

Franklin County Natural Resources Conservation District

Personnel Policy

Approved October 21, 2021

1. Purpose

The purpose of this Personnel Policy is to support the mission of the Franklin County Natural Resources Conservation District (District) by providing clear expectations and responsibilities for District employees and supervisors.

2. Approval and Amendment

This Personnel Policy shall be approved by the District Board of Supervisors and may be amended by vote of the Board at any time. It shall be reviewed, amended if needed, and re-approved at least annually.

3. Equal Opportunity Employment

The District maintains a strong policy of equal employment opportunity. We ensure equal opportunity for all employees and applicants for employment. We hire, train, promote, compensate, and dismiss employees without regard to race, color, ethnicity, religion, national or local origin, citizenship, age, ability protected veteran status, sexual orientation, or gender identity.

4. Compensation

a. Employee Classification and Overtime

District employees will generally be paid on an hourly basis and are not exempt from overtime. Staff can only be salaried and exempt from overtime payments if their position and responsibilities are in line with federal Fair Labor Standards Act and state law requirements.

Employees eligible for overtime must check with their supervisor(s) prior to working overtime hours. The District does not budget for overtime pay and expects employees to limit their hours to no more than 80 in a two week pay period. Unapproved hours worked over 80 may be compensated as paid leave with supervisor approval.

Full time staff are those planning to work for the District on an ongoing basis for an average of at least 32 hours per week. Part time staff are those planning to work for the District on an ongoing basis for on average less than 32 hours per week.

Temporary staff are hired for a short, defined term, typically less than four months.

Employment at the District is for no specified time, regardless of length of service. We reserve the right to end our relationship with employees at any time, with or without notice, for any reason not prohibited by law.

It is the responsibility of each employee to promptly notify the District of any changes in personnel data, including home mailing address, telephone number, name and telephone number of dependents, and individuals to be contacted in the event of an emergency.

b. Wages & Raises

District employees will generally be paid in one of three categories:

- **Technical staff:** Generally performing a narrowly defined set of tasks under direct supervision. Tasks generally require between one to three days of training and little other qualifications. Examples may include someone assisting with the Tree Sale or collecting water quality samples. Technical staff will generally be paid according to the federal General Schedule Grade 4.
- **Project Technician:** Generally managing one or two regular projects; supporting other major projects for the District. This staff will generally be paid initially at the federal General Schedule Grade 5/Step 2.
- **Projects Coordinator:** Generally managing from one to several major projects or programs for the District. Required to think critically; balance competing priorities; integrate projects into the broader context of existing partners, projects and programs; understand project/program level-financials; and collaborate regularly with the District Manager. This staff will generally be paid initially at the federal General Schedule Grade 5/Step 4.
- **District Manager:** Performs many of the same duties as Coordinator staff and provides general operational oversight and leadership of the District. Provides feedback, direction and support to all other District staff. Manages District financials in collaboration with the Board and bookkeeper. Responsible for regular communication and coordination with the Board. The District Manager will generally be paid at the General Schedule Grade 7 but may be initially brought on at Grade 6 depending on previous experience. This position meets the “duties” qualifications for overtime exemption. Salaried versus hourly pay basis will be determined in conversation between the individual employee and the Board.

Each June, or as determined appropriate based on time spent at the District, all staff will be evaluated. It is the intention of the District to set wages and raises in reference to the federal General Schedule and “locality pay” table – currently there is a Burlington-area table that applies to Franklin County, if appropriate and possible for each employee. Actual wage raises are subject to performance and availability of funds. The District Manager will conduct performance evaluations of staff and recommend any wage raises to the Board for approval. The Board is responsible for conducting performance evaluations of the Manager.

At the start of each new calendar year, all District Employees will also be considered for a Cost of Living Allowance (COLA) wage increase. Contingent upon availability of funds, these increases shall follow the federal COLA adjustment for that year.

The District Manager will prepare, and the Board will review and approve, an annual budget that supports anticipated wages, raises and benefits for the fiscal year. Grants and agreements will be written to provide necessary funding to support these wages.

c. Benefits

i. Health Care

The purpose of the Health Benefit is to ensure all staff members have basic access to health care. In FY2019 the District began offering health care benefits to its sole staff person. The amount of the benefit was modeled after VACD’s cafeteria health benefit options and was set at \$500 per month.

