

RUTLAND COUNTY SOLID WASTE DISTRICT

PERSONNEL POLICIES AND PROCEDURES

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The following sets forth the policies and procedures of the Rutland County Solid Waste District regarding all District employees. These policies and procedures shall govern employee working hours, benefits, privileges, compensation, duties and responsibilities.

I. HOURS

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

II. HOLIDAY & VACATION LEAVE

A. District Holidays: All Permanent Full-Time Employees and Permanent Part-Time Employees who work a minimum of 30 hours a week will receive the following as paid holidays:

- ☐ New Year's Day
- ☐ President's Day (3rd Monday in February)
- ☐ Memorial Day
- ☐ Independence Day
- ☐ Labor Day
- ☐ Columbus Day or Veteran's Day (employees choose which of these days they want to have off upon approval of the District Manager based on staffing needs).
- ☐ Thanksgiving
- ☐ Friday following Thanksgiving
- ☐ Christmas Eve Afternoon (4 hours)
- ☐ Christmas
- ☐ One Personal Holiday (replaces Town Meeting Day)

All other Permanent Part-Time Employees or Temporary Employees are not eligible for all the District Holidays but may receive pay only if a holiday falls upon their scheduled day of work. If they work on a holiday they will receive the holiday pay in addition to regular pay for any hours worked (double pay).

All District offices (main office and transfer station) will be closed for New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

A minimum amount of staff (A minimum of one person at the main office, one person at the scale house and one person at the recycling center and depending on what day of the

week the holiday is on will be at the transfer station) will be required to work on the following holidays: President's Day, Columbus Day or Veteran's Day, the Friday after Thanksgiving and Christmas Eve. All other staff would take the day or portion thereof as a paid holiday.

Upon approval of the District Manager and pending adequate employee coverage at the main office and transfer station, employees (hourly or salaried) may be allowed to switch their holiday time off sometime during two consecutive work-weeks.

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

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

OR

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

Holidays on Saturdays or Sundays:

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

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

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

Personal Leave, Sick Leave and Vacation Leave.

Personal leave, sick leave and vacation leave accrual and usage only apply to all permanent full-time employees and all permanent part-time employees who work a minimum 30 hours a week.

The annual year for personal leave, sick leave, and vacation leave shall coincide with the anniversary year of each employee.

Any holiday occurring during sick leave or vacation leave shall not be counted as a day of sick leave, vacation or personal leave.

- B. Personal Leave** - Permanent full-time employees shall earn two days of personal leave annually. Such personal leave shall be allowed for personal emergencies, observance of religious holidays and attendance at funerals.

All personal leave must be approved by the District Manager. No more than four days may be carried over from one year to another.

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

- C. Sick Leave** - Permanent full-time employees shall be entitled to seven days of sick leave annually. Employees may use sick leave benefits for an absence due to their own illness or injury or the illness of a member of their immediate family or for medical or dental appointments for the employee or member of the immediate family. Immediate family shall be as follows: employee's spouse or civil union partner, parent, child, father-in-law or mother-in-law, grandparent, stepparent or if the employee is designated the caregiver of persons in the same household. No more than 35 days may be carried over from one year to another.

If an employee is going to be out for more than 3 days of sick leave then a doctor's note must be provided to the District Manager for the approved absence.

Death in the family - Employees may use up to three days of sick leave due to the death of an immediate family member. If additional time off is required then the employee will use either vacation and/or personal leave upon approval of the District Manager.

An employee who resigns or is dismissed for any cause shall not be paid for unused sick leave. Employees may cash in their accrued time at time of retirement.

