TOWN OF MANCHESTER

EMPLOYEE HANDBOOK

Effective Date: July 1, 2011

Selectboard and Board of Sewer Commissioners

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ARTICLE I – GENERAL PROVISIONS

Article I **Introduction** **Section 1.1**

1.1.1 The Town of Manchester (herein referred to as Town) Employee Handbook (herein referred to as Handbook) establishes policies, procedures, benefits, and working conditions that shall be followed by certain employees, as further detailed in this Handbook, as a condition of employment. Unless otherwise noted herein, the effective date of this Handbook is July 1, 2011. This Handbook replaces previously approved personnel codes and handbooks adopted by the Selectboard and other boards.

The Handbook is approved by the Selectboard, pursuant to 24 V.S.A. §§1121 and 1122, Board of Sewer Commissioners and Board of Water Commissioners and may be amended by said boards for any reason and at any time, with or without notice. The Selectboard may amend, as necessary, the Handbook and said changes shall be effective immediately and binding on the Board of Sewer Commissioners and Board of Water Commissioners 14 calendar days after approval by the Selectboard unless the Board of Sewer Commissioners and/or Board of Water Commissioners votes affirmatively to not accept the amendments made by the Selectboard. Each version or amendment to the Handbook shall be signed and dated by the chair of the Selectboard.

1.1.2 **THE HANDBOOK IS NOT AN EMPLOYMENT CONTRACT NOR IS IT INTENDED TO CREATE CONTRACTUAL OBLIGATIONS OF ANY KIND FOR THE TOWN.** Employees shall review the policies, procedures, working conditions, and benefits described in the Handbook. Employment is contingent upon each employee affirming that they have read, understand, agree to abide by, and acknowledge receipt of the Handbook no later than June 27, 2011 for existing employees (full-time, part-time and seasonal employees) and, for all employees (full-time, part-time and seasonal employees) hired after June 16, 2011, before an employee begins employment by signing the enclosed HANDBOOK ACKNOWLEDGEMENT FORM (Addendum E).

These policies and any other policies or procedures published and/or maintained by the Town of Manchester, or statements by Town officials, are not intended to and do not grant any additional employment rights or benefits, are not inclusive of all Town policies and expectations of employees, and should not be read or interpreted as altering the at-will relationship in any way.

1.1.3 The policies and procedures outlined in the Handbook will be administered by the Town Manager and shall be applied equitably at the discretion of the Town Manager, subject to the oversight of the Selectboard, Board of Sewer Commissioners and/or Board of Water Commissioners. The Town reserves the right to deviate from the policies, procedures, benefits, and working conditions described in the Handbook as deemed necessary by the Town. The Town will notify employees in writing after the Handbook has been amended by the Selectboard, Board of Sewer Commissioners and/or Board of Water Commissioners.

1.1.4 Certain sections of the Handbook also apply to Police Department union employees, Fire Department employees and officers, part-time employees, seasonal employees, appointed board and commission members, certain elected officials and employees of the Town Clerk's Office, as provided for in agreements between the Town and the Town Clerk or whenever the application is necessary for the continuation of government. Unless otherwise noted herein, this Handbook shall apply to non-union, full-time employees under the purview of the Selectboard, Board of Sewer Commissioners and Board of Water Commissioners. The Handbook does not apply to contract employees or vendors, unless provided for herein or in agreements. Where a conflict exists between this Handbook and any collective bargaining agreement or an individual employment contract, the latter will control. Part-time employees are defined as any employee working on average less than 38 hours per week who are not seasonal employees. Seasonal employees are defined as any employee hired for a defined

period of time or for a defined purpose or project. Nothing in this Handbook precludes the Town from classifying an employee as both a seasonal employee and part-time employee.

1.1.5 The Town shall post the most current version of the Handbook on its website and a copy of the Handbook shall be filed in the Office of the Town Manager during regular business hours for inspection by employees and the public. The version filed in the Office of the Town Manager and marked "OFFICIAL VERSION" shall be considered the most recent, updated version of the Handbook. A copy of this Handbook shall be distributed to all affected employees upon enactment by the required boards or on or before the employee's first day of employment.

1.1.6 Unless otherwise noted herein, any reference to "days" shall mean calendar days.

Article I Savings Clause (Severability) Section 1.2

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

Article I Division of Town Government Section 1.3

1.3.1 The government of the Town of Manchester is hereby divided into the following Departments and Divisions: the Legislative Department, to include elected members of the Selectboard and administered by the chair of the Selectboard; the Office of the Town Manager, to include the Town Manager, Administrative Services Manager and Human Resources Administrator; the Finance Office to include the Town Treasurer, Finance Director and Finance Assistant; the Department of Public Works administered by the Director and to include the Facilities Division, Highway Division and Factory Point Cemetery Division; the Police Department administered by the Chief of Police and to include Emergency Management and the Animal Control Officer; the Fire Department administered by the Fire Chief; the Assessing Office; the Office of the Town Clerk; the Planning and Zoning Office to include the Planning Director, Zoning Administrator and Economic Development Officer (if any); the Parks and Recreation Department administered by the Parks and Recreation Director; the Sewer Department (overseen by the Board of Sewer Commissioners) and the Water Department (overseen by the Board of Water Commissioners) and administered by the Superintendent. Other officers include the Health Officer and Tree Warden.

1.3.2 Except as provided for herein or in state law, the Town Manager shall appoint and supervise the following department heads, who shall be considered the administrator of each department: Chief of Police; Chief of the Fire Department; Director of Parks and Recreation; Planning Director; Finance Director; Sewer Superintendent; Water Superintendent; and Director of Public Works. Department Heads shall be responsible for the operation of departments under the general supervision of the Town Manager. The Town Clerk shall be considered a department head but not supervised by the Town Manager. Department Heads shall also include other titles as determined by the Town Manager or Selectboard.

1.3.3 Except as provided for herein or in state law, division heads shall be appointed by the Town Manager and supervised by Department Heads and shall include the following employees: Zoning Administrator (if other than Planning Director); Highway Foreman; Buildings, Grounds and Facilities Supervisor; Lieutenant (Police Department); Director of Emergency Communications (chief dispatcher); Human Resources Administrator; Administrative Services Manager, Assessor and other titles as determined by the Town Manager or Selectboard.

1.3.4 The Selectboard hereby appoints the Human Resources Administrator and Town Manager as HIPPA administrators. The duties and responsibilities of HIPPA administrators are established in state and federal law and regulations.

1.4.1 Unless noted herein, the provisions of Articles II though VI of this Handbook shall apply to all full-time employees that are under the supervision of the Selectboard, Board of Sewer Commissioners and Board of Water Commissioners. A full-time employee is defined as any employee who works thirty-eight (38) or more hours per week and is not a part-time or seasonal employee, as defined in section 1.1.4.

1.4.2 Unless otherwise provided for in said Chapter 37 or applicable agreements, the provisions of the Handbook shall apply to the Town Manager. Any responsibilities that are delegated to the Town Manager herein that would otherwise be impractical or present a conflict of interest are hereby delegated to the Selectboard.

ARTICLE II – RECRUITMENT AND HIRING

Article II **General Provisions** **Section 2.1**

2.1.1 Compensation for new employees shall be established by the Town Manager based on experience, qualifications, skills, education and approved budgets. Upon being hired, all employees shall be provided a job description, which may be amended from time to time by the Town Manager. Annual salary and wage adjustments for employees shall be determined based on the annual performance review of the employee and in concert with the budget approved by the Selectboard, Board of Sewer Commissioners and Board of Water Commissioners. Said adjustments shall normally take effect on the first day of the first pay period after July 1 of each year.

2.1.2 The Town Manager shall hire, promote, discipline, lay off and remove all Town employees (full-time, part-time and seasonal), with the following exceptions and restrictions:

2.1.3 The Town Manager shall be appointed by the Selectboard and shall serve as the employee of the Selectboard of the Town of Manchester (as provided for under Chapter 37 of Title 24 and any applicable agreements between the Town of Manchester Selectboard and the Town Manager) as well as the Chief Administrative Officer. The Town Manager shall serve as the Head of the Agency for the purposes of the State records law.

2.1.4 The Town Manager shall confer with Selectboard, Board of Sewer Commissioners or Board of Water Commissioners in Executive Session before appointing a Department Head, as defined in section 1.3.2.

2.1.5 The Selectboard, Board of Sewer Commissioners or Board of Water Commissioners must approve employment contracts that are greater than six (6) months in term or greater than $10,000 in total value.

2.1.6 The Selectboard shall nominate the health officer and any deputy health officers to the Commissioner of Health, appoint the zoning administrator pursuant to state law, constable for a specific term, fire warden as required by state law, tree warden for a specific term and any other officers required by state law.

2.1.7 The Selectboard shall also appoint members of the following boards and commissions: Planning Commission; Development Review Board; Design Review Board; Advisory Committee on Parks and Recreation; Advisory Committee on Cemeteries; Conservation Committee; Tree Committee; Investment Advisory Committee; Board of Water Commissioners; Transportation Initiative Committee; and any other temporary boards, commissions and officers created by the Selectboard. Unless otherwise governed by state law, the Selectboard shall appoint board and commission members by the majority vote of the Selectboard for a defined period of time and removed by a majority vote of the Selectboard.

2.1.8 The Selectboard shall serve concurrently as the Board of Sewer Commissioners and local Board of Liquor Control.

Article II **Eligibility and Authorization** **Section 2.2**

2.2.1 Federal law requires the Town of Manchester to verify the identity of each employee and legal authority to work in the United States within three (3) business days of employment. All offers of employment depend on the ability of employees to meet these federal requirements. Each employee shall complete the Employment Eligibility Verification (Form I-9), in which the employee attests to their legal authority to work in the United States and present acceptable documents to verify such claim. If the authorization to work in the United States is for a limited period of time, the employee shall submit further proof at least fifteen (15) calendar days before the expiration date.

This section shall also apply to Police Department union employees, Fire Department employees and officers, part-time employees, seasonal employees, paid appointed board and commission members, paid elected officials, employees of the Town Clerk's Office and all others that are paid by the Town through the payroll process.

Article II At-Will Employment Section 2.3

2.3.1 Employment with the Town of Manchester is specifically At-Will and not for any definite period or successive periods of time. This means the Town can terminate employment at any time, with or without advance notice. This Handbook does not constitute a contract of employment.

2.3.2 This section shall also apply to part-time employees, seasonal employees and Fire Department employees and officers.

Article II Equal Opportunity Employer (EOE) Section 2.4

2.4.1 In order to provide equal employment and advanced opportunities to all individuals, employment decisions at the Town of Manchester will be based on merit, qualifications and abilities. The Town of Manchester does not discriminate in employment opportunities or practices based on race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth or age or against a qualified disabled individual or any other characteristic protected by law.

2.4.2 This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

2.4.3 Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor, the Human Resources Administrator or the Town Manager. Employees do not have to report a complaint to the alleged discriminator.

2.4.4 Anyone found to be willfully engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

2.4.5 This section shall also apply to Police Department union employees, Fire Department employees and officers, part-time employees and seasonal employees.

Article II Criminal Background Check Section 2.5

2.5.1 This section applies to all employment candidates (including the Police Department and Fire Department), as determined solely by the Town Manager, who have been offered a conditional employment offer and volunteers who either directly or indirectly provide services to, interact with or have access to "vulnerable classes of people" including children, the elderly and certain persons with disabilities.

2.5.2 The Manchester Police Department, under the direction of the Chief of Police, and the Town Manager and Human Resources Administrator shall perform background investigations on any employee who provides services to, interacts with or has access to "vulnerable classes of people" as noted in the first paragraph of this section. This section shall only apply to employees hired on or after July 1, 2011.

2.5.3 For candidates for *full-time and part-time* employment that may have access to "vulnerable classes of people," the investigation shall include a nationwide criminal records check that includes fingerprinting and reference checks and general background investigation. This check will be conducted only after a conditional offer has been extended to a candidate and after obtaining the necessary release form from the candidate and parental consent, if the candidate is under the age of 18.

2.5.4 For candidates for *seasonal employment who have resided in the State of Vermont for more than five (5) years, and for returning employees who have already undergone the national criminal records check within the last three (3) years* as noted in the previous paragraph, and who may have access to "vulnerable classes of people," the Human Resources Administrator or the Town Manager shall conduct an online statewide criminal records check (that does not require fingerprinting) and reference checks. This check will be conducted only after a conditional offer has been extended to a candidate and after obtaining the necessary release form from the candidate and parental consent, if the candidate is under the age of 18.

2.5.5 For candidates for *seasonal employment who have lived in the State of Vermont for less than five (5) years* and may have access to "vulnerable classes of people," the investigation shall include a nationwide criminal records check that includes fingerprinting and reference checks. This check will be conducted only after a conditional offer has been extended to a candidate and after obtaining the necessary release form from the candidate and parental consent, if the candidate is under the age of 18.

2.5.6 For *volunteers and candidates for the Fire Department* who may have access to "vulnerable classes of people," the Human Resources Administrator shall conduct the online statewide criminal records check (does not require fingerprinting). This check will be conducted after obtaining the necessary release form and parental consent, if the candidate is under the age of 18.

2.5.7 Criminal records checks will be conducted in accordance with the Vulnerable Populations Program (Title 20) administered through the Vermont Criminal Information Center. Department heads will be informed by the Town Manager or the Human Resources Administrator whether the candidate successfully cleared the check to the satisfaction of the Town Manager. If a candidate is rejected by the Town Manager, department heads will not be given details, per Vermont State Law. State law provides significant penalties for discussing with or distributing information to unauthorized individuals. Information regarding investigations shall be accessible only by the Town Manager, Human Resources Administrator, Chief of Police, and at the discretion of the Chief of Police, full-time officers of the Police Department.

2.5.8 The following crimes *shall* be considered automatic disqualifiers: crimes against children, the elderly or the disabled; violent felonies; crimes involving moral turpitude; and crimes involving serious sexual offenses. The Town Manager *may* disqualify candidates for the following categories of crimes: crimes or motor vehicle infractions that involve alcohol or illegal drugs; non-violent felonies; crimes that indicate a pattern of negative behavior; crimes involving theft or embezzlement; and, crimes that involve sexual offenses.

Article II **Credit History Investigation** **Section 2.6**

2.6.1 For the purposes of this section all full-time and part-time positions (defined solely by the Town Manager) that allow routine access to cash shall be required to undergo an employment-based credit history investigation to be conducted by the Human Resources Administrator or the Town Manager through a credit agency.

2.6.2 This investigation will be conducted only after a conditional offer has been extended to an employment candidate and after obtaining the necessary release form from the candidate and parental consent, if the candidate is under the age of 18.

2.6.3 At the sole discretion of the Town Manager, the Town Manager may disqualify employment candidates for (1) pattern of overdue or delinquent personal accounts; (2) debt assigned to a credit collection agency; (3) more than one bankruptcy without reasonable explanations; or (4) excessive personal debt.

2.6.4 Only the Human Resources Administrator and the Town Manager shall have access to credit history investigation information and shall not discuss any information except with the employment candidate. Candidates shall be provided an opportunity to respond in writing to any information obtained by the Town during a credit history investigation. An employment candidate may, upon request, inspect the credit history report obtained by the Town but shall not be provided a copy of the report. This section shall only apply to employees hired on or after July 1, 2011.

Article II **Patronage (Prohibition)** **Section 2.7**

2.7.1 The Town of Manchester is committed to a hiring process that is free of preferential treatment, nepotism and patronage. The Town shall not employ an immediate or extended relative (as defined by Section 4.9) of the Town Manager or the Human Resources Administrator under any circumstances and department heads and division heads may not supervise directly or indirectly an immediate family member (defined in section 4.9.1). Furthermore, the Town shall not employ immediate or extended relatives (defined in section 4.9.1 and 4.9.2) of employees in a reporting relationship.

2.7.2 Relatives of employees (as defined by Section 4.9.1 and 4.9.2) shall not be hired by the Town under any of the following circumstances where: (1) one employee has authority to (directly or indirectly) supervise, appoint, remove, or discipline the other; (2) one employee is responsible for auditing (directly or indirectly) the work of the other; (3) two or more related employees would report to the same immediate supervisor (relatives may work in the same department; but not the same division); or (4) other circumstances that might lead to potential conflict among the employees or the best interests of the Town, as determined by the Town Manager. Examples of supervising responsibilities include, but are but not limited to, scheduling or assigning shifts, signing timesheets, providing direction or supervision and evaluating performance.

2.7.3 A supervisor involved in the interview process of a candidate must disclose, in writing, to the Town Manager, any personal or business relationship with a candidate. The Town Manager will evaluate whether or not it is appropriate for the employee to participate in the interview and selection process. A candidate having a personal or business relationship with a Town employee will be treated no differently than any other candidate and the relationship will not affect the decision of the Town related to an employment offer to the candidate, except as provided for in Section 2.7.1 and 2.7.2

2.7.4 This section shall also apply to Police Department union employees, part-time employees, and seasonal employees.

ARTICLE III – WORK ENVIRONMENT

Article III **Work Schedule** **Section 3.1**

3.1.1 The work week shall begin on each Saturday at 12:00AM (midnight) and end on Friday at 11:59PM. Employees shall be required to sign a bi-weekly timesheet provided by the Town; provided, that the Town Manager may institute electronic timesheets. In order to ensure timely payment, timesheets must be signed and approved by the employee and the employee's supervisor and submitted to the Human Resources Administrator no later than 4:00PM on the Monday after the second Friday of the bi-weekly pay period. By signing the timesheet employees and supervisors are certifying that the request for payment is true and accurate. Falsified or fraudulent timesheets shall be subject to discipline, up to and including termination of employment.