All full time District staff electing to purchase insurance through the District’s small group plan shall receive full health benefits consisting of \$600/month in FY2022 and adjusted annually in proportion to rate increases approved by the Green Mountain Care Board for Blue Cross and Blue Shield of Vermont. The actual amount of the benefits will be approved by the Board in the annual budget. Permanent part time staff (averaging <32 hrs/week) will receive pro-rated health benefits proportional to their hours. The health benefit can be applied to a health insurance plan with Blue Cross

Blue Shield of Vermont through the Franklin County NRCD's small group plan, and any benefit not used can be contributed to a pre-tax Health Savings Account or taken as a taxable stipend. Temporary employees are generally not eligible for health benefits, but individual arrangements outside this policy may be approved by the Board.

ii. Paid Leave

The District offers combined paid leave. Uses of paid leave include, but are by no means limited to, vacation, sick leave, family and medical leave, holidays, bereavement, mental health, and any other purpose. It can be used for the employee's illness or injury, for a dependent's illness or injury, to address the effects of domestic violence, sexual assault, or stalking, or to care for a family member because the school or business where the family member is located is closed for public health or safety reasons. Paid leave of five or more consecutive days must receive prior approval from the District Manager (or from the Board, for the Manager.) Paid leave of five or more consecutive days should be scheduled with as much advance notice as possible so that workloads may be reallocated as necessary.

Employees accrue one hour of combined paid leave for every ten hours worked. "Hours worked" excludes paid leave hours used. Employees may borrow up to one week's paid leave before it has been accrued. However, if an employee terminates employment before borrowed vacation is earned, the value of the unearned leave will be deducted from the employee's final paycheck (exemptions may be granted in the event of leave borrowed for illness, bereavement, or other personal crises.) Employees may carry forward 40 hours of paid leave from one fiscal year to the next. In the event of termination, the District will compensate the employee for paid leave accrued but not taken up to a maximum of 80 hours.

Compensatory (comp) time may be accrued at a 1.5x rate across pay periods if the number of hours worked exceeds 80 hours in a pay period. Comp time will be paid out in full in the event of termination. Comp time may be carried across calendar and fiscal years in any amount. Use of comp time as paid time off should be discussed with the District Manager in advance as possible.

While the District is not able to offer as much paid leave as some of its partner organizations, the District is committed to accommodating employee needs through increased flexibility of District work as well as our more generous unpaid leave policy. Adjustments to the paid leave policy may be considered upon changes to District revenues

iii. Retirement

After completing six months of successful employment, District staff are eligible for retirement benefits. The retirement benefit shall be in the amount of \$1100 annually in FY2022. Increases to retirement contributions will be considered annually and adjusted with reference to variables such as changes in state or federal law and budgetary considerations.

iv. Unpaid Leave of Absence

In recognition that employees may require more leave than can be accommodated under the District's Paid Leave policy, the District has adopted a flexible unpaid leave policy. For unpaid leave of five or more consecutive days, employees should review their job description and hire letter, and the hours and responsibilities agreed to therein. Unpaid leave of five or more consecutive days must receive prior approval from the District Manager (or from the Board, for the Manager.) Approval will be based on the District's expected ability to fulfill its responsibilities during the employee's absence without placing undue burden on other staff. Recognizing the value of retaining its employees, and in compensation for its limited ability to provide paid leave, the District will make every reasonable effort to continue full payment of health care benefits during unpaid leave. Provision of benefits and other terms of such longer-term unpaid leave will be determined on a case-by-case basis.

v. Family and Medical Leave

At this time, the District does not offer paid parental leave benefits but will support employees in accessing external benefits related to parental leave such as short-term disability plans. For employees who have worked for the District for at least 12 months (does not need to be consecutive), the District will provide 12 weeks of unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave as required by the Family Medical Leave Act of 1993. Additional unpaid time off beyond the base 12 weeks may be approved on a case-by-case basis.

vi. Reimbursement

The District reimburses employees for mileage expenses when using their own vehicle for work purposes, however, this should be avoided whenever possible through use of government vehicles as allowed under the District's MOU with NRCS. The reimbursement rate is determined annually based on the federal rate. This does not include commuting to and from the office. Employees must provide information to justify their mileage claims including to and from locations, round trip mileage, and the purpose of the trip.

The District reimburses employees for other expenses such as supplies, transportation, lodging, meals, etc. upon presentation of receipts, explanation of purpose, and with supervisor approval.

5. Behavior in the Workplace

The District desires to maintain a workplace that is safe and professional. All employees are expected to conduct themselves in a courteous, professional manner that is respectful to customers, partners and other employees. As a general guideline, in addition to the specific policies set forth in this policy, the following conduct is prohibited in the workplace and at District sponsored functions:

- Conduct which is disruptive or destructive towards fellow employees, partner employees, customers
- Unauthorized handling or use of another person's workplace or property.
- Crude, foul or inappropriate language, gestures or conduct.

The District expects its employees to conduct themselves in a safe manner, to use good judgment and common sense in matters of safety, to observe safety rules posted in various locations, and to follow all OSHA and state safety regulations.