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

- D. Vacation Leave - Vacation time will be authorized as follows based on date of hire:

<u>Tenure</u>	<u>Rate</u>
6 months - 2 years	10 working days per year
2 - 7 years	15 working days per year
7 or more years	20 working days per year

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

An employee who resigns, or dismissed for any cause, shall be paid for any earned unused vacation leave. For the purposes of this paragraph, an employee shall earn vacation at the following rates: 5/6 days per month for employees with up to 2 years tenure; 1 ¼ days per month for employees with 2 to 7 years tenure; and 1 2/3 days per month for employees with 7 years or more tenure. If an employee has used, prior to separation, more vacation time than earned, the value of the unearned amount, calculated at the current daily rate, shall be deducted from that employee's final paycheck.

Vacations shall be scheduled in advance with the District Manager.

- E. Military Leave - An employee who leaves their position to enter military service in time of war or for annual two-week training or is otherwise called to duty, shall be carried on the rolls at military leave status and upon their discharge shall be entitled to be reinstated to the employee's former position or an equivalent position for which they are qualified. There shall be no compensation for military leave time. Military leave shall not be used in computing personal leave, sick leave, or vacation leave.
- F. Leave of Absence - Indefinite leave of absence, without pay, may be granted by the Executive Committee for purposes of education, maternity, reasons of health, and other special needs at the discretion of the Committee, notwithstanding other requirements under the law. Note: The District is currently not covered by the Vermont Family Leave Act because it does not have 10-full time employees. However, the District does fall under the Federal Family & Medical Leave Act due to the fact that the District is a municipality. The law reads "Public agencies are covered employers without regard to the number of employees employed."
- G. Jury Duty - The District encourages employees to fulfill their civic duties

by serving on jury duty and will pay the difference between jury pay and regular pay rate while the employee is required to serve.

Eligible employees include:

Permanent Full-Time Employees

Permanent Part-Time Employees

Temporary Employees

Employees must show the jury summons or subpoena to the District Manager as soon as possible so that the District Manager may make arrangements to accommodate their absence. Employees are expected to report for work whenever the court schedule permits. Either the District or the employee may request an excuse from jury duty if, in the District's judgment, the employee's absence would create serious operational difficulties. The District will continue to provide all contractual benefits for the full term of the jury duty absences at the normal contribution of the employee.

H. "Comp Time" - Comp time is not allowed.

III. TRAVEL REIMBURSEMENT -

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

- A. Mileage - District employees using their automobile on District business shall be reimbursed at the current U.S. Government rate for mileage plus tolls and parking fees.
- B. Meals - District employees required to obtain meals while on District business shall be reimbursed a maximum of \$10.00 for breakfast, \$12.00 for lunch and \$20.00 for dinner meals within Vermont; for meals out-of-state, reasonable costs will be reimbursed. Amounts above these figures may be authorized where meal figures are set in advance for specific meetings.
- C. Authorization - The District Manager shall approve all requests of staff for travel and meal expenses before payment. The Secretary/Treasurer shall approve requests of the District Manager.

IV. PAYROLL -

District employees shall be paid on a weekly basis.

V. SALARY ADJUSTMENTS

Salaries will be reviewed at least annually by the Executive Committee. The Executive Committee shall then make salary adjustment recommendations to the full Board of Supervisors.

VI. EMPLOYEE FRINGE BENEFITS

Employee Fringe Benefits of health insurance, life insurance, short-term and long-term disability insurance, vision and retirement benefits only apply to Full-Time Permanent Employees and Permanent Part-Time Employees who work a minimum of 30 hours a week.

A. Insurance - All permanent full-time and permanent part-time employees (who work a minimum of 30 hours per week) shall be entitled to health insurance for employee and dependents. As of January 2004 employees were required to contribute a portion of the monthly premiums for health insurance. Employees who can demonstrate that they are covered under a health plan through non-District employment of a spouse and who choose not to enroll in the District health plan shall qualify for a premium reduction incentive of \$1,500 per year paid on a pro-rated basis by pay period. In the event the employee loses coverage under the spouse's plan, the employee shall immediately notify the District Manager or his or her designee to re-enroll in the District plan. Premium reduction incentive payments will cease upon re-enrollment.

