



Regular City Council Meeting
Monday, July 7 · 6:00 – 9:00pm
Google Meet joining info

Video call link: <https://meet.google.com/hff-uxdh-wjp>
Or dial: (US) +1 269-948-7526 PIN: 991 870 437#

Mayor Rick Ufford-Chase, President Kevin Charboneau, Council Members, Carter Finegan, John Monette and Andrew Touchette, Clerk/Treasurer James Johnson

1. Call the Meeting to Order
2. Additions/Deletions
3. Consent Agenda
 - a. Approval of Minutes: Minutes 07 02 25
 - b. AP Warrants:
 - i. 06 30 25 9:44 am
 - ii. 06 30 25 1:08 pm
 - iii. 07 01 25 8:32 am
 - c. PR Warrants:
 - d. Liquor Licenses, Vendor Permits, Special Events
 - i. Three Roots LLC
 - ii. Possible Request from MCM Snack Bar re: Permit to sell alcohol (not available for packet)
 - iii. Event Request from Kingdom Games for the Kingdom Swim

4. Discussion and Possible Vote re: Special Town Meeting August 12, 2025 - Attorney David Rugh will be present. (see memo prepared by City Attorneys)
5. Review initial Balance Sheet for FY End 25/26 with Chip Stearns from NEMRC (Items to be provided to Council Members for review on Monday by mid-day)
6. Task Force Reports:
 - a. Financial Reporting and Fiscal Practices: Carter Finegan
 - b. Water and Sewer: John Monette
 - c. Housing Insecurity, Public Encampments, Community Safety: Kevin Charboneau
 - d. Fire Department: Andrew Touchette
7. Executive Session - Personnel Evaluation (at the Staff Person's request) as per 1 V.S.A. § 313(a)(3)
8. Tiny Art Update from NDD Volunteer Marlina Valenta
9. Update On FY24/25 Audit next steps: Verbal Report by Rick Ufford-Chase
10. Establish Process for timely review of Personnel Policy (See Memo from Mayor and related documents)
11. Presentation (without discussion) of First Draft of new Vendor Policy (if it is ready in time for the meeting)
12. Council Action to notify Village of Derby regarding expected termination of Water contract once the new Water Tower is online (See Memo from Mayor)
13. Recommendation to back out of Coventry Engineering Grant Award: (see background materials in packet - presentation by Grants Administrator Frank Cheney)
14. Executive Session - For the purpose of Interviewing a candidate for the Position of Financial and Office Administrator as per 1 V.S.A. § 313(a)(3)
15. Public Comment
16. New Business
17. Old Business
18. Set the Next meeting of the Council - Regular Meeting June 16, 2025 at 6 pm
19. Adjournment

NEWPORT CITY COUNCIL MINUTES
July 2, 2025

A duly warned special meeting of the Newport City Council was held on Wednesday, July 2, 2025, in the Council Room in the Newport City Municipal Building. Present were: Mayor Rick Ufford-Chase, Council President Kevin Charboneau, Council Members John Monette, Carter Finegan, and Andrew Touchette, Assistant City Clerk/Treasurer Stacey Therrien, and members of the press and public.

Mayor Ufford-Chase called the meeting to order at 5:07 p.m.

Additions/Deletions

Additions: Minutes of June 27, 2025, and Memphremagog Community Maritime Inc. liquor license. John Monette moved to approve the additions. Seconded by Kevin Charboneau, motion carried unanimously.

Approval of Minutes

Andrew Touchette moved to approve the minutes of June 27, 2025. Seconded by John Monette, motion carried unanimously.

Approval of License

Kevin Charboneau moved to approve the liquor license for Memphremagog Community Maritime Inc. Seconded by John Monette, motion carried unanimously.

Approval of Non-Revolving Line of Credit from Passumpsic Bank

Kevin Charboneau moved to approve the Passumpsic Bank's Terms of Conditions and Covenants subject to other provisions of Vermont Law. Seconded by Andrew Touchette, motion carried unanimously.

Kevin Charboneau moved that the City approve the Tax Certificate for Current Expense Borrowing related to the City's borrowing of \$2,725,000.00 from Passumpsic Bank and to authorize Mayor Rick Ufford-Chase and Clerk Treasurer James Johnson to execute the Tax Certificate. Seconded by Carter Finegan, motion carried unanimously.

John Monette moved that the City Council adopt and approve the Resolution – Current Expense Borrowing for the City's borrowing of \$2,725,000.00 from Passumpsic Bank to pay current expenses. Seconded by Andrew Touchette, motion carried unanimously.

Andrew Touchette moved that the City Council approve the Promissory Note to Passumpsic Bank to borrow \$2,725,000.00 at 5.24% interest to pay current expenses of the City, which is payable on June 30, 2026 and to authorize Mayor Rick Ufford-Chase and Clerk Treasurer James Johnson to execute the Promissory Note and any related loan documents needed to close on the borrowing. Seconded by John Monette, motion carried unanimously.

Comments by the Public

None.

New Business

None.

Old Business

None.

Next Meeting

July 7, 2025

Adjournment

Kevin Charboneau moved to adjourn at 5:35 pm. Seconded by Andrew Touchette, motion carried unanimously.

Attested _____ This _____ Day of July 2025.

Mayor

06/30/25
09:44 am

City of Newport Accounts Payable
Check Warrant Report # Current Prior Next FY Invoices
Unpaid Invoices For Check Acct 01 (GENERAL FUND) From 06/26/25 To 06/26/25

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stherrien

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
JP SICARD J.P. SICARD, INC.	050125 - 13	Proj. 20024 Water System	208795.93	0.00			--/--/--
	Report Total		208,795.93	0.00	0.00		

CITY COUNCIL

To the Treasurer of City of Newport, We Hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating \$ ***208,795.93
Let this be your order for the payments of these amounts.

06/30/25
01:08 pm

City of Newport Accounts Payable
Check Warrant Report # Current Prior Next FY Invoices
Unpaid Invoices For Check Acct 02 (GENERAL FUND) From 06/30/25 To 06/30/25

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
MUTUAL O MUTUAL OF OMAHA	063025	Life & Disability Ins	2564.22	0.00			--/--/--
Report Total			2,564.22	0.00	0.00		

CITY COUNCIL



To the Treasurer of City of Newport, We hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating \$ *****2,564.22
Let this be your order for the payments of these amounts.

Unpaid Invoices For Check Acct 01(GENERAL FUND) From 06/27/2025 To 06/30/2025

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
FA&A	ALDRICH & ELLIOTT, PC	82971 Proj 20024.004 ES Storag	12563.34	0.00			
FA&A	ALDRICH & ELLIOTT, PC	82935 Proj 22022.003 Bluff PS	3059.10	0.00			
FA&A	ALDRICH & ELLIOTT, PC	82923 Proj 20024.004 ES Storag	4492.56	0.00			
FA&A	ALDRICH & ELLIOTT, PC	83056 Proj 22022.003 Bluff PS	2092.84	0.00			
ALL STATE	ALL STATES CONSTRUCTION INC	1119565 Liquid Calcium	5540.40	0.00			
ALLEN ENG	ALLEN ENGINEERING & CHEMICAL	112-506273-0 Sodium Floride	2100.88	0.00			
LEGION	AMERICAN LEGION POST 21	062425 Flags	500.00	0.00			
ATT MOBIL	AT&T MOBILITY	070625 CM Phone Services	182.74	0.00			
BEAUR EQ	BEAUREGARD EQUIPMENT INC	IV42608 Parts	554.70	0.00			
BEAUR EQ	BEAUREGARD EQUIPMENT INC	IV42597 Parts	79.01	0.00			
CAI TECH	CAI TECHNOLOGIES	22264 Tax Maintenance	875.00	0.00			
CASELLA	CASELLA WASTE MGT INC	3151581 Sludge Disposal	4207.83	0.00			
CASELLA	CASELLA WASTE MGT INC	3148691 Disposal	122.35	0.00			
CASELLA	CASELLA WASTE MGT INC	3148619 Disposal	59.68	0.00			
CASELLA	CASELLA WASTE MGT INC	3148620 Disposal	182.03	0.00			
CASELLA	CASELLA WASTE MGT INC	3150865 Disposal	1475.91	0.00			
CASELLA	CASELLA WASTE MGT INC	3148615 Disposal	170.09	0.00			
CASELLA	CASELLA WASTE MGT INC	053125 Disposal	81.00	0.00			
CASELLA	CASELLA WASTE MGT INC	3148617 Disposal	62.68	0.00			
CASELLA	CASELLA WASTE MGT INC	3148614 Disposal	62.68	0.00			
CASELLA	CASELLA WASTE MGT INC	3155702 Disposal	614.02	0.00			
CASELLA	CASELLA WASTE MGT INC	3154081 Sludge Disposal	1555.93	0.00			
CASELLA	CASELLA WASTE MGT INC	3155737 Sludge Disposal	3019.65	0.00			
CHAMP	CHAMPLAIN VALLEY EQUIPMENT	CD47242 Parts	459.98	0.00			
CLEAN WAT	CLEAN WATERS INC.	14421 WWTP Charge Pack	4957.35	0.00			
COMCAST	COMCAST	061325 D City Dock Internet	186.53	0.00			
COMCAST	COMCAST	070925 PW PW Phone Services	135.41	0.00			
COMCAST	COMCAST	070625 WWTF WWTF Internet	110.39	0.00			
COMCAST	COMCAST	071225 AP Arsenic Plant Internet	157.27	0.00			
COMCAST B	COMCAST BUSINESS	243760492 Phone Services	1557.00	0.00			
CONS COMM	CONSOLIDATED COMMUNICATIONS	071025 Pump Station Alarm Lines	80.37	0.00			
R DESROCH	DESROCHERS, INC.	17490 Crane Service	250.00	0.00			
ENDYNE	ENDYNE INC	535909 Lab Services	75.00	0.00			
ENDYNE	ENDYNE INC	536121 Lab Services	25.00	0.00			
ENDYNE	ENDYNE INC	534587 Lab Services	125.00	0.00			
ENDYNE	ENDYNE INC	535279 Lab Services	25.00	0.00			
ENDYNE	ENDYNE INC	535278 Lab Services	25.00	0.00			
ENDYNE	ENDYNE INC	535790 Lab Services	130.00	0.00			
ERA	ENVIRONMENTAL RESOURCE ASSOCIA	113224 Supplies/Materials	325.48	0.00			
PSB VISA	FIRST BANKCARD	071425 RT Supplies/Materials	502.37	0.00			
GATES	GATE'S ELECTRIC INC	6258 PB Lighting	10149.77	0.00			
GILLS POI	GILLS POINT S TIRE	2107416 Inspection	70.00	0.00			
GLOCK	GLOCK PROFESSIONAL INC.	TRP100215393 Training	300.00	0.00			
GRN MTN E	GREEN MOUNTAIN ELECTRIC SUPPLY	S5341404.001 Supplies/Materials	503.01	0.00			
GRN MTN E	GREEN MOUNTAIN ELECTRIC SUPPLY	S5344738.001 Supplies/Materials	234.36	0.00			
HAYES	HAYES FORD INC	19627 Repairs	100.00	0.00			
HOLLAND	HOLLAND COMPANY, INC.	PI-33724 Bulk Sulfate	5407.35	0.00			
HORIZONS	HORIZONS ENGINEERING, INC	37542 Proj 230933 - Surveying	90.00	0.00			
HORIZONS	HORIZONS ENGINEERING, INC	37463 Proj 240743 Storm Water	6225.00	0.00			

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
MARSJA JARED MARSH	061325	Mileage Reimbursement	40.25	0.00			
KIMBALL KIMBALL MIDWEST	103489133	Supplies/Materials	189.78	0.00			
KITTELL KITTELL BRANAGAN & SARGENT	98195	Professional Services	450.00	0.00			
LANG AIR LANG AIR CONDITIONING AND REFI	0001	GW SnackBar Compressor	652.75	0.00			
LAWSON LAWSON PRODUCTS INC	9312544592	Supplies/Materials	58.87	0.00			
LEBLANC'S LEBLANC'S PEST CONTROL	27450	Pest Control WF,GP,PB	1500.00	0.00			
LEBLANC'S LEBLANC'S PEST CONTROL	22697	Pest Control	170.00	0.00			
LEBLANC'S LEBLANC'S PEST CONTROL	29284	Pest Control	100.00	0.00			
LEGACY SI LEGACY SIGNS	1548	FD Work Attire	320.00	0.00			
ME OBRIEN M E OBRIEN AND SONS INC	I250403-IN	GP Misting Poles	52020.00	0.00			
MAGEE MAGEE OFFICE PRODUCTS	657264	Office Supplies	159.19	0.00			
MCMASTER MCMASTER-CARR SUPPLY CO	47387879	Supplies/Materials	239.64	0.00			
NEFEA NEW ENGLAND FIRE EQUIPMENT	36299	Repairs	1458.13	0.00			
NEMRC NEW ENGLAND MUNICIPAL RESOURCE	57366	Professional Services	4620.00	0.00			
AGWAY NEWPORT FARM & GARDEN	T1-0238765	Parts	3.98	0.00			
OREILLY O'REILLY AUTO PARTS	5691-196980	Parts	120.06	0.00			
OREILLY O'REILLY AUTO PARTS	5691-198311	Credit Memo	-10.00	0.00			
OREILLY O'REILLY AUTO PARTS	5691-201449	Parts	21.07	0.00			
OREILLY O'REILLY AUTO PARTS	5691-201325	Parts	119.94	0.00			
OREILLY O'REILLY AUTO PARTS	5691-201376	Parts	12.72	0.00			
OREILLY O'REILLY AUTO PARTS	5691-201072	Parts	19.99	0.00			
OREILLY O'REILLY AUTO PARTS	5691-200913	Parts	58.07	0.00			
OREILLY O'REILLY AUTO PARTS	5691-199405	Parts	58.60	0.00			
OREILLY O'REILLY AUTO PARTS	5691-199288	Parts	207.58	0.00			
OREILLY O'REILLY AUTO PARTS	5691-197800	Parts	231.52	0.00			
OREILLY O'REILLY AUTO PARTS	5691-198578	Parts	170.66	0.00			
OREILLY O'REILLY AUTO PARTS	5691-199909	Parts	14.53	0.00			
OREILLY O'REILLY AUTO PARTS	5691-200080	Parts	43.14	0.00			
OREILLY O'REILLY AUTO PARTS	5691-200013	Parts	340.29	0.00			
PELKEYS PELKEY'S ARCHERY	250620	P&R Archery	558.20	0.00			
PEPINS PEPIN'S TRUCK REPAIR INC	93253	Supplies/Materials	37.28	0.00			
PITNEY PITNEY BOWES (POSTAGE)	071325	Postage	2024.75	0.00			
PIT SUPP PITNEY BOWES (SUPPLIES)	1027679543	Postage Supplies	82.99	0.00			
R R CHARL R R CHARLEBOIS INC	IE70515	Parts	150.38	0.00			
MCGURA RANDY & ANDREA MCGUNNIGLE	062425	Property Tax Refund	3110.29	0.00			
GOSSROG ROGER GOSSELIN	2 061825	CPR Training	400.00	0.00			
SOUTHBAY SOUTH BAY SUPPLY	776785	Supplies/Materials	164.34	0.00			
SOUTHBAY SOUTH BAY SUPPLY	776707	Supplies/Materials	153.57	0.00			
SOUTHBAY SOUTH BAY SUPPLY	776603	Supplies/Materials	401.32	0.00			
SOUTHBAY SOUTH BAY SUPPLY	777649	Supplies/Materials	8.98	0.00			
SOUTHBAY SOUTH BAY SUPPLY	777093	Supplies/Materials	28.99	0.00			
STICKS STICKS & STUFF DERBY	154189	Supplies/Materials	16.99	0.00			
STILES STILES & HART BRICK SALES, LLC	23153	GP Pavers	2860.00	0.00			
STONE ENV STONE ENVIRONMENTAL, INC.	17508	Proj 20231023 GP Remedia	7101.12	0.00			
TCE INC TCE INC.	487507	Proj 470342-01-001 Light	3622.50	0.00			
GRANITE THE GRANITE GROUP	17564609-00	Supplies/Materials	104.52	0.00			
GRANITE THE GRANITE GROUP	17567739-00	Supplies/Materials	36.68	0.00			
GRANITE THE GRANITE GROUP	17568192-00	Supplies/Materials	34.55	0.00			
GRANITE THE GRANITE GROUP	17531349-00	Supplies/Materials	56.82	0.00			
GRANITE THE GRANITE GROUP	17485470-00	Credit Memo	-95.52	0.00			

City of Newport Accounts Payable
Check Warrant Report # Current Prior Next FY Invoices
Unpaid Invoices For Check Acct 01 (GENERAL FUND) From 06/27/2025 To 06/30/2025

