



City of Winooski Personnel Manual

Adopted: 12/15/14

Effective: 1/1/15

Authority

City Council Charter Section 304 Subsections (B) (6) And (B) (9).

Purpose Statement

Personnel policies are established to promote fair treatment of the employees of the City of Winooski, and to ensure compliance with state and federal law. The policies shall set forth the employment philosophy of the council as it relates to the individuals who work for the City. Further, policies shall set a standard for the City Manager and division directors when managing staff.

If these policies conflict with any policy contained in the contracts of any bargaining unit recognized by the City of Winooski, the contract shall supersede these policies for any member of that union.

Each employee of the City of Winooski is expected to make himself/herself fully familiar with the policies contained in this manual, and to maintain awareness of any policy changes occurring after the effective date of this manual.

The policies stated in this document are the responsibility of the council as provided in the City Charter in section 304 (b) (6) as it relates to policies and in subsection (9) as it relates to the fiduciary responsibility over City funds.

Applicable Standards

City Charter

City Policy on Written Directives

Federal Law

State Statute

Table of Contents

Article 1 - General

- Section 1.1 - Title and Authority
- Section 1.2 - Effective Date
- Section 1.3 - Positions Covered
- Section 1.4 - Amending this Policy
- Section 1.5 - Division Policies

Article 2 - Definitions

Article 3 - Employment

- Section 3.1 - Equal Opportunity Employer
- Section 3.2 - Americans With Disabilities Act (ADA)
- Section 3.3 - Hiring
 - 3.3.1 Recall
 - 3.3.2 Recruitment
 - 3.3.3 Appointment
 - 3.3.4 Probationary Period
- Section 3.4 - General Practices
 - 3.4.1 Pay Periods and Pay Checks and Direct Deposit
 - 3.4.2 Seniority
 - 3.4.3 Records and Reports
 - 3.4.4 Evaluations
 - 3.4.5 Demotions
 - 3.4.6 Transfers
 - 3.4.7 Promotion
 - 3.4.8 Training
 - 3.4.9 Travel
 - 3.4.10 Nepotism
 - 3.4.11 Safety
 - 3.4.12 Equipment, Technology, and Uniforms Issue
- Section 3.05 - Terminations
 - 3.5.1 Voluntary Termination
 - 3.5.2 Layoff
 - 3.5.3 Involuntary

Article 4 - Performance Expectations and Employee Relations

Section 4.1 - Performance Management

Section 4.2 - Corrective Action

Section 4.3 - Grievance Procedures

Article 5 - Compensation and Work Hours

Section 5.1 - Position Description

Section 5.2 - Compensation Plan

5.2.1 Reclassification

Section 5.3 - Work Hours, Fair Labor Standards Act (FLSA), Overtime/Compensatory Time

5.3.1 Non-Exempt

5.3.2 Exempt Employees

5.3.3 Division Directors

5.3.4 Non-Exempt

5.3.5 Exempt Employees

5.3.6 Prompt Attendance at Work

5.3.7 Rest and Meal Breaks

5.3.8 Personal Business

5.3.9 Light Duty

5.3.10 Time Sheets

Section 5.4 - Call-in

Section 5.5 - After Hour Meetings, Extended Work Hours and Special Events

Article 6 - Leave Benefits

Section 6.1 - Eligibility for Employee Benefits

Section 6.2 - Paid Time Off - Accrued

6.2.1 Planned Time Off

6.2.2 Unplanned Time Off

6.2.3 Paid Time Off Accruals (Based on Forty (40) Regularly Scheduled Hours Per Week)

6.2.4 Sick Bank

6.2.5 Holidays

Section 6.3 - Leave of Absence - Paid

6.3.1 Bereavement Leave

6.3.2 Administrative Leave

Section 6.4 - Leave of Absence – Unpaid

- 6.4.1 Worker’s Compensation
- 6.4.2 Family and Medical Leave
- 6.4.3 Short Term Family Leave
- 6.4.4 Jury Duty
- 6.4.5 Legislative Duty
- 6.4.6 Military Leave

Article 7 - Insurance Benefits

Section 7.1 - Health and Ancillary Insurances

- 7.1.1 Health Benefits
- 7.1.2 Opt-Out Program
- 7.1.3 Cobra
- 7.1.4 Supplemental Insurance
- 7.1.5 Life Insurance
- 7.1.6 Short- and Long-Term Disability Benefits

Section 7.2 - Mandated Insurance

- 7.2.1 Worker’s Compensation
- 7.2.2 Unemployment Compensation
- 7.2.3 FICA/Social Security

Article 8 - Other Benefits

Section 8.1 - Tuition Reimbursement

Section 8.2 - Retirement

Section 8.3 - Early Retirement

Section 8.4 - Health Club Membership

Section 8.5 - Employee Assistance

Section 8.6 - Volunteerism

Article 9 - Workplace Expectations

Section 9.1 - Code of Conduct

- 9.1.1 Confidentiality
- 9.1.2 Conflict of Interest

Section 9.2 - Harassment

9.2.1 Harassment – Sexual

9.2.2 Retaliation Prohibited

9.2.3 Harassment – Complaint Process

Section 9.3 - Outside Employment

Section 9.4 - Personal Appearance

Section 9.5 - Solicitation and the Distribution and Posting of Literature

Section 9.6 - Political or Religious Activity - General

9.6.1 Political Activity – Lobbying

Section 9.7 - Whistleblower

Section 9.8 - Social Media

Section 9.9 - Drug and Alcohol

Article 1 - General

Section 1.1 - Title and Authority

These policies shall be known collectively as the City of Winooski Personnel Policy Manual ("Manual") and have been adopted by the City Council of the City of Winooski pursuant to 24 V.S.A. §§ 1121-1122 and the Winooski City Charter § 304.

This Manual does not constitute a contract of employment, express or implied. This Manual does not guarantee employment with the City of Winooski for any specific period of time, except as otherwise provided under a relevant collective bargaining agreement or under the provisions of these policies. Employment with the City of Winooski shall be at will and not for any definite period or succession of periods of time. The City or the employee may terminate employment at any time, with or without notice, except as may be required under a relevant collective bargaining agreement.

This Manual supersedes any and all past employee manuals, handbooks, policies, procedures, understandings, written or verbal, express or implied.

This personnel policy will be the responsibility of the City Manager or his/her authorized representative as noted in the sections below.

Section 1.2 - Effective Date

This policy will go into effect on January 1, 2015.

Section 1.3 - Positions Covered

The policies within the Manual shall apply to all City of Winooski employees with the exception of those covered under a collective bargaining unit recognized by the City of Winooski. Where a collective bargaining unit contract is silent on a particular issue, these policies shall apply to the members of the bargaining unit(s) relating to that issue.

All City of Winooski departments are expected to follow the policies set forth in this Manual. In the event a department policy is different from the policies in this Manual, the Manual shall apply.

Volunteers, AmeriCorps, and VISTA workers are covered by other policies and not subject to the terms, nor afforded the benefits herein.

Section 1.4 - Amending this Policy

The City Council reserves the right to add, delete or alter any policy included in this Manual as defined in City Policy.

Section 1.5 - Division Policies

City divisions may adopt policies or procedure under the formal Written Directive policy that may furtherdefine the requirements in this Manual for Division employees. Employees in those divisions will be subject to both this manual and the Division policies once adopted.

Article 2 – Definitions

Administrator – An employee in charge of a particular program with no responsibility for supervising staff. (Equal in rank to a Coordinator.)

Appeal – Application for review of an alleged grievance submitted or instituted by an employee to a higher authority.

Appointment – Offer to and acceptance by a person of a position in the City

Base Pay – Amount of salary or wages that compensates an employee during his/her regularly scheduled hours.

Business Days – Monday through Friday, where Saturday and Sunday do not count toward the total. (Days will mean simple calendar days including Saturday and Sunday.)

Call In – Condition that exists when employees have left the work site at the end of their regularly scheduled hours and are asked to return to work without prior notification. Typically used in emergency conditions.

Chief – Position of the person with statutory authority to lead the Police or Fire Department.

Classification – A of grouping positions in pay grades with regard to (a) duties and responsibilities; (b) requirements as to education, knowledge, experience, and ability; (c) tests of fitness; and (d) ranges of pay.

Classification Plan – Official or approved system of grouping positions into appropriate grades.

Compensation Plan – Official schedule of pay approved by the City Council assigning one or more rates of pay to each grade.

Contractor – Person who performs services to the City though employed by a separate entity where work rules are determined.

Coordinator – An employee in charge of a particular program who temporarily or permanently oversees people, which may include volunteers.

Demotion – Assignment of an employee to a position of a lower grade, which has a lower pay classification.

Department – unit of the City government, typically overseeing two or more functions as defined by the City Council that may include multiple programs or services (i.e. Children’s Programming, Police Department, Fire Department).

Director – Employee who manages multiple departments and reports directly to the City Manager

Division – A unit of the City government made up of several related departments (i.e Community Services, Public Works, Public Safety, and Administration)

Emergency– Condition determined by the Division Director or the City Manager that requires staff to deliver critical services to ensure or restore a safe environment in the City.

Employee – Person who performs services for the City under its work rules and receives compensation in return for such service.

Evaluation – Process of assessing an employee’s performance based on the job expectations in the job descriptions and other requirements, goals, or objectives as determined by the supervisor.

Exempt Employee – Employees not subject to the provisions of the Fair Labor Standards Act.

Extended Family – Person related to the employee as a grand-parent, aunt, uncle, or sibling in law.

Full Time – Employees holding regular positions scheduled for thirty (30) or more hours every week of the year.

Grievance – Dispute concerning terms and conditions of employment arising from any administrative decision which the employee claims is in violation of Personnel Policies.