B. Retirement Benefits -

All permanent employees who are at least 21 years of age and who work a minimum of 1000 hours annually shall be entitled to participate in the Rutland County Solid Waste District Retirement Plan. An eligible employee is vested after one year. Five percent of eligible employees' gross compensation for the fiscal year is contributed to the pension plan by the district. Eligible employees may also choose to participate in the State of Vermont Deferred Compensation Plan, which is a 457 (b) plan.

EMPLOYMENT POLICIES AND PROCEDURES

A. Interest of Employees - No employee shall have any personal interest, direct or indirect, in any financial arrangements, contracts or the like which the District may enter into except for the normal compensation by the District for services performed.

- (1) A staff person who has an outside interest, which would appear to be or have a potential conflict with their duties at the District, will disclose such interest to the District Manager and will abstain from the District activity in connection therewith. The specific project duties will be assigned to another staff person. All other appropriate actions as the District Manager deems necessary will be taken.
- B. Politics - Except for projects, activities, or other authored proposals of the Rutland County Solid Waste District, employees shall not: (1) use their office to influence elections or nominations, or for other political purposes; (2) require or advise other employees to make political contributions; (3) use political influence in the connection with their employment status; or (4) conduct any political activity for their own personal gain during working hours.
- C. Staff Position - The District shall have the following general staffing categories:
 1. Permanent Full-Time Employees. Those employees hired to work at least 40 hours per week on a continuing basis with no set date for termination of employment.
 2. Permanent Part-Time Employees. Those employees hired to work less than 40 hours per week on a continuing basis with no set date for termination of employment.
 3. Temporary Employees. Those employees (students, interns, special project personnel, temporary help, etc.) hired to work either full time or part time for a specified period at the discretion of the District Manager.

Limited employment positions may be filled without necessary position authorization.

- E. Employment Procedures
 1. District Manager - The Executive Committee shall require a written application, together with at least three (3) written references. A personal interview between the applicant and the Executive Committee or its designee may be required, at which time other pertinent documents may be offered. The District may reimburse the applicant for expenses involved.

2. Professional Support Staff (Administrative, Technical and Clerical)

The District Manager shall require a written application and, for applicants seeking a full-time or regular part-time position, at least two (3) written references. A personal interview between the applicant and the District Manager may be required. Applicants may be asked to take a skills test appropriate for the position.

The District Manager shall have the authority to employ Professional Support Staff (administrative, technical and clerical) when additions or replacements are authorized by the Executive Committee.

3. Limited Employment Staff - The Chair and the District Manager shall have the authority to employ Limited Employment staff using the procedures for Professional Support staff as guidelines.

4. Notification of Acceptance - Notification of acceptance shall be given by the District Manager, in writing, to the applicant. The notification shall include the beginning date of employment, beginning salary, general job description, and any other pertinent information. Personnel Policies will be a part of all employment agreements, and a copy will be enclosed in the letter of notification. Written acceptance by the applicant should be requested and sent to the District Manager.

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

6. Probationary Employment - All employees shall be hired on a probationary status.

Each new Permanent Full Time, Permanent Part Time or Temporary Part-Time Employee shall serve a six-month probationary period. During this probationary period, the District Manager shall confer with the employee at least once per month for the evaluation of the employee's work to the employee with a copy to the employee's personnel file. During this probationary period the new employee may be terminated by the District Manager following a two-week notice.

7. Non-Discrimination- There shall be no discrimination against an employee or applicant for employment because of race, religion,

ancestry, age, national origin, or any political or union affiliation.

8. An employee may be required to obtain a medical examination annually if it is found necessary in relationship to the nature of the job with the District.