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
GRANITE	THE GRANITE GROUP	17474297-00	Supplies/Materials	188.04	0.00		
GRANITE	THE GRANITE GROUP	17473959-00	Supplies/Materials	152.28	0.00		
GRANITE	THE GRANITE GROUP	17450188-00	Supplies/Materials	5.80	0.00		
GRANITE	THE GRANITE GROUP	17325384-00	Supplies/Materials	2.10	0.00		
PIC SHOV	THE PICK & SHOVEL INC	329512	Supplies/Materials	35.99	1.80		
PIC SHOV	THE PICK & SHOVEL INC	330064	Supplies/Materials	23.97	1.20		
PIC SHOV	THE PICK & SHOVEL INC	329651	Supplies/Materials	102.77	5.14		
PIC SHOV	THE PICK & SHOVEL INC	329780	Supplies/Materials	14.55	0.73		
PIC SHOV	THE PICK & SHOVEL INC	330265	Supplies/Materials	22.38	0.00		
PIC SHOV	THE PICK & SHOVEL INC	330157	Credit Memo	-12.41	0.00		
PIC SHOV	THE PICK & SHOVEL INC	330163	Supplies/Materials	1.89	0.09		
PIC SHOV	THE PICK & SHOVEL INC	330208	Supplies/Materials	29.96	1.50		
PIC SHOV	THE PICK & SHOVEL INC	330049	Supplies/Materials	39.29	1.96		
PIC SHOV	THE PICK & SHOVEL INC	330029	Supplies/Materials	1.98	0.10		
PIC SHOV	THE PICK & SHOVEL INC	330026	Supplies/Materials	19.99	1.00		
PIC SHOV	THE PICK & SHOVEL INC	329961	Supplies/Materials	78.07	3.90		
PIC SHOV	THE PICK & SHOVEL INC	329939	Supplies/Materials	157.16	7.86		
PIC SHOV	THE PICK & SHOVEL INC	329928	Supplies/Materials	143.87	7.19		
PIC SHOV	THE PICK & SHOVEL INC	329922	Supplies/Materials	107.45	5.37		
PIC SHOV	THE PICK & SHOVEL INC	329900	Supplies/Materials	98.97	4.95		
PIC SHOV	THE PICK & SHOVEL INC	329889	Supplies/Materials	29.98	1.50		
PIC SHOV	THE PICK & SHOVEL INC	329658	Supplies/Materials	15.99	0.80		
PIC SHOV	THE PICK & SHOVEL INC	329648	Supplies/Materials	3.84	0.19		
PIC SHOV	THE PICK & SHOVEL INC	329624	Supplies/Materials	19.98	1.00		
PIC SHOV	THE PICK & SHOVEL INC	329566	Supplies/Materials	135.59	6.78		
PIC SHOV	THE PICK & SHOVEL INC	329529	Supplies/Materials	43.48	1.65		
PIC SHOV	THE PICK & SHOVEL INC	329523	Supplies/Materials	353.30	17.67		
PIC SHOV	THE PICK & SHOVEL INC	329490	Supplies/Materials	30.97	1.55		
PIC SHOV	THE PICK & SHOVEL INC	329505	Supplies/Materials	8.16	0.41		
PIC SHOV	THE PICK & SHOVEL INC	329399	Supplies/Materials	7.69	0.38		
PIC SHOV	THE PICK & SHOVEL INC	329393	Credit Memo	-13.00	0.00		
PIC SHOV	THE PICK & SHOVEL INC	329246	Supplies/Materials	15.36	0.77		
PIC SHOV	THE PICK & SHOVEL INC	329214	Supplies/Materials	71.38	3.57		
PIC SHOV	THE PICK & SHOVEL INC	329203	Supplies/Materials	79.06	3.98		
PIC SHOV	THE PICK & SHOVEL INC	329179	Supplies/Materials	23.99	1.20		
PIC SHOV	THE PICK & SHOVEL INC	329159	Supplies/Materials	4.98	0.25		
PIC SHOV	THE PICK & SHOVEL INC	329176	Supplies/Materials	19.06	0.95		
PIC SHOV	THE PICK & SHOVEL INC	329171	Supplies/Materials	21.99	1.10		
PIC SHOV	THE PICK & SHOVEL INC	329234	Supplies/Materials	22.45	1.12		
PIC SHOV	THE PICK & SHOVEL INC	329155	Supplies/Materials	14.17	0.71		
PIC SHOV	THE PICK & SHOVEL INC	329151	Supplies/Materials	19.99	1.00		
PIC SHOV	THE PICK & SHOVEL INC	329138	Supplies/Materials	29.46	1.47		
PIC SHOV	THE PICK & SHOVEL INC	329038	Supplies/Materials	6.49	0.32		
PIC SHOV	THE PICK & SHOVEL INC	329018	Supplies/Materials	40.26	2.01		
PIC SHOV	THE PICK & SHOVEL INC	328721	Supplies/Materials	61.05	3.05		
PIC SHOV	THE PICK & SHOVEL INC	328722	Supplies/Materials	87.89	4.39		
PIC SHOV	THE PICK & SHOVEL INC	328769	Supplies/Materials	15.48	0.77		
PIC SHOV	THE PICK & SHOVEL INC	328771	Supplies/Materials	130.24	3.01		
PIC SHOV	THE PICK & SHOVEL INC	328756	Supplies/Materials	19.37	0.97		
PIC SHOV	THE PICK & SHOVEL INC	328724	Supplies/Materials	10.95	0.55		

City of Newport Accounts Payable
Check Warrant Report # Current Prior Next FY Invoices
Unpaid Invoices For Check Acct 01(GENERAL FUND) From 06/27/2025 To 06/30/2025

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
PIC SHOVS THE PICK & SHOVEL INC	328784	Supplies/Materials	45.96	2.30			
PIC SHOVS THE PICK & SHOVEL INC	328792	Supplies/Materials	23.16	1.16			
PIC SHOVS THE PICK & SHOVEL INC	328630	Supplies/Materials	34.96	1.75			
PIC SHOVS THE PICK & SHOVEL INC	328643	Supplies/Materials	139.98	0.00			
PIC SHOVS THE PICK & SHOVEL INC	330652	Supplies/Materials	19.99	1.00			
PIC SHOVS THE PICK & SHOVEL INC	330384	Supplies/Materials	52.39	2.62			
PIC SHOVS THE PICK & SHOVEL INC	330305	Supplies/Materials	13.56	0.68			
UNITED AG UNITED AG & TURF NE	11184703	Parts	68.00	0.00			
UNITED AG UNITED AG & TURF NE	11168866	Parts	214.27	0.00			
UNITED AG UNITED AG & TURF NE	11148947	Parts	20.27	0.00			
VILLDERBY VILLAGE OF DERBY WATER & SEWER	071525-30030	1456 East Main Street	595.30	0.00			
VILLDERBY VILLAGE OF DERBY WATER & SEWER	071525-30040	1474 East Main Street	21.97	0.00			
VILLDERBY VILLAGE OF DERBY WATER & SEWER	071525-30050	1724 East Main Street	509.12	0.00			
VILLDERBY VILLAGE OF DERBY WATER & SEWER	071525-30000	29 Industrial Drive	3709.32	0.00			
VILLDERBY VILLAGE OF DERBY WATER & SEWER	071525-30010	30 Industrial Drive	3260.67	0.00			
VILLDERBY VILLAGE OF DERBY WATER & SEWER	071525-30020	90 Industrial Drive	219.45	0.00			
VTELEC VT ELECTRIC COOPERATIVE INC	071725	Electric Services	14431.89	0.00			
VTELEC VT ELECTRIC COOPERATIVE INC	2496	Meter Disconnect	252.00	0.00			
VTELEC VT ELECTRIC COOPERATIVE INC	072625	Electric Services	6134.14	0.00			
WELLS FAR WELLS FARGO FINANCIAL LEASING	5034754408	C/T Copier Lease	97.48	0.00			
Report Total			192,631.05	115.42	0.00		

CITY COUNCIL

To the Treasurer of City of Newport, We Hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating \$ ***192,515.63
Let this be your order for the payments of these amounts.



Home (/DLLLicenseManagement/s/)

Application
DLL - Application - 61928

Approve

Reject

Applicant Action Required

Town Payment Received

Download

APPLICATION DETAILS

RELATED INFORMATION

Application Information

DLL - Application Id

DLL - Application - 61928

Business Entity Name

Three Roots LLC

Applicant Email

[jordancote77@icloud.com \(mailto:jordancote77@icloud.com\)](mailto:jordancote77@icloud.com)

Business Entity Phone

18026738500

Renewal Application

Foundational License

Town Fee

70

Application Fee

70.00

License/Permit Location Description

Designated Caterers Details

Days Since Last Modified

0

Estimated time period for alcohol

Name and address from whom you purchase

Renewal Change Indicated

Renewal Change Description

URL for Policies & Procedures ¹

URL for Duties ¹

Send Approval Email

Location Details

Physical Location Name ¹

Three Roots

Physical Location Street 1

1700 East Main Street

Physical Location Street 2/Unit/Suite

Physical Location City/Town

Newport

External Status

Application sent to municipality

Town Clerk/ Municipal Jurisdiction

Newport City

Application Type ¹

License

Application Category

Second Class

Application For

Second Class License

Historical Id

SECN

Holding Tobacco License

Not Holding Tobacco License

Applicant Action Comments

Town User Approval/Rejection Comments

Quantity of Alcohol required

what purpose this alcohol is used to be

Where is this alcohol to be used

Location

[LN-034715 \(/DLLLicenseManagement/s/detail/a0Aeq000004fxCDEAQLN-034715\)](/DLLLicenseManagement/s/detail/a0Aeq000004fxCDEAQLN-034715)

Address of warehouse located in Vermont:

Name Address of Vermont Wholesale Dealer

**CITY OF NEWPORT
SPECIAL EVENT PERMIT APPLICATION**

222 Main Street • Newport, VT 05855
Tel. (802) 334-2112 • Fax (802)334-5632

EVENT ORGANIZER

Business/Organization: Kingdom Games, nc	
Contact Person: Phil White	Email: phil@kingdomgames.co
Billing Address: PO Box 310	
Phone: <input type="checkbox"/> Home <input type="checkbox"/> Work <input checked="" type="checkbox"/> Cell (802) 249-9100	Phone: <input type="checkbox"/> Home <input type="checkbox"/> Work <input type="checkbox"/> Cell
Website: www.kkingdomgames.co	Fax:

EVENT DETAILS

Event Dates:
Use(s) Day(s) of the week Date(s) Time(s)
 We'd like to store our supplies on Friday, July 25th as we have done in previous years.
 The Border Busters gather at 5 and leave at 5:30 am on July 26, 2025 after which we will set up the beach for the day. We will complete all swims and award ceremonies by 5 pm. We will break down between 5 and 6:30 pm
 Ra9n date is Sunday, July 27th

Event Description: 1,3,6,10,16 mile swims over the course of the day with picnic lunch

Is this an annual event? No Yes, this is our 17th year hosting this event.

Location/Venue: Prouty Beach	Location/Venue Maximum Capacity: 500
-------------------------------------	---------------------------------------------

Number of People Expected to Attend (includes participants, spectators, staff/volunteers, vendors, entertainers): 200

PUBLIC HEALTH & PUBLIC SAFETY

Public Safety/Security Plan: We will have Newport PD patrolling out on the water

First Aid/Medical Emergency Plan: We will have Newport Ambulance Services on the Beach

Parking Plan: First 50 vehicles will be parked in the upper parking area of Prouty Beach. We have asked NCUHS to allow us to use it's parking area for the remainder, We will have no parking signs on the road down to the beach and a temporary kayak drop off down on the beach.

Litter Clean-up & Trash Plan: We will have several extra garbage and recycling cans spread around the beach and remove all garbage at the end of the day.

Restroom Plan: We will use the bath house at Prouty Beach

Will you have amplified sound? If so, please explain: A boom box

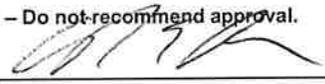
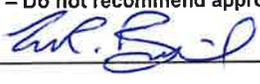
Will your event include a parade or road closure? If so, please explain: Separately applied for

Additional Services or Requests: I believe we have reserved the Pavilion and ordered a tent. Eden Cider will set up a cash bar. We also expect two food trucks to provide lunch. We will serve steamed corn, watermelon and ice cream. Clyde River Recreation will set up ts kayak rental wagon on the southeast corner of the beach, as they have done in previous years.

<p>ATTACHMENTS - All large event permit applications must include: <input type="checkbox"/> \$25 non-refundable permit fee payable to City of Newport <input type="checkbox"/> Site map describing layout of event space.* <input type="checkbox"/> Certificate of Insurance including \$1,000,000 general liability coverage, listing the City of Newport as additional insured.</p>	<p>* SITE MAPS must include: Aerial view showing placement of parking, entrances/exits, tents, picnic/food areas, restrooms, waste receptacles, utilities (power/water supply), security/emergency bases, vendors, stage/entertainment/activity areas, seating and other pertinent areas.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

By signing below, I acknowledge the information provided on this application is true and accurate. This application must be reviewed by relevant municipal departments and submitted at least 30 days prior to the event date. I understand that this permit is not approved until I have received confirmation from the City of Newport.

Signature:  _____ Print: Phil White
 Date: 6/26/25

MUNICIPAL DEPARTMENT REVIEW	
<p>In this section, it is the Event Organizer's responsibility to solicit feedback from relevant municipal departments. During the review period, the Event Organizer may need to answer additional questions or make adjustments in the interest of public safety or convenience. This process may take up to two weeks and must be completed before the Event Permit application is submitted. Applications that have not been reviewed by department heads will not be accepted.</p>	
 <p>NEWPORT RECREATION Michael Brown, Recreation Director recdirector@NewportRecreation.org (802)334-6345 ext. 4</p>	<p><input checked="" type="checkbox"/> Reviewed – Recommend approval with no conditions. <input type="checkbox"/> Reviewed – Recommend approval with conditions:</p> <p><input type="checkbox"/> Reviewed – Do not recommend approval.</p> <p>Signature:  _____ Date: 6/26/25</p>
 <p>NEWPORT POLICE DEPARTMENT Travis Bingham, Chief Travis.Bingham@NewportPD.org (802)334-6733 ext. 2</p>	<p><input type="checkbox"/> Reviewed – Recommend approval with no conditions. <input checked="" type="checkbox"/> Reviewed – Recommend approval with conditions:</p> <p style="margin-left: 40px;">- List of Boats w/ numbers of volunteers - PD Boat will be off the water @ 1700 hrs. 0700-1700 hrs.</p> <p><input type="checkbox"/> Reviewed – Do not recommend approval.</p> <p>Signature:  _____ Date: 7/1/25</p>
 <p>NEWPORT FIRE DEPARTMENT John Harlamert, Chief John.Harlamert@NewportVermont.org (802)334-7919</p>	<p><input type="checkbox"/> Reviewed – Recommend approval with no conditions. <input type="checkbox"/> Reviewed – Recommend approval with conditions:</p> <p><input type="checkbox"/> Reviewed – Do not recommend approval.</p> <p>Signature:  _____ Date: 7/1/25</p>
	<p><input type="checkbox"/> Reviewed – Recommend approval with no conditions. <input type="checkbox"/> Reviewed – Recommend approval with conditions:</p>



NEWPORT PUBLIC WORKS
Tom Bernier, Director
Thomas.Bernier@NewportVermont.org
(802)334-2124

€ Reviewed – Do not recommend approval.

Signature: Tom Bernier Date: 7/1/25

OTHER:

Contact:

Title:

Email:

Phone:

€ Reviewed – Recommend approval with no conditions.

€ Reviewed – Recommend approval with conditions:

€ Reviewed – Do not recommend approval.

Signature: _____ Date: _____

SUBMIT COMPLETED FORM TO: City of Newport, ATTN: City Clerk, 222 Main Street, Newport VT 05855
Email: James.Johnson.Clerk@NewportVermont.org **Phone:** 802-334-2112 **Fax:** 802-334-5632
with a copy to info@newportrecreation.org

WARNING

City of Newport, Vermont

Special Meeting

August 12, 2025

The legal voters of the City of Newport, County of Orleans, State of Vermont, are hereby notified and warned to meet at the Newport Municipal Building, 222 Main Street, in said City of Newport on Tuesday, August 12, 2025, beginning at eight o'clock in the forenoon (8:00 a.m.), at which time the polls will open, until seven o'clock in the afternoon (7:00 p.m.), at which time the polls will close, to act on the following articles to be voted by Australian ballot.

The legal voters of the City of Newport, County of Orleans, State of Vermont, are further notified and warned that a public informational hearing to explain and discuss the Australian ballot articles set forth below will be held on Monday, August 11, 2025, beginning 6:00 pm, at the Newport Municipal Building, 222 Main Street, in said City of Newport. The public may attend the informational hearing in person or on Zoom at the following information:

[INSERT LINK TO ZOOM – NOTE this meeting must be video recorded too]

Article 1

Shall the voters approve an increase in the amount of general obligation bonds or notes of the City of Newport, Vermont, to be issued for the purpose of purchasing a fire truck, from Eight Hundred Thousand and 00/100 Dollars (\$800,000) (previously approved March 1, 2022) to Eight Hundred Seventy-Five Thousand and 00/100 Dollars (\$875,000)?