Upon separation, the Town shall not issue a final payment until the employee returns all Town property including, but not limited to, identification, keys, cell phones and pagers. Alternatively, at the sole discretion of the Town, the value of any unreturned property and related costs shall be deducted from the employee's final payment.

3.1.2 All employees hired after July 1, 2011 shall be paid through direct deposit, unless otherwise waived by the Town Manager.

3.1.3 For the health and safety of Town employees, all employees shall be prohibited from working more than sixteen (16) consecutive hours in a twenty-four (24) hour period or more than seventy (70) hours in a week. This policy may be waived at the discretion of the appropriate department head or the Town Manager.

3.1.4 In addition to lunch breaks established in this section, all employees may take a ten minute break for each six (6) hours worked. Breaks shall be scheduled and approved by supervisors.

3.1.5 Notwithstanding other sections to the contrary including 3.1.3, all employees may be required to work additional hours that may exceed forty (40) hours in a given week, subject to overtime and compensatory time policies herein.

3.1.6 All employees are expected to be in attendance during regular work hours. Employees who will be absent from work are expected to notify their supervisor in advance whenever possible. Employees who call in sick are expected to notify their supervisor as soon as possible, but no later than one hour before the scheduled shift. The preferred means of communication shall be telephone, unless other means such as electronic communication including electronic mail or text messaging are specifically authorized by the supervisor.

3.1.7 The provisions of Sections 3.1.1 through 3.1.6 shall apply to all full-time, seasonal and part-time employees.

3.1.8 Unless otherwise noted herein, subject to the operating needs of the Town, as determined by the Town Manager, the hours of work for full-time employees shall be governed by sections 3.1.9 through 3.1.20 based on department, function and/or title.

Administrative Personnel:

3.1.9 Administrative personnel shall include full-time employees working in the Office of the Town Manager, Finance Office, Planning and Zoning Office, and Assessing Office and shall be considered salaried employees.

3.1.10 The normal work period for all administrative personnel shall consist of Monday through Friday beginning at 8:00AM and ending at 4:30PM and with a forty-five (45) minute unpaid lunch. Administrative personnel shall be required to work not less than thirty-eight and three quarters (38.75) hours per week but up to

forty (40) hours. The Town Manager may modify the work schedule from time-to-time in order to accommodate operational needs.

3.1.11 The Human Resources Administrator, Administrative Services Manager and Finance Assistant shall be granted compensatory time at a rate of one and one-half (1.5) hours for each hour worked in excess of forty (40) hours in any given week, subject to preapproval by the employee's supervisor. The Town reserves the right to pay-out part or all of accumulated compensatory time on or around June 30 of each year. Compensatory time shall be accumulated and used in accordance with the Fair Labor Standards Act and employees may not accumulate more than 240 hours of compensatory time. At the time an employee separates from the Town the employee, or the designated beneficiary of the employee, shall be compensated for all compensatory time not used.

Department of Public Works and Sewer & Water Departments:

3.1.12 The normal work period for all full-time employees of the Department of Public Works and Sewer & Water Departments shall be Monday through Friday beginning at 6:00AM and ending at 2:30PM, with a thirty (30) minute unpaid lunch. Said employees shall be compensated at an hourly rate of pay.

3.1.13 All employees of the Department of Public Works and Sewer & Water Departments shall be paid at a rate of one and one-half times base compensation for all hours worked (and including vacation time and holidays but not sick time) in excess of forty (40) hours during a work week; provided, employees shall not willfully or intentionally convert vacation time to overtime pay, or demonstrate a pattern thereof.

3.1.14 Employees of the Department of Public Works and Sewer & Water Departments called in to perform unscheduled work at least 15 minutes after the end of the regular work day and not adjacent to the regular work day shall be paid not less than four (4) hours per day. All overtime related to the Department of Public Work must be approved by the Director of Public Works or Town Manager; all overtime related to the Sewer & Water Departments must be approved by the Sewer & Water Superintendent or Town Manager. Whenever feasible, overtime shall be assigned first on a voluntary basis; provided, that the Director of Public Works, Sewer Superintendent and Water Superintendent may require employees to report to work for overtime assignments as necessary.

3.1.15 Employees shall be paid two times base compensation for all hours worked on Christmas Day in addition to a paid holiday.

3.1.16 The Town Manager may modify the work schedule from time to time in order to accommodate operational needs or modify the work schedule during summer months.

Parks and Recreation Department:

3.1.17 The normal work period for all full-time Parks and Recreation Department employees, including the Parks and Recreation Director and Director of Programming, shall consist of forty (40) hours per week. The daily schedule shall include a thirty (30) minute unpaid lunch break. The Parks and Recreation Director, subject to approval of the Town Manager, may modify the work schedule of full-time employees from time-to-time in order to accommodate operational or program needs and avoid unnecessary overtime or compensatory time.

3.1.18 During summer months the schedule may be modified by the Town Manager to provide office coverage by the Parks and Recreation Director or Director of Programming on Saturdays.

3.1.19 Subject to the approval of the Town Manager, between approximately November 1 and April 30 of each year Parks and Recreation Department employees may be headquartered at Town Hall. The work schedule shall be 8:00AM to 4:30PM, Monday through Friday, with a thirty (30) minute unpaid lunch; provided that the Town

Manager or Parks and Recreation Director may modify the work schedule from time-to-time in order to accommodate operational needs.

3.1.20 Parks and Recreation Department employees, both full-time, part-time and seasonal, are expected to routinely work nights and weekends to staff programs and events. Night and weekend work shall be evenly distributed so as to not burden any one employee.

3.1.21 As a department head the Director of Parks and Recreation is not eligible for overtime or compensatory time. The Director of Programming shall be granted compensatory time at a rate of one and one half (1.5) hours for each hour worked in excess of forty (40) hours in any given week, subject to preapproval by the employee's supervisor. The Town reserves the right to pay-out part or all of accumulated compensatory time on or around June 30 of each year. Compensatory time shall be accumulated and used in accordance with the Fair Labor Standards Act and employees may not accumulate more than 240 hours of compensatory time. At the time an employee separates from the Town the employee, or the designated beneficiary of the employee, shall be compensated for all compensatory time not used.

Part-Time and Seasonal Employees:

3.1.22 The work schedule for part-time and seasonal employees (as defined in section 1.1.4) shall be determined by the department head in consultation with the Human Resources Administrator and the Town Manager. All scheduling shall consider budgetary limitations. The daily schedule shall include a thirty (30) minute unpaid lunch break when working more than six (6) hours.

3.1.23 Part-time and seasonal employees are ineligible to participate in medical, dental, leave and other benefits and shall not be paid for holidays unless the employee works on the holiday. Holiday pay shall be compensated at the normal rate of pay unless otherwise authorized in section 3.1.24. Any modifications to this subsection shall be approved by the Selectboard, not the Town Manager or other Town employees.

3.1.24 Part-time and seasonal employees shall be paid at a rate of one and one-half times base compensation for all hours worked in excess of forty (40) hours during a work week and approved by the employee's supervisor.

Article III **Travel** **Section 3.2**

3.2.1 Whenever possible, employees are expected to use Town vehicles for work-related travel. Use of personal vehicles must be pre-approved by the Town Manager or the Town Manager's designee. Employees using personal vehicles for Town business shall be paid the standard IRS rate for mileage reimbursement. The reimbursement shall include compensation for all vehicle use including fuel, maintenance, insurance, and wear and tear. Employees shall not be compensated for routine commuting costs, insurance deductibles, other insurance related costs and traffic citations.

3.2.2 The Town shall reimburse employees for meals purchased while traveling on Town business; provided that employees submit *itemized* receipts. The Town shall not reimburse employees for the purchase of alcohol. Furthermore, employees are prohibited from consuming any alcohol four (4) hours before operating a Town-owned vehicle and/or in violation of state laws governing intoxicated or impaired driving. The Town will reimburse for gratuity up to 15% of the bill. Employees will be eligible for dinner reimbursement for travel after 6:00P.M. Breakfast reimbursement shall be made for travel before 7:00A.M. The Town shall reimburse for lunch when employees travel outside Bennington County. Reimbursement shall not exceed $7.00 for breakfast, $10.00 for lunch and $15.00 for dinner.

3.2.3 Reimbursement for travel and meals shall be submitted on a form approved by the Town Manager.

3.2.4 Out-of-state or overnight travel must be pre-approved by the Town Manager at least five (5) days in advance. Hotel reservations and payment must be made through the Town Manager's Office.

3.2.5 Only the Town Manager or the Selectboard as a quorum are authorized to sign legal documents, memoranda of understanding, contracts, agreements, and grant applications. Documents signed by unauthorized Town employees or other individuals are considered null and void. Appointed board members and volunteers may not bind the Town financially or legally, except as specifically provided for in state law. The Town is a tax-exempt entity and hence it will not reimburse employees for any sales tax or other taxes paid by an employee unless payment of taxes is unavoidable. For more information about the Town's reimbursement policies, please refer to the Town's Reimbursement Policy.

3.2.6 This section shall also apply to Police Department union employees, Fire Department employees and officers, part-time employees, seasonal employees, elected and appointed officials, and employees of the Town Clerk's Office.

Article III Uniforms Section 3.3

3.3.1 Full-time employees of the Department of Public Works and Water and Sewer Departments shall have uniforms supplied and cleaned by the Town and reimbursed up to $125 each fiscal year for the acquisition of OSHA approved safety work boots.

3.3.2 The Town shall provide uniforms to the Chief of Police and Lieutenant and $800 per year for uniform cleaning, payable in $400 increments on or around September 1 and March 1 of each year. The Town shall reimburse the Chief of Police and Lieutenant up to $100 each fiscal year for the acquisition of work shoes.

Article III Open Door Policy Section 3.4

3.4.1 The Town has an Open Door Policy for all employees. This means that the Town Manager or the Town Manager designee's door is open to every employee, subject to availability and scheduling. The purpose of the Open Door Policy is to encourage open dialogue about issues important to employees. This policy does not, however, allow employees to be insubordinate or act discourteously.

3.4.2 By listening to employees, the Town is able to further improve, to address complaints, and to foster employee understanding of the rationale for decisions. That being said, most issues can and should be solved by talking to the employee's supervisor. In the end, however, an Open Door Policy means that employees may also discuss their issues and concerns with the Town Manager or the Human Resources Administrator. Regardless, employees will find managers at all levels of the Town willing to listen and to help bring about a solution or clarification. While there may not be an easy answer or solution to every issue, the Town's employees have the opportunity at all times, through the Open Door Policy, to be heard. Lastly, employees are encouraged to proactively address problems before they become major issues.

Article III Dignity Policy (Harassment) Section 3.5

3.5.1 The Town of Manchester does not tolerate harassment or discrimination and is fully committed to providing a workplace environment free of harassment and discrimination.

3.5.2 Unlawful and prohibited harassment include harassment on the basis of any characteristic protected by state or federal law (see section 2.4.1). The Town further prohibits harassment and other unprofessional or discourteous actions. The Town of Manchester expects all employees to conduct themselves professionally, with dignity, courtesy, and respect for all other employees and customers. The Town of Manchester does not condone or allow discrimination or harassment, whether engaged in by fellow employees, by supervisors, or by individuals affiliated with other organizations with which the Town of Manchester has a business relationship.

3.5.3 Racial harassment includes hostile or offensive actions by a person of one racial or national origin against a person of another, or incitement to commit such an act, including, but not limited to, derogatory comments, racist jokes, physical acts, including assault, ridicule, or racist graffiti, and shall not be tolerated under any circumstances.

3.5.4 Other unlawful harassment such as unwelcome or other conduct that creates an intimidating, hostile, or offensive working environment based on protected personal characteristics or cultural differences shall not be tolerated under any circumstances. Such conduct includes, but is not limited to, derogatory comments, jokes, slurs, epithets, graffiti, or physical acts.

3.5.5 Unwelcome sexual advances, requests for sexual favors and physical, verbal or visual behavior based on sex are sexual harassment when: (1) used or implied to be used for making decisions about employment, job assignment, promotion or working conditions; (2) interferes with job performance or (3) creates an intimidating, hostile or offensive working environment, and shall not be tolerated under any circumstances. The following types of behavior, including but not limited to, whether stated verbally, in written form, electronically transferred, or otherwise communicated shall not be tolerated: (1) sexual propositions or advances; (2) requests for sexual favors; (3) physical, verbal or visual behavior based on sex; (4) deliberate touching, leaning over, cornering or pinching; (4) sexual looks or gestures; (5) sexual teasing, flirtations, jokes, remarks or questions; (6) sexually suggestive posters, calendars, photos, objects, handouts, email and other material; (7) retaliation related to complaints; or (8) off-duty conduct that falls within the above definitions and negatively affects the work environment. This definition is not intended to modify or alter any legal definition of sexual harassment or sex discrimination.

3.5.6 If an employee believes they are being subjected to any of these behaviors or thinks someone else is being subjected to these behaviors, the employee *must* immediately contact the Town Manager or the Human Resources Administrator. The Town strongly encourages all employees to report harassment immediately. Employees may also directly inform the offending person or persons that such conduct is offensive and must stop.

Written complaints should be filed with one of the following Town officials: John P. O'Keefe, Town Manager, 6039 Main Street, Manchester Center, VT 05255, telephone number (802) 362-1313 or Cynamon Marshall, Human Resources Administrator (same address and telephone number) or their successors. Confidential complaints should be made on the form entitled INCIDENT REPORT. The form is available in the office of the Human Resources Administrator. Once a complaint is received by the Town Manager or the Human Resources Administrator either the Town Manager and/or Human Resources Administrator will conduct an investigation that may include interviewing the complainant, alleged harasser and any witnesses or other individuals with information about the incident.

In the event the Town receives a complaint of harassment, or otherwise has reason to believe that harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. 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. The Town is committed, and required by law, to take action if it learns of potential harassment, even if the aggrieved employee does not wish to formally file a complaint. Every supervisor is responsible for promptly reporting any complaint of suspected acts of harassment to the Town Manager or Human Resources Administrator. Failure by a supervisor to appropriately report or address such harassment complaints or suspected acts shall be considered in violation of this policy.

Care will be taken to protect the identity of the person with the complaint (complainant) and of the accused party, except as may be reasonably necessary to successfully complete the investigation. It shall be a violation

of this policy for any employee who learned of the investigation or complaint to take any retaliatory action that affects the working environment of any person involved in the investigation.

If the allegation of harassment is found to be credible, the Town will take appropriate corrective action. The Town will inform the complainant and the accused 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 who has been found by the Town to have harassed another employee will be subject to disciplinary action, up to and including termination of employment. If the allegation is not found credible, the complainant and the accused person will be informed, with appropriate instruction provided to each.

3.5.7 This section shall also apply to Police Department union employees, Fire Department employees and officers, part-time employees, seasonal employees, appointed board and commission members, elected and appointed officials and Town Clerk employees. This policy shall also apply to persons acting as contractors and vendors for the Town and customers interacting with Town employees.

Article III Other Employee Rights and Options Section 3.6

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

A complaint must be filed promptly after the adverse action by writing or by calling any of the following State or federal agency:

1. Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05602, Telephone: (802) 828-3171

2. Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114, Telephone: (617) 565-3200 (voice) or (617) 565-3204 (TDD)

In addition, a complainant also has the right to hire a private attorney, and to pursue a private legal action in court within the time required by the applicable statute of limitations.

Reasonable accommodations will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment, upon advance request.

Article III Tobacco Use Section 3.7

3.7.1 The Town supports a tobacco-free workplace and smoking cessation programs for employees and their direct family members.

3.7.2 Use of tobacco in Town owned buildings is strictly prohibited by everyone regardless of employment status.

3.7.3 Tobacco use by employees in the vicinity of another Town employee who objects to secondhand smoke or on the grounds of the Factory Point Town Green, Factory Point Cemetery, Adams Park and the Dana L. Thompson Memorial Park, except in designated areas, is strictly prohibited. This subsection shall also apply to Police Department union employees, part-time employees and seasonal employees.

Article III Dress and Grooming Standards Section 3.8

In order to provide a professional work environment, the Town requires the following dress standards:

Employees shall report to work groomed. No employees may wear ripped, torn or stained clothing, baggy pants or shorts that fall below the waist, halter tops or tops that bare the midriff, clothing that condones illegal or inappropriate activity, clothing depicting violence, sexual acts, profanity, illegal drugs, alcohol or tobacco.

Employees, with the exception of lifeguards, may not wear tank tops or flip-flops. Town employees, with the exception of all Parks and Recreation Department employees, may not wear shorts; provided that all shorts worn by Parks and Recreation Department employees shall be modest and not overly expose legs. Lifeguards shall wear uniforms provided by the Town; other Parks and Recreation Department employees may not wear two-piece bathing suits.

The Town may require employees of the Parks and Recreation Department, Department of Public Works, Sewer and Water Departments and Police Department to wear Town-issued uniforms.

Full-time, part-time and seasonal employees of the Department of Public Works and Sewer and Water Departments shall wear OSHA approved work boots and clothing.

Nothing in this section shall prohibit supervisors from requiring other reasonable and appropriate dress and grooming standards to provide for the professional appearance of employees and safe working environment.

This section shall also apply to Police Department union employees, part-time employees and seasonal employees.

Article III **Closure of Town Offices** **Section 3.9**

The Town Manager may order the delay of opening of certain Town offices, the early release of certain Town employees or the closure of certain Town offices due to weather, emergencies or other reasons deemed necessary by the Town Manager.

Full-time employees shall not be required to take time-off when Town offices are closed by the Town Manager. All other employees shall not be paid.