VIII. DISCIPLINE, DISCHARGE AND STAFF REDUCTIONS

- A. The purpose of this policy is to retain employees through correction of problems, but the District recognizes that (a) failure to correct disciplinary problems may lead to suspension or termination, and (b) serious infractions may result in immediate termination. When there is a legitimate reason for doing so, the District shall exercise its right to discipline, suspend, or discharge employees.
- B. When discipline is deemed appropriate, the District will typically apply the principles of progressive discipline, as noted below, in determining the level of discipline to be imposed. The nature and severity of the offense and the employee's prior record shall be considered.
- C. A record of disciplinary actions shall be placed in the employee's personnel file and shall be a matter of record according to the following schedule: Verbal Warning – 2 years, Written warning – 3 years, Final Written Warning – 3 years, and Suspension – 5 years.

Step 1. **Verbal Warning** – The District Manager identifies a disciplinary problem and verbally informs the employee. Through discussions, the District Manager and employee attempt to define the problem and resolve it. A notation that an oral warning was given, including a description thereof, should be made in the employee's personnel file.

Step 2. **Written Warning** – the District Manager will issue this notice in the event the employee continues to disregard a verbal warning or if the infraction is severe enough to warrant a written reprimand in the employee's personnel file. The written warning shall state the nature of the infraction in detail and what corrective action must be taken by the employee to avoid further disciplinary action. A copy of the written warning is to be handed to the employee at the time of the discussion of the discipline. The employee shall sign the written warning to acknowledge the receipt. A copy, signed by the employee, will be placed in the employee's personnel file. If the employee refuses to sign the acknowledgment, the District Manager and a member of the Executive Committee will meet with the employee.

Step. 3. **Final Written Warning** – The District Manager determines that

a disciplinary problem persists despite written warning or has become more serious or is accompanied by other disciplinary problems with the same employee. The District Manager may place an employee on probation. The employee receives a written reprimand placing him or her on probation for a specific period of time and including a statement that unless demonstrable improvement is made during this probationary period, termination of employment will result.

Step. 4 Suspension – Suspension is administered as a result of severe infraction of policies or for repeated violation. For minor infractions, which have resulted in written warnings, a suspension may also result.

The District Manager, may suspend an employee without pay for any of the following reasons: gross violation of personnel policies, criminal conduct. The Executive Committee shall hold a hearing within fifteen (15) working days of this suspension to determine if further action is warranted.

The Executive Committee may suspend the District Manager without pay for any of the following reasons: gross violations of personnel policies, criminal conduct. The Board of Supervisors shall hold a hearing within fifteen (15) working days of this suspension to determine if further action is warranted.

Step 5. Termination – The District Manager, in consultation with the Executive Committee, determines that the principles of progressive discipline have been followed and the employee has been unable to demonstrate significant improvement as outlined under Step 3, termination of employment of the employee will be the final step in the progressive discipline process.

An employee shall be subject to termination for the following reasons: misconduct, dishonesty, neglect of duty, excessive tardiness/absence, not meeting job requirements, abuse of sick leave benefits, and/or job abandonment.

When an offense is severe, the District reserves the right to accelerate the progressive discipline process noted above or elect to immediately suspend or discharge an employee as determined appropriate by the District Manager.

RESIGNATIONS AND REDUCTION IN PERSONNEL

Resignations - An employee who desires to terminate employment shall submit (to the extent possible) a written resignation in advance as follows:

The District Manager - two (2) months notice.

All Other Staff - two (2) weeks notice.

2. Reduction of Personnel - If it becomes necessary to reduce personnel, temporary employees shall be separated first, then probationary permanent employees, then permanent employees who have completed their probation. The forgoing order maybe modified by the Executive Committee when such would conflict with specific program requirements. Within each of the three groups, the selections of employees to be retained shall be based solely on their relative merit and qualifications as well as program requirements. It shall be clearly indicated on all papers prepared in connection with a reduction in personnel that the reduction in no way reflects on the employee's performance. At least one (1) month advance notice, in writing, shall be given an employee prior to such a reduction in personnel.

IX. GRIEVANCE PROCEDURE

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

Any employee has the right to appeal the decision of the District Manager to the Executive Committee and request a hearing by the Committee by submitting a request, in writing, to the Chair, within five calendar days of receiving the written decision of the District Manager. The Committee shall hold a hearing within fifteen working days of receiving the request.