Article 2

Shall the voters, in accordance with Section 30 of the City Charter, approve the issuance of a bond anticipation note in the amount of Three Million and 00/100 Dollars (\$3,000,000) to refund a construction line of credit, the proceeds of which were used pay costs and expenses associated with land acquisition for, construction of, and improvements to, the City's water system pending issuance by the City of general obligation bonds or notes in an amount not to exceed Four Million Nine Hundred Eight-Five Thousand Dollars (\$4,985,000) as approved at the City's 2021 Annual City Meeting?

Article 3

Shall general obligation bonds or notes of the City of Newport, Vermont, in an amount not to exceed One Million, Eight Hundred Thousand and 00/100 Dollars (\$1,800,000.00) be issued to refund a deficit in the general fund account?

Article 4

Shall general obligation bonds or notes of the City of Newport, Vermont, in an amount not to exceed One Million and 00/100 Dollars (\$1,000,000.00) be issued to refund a deficit in the sewer fund?

Article 5

Shall the voters approve a Two Hundred Twenty Thousand and 00/100 Dollars (\$220,000.00) increase in the amount to be raised by taxes to be added to the Five Million Two Hundred Sixty-Seven Thousand Seven Hundred Dollars and Twenty Cents (\$5,267,700.20) budget approved at the City's 2025 Annual Meeting for the general operation and to cover the liabilities of the City of Newport, Vermont, and authorize the City to assess a tax sufficient to provide funds for the same?

The legal voters of the City of Newport are further notified that voter qualification, registration, and absentee voting relative to said Annual Meeting shall be as provided in Chapters 43, 51 and 55 of Title 17, Vermont Statutes Annotated.

CITY OF NEWPORT CITY COUNCIL

Rick Ufford-Chase, Mayor

Kevin Charboneau,
Council President

Carter Finegan

John Monette

Andrew Touchette

ATTEST: _____
James D. Johnson
City Clerk/Treasurer

The Municipal Building is Handicapped Accessible

Memo to Council from Mayor Rick Ufford-Chase

Subject: Process to consider whether changes to the Current Personnel Policy (adopted 2024) are appropriate

Date: July 5, 2025

Council Members,

As promised, I have put an agenda item on for Monday night's meeting to help us determine the best way forward with an evaluation of the current Personnel Policy. In your packet, you will find the former policy (2014) and the current policy (adopted last year).

I recommend that we reserve time on the agenda on July 21 to hear from anyone who would like to offer public comment regarding the current policy. I suggest that the Council limit comments to no more than three minutes per person.

Based on those public comments as well as our own readings of the two documents, I recommend that we compile a list of questions that we would like to ask of the Vermont League of Cities and Towns regarding best practices, and if possible, that we invite the most qualified VLCT representative to join us by video conference for our regular Council Meeting on August 4, 2025.

Further, with Council's concurrence, I recommend that we invite legal counsel from SP&F (probably John Klesch or David Rugh) to join us for that meeting to offer comments based on the questions we have provided and what they have heard from VLCT. Barring advice to the contrary from our Attorneys, I recommend that this meeting be held entirely in Open Session.

That same evening, following those two presentations, I recommend that the Council deliberate about the best path forward (either to make changes for the Council's consideration at the following meeting, or to seek more information from other sources for the Council's consideration at the following meeting.)

If possible, I would like to see the Council resolve this matter by the end of August, either by agreeing to allow the current policy as adopted last year to stand as it is, or by adopting changes to modify that policy as the Council sees fit.

I envision our conversation this week (July 7th) to be mostly about the proposed process. Unless the Council directs otherwise, my intention is to welcome comments by Community Residents only about the process, then to ask the Council Members to weigh in and come to a decision about how best to fully consider this matter. There may or may not be an action required at this meeting - I will leave that to the discretion of the four of you on Council.

I look forward to our work together on this important matter.

PERSONNEL POLICIES AND PRACTICES

FOR

**EMPLOYEES NOT UNDER
ANY CONTRACT OR UNION AGREEMENT**

**CITY OF NEWPORT
VERMONT**

DATE: July 1, 2014

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APPENDIX A – JOB DESCRIPTIONS

INTRODUCTION

The City of Newport seeks to meet the needs of city residents as expressed and determined through the annual city meeting and through the actions of the City Council throughout the year. City employees are part of a team which works to meet these public needs.

The city seeks to develop and foster a work environment in which employees recognize their vital role in the functioning of the city, and obtain personal satisfaction and monetary compensation for their efforts on behalf of the city. These policies and rules are intended to assist city employees by providing clear statements of personnel policies, definitions of the responsibilities and rights of employees and rules which guide their performance.

Employees are urged to ask their supervisor, department head, or the City Manager/City Council about any policies/procedures or rules that are unclear.

CHAPTER I

PURPOSE AND SCOPE

A. PURPOSE

The manual of personnel policies designates those policies, procedures and regulations necessary to administer the city personnel system. It further provides a systematic procedure for the fair and equitable treatment of employees.

This text represents the most current administrative personnel policy and forms the authorized personnel rules and regulations of the City of Newport. It particularly pertains to employee fringe benefits and practices for employees not under contract.

The manual also guides employees not under any type of contract, and supervisory personnel in carrying out practices affecting all city employees not covered in labor contracts. Examples include:

1. Insurance claim policies
2. Travel expense forms and reimbursements
3. Part-time employment policies
4. Work-related injury and insurance reporting
5. Conflict of interest
6. Mileage allowances
7. Injury and accident notification procedures
8. Attendance at conferences and training

The policies and practices in this manual will be known and cited as personnel policies and practices and are hereby adopted according to the provisions of 24 VSA, Chapter 22, Subchapter 11, Sections 1121, and 1122 (as amended).

B. SCOPE

All full-time employees of the City of Newport without a contract shall be subject to the application of the personnel policies and regulations described in this manual. Positions in these classifications will be those as approved by the City Council in the annual compensation plan.

The term "employee" as used in this manual shall mean full-time employees not under any contract. This will be standard throughout the manual unless otherwise qualified, such as with the use of the term "part-time employee".

C. APPOINTMENT AT WILL

Employment with the City of Newport is not for any definite period or succession of periods, and may be terminated either by the employee or by the city any time without notices, except as provided by this manual. Wages or salary and any accrued and unused vacation allowable under these rules and regulations, shall be due to the employee only to the day and hour of termination.

D. LIMITATIONS, AMENDMENTS AND REVISIONS

This manual and the provisions contained herein, does not constitute a contract of employment in whole or in part. The city reserves the right to add, amend or delete any benefit or policy stated herein at any time, except as otherwise committed to by formal contract agreements. Material changes in the benefit package must be approved by the City Council, preceded by adequate notice and review by city employees.

Certainly, personnel administration is an on-going process. The manual of personnel policies, therefore, has been designed to be reviewed and amended as necessary.

E. RULES OF INTERPRETATION

These regulations are intended to be in accordance with all applicable state and federal laws. In the event that city policies are inconsistent with the applicable state or federal law or city charter, the applicable law shall apply.

Words using the singular number may extend and be applied to several persons; words using the masculine gender shall include the feminine gender.

CHAPTER II

THE PERSONNEL SYSTEM

A. ADMINISTRATION

The administration of the personnel policies established in this manual shall be the responsibility of the City Manager.

The following positions, informative documents and practices will form the basic administrative framework of the personnel system:

1. PERSONNEL OFFICER

The City Manager shall be the personnel officer but may elect to delegate the personnel authority and this manual to another city employee. Thus, the title "personnel officer" shall mean the City Manager or such employee to whom the manager has delegated authority for personnel matters.

2. MANUAL OF PERSONNEL POLICIES

This manual, as previously defined, shall provide the policies and regulations to guide the City Manager in administering the personnel policies.

A personnel rules advisory committee consisting of (1) employee and (1) council member will be established to provide advice to city management on whether or not changes to these rules and regulations are needed. The committee will meet at least once each year.

3. DISTRIBUTION OF PERSONNEL POLICIES

Each employee covered by this manual will be provided with a copy of the manual of personnel policies. It is strongly recommended that each employee become thoroughly familiar with its contents, and more importantly, that any questions that may arise about personnel policies, be discussed with your supervisor and/or the City Manager.

4. RECORDS

The documentation of accurate personnel records is required to not only meet statutory provisions, but also to facilitate arriving at correct and equitable decisions affecting city employees. In this regard, the City Manager's office shall maintain the central file system for each employee containing materials, correspondence and records pertaining to his or her employment. Upon request, employees are permitted to review their personnel records. An employee's file is confidential and may be reviewed only by the employee, the employee's supervisor, the City Manager, the city attorney, and the City Council. Personnel records, except as they deal with compensation and benefits or as they may be required by a court of competent jurisdiction, shall not be a matter of public record.

Employee records will be secured in the City Manager's office. These files may contain information regarding leaves, commendations, and disciplinary actions. Unless otherwise provided in these policies and practices, information in departmental files may not be retained for more than thirty-six (36) months. After thirty-six months if no other warning or violation has occurred, the information shall be destroyed, except for major offences and disciplinary actions.

B. GENERAL PERSONNEL POLICIES AND PRINCIPLES

The maintenance and growth of municipal services depends significantly upon the use of human resources employed by the City of Newport. The performance and utilization of employees becomes progressively more important with each rise in compensation costs and with each new commitment in equipment purchases and facility development.

Personnel management plans and practices have a significant impact on the performance of employees. Municipal personnel policies and procedures that turn out to be unsatisfactory are difficult to change and can have a substantial effect on overall city operations in terms of costs, precedents and relations with employees.

Consequently, it is vitally important that a sound personnel system be established and properly administered with understanding and foresight. Such a plan should meet both the city's needs and motivate employees through satisfying work, appropriate pay and optimum job security.

1. STATEMENT OF GENERAL PERSONNEL POLICY

THE FOLLOWING SHALL BE THE DECLARED PERSONNEL POLICY OF THE CITY OF NEWPORT:

- a. Employment in the city government shall be based on merit and fitness, free of personal and political considerations.
- b. The city shall not discriminate in any manner against any person on the basis of age, race, color, creed, religion, sex, national origin, sexual orientation or political affiliation with regard to selection or employment with the city.
- c. Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the city government.
- d. Positions shall be compensated according to duties and responsibilities.
- e. Appointments, promotions and other personnel actions shall be based on the merit principle.
- f. High morale shall be maintained by fair administration of the manual of personnel policies and by every consideration of the rights and interests of employees consistent with the best interests of the public and the city.
- g. Employment of city employees shall be subject to good behavior, satisfactory performance of work and availability of work.
- h. The city shall attempt to develop employees to become effective workers, treat each person with consideration and respect, and provide a clean, healthy and safe place of work.

2. APPLICATION OF POLICY

The City Manager is responsible for implementing the personnel policies and abiding by the basic principles which are intended to be the foundation of the City of Newport personnel system. In this connection, each employee not under contract shall have, or have access to, a copy of the manual of personnel policies.

CHAPTER III

THE CLASSIFICATION AND COMPENSATION PLAN

A. JOB DESCRIPTIONS

A job description shall be established for each position by the City Manager's office. The job specifications are to be descriptive and explanatory, defining positions rather than prescribing restrictions. They should be interpreted in their entirety and in relation to others. Particular phrases or examples should not be isolated and treated as the full definition of the position. The specifications are deemed to be descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed. The job description will also include the required qualifications including knowledge, skills and abilities.

B. THE COMPENSATION PLAN

1. GENERAL SALARY INCREASES

Salary proposals shall be discussed between employee and department head prior to submittal for review by the City Manager and the City Council. The City Manager shall forward these proposals to the City Council and recommend changes in pay and pay ranges for their consideration in the compensation plan. Employees may receive an annual general salary increase in an amount recommended by the City Manager and approved by the City Council. They will then be notified in writing as soon as the rates have been determined along with the date they are to take effect.

2. LONGEVITY PAY

All employees shall be eligible for longevity pay commencing on the first pay period following the anniversary of their employment date according to the following schedule:

After 5 Years Continuous Service - \$100
After 10 Years Continuous Service - \$200
After 15 Years Continuous Service - \$300
After 20 Years Continuous Service - \$400

Longevity pay will be paid in lump sum in the first pay day in December. If an employee should quit during the year, he/she shall receive a pro-rated portion of earned longevity.

CHAPTER IV

EMPLOYEE BENEFITS

A. MEDICAL INSURANCE

The city shall on behalf of employees covered by this agreement contribute an amount up to 100% of the Blue Cross Blue Shield, single person, Platinum plan premium for any plan that an employee chooses through Vermont Health Connect. The employee and employer shall pay the out of pocket expenses as follows:

Period	Employee	Employer
1 July 14 thru 31 Dec 14	First \$750	Next \$1,750
1 Jan 15 thru 31 Dec 15	First \$1,250	Next \$1,250
1 Jan 16 thru 31 Dec 16	First \$1,875	Next \$ 750
1 Jan 17 thru 31 Dec 17	\$2,500	\$ 0

The city shall pay its share of the maximum out of pocket expense through an HRA.

In the event that the group health plan specified herein become unavailable, or there is a change in benefits due to health reform initiatives or mandates from either the federal or state (Vermont) government, the city shall provide an alternative health insurance program(s) or such other methods of providing employees with health insurance coverage. In no case will the city be obligated to continue the level of service provided under any Plan identified in this Article if such Plan is no longer available or if Plan benefits change as a result of developments in federal or state law.

1. LUMP SUM CASH PAYMENT IN LIEU OF HEALTH INSURANCE

The city shall pay a lump sum cash payment in lieu of health insurance of \$2,400 per year. The lump sum shall be payable quarterly to employees who opt out of the city's insurance coverage, provided such employees show proof of coverage through an alternate source.

2. TERMINATED AND RESIGNED EMPLOYEES

Full-time employees who have been terminated or have resigned will be provided group medical insurance coverage through the end of the month in which the affected employee resigned or was terminated in accordance with the comprehensive omnibus budget reconciliation act of 1985 (cobra).

Vermont law requires your employer to keep you on the group's policy in cases of termination of employment, ineligibility for benefits or death of the subscriber. These statutes, however, mandate coverage for a shorter period of time than Cobra rules do.

In addition, Vermont laws require you to elect continuation coverage within 30 days of the date you would otherwise be terminated, whereas Cobra gives you 60 days. Cobra could, therefore, be considered more generous to the employee than Vermont laws. Vermont continuation of benefits law makes no exception for small employers, however. If you would like to find out more about the state's mandates, please contact your group benefits manager or an attorney.

3. EMPLOYEES COVERED BY CONTRACT

The above policy shall not apply to any employee who has been issued a separate contract or is under union agreement.

Upon request, employees eligible for the above plans shall be given summary descriptions of the provisions and benefits of each program. Plan descriptions are to be maintained in the City Manager's office.

B. SOCIAL SECURITY COVERAGE

All employees shall be covered under the United States social security old age and survivor's insurance program as provided by the social security act of 1935. Benefits, employee and city contributions, and other provisions shall be as prescribed by applicable state and federal laws and agreements.

C. WORKERS' COMPENSATION

1. POLICY

All employees shall be covered by workers' compensation benefits as required by Vermont state law and provided through the City of Newport's insurance carrier. The City of Newport has complied with the provisions of Title 21, VSA Section 687, by obtaining workers' compensation

insurance through VLCT Pacif.

WORKERS' COMPENSATION BENEFITS FOR LOST TIME,
Medical expenses, disability or death because of a work-related injury are available through this company.

An employee injured on the job must notify his employer immediately about the injury. If the injury requires medical attention or there is lost time from work, the employer must file an employer's First Report of Injury with the department of labor and industry within 72 hours of the accident.

If the employer fails to file a First Report of Injury, an employee may file a notice of injury and claim for compensation with the department of labor and industry within six months of the date of injury.

2. LEAVE UNDER WORKERS' COMPENSATION

Workers' compensation insurance will normally cover an employee from the date of injury. However, an injured employee must be off work for three (3) consecutive days before the insurance claim is submitted.

The city will pay the difference between the employee's pay and the amount received from workers' compensation insurance while an employee is on workers' compensation. In no case shall the employee be required to use sick leave while on workers' compensation. All health insurance benefits shall continue while on workers' compensation. "The city will continue to provide workers' compensation insurance as required by law."

It is the city's intent that no employee should suffer economically due to an injury received while working. To this end, the city will handle each employee's case in the manner, which is best for that employee upon mutual agreement. In no case will the employee receive less than his/her net regular take home pay. All health insurance benefits, as provided by this agreement, shall continue while on workers' compensation.

3. BENEFIT PAYMENTS

The injured employee will continue to receive full benefits from the city, except that sick leave and vacation leave will not accrue during the period of time that the employee is off work if the absence exceeds 30 days.

