

**TOWN OF
CHARLOTTE**



WORKPLACE and EMPLOYMENT POLICIES

March 2005

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TOWN OF CHARLOTTE WORKPLACE and EMPLOYMENT POLICIES

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INTRODUCTION

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

SECTION 1. GENERAL POLICY

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

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

SECTION 2. WORKPLACE and EMPLOYMENT POLICIES

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

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

2.1. Non-Discrimination Policy

The Town of Charlotte promotes and maintains a policy of equal employment opportunity. The Selectboard interviews candidates and hires employees on the basis of their qualifications for the positions available. The Selectboard does not discriminate in hiring, compensation, training, or advancement or in any other aspect of employment on the basis of age, sex, religion, race, color, national origin or place of birth, veteran status, physical condition or disability, HIV status, sexual orientation, or marital or civil union status. (See 21 V.S.A. Sec. 495.)

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

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

2.2. Health and Safety Policies

2.2.1. Vermont Occupational Safety Hazards Act Policy.

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

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

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

2.2.3. Alcohol and Drug Policy. It is the policy of the Town of Charlotte to promote and maintain a healthful and lawful working environment. Working under the influence of alcohol or regulated drugs may endanger the public or result in poor job performance. An employee who has an alcohol or drug use problem that may interfere with work performance is expected and encouraged to seek assistance and treatment. The Selectboard members or an immediate supervisor shall provide guidance and information without prejudice, such as the location of approved drug-abuse assistance or rehabilitation programs, to any employee who asks for help with an alcohol or drug problem.

Employees shall not come to work under the influence of alcohol or consume alcohol while at work. Any employee who does so shall be subject to immediate dismissal. The illegal use, possession, sale, or distribution of controlled substances by the town's employees is not permitted within Town Hall or on any town-owned property.

Any employee of the town found selling, manufacturing, or in possession of drugs in amounts that indicate drug sales or distribution activity will be immediately dismissed from employment by the town. An employee using illegal drugs or in possession of amounts that appear to constitute "personal use" will be subject to penalties ranging from suspension

without pay to summary discharge. If an employee's performance appears to be affected by what appears to be drug use, an evaluation by a certified drug-abuse professional may be required as a condition of continued employment.

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

2.3. Harassment Policy

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

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

2.4. Political Activity Policy

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

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

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

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

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

Employees may not use town facilities, equipment, or supplies in order to promote or impede the cause of any candidate for office or any public issue or question.

2.5. Confidentiality Policy

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

2.6. Conflict of Interest Policy

For the purposes of this policy and document, “conflict of interest” is defined as any interest or activity—whether financial, personal, public, or private—that conflicts with, or has the potential to conflict with, the impartial performance of the town duties and responsibilities of anyone acting on behalf of the town.

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

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

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

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

d) Gifts or Other Valuables. No person employed by the Town of Charlotte shall accept or give, directly or indirectly,

any gift, service, money in excess of \$20, favor, loan, promise, or any other thing or service of value that is intended to be, or could be considered to be, payment for special treatment or an effort to affect the discharge of official duties.

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

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