Any employee has the right to appeal the decision of the Executive Committee to the full Board of Supervisors and request a hearing by the Board of Supervisors by submitting a request, in writing, to the Chair, within five calendar days of receiving the written decision of the Executive Committee. The Board of Supervisors shall hold a hearing by or at their next scheduled meeting.

X. PROFESSIONAL CONFERENCES, IMPROVEMENT TRAINING

Staff shall avail themselves of conferences, courses, or workshops, etc. offered for professional improvement and at District expense, within budgetary limits. Staff

may receive regular pay while attending conferences or courses paid for by themselves, with the approval of the District Manager. Attendance at conferences requiring more than three days away from the office shall be approved by the District Manager.

XI. ALCOHOL AND DRUG TESTING

- A. Pre-Employment Drug/Alcohol Testing - This portion of the Personnel Manual shall comply with Title 21, Chapter 5, Subchapter 11, V.S.A. - Drug Testing, in effect upon the date of adoption by the Board of Supervisors and as amended in the future.

The word "drug" also means "alcohol".

1. When an applicant has been chosen to fill a position from outside the existing workforce a written Notification of Acceptance will be issued to the applicant conditioned on the applicant receiving a negative drug test result, except when the position applied for is temporary or permanent part-time and does not involve performing safety-sensitive functions.
2. Testing shall be carried out as follows:
 - a. The test must be given at the cost of the District not less than ten days from the date the applicant receives the Notification of Acceptance.
 - b. The Notification shall list the drugs to be tested.
 - c. The Notification shall state that therapeutic levels of prescription drugs detected will not be reported.
 - d. The required notice may not be waived by the applicant.
3. The drug test may be given as part of or in conjunction with a comprehensive physical examination at the cost of the District. The test and examination need not be taken or administered at the same time.
4. Confidentiality
 - a. Any information concerning drug test results taken pursuant to this Policy shall be confidential and shall not be released to anyone except the employer, applicant or employee (as the case may be), and may not be obtained by court order or process except as provided below.

- b. Release of such information under any circumstance shall be solely pursuant to a written consent form signed voluntarily by the person tested, except where such release is compelled by a court of competent jurisdiction in connection with an action brought under State law governing drug testing of applicants and employees.
- 5. "Drug" means a drug listed or classified by the U.S. Drug Enforcement Administration as a Schedule I drug, or its metabolites, and alcohol. it shall also mean other drugs or their metabolites which are likely to cause impairment of the individual on the job which are: amitriptyline, amphetamines, barbiturates, benzodiazepines, cannabinoids, cocaine, doxepin, glutethimide, hydromorphone, imipramine, meperidine, methadone, methaqualone, opiates, oxycodone, pentazocine, phenytoin, phencyclidine, phenothiazines and propoxyphen.
- 6. Administration of Test
 - a. The test shall be administered only to detect the presence of alcohol or drugs, as defined above.
 - b. A Copy of this policy must be provided to the applicant identifying the following.
 - i. circumstances under which an applicant may be required to submit to a drug test;
 - ii. the particular testing procedure;
 - iii. the drugs that will be screened; and
 - iv. a statement that over the counter medications and other substances may result in a positive test and the consequences of a positive test will result.
 - c. No one will be required to submit to a blood test for the purpose of administering a drug test.
 - d. The designated laboratory shall be a laboratory designated by the Department of Health which must be able to document competency in regard to personnel, quality assurance programs, methodology and equipment, on-site confirmation of positive screening tests, security, confidentiality and expert testimony.

7. Testing Procedure - Urinalysis

- a. The laboratory shall confirm any sample that tests positive by testing the sample by gas chromatography with mass spectrometry or an equivalent scientifically accepted method that provides quantitative data about the detected drug or drug metabolites; and
- b. The person tested may, at his or her request and expense, have a blood sample drawn at the time the urine sample is provided, so that the same may be preserved in such a way that it can be tested later for the presence of drugs.