Human Resources – Function charged with assuring compliance with the laws, statutes, and policies governing employment with the City.

Human Resources Representative – employee assigned by the City Manager to serve as the point person on Human Resources issues.

Human Resources Director –City Manager as established in the City Charter Section 603(b)

Immediate Family – Person related to the employee as spouse, child, foster child, parent, parent equivalent, parent-in-law, step parent or child, grandchild, sibling or a member of the employee’s household with a special relationship to the employee.

Job Abandonment – An employee neither calls in nor comes to work for the regular work schedule for three consecutively scheduled days.

Leave of Absence – Approved absence from work, paid or unpaid, where the employee is expected to return at a date certain.

Light Duty – Work that may be assigned to an employee that requires activities that are less than the individual’s position description may require.

Non-exempt employee – Employees defined by and subject to the provisions of the Fair Labor Standards Act.

On Call – Status where an employee is required to be available to respond to the City for duties through a defined period of time outside of his/her regular work hours.

Operations Manager – An employee who has responsibility for a department in the City.

Overtime/Compensatory Time – Authorized time worked by an employee in excess of forty (40) hours during a work week.

Part Time – Employees holding regular positions scheduled for less than thirty (30) hours every week of the year.

Pay Range – Minimum and a maximum pay rate assigned to a grade or position as the compensation for that grade or position as specified in the classification system.

Pay Rate – Compensation for work performed by employees expressed as either an annual rate or an hourly rate.

Per Diem or On Call Employee – An employee who agrees to be available to work at the City request based on city need and personal availability.

Personnel board – Winooski City Council when hearing employee grievances.

Probationary Period – a period of time at the beginning of an employee's tenure during which the employee is not entitled to grievance procedures upon termination.

Position – Job consisting of duties and responsibilities assigned by an authorized authority.

Position Description – Written document outlining the duties of a job function in the City that includes all pertinent expectations of the City.

Program or Service – A single function of the City that works with or serves a defined group or system. (i.e. Waste Water Treatment Facility, Parking Enforcement).

Promotion – Assignment of an employee from one grade to another, which has a higher pay classification.

Reduction in Work Force – Termination that occurs when a position is eliminated for reasons which are outside of the employee's control.

Regular (Position) – Position expected to last over one year

Retirement – Point in time when an employee chooses to leave regular employment permanently

Retirement income plan – Plan underwritten by the City through the carrier of its choice designed to provide income to employees upon reaching defined conditions.

Search – The process of filling a vacant position by making it available to potential applicants. An "Internal Search" is limited to current employees. An "External Search" is open to the general public.

Seasonal Employees – a regularly scheduled employee hired for less than 120 days for particular project work that does not have year-round needs.

Sick Bank – Time off that is placed in a separate category to be used in case of serious longer-term illness.

Suspension – Enforced leave of absence with or without pay.

Supervisor – An employee directly responsible directing the work of others.

Temporary employee – An employee who is appointed for less than one (1) year with the anticipated date of separation indicated at the time of appointment.

Termination – The end of City employment in a position.

Transfer – A change of an employee from one position or department to another having the same pay classification.

Volunteer – an individual who performs services for the City, such as sitting on Boards and Commissions, working with children, coaching youth programs in City-sponsored teams, and working on fund raising activities who receives either no pay or a small stipend for his/her service.

Work Day – Twenty-four-hour period that starts at midnight on a given day. This period may be adjusted for shifts that begin at 11:00 pm.

Work Week – A period of time between midnight on Saturday night into Sunday morning and 11:59 pm the following Saturday Night. This period may be adjusted for shifts that begin at 11:00 pm.

Year (Annual) – Shall mean calendar year except where specifically notes as a fiscal year (July – June) or a rolling year (365 days from a designated date).

Article 3 - Employment

Section 3.1 - Equal Opportunity Employer

The City of Winooski is committed to providing equal opportunity in the terms and conditions of employment without regard to sex, race, color, ethnicity, national origin, religion, sexual orientation, physical or mental disability, gender identity, ancestry, age, marital status, place of birth, veteran status, or any other protected status under applicable federal, state or local law. Terms and conditions of employment shall include, but is not limited to, employment practices such as recruitment, promotion, termination, compensation, benefits or layoff.

No portion of this policy should be interpreted, or relied upon, as creating any rights broader than those recognized by law.

Section 3.2 - Americans With Disabilities Act (ADA)

It is the intent of the City of Winooski to recognize, support and adhere to the standards set forth in the City's Equal Opportunity Policy, the Americans with Disabilities Act (ADA) and the Federal Rehabilitation Act of 1973. The City of Winooski will not discriminate against qualified individuals with disabilities in any aspect of the employment relationship, and will make reasonable efforts to work with these individuals in determining what, if any reasonable accommodations may be required. Employees with ADA-related concerns should contact the Human Resources Representative.

Section 3.3 - Hiring

The City of Winooski is committed to developing and maintaining a highly skilled work force that is based on the strengths of a diverse group of individuals working together to deliver excellent results to our taxpayers. The City Manager and hiring Division Director will balance the need for succession planning, providing the opportunity for employees to grow and be promoted within the City with the need to recruit an outside person with new ideas from outside the organization. The City shall work to have a skilled work force where employees at every level represent a variety of skills, talents, aptitude, and styles needed to make good decisions and perform well in a variety of work situations.

3.3.1 Recall

When a position becomes available, the Hiring Division Director will check with Human Resources to determine whether any former employee is subject to recall under the lay off or disability provision of this Manual. Such employees, assuming the position is the same or similar to the position he/she left and for which he/she can be reasonably expected to meet the qualifications and perform the essential functions of the position shall be offered the next available position

under the City of Winooski's call back provisions. Employees who are called back at a job in a lower pay grade will be subject to the demotion provision of this Manual.

Recall notices will be sent to the employee by registered mail. Employees shall be given seven (7) calendar days to reply to notify the Human Resources Representative. The employee must return to work within thirty (30) calendar days of receiving the notice and be subject to an evaluation of skills and such checks and screening as is appropriate for the position. An employee who does not qualify under any of those requirements will not be considered for employment. Failure to respond in the prescribed time shall waive all recall rights.

3.3.2 Recruitment

Open positions shall be posted internally five business days prior to an external posting. Directors may request a waiver in writing from the City Manager of an external posting if an internal candidate is qualified and prepared to assume all of the functions of the position. (Such candidates will remain required to pass any screening that may be required for the position prior to being appointed.) Director level positions or higher require an outside search.

All candidates who are interviewed in person for a position shall complete an application for employment with the City on forms prescribed by the Human Resources Representative. All applications must be signed by the person applying.

All information submitted by an applicant to the City of Winooski must be true and accurate. Falsified or misrepresented information by the applicant is reason to reject an application or terminate an employee if he or she has been hired prior to the discovery of falsified information.

Human Resources shall create, maintain, and follow a standard procedure for the recruitment and hiring process. The City reserves the right to select or reject candidates for any reason other than those protected by federal law or state statute.

3.3.3 Appointment

All appointments to City positions are made solely by the City Manager. No employees may start to work for the City without a letter of appointment signed by the City Manager with terms of employment and completing hiring documents required by federal law, state statute, or City policy. The City may give a conditional offer of employment to any applicant for a position that is contingent on the passage of a background check or other screening.

I. Physical Examination

Potential new employees who are a finalist for a position with physical demands will receive a conditional offer of employment pending the passage of a pre-employment physical examination. The examination shall be selected, arranged and paid for by the City. The purpose is to determine whether the individual is capable of performing the essential functions of the job, with or without reasonable accommodation.

If the candidate is unable to perform the essential functions of the position, with or without reasonable accommodation, the offer may be rescinded.

II. Pre-Employment Background Check

Potential new employees who are finalists for positions that require responsibility for interacting with vulnerable populations, approving financial transactions, or handling cash will receive a conditional offer of employment contingent on the successful completion of a background check. Employees subject to background screening shall be given the forms needed to give permission for the City to perform a background check. This requirement will be clearly written in the position description provided to all candidates interviewed for a position. Candidates who fail the background check will have the offer of employment rescinded.

III. Commercial Driver's License Positions

Applicants for employment where a commercial driver's license is required must participate in pre-employment drug and alcohol testing. Current employees are required to comply with the Federal Motor Carrier Safety Administration's (FMCSA) alcohol and drug testing rules. Under the rules, testing shall be done pre-employment, upon reasonable suspicion, randomly, post-accident, upon return-to-duty, and as a follow-up.

Test results (of a test taken while an employee is on duty) of either (a) position for controlled substance or (b) a blood alcohol level in excess of the limits contained in the CDL regulations, shall result in disciplinary action up to and including dismissal. The City shall pay the difference in cost between a State driver's license and the cost for a commercial driver's license.

3.3.4 Probationary Period

Appointments shall be made for a probationary period of six (6) months. During this time, employees shall accrue, but not take planned leave time and shall not have the right to the grievance process. Employees who have successfully completed probationary periods are entitled to grievance procedures set forth in Section 4.03 herein.

If an employee is sick during the probationary period, time will be granted according to the policy. Probation may be extended for up to one year by the Division Director with approval of the City Manager.

Section 3.4 - General Practices

3.4.1 Pay Periods and Pay Checks and Direct Deposit

The City of Winooski's pays on a biweekly basis. Employees are strongly encouraged to use direct deposit and may see Human Resources for appropriate forms.

3.4.2 Seniority

Seniority shall be defined as an employee's length of continuous, regular full time service since his/her last date of hire, less any adjustments due to layoffs. Employees rehired after less than one year from voluntary termination date may retain their seniority related to paid time off accrual only.

3.4.3 Records and Reports

Within the law, the City of Winooski will make every reasonable effort to protect the privacy of employment records. The Human Resources Representative or designee is responsible for overseeing recordkeeping for all personnel information and maintaining employment files for each employee in a confidential manner.