4. EMPLOYEE BENEFIT CONTRIBUTIONS

During the period of workers' compensation benefits, it will be the

employee's responsibility to make separate payment to the city to satisfy the voluntary deductions normally taken from payroll. During any period in which the employee is in a non-pay status, it will be the employee's responsibility to pay to the city for benefit contributions. The required payment amounts and payment schedule can be obtained from the treasurer's office.

5. RIGHT OF RETURN

In the case of a disability caused by a job related injury, the city shall hold the employee's position open for the return of the employee for up to a six (6) month period of time. Exception: if the position left vacant has a serious impact on a required service, the city may fill the position on a temporary basis in order to meet the service demand. The injured employee would have return rights to another vacant position he or she is qualified to fill. The employee must follow notification and other requirements as specified in VSA 21, Section 643b.

An employee returning from disability must present medical evidence acceptable to the City Manager that the employee is fit to return to work.

D. LIFE INSURANCE/DISABILITY INSURANCE

Employees shall be eligible for life insurance benefits as provided through the city's insurance policy. This \$20,000 death benefit policy will be paid for by the city. This same policy shall include disability insurance. Twenty thousand dollars (\$20,000) accidental death, and two hundred dollars (\$200.00) per week disability insurance (first day for accident and eighth day for sickness) as part of a sick-leave program.

E. ADDITIONAL HEALTH COVERAGES

Employees of the city shall be eligible to participate in the health coverage insurance plan offered through Aflac insurance company. The employee will pay the full cost of the insurance. The premium may be deducted pre-tax under the city's Section 125 Plan. Contact the treasurer's office for appropriate application forms.

F. RETIREMENT PLAN

The city shall provide employees retirement benefits under the Vermont state retirement system as follows:

1. VERMONT STATE RETIREMENT SYSTEM

All new employees (after July 1, 1997) are required to have Group C. Present employees may opt for Group C if desired. The city contributes 6.875% of gross salary (7.0% for the period 1/1/2015 through 6/30/2015). Employee's contribute

9.625% of gross salary (9.75% for the period 1/1/2015 through 6/30/2015). Total contribution to Plan C is 16.50% of gross salary.

Present employees with Group B - the city contributes 10.125% of gross salary (employer share of 5.375% and employee share of 4.75%).

Present employees with Group A - the city contributes 6.5% of gross salary (employer share of 4% and employee share of 2.5%).

The above retirement policy is regulated solely by the Vermont state retirement system, and the city has no authority or control over specific retirement provisions or changes to the plans.

CHAPTER V

LEAVES OF ABSENCE

A. VACATION LEAVE

1. GENERAL POLICY

All employees shall be eligible for annual vacation leave according to the schedule established by seniority. For purposes of accumulation, the annual vacation leave year begins on your anniversary date. The leave earned during one leave year must normally be taken during the following leave year. Any days off taken during the first year will be prorated.

2. ACCUMULATION AND ADVANCE OF LEAVE

Unused annual vacation leave may be carried over from one year to the next with the prior approval of the City Manager. The total amount of accumulation at any time may not exceed the amount that can be earned in one leave year. Accumulated vacation leave must be taken within the following leave year.

3. PAYMENT FOR ACCUMULATED VACATION LEAVE

Except in cases of termination, the city shall not make payments in lieu of the use of accumulated vacation leave. Upon termination, vacation leave shall be prorated to the date of termination and paid at the employee's normal salary rate.

Vacation leave accrued during the previous year and which is unused shall be paid to all terminating employees regardless of the circumstances of their termination.

4. VACATION ELIGIBILITY

Employees shall receive vacation according to the schedule shown:

10 days annually after 1 years service
15 days annually after 7 years service
20 days annually after 15 years service
25 days annually after 20 years service

An employee may elect not to take a portion of their vacation and to work for up to one (1) week of their allowed vacation time and receive their

regular pay therefore in addition to their vacation pay, and/or may "carry-over" up to two weeks' vacation time to the following year. Any additional vacation time and pay not taken will be forfeited.

B. SICK LEAVE

1. POLICY

Sick leave is provided to employees to protect employees against financial hardship due to loss of wages during illness. As such, sick leave is considered to be an insurance against hardship rather than a benefit to which an employee is automatically entitled.

2. ACCRUAL OF SICK LEAVE

Effective July 1, 2014, an employee may accrue sick leave at the rate of six hours (6) per month up to nine (9) days per year. Sick leave may be accumulated from year to year up to a maximum of sixty (60) days. An employee may "buy back" up to 15 days of accumulated sick leave upon termination and/or fifty percent (50%) but not to exceed sixty (60) days of accumulated sick leave upon retirement (retirement as defined under the Vermont municipal employees retirement system). All individual accrued sick leave prior to July 1, 1996 will be frozen and drawn upon when appropriate.

3. USE OF SICK LEAVE

Sick leave shall be allowed for medical and/or dental appointments, actual illness or non-work related injury of an employee or member of immediate family. Any other use of sick leave will be considered an abuse of the sick leave benefit. For any usage of sick leave in excess of three (3) consecutive days, the department head may require that an employee present a doctor's certificate indicating the nature of an employee's illness or injury. Each scheduled work day during the period of the employee's illness shall constitute the use of one sick day. Scheduled days off and holidays shall not be considered sick days. Abuse of sick leave may be considered grounds for disciplinary action.

It is the responsibility of the department head to administer the sick leave policy, and to maintain constant alertness to absenteeism that is not directly attributable to an illness.

4. HOSPITALIZATION DURING VACATION LEAVE

An employee who becomes hospitalized while on vacation leave may charge such time in a hospital as authorized sick leave, provided proper documentation is submitted to the department head.

C. HOLIDAY LEAVE

All employees shall receive paid holiday leave on the following days:

New Year's Day
Presidents day
Memorial Day
Fourth of July
Labor Day
Columbus Day
Veterans Day
Thanksgiving Day
Day after Thanksgiving
1/2 day before Christmas day
Christmas day
1/2 day before New Year's Day
one floating holiday

Holidays falling on Saturday will be observed on the previous Friday. Holidays falling on Sunday will be observed on the following Monday. Your floating holiday must be taken as an 8 hour day with the approval of the department head.

D. EMERGENCY LEAVE

1. POLICY

Emergency leave is provided to employees in order to protect the employee against financial hardship due to loss of wages due to the death or serious illness of a member of the employee's immediate family. As such, emergency leave is considered to be an insurance against hardship rather than a benefit to which an employee is automatically entitled.

2. USE OF EMERGENCY LEAVE

Employees shall be entitled to up to five (5) days emergency leave with pay for the death of a member of the employee's immediate family. The immediate family is considered to be the employee's spouse, parent or child (natural, step-child or adopted). Three (3) days emergency leave with pay for death of grandparent, brother, brother-in-law, sister, sister-in-

law, step-parent, mother-in-law, or father-in-law.

E. MILITARY LEAVE

Military leave shall be granted to an employee who is inducted or enlists in any reserve branch of the armed forces of the United States according to applicable state and federal law. During the normal two (2) week period of annual active duty, an affected employee will receive any difference between military pay and the base salary received as an employee of the city. The employee must furnish the city with a statement of his or her military earnings and the dates for which payment was made. Authorized military leave will not affect other leave benefits to which an employee is entitled.

F. JURY DUTY LEAVE

An employee who is required to serve on a jury or as a witness in a court case shall receive paid leave for the necessary period. Employees requesting jury duty leave shall submit to the Clerk/Treasurer a copy of the court order or subpoena along with any juror or witness fees or compensation. Compensation will be for an amount equal to the difference between jury pay and regular pay. Employees receiving approved jury duty or court leave will not be required to turn in payments for expense reimbursements paid through the court system (such as meal and mileage allowances).

G. MATERNITY LEAVE

Maternity leave may be taken under the following terms and conditions in accordance with 21 VSA Chapter 5:

1. NOTIFICATION

Within two (2) weeks after the employee has received confirmation of her pregnancy from the doctor, notification must be given to the department head. No later than six (6) weeks before the expected delivery date, the employee must notify the City Manager when maternity leave will begin, what leave will be used, and the length of time the employee will remain at home.

2. LEAVE AVAILABLE

The employee may use accumulated sick leave for maternity purposes, including pregnancy-related appointments or illness in excess of two (2) hours. After the available sick leave eligibility has been used, the employee may, at her option, use accumulated vacation leave for maternity leave. The employee may take a total leave of absence of up to three (3) months. Whatever leave taken without using accumulated sick leave or vacation leave shall be leave of absence without pay, as specified in Section I. of this chapter. Vacation and sick time will not be

accumulated during unpaid maternity leave.

Following maternity leave the employee will return to the same position or a position of like seniority, status and pay.

H. LEAVE WITHOUT PAY

When justified and workload permitting, an employee may be granted up to three (3) months of leave without pay. Such leave may only be approved by the City Manager. During leave without pay, an employee shall continue in the employment of the city, but shall not accrue vacation or sick benefits. An employee may continue to participate in medical leave insurance plans while on leave without pay, but shall be responsible for the cost of such benefits.

CHAPTER VI

PAYROLL AND PERSONNEL RECORDS

A. PAY PERIOD

The pay period of all employees shall begin at 12:00 a.m. on Sunday and continue for one week until 11:59 p.m. on Saturday.

B. PROCEDURE REGARDING NEW EMPLOYEES

All new employees should report to the Clerk/Treasurer in order for them to sign and complete necessary personnel, payroll and benefit forms. When possible, it is important that this be done no later than the employee's first day of work.

C. PAYROLL

Weekly attendance reports used for payroll purposes must be submitted by a department head and delivered to the Clerk/Treasurer's office.

CHAPTER VII

EMPLOYMENT

A. RECRUITMENT AND SELECTION

1. POLICY

It is the policy of the City of Newport to select city employees from as broad a field of applicants as possible in order to assure that the city appoints the most qualified and competent applicants available, to provide an equal opportunity to all qualified applicants in becoming aware of position vacancies, and to base the selection of city employees on valid, applicable and job related measures of qualifications. This policy shall be subject to state and federal laws and regulations.

2. NEPOTISM

No full-time employee or applicant may be hired, transferred, promoted or otherwise be assigned or remain assigned to:

- A. Any position which either supervises or is supervised by a first relative of the employee;
- B. Any position which may constitute a conflict of interest with the relative of the employee.

3. APPLICATION

Applicants for all employment positions shall complete an official City of Newport application form or as otherwise designated in the announcement.

4. SELECTION PROCESS

The selection process for all employees shall be determined by the City Manager, but shall be in accordance with the following general sequence:

- a. Application
- b. Written or practical examination (as required by personnel officer)
- c. Pre-employment interview
- d. Background investigation
- e. Probationary appointment

5. APPOINTMENTS

All department head appointments shall be made in writing by the City Manager after approval by the City Council. Appointments of line staff shall be made by the City Manager. The written notice of appointment shall include the salary, the starting date, any unique or unusual conditions of employment and appropriate additional information. Copies of the letter of appointment for line staff shall be provided to the appropriate department manager.

6. FALSE STATEMENTS

The City of Newport expects and requires applicants and employees to provide complete and accurate information regarding their previous employment and qualifications, and other information necessary to fully evaluate their current or past employment. Providing false statements shall provide grounds for non-hiring or for immediate dismissal.

7. PROOF OF CITIZENSHIP

All city employees hired after November 6, 1986, must provide the City Manager with proof of citizenship or legal immigration status in conformance with federal law. Failure to provide such proof shall result in non-hiring or immediate dismissal.

B. PROBATIONARY PERIOD

It is the policy of the City of Newport that each new employee will have a period of adjustment and be provided an assessment of the quality of the employee's work capability.

All new appointments shall be made for a probationary period of at least three (3) months. A department head may extend the probationary period, with the approval of the City Manager, for up to an additional three (3) months.

1. EVALUATION

During the probationary period, the employee shall be evaluated on a monthly basis. One (1) month prior to the end of the probationary period, the department head shall submit a written report to the City Manager reviewing the work of the new employee.

2. DISMISSAL

An employee, during the probationary period, may be dismissed by the City Manager based upon the recommendation of the department head if:

- a. The employee is unable or unwilling to perform the duties of the position satisfactorily;
- b. The employee's habits and dependability do not merit continuance in the service;
- c. The employee disregards or violates the rules of conduct or procedure of the city or the department.

3. APPEALS

Employees with probationary appointment shall not have the right to appeal any disciplinary action or dismissal.

C. PROMOTIONS

It is the policy of the City of Newport to promote the most capable and qualified employees for any city position regardless of the employee's race, color, creed, religion, national origin, age, sex, political affiliation, sexual orientation or disability. The promotion of city employees shall be based on valid. Applicable and job-related measures of qualifications, and shall be subject to state rules and regulations.

D. TRANSFERS

When a vacancy occurs, the City Manager will arrange a transfer if there is an interested employee and all concerned concur. The vacancy shall be posted in a central location, for a minimum of five (5) working days. Transfer of an employee from one position to another without significant change in level may be effective if the employee meets the qualification requirements of the particular position; if it is in the best interest of the city; if further training and development of an employee in another position would be beneficial to future staffing potential of the city; and if it meets the personal need of the employee as consistent with the other requirements of this policy.

E. DEMOTIONS

A city employee may be demoted to a position lower than he or she is qualified, for any of the following reasons:

1. POSITION ABOLISHED

When an employee would otherwise be laid off because a position is being abolished.

2. REPLACED EMPLOYEE RETURNING FROM AUTHORIZED LEAVE

When another employee returns to work from authorized leave to the position, in accordance with the rules on leave.

3. LACK OF QUALIFICATIONS

When an employee does not possess, or loses, the necessary qualifications to render satisfactory service in the position held.

4. VOLUNTARY REQUEST

When an employee voluntarily requests such a demotion and a position is available at the lower position for which the employee is qualified.

5. DISCIPLINARY ACTION

As a disciplinary action in conformance with the provisions of Chapter VIII, Section B, employee conduct rules.

6. REDUCTION IN PAY

An employee demoted through a voluntary request or as a result of disciplinary action will also have a reduction in salary. All demotions are subject to the approval of the City Manager. If an employee is demoted unwillingly, an appeal may be filed under Chapter VIIIi. The employee also shall receive notice of the appeal procedure provided under Chapter VIII of these personnel policies.

F. REDUCTION IN FORCE

A reduction in force will be undertaken only when the best interest of the city requires. Any reduction in force will be undertaken in a manner which minimizes the adverse effects on the city and affects the least number of employees as possible. In the event that a reduction in force is necessary, lay-offs within the affected department will be made in accordance with the following procedure:

Employees within the affected department who have not completed the probationary period will be terminated. Such employees shall have no recall rights. The City Manager will determine which probationary employees will be terminated if fewer than the total number of probationary employees are to be terminated. This determination should be based, in part, upon considerations of the qualifications of the employees; the evaluation received, and the length of time with the city.

Employees with the least departmental seniority shall be laid off first. However, a more senior employee may be laid off if that employee does not have the skills or qualifications required to do the available work, and a less senior employee does have the

required skills or qualifications.

G. RECALL

It is the policy of the city to recall employees who are on lay-off as vacancies occur within the city service for which the employees are qualified. Such recall shall be used to fill vacancies before new employees are recruited or hired.

1. Order of recall: Employees who are on lay-off shall be recalled in order of seniority within the department which is increasing its work force. The employee with the most seniority will be re-called first, provided, however, that the employee has the skills or qualifications required to do the available work.
2. Qualifications: Whether an employee has the skills or qualifications to perform available work will be determined by the City Manager after consultation with the department head. The city shall use an evaluation process which fairly measures an employee's past work, present job abilities, and the employee's potential for improvement.
3. Reporting after recall: An employee who is on lay-off and is recalled must notify the city of his/her intention to return to work on a certain date within three (3) days of the recall notice. Failure to notify the city within three (3) days shall result in a loss of all seniority and further recall rights. In exceptional or unusual circumstances, the City Manager may extend the reporting period to a maximum of five (5) working days.
4. Limitation: An employee who is on lay-off and who has not received notification of recall within one (1) year from the date of lay-off, shall lose all seniority and recall rights.

H. EMPLOYMENT SENIORITY

City employees acquire seniority with the city and within their department.

An employee's seniority status with the City of Newport shall be determined according to the actual length of continuous service the employee has had with the city.

Employees on approved military leave are entitled to full credit for the years of service accumulated prior to the military leave, as well as for the time spent in the military, provided they return to the city's employment within ninety (90) days following the conclusion of their military leave.

I. RESIGNATION

Employees, other than department heads, who voluntarily resign from their

employment with the city shall give at least two (2) weeks 'notice, in writing. Such resignation shall be submitted to the supervisor or department head. Department heads who voluntarily resign from their employment with the city shall give at least four (4) weeks resignation notice in writing. Such notice shall be submitted to the City Manager. The City Manager may waive the required notification period when it is in the best interest of the city.