ARTICLE IV – EMPLOYEE BENEFITS

Article IV **Employee Benefits (General)** **Section 4.1**

This Article shall only apply to full-time, non-Union employees unless otherwise noted herein. The Town reserves the right to change insurance carriers, or to add, delete or amend insurance benefit programs at its sole discretion. The Town also reserves the right to change the amount or percentage of its contribution to the cost of any group insurance program. Employees will be provided with advance notice of any change in the contribution rate.

Benefits are provided to full-time employees and require that the employees work the required number of hours per week or use vacation leave or sick leave benefits. Subject to state and federal restrictions, employees that exceed the annual allotted vacation leave, sick leave and/or other leave benefits may be required to pay a portion or all of benefit costs or benefits may be suspended or terminated as well as all pay for hours not worked.

Employees that need assistance with benefits or have questions should contact the Human Resources Administrator or the Town Manager.

Health care insurance benefits, dental benefits, short-term disability and life insurance, including an explanation of benefits, may be found in Addendum A, B, C and D of this Handbook.

The Town may offer additional benefits, including optional benefits paid for by the employee, upon a majority vote of the Selectboard.

Article IV **Vacation Leave** **Section 4.2**

4.2.1 Annual paid vacations shall be based on the following schedule:

Years of Service	Vacation Time Granted Per Year
More than one (1), but less than five (5) years of service*	10 days
Five (5) or more, but less than eight (8) years of service	15 days
Eight (8) full years of service	16 days
Nine (9) full years of service	17 days
Ten (10) full years of service	18 days
Eleven (11) and twelve (12) full years of service	20 days
Thirteen (13) full years of service	22 days
Fourteen (14) full years of service	23 days
Fifteen (15) or more full years of service	25 days

* For employees with less than one year of service see Section 4.2.4.

4.2.2 "Vacation Time Granted Per Year" shall be converted to hours and can be used in increments of fifteen (15) minutes.

4.2.3 Employees shall be credited vacation leave on July 1 of each year. "Full years of service" shall be determined by the number of full years of service an employee has served as of July 1. Notwithstanding the last paragraph of this section, employees who separate from the Town prior to June 30 shall receive a prorated number of vacation days not used but earned based on full months of service. Any time owed by the employee to the Town shall be deducted from the employee's final paycheck or recovered by other means.

4.2.4 Employees who begin working for the Town after July 1 of any year shall be granted half a day of vacation time for each full month of service up to the following June. Notwithstanding any section to the contrary, time shall not be granted in advance but rather accumulated each month.

4.2.5 Vacation requests and requests to use accrued compensatory time shall not be unreasonably denied; however, the Town Manager shall have the ultimate discretion over vacation scheduling. Employees who desire two (2) or more vacation days or compensatory leave days shall request said leave five (5) days in advance of its planned starting date.

4.2.6 Vacation accumulation shall not exceed thirty (30) days as of June 30 of each year. The Town may pay employees fifty dollars ($50) for each vacation day in excess of thirty (30) as of June 30 for days not used; provided that said annual payment shall not exceed three hundred dollars ($300) for any employee.

4.2.7 All accumulated and unused vacation leave shall be paid upon separation to the employees (or their designated beneficiary) with at least one full year of service with the Town; provided that if the employee resigns the employee shall provide at least fourteen (14) days written notice unless otherwise waived by the Selectboard. Employees terminated for cause or for disciplinary reasons shall not be entitled to be paid for accumulated vacation leave.

4.2.8 Employees are strongly encouraged to take an annual vacation. Employees with five (5) or more years of service shall be required to take five (5) consecutive work days off each fiscal year.

4.2.9 In the month of July of each year employees with more than two (2) full years of service and less than eight (8) full years of service may purchase up to five (5) additional vacation days for the fiscal year beginning that July 1; provided, that days may only be purchased in full day increments; and provided further, that all days purchased shall be used in the fiscal year purchased and shall not roll-over into future fiscal years. Eligible employees shall not have used more than three (3) sick days in the preceding fiscal year, shall have received an overall score of "meets expectation" or "exceeds expectation" on the previous Performance Appraisal, shall not receive more than one "does not meet expectation" score on said Performance Appraisal and shall not be on probation during the previous fiscal year and otherwise in good standing with the Town. Each day purchased shall cost one hundred and fifteen (115) percent of gross base wages as calculated by the Human Resources Administrator and approved by the Town Manager. Under no circumstances shall purchased vacation days authorized in this section be used to accumulate compensatory time or used to exceed forty (40) hours worked or otherwise require the Town to pay overtime. Days purchased are not eligible for payments authorized under section 4.2.6. Payments shall be made by payroll deduction in equal amounts in the first pay period in July, August and September. Upon separation any time authorized under this section that was taken but not paid by the employee to the Town shall be deducted from the employee's final paycheck or recovered by other means necessary. Upon separation, any payout related to this section shall be paid at one hundred percent of gross wages and not one hundred and fifteen percent and subject to any restrictions under section 4.2.7.

Article IV **Town Holidays** **Section 4.3**

4.3.1 Effective July 1, 2011, the following eleven (11) days shall be paid holidays: New Year's Day (January 1); Martin Luther King; President's Day; Memorial Day; Independence Day (July 4); Labor Day; Columbus Day; Veterans' Day (November 11); Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day

(December 25). Holidays that fall during an employee's vacation leave will not be charged as vacation leave. Any employee working a Monday through Friday schedule shall receive Friday off with pay for any holiday occurring on Saturday and Monday off with pay for any holiday occurring on Sunday.

4.3.2 The Selectboard may designate, from time-to-time, other paid days off.

Article IV **Sick Time Leave** **Section 4.4**

4.4.1 Employees shall be entitled to paid sick leave for absences due to personal illness or injury that prevents the employee from performing the employee's job duties, physical disability (including disability connected with or resulting from pregnancy), quarantine and medical and dental appointments that cannot be held outside work hours, and to attend to the illness of an immediate family member, as defined in Section 4.9.1. When a disability is foreseen, as in the case of elective surgery and pregnancy, the employee shall notify a HIPPA Administrator (as established in section 1.3.4) of the expected commencement date of the sick leave start date as soon as the date is determinable.

Sick leave shall be earned at the rate of one-half (1/2) day per full month of employment cumulative to a maximum of forty (40) days and shall be used in fifteen (15) minute increments. Employees shall not be compensated for unused sick days in excess of maximum forty (40) day cap, except as provided for in section 4.4.5.

4.4.2 The Town Manager shall have the discretion to request a medical certification to verify the legitimacy of sick leave utilization after three (3) consecutive days of said utilization or where there appears to be a pattern of abuse of said leave.

When it is determined, through an investigation, that an employee has abused sick leave, the Town Manager may reduce, suspend or eliminate the employee's sick leave benefit for a specific period of time or suspend or terminate the employee.

4.4.3 At the sole discretion of the Town Manager an employee who has exhausted his or her accumulated paid sick leave and other leave benefits may be granted an unpaid leave of absence not to exceed an additional twelve (12) weeks. Town funded benefits shall cease during this twelve week leave of absence; however, employees may elect to fund the benefits.

4.4.4 At the sole discretion of the Town Manager, a sick leave bank may be established for an employee who has exhausted all sick leave and vacation leave. Other Town employees may contribute sick leave days to the sick leave bank. The employee using the sick leave bank shall use all accumulated sick leave, vacation benefits and other applicable benefits and insurance before using any sick leave bank donations; provided, that the employee using the sick leave bank shall use accumulated vacation leave primarily towards addressing the illness that caused the creation of the sick leave bank. Donations to a sick leave bank are considered confidential and may not be disclosed. The Town Manager shall determine when the sick leave bank shall be dissolved and any unused days shall be returned to the employee who donated based on a prorated formula. Employees shall continue to receive benefits during use of sick leave banks.

4.4.5 The Town shall pay an "attendance incentive payment," on or around June 30 of each year, equal to fifty (50) dollars for each full sick day accrued but not taken during the prior fiscal year; provided that such attendance incentive payment shall not exceed $300 for any employee.

4.4.6 Employees shall not be paid for any unused sick leave upon separation.

Article IV **Pension (Retirement)** **Section 4.5**

4.5.1 Employees with eighteen (18) or more full months of full-time service as of May 1 of each year shall be eligible for a payment of six (6) percent of gross wages, as defined below, in the months of July or August of each year into a pension plan approved by the Selectboard. Gross wages shall include base salary, overtime, and performance and other bonuses and incentives. Prorated or partial payments shall not be allowed.

4.5.2 The Selectboard, through the process established in state law, may approve membership in Group B of the Vermont Municipal Employees' Retirement System (VMERS) for some or all full-time employees. Membership in VMERS shall cause the employee to be ineligible for any further pension benefits provided for in Section 4.5.1.

Article IV **Retirement Health Care Insurance** **Section 4.6**

4.6.1 The Town currently provides retired employees access to the Town's health care insurance program, noted in Addendum A, subject to the following terms and conditions:

4.6.2 In order to qualify, retired employees shall be at least fifty-five (55) years of age and not older than 65 years of age and have at least twenty (20) years of full-time service to the Town. The retired employee shall pay all deductibles and co-pay costs, if applicable.

4.6.3 The retired employee shall relinquish the right to this benefit when the employee becomes eligible for Medicare insurance or obtains or becomes eligible for similar health insurance through another source.

4.6.4 The Town shall pay premium costs associated with the Town employee (not family members) based on the age of the employee and the years of service, as provided for in the following chart:

Combined Employee's Age and Years of Service	Town Contribution (%)
Between 75 and 79 full years	45% of premium
Between 80 and 84 full years	50% of premium
Between 85 and 89 full years	55% of premium
90 and more full years	60% of premium

4.6.5 The Town shall contribute an additional five (5) percentage points towards health care insurance premiums for employees that retire with at least thirty-five (35) accumulated and unused sick days and take not more than three (3) sick days in the last 365 calendar days preceding retirement. Employees that retire with less than 10 accumulated and unused sick days shall receive five (5) percentage points less in "Town Contribution."

4.6.6 The retired employee shall pay the Town for the employee's monthly share of premium costs at least sixty (60) days in advance. The Town shall cancel insurance if full payment is not received on or before the sixty (60) days.

4.6.7 Employees who retired before July 1, 2011 receive the benefit granted at the time of separation.

Article IV **Workers Compensation Insurance** **Section 4.7**

4.7.1 Employees are required to immediately, or as soon as possible, report all work-related injuries to the Human Resources Administrator or the Town Manager using a form approved by the Town Manager.

4.7.2 The Town Manager shall appoint a single health care provider to diagnose, treat and possibly refer to another health care provider all Workers Compensation Insurance cases reported by Town employees.

4.7.3 The Town shall continue to provide health insurance coverage, as provided for herein and including required employee contribution rates and deductibles, while employees are on Workers Compensation Insurance.

4.7.4 The Town shall pay to full-time employees who are on Workers Compensation Insurance the difference between Workers Compensation Insurance and their net base rate of pay one hundred and eighty (180) calendar days after the approval of the Workers Compensation claim; provided, that said payment shall not exceed three (3) years.

Article IV **Military Leave** **Section 4.8**

4.8.1 The Town will comply with the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§4303 et seq., and 21 V.S.A. §§491 et seq.

4.8.2 All employees who, by reason of membership in the Active Reserve Forces, of the United States or the Vermont National Guard, are ordered by the proper authority to full-time active duty or to attend full-time training activities, shall be entitled to a leave of absence with pay during the actual duration of such activity, but not to exceed fifteen (15) consecutive days in any one (1) year. The amount of pay for such leave shall be determined by subtracting the gross amount of pay earned while on active duty from the gross base pay that the employee would have earned for the period. If the amount earned while on active duty exceeds the amount that the employee would have earned for the period, the Town shall not provide any compensation.

4.8.3 Weekend duty, drills and other such activities shall be on the employee's own time and without pay by the Town. If such employee is scheduled to work on a drill weekend, the employee shall make arrangements with employee's supervisor.

Article IV **Volunteer Firefighter Leave** **Section 4.8a**

4.8a Full-time, part-time and seasonal employees may, subject to supervisor approval, leave regularly assigned duties during the normal work day in order to respond to serious public safety emergencies for the Manchester Fire Department or other emergencies within the limit of the Town of Manchester; provided, that said employees shall be paid their regular pay, but not eligible for pay under the firefighter point system or overtime as a result of this section. Provided further, that when an emergency has been controlled, employees shall return to their regularly assigned duties.

Full-time, part-time and seasonal employees who serve on fire departments or rescue squads in the State of Vermont other than the Manchester Fire Department may, subject to supervisor approval, leave regularly assigned duties during the normal work day in order to respond to serious public safety emergencies; understanding that employees shall be required to use vacation or compensatory time.

Article IV **Bereavement Leave** **Section 4.9**

4.9.1 Full-time employees who have an immediate family member (defined as parent, step-parent, sibling, step-sibling, spouse, domestic partner, child or step-child) die shall be entitled to five (5) paid days of leave.

4.9.2 Full-time employees who have an extended family member (defined as grandparent, parent-in-law, sibling-in-law or grandchild) die shall be entitled to three (3) days of paid leave.

Article IV **Civil and Jury Leave** **Section 4.10**

4.10.1 All full-time employees entitled to vote in national, state and municipal elections shall, when necessary, be allowed sufficient time off with pay to exercise this right. Part-time and seasonal employees entitled to vote in national, state and municipal elections shall, when necessary, be allowed sufficient time off without pay to exercise this right.

4.10.2 Should any employee be called for jury duty within any state or federal judicial court, the Town shall pay the difference between the employee's actual base salary and any jury remuneration during jury duty, provided that the employee submits sufficient documentation attesting to the jury duty; provided, that the employee shall be required to report to work during dates and times when not serving jury duty. In accordance with 24 V.S.A. §499, employees will be considered in the service of the Town for purposes of determining seniority, benefits, credits towards vacation, sick leave and other rights, privileges and benefits of employment.

4.10.3 When Town employees are called to serve as a witness in a court proceeding due to their status as an employee of the Town, the Town will compensate the employee for the difference, if any, between their regular rate of pay and their compensation as a witness, if any.

Article IV **Unpaid Personal Leave of Absence** **Section 4.11**

4.11.1 At the sole discretion of the Town Manager, an employee may be granted an unpaid personal leave of absence for reasons not covered by federal or state law. All requests for said personal leave shall be submitted in writing to the Town Manager and shall set forth the purpose for which the leave is requested, a definite period of time and a specific date of return.

Employees granted an unpaid personal leave of absence may continue, at the sole discretion of the Town Manager, to be enrolled in health and dental insurance, to the extent allowable by the Town's insurance providers, provided that the employee granted the leave of absence is responsible for paying all premiums and other costs during the leave of absence. Other employee benefits, including vacation time and sick time accrual, will cease during the leave of absence.

Article IV **Employee Assistance Program (EAP)** **Section 4.12**

4.12.1 The Town strongly encourages employees that are experiencing difficulties in their professional or personal life to seek assistance.

Employees are encouraged to use the Town's Employee Assistance Program (EAP). Most programs are offered at no cost to the employee or the employee's family. The EAP offers services such as stress and anger counseling, grief and loss counseling, assistance with life transitions, relationship problems, legal and financial issues, depression, anxiety, substance dependence, problems with co-workers, childcare search, elder care support, and motivational counseling for healthy lifestyle changes such as smoking cessation, exercise and nutrition. Alternatively, employees may confidentially discuss issues with the Human Resources Administrator or the Town Manager. Employees with questions about the Town's EAP are encouraged to contact the Human Resources Administrator.

4.12.2 Some services may be covered by the Town's health care plan or may be an allowable health care savings account (HSA) expense. Employees are encouraged to contact the Human Resources Administrator or the Town's health care provider to verify coverage and eligibility.

Article IV **Mandatory Stress Assessment** **Section 4.13**

4.13.1 The Town requires employees to undergo an assessment by a qualified clinician appointed or approved by the Town Manager for the following work-related events: (1) work-related death or serious injury of a co-worker; (2) suicide of a co-worker; (3) responding to a disaster or incident that has mass casualties; (4) responding to a serious injury or tragic death of a child; (5) responding to an event where the victims are relatives or friends; (6) significant event that seriously threatens the life of the employee; (7) any event that has significant emotional power to overwhelm the employee; (8) death of a victim after prolonged rescue; and (9) any other event that causes significant stress. The clinician shall certify that the employee is or is not ready and able to report to work.

4.13.2 This section shall also apply to Police Department union employees, Fire Department employees and officers, part-time employees and seasonal employees.

Article IV **Parental and Family Leave** **Section 4.14**

Eligible employees may receive leave as described in the Family and Medical Leave Act (FMLA) and the Vermont Parental and Family Leave Act (PFLA) (21 V.S.A. §472a). These federal and state laws will determine employee eligibility, the qualifying reasons for such leave and the length of leave.

The Town reserves the right to designate any qualifying leave of absence granted under this Handbook as leave under FMLA and/or PFLA. If an employee's leave request is covered by the PFLA and/or the FMLA, the Town will adhere to the law that provides the most benefits to the employee. If an employee is entitled to leave under both laws the leave periods will run concurrently.

For the purpose of determining the twelve (12) month period in which an employee may be entitled to PFLA and/or FMLA leave, the Town will use a rolling twelve month period measured backward from the date an employee uses such leave.

This section shall also apply to Police Department union employees, part-time employees and seasonal employees.

For more information about FLMA and PFLA, please contact the Human Resources Administrator.

Article IV **Short Term Family Leave** **Section 4.15**

In accordance with the Vermont Short Term Family Leave Law, eligible employees may be entitled to take unpaid leave not to exceed four (4) hours in any thirty (30) day period and not to exceed twenty-four (24) hours in any twelve month period for the following reasons: (1) to participate in preschool or school activities directly related to the academic educational advancement of the employee's child, step-child, foster child, or ward; (2) to attend or accompany the employee's child or other family member to routine medical or dental appointments; (3) to accompany the employee's parent, spouse, or parent-in-law to other appointments for professional services related to their care and well-being; or (4) to respond to a medical emergency of the employee's family member.

