial advantage from his or her work for RCSWD and so that the public trust will be preserved. All decisions made by RCSWD employees shall be made based on the best interest of RCSWD rather than the interests of any particular individual or employee.

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

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

An employee shall not use resources not available to the general public, including but not limited to RCSWD staff time, equipment, supplies, or facilities for private gain or personal purposes.

An employee may accept a nominal gift or gratuity in connection with an action associated with their official duties on behalf of RCSWD with an estimated monetary value not exceeding \$20

once per calendar year, with the understanding that employees may not directly or indirectly ask, demand, exact, solicit, accept or receive any gift, gratuity, act or promise beneficial to that individual, or another, which could influence any action or inaction associated with their official duties on behalf of RCSWD, or create the appearance of impropriety in connection with any actions or inactions associated with their official duties on behalf of RCSWD. Nor shall any employee authorized to procure or to recommend procurement of materials, supplies or services corruptly, directly or indirectly, ask, demand, exact, solicit, seek, accept, receive or agree to receive for the employee or another person, any benefit or benefits from the person providing or soliciting the provision of such materials, supplies or services with the exception of items of a *de minimus* nature valued \$20 or less (such as vendor booth “freebies”). Other gifts may be accepted only with approval of the District Manager.

Employees must be ever vigilant about conflicts, whether actual, potential, or perceived. If you have a question about whether or not a conflict of interest exists, please bring it to the attention of the District Manager. Ultimately, it is the responsibility of each individual to avoid any situation that presents a conflict of interest.

D. OUTSIDE EMPLOYMENT

The primary occupation of all full-time employees shall be with RSCWD. Employees may not engage in any outside business activities during their normal working hours. Employees are prohibited from undertaking outside employment that interferes with their job performance or constitutes a conflict of interest, as defined in Section III (C) of this Policy.

A conflict of interest means an actual or perceived direct or indirect personal or financial interest of an employee, his or her close relative, household member, business associate, employer or employee. A close relative includes a spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law and sibling-in-law. To the extent that a question arises relating to an actual or perceived conflict of interest, employees shall contact the District Manager.

E. POLITICAL ACTIVITY

No employee may use his or her official authority for the purpose of interfering with or affecting the nomination or election of any candidate for public office, or demand or solicit from any individual direct or indirect participation in any political party, political organization or support of any political candidate. Employees are prohibited from using District facilities, equipment or resources for political purposes and from pursuing political activities while working.

This Personnel Policy is not to be construed to prevent employees from becoming or continuing to be members of any political party or organization, from attending political party or organization meetings or events, or from expressing their views on political matters, so long as these views are clearly articulated as being those of the individual and not of RCSWD, and these activities do not interfere with the individual’s ability to effectively perform his or her duties and take place or are expressed during non-working hours. Nor is this Personnel Policy to be construed as prohibiting,

restraining or in any manner limiting an individual's right to vote with complete freedom in any election.

F. NEPOTISM

In recognition of the potential for a conflict of interest to occur in the workplace where a close relative is responsible for directly supervising or evaluating the work performance of another close relative, RCSWD prohibits the hiring or transferring of relatives, when doing so will result in a close relative supervising or evaluating another close relative, or a close relative supervising or evaluating the immediate supervision of another close relative.

A close relative includes a spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law and sibling-in-law.

IX. MISCELLANEOUS POLICIES & PROCEDURES

A. WORK RELATED INJURIES

If you sustain an injury while working, you must notify the Main Office as soon as possible. All injuries must be reported within 24 hours. Upon reporting, an incident report will be filled out and an investigation will be completed.

If you fail to report an injury, you may jeopardize your right to collect workers' compensation payments as well as health benefits. Should you have any questions or concerns, contact the District Manager for more information.

B. RESIGNATIONS AND REDUCTION IN PERSONNEL

Resignations - An employee who desires to resign from employment shall submit, to the extent possible a written resignation of two (2) weeks' notice. The longest possible notice is desired for proper planning. Failure to provide notice will result in the deposition of "abandoned"/"termination" from the position. This notice may be waived at the discretion of the District Manager in consultation with the Executive Board.