J. PART-TIME EMPLOYMENT

1. DEFINITION

A part-time employee is one who works 29 hours or less for salaried and hourly employees.

2. BENEFIT POLICY

Part-time employees will not receive any fringe benefits, including sick leave and vacation, with the exception of social security coverage and workers' compensation. Part-time employees shall receive holiday pay only if they are scheduled to work on a particular holiday. Part-time holiday pay will be equivalent to the hours the employee was normally scheduled to work on the particular day and will be paid at the straight-time rate.

(Example: Joe, part-time, normally works in the Parks department on Mondays, Wednesdays and Fridays, 5 hours each day. Independence Day falls on a Wednesday and the office is closed. Joe, part-timer, gets paid 5 hours for the holiday at his straight-time rate. Had Independence Day been Thursday, Joe, part-timer, would not get paid for the holiday.)

3. TEMPORARY AND SEASONAL EMPLOYEES

Temporary and seasonal employees shall not be eligible for any fringe benefits (including sick leave, vacation and holiday leave pay) with the exception of social security coverage and workers' compensation. Temporary and seasonal employees who work on a holiday will be paid for hours worked at the straight-time rate.

(Examples of temporary and seasonal personnel are summer Public Works laborers and seasonal Recreation employees.)

4. PRIOR APPROVAL

Any part-time employment involving personnel working less than the normal work week but more than 29 hours per week, as the case may be, must be approved by the City Manager. This does not apply to temporary

or seasonal employees who work for periods of less than 120 days.

5. OTHER PART-TIME/TEMPORARY PROVISIONS

No part-time or temporary employee may be hired, transferred, promoted or otherwise be assigned or remain assigned to any position which either supervises or is supervised by a first degree relative of the employee.

CHAPTER VIII

OTHER PERSONNEL ACTIONS

A. EMPLOYEE WORK PRACTICES

1. POLICY

Each employee of the city is expected to comply with established work practices. These practices are necessary to assure the safe, efficient and effective delivery of municipal services and to protect the rights of all city employees.

Many of these practices will be readily understood and observed by all city employees since they are similar to those that guide our behavior in all business or social relationships. Other practices are more applicable to the work we do as public employees of a municipality.

2. GENERAL PRACTICES

The work practices and procedures listed below are not all inclusive. They are intended to illustrate the type of behavior that is required of city employees. Such practices are intended to promote a positive work environment where the effective delivery of services is not disturbed or obstructed by disruptive behavior of city employees or other individuals.

- a. Each employee is expected to be at the employee's assigned work station ready to begin work at the assigned time.
- b. Except for authorized breaks and reasonable absences required to attend to personal needs, each employee is expected to remain at the assigned work station performing his/her assigned duties.
- c. Each employee is expected to perform assigned duties and to report to his/her supervisor any conditions or circumstances which will prevent or inhibit the employee from the effective performance of these duties.
- d. Each employee is expected to follow the instructions and procedures specified for their work assignment and to report any inadequacies in the instructions or procedures to his/her supervisor so that they may be remedied.
- e. Each employee is required to adhere strictly to safety rules, including the use of safety equipment when specified, and to report

unsafe conditions or practices to his/her supervisor immediately.

- f. Each employee is expected to exercise reasonable care and caution in the operation of any city equipment or property so as not to cause excessive deterioration or unnecessary damage.
- g. Each employee is expected to obey and comply with all city, state and federal ordinances, laws and statutes.
- h. Each supervisor may establish additional work rules and procedures as necessary.
- i. Each employee is expected to obey and comply with all written and verbal city, departmental and/or miscellaneous policies, procedures and work rules.

B. PROHIBITED PRACTICES

1. ALCOHOL AND DRUGS

It is the city's desire to provide a safe working environment for its employees. In an attempt to further that goal, employees are expected to be free from the influence of drugs or alcohol while they are on duty. Any violation of this will result in immediate termination as outlined in Chapter XII, Section J., entitled "Substance abuse policy."

2. PERSONAL USE OF CITY PROPERTY

All city property is purchased with public funds and is intended to be used exclusively for public purposes. Employees are prohibited from using or allowing the use of any city property for private or personal uses without the permission of their supervisor. Any employee who violates this policy may be terminated from employment.

3. DUMPING

All city employees are prohibited from discarding, dumping, placing, or causing any litter, garbage, rubbish, refuse or other abandoned material to be placed on any city property without the expressed permission of the employee's department director. Any employee who violates this policy may be terminated from employment.

4. ILLEGAL ACTIVITIES

All city employees are expected to obey and comply with all city, state and federal ordinances, laws and statutes while on duty. Any employee who violates this policy may be terminated from employment.

5. FIGHTING

All city employees are prohibited from fighting or engaging in any acts of violence which may result in bodily harm to any person. Any employee who violates this policy may be terminated from employment.

6. VIOLATIONS

Each employee is expected to obey and comply with all written and verbal city, departmental and/or miscellaneous policies, procedures and work rules. Any employee who violates any policy, procedure or work rule may be terminated from employment.

7. FALSIFICATION OF RECORDS

Any falsification of time worked records or other documents will result in immediate termination.

C. EMPLOYEE CONDUCT RULES

1. GENERAL GUIDELINES ON DISCIPLINE

Within any local government organization, it is essential that application of effort and use of material be coordinated toward the realization of city goals and objectives. Work requirements must be met, while at the same time activities which impede the achievement of municipal program goals must be effectively discouraged. Disciplinary action, which may range from an explanation of why a certain action is either required or prohibited to discharge of an employee, is typically used to achieve these ends.

Disciplinary action need not necessarily be punitive to an employee. The objectives of such action are to maximize the effective provisions of services to Newport residents by discouraging unacceptable behavior and/or any other activities adverse to the achievement of municipal program goals. Disciplinary action is intended to set the boundaries as to employee activities or behavior that

may be either required or prohibited in the city setting.

Employees will be required to dress properly according to the specifications of the job they are actively performing.

2. STANDARDS OF GOOD CONDUCT

This section is intended as a guide for the benefit and best interest of all city employees as well as those of the Newport government as a whole. Although it is not a policy to establish or enforce unreasonable work rules, some rules are necessary in order to make Newport a safe and more pleasant place to work.

The following violations of the standards of good conduct call for corrective disciplinary action, depending on the nature and frequency of the past violations, and the seriousness of the offense in the judgment of the department head or City Manager. Recommendations for corrective disciplinary action due to any of the violations below may be initiated by the head of the department in which the offense occurred; provided, that no final action shall be taken without the approval of the City Manager.

- Excessive absence or tardiness.
- Loafing or other abuse of time during working hours.
- Unauthorized absence from work.
- Careless workmanship.
- Use of abusive or obscene language.
- Unauthorized use of materials or equipment.
- Failure to follow instructions or procedures.
- Violations of safety rules.
- Reporting or being in an unfit condition to work.
- Deliberately damaging, defacing or misusing city property.
- Removing any kind of city property from the city premises without appropriate authorization.
- Theft of city or employee property.
- Flagrant abuse of city time.
- Insubordination.
- Acts of unprovoked physical violence which can result in bodily harm to another individual.
- Immoral or indecent conduct.
- Intoxication while on duty.
- Possession of weapons.
- Violation of state statutes, Newport ordinances, administrative regulations or departmental rules.
- Failure to reimburse the city for funds due.
- Failure to observe departmental rules and regulations.

This list represents some of the reasons that might be causes of disciplinary action, but disciplinary action is not limited to the offenses listed.

3. DEPARTMENT HEAD RESPONSIBILITIES

The choice of the appropriate disciplinary action should always be based upon a complete study of the individual situation, with consideration given to the employee's past record, the seriousness of the action (or inaction) bringing about disciplinary action, and the impact which the disciplinary course chosen is likely to have on the individual. Whenever disciplinary action must be taken, the consequences of repeated violations of the rules should be made clear to the individual affected. Most multiple infractions of the rules should be met with a gradually measured escalation of the level of disciplinary action taken. Over response by a department head to repeated infractions of the rules by an individual employee because of irritation or frustration with the employee is to be avoided and guarded against.

Before recommending any disciplinary action, the department head must assure that an occurrence of an infraction of the rules has, in fact, taken place. Wherever possible, relatively consistent rules of evidence should be employed. Competent witnesses (those who have little or nothing to gain from the outcome of the decision) and facts which will stand scrutiny shall be required.

4. NATURE OF DISCIPLINARY ACTION

Disciplinary actions will normally range from the verbal warning stage to discharge or removal. The appeal process, if applicable, will be conducted in accordance with procedures established in Chapter VIII of this manual.

a. ORAL REPRIMAND

The most immediate and least severe disciplinary action is given by the immediate supervisor for initial, minor misconduct. The oral warning shall be presented with regard for minimizing embarrassment to the employee and shall include a statement concerning the purpose of the warning. An oral reprimand shall be noted in the employee's personnel file.

b. WRITTEN REPRIMAND

A written reprimand shall be given to an employee when an oral warning has not resulted in the expected improvement; or, a further similar incident

has occurred within a short period of time; or, a more severe initial action is warranted due to the seriousness of the action. A written reprimand shall be sent to the employee, including reasons for the warning and an offer of assistance on the part of the department head in correcting the unsatisfactory situation. A copy of the written warning shall be placed in the employee's personnel file and carry a specified period in which the behavior shall be improved.

c. SUSPENSION

Suspension without pay shall occur when an employee repeats an action for which a written reprimand has previously been given; takes unauthorized absence from work; refuses to follow a legitimate directive from a supervisor or is otherwise grossly insubordinate; is negligent in the performance of work such that the city may, or does experience a delay in work, or the public or other city employees' safety is endangered; engages in conduct, on or off the job, which effectively limits or curtails the ability of the employee to perform an assigned job as set forth in the employee's job description. Suspension may be in lieu of oral or written reprimands, and disciplinary probation, and may be effective immediately.

RECORD OF SUSPENSION

A record of the suspension of an employee shall become a permanent part of the employee's personnel record.

d. DISMISSAL

An employee may be discharged from the city's service when, in the judgment of the department head and the City Manager, the employee's work or conduct so warrants, and such action will serve the best interest of the organization.

The department head shall provide the employee with a written notice stating the reason or reasons for the dismissal, including all evidence, prior to any action being taken. The employee shall be given a notice of the appeal procedure provided in Chapter VIII.

5. APPEALS

The city shall make a reasonable effort to be equitable and fair in its relations with employees. An appeal procedure is provided for employees who disagree with disciplinary actions taken by the city.

1. RIGHT OF APPEAL

City employees have a right to appeal actions regarding

disciplinary actions, including suspension, demotion, and dismissal.

2. APPEAL PROCEDURE

A written appeal of the disciplinary action must be made to the City Manager within five (5) working days of the employee's receipt of the notice. A hearing on such appeal shall be held as soon as reasonably possible after receipt of the notice of appeal, but in no event longer than fifteen (15) working days after receipt. The purpose of the hearing will be to enable the City Manager to gather information regarding the disciplinary action being appealed. The hearing will be closed and informal; the employee and the department head or supervisor will be present; the employee may be represented by counsel, and if appropriate, witnesses may be brought by the employee and/or supervisor. A decision shall be made, in writing, by the City Manager within five (5) days after the hearing. The City Manager may uphold the original actions; modify the severity of the action; or, overrule the action of the department head.

3. RESTORATION OF POSITION/STATUS

If the original action is overruled, the employee shall be restored to his or her original position or status with no loss of rights, privileges or compensation. The action of the City Manager is final with no further appeal available.

D. GRIEVANCE PROCEDURE

Any employee may submit a grievance on any subject concerning the employee's salary, benefits and other conditions of employment. A grievance shall be defined as a dispute concerning the meaning or application of a provision of the city personnel policies. No employee shall be disciplined or discriminated against as a result of having submitted a grievance.

1. INITIATION OF GRIEVANCES

Before submitting a grievance, an employee shall discuss the grievance with the immediate supervisor. If the supervisor is unable to resolve the grievance, the employee may initiate step one of the grievance procedure.

2. GRIEVANCE PROCEDURE

If the grievance is not resolved at the immediate supervisor level, said grievance may be filed through the following procedure:

Step one: Within ten (10) working days of the problem or action which precipitated the grievance, or of gaining knowledge thereof, the aggrieved employee shall submit the grievance in writing to the head of the employee's department. The grievance shall include:

- a. Name of the aggrieved employee and the department that he or she works in.
- b. A brief description of the action being grieved, including exact dates and times as well as names of other persons involved.
- c. The corrective action requested by the aggrieved employee.

The department head shall meet with the parties involved and attempt to resolve the grievance.

Step two: If a satisfactory settlement to the grievance is not obtained within ten (10) working days of the initiation of step one, the department head shall forward the grievance to the City Manager together with a written report of the activities which took place in step one and the reasons why the grievance was not resolved. The department head shall forward a copy of the report to the aggrieved employee.

Within ten (10) working days of receipt of the department head report, the City Manager shall meet with the parties involved and attempt to resolve the grievance. The manager shall respond to the grievance in writing and the decision of the manager shall be final.

3. If the grievance pertains to a department head, the procedure remains the same with the exception of the grievance being submitted to the City Manager.

CHAPTER IX

EMPLOYEE EVALUATIONS

A. PURPOSE AND OBJECTIVES

Performance evaluation is a process that determines the degree and manner in which the person in a position fulfills the requirements of the job. In order for a performance evaluation system to be effective, it should be made a continuous, rational and objective process. Performance evaluations should evaluate actual or concrete achievements and behavior on the job.

The purpose of the employee evaluation program is to provide each covered employee with an annual record of his or her service and level of performance. Performance evaluations may be used to identify employees for promotions and demotions, to identify the need for training, and as a basis for pay increases. Each evaluation will include a commentary on strong and weak points of the employee's performance and recommend ways in which the employee may improve his or her areas of weakness or efficiency.

The initial benefit of the performance evaluation program in Newport will be to encourage candid discussions between department heads and their employees about both strong and weak points in performing the job. Therefore, the primary tangible benefit of the program is a comfortable feeling about objectively discussing overall performance with employees.

Significant objectives of performance evaluations are to highlight achievements and review areas requiring improvement and additional training. There should be no intent to intimidate those who are evaluated.

Annual evaluation reports will be tied to merit pay increases as per the merit pay plan adopted by the City Council. Evaluations are used to advise employees of necessary improvement, discuss overall performance, highlight achievements, review job responsibilities and even accept ideas for change.

B. EVALUATION PROCEDURE

Each employee shall be evaluated once a year. An employee's performance will be evaluated by his or her supervisor, the respective department head, or the City Manager, as the case may be.

1. EVALUATION FORM

Review the employee's work performance by completing the appropriate evaluation form, fill in the form completely and be as descriptive as

possible. Sign and date the form.

2. **PERFORMANCE REVIEW MEETING**

Set a time to meet with the employee and fully discuss the evaluation. The employee should be given adequate opportunity to review the evaluation and, if the employee desires, attach comments to the form. As stated previously, the evaluation discussion session should take place on or about the same time each year.

3. **FINAL PROCESSING**

The complete evaluation form, together with any attachments, should be forwarded to the City Manager for review. After the City Manager reviews the evaluation report, it will be included in the employee's department personnel file.

C. CONFIDENTIALITY OF EMPLOYEE EVALUATIONS

Employee performance evaluations shall be confidential and will be available only to:

1. The employee evaluated or his or her representative
2. The employee's supervisor or department head
3. The City Manager or his representative
4. The City Council sitting as a body in executive session

D. PERFORMANCE FACTORS

Suggested performance factors which may be useful in an evaluation include, but are not limited to most of the following criteria:

1. Job knowledge: technical knowledge of current job and practical application-understanding of office operations.
2. Public relations: deals effectively with citizens using courtesy and understanding - willingness to assist.
3. Interdepartmental cooperation: understands organizational goals - deals effectively with other departments.
4. Adaptability: ability to accept change – flexibility - performance under adverse conditions and constraints.
5. Judgment: establishment of logical workload priorities - ability to allocate resources economically.

6. Improvement initiative: effort extended toward self-improvement and updating - seek improvement of methods and techniques.
7. Responsibility: willingness to accept responsibility and exercise independent action - limited direction required.
8. Productivity: generates volume of work as expected and completes it successfully.
9. Quality: preparation of completed work correctly and accurately - consistently provides quality work.
10. Dependability: ability to complete work on schedule - uses time wisely - observes work hours - absenteeism.
11. Job skill: possesses and retains skill level appropriate for position.
12. Equipment care: shows concern for safe, responsible and reasonable operation or use of equipment.

For the purpose of determining the performance factors for any managerial employee not covered under contract, all of the above apply in addition to the following:

1. Control: awareness and supervision of departmental activity - use of personnel and equipment - follow-up on details.
2. Supervision: effectively deals with and motivates subordinates - sets high standards – communicates effectively.
3. Personal development: effort extended toward self-improvement and updating - seeks improvement of methods and techniques.
4. Professional development: effort extended toward self-improvement and updating - activity in professional associations.
5. Staff work: ability to handle administrative aspects of position - preparation of completed staff work, constraints.
6. Financial management: budget preparation accuracy - exercise of budgeting control - seeking non-tax funding sources.
7. Leadership: sets high standards - sets good managerial example - communicates effectively.