Employees have a responsibility to keep their personnel records up to date and should notify the Human Resources Representative or designee of any changes. Employees may add work related materials to their personnel file with prior approval of the Division Director.

Access to employment records will be limited to authorized persons on a need-to-know basis. Records, or portions thereof, may be required to be released under state statute or federal law.

Under the supervision of the Human Resources Representative or designee, employees have the right to inspect and copy their employment records. No written material concerning an employee's conduct, service, character, personality or fitness for employment shall be placed in the employee's file unless the employee first has the opportunity to examine and/or copy the material.

An employee may request to inspect his or her file, providing five days written notice to Human Resources. Under no circumstances shall an employee remove documents from their personnel file. An employee may request copies of documents within their personnel file from the Human Resources Representative or designee.

Letters of acknowledgement or written documents used in a reprimand, warning or written records of relief from duty that have not resulted in any further discipline, and are more than one (1) year old and, will be removed from the employees personnel file and destroyed after the supervisor has recorded relevant issues in the performance evaluation.

Employees should direct all requests for references for current or former City employees to the Human Resources Representative. References may be given by Human Resources personnel and will be based on the information available in the employee's personnel record at termination. A waiver from the employee is required before the City will provide references. In the absence of a waiver, the City shall provide only basic information as established by termination procedures.

3.4.4 Evaluations

I. Non-Exempt

Evaluations provide a structured opportunity for managers and employees to have face to face communications about work performance, expectations, employee development, goal setting and how the employee's work impacts residents, coworkers and the City. Evaluations are normally completed on each employee at least annually. Probationary employees will be evaluated near the midpoint of their probationary period. The evaluation will be made available to the employee and the employee will have the opportunity to comment on the evaluation by adding written comments to the evaluation.

All evaluations will be forwarded to the Division Director for review and will be filed in the employee's personnel file. This evaluation may provide the basis for annual salary adjustments provided funds are appropriated for such purpose by the City Council.

II. Exempt Employees

Exempt employees that are not Division Directors shall be evaluated by a method appropriate to the assigned work. In most cases, this shall be a review of goals and objectives as set by the Division Director. This may occur as often as needed depending on the nature of the goals and objectives. In no case shall this be less than annually. The Division Director shall assure that the goal and objective statements and the associated evaluation are in writing.

Division Directors shall be evaluated by the City Manager according to goals and objectives mutually set by the Council, the City Manager, and the Division Director.

3.4.5 Demotions

An employee may be demoted to an available position of a lower pay classification for which s/he is qualified upon request, upon a potential lay off, if the employee is unable to perform the essential functions of the position, or for any other reason the City sees fit. Demoted employees are eligible for a step increase based on his/her new pay grade on July 1.

In order for a demotion to occur, a position must be available. All demotions must receive the approval of the City Manager and Director concerned. The employee must be notified in writing of the demotion and the reason for such action. An employee who believes the demotion was wrongfully imposed, may use the appeal and grievance procedures.

Demotions may occur immediately for the purposes of job performance, but no less than two weeks for the purposes of pay cuts.

3.4.6 Transfers

Transfers will occur using the Recruitment procedure as detailed above. Employees shall not be transferred to a position that is not open, has not been offered internally to all employees, or for which they do not qualify. Transferred employees will remain in their current step after transfer and will be eligible to receive annual raises if offered to non-union city employees.

3.4.7 Promotion

An employee may be promoted to a position either through a hiring process or a job redesign, to a higher level of responsibility and pay classification. Employees who are promoted shall receive a minimum of 5% raise for the first grade and 2% for every additional grade.

3.4.8 Training

The City supports ongoing training and education of all employees. All requests for attendance at conventions, seminars, workshops, conferences and meetings that cost under \$500 and require travel beyond of single day require the prior approval of the employee's Operations Manager, who shall have the sole authority to judge whether the event is related to the employee's work and that attendance will not impact the work of the department. Other training must be approved by the Division Director in writing.

The City may request an employee take a class at a post-secondary institution when other forms of training will not provide the needed skill development. In such case, the City will pay all tuition and fees in advance. The employee shall have the option of purchasing books and materials if he/she wishes to keep them or having the City purchase and keep such items. An employee who

fails the class may be judged to have failed to acquire essential skills needed for job performance and may be considered for corrective action. The Division Director has the sole authority to approve such classes. Classes may be taken during work hours and City computers and internet access may be used at the discretion of the Division Director.

3.4.9 Travel

Travel to a convention, meeting or on other official City business that takes an employee away from his/her normal work must be approved by the Division Director. Financial policies shall establish the responsibilities of the employee and the City.

3.4.10 Nepotism

The City recognizes that placing a person in an employment position where one is responsible for directing the activities of a relative or partner has potential for causing a conflict of interest in the workplace. Therefore, no applicant may be hired for a position that is supervised directly by another employee of his/her immediate family, civil union, or co-habiting partner. In certain circumstances, indirect supervision of an immediate family member may be allowed with the written permission of the City Manager.

An employee may be allowed to remain in his/her position upon becoming a member of the immediate family of the co-worker or upon an employment action by the City that causes a potential conflict of interest. However, the manager, with input from the involved employees, will establish an acceptable separation of employee duties.

3.4.11 Safety

The City takes the responsibility for providing a safe working environment and protecting the lives and property of our workers, our citizens, business owners, and visitors very seriously. Safety is the responsibility of every employee. The safety policy and department manuals establish directives regarding safe work procedure.

Employees who have reason to believe that a situation is unsafe shall report that to their immediate supervisor or the Department Director. An employee who routinely is involved in accidents or situations that involve property damage may be subject to corrective or disciplinary action.

3.4.12 Equipment, Technology, and Uniforms Issue

The City may issue items (uniforms, personal protective equipment, cell phones, laptops, etc.) for exclusive use of the employee during the term of employment in a given position when they are deemed essential for the performance of job duties. Such items will not necessarily follow an employee through a change in positions.

The City Manager shall approve allocation of such items for each position at the request of the Division Director. Employees are expected to use such items while performing job duties only. Such items shall not be used for personal business or activities.

Misuse, loss, or damage may result in corrective action. The City reserves the right to charge employees for associated costs incurred.

Section 3.5 - Terminations

Employees who leave their positions with the City shall receive benefits until the first of the month following separation. COBRA plans are available through Human Resources that meet the federal and state mandated requirements and information regarding COBRA will be available upon separation. Former employees are responsible for the entire cost of the premium and deductible in the plan.

Any City provided services such as cell phone plans shall be ended on the last day of employment. Any City- owned equipment shall be returned to the City upon termination in good working order. Employees may be allowed to purchase City-issued items at the depreciated value at the sole discretion of the Division Director.

Any funds owed to the City at termination will be billed to the employee. Interest on the owed amount may be charged according to City financial practices.

Upon receiving notice or deciding to involuntarily terminate an employee, the City has the right to pay out a two week notice and terminate immediately.

3.5.1 Voluntary Termination

An employee may resign his/her employment by putting the resignation and effective date of the resignation in writing to their manager/director. The written resignation should be presented as far in advance as possible, but a minimum of two (2) weeks' notice is required. Failure to provide a two-week notice may result in the loss of accrued time off (starting with paid time off or vacation time) and being ineligible for rehire.

The effective date of resignation will be the last day the employee is paid through regular payroll including days when paid leave is used.

3.5.2 Layoff

Any City employee may be laid off whenever it is necessary to reduce the number of employees in any department or to redesign or repurpose positions to better meet the needs of the City. Employees so affected shall be notified no less than two (2) weeks in advance of the action to be taken and shall have two months of health insurance coverage available if s/he is enrolled in the

program at the time of separation. The City reserves the right to place the employee on paid administrative leave during this period. If the City selects this option it shall not use accrued leave time for this purpose.

Where two or more employees perform the same function, the first person laid off will be employees with below average performance evaluation or more than two disciplinary actions taken within the past twelve months. This will be followed by the least senior employee.

Should two people be hired on the same date, the person with the highest performance evaluation shall be retained.

See policy on Recall in Employment Section.

3.5.3 Involuntary

There may be times during an employee's tenure when his or her performance, attitude or behavior does not meet the City's standards. In those instances, employees may be subject to any lawful form of performance management or discipline, up to and including immediate termination. The City reserves the right to terminate an employee at any time or for any reason, or no reason at all except as may be limited by relevant collective bargaining agreements. The City Manager shall make the determination regarding involuntary termination at the written recommendation of the Division Director. Notice of intent to terminate and an opportunity to be heard prior to termination may be provided as required by law. Employee's terminated while on their probationary period will not be eligible for any grievance or other appeal. Involuntarily terminated employees shall not be eligible for recall.

Article 4 - Performance Expectations and Employee Relations

Section 4.1 - Performance Management

This policy empowers managers and employees to work together to ensure that the requirements of each employee's job are met. It also provides guidelines for early identification and prompt action for the successful resolution of performance problems. Where practical, the City encourages a supportive, problem solving approach to issues of behavior, attitude and job performance. However, appropriate corrective/disciplinary action will apply where necessary to assure a high level of performance is maintained.

The City may employ various methods of performance management or discipline, as deemed necessary in response to each particular situation. This may include, but is not limited to various steps in a disciplinary progression. The existence of these steps does not mean that every step must be followed in every situation. The City reserves the right to exercise whatever action it deems appropriate in a circumstance and may be implemented by the Operations Manager, Director or City Manager as identified below. The City reserves the right to terminate an employee without following the steps of this process in situations where the City deems such action appropriate, or to skip certain steps of the grievance procedure.

Managing performance may include, but is not limited to, the following techniques:

Coaching – An action designed to teach an employee the critical skills using internal resources.