Employees shall be required to take Short Term Family Leave in two (2) hour increments. At the option of the employee, accrued paid leave may be used. An employee shall make a reasonable attempt to schedule eligible appointments outside of regular work hours. An employee shall provide the Town with the earliest possible notice of the intent to take Short Term Family Leave, but in no case later than seven (7) days before leave is to be taken, except in the case of an emergency.

This section shall also apply to Police Department union employees, part-time employees and seasonal employees.

Article IV **Child Birth and Adoption Leave** **Section 4.16**

Upon the birth of a child or children or the adoption of a child or children, full-time employees (regardless of gender) shall be entitled to five (5) days of paid leave per event; provided, that the lifetime benefit under this section shall not exceed a total of fifteen (15) days. Any leave taken under this section shall be counted as time taken under sections 4.15 and 4.16. The benefit does not constitute the full maternity and paternity leave provided by other benefits such as short-term disability, sick and vacation leave and state and federal laws.

ARTICLE V - PERSONNEL ACTIONS, CONDUCT AND ETHICS

Article V **Probationary Period** **Section 5.1**

5.1.1 All new full-time and part-time employees hired on or after July 1, 2011 shall serve a one-hundred and eighty (180) day probationary period beginning with the employee's most recent date of hire. The purpose of this probationary period is to determine whether the employee is suited for the job. During this probationary period the employee's performance and attendance shall receive closer examination and shall be reviewed more frequently. Leave during the probationary period shall not be counted as part of the 180 day probationary period. During the probationary period an employee may be terminated at any time at the sole discretion of the Town Manager. Notwithstanding any other provision of this Handbook, an employee terminated during the probationary period will have no right to appeal termination.

5.1.2 The Town Manager may impose a probationary period of not more than ninety (90) days for employees who have been promoted. Employees who do not pass this probationary period shall be returned to their previous job title and rate of pay unless otherwise terminated for disciplinary issues.

5.1.3 At the sole discretion of the Town Manager the probationary periods in sections 5.1.1 and 5.1.2 may be extended for up to an additional one-hundred and eighty (180) days to provide further evaluation.

5.1.4 Nothing in this section shall be construed as amending the At-Will employment status provided for in Section 2.3.

Article V **Use of Town Equipment and Vehicles** **Section 5.2**

Employees shall not use Town vehicles, property or equipment for private use unless prior approval is obtained from the Town Manager.

Employees under eighteen (18) years of age shall not operate Town owned vehicles or heavy equipment or other equipment prohibited by state or federal laws or regulations.

This section shall also apply to Police Department union employees, part-time employees and seasonal employees.

Article V **Political Activities (Restrictions)** **Section 5.3**

5.3.1 Town employees are encouraged to participate in the democratic process. Nothing in this section shall be construed to limit an employee's Constitutional First Amendment rights. Nothing in this section shall be construed to prevent employees from becoming or continuing to be members of any political party or organization, from attending political party or organization meetings or events, or from expressing their views on political matters, so long as these views are clearly articulated as being those of the individual and not the position of the Town, and these activities do not interfere with the individual's ability to effectively perform his or her duties and take place or are expressed during non-working hours. Nor is this section to be construed from prohibiting, restraining or in any manner limiting an individual's right to vote with complete freedom in any election.

5.3.2 Town employees are prohibited from serving as a campaign official (including but not limited to campaign director, campaign chair, finance director, treasurer) or fundraise or accept contributions or donations or host a fundraiser for a candidate for the Manchester Selectboard or other candidates for elected Town office.

5.3.3 Employees may not use their official authority for the purpose of interfering with or affecting the nomination or election of any candidate for public office or endorse any candidate for office using a Town employment title or suggesting, directly or indirectly, the employee's employment status with the Town.

5.3.4 Campaign materials (including but not limited to stickers and posters) shall not be affixed to Town property and land, including but not limited to vehicles and office equipment. Town employees may not distribute any campaign literature during work hours or solicit signatures for petitions during work hours. Petitions may be kept at the Town Clerk's Office, provided that all candidates are treated equitably and employees do not solicit signatures for candidates or causes.

5.3.5 In order to avoid the appearance or an actual conflict of interest, no Town employee may serve on the Selectboard; employees of the Parks and Recreation Department shall not serve on the Parks and Recreation Committee; employees of the Planning and Zoning Office shall not serve on the Design Review Board, Development Review Board or Planning Commission; employees of the Finance Office shall not serve on the Investment Advisory Committee; and, employees of the Water and Sewer departments shall not serve on the Board of Sewer Commissioners or Board of Water Commissioners. Nothing in this section shall prohibit employees from seeking any elected public office or otherwise infringing on their right to seek elected public office. In order to avoid the appearance or an actual conflict of interest, employees shall be required to resign from employment with the Town of Manchester before taking the oath of office for the Selectboard.

5.3.6 This entire section shall also apply to Police Department union employees, part-time employees and seasonal employees. It shall not apply to the Town Clerk's Office (except as provided for in section 5.3.4).

5.3.7 The prohibitions contained in this section are designed to serve the following governmental interests: (1) preventing public servants from accumulating many positions, resulting in a "pyramid of power" (2) avoiding direct or indirect pecuniary conflicts; (3) preventing employees from asserting control over their supervisors through their elected positions; and (4) assuring that public servants exercise their duties with undivided loyalty.

Article V **Conflict of Interest Policy** **Section 5.4**

5.4.1 Definition: "Conflict of interest" means a direct or indirect personal or pecuniary (financial) interest of an employee, his or her spouse or close relative, household member, business associate, employer or employee, in the outcome of a decision, cause, proceeding, application or any other matter pending before a Town employee. For the purposes of this section, a close relative includes romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt, uncle, niece or nephew, parent-in-law, sibling-in-law and other relatives that the employee has a close relationship with. A Conflict of Interest does not arise in a case that the employee has a personal or pecuniary interest in the outcome no greater than that of other persons generally affected by the decision. The Town Manager or the chair of the appropriate board or commission, shall be authorized to determine whether an individual should be considered disqualified with respect to any particular matter based on this section.

5.4.2 Disqualification: All employees (including full time employees, Police Department union employees, Fire Department employees, part-time employees, seasonal employees and employees of the Town Clerk's Office), and appointed and elected board and commission members shall be disqualified from participating as a representative of the Town in the decision-making process if he or she has a conflict of interest, as defined in the paragraph entitled "Definition," in a matter under consideration. Said persons shall submit a written statement or make a verbal statement that includes a brief explanation of the conflict. The statement shall be entered into or attached to the minutes or retained by the Town Manager.

Furthermore, full time, including Police Department union employees, part-time and seasonal employees, shall not personally or through any member of his or her household, business associate, employer or employee

represent, appear for, or negotiate in a private capacity on behalf of any person or organization in any decision, cause, proceeding, application or other matter pending before the employee if he or she has a conflict of interest, as defined in the paragraph entitled "Definition," in a matter under consideration unless waived by the Town Manager.

5.4.3 No official action of the Town of Manchester shall be voidable or void as a result of the participation of a "disqualified" person under this section if the action otherwise conformed to applicable law. However, the disqualified person may be subject to appropriate discipline, up to and including removal or dismissal, for violations of this section.

Article V Employee Conduct and Ethics Code Section 5.5

5.5.1 All employees are considered representatives of the Town of Manchester and, as such, are expected to conduct themselves in a courteous, helpful and respectful manner in all their interactions with the public and other employees. Furthermore, all employees are expected to faithfully execute the duties and responsibilities of their office to the best of their ability and in compliance with the provisions of this Handbook.

5.5.2 This entire section applies to all Town employees, including full-time, part-time, seasonal employees, Police Department union employees and employees and officers of the Fire Department (except subsection b of 5.5.5). Subsections b, c, d, g, h, i, k, l, n, o, p and q of section 5.5.5 shall also apply to members of the Selectboard, other elected and appointed officials, employees of the Town Clerk's Office and all other boards and commissions appointed by the Selectboard.

5.5.3 The reputation of the Town of Manchester is contingent upon the good ethical conduct of its employees. If situations arise where it is difficult to determine the proper course of action, the matter should be discussed openly with the employee's supervisor, the Human Resources Administrator or the Town Manager.

5.5.4 Compliance with this policy of ethics and conduct is the responsibility of each employee. Failing to comply with the standard of ethics and conduct could result in disciplinary action, up to and including termination of employment.

5.5.5 The Employee Conduct and Ethics Code is as follows:

a) No employee shall engage in outside employment of any kind that would disparage the reputation of the Town of Manchester, impair the employee's ability to perform work assignments or constitute a conflict of interest, as defined in section 5.4.

b) The primary occupation of all full-time employees shall be with the Town of Manchester. Prior to accepting any outside employment, employees shall disclose, in writing, their intent to the Town Manager and obtain prior clearance that such employment does not constitute a conflict of interest.

c) No employee shall directly or indirectly solicit, demand, accept or agree to receive any compensation, gift or gratuity from any source except the Town of Manchester for any matter or proceeding connected with or related to the duties of such employee unless otherwise provided by law or, at the discretion of the Town Manager, the gift is channeled through the Town Manager's Office and is provided to all Town employees or the value of the gift is less than twenty ($20) in value (and received only once per year) and is not meant to influence the decisions of the employee. Provided, nothing in this section shall prohibit donations to the Town of Manchester, Fire Firefighter Association and the Police Benevolent Fund.

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

e) An employee shall not make statements, written or verbal, that are disparaging to the Town of Manchester or its reputation.

f) Employees shall not publicly endorse or otherwise support for-profit or not-for-profit endeavors by using or referring to Town title or position; provided, that employees shall not be prohibited from serving as a non-public reference for an employee or vendor.

g) Employees shall not act dishonestly, including falsification and intentionally making a material omission on forms, records or reports, including but not limited to timesheets.

h) Employees shall not engage in altercations or harassment of any type, including verbal, non-verbal or physical.

i) Employees shall not threaten violence or cause acts of violence against co-workers, visitors, constituents, customers or any other person during the course of Town duties.

j) Employees shall not be insubordinate or demonstrate improper or disrespectful conduct toward a supervisor or superior or refuse to perform reasonable, assigned tasks.

k) Employees shall not steal, abuse, or destroy Town property or use or possess unauthorized Town property.

l) Employees shall not possess, use or sell illegal substances or report for work under the influence of alcohol or illegal drugs.

m) Employees may not consume or purchase alcohol during the work day, including the unpaid lunch break or other breaks.

n) Employees shall not violate safety or health regulations or engage in conduct that creates a safety or health hazard.

o) Employees shall not be excessively absent or tardy, absent without notice or satisfactory reason, leave a work assignment without appropriate authorization, or use Town paid time for performing personal business.

p) Employees shall not commit felonies or serious misdemeanors and may be placed on leave during any investigations.

q) Employees shall not violate the Town's Conflict of Interest Policy (Section 5.4).

Article V **Discipline** **Section 5.6**

5.6.1 For full-time employees, a system of progressive discipline will generally be followed. Accordingly, the Town will typically impose discipline in an increasing order of severity as follows: (1) verbal warning(s); (2) written reprimand(s) or probation; (3) termination; provided, nothing in this paragraph shall prohibit the Town from suspending an employee without pay in lieu of termination. With the exception of verbal warning, all disciplinary actions must be approved by the Town Manager, who has the sole authority to terminate employees.

5.6.2 Notwithstanding the progressive discipline procedure set forth in the previous paragraph, when appropriate the progressive discipline procedure may be bypassed or amended and discipline applied in differing degrees.

5.6.3 The following are grounds for immediate suspension without pay or termination: (1) neglect of duty; (2) misconduct; (3) insubordination; (4) conviction of a felony or serious misdemeanor; (5) conduct that places in jeopardy the life or health of other employees; (6) theft of Town funds or property; (7) violation of the Town's drug and alcohol policy (Section 6.6); (8) being inattentive to duty, including sleeping during work hours; and (9) other serious violations of this Handbook, including Section 5.5. Employees may be suspended, with or without pay, after being charged with a felony or serious misdemeanor and during the criminal investigation.

5.6.4 Suspensions shall be without pay. The foregoing notwithstanding, the Town may exercise its discretion to refrain from imposing a suspension or discharge when it deems appropriate. Suspended employees shall be required to pay for all benefits during the suspension period and shall not accrue pension credit, seniority, vacation leave or sick leave.

5.6.5 The Selectboard may vote to reduce or deny any or all benefits granted in this Handbook in the case that an employee is terminated for conviction of a felony or for material theft of Town funds or property. Such benefits shall include, but are not limited to, pension, post employment health care insurance and vacation pay.

Article V Employee Termination Process Section 5.7

The Town of Manchester has adopted an employment termination process for full-time employees, excluding union employees of the Police Department and employees who are appointed and removed under state law. This section shall not grant any process to part-time and seasonal employees.

Most often, employee conduct that warrants termination will result from unacceptable behavior, poor performance, violation of the Town's policies, practices or procedures and reasons listed in section 5.5.5. However, termination may result from conduct that falls outside those identified areas. The Town need not utilize this termination process but may take whatever actions it deems necessary to address the issue at hand.

The Town retains the right to unilaterally eliminate a position and thus terminate employment or reduce the work hours or benefits for some or all employees due to economic conditions, shortages of work, organizational efficiency, changes in departmental functions, reorganization or reclassification of positions resulting in the elimination of a position or for other related reasons. In such cases, this termination process shall not apply.

Furthermore, all probationary employees, under section 5.1, are not subject to the Town's termination process. Notwithstanding any other provision except those found in section 5.1.2, an employee terminated during a probationary period will have no right to appeal termination.

The Town may place an employee on paid administrative leave, equal to the base salary of the employee during the termination process outlined in Step 1 and Step 2.

Nothing in this section shall prohibit the Town from recommending or otherwise suggesting to an employee that the employee should consider resigning in lieu of termination.

STEP 1: An employee being considered for termination will be provided with a written notice signed by the Town Manager. The notice will contain a brief statement of the reason(s) why termination is being considered and the date, time and place of a pre-termination meeting.

At the pre-termination meeting, the employee will be afforded an opportunity to present the employee's response to the reasons for termination; provided, the meeting will be limited to the reasons listed on the written

notice. If the employee declines to attend the pre-termination meeting, the employee may submit a written response to the pre-termination notice no later than the scheduled date and time of the meeting.

The pre-termination meeting may include the Town Manager, Human Resources Administrator and employee's supervisor, and a representative of the employee (if any), provided the employee also attends the meeting.

Within not more than seven (7) calendar days of the date of the pre-termination meeting, the Town Manager or Human Resources Administrator will provide the employee with a written notice informing the employee whether the employee (1) has been terminated, (2) has been suspended without pay or (3) the Town is taking no action. If the employee has been terminated or suspended, the notice will provide the general reasons.

STEP 2: An employee may appeal a decision to terminate or suspend with or without pay to the Board of Personnel Appeals, established under section 6.3. Employees have the right to legal counsel during the hearing before the Board of Personnel Appeals. Pursuant to 1 V.S.A. §313, the employee has the right to have the hearing conducted in executive session. The employee also has the right to address the basis for termination, examine the evidence presented against the employee, present and cross-examine witnesses, if any, and to offer supporting documents and evidence.

Article V Performance Appraisals (Evaluations) Section 5.8

5.8.1 Written Performance Appraisals shall be conducted annually on or around June 30 for all full-time employees (and some or all part-time Town employees at the discretion of the Town Manager) that have at least six (6) month of service with the Town. The Performance Appraisals shall be done in a manner and format prescribed by the Town Manager. Performance Appraisal shall not be considered public records subject to inspection by other unauthorized employees or the public.

5.8.2 Supervisors and Department Heads shall be required to complete Performance Appraisals. The Town Manager shall review and approve Performance Appraisals. Employees shall be evaluated using the following terms: (1) Does Not Meet Expectation; (2) Meets Expectation; (3) Exceeds Expectation; and (4) Does Not Apply. Supervisors will be expected to justify grades of "Does Not Meet Expectation" or "Exceeds Expectation" and may make other comments about performance.

5.8.3 Supervisors and Department Heads, along with the Human Resources Administrator and/or the Town Manager, shall be required to meet with each employee to review and discuss their Performance Appraisal. Employees shall be provided with a copy of their Performance Appraisal in a timely manner and may respond in writing. Each employee is required to sign a statement that acknowledges that the employee received a copy of the Performance Appraisal.

5.8.4 An employee's annual Performance Bonus and yearly salary adjustment, based on policy guidelines established yearly by the Selectboard, Board of Sewer Commissioners and Board of Water Commissioners during the budget process, shall be based on Performance Appraisal. Employees that are serving a probationary period established in section 5.1.1 shall not be eligible for a Performance Bonus. Employees who have been employed by the Town for more than 180 days but less than one year may be eligible for a prorated Performance Bonus.

5.8.5 At the discretion of the Town Manager, exceptional employees who receive an overall score of "Exceeds Expectation" shall receive an additional day off with pay. At the discretion of the Town Manager this additional day off may be (1) designated to a specific day (for example, Christmas Eve Day) or (2) granted as an additional vacation day to be used during the following fiscal year and may not be rolled over to another fiscal year and not subject to the pay out, per section 4.2.6.

5.8.6 Employees who receive an overall score of "Needs Improvement" shall not be granted any Performance Bonus established in Section 5.8.4 and may be placed on probation, pursuant to Section 5.1 and subject to further review and possible termination.