CHAPTER X

SAFETY AND INSURANCE

A. GENERAL POLICY AND GUIDELINES

It shall be the general policy of the City of Newport to make every reasonable effort to provide employees with a safe work place and to take every precaution to insure injury-free employment for city employees. The city acknowledges an obligation as an employer to provide the safest possible working conditions for employees and a safe environment for the public that uses municipal services.

The rules and procedures in this chapter reflect the efforts of many people to establish reasonable, practical and safe work practices to prevent accidents. Rules and policies concerned with specific department operations will be explained to each employee by their supervisor or department head. Failure to follow safe work procedures shall result in disciplinary action as follows:

1. First occasion will result in a written reprimand.
2. Second occasion will result in a suspension.
3. Third occasion will result in termination.

The city can and must perform the tasks of government operations and public services without accidents. It is the responsibility of all municipal employees to contribute to that goal. The parameters which shall guide such efforts are as follows:

1. Accidents are caused and can be prevented.
2. Safety is the mark of skill and good sense.
3. Newport is sincerely interested in safety and is willing to pay in time and money to prevent accidents.
4. Safety is a personal responsibility.
5. No job is so important and no service is so urgent that employees cannot take time to perform their work safely.
6. All employees owe a moral obligation to each other to do everything possible to prevent accidents.
7. Management interests in preventing accidents is sincere. Neither the employer nor the employee can afford the losses that accompany an accident.

8. Work areas and equipment will be kept as safe as possible. As new hazards are discovered, corrective measures will be taken.
9. Each employee should report all unsafe conditions encountered in his or her work.
10. No employee is expected to undertake a job until it has been learned and the employee is authorized to do so by a supervisor.
11. All injuries must be reported immediately.
12. Compliance with safety rules (such as the use of safety equipment) is a condition of employment.

B. RESPONSIBILITY FOR SAFETY

Each department head may delegate authority and assign responsibilities for most areas in his or her control of accident prevention. Final responsibility for safety measures, however, will remain with the department head.

Supervisors will assume the responsibility of thoroughly instructing their personnel in the safe practices to be observed in their work situations. They will consistently enforce safety standards and requirements to the utmost of their ability and authority. Supervisors will act positively to eliminate any potential hazards within the activities under their jurisdiction, and they will set the example of good safety practice in all spheres of their endeavors.

C. INSURANCE CLAIMS AND REPORTING

1. POLICY

Any accident that causes an injury or property damage, or any other potential insurance claim, must be reported immediately. Insurance claims refers to virtually any incident involving potential city liability, with the exception of workers' compensation claims (see next section). these include:

- a. Damage to city property, either by natural causes (fire, lightning, etc.) or by persons (theft, vandalism, etc.). This includes damage to traffic signals and poles, and street and traffic signs.
- b. Property damage resulting from city operations.
- c. Bodily injury resulting from city operations or occurring on city property.

d. Vehicular accidents involving city employees while on city business.

2. REPORTING PROCEDURE - SERIOUS ACCIDENTS

The following procedure shall be used when any accident occurs involving potential liability:

- a. The Police Department should be notified at the time the incident occurs.
- b. It should be reported immediately to the appropriate department head by the employee or employees involved. The department head will notify the City Manager. The department head will make a note of a complete description of the accident--what happened, the location, how it occurred, and any second or third parties involved.
- c. The department head will then immediately report the incident to the City Manager who will furnish the claim, if necessary, to the city insurance carrier. The insurance agent should not be notified directly at the department level.
- d. Not later than three days following the incident, a written description of the accident must be submitted to the City Manager.
- e. Should the city's insurance carrier require additional details from city employees, personnel involved will cooperate with the agent.
- f. With the exception of responding to an investigating police officer on the scene of a vehicular accident, employees should not pass judgment as to the cause or fault at any accident. The city insurance carrier will determine who is liable.

D. WORKERS' COMPENSATION REPORTING

The following procedure shall be used by employees reporting work-related injuries:

- 1. Any employee claiming a work-related injury will be required to sign an "employer's first report" form supplied by the city's insurance carrier. This must be done within 72 hours of the incident.
- 2. The affected employee should fill out the form completely and submit it to the department head for review.

3. The department head should then forward the form signed by the employee to the City Manager. The City Manager will process the form through the city's insurance carrier.
4. Although the "employer's first report" form should be completed and signed by the employee claiming disability, department heads are encouraged to assist the employee in filling it out and having it typed, if desirable.

E. STATE OCCUPATIONAL SAFETY REPORTING

All work related injuries must be reported to the Vermont state department of labor as required under state law and the department of labor's rules and regulations.

CHAPTER XI

IN-SERVICE ACTIVITIES

A. TRAINING AND DEVELOPMENT PROGRAMS

It is the policy of the City of Newport to provide training in order to enable employees to perform more effectively in the municipal service. Department heads shall periodically assess the training needs of their employees and consult with the City Manager to obtain information on applicable training programs.

B. CONFERENCES AND TRAINING ATTENDANCE

Authorization for employees to attend conferences, seminars, workshops or other training sessions must be approved by the City Manager as follows:

1. Expenses for training sessions, seminars and conferences will not be reimbursed or paid unless authorized by signature by the City Manager. Business meetings, such as luncheons and miscellaneous mileage reimbursements, may be approved by department heads.
2. Prior to attendance at a training conference, seminar or workshop, a brief written description must be submitted to the City Manager for approval, including: title and outline of the conference, names of people attending, and estimated total cost for registration, food, travel, lodging, etc. A copy of the conference prospectus should be attached.
3. Attendance will not be permitted unless approved by signature by the City Manager.

C. EXPENSE REIMBURSEMENTS

Any employee authorized to attend a conference, seminar workshop or other training session, shall be reimbursed for all reasonable expenses related to the authorized training including travel costs, tolls and gas, meals and lodging and/or registration fees. All reimbursements are subject to proper documentation of expense receipts.

Prior to being reimbursed for any expenses incurred at a training activity, the employee must complete and submit a "travel expense report" signed by the department head and/or City Manager. Reimbursements for actual expense must be substantiated by attached receipts.

Requests for advance payments related to training sessions are permitted as long as the "travel expense report" is properly completed and submitted in a timely manner.

Advance payments will be limited to those for travel, lodging, meals and registration fees

D. MILEAGE ALLOWANCE

Employees who operate their own vehicle for city business shall be reimbursed at the rate allowable by the IRS.

E. CITY VEHICLES

The city will furnish city-owned vehicles to certain employees who are subject to on-call duty at any time upon approval of the City Manager. When the nature of the work requires specialized equipment, twenty-four (24) hour on-call and quick response, the City Manager may authorize city vehicles to be taken home by certain employees. Vehicles owned by the city shall not be used to conduct personal business.

F. ACADEMIC REIMBURSEMENT

The city may provide financial assistance to full-time employees who have completed their probationary period with the city in an amount not to exceed \$300 per semester, per employee, for reimbursement of management approved, job related, "for credit" academic courses; reimbursement to include costs of books and fees. The City Manager may authorize financial assistance providing a passing grade is maintained and the course is satisfactorily completed.

CHAPTER XII

OTHER PERSONNEL RULES

A. CODE OF ETHICS

Employees shall be subject to and abide by the rules of ethical conduct for public officers and employees as outlined below. Failure to abide by the rules of ethical conduct could result in discipline, including dismissal.

1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional work is essential to the achievement of this objective.
2. Affirm the dignity and worth of the services rendered by local government and maintain a constructive, creative, and practical attitude toward city affairs and a deep sense of social responsibility as a trusted public servant.
3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.
4. Recognize that the chief function of local government at all times is to serve the best interests of all the people.
5. Recognize that elected representatives of the people are entitled to the credit for the establishment of municipal policies; responsibility for policy execution rests with the employees.
6. Refrain from all partisan political activities which would impair performance as a professional employee.
7. Make it a duty continually to improve the employee's professional ability.
8. Keep the community informed on municipal affairs; encourage communication between the citizens and all municipal officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
9. Resist any encroachment on professional responsibilities, believing the employee should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

10. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern all employee decisions, pertaining to appointments, pay adjustments, promotions, and discipline.
11. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

B. OUTSIDE EMPLOYMENT

No city employee is allowed to perform any private work for remuneration within the city where the performance of such work has the potential for creating a conflict of interest or the appearance of impropriety.

1. Notification to City Manager's office required. Each employee who is performing or is contemplating the performance of private work for remuneration within the city shall notify the City Manager's office immediately.
2. City Manager's determination. The City Manager will review the private work performed by the employee to determine if the performance of such work is prohibited by this policy.
3. Factors considered by City Manager. The City Manager's review will consider the following factors:
 - a. Is the performance of such work regulated by the city, either directly or indirectly?
 - b. Will the employee's official position confer any economic advantage upon the employee over others?
 - c. Will the employee represent any other interests before any city body?

The employee's private work will be considered a violation of this policy if any of the above questions are answered affirmatively.

4. Violations
 - a. Each employee determined to be in violation of this policy as a result of the City Manager's review shall be required to cease the performance of such work immediately or resign from employment.
 - b. Each employee who fails to notify the City Manager's office as required herein may be subject to termination from employment.

5. Exceptions. Private work performed in uniform by sworn police personnel and sanctioned by the Chief of Police is exempt from this policy.

C. PERSONAL TELEPHONE CALLS

Although employees are not prohibited from making or receiving personal telephone calls while at work, such calls are expected to remain as short as possible and to be made only when necessary. If it is necessary to place a personal toll or long distance telephone call, the employee will submit a record of the call to his or her supervisor or department head on the date the call is made. The employee will, in turn, be charged for the call.

D. AFFIRMATIVE ACTION

The City of Newport has been and will continue to be an equal opportunity organization. No minority employee or applicant for employment will be discriminated against because of race, color, religion, national origin, gender, age, disability, sexual preference or veteran status. We will take affirmative action to ensure that applicants and employees are treated without regard to these characteristics. To carry out our policy, the City of Newport will:

1. Recruit, hire, train, place and promote persons for all jobs without regard to race, religion, color, national origin, gender, age, disability, sexual preference or veteran status;
2. Administer other personnel functions, such as compensation benefits, transfers, layoffs, returns from layoffs, and city-sponsored training, education, tuition assistance and social and recreation programs without regard to race, religion, color, national origin, sex, age, disability, sexual preference or veteran status.

The City of Newport will periodically analyze its procurement and personnel actions to ensure compliance with this policy.

E. SEXUAL HARASSMENT

1. POLICY

The City of Newport prohibits sexual harassment of its employees. The City of Newport is committed to providing a workplace free from this unlawful conduct. Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

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

- Unwelcome sexual advances
- Suggestive or lewd remarks
- Unwanted hugs, touches, kisses
- Requests for sexual favors
- Pornographic posters, cartoons or drawings
- Unwelcome sexual jokes and banter
- Retaliating for complaining against sexual harassment

3. COMPLAINT/ACTION

Employees who encounter such behavior from supervisors or fellow employees should follow the special grievance procedure outlined below:

Step one - If you feel you are being subjected to any form of sexual harassment, or if you feel that the working environment in your department contributes to the occurrence of incidents of sexual harassment, you should document specific information regarding the harassment or work environment. Dates, times, places, specific types of harassment, and names of any witnesses should be included in the documentation.

Step two - If it is appropriate, you should verbally, or in writing, express to the alleged harasser, your disapproval of his or her actions or behavior, and make it clear that his/her actions are not welcome.

Step three - If the harassment continues, you should submit a written or verbal complaint to your immediate supervisor (if the supervisor is the harasser, go to the City Manager). Your supervisor will investigate the complaint and respond to your complaint in writing within seven working days. If you feel the need to make your complaint to someone of your same sex, an individual will be provided upon request. All information given by you will be confidential and treated as such.

It is the supervisor's responsibility, once a complaint has been received, to take immediate action in the form of an investigation and to stop the unwelcome behavior.

Step four - If you do not feel that the problem was satisfactorily resolved by your supervisor, then you may file a formal complaint with the City Manager. Following an investigation, the City Manager will respond to you in writing within seven working days.

If an investigation concludes with a finding of sexual harassment of any form, disciplinary action will follow immediately in accordance with the disciplinary procedure.

F. SMOKING POLICY

The City of Newport recognizes that smoking and a smoke filled environment may be hazardous to the health of the employee. Also, the state of Vermont provides in 18VSA Chapter 28, Section 1421-1423 as amended, that employers must provide a smoke-free work place. It is therefore the policy of the City of Newport to provide a smoke-free environment. No smoking will be allowed in any city building or vehicle.

G. DRUG TESTING

It is the policy of the City of Newport not to test employees for the use of illegal drugs. However, employees who display job difficulties of a nature that might indicate a drug or alcohol problem may be required, upon reasonable notice, to undergo a physical or mental examination, which may include testing for substance use or abuse.

H. SUBSTANCE ABUSE POLICY

1. POLICY

Working under the influence of alcohol or regulated drugs may endanger the public, co-workers and the employee and result in poor or inaccurate job performance. Employees who experience alcohol or drug abuse problems are expected and encouraged to seek assistance in the treatment of their problems. Such employees may, without reprisal, seek guidance from supervisors, department heads or the City Manager.

2. PROHIBITION ON WORKING UNDER THE INFLUENCE

Employees shall not report to work or work under the influence of alcohol, or a regulated drug, unless the drug is prescribed by a duly licensed physician or dentist.

3. DISCIPLINARY ACTION

An employee who reports for work under the influence of alcohol or regulated drugs, or who consumes or uses such substances while at work, will face disciplinary action.

I. POLITICAL ACTIVITY POLICY

Participation in political activities is to be carried on outside of normal working hours. No political activities or solicitations will be conducted on city-owned property by employees.

Political activities are defined for the purposes of this policy as activities in support of any partisan political issue or activities, or in concert with, any individual candidate for political office, or a political party, which seek to influence the election of candidates to federal, state, or local offices. The definition includes employees who are or may be candidates for political office.

J. CONFLICT OF INTEREST

No employee shall maintain an outside business of financial interest, or engage in any outside business or financial activity which interferes with their ability to fully perform job responsibilities or furnishes products, materials, or services to the city. Nor may any employee benefit directly or indirectly from a third party who furnishes products, materials or services to the city.



Newport City Personnel Policy

Adopted: 2/23/2024

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PERSONNEL POLICY CITY OF NEWPORT, VERMONT

Section 1: TITLE AND AUTHORITY

This policy shall be known as the City of Newport Personnel Policy [hereafter “Policy”]. It has been adopted by the City of Newport City Council pursuant to 24 V.S.A. §§ 1121 and 1122. This Policy supersedes and replaces all prior manuals, policies, benefits, and practices of the City of Newport [hereafter “the City”] regarding employment and personnel matters.

Unless otherwise provided by statute or written contract, employment with the City of Newport is *at-will* and not for any definite period or succession of periods of time. The City or the employee may terminate employment at any time, for any lawful reason or no reason, with or without notice or cause. This Policy is not, and should not, be construed as an express or implied contract, and it does not modify any existing at-will status of any City employee. The City Council reserves the right to revise, modify, delete, or add to any and all policies, rules, or benefits described in this Policy for any reason and at any time, with or without notice.

This Policy will be administered by the City Manager or their authorized representative. The City Manager is responsible for ensuring the provisions of the Policy are complied with and shall report to the City Council as directed on matters related to personnel.

Section 2: PERSONS COVERED

This Policy applies to all persons employed by the City, except as otherwise stated herein. The City Clerk and Treasurer may adopt this Policy as applicable to their hirees and appointees, in which case all such hirees and appointees shall be treated for all purposes as employees of the City, fully subject to the Policy and all other City employment rules and benefits. Elected Officials may adopt this Policy for themselves and their statutory assistants, and be subject to its provisions, by signing the Agreement in Addendum B.

For the purposes of this Policy, a full-time employee is an employee who works at least 32 hours per week on a regular and continuing basis. A part-time employee is an employee who works fewer than 32 hours per week on a regular and continuing basis. Where a conflict exists between this Policy and any collective bargaining agreement or individual employment contract, the latter will control.

Section 3: PROBATIONARY PERIOD

All new employees are required to complete a six-month probationary period. The purpose of this probationary period is to determine whether the employee is suited for the job. During the probationary period, an employee may be terminated at any time at the sole discretion of the City Manager. Notwithstanding any other provision of this Policy, an employee terminated during the probationary period shall have no right to appeal such termination. The probationary period may be extended for an additional six (6) months at the discretion of the Department Head and the written approval of the City Manager.