Training – An action that requires an employee to attend training class, conference, or other event in order to attain a skill using outside entities.

Corrective Action - Some action which is designed to correct employee behavior, including but not limited to verbal warnings, written warnings, suspension, demotion, or immediate termination of employment.

Documentation of performance management activities should be made by the managing employee. This will include a time and date of coaching, training and/or verbal warning provided for the employee. The signature of the employee acknowledging receipt of a verbal or written warning or any other form of Corrective Action will be requested on all letters or written records of corrective action. However, a signature of the manager and a second member of the management staff or Human Resources Representative acknowledging the employee's presence at the meeting and the content of the matters discuss will be acceptable proof that the employee was apprised of the action taken.

Section 4.2 - Corrective Action

Corrective action includes a verbal or written warning, suspension (paid or unpaid) or restoration of probationary status. Such action may be taken at any level deemed appropriate given the performance issue identified.

Operations Managers have the authority to issue written and verbal warnings. Subsequent actions are taken by the City Manager under the recommendation of the Division Director.

Before taking corrective action beyond a written warning, a Division Director must call a hearing before the City Manager, present the evidence, and allow the employee to respond to the Division Director's case. An employee shall be afforded the right to representation at this hearing of no more than two individuals. After the hearing, the City Manager will have up to five days to impose corrective action. Eligible employees, who have successfully completed probation, may grieve using Step 3 of the Grievance procedure.

Action beyond Written Warning, may include, but is no limited to:

- an unpaid suspension up to three days
- a return to probationary status upon return from a suspension for up to six (6) months

Under such circumstances, an employee may be terminated.

A demotion with a corresponding reduction in salary or benefits will be an option only if a position is available and the employee is able to perform the functions of the new job.

Involuntary termination as stated in Section 3.05.3.

In the case of job abandonment, a Director shall make a reasonable attempt to schedule a meeting as defined above. Should the Director be unable to make contact with the employee or should the employee fail to make his/herself available within three days, the employee shall be considered to have voluntarily terminated his or her employment.

Should an employee be suspended or terminated, he/she shall promptly surrender all property of the Department, which is in his/her possession. Such articles may be returned to the employee if he/she is reinstated. During his/her period of suspension, the suspended employee shall not wear his/her uniform at any time nor shall s/he assume any of the powers or authorities of his/her office. Violation of this requirement may result in termination

Section 4.3 - Grievance Procedures

Except as otherwise set forth in a relevant collective bargaining agreement, this grievance process constitutes a sole and exclusive means of resolving grievances City employees may have regarding the improper application of a City of Winooski work rule, directive or employee policy. Unless under suspension, employees will, at all times, continue to work as directed by the City. Settlements of the controversy at any step in the grievance procedures shall be binding on all parties, including the employee making the complaint. The settlement of a grievance in any case shall not be made retroactive for a period exceeding five (5) days prior to the date the grievance was first presented in writing.

If an employee feels that he or she has been unfairly disciplined or that the City has failed to follow the provisions of any employment agreement, contract, or provisions of this manual, he/she may approach his/her supervisor or the individual who made the decision being grieved to attempt to resolve the situation. If this informal step does not resolve the issue(s), the following steps may be followed:

Step 1: Grievant files a written complaint within five (5) working days of the incident or speaking to the supervisor, whichever is later. The letter shall cite the section of the Human Resources Manual he/she believes was violated and a request for resolution. The Division Director shall respond in five (5) working days.

Step 2: If unresolved at step 1, the grievant shall file a letter of complaint with the City Manager containing the same information required in the first step. This step must be taken within five (5) working days of the receipt of the Division Director's response. The City Manager has five (5) days to reply in writing.

Step 3: If the grievance is not resolved at Step 2, the grievant may, within five (5) working days of receipt of the City Manager's response, issue a letter addressed to the Mayor outlining the section(s) of the Human Resources Manual he/she believes was violated and the resolution he/she wishes to have regarding the grievance. The Council shall, at its next meeting hear the grievance in open session or in executive session at the request of the grievant. At such hearing, the Council may be advised by an attorney of their choice. The City Manager may be represented by an attorney of the City's choice.

The City Council may find for either party in the grievance, request professional advice in the form of a qualified attorney to advise them of their options, or send the parties to a mediator to attempt to find a suitable resolution to the dispute.

The decision of the Council is final.

At any step, the Division Director, the City Manager, or the Council may invite witnesses or hold meetings to determine the facts of the case or to hear from different perspectives on an issue.

Failure by the grievant to adhere to the specified time periods shall render the grievance null and void. Failure of the appropriate party on management's side to render a decision within the specified time shall cause said grievance to advance to the next step in the procedure.

Probationary employees are not afforded rights to the grievance process.

Article 5 - Compensation and Work Hours

Section 5.1 - Position Description

A position description shall exist for every job in the City. The job title, job purpose, funding source, job responsibilities, essential functions, knowledge/skills/aptitudes, education requirements, license requirements, employment screening required, and organization chart shall be outlined. The position description shall indicate whether and under which circumstances the position is considered essential to the City in extraordinary or emergency situations and an explanation of on call requirements.

All positions must be approved by the City Council as part of their fiduciary responsibility. The Council shall approve the Job Title, Job Purpose, and Funding Source. Any changes to those categories must have Council approval. The City Manager and the Division Director may alter any other section as needed. Changes that may require evaluation of pay classification will be subject to review.

Position descriptions shall be made available to job candidates who are scheduled for an interview. Upon accepting the position all new employees shall sign the position description along with the City Manager.

Section 5.2 - Compensation Plan

The City of Winooski may, from time to time, establish a Compensation Plan including a classification system and pay ranges. Any such plan shall be made available to employees for their information and may be revised as needed upon approval of a Resolution of the Winooski City Council. The City Manager is responsible for the classification of all positions. Classification and reclassification actions shall require approval of the City Council.

5.2.01 Reclassification

When a position has changed substantially as to kind and/or level of work, the Division Director may initiate a request for a change in classification by submitting a written request to the City Manager. Any such request shall be accompanied by a position description prepared by the Division Director. An employee may request a review of his/her position by contacting the Human Resources Representative who will prepare relevant information and forward to the City Manager for a decision. If the request is denied, the employee may use the grievance process.

If the City Manager determines that the position has changed sufficiently and reclassification is within budgetary limits, s/he will recommend reclassification. The City Manager shall follow the process for changing a position, including the approval of the City Council. If the reclassification is not within the budgetary limits, the employee shall be returned to their previous duties. The City Manager may opt to provide for reclassification in the next budget cycle.

If the City Manager determines that a reclassification is not justifiable, no further request may be submitted within six (6) months. Typically, substantial changes in a position are noted at the time of the annual employee evaluation when the employee's position description is thoroughly reviewed to note any significant changes which may have taken place in the employee's job during the preceding twelve (12) months.

Section 5.3 - Work Hours, Fair Labor Standards Act (FLSA), Overtime/Compensatory Time

The City shall designate each position as exempt or non-exempt under state and federal law. Such designation shall be clearly articulated on the position description. Compensation for exempt employees shall be designed in a manner that assumes that some weeks will involve working more than forty (40) hours and that no overtime shall be paid for such work. The City shall also follow the state and federal laws concerning the use of paid leave time for exempt employees.

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5.3.1 Non-Exempt

Non-exempt employees are assigned work schedules by the day. Employees are expected to be prepared to start work at the beginning of each shift and work through all assigned hours.

5.3.2 Exempt Employees

Exempt employees are expected to maintain a regular work schedule that includes hours between 9:00 am and 3:00 pm (except for lunch break) Monday through Friday (except for time off as indicated in this manual) unless scheduling outside those hours occurs for operational reasons. The remainder of the daily schedule is at the discretion of the Division

Director based on work required for his/her position, meeting schedules, and other work factors. Work schedules shall allow for occasional flexing of hours within the pay period due to unusual workloads or evening meetings with prior approval.

5.3.3 Division Directors

Division Directors must maintain a regular work schedule that includes hours between 9:00 am and 3:00 pm Monday through Friday. Actual work hours outside those times are at the discretion of the Director. Hours may be flexed within a pay period or beyond with the consent of the City Manager.

5.3.4 Non-Exempt

I. Overtime Pay

Overtime pay at one and one half (1 ½) times the employee's regular rate shall be awarded to all non-exempt employees for overtime worked. The Division Director or designee is responsible for the oversight of scheduling of work hours to best meet the needs of the City and the limitations of the budget. Employees are not permitted to work overtime without the prior approval of their supervisor or Division Director except in emergencies.

Work performed in excess of forty (40) hours per week will be eligible for overtime. Planned time off and holidays shall be included in the computation of a work week for the payment of overtime.

II. Compensatory Time

Non-Exempt Employees may elect to receive compensatory time in lieu of overtime pay. Compensatory time shall accrue at the same rate that overtime is computed. Compensatory time-off shall be requested and scheduled through the Department Head with seventy-two hours (72) notice, subject to operational requirements of the Department.

The employee shall have the right to accumulate up to forty (40) hours of compensatory time at any given time. An employee with forty (40) hours of accrued compensatory time at the end of any given pay period will be paid at their overtime rate. The employee may cash in accumulated compensatory time in minimum increments of eight (8) hours at the end of any pay period. All compensatory time will be cashed out in the last pay check of the fiscal year unless an extension is approved by the Division Director. Division Directors shall approve this

extension ONLY when a plan is in place to use the time prior to September 1 of the next year.

5.3.5 Exempt

Exempt employees are expected to work the hours needed to complete the requirements of their job. Exempt employees are allowed flex time within a pay period to manage their total time worked. Time off should be cleared with the Division Director who shall not unreasonably deny such request. Exempt employees are required to submit accurate time sheets to track such time.

Exempt employees who cannot flex time due to a particular work assignment may be granted additional time off at the discretion of the Division Director.