ARTICLE VI - MISCELLANEOUS PROVISIONS

Article VI **Personnel and Medical Related Files** **Section 6.1**

6.1.1 Personnel files shall be maintained by the Human Resources Administrator for each employee. Medical related files shall be kept in a separate file. All personnel and medical related files shall be kept in a secured cabinet. Only the Town Manager, the Human Resources Administrator, applicable Department Head and individual employee shall have access to an employee's personnel files; provided that the Town may cooperate with law enforcement agencies during investigations by providing certain records. Only the Town Manager, the Human Resources Administrator and the employee shall have access to medical related files. Employees may inspect and request a copy of their personnel and medical related files during regular business hours with advance notice. Upon written request from an employee the Human Resources Administrator shall provide a copy of personnel and/or medical files to an employee's representative.

This section shall also apply to Police Department union employees, Fire Department employees and officers, part-time employees, seasonal employees, employees of the Town Clerk's Office and all others with personnel files.

Article VI **Media Relations** **Section 6.2**

6.2.1 Relationships with the media (television, radio, newspapers, social networking media and other outlets) regarding Town issues shall be managed by the Town Manager and Department Heads, under the supervision of the Town Manager. Other employees shall obtain the approval of the Town Manager or Department Head before interacting with the media regarding Town issues related directly to the job responsibilities of the employee.

This section shall also apply to Police Department union employees, Fire Department employees and officers, part-time employees and seasonal employees.

Article VI **Appeal Process and Board of Personnel Appeals** **Section 6.3**

6.3.1 This section shall apply only to full-time employees, excluding union employees of the Police Department and the Town Clerk's Office. An appeal shall be construed for the purposes of this Handbook to mean a claim or dispute involving disciplinary actions, including sections 5.6 and 5.7.

The employee instituting the appeal shall be referred to as the Appellant. All time limits contained in the appeal procedures shall consist of calendar days. Failure by an Appellant to adhere strictly to a specific time period stated herein shall render the appeal null and void. Failure of the appropriate management personnel to render a decision within the specific time shall cause an appeal to advance to the next step in the procedure. All correspondence shall be mailed certified mail or time and date stamped.

Nothing in this section shall be construed as limiting any employee from discussing an issue informally with the employee's supervisor or department head before filing an appeal. Should such informal process fail to resolve the issue, then an appeal may be filed in accordance with the following procedure:

6.3.2 STEP 1: The Appellant shall file an appeal, in writing under the penalties and pains of perjury, stating the issue being appealed. The statement shall include applicable times and dates and other pertinent facts and related documents. Said appeal shall expressly set forth the specific sections of the Handbook on which the appeal is based on and state the redress being sought to satisfy the appeal. The appeal shall be filed with the Town Manager within seven (7) calendar days of the occurrence that gave rise to the appeal. The Town Manager

shall reply to the Appellant, in writing or via email, within ten (10) calendar days of receiving the appeal. The Town Manager may meet with the Appellant, other Town employees and witnesses.

6.3.3 STEP 2: If the appeal is not resolved in Step One, the Appellant may file a copy of the appeal (as filed with the Town Manager) with the chair of the Selectboard, who shall chair the Board of Personnel Appeals. The Appellant shall state the reason for disagreeing with the Town Manager's decision. Appeals must be filed within seven (7) calendar days of notice of a decision under section 6.3.2 (Step 1).

6.3.4 The Board of Personnel Appeals shall include the chair of the Selectboard, vice-chair of the Selectboard and Town Treasurer. If any member of the Board of Personnel Appeals has a conflict of interest or cannot serve for another reason, the chair of the Selectboard (or vice-chair if the chair cannot serve) shall appoint a member of the Board of Civil Authority, member of the Board of Water Commissioners, Town Moderator or Town Clerk to serve temporarily on the Board of Personnel Appeals. Pursuant to 1 V.S.A. §313(e), when the hearing is adjourned, the Board shall consider the evidence presented in the hearing in deliberative session.

6.3.5 The Board of Appeals shall hold a hearing that includes the Appellant and Town Manager, as well as any other Town employees or witnesses necessary, within fourteen (14) calendar days of the chair of the Board of Personnel Appeals receiving the appeal. The Appellant, as well as Town, may be represented by legal counsel during the hearing. Town employees may be compelled to provide testimony to the Board. The Board shall be provided any and all documents related to the appeal. The hearing shall be held in private, unless the Appellant specifically states in the appeal to the chair of the Selectboard that the Appellant is requesting that the hearing be open to the public. The finding, reports and other related documents of the Board are not considered public records.

Article VI Zoning Administrator Section 6.4

6.4.1 The Selectboard shall appoint the Zoning Administrator. The Zoning Administrator shall render decisions in a manner consistent with state statute and the Town's Zoning Ordinances and Bylaws. Notwithstanding, the Zoning Administrator shall be supervised by the Director of Planning, including: (1) job performance, proficiency and productivity; (2) work schedule; (3) special projects and research assignments; and (4) public, committee and inter-employee relations. Nothing in this section shall prohibit the Director of Planning from serving as the Zoning Administrator.

Article VI Internet and Electronic-Mail Policy Section 6.5

By using the Town's email system and Internet access points all employees and officials agree to adhere strictly to the following policy:

By Vermont State Law most, if not all, of employee work emails are public record. If employees do not want the media, the public or management to read email messages do not use Town email accounts. Email messages that are intended to be temporary, non-substantive communications may be discarded. However, employees must recognize that emails sent, received, or stored on the Town computer system are subject to the Vermont Public Records Law and may be covered by the State of Vermont's retention schedule for municipal records.

The computer network and its information is solely the property of the Town of Manchester. This includes all computer related components and equipment including but not limited to host computers, file servers, workstation terminals, laptops, software, internal and external communication networks, use of the world wide web (www), the Internet, commercial online services, bulletin board systems, back-up systems and the internal and external email systems. The Town Manager may appoint a Technology Coordinator who shall be responsible for the maintenance of Town computers and computer systems.

All Town employees have a responsibility to use the Town's computer resources and the Internet in a professional, lawful and ethical manner, and consistent with the other policies in this Handbook. Abuse or inappropriate use of the computer network or the Internet use may result in disciplinary action, up to and including suspension or termination, suspension of email and Internet access, and civil and/or criminal liability. Occasional, brief and appropriate personal use of the Town computer system may be tolerated, provided, it is consistent with this Policy and does not interfere with an employee's job duties and responsibilities.

Employees expressly waive any right of privacy in anything an employee creates, stores, sends or receives using the Town's computer equipment or Internet access. The Town reserves the right to access and review all materials created, stored, sent or received by employees. The Town has the right to monitor and log any and all aspects of its computer system including, but not limited to, monitoring Internet sites visited by employees, monitoring chat and newsgroups, monitoring file downloads, and all communications sent and received by employees. If an employee inadvertently accesses an inappropriate site, it is the employee's responsibility to notify their supervisor or the Human Resources Administrator.

Files obtained from sources outside the Town's network, files downloaded from the Internet, newsgroups, bulletin boards, or other online services, files attached to email, and files provided by vendors, may contain dangerous computer viruses that may damage the Town's computer network. Employees should never download files from the Internet or accept email attachments from outsiders without first scanning the material with Town-approved virus checking software. If an employee suspects that a virus has been introduced into the Town's network please notify the Technology Coordinator or the Town Manager immediately.

The Town may closely monitor email messages, websites and other sources that contain language or pictures that violate any Town policies regarding conduct and harassment. Some examples of prohibited electronic communication include (a) threats, physical or otherwise, against any individual, group, organization, or structure; (b) discriminatory comments or jokes against ethnic, racial or religious groups; (c) discriminatory comments or jokes about gender or sexual orientation; (d) unwanted or unsolicited sexual advancements or suggestions; (e) conducting personal or for-profit business activities; (f) solicitation, financial or otherwise, for political candidates or causes at the local, state or national level; and, (g) harassment of any individual or group through email, websites or any other online means is prohibited.

Employees are reminded that email messages can be, and often are, forwarded to others. A joke can be forwarded quickly to hundreds of people in an instant, and then forwarded to even more people. There are countless examples of emails that traveled the world in a matter of hours or days, causing extreme embarrassment to the original sender and their employer. Disciplinary action will be taken if the Town discovers that an employee sent an email message containing offensive or prohibited material. This applies whether or not the employee originated the offensive materials, or forwarded offensive material that was received from another party and to email attachments, such as pictures and graphics. If you receive any such emails please notify your supervisor or Human Resources Administrator immediately. All harassing or inappropriate emails must be reported by the supervisor to the Human Resources Administrator or the Town Manager.

Employees shall never distribute login passwords or respond to email soliciting passwords, social security numbers or other personal information to anyone over the Internet, via email or co-workers, with the exception of the Technology Coordinator, the Human Resources Administrator and the Town Manager. Only the Technology Coordinator, Human Resources Administrator and Town Manager are authorized administrators of the Town email and computer systems.

Lastly, employees are reminded to think before sending emails or other electronic communication. Sometimes emails can be interpreted incorrectly by the recipient, causing needless friction and tension.

This Policy shall also apply to Police Department union employees, Fire Department employees and officers, part-time employees, seasonal employees, appointed board and commission members, elected officials, and employees of the Town Clerk's Office using the Town's computers and network, electronic mail system and Internet.

Article VI **Alcohol and Drug Abuse and Use Policy** **Section 6.6**

It is the policy of the Town of Manchester to provide a workplace free of alcohol and illegal drugs. Employees are strictly prohibited during work hours from possessing, purchasing, distributing or consuming alcohol and possessing, purchasing, distributing and using illegal drugs. Provided, that "over-the-counter" drugs and drugs prescribed and used in the manner prescribed by a duly licensed physician or dentist shall be permissible; provided, that said prescription drugs do not impair the employee's ability to operate vehicles or equipment or otherwise create safety issues.

For the purposes of this section, any employee using or possessing an illegal substance, as defined by Vermont State statute or regulations, or with blood alcohol content greater than .04 (except as provided for herein) shall be considered in violation of this section.

The Town may require employees to undergo probable cause testing. Probable cause for the purposes of this section shall mean the Town believes the actions, appearance, or conduct of an employee are indicative of the use of a chemical substance(s), including alcohol. Such testing shall be paid for by the Town and ordered in writing by the Town Manager. Probable cause alcohol tests will be performed within eight (8) hours of the determination that such testing is required. An employee directed to submit to a probable cause controlled substances and/or alcohol test will be transported to a collection/testing site by the Town's designated representative for the collection of urine and/or a breath specimen. A written record shall be made of the observations leading to an alcohol or controlled substances probable cause test, and signed by the Town supervisor or Town official who made the observations, within twenty-four (24) hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.

Employees who are found to have violated this Alcohol and Drug Abuse and Use Policy (1) shall not perform a safety-sensitive function; (2) shall be made aware of resources for solving alcohol and drug problems; (3) shall be evaluated by a substance abuse professional (SAP) approved by the Town Manager; (4) shall comply with treatment recommendations; and, (5) shall sign a return to work agreement and undergo return-to-duty breath test(s) and/or drug test(s), as determined by the Town Manager, with a negative test result; for an alcohol test, returning employees may not exceed .02 blood alcohol content.

Employees who violate the Alcohol and Drug Abuse and Use Policy (with the exception of the prohibition on purchasing alcohol during work hours) shall be suspended for five (5) days without pay and benefits (unless the employee pays the cost of the benefits) for the first offense and terminated for the second offense.

Refusal to submit to a drug or alcohol breath test shall be considered insubordination and the employee shall be terminated. Any leave taken, either paid or unpaid, for treatment under this section shall be considered leave taken under the Family and Medical Leave Act.

Failure of an employee to report within five (5) days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

A voluntary referral does not shield an employee from disciplinary action, guarantee employment or shield an employee from the requirement to comply with drug and alcohol testing.

This section shall also apply to Police Department union employees, part-time employees and seasonal employees. In addition to this section, Section 6.7 and Addendum E also apply to employees with commercial drivers licenses. When this section and Section 6.7 conflict, Section 6.7 shall control.

Article VI **Controlled Substance and Alcohol Testing Policy (CDL Employees)** **Section 6.7**

The Town hereby adopts the most recent version of the "Drug and Alcohol Testing Manual For Municipal CDL Required Drivers" published by the Vermont League of Cities and Towns (Addendum F) as its policies and procedures for its Controlled Substance and Alcohol Testing Policy, as required by the United States Department of Transportation and others. All CDL employees shall be required to sign the "CONTROLLED SUBSTANCES AND ALCOHOL TESTING POLICY AND PROCEDURES: ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING" located within Addendum F.

Article VI **Town Safety Statement** **Section 6.8**

6.8.1 The Town considers the safety of its employees a major responsibility. All employees are charged with the responsibility for making safety a daily concern. Everyone working for the Town, regardless of position, must accept this responsibility. Department Heads and the Town Manager are responsible for overseeing workplace safety, while employees are responsible for reporting all potentially unsafe conditions to supervisors and following safety conscience practices.

6.8.2 The Department of Public Works and Sewer and Water Departments are required to hold quarterly meeting to discuss safety issues and concerns.

6.8.3 The Town agrees to work cooperatively with the Vermont Department of Public Safety, Vermont Department of Occupational Safety (VOSHA) and the Vermont League of Cities and Towns to provide a safe working environment for employees.

6.8.4 Employees shall report, as soon as possible, all work-related injuries to the Human Resources Administrator.

6.8.5 Employees shall always wear seat belts when traveling in Town vehicles.

6.8.6 Employees shall be at least eighteen (18) years old to operate Town vehicles and heavy equipment.

6.8.7 Employees shall always wear appropriate clothing and personal protective equipment, including hard hats and reflective vests or shirts, as appropriate and as required by OSHA.

6.8.8 Employees are strictly prohibited from consuming any alcohol four (4) hours before operating a Town vehicle or in violation of the state laws governing intoxicated or impaired driving.

6.8.9 Employees shall never work in a trench without proper safety equipment.

6.8.10 Employees shall be required to immediately report any suspicious or criminal activities to their supervisor, Human Resources Administrator, Town Manager or the Manchester Police Department.

6.8.11 Excluding duly appointed police officers, employees shall not possess or carry weapons, including firearms, during work unless approved by the Town Manager in writing; provided, that employees may possess cutting blades for the purpose of performing work related functions.

6.8.12 This section shall also apply to Police Department union employees, Fire Department employees and officers, part-time employees and seasonal employees.

Article VI **Anti-Idling Policy** **Section 6.9**

The Town prohibits idling of Town vehicles, including cars, trucks and equipment, whenever possible and practical. Reducing idling decreases the release of particles that cause air pollution, saves money and saves unnecessary wear and tear on vehicle engines.

Adopted by the Selectboard:

6-14-2011

Ivan C. Beattie, Chair **Date**

Adopted by the Board of Sewer Commissioners:

6-14-2011

Ivan C. Beattie, Chair **Date**

Adopted by the Board of Water Commissioners:

6-15-2011

Ivan C. Beattie, Chair **Date**

ADDENDUM A – Health Care Insurance

(Full-Time Employees Only)

For calendar year 2011 the Town of Manchester provides to all eligible employees health care insurance through MVP Health Care. The Town shall pay ninety (90%) percent of health care premium costs for employees and their immediate family members; employees, through payroll deduction, shall be required to pay for 10% of health care premium costs. Coverage shall be divided into three categories: single, two-person and family plans. The plan offered by the Town is a high deductible plan, requiring an annual deduction of $2,500 for single plan subscribers and $5,000 for two-person and family plan subscribers. Employees may obtain a copy of the Summary Plan Description from the Human Resources Administrator. Employees may also get information at www.mvphealthcare.com.

Health care insurance is provided to full-time employees, as defined by Section 1.4.1. Employees shall be eligible for health care insurance on the first day of the month thirty (30) days after the employee's first day of work. Payroll deductions shall be withheld the month prior to the month of coverage.

For calendar year 2011 the Town agrees to contribute quarterly into a health care savings account (HSA) on or around January 1, April 1, July 1 and October 1. The total annual contribution by the Town shall equal not more than $2,745 for single plan subscribers and $5,535 for two-person plan subscribers and family plan subscribers. In order to be eligible for quarterly payments employees must be working for the Town on January 1, April 1, July 1 and October 1. Upon separation the Town shall not recover any regularly scheduled payments made into health care savings accounts, nor shall it make future payments into the health care savings account; provided, that the employee shall be required to reimburse the Town for any advancements made to the employee.

For employees 65 years of age and older, who are ineligible for health care savings accounts under IRS rules, the Town agrees to provide four quarterly cash payments or payments into a retirement account equaling an annual totaling of not more than $2,745 for single subscribers and $5,535 for two-person plan subscribers and family plan subscribers. All payments shall be made in arrears.

For calendar year 2011 the Town shall pay employees who are otherwise eligible but opt not to receive health care coverage and payments into the health care savings account from the Town and are covered by another health insurance provider the following amounts annualized and payable in two separate payments as noted herein: $3,500 for single plan subscribers; $7,000 for two-person plan subscribers; $8,000 for family plan subscribers.

Payments shall be paid in arrears and paid on or around June 30 and December 31. In order to be eligible for payments employees must be enrolled in another plan and not enrolled in the Town plan for the preceding six (6) months. Employees shall be required to notify the Human Resources Administrator at least 15 days before January 1 and July 1 of each year in order to be eligible for payments under this paragraph.

ADDENDUM B – Dental Insurance

(Full-Time Employees Only)

The Town shall pay 90% of the cost of dental insurance provided through Companion Life Dental. Employees shall be required to pay 10% of the cost of dental insurance. For more details please refer to the attached Summary Plan Description or contact the Human Resources Administrator. Employee portion of benefit is paid for through payroll deduction. Employees may also get information at www.companionlife.com.