An employee's failure to comply with these professional conduct rules will be subject to sanctions appropriate to the circumstances, ranging from a verbal warning up to and including dismissal.

i. Drug-Free Workplace

Employment at the District is conditioned upon compliance with the following requirements:

- A. The manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in your workplace.
- B. Consuming alcohol or any controlled substance before or during work activities; being under the influence of alcohol or any controlled substance during work or work hours activities; or returning to a work site after having consumed alcohol or any controlled substance is prohibited.
- C. Conviction of any criminal drug statute occurring in the workplace must be reported in writing to the District Manager and/or Board of Supervisors within five days.

ii. Discrimination/Harassment Policy

The District prohibits discrimination based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, age, political affiliation, and, in most cases, religion.

Harassment based on the protected class status listed in the paragraph above is also prohibited, including both overt acts of harassment and those acts that create a negative work environment.

Discriminatory harassment is any behavior based on protected class status which is unwelcome and personally offensive and, thereby, may affect morale and interfere with the staff member's ability to perform. For example, harassment based on national origin has been defined by the U.S. Equal Employment Opportunity Commission as "Ethnic slurs and other verbal or physical conduct relating to an individual's national origin."

The District is opposed to and prohibits sexual harassment. Sexual harassment violates an individual's basic civil rights, undermines the integrity of the service location, and adversely affects members, workers and clients alike. Sexual harassment is a form of discrimination on the basis of sex and is, therefore, prohibited at service locations by both state and federal law. It is also unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of sexual harassment. Report any issues of this nature immediately to the District Manager or member of the Board of Supervisors.

Discriminatory harassment may occur: 1) among peers or coworkers, 2) between managers and subordinates, or 3) between members and the public.

Each staff member is responsible for complying with this policy. Varying degrees of discriminatory harassment violations may occur and require varying levels of discipline. Individuals who instigate harassment are subject to serious disciplinary actions up to and including release from employment. Additionally, inappropriate behaviors that do not rise to the level of discriminatory harassment, but are none the less disruptive, should be corrected early and firmly in the interests of maintaining a harassment and discrimination-free workplace. Any unintentional or deliberate violation of this policy by an employee is cause for appropriate disciplinary action.

It is unlawful to retaliate against any person who, or organization that, files a complaint about such discrimination. Complaints may be filed with local and state agencies that are responsible for resolving discrimination complaints.

iii. Confidentiality

The District and its technical partners provide employees access to a significant amount of confidential information including, without limitation, information regarding customers and the finances, management and operations of the District. This information is confidential. An employee who divulges confidential information may be terminated. Employees should continue to hold in confidence, after termination of employment for any reason, confidential business or customer information obtained during the course of their employment.

iv. Gifts

District employees may not accept gifts in cash or in-kind worth more than \$25 from customers or program participants, nor benefit financially through any dealings with customers.

7. Reasonable Accommodation

Staff members with mental or physical disabilities have the right to request reasonable accommodations. A reasonable accommodation is any modification or adjustment to a job, practice, or service environment that makes it possible for

an individual with a physical or mental disability to perform the essential functions of a job. It is the policy of the District to accommodate such individuals upon request unless the accommodation would impose an undue hardship on the organization.

Examples of accommodations may include acquiring or modifying equipment or devices; modifying examinations and training materials; making facilities readily accessible; job restructuring; modifying service schedules; providing qualified readers or interpreters.

An individual with a disability is defined for purposes of this policy as a person who:

- has a physical or mental impairment that substantially limits one or more major life activities
- has a history of such an impairment
- is perceived or “regarded as” having such an impairment, even when the impairment does not exist

Requesting reasonable accommodations: A staff member with a disability may request a reasonable accommodation from the District Manager. The District Manager will meet with the staff member and, in consultation, discuss: 1) the nature of the impairment, the life activity that is substantially limited, and how the life activity is limited, 2) the effect of the impairment on the ability to perform the job, 3) the type of accommodation requested, and 4) the effect of the accommodation on performing the essential functions of the job.

8. Grievance Policy

Grievances are situation where an employee feels that actions of the employer are in violation of this policy, place the employee in an unsafe environment, or are a violation of local, state or federal laws.

- Informal Grievance Procedure
 - Any employee with a grievance should first discuss the grievance with their direct supervisor. (Direct supervisor for DM is the chair) Notes should be taken by the supervisor to establish a record of the conversation. If the discussion does not satisfactorily resolve the grievance, the employee may follow the Formal Grievance Procedure.
- Formal Grievance Procedure
 - In a Formal Grievance Procedure, the grievance must be presented in writing to the direct supervisor for submission to the Board.
 - The employee shall have the right to request that the Board convene a hearing on the complaint.
 - The Board shall hold a hearing within two (2) weeks of receipt of the written request.
 - The decision of the Board is final.

Amended and approved by the Franklin County NRCD Board of Supervisors on October 21, 2021.