5.3.6 Prompt Attendance at Work

Prompt attendance at work during an employee's standard working hours is mandatory. If an employee must be absent from work or late, he/she must notify his/her direct supervisor or, in his/her absence, a Division Director or City Manager as soon as possible.

In cases where causes outside the control of the employee result in being late, such as weather or traffic, the employee shall make every effort to contact either his/her supervisor. Non-exempt employees are expected to make up the time or take vacation time to account for missing hours.

5.3.7 Rest and Meal Breaks

Non-exempt employees must take one half hour meal break (unpaid) per workday. Such employee may request a regular one (1) hour lunch break that may be scheduled with the approval of the Division Director. The scheduling of this break is at the discretion of the Operations Manager. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time if no work is performed during the meal break. Employees will not normally be asked to perform work during their meal breaks, but if they are so asked, then the employee will be paid for the time worked.

Non-exempt employees are allowed a paid fifteen (15) minutes per four hours of work for rest break. This time is not to be accumulated with the meal break.

5.3.8 Personal Business

While personal business may, from time to time, be conducted at work, it is generally expected that this shall be rare and only when no other alternative exists. Personal business may be conducted using the phone or access to appropriate websites during breaks and meals. Employees conducting personal business when working in a position that serves the

public shall notify colleagues so that back up is provided and take care of such necessities outside of the view and earshot of customers. Under no circumstances shall personal business exceed break time allotted.

Accessing personal social networking websites or personal blogs using computers or devices that are the property the City is not allowed during working hours, except where required to enter a City site and then, only for that purpose. Use of the internet for purposes other than strictly personal use or damage to the City's system as the result of misuse (viruses, hacking, etc.) shall be cause for corrective action or, in serious situations, termination.

Employees may use their city issued email address to conduct city business only. The city address should not be used to conduct personal business. The City reserves the right to inspect the content of any City email address.

5.3.9 Light Duty

Employees who are out of work on Worker's Compensation or Disability benefits may have the opportunity to return to work on light duty if such work is available. Employees on Worker's Compensation or Disability shall not refuse light duty if offered within the restrictions provided. Refusal to return to work when light duty is offered will be considered job abandonment and may result in termination.

5.3.10 Time Sheets

Employees are required to submit time sheets in accordance with the financial policies and procedures that set forth by the City. Employees are responsible for submitting accurate time sheets including all hours worked. Falsifying a time sheet may be cause for disciplinary actions up to and including termination.

Section 5.4 - Call-in

Non-exempt employees who are called in shall receive the rate of one and one-half times his/her regular pay rate for time worked, though no less than three hours. This policy will be applicable to all call-in situations, and will be on a per occurrence basis. If an employee is called back during the next twelve hours for the same reason, they shall receive time and a half for only the actual hours worked.

An exempt employee may use the exempt overtime rules to adjust for the number of hours worked though no less than three hours. An exempt employee who signs up for extra duty

normally assigned to non-exempt staff will receive credit for straight time for the number of hours worked. Exempt employees shall receive such time subject to the overtime policy.

Section 5.5 – After Hour Meetings, Extended Work Hours and Special Events

Non-exempt employees who attend meetings outside of their normal working hours are considered as working overtime. The City shall not alter the regular schedule to accommodate meeting attendance unless requested by the employee. This applies ONLY when the employee works the entire shift prior to the meeting.

Exempt employees typically are required to attend meetings in the evenings as part of the regular functions of the position.

When overtime work is needed, the Operations Manager may require overtime from any or all staff capable of performing that function.

From time to time, the City may be asked to participate in special events such as parades or children's events. Operations Managers may request staff attend events and limit the number of people selected. Such events are entirely voluntary and employees are not required to attend such events. Employees will be paid for the time spent at the event only with no guarantee of minimum.

Article 6 – Leave Benefits

Section 6.1 – Eligibility for Employee Benefits

Employees holding regular full-time positions are eligible for all of the leave benefits. An employee holding a regular position scheduled for twenty (20) or more hours per week are eligible for benefits as listed. Employees working less than twenty (20) hours per week are not eligible for leave benefits.

Section 6.2 – Paid Time Off: Accrued

Paid Time Off (PTO) is a bank of hours that may be used by the employee as vacation, personal, or sick time. PTO shall be earned on a monthly basis on the first of every month a person is employed in an eligible position with the City.

An employee holding a regular position scheduled to work twenty (20) or more hours a week up to forty (40) hours receive a prorated accrual based on a percentage of the scheduled hours divided by forty (40).

Accrued PTO may be exchanged for financial compensation only upon termination, consistent with the employee's regular rate of pay at the time of termination, and subject to standard withholdings.

Time off requests exceeding ten consecutive regularly scheduled work days will require special permission of the Division Director.

Employees may take time earned in accordance with these policies. Employees are not allowed to "borrow" future time not yet accrued. An employee may request leave time beyond his or her already accrued leave, but any such leave, if granted, will be unpaid. Granting such unpaid leave is at the discretion of the Division Director.

Paid time off will not accrue during unpaid or administrative leave.

6.2.1 Planned Time Off

Employees wishing to take time off under this benefit shall provide their Operations Manager with as much notice as possible in writing. Forms may be provided for requesting time off. Time off will be considered "Planned" if it is presented in person to an Operations Manager in writing (email is considered in writing) at least three days in advance and accepted. An Operations Manager shall not delay more than twenty-four hours in approving such time off.

6.2.2 Unplanned Time Off

Employees who are sick should call in according to department procedures, giving as much notice as possible. Failure to use department procedures shall count as an unexcused absence and may result in corrective or disciplinary action.

Employees who use unplanned time excessively may be required to provide a note from a licensed health care provider for each absence at the request of the Division Director. Excessive use of unplanned time may be subject to corrective or disciplinary action. Unplanned time off that exceeds the twelve days annually or appears in a regular pattern (for example Mondays or Fridays) may be considered excessive.

6.2.3 Paid Time Off Accruals (based on forty (40) regularly scheduled hours per week)

I. Non-Exempt

Years of Employment	Accrued Per Month (Days)	Total Annual
Date of hire through the end of the fifth year of employment	1.5	18
The beginning of the sixth year through the end of the tenth year	2	24
The beginning of the eleventh year through separation	2.5	30

II. Exempt

Years of Employment	Accrued Per Month (Days)	Total Annual
Date of hire through the end of the fifth year	2	24
The beginning of the sixth year through the end of the tenth year	2.5	30
The beginning of the eleventh year through separation	3	36

III. Division Director and City Manager

Years of Employment	Accrued Per Month (Days)	Total Annual
Date of hire through the end of the fifth year	2.5	30
The beginning of the sixth year through termination	3	36

An employee may accrue up to six weeks of paid time off at any time. Once an employee is at the limit, no more time shall accrue.

6.2.4 Sick Bank

Sick bank time may be used after three consecutive days of paid time off with a note from a licensed physician. Sick bank time will have no value upon termination of City employment. An employee who returns to work as the result of a recall from a layoff will have sick bank benefits restored. Employees holding regular full time positions will be granted five days of sick bank time annually accrued monthly and may accrue up to four weeks of sick bank time. Once an employee is at the limit, no more time shall accrue.

Employees holding regular part time positions with over twenty (20) regularly scheduled hours shall receive a prorated benefit.

Sick bank time may also be used to supplement worker's compensation and disability (FMLA).

6.2.4 Holidays

Employees shall receive Holiday Pay for fourteen (14) holidays per year. The following holidays will be observed;

1. New Year's Day
2. Martin Luther King's Birthday
3. President's Day
4. Memorial Day
5. Independence Day
6. Bennington Battle Day
7. Labor Day
8. Columbus Day
9. Veteran's Day
10. Thanksgiving Day
11. Post-Thanksgiving
12. Christmas Eve (half day)
13. Christmas Day
14. New Year's Eve (half day)

One floating holiday is also awarded that may be used in any way. This day is designed to create the opportunity for employees with different traditions to take time off accordingly. Employee's whose traditions normally involve more than one additional day may trade work on an approved holiday for their traditional holiday with the prior approval of the Division Director. A Division Director shall not unreasonably deny a request for a floating holiday submitted more than three (3) calendar days in advance of either the holiday to be exchanged or the day requested off, whichever comes first. Where trading a holiday is needed, the employee and the Division Director may determine which holiday shall be worked in return for the traditional holiday based on the needs of the department and the availability of appropriate supervision if needed.

An employee holding a regular position scheduled for twenty (20) or more, but less than forty (40) hours per week shall receive holiday pay only for the number of hours he / she is regularly scheduled to work on that day.

Employees on unpaid or administrative leave are not eligible for holiday pay that falls within their leave period.

Non-Exempt employees who are required to work on a holiday will be paid one and one half (1 ½) times his/her regular rate of pay for all hours performed. The employee may then elect to be paid for the holiday or take another day off within thirty days.

Holidays which fall on a Saturday will be observed on the preceding Friday. Holidays which fall on a Sunday will be observed the following Monday. Any other paid holidays must be approved in advance by the City Council.

Section 6.3 – Leave of Absence: Paid

6.3.1 Bereavement Leave

In the case of the death of an immediate family member, an employee shall be entitled to five (5) days absence without loss of pay or other accrued time. In the case of the death of an extended family member, the Division Director will, upon verbal request, grant up to two (2) days of paid absence to an employee to attend the funeral without loss of accrued time. An additional two (2) days may be granted if travel of more than one hundred fifty (150) miles is required following a request to the Division Director with final approval the City Manager.

An employee holding a regular position scheduled for twenty (20) or more, but less than forty (40) hours per week shall receive pay only for the number of hours he / she is regularly scheduled to work during the days immediately following the death.