Payroll deductions shall be withheld the month prior to the month of coverage.

ADDENDUM C – Short-Term Disability

Accidental Death and Dismemberment Insurance and Life Insurance

(Full-Time Employees Only)

Short-Term Disability (STD): The Town currently pays 100% of the cost associated with short-term disability, up to 66% of the disabled employee's weekly gross pay, provided through Unum. An employee may utilize sick leave and vacation leave to offset the difference between disability benefits and weekly gross base pay to the extent provided for by the Town's insurance provider. For more details please refer to the attached Summary Plan Description or contact the Human Resources Administrator.

Life Insurance and Accidental Death and Dismemberment: The Town shall pay 100% of the cost associated with life insurance and accidental death and dismemberment insurance in the amount of $25,000 ($40,000 for employees of the Police Department), provided through Unum. For more details please refer to the attached Summary Plan Description or contact the Human Resources Administrator.

ADDENDUM D – Optional Employee Paid Insurances and Benefits

(Full-Time Employees Only)

Long-Term Disability: The Town may provide employees access to long-term disability insurance, provided through Unum, at the sole expense of the employee. For more details please refer to the attached Summary Plan Description or contact the Human Resources Administrator. Benefit is paid for through payroll deduction.

Vision Plan: The Town may provide employees access to a vision plan, provided through Vision Service Plan (VSP), at the sole expense of the employee. For more details please refer to the attached Summary Plan Description or contact the Human Resources Administrator. Benefit is paid for through payroll deduction.

Optional Life and Health Insurance: The Town may provide employees access to optional health and/or life insurances, through Aflac or Metropolitan Life Insurance Company, at the sole expense of the employee. For more details please refer to the attached Summary Plan Description or contact the Human Resources Administrator. Benefit is paid for through payroll deduction.

Section 125 (Flexible Spending): The Town may provide employees access to a Section 125 Flexible Spending Plan, through Healthy Dollars. The Town shall pay administrative fees associated with this benefit, while the employee is responsible for all funding deposited into the account. For more details please refer to the attached Summary Plan Description or contact the Human Resources Administrator. Benefit is paid for through payroll deduction.

Optional Deferred Income Programs: The Town may provide employees access to deferred income plans (for example, Section 457 plans) through carriers approved by the Town.

TOWN OF MANCHESTER

HANDBOOK ACKNOWLEDGMENT FORM

(FULL TIME, PART TIME & SEASONAL EMPLOYEES ONLY)

I acknowledge that I have received a copy of the Town of Manchester's Employee Handbook. I understand that this Handbook replaces any and all prior verbal and written communications regarding the Town of Manchester's working conditions, policies and procedures.

I have read and understand the contents of this Handbook and will act in accord with these policies and procedures as a condition of my employment with the Town of Manchester.

I understand that if I have questions or concerns at any time about the Handbook, I will consult my immediate supervisor, the Town Manager or the Human Resources Administrator.

I also acknowledge that the Handbook contains an employment At-Will provision (see Section 2.3).

I have read this Handbook and understand these conditions of employment.

Employee Name: _____

Employee Signature: _____

Date: _____

ADDENDUM F to EMPLOYEE HANDBOOK

Town of Manchester, Vermont

Controlled Substance and Alcohol Testing Policy

For

Employee-CMV Drivers

Revised July 1, 2011

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At the end of this Policy you will find pages that are titled "Appendix" as follows:

APPENDIX A	DRUG TESTED CUTOFF CONCENTRATIONS FOR VALIDITY TESTING
APPENDIX B	PERSONS IDENTIFIED TO ANSWER QUESTIONS
APPENDIX C	SOURCES OF ASSISTANCE AND HELP
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PURPOSE STATEMENT

WHEREAS the Town of Manchester:

- Is required by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles; and

- Values its employees and recognizes each employee's need for a safe and healthy work environment and is committed to maintaining a safe workplace for its drivers and other users of the roadways that is free from illegal controlled substance use and the misuse of alcohol; and

- Recognizes employees who use illegal controlled substances and abuse alcohol tend to be less productive, less reliable, more prone to accidents, and more prone to absenteeism, all of which potentially will result in increased accidents, costs, and risk to the Employer, its employees, and the general public.

Accordingly, the **Town of Manchester** has amended its **"Controlled Substance and Alcohol Testing Policy"** in compliance with the following laws and regulations.

REGULATORY REFERENCES:

U.S. Department of Transportation (DOT), Federal Motor Carrier Safety Administration Regulations (FMCSA), 49 CFR Parts 382 et al as originally published February 15, 1994, **Revised August 1, 2002**, and including any subsequent amendments (including Parts 383, 392 and 395 as applicable).

U.S. Department of Health and Human Services (DHHS) and the Substance Abuse and Mental Health Services Administration (SAMHSA) Regulations, 49 CFR Part 40, as originally published December 1, 1989, **Revised August 1, 2001**, and including any subsequent amendments.

PREEMPTION of State and Local Laws:

(a) Except as provided in (b) below, Federal regulations preempt any State or local law, rule, regulation, or order to the extent that:

Compliance with both the State or local requirement and Federal regulations is not possible; or Compliance with the State or local requirement is an obstacle to the accomplishment and execution of any regulatory requirement.

(b) The Federal Regulations shall not be construed to preempt provisions of State criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees, employers, or the general public.

Except as expressly provided above, nothing in these regulations shall be construed to affect the authority of employers, or the rights of drivers, with respect to the use of alcohol or the use of controlled substances, including authority and rights with respect to testing and rehabilitation.

I. APPLICABILITY

The drivers subject to drug and alcohol testing under this Policy are those drivers required to have a Commercial Driver's License (CDL), and operate a Commercial Motor Vehicle (CMV) which is a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the CMV:

- has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- has a gross vehicle weight rating of 26,001 or more pounds; or
- is designed to transport 16 or more passengers including the driver; or
- is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded, 49 CFR part 172, Subpart F.

(Includes the Licencia Federal de Conductor (Mexico) requirements; and the commercial driver license requirements of the Canadian National Safety Code)

Exceptions: 49 CFR part 382 shall not apply to employers and their drivers: (1) Required to comply with the alcohol and/or controlled substances testing requirements of 49 CFR part 655 (Federal Transit Administration alcohol and controlled substances testing regulations); or (2) Who a State must waive from the requirements of 49 CFR part 383. These individuals include active military personnel; members of the Reserves; and members of the National Guard on active duty, including personnel on full-time National Guard training and National Guard military technicians (civilians who are required to wear military uniforms), and active duty U.S. Coast Guard personnel; or (3) Who a State has, at its discretion, exempted from the requirements of 49 CFR part 383.

II. EFFECTIVE & REVISION DATES:

Originally Adopted: 1987 Revised: July 1, 2011

III. DEFINITIONS

The following terms and abbreviations used in this Program are further defined below:

BAT Breath Alcohol Technician
CDL Commercial Driver's License
CFR Code of Federal Regulations
CMV Commercial Motor Vehicle
DER Designated Employer Representative
DHHS Dept. of Health & Human Services
DOT Dept. of Transportation
EBT Evidential Breath Testing Device
FMCSA Federal Motor Carriers Safety Administration
MRO Medical Review Officer
SAP Substance Abuse Professional
STT Screening Test Technician

For purposes of this Program, the following definitions are adopted.

ACCIDENT means an occurrence involving a commercial motor vehicle:

1. Resulting in the death of a human being (surviving driver(s) must be tested);
2. When the operator receives a citation under state, or local law for a moving traffic violation arising from the accident, AND the accident involved:
    a. Bodily injury to a person, who, as a result of the injury immediately receives medical treatment away from the scene of the accident; or
    b. One or more vehicles incur disabling damage as a result of the occurrence and are transported away from the scene by a tow truck or other motor vehicle.

ADULTERATED SPECIMEN means a specimen contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine. If a specimen is reported by the laboratory to the Medical Review Officer to have been adulterated or substituted, the Medical Review Officer will offer the employee/applicant the right to have his or her split specimen tested. If the Medical Review Officer reports that the employee/applicant has a verified adulterated or substituted test result, it is considered a refusal to take a drug test. A refusal to take a drug test results in consequences specified under DOT Federal Motor Carrier Safety Administration (FMCSA) regulations.

ALCOHOL means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

ALCOHOL CONCENTRATION means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test in part 40.

BREATH ALCOHOL TECHNICIAN (BAT) means a trained and certified individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath-testing device (EBT).

CANCELED OR INVALID TEST means a test that is determined to be invalid by the Medical Review Officer in the instance of a drug test or by a BAT in the instance of an EBT alcohol test.

CHAIN OF CUSTODY/ PROCEDURES; account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.

CFR means the Code of Federal Regulations.

COLLECTION SITE means a place where individuals present themselves for the purpose of providing a specimen of urine to be analyzed for the presence of drugs or a breath or saliva specimen ***to*** determine alcohol concentration.

COMMERCE means:

1. Any trade, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States: and

2. Trade, traffic, and transportation in the United States, which affects any trade, traffic, and transportation described in #1 above.

COMMERCIAL MOTOR VEHICLE means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. Has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds) inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or

2. Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or

3. Is designed to transport 16 or more passengers, including the driver; or

4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, Subpart

CONFIRMATION (or confirmatory) DRUG TESTING means a second analytical procedure performed by the laboratory on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite which is independent of the initial (screening) test, and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy. Currently, a confirmation drug test is conducted by gas chromatography/mass spectrometry (GC/MS).

CONFIRMATION (OR CONFIRMATORY) VALIDITY TEST means a second test performed on a urine specimen to further support a validity test result.

COUNSELING, TREATMENT, OR REHABILITATION PROGRAM is determined by a substance abuse professional (SAP) knowledgeable in substance abuse disorders based upon, but not limited to, an evaluation of the nature and extent of an individual's substance abuse, use, or problem, and includes a recommended treatment program, if applicable.

DER-DESIGNATED EMPLOYER REPRESENTATIVE is an employer or an individual(s) identified by the employer: (1) as able to receive communications and test results directly from medical review officers, BATs, screening test technicians, collectors, and substance abuse professionals; (2) who is authorized to take immediate action to remove employees from safety-sensitive functions; and (3) to make required decisions in the testing and evaluation process. Service agents cannot serve as DERs.

DHHS means the U.S. Department of Health and Human Services Regulations, 49 CFR Part 40 entitled, "Mandatory Guidelines for Federal Workplace Drug and Alcohol Testing Programs." These regulations provide a system of checks and balances to eliminate errors and the possibility of false positive results, etc., during collection and analysis of specimens, and review of results by a Medical Review Officer.

DILUTE SPECIMEN means a urine specimen whose creatinine and specific gravity values are diminished by the employee (donor) through the introduction of fluid (usually water) into the specimen either directly or through excessive consumption of fluids.

DIRECT OBSERVATION means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing as defined herein.

DISABLING DAMAGE means damage that precludes departure of a motor vehicle from the scene of an accident in its usual manner in daylight after simple repairs.

1. Includes damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

2. Excludes:

    a. Damage, which can be remedied temporarily at the scene of the accident without special tools or parts.
    b. Tire disablement without other damage even if no spare tire is available.
    c. Headlight or taillight damage.
    d. Damage to turn signals, horn, or windshield wipers, which make them inoperative.

DRIVER/EMPLOYEE means any person who operates a CMV and is designated in FMCSA regulations as subject to drug and/or alcohol testing. The term includes individuals currently performing safety-sensitive functions designated in FMCSA regulations and applicants for employment subject to pre-employment testing. This definition includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased/contract drivers and independent, owner operator contractors who are either directly employed by, or under lease to a company, or who operate a commercial motor vehicle at the direction of or with the consent of a company.

EMPLOYER means the Town of Manchester who employs one or more employees subject to DOT/FMCSA agency regulations requiring compliance with 49 CFR Part 382 and 49 CFR Part 40. As used in this Policy the term means the entity responsible for overall implementation of DOT drug and alcohol program requirements, including individuals employed by the Town of Manchester who take personnel actions resulting from violations of this Program. "Employer" is used interchangeably with "Company" in this policy. Service agents are not employers for the purposes of DOT/FMCSA regulations.

EVIDENTIAL BREATH TESTING DEVICE (EBT) means an EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List" (CPL) as conforming with the model specifications available from NHTSA, Office of Alcohol and State Programs, and approved by DOT. This definition includes any subsequent amendments to the CPL of evidential and non-evidential screening or breath measurement devices approved by DOT.

LABORATORY means a testing laboratory, which is certified by the Dept. of Health and Human Services under the National Laboratory Certification Program, Substance Abuse and Mental Health Services Administration.

MEDICAL REVIEW OFFICER (MRO) means a licensed physician (doctor of medicine or osteopathy), responsible for receiving laboratory results generated by this program; who has knowledge of substance abuse disorders, and has appropriate training to interpret and evaluate a donor's confirmed laboratory positive or "unsuitable" drug test result together with the donor's medical history and any other relevant biomedical information. The MRO is also required to have a working knowledge of the DOT FMCSA regulations applicable to the employer for whom he/she evaluates drug test results.

ON DUTY means any period during which a driver is actually performing, ready to perform, or is immediately available to perform, including four (4) hours prior to reporting to perform a safety sensitive function. On duty time also means any of those on duty functions set forth in Part 395.2 "On Duty" paragraphs (1) through (7) of 49 CFR, and also listed under the definition "safety-sensitive functions" in this Policy.

PERFORMING A SAFETY SENSITIVE FUNCTION means any period in which the driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

POLICY means the initiative related to the Controlled Substance and Alcohol Testing Policy of the **Town of Manchester** for drivers in compliance with U.S. Department of Transportation and Federal Motor Carrier Safety Administration regulations for drug and alcohol testing.

PRIMARY SPECIMEN (in drug testing Bottle A) is the urine specimen that is opened and tested by the original laboratory to determine whether the employee has drug(s) or drug metabolite(s) in his/her system. The primary specimen is distinguished from the split specimen, defined in this section.

RANDOM means that drug and alcohol tests are unannounced and every person subject to testing will have an equal chance with all other persons of being selected for testing. There is never a "safe period" for any driver in the scheduling of random tests. The odds of being selected to provide a specimen are equal for all drivers on each collection/testing day, regardless of whether or not the driver was previously selected for testing.

REASONABLE SUSPICION means the employer believes the actions, appearance, or conduct of a driver are indicative of the use of a chemical substance(s), including alcohol. Such beliefs are based on the actions, appearance, odor or conduct of a driver while performing, immediately available to perform, or immediately after performing a safety sensitive function.

REFUSAL TO TEST (DRUG OR ALCOHOL) means that a donor refuses to submit to testing when directed; fails to provide an adequate specimen for testing without a valid medical explanation after receiving notice of the requirement to be tested; or, engages in conduct that clearly obstructs the testing process.

SAFETY SENSITIVE FUNCTION means any of the on-duty functions listed below:

1. All time at a carrier or shipper plant, terminal, facility, or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.

2. All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at anytime.

3. All time spent at the driving controls of a commercial motor vehicle.

4. All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth).

5. All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle or in giving or receiving receipts for shipments loaded or unloaded.

6. All time spent performing the covered person's requirements associated with an accident.

7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

SAMHSA means the U.S. Substance Abuse and Mental Health Services Administration, formerly the National Institute on Drug Abuse (NIDA). SAMHSA was established by the U.S. Department of Health and Human Services (DHHS), to regulate laboratories performing analytical drug tests on human body fluids.

SCREENING TEST (OR INITIAL TEST) (1) in drug testing, a laboratory test to eliminate "negative" urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs; (2) in alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

SERVICE AGENTS are all parties who provide services to employers in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to, collection site personnel, BATs and STTs, laboratories, MRO's, substance abuse professionals (SAP's), consortia, and third party administrators.

SHY BLADDER means a donor is unable to provide a sufficient quantity of urine for a drug test. When this occurs, the donor is offered up to 40 ounces of fluid over a three (3) hours period to try to obtain an adequate urine specimen for testing in one void. If the donor is still unable to provide a sufficient quantity of urine, the donor must be evaluated by a physician, acceptable to the MRO, to determine if there is a medical explanation for the inability to provide the specimen.

SHY LUNG means an individual is unable to provide a sufficient amount of breath to perform an evidential breath test for alcohol. When this occurs, a physician must evaluate the donor, approved by the Employer, to determine if there is a medical explanation for the inability to provide sufficient breath.

SPECIMEN means a body fluid that is analyzed to detect the presence of a drug or determine the alcohol concentration level. This Program may be amended to include specimens other than urine, breath, or saliva that are approved by the U.S. Department of Health and Human Services for federal workplace drug testing programs and the U.S. Department of Transportation.

SPLIT SPECIMEN (Bottle B) is a part of the urine specimen that is sent to the first laboratory and retained unopened, and which will be transported to a second laboratory in the event that the employee requests it be tested following a verified positive, adulterated, or substituted test of the primary specimen.

STAND DOWN means the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results. Employers are prohibited from standing down employees unless a waiver has been requested and granted by FMCSA, in accordance with 49 CFR Part 40.21. An employer does not need a 40.21 waiver to take other actions involving the performance of safety sensitive functions.

SUBSTANCE ABUSE PROFESSIONAL (SAP) means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social workers, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse). All must have knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders. The SAP is also required to have a working knowledge of DOT/FMCSA applicable to the employer for whom he/she evaluates employees who have engaged in a DOT drug or alcohol regulation violation.

SUBSTITUTED SPECIMEN is a specimen not consistent with human urine that has been submitted by the employee in place of his or her own urine.