8. Laboratory Reports

- a. In the event of a positive result the designated laboratory may report to the employer that a urine sample is positive only if both the initial test and the confirmation test are positive for the particular drug. The test results shall be provided by written report as follows:
 - i. the name of the person tested;
 - ii. the type of test conducted for both initial screening and confirmation;
 - iii. the results of each test;
 - iv. the detection level, meaning the cut-off or measure used to distinguish positive from negative samples on both the initial screening and confirmation procedures;
 - v. the name and address of the laboratory; and
 - vi. any other information provided by the designated laboratory to the employer concerning the person's test.
- b. Opportunity to Retest
 - i. The District shall provided an employee or applicant who has a positive test result an informal meeting to explain the results and explain why the result may not be accurate.

- ii. The District shall provide any applicant or employee who has a positive test result with an opportunity to retest a portion of the sample at an independent laboratory at the expense of the person tested and shall consider the results of the retest.
- c. Negative test results including the detection of a drug at a therapeutic level shall be reported as a negative test result. The laboratory's report shall not contain any information indicating the presence of a drug at a therapeutic level.
- d. The District shall ensure that a portion of any positive sample is preserved in a condition that will permit accurate retesting for a period of not less than 90 days after the person tested receives the result. Preservation of the sample shall be at the designated laboratory.

B. For Cause Drug Testing - Existing Employees

The District may require an individual employee to submit to a drug or alcohol test if any of the following conditions are met:

- 1. When the District has probable cause to believe an employee is using or is under the influence of a drug or alcohol on the job. Probable cause will be determined by the District Manager.
- 2. When the District has available, for an employee tested positive, a bona fide rehabilitation program for alcohol or drug abuse and such program is provided by the District or is available to the extent provided by a policy of health insurance or under contract with a group services provider including a hospital service corporation or municipal association.
- 3. The District will advise the employee, in writing, that the District believes there is probable cause that the employee is under the influence of a drug on the job on a form prepared for such notice.
- 4. When probable cause has been determined by the District Manager, the employee will be suspended with pay immediately and until such time as the test results have been received by the District. If the test results are negative, the employee will resume his or her duties the following regularly scheduled work day for that employee.

C. Refusal To Submit To For Cause Drug or Alcohol Testing

Refusal to submit to for cause drug or alcohol testing constitutes a positive finding and the District shall proceed with appropriate discipline under D1, listed below.

D. Discipline

The employee may not be terminated if the test result is positive and the employee agrees to participate in, and then successfully completes the required Employee Assistance Program; however,

1. the employee may be suspended without pay for the period of time necessary to complete the program, but in no event longer than three months;
2. the employee may be terminated if, after completion of an employee assistance program the District subsequently administer a drug or alcohol test in compliance with the State law and the test result is positive.

XII. SEXUAL HARASSMENT POLICY

It is against the policies of this employer, and illegal under state and federal law, for any employee, male or female, to sexually harass another employee. This employer is committed to providing a workplace free from this unlawful conduct. It is a violation of this policy for an employee to engage in sexual harassment.

A. What is "sexual harassment"? Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature when:

1. submission of that conduct is made either explicitly or implicitly a term or condition of employment;
2. submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; and
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.

B. Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:

1. Either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
2. Touching or grabbing a sexual part of an employee's body;
3. Touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact was unwelcome;
4. Continuing to ask an employee to socialize on or off-duty when that person has indicated she/he is not interested;
5. Displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known, or should be known, that the behavior is unwelcome;
6. Continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
7. Referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
8. Regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
9. Retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g. ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc);
10. Derogatory or provoking remarks about or relating to an employee's sex or sexual orientation;
11. Harassing acts or behavior directed against a person on the basis of his or her sex or sexual orientation; and
12. Off-duty conduct which falls within the above definition and affects the work environment.