Reduction of Personnel - If it becomes necessary to reduce personnel, temporary employees shall be separated first, then probationary regular employees, then temporary part-time employees who have completed their probationary period, then regular part-time employees who have completed their probationary period, then regular full-time employees who have completed their probation. The forgoing order may be modified by the Executive Board in consultation with the District Manager when such would conflict with specific program requirements and effective operations. Within each of the three groups, the selections of employees to be retained shall be based solely on their relative merit and qualifications as well as program requirements. At least one (1) month advance notice, in writing, shall be given an employee prior to such a reduction in personnel.

C. EMPLOYEE TERMINATION PROCESS

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

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

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

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

At the pre-termination meeting, the employee will be afforded an opportunity to present the employee's response to the reasons for termination. If the employee declines to attend the pre-termination meeting, the employee may submit a written response to the pre-termination notice not later than the scheduled date of the meeting.

Within seven (7) business days of the date of the meeting, the District Manager will provide the employee with a written notice informing the employee whether he/she has been terminated. If the employee has been terminated, the notice will provide the general reasons therefore and will also inform the employee of the opportunity to request a post-termination hearing before the Executive Board by giving written notice of such request to the District Manager within seven (7) business days. The employee will be informed that the employee's failure to make a timely request for a post-termination hearing will result in such hearing being waived.

If a request for a post-termination hearing is made, the Executive Board will provide the employee with a notice informing the employee of the date, time, and place of the post-termination hearing before the Executive Board. The notice will inform the employee of his or her right to be represented by counsel, to present and cross-examine witnesses and to offer supporting documents and evidence.

At the post-termination hearing, the employee will be afforded the opportunity to address the basis for termination by hearing and examining the evidence presented against the employee, cross-examining witnesses and presenting evidence on the employee's behalf. The Executive Board will make such determinations as may be necessary in the event of evidentiary objections or disputes.

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

The Executive Board will render a written decision within fourteen (14) business days after close of the hearing, unless otherwise agreed upon by the parties.

D. EMPLOYEE EXIT INTERVIEW

To assist RCSWD and the employee, the District Manager shall conduct an Exit Interview when an employee leaves the service of RCSWD. Information received from this interview will be reviewed to assess potential changes in the workplace.

E. SEVERABILITY

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

AMENDMENTS

The Board of Supervisors may amend this policy. This process may be at a duly posted Board of Supervisors meeting. A motion to amend a specific word, phrase, section will contain the old text and then the revised and voted upon text. The Board minutes with the motion will be attached and become part of this policy. This will ensure all changes will be located within one document. The revision date shall be added to the bottom of this policy.

ADOPTED this 3rd day of November 2021 by the Rutland County Solid Waste District - Board of Supervisors at their regular posted meeting.

Revised June 6, 2002
Revised August 1, 2007
Revised January 1, 2022

Addendum A: Receipt and Acknowledgement

I, _____, acknowledge that:

- A. I received a copy of RCSWD's personnel policy on _____ and it is my responsibility to familiarize myself with its contents;
- B. I understand that it is my responsibility to ask questions if there is anything in the policy that I do not understand;
- C. I understand that the language used in this personnel policy is not intended to create, nor should it be construed to create, a contract of employment between myself and RCSWD;
- D. I understand that this policy replaces any and all prior versions and that RCSWD reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or none at all, in whole or in part, at any time, with or without notice;
- E. I understand that the policies, rules and benefits described in the policy are subject to change at the discretion of RCSWD.
- F. I understand that my signature below indicates I have read and understand the above statements and have received a copy of RCSWD's personnel policy.

Employee's Signature

Date

Addendum B: Request for Paid Leave Form

I, _____ REQUEST THE FOLLOWING TIME TO BE
USED:

_____ VACATION	HOLIDAY WORKED _____
_____ SICKNESS	BEREAVEMENT _____
_____ PERSONAL	COMPENSATORY _____

DATE(S)/HOUR(S) REQUESTED: _____

_____ EMPLOYEE'S SIGNATURE	_____ DATE
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OFFICIAL USE ONLY:

Approved by _____ Supervisor	_____ Date
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Approved by _____ District Manager	_____ Date
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Disapproval: (Please indicate a reason for disapproval)

Date