6.3.1 Administrative Leave

A Division Director may recommend that an employee be placed on paid or unpaid Administrative Leave by requesting a hearing in front of the City Manager who shall have the authority grant (or impose) the leave as indicated in Section 4.02 (Corrective Action) Such leave, whether paid or unpaid may be extended at the discretion of the City Manager upon recommendation of the Division Director.

The City acknowledges that paid Administrative Leave is neither corrective nor disciplinary in its intent and therefore such leave is not to be used in any further employment action.

Employees shall not accrue paid time off (including holiday pay) during any paid or unpaid administrative leave.

Employees shall receive pay consistent with their base pay during this period.

Section 6.3 – Leave of Absence: Unpaid

A leave of absence may be granted at the discretion of the City Manager at the recommendation of the Division Director. The terms and conditions of such leave must be documented in a letter, signed by the employee and the City Manager, and placed in the employee's file prior to the departure whenever possible. With the exception of military duty and the possibility of an extended legislative session, unpaid leave shall not exceed six months.

Employees will not accrue paid time off, sick bank or holiday hours while on unpaid leave.

An employee must make arrangements with the Human Resources Representative to cover his/her portion of the health insurance cost while on an unpaid leave of absence. These arrangements must include:

- monthly payment of costs (Missing one payment will result in the loss of benefits.); or

- signed agreement for payroll deduction upon return to pay back entire amount in six (6) or fewer pay periods. This amount may also be deducted from the employee's last pay check should he/she separate from employment without fully reimbursing the City; or
- voluntary cancelation of benefits

6.4.1 Worker's Compensation

An employee who is injured on the job must complete a "First Report of Injury" form and submit to the Human Resources Representative within seventy-two (72) hours of the event. Failure to report may jeopardize a Worker's Compensation claim. If the injury will require medical evaluation and/or time off to recover, the employee shall provide their supervisor with a written note from a licensed health care provider. The City reserves the right to request evaluation from its own licensed health care provider at its own expense.

Requests for worker's compensation leave must be made in writing to the Human Resource Manager, with the physician's note. Human Resources will work with the employee and the Worker's Compensation carrier to facilitate appropriate coverage under the terms of the policy. The Human Resource Manager will issue a written letter to the employee outlining the terms and condition of the leave. While on Worker's Compensation, an employee will report to Human Resources and take no direction from his/her supervisor.

Any employee terminated under this provision shall be entitled to reinstatement as required by law. Prior to reinstatement, any employee may be subject to screening by a medical provider of the City's choice.

The City reserves the right to request employees out on worker's compensation benefits be evaluated for a return to work under light duty by their physician. Employees on worker's compensation shall not refuse light duty if such work can be performed safely as advised by the medical professional.

Employees shall continue to accrue leave while on worker's compensation.

6.4.2 Family and Medical Leave

The City of Winooski provides eligible employees leave of up to 12 weeks in a 12-month period consistent with the federal Family and Medical Leave Act ("FMLA") and the Vermont Parent and Family Leave Act ("VPFLA") for the birth or adoption of a child, the serious health condition of the employee, or to care of a seriously ill family member.

While the City will comply with all applicable laws, no portion of this policy should be interpreted, or relied upon, as creating any rights broader than those recognized by law.

A "serious health condition" is defined as an illness, injury, impairment or condition that includes any period of incapacity that requires a hospital stay or any period of incapacity involving "continuing treatment by a health care provider" as that phrase is defined in federal regulations.

For the purposes of this policy, "immediate family member" is defined as an employee's spouse, domestic partner, child, stepchild, foster child, grandchild, parent, step-parent, or parent in law.

In order to be eligible for FMLA, an employee must have been employed by the City of Winooski for at least one year and have worked at least 1250 hours during the previous 12-month period. Under VPFLA, an employee must have worked an average of 30 hours per week during the previous 12-month period.

I. Leave due to Birth or Adoption of a Child

Eligible employees shall be entitled to take 12 weeks of unpaid leave to be used for the birth or adoption of a child or for the initial placement of a child with the employee for the purpose of adoption or foster care. Such leave must be used within one year of the child's birth, adoption or foster care placement. Parental leave may be taken intermittently or on a reduced schedule only with the approval of the City Manager. Any employee wishing to take intermittent or reduced leave should consult their Division Director.

II. Medical Leave

Eligible employees shall be entitled to take up to 12 weeks of unpaid medical leave if the employee is unable to work due to a serious health condition. An employee shall also be entitled to take unpaid FMLA leave in order to care for an immediate family member with a serious health condition. Family medical leave may be taken intermittently or on a reduced schedule when medically necessary. Employees should consult their Department Head about using intermittent or reduced schedule leave.

III. Use of Accrued Paid Leave

An employee may use available accrued leave time, including sick, vacation and personal leave, while taking FMLA leave. The use of accrued paid leave shall not extend the FMLA leave beyond the 12-week maximum provided under the law.

IV. Continuation of Employee Benefits

An employee shall continue to be eligible for health care benefits through the City while taking FMLA leave. The City will continue to pay its share of the employee's health insurance coverage. Employees must arrange to pay for the employee portion of the cost of the premium throughout the leave time. Should the employee elect not to return to work after the expiration of the leave period, the employee shall reimburse the City the cost of the employee portion of the premium during the leave period.

IV. Return to Work

An employee who wishes to return to work from FMLA leave shall give at least one-weeks' notice of his or her intent to return to work. Any employee returning to work after a medical leave for his or her own serious illness will be required to provide the City with certification from his or her health care provider that s/he is medically cleared to return to work. All qualified returning employees shall be entitled to the same position or a position of like seniority, status and pay within the City.

6.4.3 Short Term Family Leave

In addition to the leave provided in the above section, an employee shall also be entitled to take unpaid leave not to exceed four (4) hours in any 30-day period and not to exceed 24 hours in any 12-month period for the following purposes:

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

3. To respond to a medical emergency involving the employee's child, stepchild, foster child or grandchild or the employee's parent, spouse, civil union partner or parent-in-law.

6.4.4 Jury Duty

It is the civic obligation of each City employee to serve on a jury if s/he is called. An employee summoned to jury duty will be excused from his/her work for the required period to perform this duty.

During the time an employee is serving on Jury Duty, the City shall pay his/her regular rate of pay, less any sums paid to the employee by the Court. Employees must report any compensation paid by the Court immediately upon receipt of same.

Employees holding regular positions scheduled for twenty (20) or more, but less than forty (40) hours per week shall receive holiday pay only for the number of hours he / she is regularly scheduled to work on that day.

6.4.5 Legislative Duty

Employees appointed or elected to State Legislature shall be granted an unpaid leave of absence for the period necessary to fulfill their civic duties.

6.4.5 Military Duty

The City of Winooski wishes to support employees who choose to serve in the Armed Services of the United States or the National Guard. Military leave will be provided by the City for training and service performed by an enlistee or reservist in accordance with state statute and federal law.

While the City will comply with all applicable laws, no portion of this policy should be interpreted, or relied upon, as creating any rights broader than those recognized by law.

I. Activation of a Reserve or National Guard unit:

A full-time employee who is activated for full time duty shall be placed on military leave and shall receive the difference between his/her regular base salary and the allowance which an employee received while on military leave providing said

allowance is less than the employee's regular salary.

Such leave shall extend through a date ninety (90) days after his/her release from military duty.

Upon request, an employee may be paid for any vacation that s/he may be entitled to as if s/he were actually being separated from City service. Unused sick leave will be restored after the employee returns from military leave.

Policies on unpaid leave shall apply for deployments except for specific issues listed below.

Re-instatement will occur as long as the position remains available and will be made under the following procedures and provisions:

Discharge must be under conditions other than dishonorable.

Application for re-instatement must be made within ninety (90) days after his/her discharge from duty.

The employee must be physically and mentally capable of performing the duties of the position involved.

The position s/he vacated must still exist. If such position no longer exists, s/he will be entitled to re-employment in an existing position of the same class, provided that s/he is qualified for such position and provided that such re-employment does not necessitate the laying off of another person.

II. Part-Time or Temporary Duty in the National Guard or Reserves:

An employee who enlists in the National Guard or Reserves will be granted a military leave for the period of his/her **initial training** and shall receive the difference between his/her regular base salary and the allowance which an employee received while on military leave providing said allowance is less than the employee's regular salary. S/he is expected to make him/herself available for work one week after the completion of his/her initial training.

An employee will be granted military leave for **annual training** or duty without loss of pay or benefits. Compensation will be limited to the difference between military pay received and the amount of straight time earnings lost because of such service (up to the limit of his/her regular base salary). A copy of the military pay voucher shall be submitted for the period of the leave. Such military pay voucher shall be submitted for the period of the leave.

An employee will not be scheduled to work on the weekend s/he is scheduled to attend **drill** trainings. The employee will notify his/her supervisor twenty-one (21) days prior to the weekend drill.

Article 7 – Insurance Benefits

Section 7.1 – Health and Ancillary Benefits

Employees holding regular full-time positions are eligible for health benefits and all other ancillary benefits. Sheets describing each program are available through the Human Resources Office.

7.1.1 Health Benefits

Health Benefits shall include medical, vision, and dental insurance. The City of Winooski reserves the right to from time to time change the benefits offered to employees at its discretion, consistent with any relevant collective bargaining agreement.

I. Medical Insurance - Medical insurance will be offered through Vermont's Health Exchange and thereafter as required by the State of Vermont. The City will provide a standard amount toward the premium and a Health Reimbursement Account (HRA) that employees may use toward out of pocket expenses. The amount to be contributed toward the premium and the HRA funding shall be set annually by the Council through the budgeting process.

II. Vision Insurance - Vision insurance is provided through VSP. Employee contribution will be set annually through the Council's budget process.