- C. What RCSWD will do if it learns of possible sexual harassment. In the event this employer receives a complaint of sexual harassment, or otherwise has a reason to believe that sexual harassment is occurring, it will take all necessary steps to ensure that the matter is promptly

investigated and addressed. The employer is committed, and required by law, to take action if it learns of potential sexual harassment, even if the aggrieved employee does not wish to formally file a complaint. Every supervisor is responsible for promptly responding to, or reporting, any complaint or suspected acts of sexual harassment. Supervisors should report to the District Manager (the head of this organization). Failure by a supervisor to appropriately report or address such sexual harassment complaints or suspected acts shall be considered to be in violation of this policy.

Care will be taken to protect the identity of the person with the complaint and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation. 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 this investigation.

If the allegation of sexual harassment is found to be credible, this employer will take appropriate corrective action. The employer will inform the complaining person and the accused person of the results of the investigation and what actions will be taken to ensure that the harassment will cease and that no retaliation will occur. Any employee, supervisor, or agent who has been found by the employer to have harassed another employee will be subject to sanctions appropriate to the circumstances, ranging from a verbal warning up to and including dismissal.

If the allegation is not found to be credible, the person with the complaint and the accused person shall be so informed, with appropriate instruction provided to each, including the right of the complainant to contact any of the state or federal agencies identified in this policy notice.

- D. What you should do if you believe you have been harassed. Any employee who believes that she or he has been the target of sexual harassment, or who believes she or he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop. If the employee does not wish to communicate directly with the alleged harasser or harassers, or if direct communication has been ineffective, then the person with the complaint is encouraged to report the situation as soon as possible to the District Manager at the main office (who has been designated to receive such complaints or reports). It is helpful to an investigation if the employee keeps a diary of events and the names of people who witnessed or were told of the harassment, if possible.

If the complainant is dissatisfied with this employer's action, or is

otherwise interested in doing so, she or he may file a complaint by writing or calling any of the following state or federal agencies:

1. **Vermont Attorney General's Office, Civil Rights Unit**, 109 State Street, Montpelier, VT 05609, tel: (802) 828-3171 (voice/TDD). Complaints should be filed within 30 days of the adverse action.
2. **Equal Employment Opportunity Commission**, 1 Congress Street, Boston, MA 02114, tel: (617) 565-3200 (voice), (617) 565-3204 (TDD). Complaints must be filed within 300 days of the adverse action.
3. **Vermont Human Rights Commission**, 133 State Street, Montpelier, VT 05633-6301, t (802) 828-2480 (voice/TDD). (Only if you are employed by a Vermont State agency.) Complaints must be filed within 360 days of the adverse action.

Each of these agencies can conduct impartial investigations, facilitate conciliation, and if it finds that there is probable cause or reasonable grounds to believe sexual harassment occurred, it may take the case to court. Although employees are encouraged to file their complaint of sexual harassment through this employer's complaint procedure, an employee is not required to do so before filing a charge with these agencies.

In addition, a complainant also has the right to hire a private attorney, and to pursue a private legal action in state court within 3 or 6 years, depending on the type of claims raised.

- E. Where can I get copies of this policy? A copy of this policy will be provided to every employee, and extra copies will be available in the office of the District Treasurer.
- F. Accommodations for those with Disabilities: Reasonable accommodations will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment, upon advance request.

XIII. ANNUAL PERSONNEL EVALUATION

The District Manager is responsible for preparing an annual written Performance Evaluation for each full-time staff employee of the District. The evaluation will be reviewed with, and a copy provided to each employee.

An annual written Performance Evaluation for the District Manager will be prepared by the District Chair after consultation with, and having the concurrence

of the Executive Committee. The evaluation will be reviewed with, and a copy provided to the District Manager.

Evaluations shall be made part of the personnel file of each employee and each shall have the right to attach their personal comments to the evaluation.