SUBSTITUTED TEST means a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine. If a specimen is reported to the Medical Review Officer to have been substituted, the Medical Review Officer will offer the employee/applicant the right to have his/her split specimen tested. If the specimen is determined to have been substituted, the Medical Review Officer will advise the employee/applicant of specific additional procedural steps that may be taken to challenge the result. If the Medical Review Officer reports that the employee/applicant has a verified substituted test result, it is considered a refusal to take a drug test. A refusal to take a drug test has the same consequences as a verified positive test under FMCSA regulations.

SUPERVISOR means all operational supervisors employed by the Town of Manchester to supervise driver employment activities, and who have received 60 minutes of training on the specific and contemporaneous physical, behavioral, and performance indicators of probable drug use, and an additional 60 minutes of similar training of probable alcohol use/misuse. A supervisor does not have to be a supervisor by job description title.

VALIDITY TESTING is performed to determine whether a urine specimen is adulterated or substituted. An adulterated specimen means that a specimen contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration level so high that it is not consistent with human urine. Substituted specimen means that the creatinine and specific gravity values of the specimen are so diminished that they are not consistent with human urine.

VERIFIED NEGATIVE DRUG TEST means the result of a confirmed laboratory positive test has established the presence of a drug (s) or drug metabolite(s) in a specimen at or above the threshold level, and has been determined negative by the MRO after an evaluation of the donor's medical history and any other relevant biomedical information.

VERIFIED POSITIVE DRUG TEST means the result of a confirmed laboratory positive test has established the presence of a drug(s) or drug metabolite(s) in a specimen at or above the threshold level, and has been determined positive by the MRO after an evaluation of the donor's medical history and any other relevant biomedical information.

WORKPLACE means a building, property or premise owned or utilized for official business, jobsites, and any type of vehicles owned and/or operated by an employee on behalf of the Town of Manchester.

IV. PROHIBITED CONDUCT

In accordance with 49 CFR Part 382, subpart B, "Prohibitions" and the Town of Manchester own authority, conduct listed in this Section is prohibited. ***A driver in violation of the provisions in this Section is subject to disciplinary action up to and including termination for gross and willful misconduct.***

A. A driver is prohibited from performing, and the Employer is prohibited from using a driver to perform safety sensitive functions upon notification of a verified positive, substituted or adulterated drug test result or an EBT alcohol test result indicating a measured alcohol concentration of 0.02 or greater, regardless of when the drug or alcohol was ingested and regardless of whether or not the driver is under the influence of alcohol or using drugs, as defined in federal, state or local law.

B. Refusal to Test (alcohol or controlled substance test). Refusal to test means that the driver:

1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the Employer, consistent with DOT/FMCSA regulations, after being directed to do so by the Employer;

2. Fails to remain at the testing site until the testing process is complete. If the reason for the test is pre-employment, then a driver who leaves the testing site before the testing process commences a pre-employment test is not deemed to have refused to test;

3. Fails to provide a urine specimen for any drug test required by Part 40 or FMCSA regulations. If the reason for the test is pre-employment, then a driver who does not provide a urine specimen because he/she has left the testing site before the testing process commences is not deemed to have refused to test;

4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen;

5. Fails to provide a sufficient amount of urine when directed, and it has been determined through a required medical evaluation that there was no adequate medical explanation for the failure;

6. Fails or declines to take a second test the employer or collector has directed the driver to take;

7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the Employer under 49 CFR part 40.193. In the case of a pre-employment drug test, the driver is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;

8. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process); or is reported by the MRO as having a verified adulterated or substituted test result.

C. Controlled Substances

The following conduct is prohibited when a driver is performing safety sensitive functions on the Employer's property, in the workplace, on duty, or off duty when the conduct affects the driver's fitness for duty.

1. Use of illicit drugs.

2. Having a verified positive, adulterated or substituted drug test result. If a properly conducted urinalysis shows that the donor has in his/her urine any amount of a drug(s) or drug metabolite(s) whose possession or use is unlawful or in violation of this Program; and, that amount is not the result of medical treatment, prescribed by a licensed medical practitioner for that individual, it will constitute a verified positive drug test. Legally prescribed medications must be written ONLY for the driver. Any driver taking a medication prescribed for another person (including a spouse) will be considered to be taking an illegal substance.

3. Misuse or impairment by authorized drug use, which may affect work performance or pose a danger to the safety of the driver or others. Drivers are required to inform the Employer's designated representative of any therapeutic drug use.

4. Reporting for duty or remaining on duty requiring the performance of safety sensitive functions when the driver uses any controlled substance unless the controlled substance is prescribed for the driver and is used pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

5. If the Employer has actual knowledge that a driver has used a controlled substance the driver shall not be permitted to perform or continue to perform a safety sensitive function.

6. When a driver fails to provide an adequate urine sample, the Employer, after consulting with Medical Review Officer (MRO) shall direct the driver to obtain, within five days, an evaluation from a licensed physician, acceptable to the MRO. The referral physician must have expertise in the medical issues raised by the driver's failure to provide a sufficient specimen, to determine if a medical condition precluded the driver from providing a sufficient amount of urine. The referral, if other than the MRO, must provide a written report to the MRO. The MRO will seriously consider and assess the referral physician's recommendation in making a determination of the reason for the inability to provide an adequate specimen.

   a. If the MRO determines the failure to provide an adequate specimen was due to a medical condition, the test will be reported as cancelled to the Employer. A cancelled test will not constitute a "refusal to test" and no disciplinary action will be taken.

   b. If the MRO determines the failure to provide an adequate specimen was not due to a medical condition, the MRO will report a "refusal to test" to the Employer.

7. Leaving the scene of an accident without a valid reason, except to submit to a drug test or to receive or to obtain medical treatment, will create a rebuttable presumption of a refusal to test.

8. Consuming any chemical substance within 32 hours after an accident unless a post accident drug test has been performed.

D. Alcohol

The following conduct is prohibited when a driver is performing safety sensitive functions on the Employer's property, in the workplace, on duty, or when the conduct affects the driver's fitness for duty.

1. Use of alcohol, an alcohol concentration of 0.02 or greater, or under the influence of alcohol while performing safety-sensitive functions, operating or having physical control of a vehicle, or within four (4) hours before going on duty operating or having physical control of a vehicle.

2. Leaving the scene of an accident, except to submit to an alcohol test or to receive or obtain medical treatment, or consuming any alcohol within eight (8) hours after an accident unless a post accident alcohol test has been performed.

3. Having ANY measured alcohol concentration or detected presence of alcohol while on duty, operating or in physical control of a vehicle (Ref: 49 CFR Part 392.5).

4. Be on duty or operate a vehicle if, by the driver's general appearance or conduct or by other substantiating evidence, the driver appears to have used alcohol within the preceding four (4) hours regardless of whether an EBT alcohol test has been performed.

5. Report for duty, perform or continue to perform safety sensitive functions including driving a vehicle with an alcohol concentration level of 0.02 or greater. No employer having actual knowledge that a driver has an alcohol concentration of 0.02 or greater shall permit the driver to perform or continue to perform safety-sensitive functions.

    a. When a driver has a confirmed alcohol concentration level of 0.02 but less than 0.04 the driver will be immediately removed from performing any safety sensitive function until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test. No action, under DOT/FMCSA, may be taken against a driver based solely on test results showing an alcohol concentration level less than 0.04. The Employer is not prohibited from taking action, under its own authority, or as otherwise consistent with law.

    b. When a driver has a confirmed alcohol concentration level of 0.04 or greater the driver will be immediately removed from performing any safety sensitive function.

6. Any driver whose appearance, conduct, or other substantiating evidence gives reasonable suspicion of alcohol use and a test cannot be administered will be immediately removed from performing any safety sensitive function. Removal from duty for reasonable suspicion when unable to administer a test for alcohol does not require evaluation by a substance abuse professional.

7. When a driver fails to provide an adequate breath sample, the driver will be referred to a licensed physician, approved by the Employer, for a medical evaluation to determine the reason for the inability to provide an adequate sample.

    a. If the physician determines the failure to provide an adequate specimen was due to a medical condition, it will not constitute a "refusal to test" and no disciplinary action will be taken.

    b. If the physician determines the failure to provide an adequate specimen was not due to a medical condition, it will constitute a "refusal to test."

V. REQUIRED TESTING

This Program provides for testing of applicants for employment and employee drivers for the use of controlled substances, including alcohol, for the following purposes:

Pre-employment (Drug Test Only)
Random
Return to Duty and Follow Up, if applicable
Reasonable Suspicion
Post Accident

Employees will be compensated for time expended to provide test samples only if testing is directed by the Employer. Applicants are not compensated for time expended to provide test samples.

A. PRE-EMPLOYMENT

1. As a condition of employment, all driver applicants are required to comply with the provisions of the Town of Manchester Controlled Substances and Alcohol Testing Policy and the requirements of 49 CFR part 40, and 49 CFR part 382.

2. All driver applicants are subject to pre-employment drug testing unless otherwise exempted by regulation. Testing must be completed, and the Employer must receive a verified negative test result for the driver prior to the first time a driver performs a safety-sensitive function. The Employer is not required to administer a pre-employment controlled substances test if the driver meets the exceptions of 49 CFR part 382.301(b) as follows:

a. Has participated in a controlled substances testing program that meets the requirements of 49 CFR part 382 within the previous thirty (30) days; and

b. Was tested for controlled substances within the past six (6) months (from the date of application with the Employer), or participated in the random controlled substances testing program for the previous 12 months (from the date of application with the Employer); and

c. The Employer ensures that no prior employer of the driver has records of a violation of the MCSA regulations or the controlled substances use rule of another DOT agency within the previous six (6) months.

3. If the Employer exercises the exception to perform a pre-employment controlled substances test, the Employer must contact the controlled substances testing program(s) in which the driver participated and shall obtain and retain the following information:

a. Name(s) and address (es) of the program(s).

b. Verification that the driver participates or participated in the program(s) and the program conforms to Part 40.

c. Verification that the driver is qualified under FMCSA regulations, including that the driver has not refused to be tested for controlled substances.

d. The date the driver was last tested for controlled substances and the results of any tests taken within the previous six (6) months and any other violations of FMCSA regulations.

4. If the Employer uses, but does not employ a driver more than once a year to operate a CMV, the information enumerated above in #2 must be obtained at least once every six (6) months.

5. Upon an offer of employment and as a condition of employment: **(1)** An applicant will be asked to disclose, under affidavit, whether he/she has had a positive drug or alcohol test result, or refusals to test on any **pre-employment test** administered by an employer to which the applicant applied for, but did not obtain safety-sensitive transportation work covered by DOT during the past **three (3)** years. If the applicant admits that he/she had a positive or a refusal to test on a pre-employment test, the applicant must satisfy the requirements of V. A. 5.d (1)-(6) below to be considered for employment. **(2)** The applicant will also be required to sign a release authorizing the Town of Manchester to obtain information on the applicant's alcohol tests with a concentration result of 0.04 or greater, verified positive controlled substances test results, refusals to be tested, and other violations of DOT/FMCSA drug and alcohol testing regulations from DOT employers for whom the individual worked during the **three (3)** years prior to the date of application or transfer.

a. If feasible, the information required in V.A.5 above must be obtained from previous employers prior to the first time the applicant performs safety sensitive functions for the Town of Manchester.

b. If not feasible, the information must be obtained and reviewed as soon as possible, but no later than 30 calendar days after the first time the applicant performs safety sensitive functions unless the Employer obtained or made and documented a good faith effort to obtain this information.

c. The Employer must retain this information (including documentation of a good faith effort to obtain) for three years from the date of the driver applicant's first performance of safety sensitive duties.

d. Upon receipt of the information described in V.A5., above, if the information states or if the driver applicant admits that he/she has had a verified positive drug or alcohol test, or refusal to

be tested, the Employer is prohibited from using the driver applicant to perform safety-sensitive functions until and unless the applicant documents successful completion of the return-to-duty process by submitting evidence of:

(1) Evaluation by a substance abuse professional;

(2) Completion of any treatment, counseling, rehabilitation, etc., recommended by the substance abuse professional;

(3) Reevaluation by a substance abuse professional to determine the applicant has successfully and properly complied with the treatment, counseling, rehabilitation, etc.

(4) Passed a return to duty test with a result indicating an alcohol concentration of less than 0.02 and/or a controlled substances test with a verified negative result;

(5) Completion of at least six follow up tests with negative results within 12 months after a return to duty; and

(6) The applicant has been medically certified as qualified to drive. If the driver applicant refuses to provide written consent to authorize release of the drug and/or alcohol testing history he/she will not be permitted to perform safety sensitive functions as a driver.

e. If the Town of Manchester is the employer from whom information is requested, after reviewing a driver applicant's specific, written consent, the information must immediately be released to the employer making the inquiry. All information provided must be in writing, and a written, confidential record of the information, including the date, the party to whom it was released, and a summary of the information provided documented and maintained on file.

B. REASONABLE SUSPICION

This Policy provides for the testing of drivers for controlled substances, including alcohol, when a Town of Manchester supervisor, who is trained in accordance with 49 CFR part 382.603, has reasonable suspicion the driver is unfit to perform his/her duties or has used or is using controlled substances and/or alcohol prohibited under this Program.

1. Reasonable suspicion arises from direct observation of use (as defined in this policy),or based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor or Company official who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.

2. Drivers may be directed by the Town of Manchester to undergo reasonable suspicion testing while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

3. Determinations to test will be made immediately before, during or immediately after a driver is performing a safety sensitive function.

4. The supervisor who makes a determination to test a driver for reasonable suspicion of drugs or alcohol shall not perform the specimen collection for the drug test or perform the EBT test for alcohol.

5. Reasonable suspicion alcohol tests will be performed within eight (8) hours of the determination that such testing is required.

6. A driver will be removed from performing safety sensitive functions until a test can be performed confirming an alcohol concentration less than 0.02; for a minimum of 24 hours if an alcohol test is not performed.

7. Procedure - A driver directed to submit to a reasonable suspicion controlled substances and/or alcohol test will be transported to a collection/testing site by the Employer's designated representative for the collection of urine and/or a breath specimen.

C. RANDOM

1. All covered employees are subject to random testing for drugs and alcohol. The selection of drivers for random alcohol and controlled substances testing is made by a scientifically valid method, using a computer based random number generator that is matched with the drivers' social security numbers, and is fully documented. Selections are spread reasonably throughout the calendar year, and each driver selected for testing must be tested during the selection period.

2. Drivers selected for random testing will be notified and shall immediately report to the collection/testing site upon notification to be tested. If the driver is performing a safety sensitive function, other than driving a commercial motor vehicle, at the time of notification, the Employer will ensure the driver ceases to perform the safety sensitive function and proceed to the testing site as soon as possible. Failure to immediately proceed to the collection/testing site may be deemed a refusal to test.

3. Random alcohol tests will be performed while the driver is performing or just before performing safety sensitive functions or just after the driver has ceased performing safety sensitive functions.

4. Random controlled substances testing will be conducted at any time the driver is working for the Employer

5. When a driver is off work due to long term layoffs, illnesses, injuries or vacation more than 30 days, the pre-employment controlled substances provisions apply prior to the driver performing safety sensitive functions.

D. POST ACCIDENT

1. Drivers are subject to post accident testing for drugs and alcohol as defined in Section III. "Definitions" of this Program. Drivers will be provided with necessary post accident information, procedures, and instructions so that testing can be performed.

2. Post accident drug and alcohol tests will be performed as soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce. Drivers must remain readily available for testing, in the absence of receiving or obtaining medical treatment, and are prohibited from using any drugs or alcohol until testing has been completed. The administration of legal drugs determined to be medically necessary for treatment of injuries of the driver when prescribed by a licensed medical practitioner will not be delayed pending a drug test.

3. Post accident controlled substance tests must be performed as soon as possible but within 32 hours after an accident. If the test is not administered within 32 hours following the accident, the supervisor shall cease any attempt to administer the test, under DOT authority, and document why it was not possible to perform it and maintain on file. Records must be submitted to the FMCSA upon request.

4. Post accident EBT alcohol tests must be performed as soon as possible but within eight (8) hours after the accident.

   a. If an EBT test is not administered within two (2) hours following the accident, the supervisor is required to document why it was not performed and maintain on file. Records must be submitted to the FMCSA upon request.

   b. If an EBT test is not administered within eight (8) hours following the accident, the supervisor shall cease any attempt to administer the test and document why it was not performed, and if it would have been possible to perform a blood alcohol test.

5. Any "missed" tests, e.g., tests could not be performed shall be reported to FMCSA, upon request.

6. A breath or blood test for the use of alcohol and/or a urine test for the use of controlled substances conducted by Federal, State, or local officials having independent authority for the test, shall be considered to satisfy the post accident testing requirements, provided such tests conform to the applicable Federal, State, or local testing requirements and that the results of the tests are obtained by the Employer.

The following table notes when post-accident drug and alcohol tests are required to be performed in accordance with DOT/FMCSA regulations.

Type of Accident Involved	Citation Issued to the CMV Driver	Test Must Be Performed By Employer
Human Fatality	YES	YES
	NO	YES
Bodily injury with immediate medical treatment away from the scene.	YES	YES
	NO	NO
Disabling damage to any motor vehicle requiring tow away.	YES	YES
	NO	NO

- The driver must receive a citation within 32 hours of the occurrence under State or local law for a moving traffic violation arising from the accident.

E. RETURN TO DUTY

When a driver is in violation of the controlled substances or alcohol prohibitions in this Policy, before a driver returns to duty requiring the performance of safety, he/she must:

1. Be evaluated by a Substance Abuse Professional (SAP);

2. Complete the recommended treatment, counseling plan, etc.

3. Be re-evaluated by the SAP to determine successful completion of treatment; and

4. Submit to a return to duty test for drugs and/or alcohol

   a. The result for a controlled substances test result must be negative and/or;
   b. The alcohol test result must confirm an alcohol concentration level less than 0.02.