Section 4: CONFLICT OF INTEREST POLICY

All employees shall carry out their job responsibilities in a way that ensures that neither the individual employee nor any other employee of the City gains a personal or financial advantage from their work for the City and so that the public trust will be preserved. All decisions made by City employees shall be made in the best interest of the community at large rather than the interests of any particular individual or employee.

Employees shall not participate in any official action if the employee has a conflict of interest in the matter under consideration. A "conflict of interest" means a direct or indirect personal or financial interest of the employee, their spouse, domestic partner, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother- or sister-in-law, business associate, employer, or employee, in the outcome of a cause, proceeding, application or any other matter pending before the employee or before the City.

Employees shall not personally, or through any member of their household, business associate, employer, or employee, represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application or other matter pending before the City.

Employee shall not use resources not available to the general public, including but not limited to City staff time, equipment, supplies, or facilities for private gain or personal purposes.

Employees may accept a nominal gift or gratuity in connection with an action associated with their official duties on behalf of the City with an estimated monetary value not exceeding \$20 once per calendar year, with the understanding that employees may not directly or indirectly ask, demand, exact, solicit, accept or receive any gift, gratuity, act or promise beneficial to that individual, or another, which could influence any action or inaction associated with their official duties on behalf of the

City or create the appearance of impropriety in connection with any actions or inactions associated with their official duties on behalf of the City. Nor shall any employee authorized to procure or to recommend procurement of materials, supplies or services corruptly, directly or indirectly, ask, demand, exact, solicit, seek, accept, receive or agree to receive for the employee or another person, any benefit or benefits from the person providing or soliciting the provision of such materials, supplies or services with the exception of items of a de minimis nature valued \$20 or less (such as vendor booth “freebies”).

Section 5: GRATUITIES AND GIFTS

Employees may not directly or indirectly ask, demand, exact, solicit, accept, or receive a gift, gratuity, act, or promise beneficial to that individual, or another, which could influence any action or inaction associated with their official duties on behalf of the City, or create the appearance of impropriety in connection with any actions or inactions associated with their official duties on behalf of the City. Nominal gifts such as small gifts of food may be accepted. Other small non-monetary gifts may be accepted provided that they are reported to and approved by the employee’s supervisor.

Section 6: HOURS OF SERVICE

Regular work hours for persons employed at the Municipal Building or other municipal offices shall be 8:00 a.m. to 4:30 p.m., Monday through Friday, with 30 minutes unpaid time allowed for lunch. Variations in work hours and schedule may occur as the nature of the job requires.

Regular work hours may be changed by a supervisor, and employees may be expected to work additional hours that exceed forty hours in a given work week, as circumstances require. All City employees are required to be available for work in the event of an emergency, weather-related or otherwise. Employees regularly scheduled to work less than forty (40) hours per week shall be subject to schedules designated by the employee’s supervisor.

All employees are expected to be in attendance during regular work hours. Employees who anticipate an absence from work not previously approved 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 7:00 a.m.

Section 7: OUTSIDE EMPLOYMENT AND OTHER ACTIVITIES

The primary occupation of all full-time employees shall be with the City. Employees may not engage in any outside business activities, including serving on boards, or engaging in any activities that constitute a conflict of interest. Employees are

prohibited from undertaking outside employment, or engaging in other activities, including serving on boards that interferes with their work schedules, performance or constitutes a conflict of interest.

Prior to accepting any outside employment, or serving on a board or engaging in any activity that could constitute a conflict of interest, employees shall notify the City Manager in writing, who, after consultation with the City Council, and a determination by the Council that the outside employment does not constitute a conflict of interest, may approve such employment or other activity.

Section 8: POLITICAL ACTIVITY

No employee may use their official authority for the purpose of interfering with or affecting the nomination or election of any candidate for public office, or demand or solicit from any individual direct or indirect participation in any political party, political organization, or support of any political candidate. Employees are prohibited from using City facilities, equipment, or resources for political purposes, and from pursuing political activities while working.

This Policy is not to 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 of the City, and these activities do not interfere with the employee's ability to effectively perform their duties, nor take place or are expressed during working hours. Nor is this Policy to be construed as prohibiting, restraining, or in any manner limiting an individual's right to vote with complete freedom in any election.

Section 9: NEPOTISM

The City – in recognition of the potential for a conflict of interest to occur in the workplace where close relatives' job responsibilities overlap, or where a close relative is responsible for supervising or evaluating the work performance of another close relative – prohibits the hiring or transferring of relatives, when doing so will result in a close relative working directly with a close relative on work related matters, or a close relative supervising or evaluating another close relative, or a close relative supervising or evaluating the immediate supervisor of another close relative.

A close relative includes a spouse, domestic partner, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law, and sibling-in-law.

Section 10: ALCOHOL AND DRUG USE

The City maintains a drug-free workplace and workforce. The use of alcohol or illegal drugs and the abuse of prescription drugs are not tolerated in the workplace or at work-related events.

As a City employee, you are prohibited from working, or presenting yourself for work, while under the influence, or severe aftereffects, of illegal drugs, controlled substances, and/or alcohol. This Policy is designed to promote our goal of providing a safe, healthy, and productive work environment. This Policy covers all employees, including drivers and other employees who also are subject to drug testing programs performed in accordance with Federal Department of Transportation (DOT) requirements.

This Policy prohibits the manufacture, distribution, transfer, display, transportation, sale, dispensation, possession, consumption, or use of illegal drugs, controlled substances, and/or alcohol by City employees at the workplace and/or during working hours. Prohibited behavior includes manufacturing, distributing, transferring, displaying, transporting, selling, dispensing, possessing, consuming, using, or being under the influence of illegal drugs, controlled substances, and/or alcohol during work hours, on work premises, while engaged in work activities away from work premises, or during work-related events.

For the purposes of this Policy, the term “illegal drug” includes both: (a) all state and/or federally controlled substances, including look-alike and designer drugs, and drug paraphernalia, and (b) prescription medications that have not been prescribed for current use by an authorized medical practitioner or that are being used contrary to the prescribing medical practitioner’s instructions. Controlled substances include but are not limited to the following substances: marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), barbiturates, benzodiazepine, methadone, methaqualone, and propoxyphene.

The improper use of prescribed drugs is also prohibited. An employee who is taking prescribed drugs as prescribed and whose ability to safely perform their job responsibilities is affected by the prescribed drug may be relieved of their duties at the discretion of their Department Head until cleared by a licensed health care provider to return to work.

Violations of this Policy may subject employees to disciplinary action up to, and including, termination of employment and referral for prosecution.

Section 11: TOBACCO USE

State law prohibits the use of lighted tobacco products in any workplace and in “the common areas of all enclosed indoor places of public access and publicly owned buildings and offices.” 18 V.S.A. § 1742.

In recognition of the hazards that tobacco poses to the health of employees, and in accordance with 18 V.S.A. §§ 1421 et seq. and §§ 1741 et seq., the City prohibits employees’ use of tobacco in any form, including electronic cigarettes, in all public buildings, offices, enclosed areas, designated smoke-free areas of City property, and in all City vehicles and equipment. Employees are permitted to use tobacco products fifteen (15) feet away from City property and are expected to remove cigarette butts from the area.

Section 12: PERFORMANCE EVALUATIONS

All employees, including Department Heads, are subject to job performance evaluations at such times and in such a manner as the City Manager deems reasonable. The results of such evaluations will be submitted to the employee, the employee’s supervisor, and the City Manager, and will become a part of the employee’s personnel file. The City Manager is subject to performance evaluation on the direction of the City Council.

Section 13: PERSONNEL RECORDS

Personnel records will be maintained for each employee of the City. In accordance with Vermont’s Public Records Act, any employee or the employee’s designated representative may inspect or copy their personnel file at a mutually agreeable time during regular office hours. The City reserves the right to have its representative present at the time its files are examined or copied.

Section 14: USE OF CITY EQUIPMENT

Except as provided in Section 15, the use of City equipment or property for personal use is strictly prohibited. Employees have no expectation of privacy regarding anything stored in or on City-owned property or City-owned equipment, including but not limited to desks, filing cabinets, lockers, and vehicles. Employees should expect that such areas are subject to search by the City at any time to retrieve work-related materials or to investigate violations of workplace rules.

Section 15A: USE OF CITY COMPUTER SYSTEM

For purposes of this Policy, "computer system" means all computers and devices and any related hardware, equipment, components, or software, including, but not limited to, host computers, file servers, workstation terminals, laptops, tablets, smartphones, internal or external communication networks, the world wide web (www), the Internet, commercial online services, bulletin board systems, backup systems, and the internal and external e-mail systems accessed via the City's computer equipment.

The City provides electronic communications systems for use in carrying out its business. All communication and information transmitted by, received from, or stored in these systems are the property of the City and, as such, are intended to be used for job-related purposes only. Data and information on the system belongs to the City and will not be deemed personal. City employees should avoid conducting City business using their personal computer, device, or accounts.

Occasional, brief, and appropriate personal use of the City computer system is permitted, provided it is consistent with this Policy and does not interfere with an employee's performance of their duties and responsibilities.

Employees have no expectation of privacy or confidentiality regarding anything created, sent, or received on the City computer system, whether they have been assigned a confidential password, or not. The City reserves the right to monitor at any time its computer system and data with or without notice. All files, documents, data, and other electronic messages created, received, or stored in the course of official City business on the City computer system are open to review and regulation by the City and may be subject to the provisions of Vermont's Public Records Act, and may be covered by the record retention requirements of the State of Vermont's General Records Schedules or Disposition Orders. Accordingly, employees shall not discard or delete any files, documents, data, and other electronic messages created, received, or stored in the course of official City business, except as in accordance with law. Questions regarding the requirements of the Vermont Public Records Law, General Records Schedules, or Disposition Orders as they apply to particular files, documents, or data should be directed to the employee's supervisor or City Manager.

Only legally licensed software will be installed on the City's computers. Employees are prohibited from introducing software from any outside source on the City's computer system without explicit prior authorization from their supervisor. Employees may be held responsible for any damage caused by using unauthorized software or viruses they introduce into the City computer system. Software (including applications, demos, upgrades) cannot be copied or installed without the permission

of the City Manager or their designee. Virus protection software shall not be removed or disabled. Employees must follow City guidelines for virus scanning of all incoming communications and media, including, but not limited to, all data disks and files entering or leaving the City. Employees should log off of the network at the end of their workday.

Transmission of electronic messages on the City computer system shall be treated with the same degree of propriety, professionalism, and confidentiality as written correspondence. The following are examples of uses of the City computer system which are prohibited:

- Communications that disrupt the workplace, are discriminatory, harassing, or threatening;
- Communications of sexually explicit images or messages;
- Transmission of non-work-related communications, including chain letters or solicitations for personal gain, commercial or investment ventures, religious or political materials, or other non-work-related materials or solicitations;
- Accessing Internet resources for personal use, including web sites and news groups that disrupt the workplace.
- Any other use that may compromise the integrity of the City or its business.

Nothing in this Policy will be interpreted or applied in a manner that interferes with employee rights to organize, form, join, or assist labor organizations; to bargain collectively through representatives of their choosing to the extent allowed by law; or to engage in other concerted activities for the purpose of addressing the terms and conditions of employment.

Section 15B: PROFESSIONAL USE OF SOCIAL MEDIA:

Those persons designated and authorized to post on the municipality's social media sites may do so with the understanding that they represent the City via social media outlets and must conduct themselves professionally. City employees must consider content carefully, understanding that it will be widely accessible, not retractable, and retained or referenced for a long period of time. The City expects postings to be truthful, courteous, and respectful.

Information posted to municipal social media is public and is subject to Vermont's Public Records Act, Open Meeting Law, and all other applicable laws, rules, policies, municipal charter provisions, and regulations. City employees should have no expectation of privacy regarding the information posted on municipal social media or in anything created, sent, or received on municipal electronic equipment. The City may investigate and monitor any transaction, communication, or transmission to ensure compliance with this Policy and the use of its equipment.

Section 16: PUBLIC RECORDS

All written or recorded information that is produced or acquired by a City employee in the course of City business is a public record, subject to Vermont's Public Records Act. Public records are considered permanent and shall not be deleted or destroyed, except in accordance with the Secretary of State's retention rules and disposition schedules for municipal records. In response to a litigation hold demand, no records may be destroyed or deleted.

Although the City discourages the use of personal computers, devices, or accounts to conduct City business (see Section 15, above), the use of a personal computer, device, or account does not prevent an otherwise public record from being subject to public inspection and copying. In the uncommon event that an employee uses their personal computer, device, or account to conduct City business, the record created, sent, or received should be forwarded by the employee to the employee's City computer system, or otherwise captured and retained as a City record. All employees are required to respond in the manner prescribed by Vermont's Public Records Act regardless of where a public record may be stored. All employees must provide any public records stored in their personal computers, devices, or accounts that are responsive to a public records request.

Section 17: ELIGIBILITY FOR BENEFITS

Subject to the eligibility requirements of the insurance carriers, the City offers group insurance and other benefit programs to its full-time employees, and to the City Clerk, Treasurer, and their statutory assistants, who have signed an agreement with the City. Benefits for full-time employees who work less than 40 hours per week will be prorated based on a 40-hour work week. Details about those benefits, as they exist on the date of hire, will be provided to the employee and are available in the City Manager's office.

This Policy is not contractual in nature and does not guarantee any continuance of insurance benefits. The City reserves the right to change insurance carriers, or to add, delete, or amend insurance or other benefit programs in its sole discretion. The City also reserves the right to change the amount or percentage of its contribution to the cost of any group health insurance program. The City will endeavor to provide employees with advance notice of any change in the contribution rate.

Section 18: HOLIDAY LEAVE

Full- and part-time employees will receive the following paid holiday leave:

Presidents Day	Day after Thanksgiving
Memorial Day	1/2-day December 24
Fourth of July	December 25
Labor Day	1/2 day before New
Indigenous People's Day	Year's Day
Veterans Day	Bennington Battle Day*
Thanksgiving Day	(floating holiday)

Employees shall be compensated for holidays as though the employee worked their normal workday, but such hours shall not be counted for overtime purposes. Any full-time employee who is required to work on a holiday shall in addition to the holiday pay, be paid at their regular rate, unless, for non-exempt employees, the working time is in excess of forty (40) hours, in which case, overtime pay would be applicable.

Holidays falling on a Saturday will be observed the preceding Friday. Holidays falling on a Sunday will be observed the following Monday.

Holidays that fall during an employee's vacation leave will not be counted as vacation leave.

Section 19: VACATION LEAVE

Full- and part-time employees will accrue vacation at the following annual rates:

Annual Accrual Rate	Years of Service
10 days annually (6.6 hours per/month)	1-2 years' service
15 days annually after	3-5 years' service
20 days annually after	6-10 years' service
25 days annually after	11-15 years' service
30 days annually after	16-20 years' service

Vacation leave accrues on a monthly basis beginning on the employee's date of hire.

However, an employee may not take vacation during the employee's probationary period. An increase in the annual rate of accrual of vacation leave will occur on the employee's anniversary date of hire.

Full-time employees receive vacation leave pay at the employee's regular rate of pay. Part-time employees receive prorated vacation leave pay based on the number of hours the employee is regularly scheduled to work in a work week. Leave must be taken in a minimum of 15-minute increments.

Employees are strongly encouraged to take an annual vacation. Employees are expected to make a timely request and make a reasonable effort to schedule vacations in accordance with the needs of the City. Requests for vacation shall be submitted to the employee's supervisor as soon as possible but not less than one week in advance of the requested time off. This notice period may be waived at the discretion of the Department Head or City Manager. The Department Head and/or City may consider the City's priorities of business and office coverage before granting such a request. Vacation will be scheduled at the discretion of the Supervisor upon consultation with the employee.

If an employee does not use all the employee's accrued vacation leave within the fiscal year it accrues. An employee may carry unused, accrued vacation leave forward to the next year up to a maximum of ten (10) vacation days. Any unused, accrued vacation leave that exceeds the amount carried forward will be paid out at the end of the fiscal year at the same rate at which it accrued. The City Manager may, for good cause at an employee's request, permit the employee to carry over more than the 10 days' vacation time. Any such vacation time carried forward must be used in full within the next fiscal year.

An employee who resigns from employment with the City will be compensated for unused, accrued vacation leave, with the exception that any employee who terminates their employment during their probationary period will not be entitled to compensation for any accrued vacation time.

Section 20: EARNED SICK LEAVE

Definition

For the purposes of this Section of the Policy, the following definition shall apply: "eligible employee" means an employee or an elected official of the city who: (a) is age 18 or older; (b) works an average of 18 or more hours per week during the year; and (c) is expected to work more than twenty (20) weeks in a 12-month period. This definition includes newly hired employees and those who are still in their probationary period of employment. This definition does not include an individual who: (i) works on a per diem or intermittent basis; (ii) works only when they indicate that they are available to work; (iii) is under no obligation to work for the city; and (iv) has no expectation of continuing employment with the city.