III. Dental Insurance - The City provides a self-funded dental insurance program. Employee's contribution shall be set annually through the Council's budgeting process.

7.1.2 Opt-out Program

Employees in positions regularly scheduled for work thirty (30) hours or more per week and who have medical coverage through a source other than the City's plan are eligible for the Opt-Out choice. The City offers Opt-Out in order to recognize the needs of our diverse workforce by providing maximum flexibility in health care choices available to employees and their families. Opting out applies only to medical insurance. Dental and vision plans will remain optional under the terms established by the City.

This alternative allows an employee who is covered under a medical plan other than the City's to "opt- out" of health insurance coverage and receive a cash payment in lieu of

medical benefits. Employees choosing opt-out will receive \$100.00 per month, subject to ordinary income taxes. Participants in the opt-out program must sign a release and show proof of medical benefits through another source. This benefit is available to one member of a family only.

With this choice, an employee would opt-out for themselves and their eligible dependents. For employees with dependent coverage, opt-out is for employee and family, there is no other choice. Medical benefits through the City of Winooski will be made available to opt-out participants should they lose their coverage provided by another source at any time. Enrollment in the City's insurance program is available only during the month of January or as determined by the State of Vermont in the operation of the Health Care System.

An employee who opts out of health benefits remains eligible for all other insurance programs.

7.1.3 COBRA

The City shall meet the requirements of state and local law in providing COBRA benefits. Please see Human Resources for more information regarding COBRA.

7.1.4 Supplemental Insurance

The City offers supplemental insurance that is fully funded by the employee and may be paid for using a payroll deduction. Please see Human Resources for more information on this benefit.

7.1.5 Life Insurance

Employee benefits shall include a group Life Insurance Program. This program shall include one (1X) times the annual salary of life insurance. Please see Human Resources for more information regarding this benefit.

7.1.5 Short and Long-term Disability Benefits

The City shall carry short and long-term disability benefits for all full-time active employees scheduled to work thirty (30) hours per week. The policies shall be subject to an elimination period (period of time before the insurance begins to pay), will pay 60% of an employee's base salary, and be limited to the total weekly or monthly benefit. Policies shall be approved by the City Council as part of the budgeting process.

Should a qualified employee be injured in a non-work-related accident (except that which occurs while working for another employer) or become ill in a manner that will result in extended time away from work, he/she may file for disability benefits according to the terms of the City's policy. To initiate the disability benefits process, an employee must provide their Division Director with a note from a licensed health care provider indicating the inability of the employee to perform the essential functions of the position and the estimated time away from work. The employee is responsible for filing a claim for disability benefits should they be eligible for such benefits under the City's policy. Any such benefits will run concurrently with an employee's usage of time off or FMLA leave. Any questions regarding disability benefits should be directed to Human Resources.

The City's insurance carrier has responsibility for determining whether and how long an employee will be eligible for benefits. Such decisions will not be made by the City of Winooski.

Any employee utilizing the City's disability benefit is responsible for obtaining a written confirmation of his/her ability to perform the essential functions of the position from his/her health care provider prior to returning to work. The City has the right to independently confirm the employee's readiness to return through its own licensed health care provider at its expense. Employees must complete this evaluation in order to return to work or to continue benefits.

The City reserves the right to request employees out on disability benefits be evaluated for a return to work with or without reasonable accommodation, even under light duty, by their physician at the City's expense. Employees on disability shall not refuse light duty if such work can be performed safely as advised by the medical professional. An employee will have five business days from receiving a written request for evaluation to make him/herself available for a physical evaluation. The employee shall return to work under light duty, if cleared, within two days of receiving such clearance.

All communication about short term disability benefits shall occur between the employee and Human Resources Representative.

Section 7.2 – Mandated Insurance

The City shall provide the following benefits where required by law.

7.2.1 Worker's Compensation

The City of Winooski pays for the full cost of Worker's Compensation insurance for all the employees of the City. This benefit provides coverage for service-related injuries/illnesses.

7.2.1 Unemployment Compensation

The City of Winooski is covered by the Vermont unemployment compensation laws. The full cost of unemployment compensation insurance coverage is paid by the City. Any eligible employee who has worked for the required period may be eligible for benefits under this law at the termination of their employment. However, the final determination of unemployment eligibility is made solely by the State Department of Labor.

7.2.2 FICA/Social Security

FICA/Social Security is provided to all employees and consists of joint contributions by the employee and City based upon a percentage of salary.

Article 8 – Other Benefits

Section 8.1 – Tuition Reimbursement

Employees are encouraged to advance their knowledge in an accredited post-secondary institution including, colleges, universities, and trade schools. Employees who have worked for the City for more than two years in a regular full-time position are eligible for up to \$1,200 annually for tuition and fees only upon receipt of proof of a final grade of C or better. This benefit will be eligible for a prorated amount based on regularly scheduled hours of work for employees in regular part time positions who are scheduled for more than twenty hours per week. Classes must be pre-approved by the City Manager who has the sole authority to determine the accredited nature of the program of study. Classes unrelated to an employee's position must be part of a degree, certificate, or licensure program in which the employee is enrolled in order to be covered. (Classes of general interest are not covered.)

Classes must be scheduled during the employee's personal time. Upon receiving a grade, the employee must submit the transcript and the invoice from the institution in order to be reimbursed. Employees must work one full year after the end of the class or the City has the right to demand reimbursement for classes completed in that timeframe.

The employee is solely responsible for any tax implications of the program.

Section 8.2 – Retirement

The City offers a number of retirement options for our employees as approved by the City Council. Employees eligible and enrolled in a Vermont Municipal Employees Retirement System (VMERS) program shall be subject to the established policies of that program. Employees not enrolled in a VMERS program shall receive benefits as follows.

All City of Winooski employees are eligible for the City's retirement plan upon hire. The City will contribute 5% of an employee's salary to our retirement plan for all regular full-time employees.

Contributions will be made consistent with the regular payroll process. Employees are vested in these benefits after five years. "Vested" benefits are definite and may not be cancelled by reasons of termination of employment. The plan also includes an early disability retirement system.

If an employee chooses, he/she may contribute to his/her own plan. The contribution amount is determined by each employee. If the employee chooses to contribute 6% the City will match that contribution, otherwise the City's contribution will remain at 5%.

Further information concerning the City's retirement/pension plan can be obtained from the Human Resources office.

Section 8.3 – Early Retirement

Upon three months' notice and an employee having reached at least sixty-two (62) years of age and not exceeding sixty five (65) years of age and having served sufficient time as a regular full time employee such that his/her age plus years of service equal at least one hundred (100) may retire from City employment and receive single plan health insurance (medical, vision, and dental) coverage for him/her self until age sixty-five (65).

Coverage will be comparable to that which is normally available to a non-represented employee option for single coverage and shall be subject to the same level of contribution and coverage for any deductible. The employee may opt to cover additional individuals who would be eligible under the City's policy at his/her own expense. The City is under no obligation to maintain the same policy or conditions in place at the date of retirement.

Section 8.4 – Health Club Membership

Employees holding regular full-time positions shall be eligible to receive reimbursement for eighty percent (80%) of a health club membership subsidy, not to exceed six hundred dollars (\$600) for an individual or family membership. The City shall provide payroll deduction for membership dues less the subsidy. This benefit shall occur on a rolling year from the date the employee enrolls.

Section 8.5 – Employee Assistance

The City of Winooski recognizes that a wide range of personal problems may affect employees at work and at home. The Employee Assistance Program (EAP) is available to provide initial counseling resources and to act as a referral source for employees and their immediate family members requesting professional assistance. The intent of EAP is to provide professional, confidential assistance to employees and their immediate families in dealing with personal issues affecting their general well-being or job performance. The program is also designed to be a resource for management in maintaining a healthy, focused and productive workforce. The scope of services provided includes personal, marital, family, chemical dependency, legal, financial, and other work-life issues.

EAP is always available for direct personal support 24/7 via the toll-free hotline at 800-287-2173. For non-urgent personal assistance employees and their household members can visit the website at www.investeap.org and click on the green "Need Assistance?" box in the right-hand margin of any topic landing page, and request that an EAP staff person respond by phone or email. Please remember and remind others that EAP remains both confidential and free of direct cost to all employees and their household members.

Section 8.5 – Volunteerism

The City of Winooski supports volunteer activities of its staff who wish to engage to the benefit of the residents of Winooski. Staff who choose to participate in an organized volunteer program activity (including but not limited to Meals on Wheels, tutoring, Senior Center support, school support, or other programs) may do so for up to two hours per month during their regular scheduled work hours without loss of pay or leave time benefits. Volunteer time must be approved by the Operations Manager of the department and shall not conflict with the critical operations of the department. Operations Manager shall make every effort to make time available at the convenience of the department.

Article 9 – Workplace Expectations

Section 9.1 – Code of Conduct

The City expects the utmost professionalism from our staff. The purpose of our work is to serve the taxpayers of our community in the most effective and efficient manner possible. Each employee should come to work prepared to perform their job well and to improve both their skills and the systems of the City's government whenever possible. People who do business with the City, from paying taxes to building a commercial structure, deserve to be treated with respect, to be heard and understood, and to know he/she is being treated fairly. Finally, the nature of government requires the utmost attention to providing ethical treatment in all cases, regardless of the customer.

9.1.1 Confidentiality

Working in government often allows for access to confidential material. Disclosing material clearly identified as confidential by any means including but not limited to labels, policies, procedures, law, statute, or ordinance, is grounds for corrective action or discipline up to and including termination.

9.1.2 Conflict of Interest

This is a separate policy passed by the City Council. The policy is available through the Human Resources office and on line.