F. FOLLOW UP

1. After passing a return to duty test, the driver is required to submit to at least six (6)follow up tests during the first 12 months following return to duty.

2. Follow up testing may be required for up to 60 months unless the substance abuse professional makes a determination testing is no longer warranted.

3. Follow up tests are unannounced and may include testing for drugs and/or alcohol.

4. Follow-up alcohol testing will be conducted only when the driver is performing or just before performing safety sensitive functions, or just after the driver has ceased performing safety sensitive functions.

VI. SUBSTANCES TO BE TESTED

A. Under this Program applicants and drivers will be routinely tested for the substances listed below:
   Cocaine
   Opiates
   Phencyclidine (PCP)
   Cannabinoids (Marijuana)
   Amphetamines, and
   Alcohol

   The threshold levels (screening and confirmation) for the substances specifically listed above have been established by DHHS/SAMHSA Regulations, 49 CFR Part 40, and this Program adopts, by reference, these threshold levels for testing purposes as published and including any subsequent amendments

   The name of the Town of Manchester designated employee to contact to answer any questions, third party administrator, testing laboratory, and Medical Review Officer are listed in Appendix B.

VII. INDIVIDUAL RIGHTS

A. The individual being tested will receive a copy of the Chain of Custody form upon completion of the specimen collection process for a urine drug test.

B. A copy of the Chain of Custody form, which includes the test result, will be given to the individual tested for alcohol when performed using an EBT.

VIII. GENERAL PROVISIONS

A. If a driver is using a legally obtained prescription or over the counter drug that has actual mind or performance altering effects, he/she must show the medication and/or prescription to the DER at the beginning of the work period. Depending upon the nature of the drug and the driver's job duties, the DER may refuse to allow the driver to perform safety sensitive functions unless he/she refrains from taking the medicine/drug:

1. Until such time as the effects will not be experienced during the driver's on duty time; or

2. Upon presenting a note from the prescribing licensed medical practitioner stating there are no adverse side effects from taking the prescription, which would impair the driver's ability to safely perform safety sensitive functions.

B. Witnessed urine specimen collection (specimens collected under direct observation) shall or may be required when:

1. A donor alters or attempts to alter, substitute, or contaminate a urine specimen.

2. A donor attempts to obstruct the testing process.

3. The temperature of the urine specimen is outside of the established temperature range 90-100 degrees F.

4. A previous drug test report indicated an adulterated or substituted specimen.

5. A donor has previously had a verified positive test result.

C. Drivers shall notify the Designated Employer Representative (DER) of any conviction of a violation, in any type of motor vehicle, a State or local law relating to motor vehicle traffic control (other than a parking violation) but including a criminal drug or alcohol statute conviction. Drivers are also required to notify the DER if his/her driver's license is suspended, revoked, or canceled by a State or jurisdiction; who loses the right to operate a CMV for any period; or, who is disqualified from operating a CMV. The notification must be made before the end of the business day following the day the employee received notice of the suspension, revocation, cancellation, lost privilege, or disqualification.

D. Legally prescribed medications must be written ONLY for the driver. Any driver taking a medication prescribed for another person (including a spouse) will be considered to be taking an illegal substance. Medications and any food substance containing alcohol are prohibited for drivers on duty and while performing safety sensitive functions. Ingestion of hemp foods or products is not a legal medical explanation as a defense to a positive drug test under DOT.

E. The Employer reserves the right to implement a policy, in accordance with 49 CFR parts 40.155(c) and 40.197, that requires an employee to immediately take another drug test upon the receipt of a "negative dilute" test result from the MRO. When an employee is directed to take another test (but not under direct observation), the result of the second test becomes the test of record. The employer is not permitted to make the employee take a third test because the second test was also "negative dilute." If an employee does not take a second test, it becomes a refusal to test and the employee will be subject to the same disciplinary action as provided herein on a refusal to test.

IX. CONSEQUENCES OF PROGRAM VIOLATION(S)

A. Except as otherwise provided in this Policy, no driver shall perform safety sensitive functions, including driving a CMV, if the driver has engaged in conduct prohibited by this Policy or an alcohol or controlled substances rule of another U.S. Department of Transportation agency. For purposes of this section, "CMV" means a commercial motor vehicle in commerce as defined herein and a CMV in interstate commerce as defined in 49 CFR part 390.

B. No driver who has engaged in conduct prohibited by this Policy shall perform safety sensitive functions, including driving a CMV, unless the driver has successfully completed the referral, evaluation, and treatment listed in this Policy.

C. No driver tested under the alcohol testing requirements of the DOT/FMCSA listed in this Policy who is found to have an alcohol concentration of 0.02 but less than 0.04 shall perform or continue to perform

safety sensitive functions for the Town of Manchester including driving a CMV, until the start of the driver's next regularly scheduled duty period, but not less than twenty-four (24) hours following the administration of the test.

D. Drivers who have engaged in conduct prohibited by this Policy will be advised by the Town of Manchester of the resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. **(Appendix C)**

E. Drivers who have engaged in conduct prohibited by this Policy will be evaluated by a SAP who will determine what assistance the employee needs in resolving problems associated with alcohol misuse and controlled substances use.

F. In the event a driver is returned to duty requiring the performance of safety sensitive functions after engaging in conduct prohibited by this Policy, and after successfully completing the return-to-duty requirements, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02, and/or a controlled substances test with a verified negative result, and be subject to the follow-up testing requirements.

G. The requirements of this Policy with respect to referral, evaluation and rehabilitation do not apply to applicants who refuse to submit to a pre-employment controlled substances test or who have a pre-employment controlled substances test with a verified positive, substituted, or adulterated test result.

H. An employee cannot voluntarily self-identify that he/she needs assistance to avoid testing or disciplinary action related to a violation of this Policy.

X. AVAILABLE ASSISTANCE

A. A list of names, addresses, and telephone numbers of counseling, treatment and rehabilitation providers is available in **(Appendix C)**. The Employer does not imply any endorsement of these services in furnishing such a list.

B. An employee may contact the Employer's Designated Representative listed in **(Appendix B)** to identify additional resources for treatment.

C. Periodically the Employer will disseminate drug abuse and alcohol misuse information to drivers.

D. A driver identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use must:

1. Be evaluated by a Substance Abuse Professional (SAP);
2. Complete the recommended treatment, counseling plan, etc.
3. Be re-evaluated by the SAP to determine successful completion of treatment; and
4. Submit to a return to duty test for drugs and/or alcohol
   a. The result for a controlled substances test result must be negative and/or;
   b.
   c. The alcohol test result must confirm an alcohol concentration level less than 0.02.
5. After passing a return to duty test, the driver is required to submit to at least six (6) follow up tests during the first 12 months following return to duty.

6. Follow up testing may be required for up to 60 months unless the substance abuse professional makes a determination testing is no longer warranted.

7. Follow up tests are unannounced and may include testing for drugs and/or alcohol.

8. Follow-up alcohol testing will be conducted only when the driver is performing or just before safety sensitive functions, or just after the driver has ceased performing safety sensitive functions.

XI. NOTIFICATION OF PROGRAM

A. Applicants for driver positions may be notified of this Policy by letter, by posting the Policy or a notice there of prominently in the applicant processing area or by including such notice on the application for employment.

B. All incumbent employee drivers were notified of the Policy prior to implementation and will receive notice of any amendments to this Policy. Copies of the Policy are available for inspection during regular business hours in the Employer's business office.

C. Questions regarding this Program may be directed to the Employer's Designated Representative listed in **(Appendix B).**

XII. CONSENT TO TESTING

Applicants and employee drivers are required to complete and sign a form that includes, but is not limited to, the information listed below. The form will be executed and maintained as part of the pre-placement/employment procedures. As such, the requirements for confidentiality are the same as any other record.

A. Acknowledges that notice of this Policy, 49 CFR part 382, U.S. Department of Transportation/Federal Motor Carrier Safety Administration regulations and testing procedures required in 49 CFR part 40 has been provided.

B. Acknowledges consent by the applicant or employee to be tested for chemical substances, as defined herein, and comply with the provisions of the Policy.

C. Authorizes the Employer's Medical Review Officer and a breath alcohol technician, when an EBT test is performed or STT when a saliva/breath screening alcohol test is performed, to release results to the DER.

D. Acknowledges that no applicant or employee can be forced to submit to a chemical substance screening test, but that failure to submit constitutes a refusal to test and shall create a rebuttable presumption that a chemical substance was present.

XIII. DISCLAIMER - SEPARABILITY AND SAVINGS

A. Federal regulations shall not be construed to preempt provisions of state criminal laws that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees, employers, or the general public.

B. This Policy does not imply any contractual employment relationship and the Employer explicitly reserves the right to "employment at will."

C. If any portion of this Policy or any amendments hereto should be held invalid by operation of law or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any portions should be restrained by such tribunal pending a final determination as to its validity, the remainder of this

program and amendments, or the application of such portion to persons or circumstances other than those to which it has been held invalid or as to which compliance with or enforcement of has been restrained shall not be affected.

D. This Policy is not intended to and shall not constitute any waiver of any rights possessed by the Employer from any source whatsoever. Nothing in this Policy shall be construed as limiting the Employer's right to take disciplinary action up to and including termination for willful misconduct due to involvement with drugs or alcohol not specifically addressed herein.

E. This Policy may be amended as required by federal, state, or local laws and regulations affecting drug and alcohol testing programs in the workplace.

XIV. DISCIPLINE

Drug & Alcohol Testing Disciplinary Process

For the first instance of a verified positive test from a sample submitted as the result of a random, or reasonable suspicion drug/alcohol test (≥ 0.04 BAC), disciplinary action against the employee shall include:

(a) Mandatory referral to Substance Abuse Professional for assessment, formulation of a treatment plan, and execution of a return to work agreement;
(b) Five (5) day suspension without pay;
(c) Failure to execute, or remain compliant with the return-to-work agreement shall result in termination.

Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of the SAP the employee is cooperating with his/her SAP recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as defined in Section P of this policy;

(d) Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination.

(e) A periodic unannounced follow-up drug/alcohol test, which results in a verified positive, shall result in termination.

1. The second instance of a verified positive drug or alcohol (≥ 0.04 BAC) test result from a sample submitted under the random, reasonable suspicion, return-to-duty, or follow-up drug/alcohol test provisions herein shall result in termination.

2. A verified positive post-accident drug and/or alcohol (≥ 0.04) test shall result in termination.

3. An alcohol test result of ≥0.02 to ≤ 0.039 BAC shall result in the removal of the employee from duty for eight hours or the remainder or the workday whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to an alcohol test with a result of less than 0.02 BAC. If the employee has an alcohol test result of ≥ 0.02 to ≤ 0.039 two or more times within a six month period, the employee will be removed from duty and referred to the SAP for assessment and treatment.

4. The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. The employee will be permitted to take accrued sick leave or administrative leave to participate in the SAP prescribed treatment program. If the employee has insufficient accrued leave, the employee shall be placed on leave without pay until the SAP has determined that the employee has successfully completed the required treatment program and releases him/her to return-to-duty. Any leave taken, either paid or unpaid, shall be considered leave taken under the Family and Medical Leave Act.

5. In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:

   (a) Mandatory referral to a Substance Abuse Professional for assessment, formulation of a treatment plan, and execution of a return to work agreement;

   (b) Failure to execute, or remain compliant with the return-to-work agreement shall result in.

Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of the SAP the employee is cooperating with his/her SAP recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as defined in Section P of this policy;

(c) Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination.

(d) A self-referral or management referral to the SAP that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline policy.

(e) Periodic unannounced follow-up drug/alcohol test conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in this policy.

(f) A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment.

(g) A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.

(10) Failure of an employee to report within five (5) days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Part 382 for a positive test or test refusals are not subject to arbitration.

Appendix A

DHHS/SAMHSA Certified Drug Testing Laboratories

Drugs Tested/Cutoff Concentrations/Validity Testing/Retention of Specimens

A laboratory must only test a specimen for the following five drugs or classes of drugs in a DOT drug test. The laboratory is prohibited from testing specimens for any other drugs including DNA testing.

Type of Drug/Metabolite	Initial Test	Confirmation Test
Marijuana Metabolite Delta–9-tertrahydrocannabinol-9-carboxylic acid (THC)	50	15
Cocaine Metabolites (Benzoylecgonine)	300	150
Phencyclidine (PCP)	25	25
Amphetamines Amphetamine Methamphetamine	1000	500 500 (Specimen must also contain amphetamine at a concentration of greater than or equal to 200 ng/ml).
Opiates Morphine Codeine 6-MAM	2000	2000 2000 10 *
*A 6-MAM test is only performed when a specimen contains morphine at a concentration equal to or greater than 2000 ng/ml.		

1. **On an initial test: (1) If the result is below the cutoff concentration level it is reported as negative. (2) If the result is at or above the cutoff level, a confirmation test must be performed.**

2. **On a confirmation test: (1) If the result is below the cutoff level it is reported as negative. (2) If the result is at or above the cutoff level, it is reported as a confirmed positive result.**

3. **Quantitative values for morphine or codeine must be reported at 15,000 ng/ml or above.**

Alcohol testing performed by a Certified Breath Alcohol Technician (BAT) using an Evidential Breath Testing (EBT) Device, which appears on the CPL of the National Highway Traffic Safety Administration and approved by DOT. Prohibited alcohol concentration levels are:

Screening	Confirmation
0.02> requires confirmation	0.02<0.04 requires 24 hours removal 0.04> requires removal and referral to SAP

Appendix B

Contacts/Providers

PERSON IDENTIFIED TO ANSWER QUESTIONS

As part of the Town of Manchester Policy to ensure fair and equal treatment of drivers, the Town of Manchester understands that there may be questions and concerns involving the Controlled Substances and Alcohol Testing Policy.

To assist drivers in understanding the requirements placed on drivers and Town of Manchester Human Resources Administrator (Cynamon Marshall or successor) has been designated to answer any questions that may arise concerning the Controlled Substances and Alcohol Testing Policy, and may be contacted at:

Phone:	(802) 362-5163	**Fax:**	(802) 362-1314
Email:	c.marshall@manchester-vt.gov		
Address	6039 Main Street, Manchester Center, VT 05255		

THIRD PARTY ADMINISTRATOR

PARAMED PLUS, Inc.
27 Gable Place
Barre, VT 05641
802-479-9201

DRUG TESTING LABORATORY

Clinical Reference Laboratory
8433 Quivira
Lenexa, KA 66215
800-445-697

MEDICAL REVIEW OFFICER

Dr. Richard Brody, MRO
200 North Main Street, Suite 6
East Longmeadow, MA 01028
413-525-6003
Fax 413-525-9009

49 CFR part 40 and 49 CFR part 382 must be available upon request to covered employees and representatives of employee organizations. 49 CFR part 40 is accessible on line at http://www.dot.gov/ost/dapc, by fax on demand at 1-800-225-3784 requesting document 151, by phone at 1-866-512-1800, or by writing to U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance, 400 Seventh Street SW, Room 10403, Washington, D.C. 20590.

Appendix C

Sources of Assistance and Help

SAMHSA Facility Locator http://findtreatment.samhsa.gov; This searchable directory of drug and alcohol treatment programs shows the locations around the country that treat alcoholism, alcohol abuse and drug abuse problems. The Locator includes more than 11,000 addiction treatment programs, including resource centers, outpatient treatment programs, and hospital inpatient programs for drug addiction and alcoholism. Listings include treatment programs for marijuana, cocaine, and heroin as drug and alcohol treatment programs for adolescents, and adults.

National Clearinghouse for Drug and Alcohol Information

Monday-Friday
1-800-729-6686

National Council on Alcoholism

7 days a week, 24 hours a day
1-800-622-2255

EAP Clinical Manager

7 days a week, 24 hours a day
1-888-392-0050

DOT

www.dot.gov/dapc/documents.html

FMCSA

www.fmcsa.gov/rules-regulations/topics/drug/drug.html

FMCSA Montpelier Office

Monday-Friday
802-828-4480

Appendix D

Town of Manchester, Vermont

CONTROLLED SUBSTANCES AND ALCOHOL TESTING POLICY AND PROCEDURES

ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING

I HEREBY ACKNOWLEDGE that I have received read and understand my Employer's *Controlled Substances and Alcohol Testing Model Policy* and procedures and understand that I must abide by the terms as a condition of employment. I understand that during my employment I may be required to submit to a controlled substances and/or alcohol test based on U.S. Department of Transportation (DOT) and Federal Motor Carrier Safety Administration (FMCSA) regulations.

I also understand that refusal to submit to a controlled substances or alcohol test is a violation of DOT regulations and my Employer's policy, and may result in disciplinary action, including suspension (with or without pay) or termination of employment for gross and willful misconduct. I further understand the consequences related to controlled substances use or alcohol misuse conduct as prohibited by my Employer's policy.

I acknowledge that the provisions of my *Employer's Controlled Substances and Alcohol Testing Policy* and procedures are part of the terms and conditions of my employment, and that I agree to abide by them.

THE UNDERSIGNED STATES THAT HE OR SHE HAS READ THE FOREGOING ACKNOWLEDGEMENT AND UNDERSTAND THE CONTENTS THEREOF:

Date: _____ **Date:** _____

_____ _____

Signature of Employee/Applicant **Witness Signature**

_____

Printed Name

_____

CDL ID Number

Original Acknowledgment of Receipt and Understanding will be kept on file with the Town of Manchester. A copy of the Acknowledgement of Receipt and Understanding will be provided to the employee/applicant.