Section 9.2 – Harassment

The City of Winooski expects all employees to be treated with respect and without regard for race, color, religion, national origin, sex, sexual orientation, ancestry, place of birth, age, physical or mental condition, HIV status or veteran status. Employees who repeatedly "pick" on an employee for any issue related to the above protected categories or any issue where the person objects, shall be subject to the corrective action up to and including termination. The City shall not tolerate employee behavior that attempts to physically or verbally intimidate an employee or customer of the City or engage in any activity that could be considered physically or emotionally violent.

9.2.1 Harassment: Sexual

The City of Winooski prohibits sexual harassment by and of its employees. Sexual harassment is unlawful under federal and state law. The City of Winooski is committed to providing a workplace free from this unlawful conduct.

Definition of "Sexual Harassment" - Sexual harassment is a form of sex discrimination. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where:

1. submission to that conduct is made either explicitly or implicitly a term or condition of employment; or
2. submission to or rejection of such conduct by an individual is used as a component of the basis for an employment decision affecting that individual; or
3. the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Acts and statements that seem harmless or amusing to some people may be offensive to others. While it is not possible to list all circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment:

- unwelcome sexual advances;
- making threats after a negative response to sexual advances;
- suggestive or lewd remarks;
- unwanted hugs, touches, kisses;
- requests for sexual favors;
- sexually suggestive cartoons, drawings, objects, writings or email messages;
- sexual epithets, jokes and banter;
- written or oral references to sexual conduct;
- comments on an individual's body or sexual activity; or
- leering, whistling, suggestive or insulting comments.

The City of Winooski will not tolerate such conduct at the workplace or in any other settings connected with employment. Such conduct is unlawful under federal and state law.

9.2.2 Retaliation Prohibited

Retaliation against an employee for reporting any form of harassment including sexual harassment or harassment based on any legally protected status as outlined above, or for cooperating in an investigation of a complaint of such harassment, is unlawful. It shall be a violation of this policy for any employee who learns of the investigation or complaint to take any retaliatory action which affects the working environment of any person involved in the complaint or investigation. If an employee believes that he or she is being retaliated against, the Complaint Process is outlined below.

9.2.3 Harassment: Complaint Process

The management of the City of Winooski realizes that it may be difficult for an employee to come forward with a complaint of harassment. However, employees should not ignore conduct that they find offensive. The City of Winooski encourages all employees to report such conduct immediately.

Any employee who believes he or she is being sexually harassed, or harassed because of his or her race, color, sex, sexual orientation, gender identity, age, religion, national origin, ancestry, place of birth, genetic information or physical or mental disability, or because of any other legally protected status should immediately contact: the City Manager, the Human Resource Representative, or any Division Director. In the situation where the City Manager's conduct is in question, a report may be made to the City Council.

The City of Winooski is committed and required by law, to take all appropriate steps to ensure that the matter is promptly investigated and addressed. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Generally, an investigation will include an interview with the person filing the complaint and the person alleged to have committed the harassment. Possible witnesses may be contacted. If it is determined that harassment has occurred, The City of Winooski will act promptly to stop the offending conduct and, when appropriate, impose disciplinary action. Any employee who has been found to have harassed another employee will be subject to disciplinary action, ranging from a verbal warning up to and including termination.

The City will use the best possible means of performing an investigation with resources in or outside of the City.

Although employees are encouraged to file their complaint of harassment through the City of Winooski's Complaint Process, the following agencies also process complaints of harassment:

Vermont Attorney General's Office

Civil Rights Unit
109 State Street
Montpelier, VT 05602,
(802) 828-3171 (voice/TDD)

United States Equal Employment Opportunity Commission
John F. Kennedy 7 Federal Building
Room 475
Boston, MA 02203
(617) 565-3200 (voice), (617) 565-3204 (TDD)

Section 9.3 – Outside Employment

Outside employment that conflicts or interferes with City employment is prohibited. If any full-time regular employee accepts outside employment, the Division Director shall be notified in writing immediately.

Part time staff shall coordinate any outside employment schedules with the Division Director. If the schedules do not allow for the employee to be available when needed, the employee will be asked to choose between the opportunities.

Section 9.4 – Personal Appearance

Employees of the City shall be dressed in neat professional clothing that matches the responsibility of the job function. While the dress code is casual, clothing shall be clean and untattered and match the general expectation of the community. Clothing (including, but not limited to hats and shirts) shall not advertise for any business or have any wording imprinted other than the maker's mark.

Personal grooming is also expected to be neat and professional.

Section 9.5 – Solicitation and the Distribution and Posting of Literature

To promote a professional and collegial workplace, prevent disruptions in business or interference with work, and avoid personal inconvenience, the City has adopted rules about soliciting for any cause and distributing literature of any kind in the workplace.

Employees may not solicit during work time nor use City facilities, such as e-mail or voicemail or the City's social media presence for solicitation. This policy applies to collecting funds, requesting contributions, selling merchandise, gathering employee signatures and promoting membership in clubs or organizations. A bulletin board, or section thereof, shall be made available to post requests for donations or purchase of product to support a non-profit or school-based organization. At no time shall employees approach fellow employees requesting a donation or soliciting a purchase.

At its discretion, the City may grant limited exemptions from these rules for charitable purposes.

Section 9.6 – Political or Religious Activity: General

Political, religious, or other position-based postings are not allowed in buildings owned and managed by the City.

Employees are encouraged to exercise their civil rights and responsibilities by participating in political activities outside of work hours and outside the workplace. (Employees in this instance shall mean all employees of the City of Winooski, consultants; contractors retained by the City of Winooski, and any and all elected and appointed officials.)

It is the policy of the City to assure that employees, our citizens, and our clients are protected against coercion for partisan political or religious purposes.

Employees may not command or solicit from any other employee during work hours or in the workplace:

- direct or indirect participation in any political activity;
- contributions for any political party, organization, and/or candidate;
- a signature on any petition supporting a candidate, a position, or an opinion on a public issue

Employees may not use their position or authority as a City employee nor use City facilities, equipment, or supplies in order to promote or impede the cause of any candidate for office or any public question.

9.6.1 Political Activity: Lobbying

Employees shall not lobby the federal or state legislature on behalf of the City for any position that is not approved by the City Council. Under no circumstances shall any employee of the City of Winooski attend a legislative session while on duty without express written (may be email) approval of the City Manager, this includes providing testimony if requested by a legislator.

Employees are always free to attend legislative sessions and testify on their own behalf. This must be done while off duty (or on vacation), with the use of a personal vehicle, and while dressed in personal clothing with no outward signs of City of Winooski, nor any property issued by the City. In such cases, the employee must include in the testimony that his/her presence is personal and in no way represents the official position of the City.

In cases where the testimony or lobbying effort is on behalf of a professional organization, all time and transportation must be reimbursed to the City by the organization. The employee must make clear that his/her presence is on behalf of the professional organization and not the City of Winooski. Permission of the City Manager is required.

Section 9.7 – Political or Religious Activity: General

A whistleblower as defined by this policy is an employee of City of Winooski who reports an activity that he/she considers to be illegal or dishonest. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

Examples of illegal or dishonest activities include, but are not limited to, violations of federal, state or local laws; theft of City resources, failure to follow defined policy or procedures; and other fraudulent financial reporting.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor or the Human Resources Representative, the City Manager, or a member of the City Council. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas -- confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The City will not

retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against as a result of their whistleblowing activity must contact the Human Resources Representative immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to the City Manager who is responsible for investigating and coordinating corrective action. If the City Manager is involved, reports should be forwarded to the Mayor.

Section 9.8 – Social Media

The purpose of this policy is to provide guidance to City employees in using social media and social networks. Nothing contained in these guidelines is intended to restrict an employee's exercise of Section 7 rights under the National Labor Relations Act and each potential violation of this policy will be carefully reviewed to prevent any unlawful restriction of same. That said, the City expects employees will use due care in conducting themselves on social media so that the City is not inappropriately impacted by their activities.

Employees using social networking tools as a function of their job must have prior approval from their Division Director. Employees who are authorized to use the City's online presence must reflect the views of the City when posting under the City's profile.

Personal blogs or social media website pages should appear under the personal name or identity of the employee and shall not indicate any connection to the City except as the listed employer. Under no circumstances shall an employee, using his/her personal identity indicate that he/she is speaking for the City or from a position of knowledge based on his/her employment with the City.

Section 9.9 – Drug and Alcohol

The City is concerned for the general safety and well-being of its employees and the general public, and is committed to providing all employees with a safe and productive work environment free from alcohol and drugs.

The use of controlled substances is inconsistent with the behavior expected of employees, subjects all employees and visitors to our offices to unacceptable safety risks, and undermines the City's ability to operate effectively and efficiently. The unlawful manufacture distribution, dispensation, possession, sale, or use of a controlled substance in the workplace or while engaged in City business away from City office premises is strictly prohibited. An employee using prescription drugs that could affect their work ability should have their physician state in writing any work restrictions and/or emergency procedures relating to the use of those medications.

The sale, possession, or consumption of any intoxicating beverages on City property, or during working hours, or the act of presenting oneself for work under the influence of alcohol, is strictly prohibited. Employees who become aware of any violations of this policy are required to report any such violation to their supervisor or Human Resources immediately. Violations of this policy may result in discipline, up to and including termination.

The City acknowledges that substance abuse is a serious and complex disease that may negatively affect an employee's work performance and personal life. The City may, at its discretion and consistent with state and federal law, grant a leave of absence to any employee seeking treatment or rehabilitation for alcoholism and/or drug abuse problems.

Consequences of Prohibited Conduct

Violation of any part of this policy may result in discipline, up to and including termination of employment, in accordance with applicable federal, state and local laws. Evidence of intoxication or impairment is not necessary for enforcement of this policy. No employee is entitled to a drug test to prove his or her compliance with this policy. The City may discipline an employee under this policy if there is a reasonable suspicion to believe a violation has occurred.