Earned Sick Leave

Eligible employees will earn eight hours (8) per month up to twelve (12) days per calendar year of sick leave. Such leave will accrue to the employee based on the number of hours actually worked by that employee.

Part time, year-round eligible employees who work at least 18 hours per week earn at least 1 hour of paid leave for every 52 hours actually worked, including overtime. Department Heads are hired with 30 days of sick leave annually, replenished at the beginning of each calendar year. A Department Head who leaves on good terms may be paid up to 15 days of remaining sick leave upon voluntary termination of employment. Upon retirement an employee may receive a payout of all remaining sick leave (retirement as defined under the Vermont Municipal Employees Retirement System).

Accrual Limit

Sick leave may accumulate from calendar year to calendar year up to a maximum of 240 hours or thirty (30) days. Employees in good standing may be paid up to thirty (30) days of accrued sick leave upon voluntary termination from employment or retirement (as defined under the Vermont Municipal Employees Retirement System).

Waiting Period

An employee may earn and take accumulated sick leave during the employee's probationary period.

Use of Paid Leave

Employees are expected to notify their supervisor prior to the first hour of the workday or sooner if they are unable to report to work due to illness or injury. An employee, whose absence for reasons of illness or injury extends beyond three (3) consecutive days, or whose absences indicate a pattern of potential abuse, may be required to provide the City with a statement from a licensed health care provider that they qualify for use of sick leave. Failure to comply with the provision of this requirement shall be cause for denial of sick leave pay and shall constitute an unexcused absence.

Eligible employees may use paid leave in increments of no less than fifteen minutes. An employee may use accrued sick leave for the purposes below: The employee is ill or injured.

- The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.

- The employee cares for a sick or injured parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment, or accompanying the employee's parent, grandparent, spouse, or parent-in-law to an appointment related to their long-term care.
- The employee is arranging for social or legal services or obtaining medical care or counseling for the employee or for the employee's parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, who is a victim of domestic violence, sexual assault, or stalking or who is relocating as the result of domestic violence, sexual assault, or stalking. As used in this section, "domestic violence," "sexual assault," and "stalking" shall have the same meanings as in 15 V.S.A. § 1151.
- The employee cares for a parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, because the school or business where that individual is normally located during the employee's workday is closed for public health or safety reasons.

All requests to take sick leave are to be made as soon as reasonably possible and prior to the commencement of the leave, or if prior notice is not possible, as soon as reasonable under the circumstances. Employees shall give the greatest advance notice for sick leave planned prior to their absence. Employees are encouraged to make reasonable efforts to the extent practicable to avoid scheduling routine or preventative health care or other appointments during regular work hours. Sick leave shall be paid at the employee's regular rate of pay. Use of earned sick leave does not diminish the rights, if any, that an employee may have under the Vermont Parental Family Leave Act, 21 V.S.A. § 470.

Section 21: BEREAVEMENT LEAVE

Employees may be provided with up to five (5) days paid bereavement leave for the death of a member of the employee's immediate family. Immediate family means spouse, domestic partner, parent, or child (natural, stepchild, or adopted). For the death of grandparents, siblings, aunts/uncles, niece, nephew, and in-laws up to three (3) days of bereavement leave may be provided. Bereavement leave is pro-rated for part-time employees. The exact amount of approved time off will be dependent upon the circumstances and subject to approval by the Department Head.

If additional time off is needed, or if time off is needed for the funeral of a friend or a relative who is not an immediate family member as defined above, or a domestic partner, or member of an employee's household, the employee's supervisor may approve, on a case-by-case basis, the use of a reasonable amount of accrued sick leave, if available, or, if not, unpaid leave. The amount of such time off, if approved, will depend upon the individual circumstances such as the distance to be traveled,

closeness of the employee's relationship with the person who died or the employee's family, and the employee's level of responsibility in making funeral or other arrangements.

Paid bereavement leave does not accrue and thus, when not used, is not carried forward into the next year and will not be compensated upon separation from employment.

Section 22: PARENTAL AND FAMILY LEAVE

To the extent the City is a covered employer under the Family and Medical Leave Act (FMLA) 29 U.S.C. Subchapter 1, or the Vermont Parental and Family Leave Act (PFLA), 21 V.S.A. §§ 470 et seq., eligible employees as defined by these laws shall be permitted to take leave in accordance with these laws. The FMLA and/or PFLA will determine employee eligibility, the qualifying reasons for such leave, and the length of leave.

The City reserves the right to designate any qualifying leave of absence granted under this Policy as leave under the FMLA or the PFLA. A request for leave must be made to the employee's supervisor reasonably in advance of the leave. The leave request should include the anticipated dates the leave will start and end. Where an employee's leave request is covered by both the VPFLA and the FMLA, the City will adhere to the law that provides the most benefits to the employee. If an employee is entitled to leave under both the PFLA and FMLA, the leave periods will run concurrently.

For the purposes of determining the twelve-month period in which an employee may be entitled to PFLA and/or FMLA leave, the City will use a rolling twelve-month period measured backward from the date the employee first uses such leave.

Section 23: SHORT TERM FAMILY LEAVE

In accordance with 21 V.S.A. § 472a, eligible employees may be entitled to take unpaid leave not to exceed four (4) hours in any thirty-day (30) period and not to exceed twenty-four (24) hours in any twelve (12) month period for the following purposes:

- To participate in preschool or school activities directly related to the academic educational advancement of the employee's child, stepchild, foster child, or ward who lives with the employee, such as a parent-teacher conference;
- To attend or accompany the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse or parent-in-law to routine medical or dental appointments;
- 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

- To respond to a medical emergency involving the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse or parent-in-law.

The City may require that leave be taken in a minimum of 15-minute segments. At the option of the employee, accrued paid leave may be used. Before taking leave under this section an employee is expected to make a reasonable attempt to schedule appointments outside of regular work hours. An employee shall provide the City 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 where the required seven (7) day notice could have a significant adverse impact on the family member of the employee.

Section 24: CRIME VICTIM LEAVE

In accordance with 21 V.S.A. § 472c, eligible employees who are crime victims may be entitled to take unpaid leave for the purpose of attending a deposition or court proceeding related to:

- a criminal proceeding when the employee has a legal right or obligation to appear at the proceeding;
- a relief from abuse, neglect, or exploitation hearing when the employee is the plaintiff;
- hearings concerning an order against stalking or sexual assault, when the employee seeks the order as plaintiff.

A "crime victim" is a person who has obtained a:

- Relief from abuse order against a family or household member;
- Court order against stalking or sexual assault;
- Court order against abuse of a vulnerable adult; or
- Sustained physical, emotional or financial injury as the direct result of the commission or attempted commission of a crime or act of delinquency and is identified as a crime victim in an affidavit filed by a law enforcement official with a prosecuting attorney. This also includes the victim's child, foster child, parent, spouse, stepchild or ward of the victim who lives with the victim, or a parent of the victim's spouse, provided that the individual is not identified in the affidavit as the defendant.

At the option of the employee, accrued sick leave, vacation leave, or any other accrued paid leave may be used.

Section 25: LEAVE OF ABSENCE WITHOUT PAY

Requests for leaves of absence without pay for any reason other than those covered by federal, or state law must be submitted in writing to the employee's supervisor at

least seven days prior to the requested leave, absent exigent circumstances, and must set forth the purpose for which the leave is requested. All leave requests must be for a definite period of time and include a specified date of return.

If a leave of absence without pay is granted, the employee may, at the City's sole discretion, continue to receive health plan coverage by paying the required premium in accordance with the payment schedule established by the City. Other employee benefits (e.g., sick leave, vacation, seniority, etc.) will not accrue during an unpaid leave period.

Section 26: MILITARY LEAVE

Employees who take military leave subject to the provisions 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. will be granted leave without pay. At the option of the employee, any paid vacation leave accrued prior to the commencement of the leave may be used.

Section 27: CIVIL LEAVE AND JURY LEAVE

All employees entitled to vote in national, state, and municipal elections shall, when necessary, be allowed sufficient time off with pay to exercise this right. Approval of such leaves shall be made by the Supervisor.

A request to take unpaid leave from employment for the purpose of attending a City Meeting or the employee's Town meeting must be made at least seven (7) days prior to the date of the meeting. Such leave will be granted provided that it does not cause an interruption of the essential operations of the city government.

The City will compensate employees for their service as jurors or witnesses. In accordance with 21 V.S.A. § 499, while serving as jurors or witnesses, employees will otherwise be considered in the service of the City for purposes of determining seniority, benefits, credit towards vacations, sick leave, and other rights, privileges, and benefits of employment. Employees requesting civil or jury duty leave shall provide the City Manager with a copy of the court order, or subpoena, along with any jury or witness fees or compensation received, if any, for their participation in the court proceedings.

Section 28: OVERTIME AND COMPENSATORY TIME OFF

In accordance with the provisions of the Federal Fair Labor Standards Act (FLSA), the City compensates non-exempt employees at the rate of one and one-half times their regular pay for each hour actually worked in excess of forty (40) hours in any

workweek. Holidays, sick time, and vacation days do not count as hours worked for purposes of calculating either overtime or eligibility for compensatory time off. Exempt employees are not eligible for overtime; they are expected to work as many hours as required to perform the duties of the position. Employees shall be paid to the nearest quarter ($\frac{1}{4}$) hour for overtime purposes.

No employee may work over forty (40) hours in a given workweek without the prior authorization of their supervisor. Acceptance of a directive to work overtime is considered a condition of employment. At the supervisor's discretion, an employee's work schedule may be adjusted during a workweek to avoid overtime.

In lieu of a cash payment, any non-exempt employee may elect to receive compensatory time, which accumulates at the rate of one and one-half hours for each hour worked in excess of forty (40) hours in any workweek. At the City's sole discretion, compensatory time may be denied, and the City may elect to pay employees in cash for overtime hours worked.

Prior to making an election to receive compensatory time off in lieu of cash payment for the overtime hours worked, the employee must notify their supervisor of their election to receive compensatory time off.

- An employee receiving payment for accrued comp time will be paid at the regular rate of pay earned by the employee at the time the employee receives such payment.
- Upon termination from employment, an employee will be paid for unused compensatory time at a rate not less than the average regular rate of pay received by the employee during the last three (3) years of employment or the employee's final regular rate of pay, whichever is higher.
- An employee may accrue a maximum of sixty (60) hours of compensatory time, after which overtime will be monetarily paid.
- Requests for use of compensatory time must be submitted to the employee's supervisor who will have sole discretion to grant or deny the request.
- Requests for use of compensatory time will not be unreasonably withheld unless its use unduly disrupts the City's operations.

Section 29: EQUAL EMPLOYMENT & ANTI-DISCRIMINATION POLICY

The City of Newport provides equal employment opportunities to all persons based on individual merit, competence, and need. The City does not discriminate against employees or applicants for employment on any legally recognized basis including, but not limited to, race, color, religion, sex, sexual orientation, age, national origin, marital status, disability, veteran status, ancestry, pregnancy, gender identity, HIV status, place of birth, or any other recognized basis under local, state, or federal law ("Protected Bases"). This Policy applies to all terms and conditions of employment,

including, but not limited to, hiring, placement, promotion, training, compensation, layoff, and termination. All employees, including supervisors, Department Heads, and elected officials are required to abide by this policy.

Harassment of one employee by another employee or by a supervisor is prohibited. Harassment means unwelcome conduct that is based on any of these Protected Bases. An employee who commits harassment will be subject to discipline up to, and including, immediate dismissal. Examples of harassment may include, but are not limited to, offensive jokes, gestures, slurs, epithets or name calling, physical threats, intimidation, ridicule or mockery, insults or put downs, or offensive objects, pictures, or written materials.

Simple teasing, offhand comments, or isolated incidents that are not very serious are not illegal. To be unlawful, the conduct must be so frequent or severe that it creates a hostile or offensive work environment or the conduct results in an adverse employment decision (such as the victim being fired or demoted).

Any employee who believes they have been subjected to harassment, or to retaliation for having brought or cooperated with a complaint or an investigation of harassment, should report it promptly to a supervisor. If reporting to a supervisor is not possible, then a report should be made to their Department Head, another Department Head, or to the City Manager. If a complaint is about a Department Head, a report should be made to the City Manager. If the complaint is about the City Manager, a report should be made to the Mayor, the City Council Chair, or another designated member of the City Council.

Complaints of harassment or retaliation may also be filed with the following state and federal agencies:

Civil Rights Unit
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609-1001
Email: ago.civilrights@vermont.gov
Telephone: 802.828.3657
888.745.9195 (Toll Free VT)

U.S. Equal Employment Opportunity Commission (EEOC) JFK Federal
Building 15 New Sudbury Street, Room 475
Boston, MA 02203-0506
Web site: www.eeoc.gov
Telephone: 800.669.4000

800-669-6820 (TTY)
844-234-5122 (ASL Video)

If the City receives a complaint of harassment or discrimination or has reason to believe that harassment or discrimination has occurred, it will promptly, thoroughly, and impartially investigate the matter. Investigations will be conducted in a confidential and discrete manner to the extent possible, and complaints will be disclosed only as necessary for a thorough investigation and adequate response to the matter. If a violation of this policy is found to have occurred, corrective action will be taken, and the offending employee shall be subject to discipline including but not limited to dismissal from employment.

Section 30. SEXUAL HARASSMENT POLICY

The City promotes a workplace that is free of sexual harassment. Sexual harassment in the workplace is unlawful under state and federal law and will not be tolerated by or towards any employee, whether male or female. A copy of this policy will be provided to all employees and elected or appointed officials. Additional copies are available in the City Office.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, written, physical, and nonphysical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual, including but not limited to placement, promotion, training, or compensation; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- Sexual harassment may be indirect or even unintentional and may include off-duty conduct that affects an employee's working environment.

Examples of sexual harassment may include, but are not limited to, coercion of sexual relations; touching or grabbing an employee's body parts; sexually offensive comments; name-calling; jokes; gestures; innuendos; and other unwelcome sexually oriented statements. Employees of the City are prohibited from bringing into the workplace or otherwise displaying any written materials or images that may be considered sexually suggestive or offensive in nature. Sexual harassment can also include offensive remarks about a person's sex, such as a man making offensive

comments about women in general, vice versa, or a person who makes offensive comments about a person who is transgender.

Retaliation against an employee who complains in good faith about having been subjected to sexual harassment, or who cooperates in an investigation of sexual harassment, is a violation of this policy. Retaliation is a recognized form of harassment and will be handled in the same manner as other forms of harassment under this policy.

If you believe you have been subjected to sexual harassment, or retaliation for having brought or supported a complaint of sexual harassment, you are encouraged but not required to directly inform the offending person or persons that such conduct is offensive and must stop. If you do not wish to communicate directly with the alleged harasser or harassers, or if such direct communications have been ineffective, then you should immediately report the matter to your supervisor. If reporting to a supervisor is not possible, then a report should be made to your Department Head, another Department Head, or to the City Manager. If a complaint is about a Department Head, a report should be made to the City Manager. If the complaint is about the City Manager, a report should be made to the Mayor, the Chairperson of the City Council, or another designated member of the City Council.

For any complaint of harassment or discrimination, if possible, because it is helpful to the investigation, the employee is encouraged to keep a diary of events and to record the names of people who witnessed or were told of the harassment. Upon request, reasonable accommodations will be made for persons with disabilities who need assistance with filing or pursuing a complaint under either the Antidiscrimination or Sexual Harassment policies.

Complaints regarding sexual harassment or retaliation may also be filed with the following state and federal agencies:

Civil Rights Unit
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609-1001
Email: ago.civilrights@vermont.gov
Telephone: 802.828.3657
888.745.9195 (Toll Free VT)

U.S. Equal Employment Opportunity Commission (EEOC)
JFK Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203-0506

Website: www.eeoc.gov
Telephone: 800.669.4000
800-669-6820 (TTY)
844-234-5122 (ASL Video)

These agencies may conduct impartial investigations, facilitate conciliation, and, if they find that there is probable cause or reasonable grounds to believe that sexual harassment occurred, may file a complaint in court.

If the City receives a complaint of sexual harassment or has reason to believe that sexual harassment has occurred, it shall take all steps necessary to ensure that the matter is promptly investigated and addressed. Investigations will be conducted in a confidential and discrete manner to the extent possible, and complaints will be disclosed only to those people necessary to thoroughly investigate and address the matter. The City is required by law to act if it learns of potential sexual harassment, even if the person subjected to the harassment does not wish to file a complaint. Supervisors and Department Heads are responsible for promptly responding to any complaint or suspected incidents of sexual harassment, and for notifying the City Manager. The City Manager should report any complaints or suspected incidents of sexual harassment to the City Council Chair, or other designated City Council Member.

If a violation of this policy is found to have occurred, corrective action shall be taken, and the offending employee shall be subject to discipline including, but not limited to, dismissal from employment. If the complainant is dissatisfied with the actions taken by the City, they may file a complaint with the state or federal agencies identified above.

Section 31: EMPLOYEE CONDUCT

All employees are considered representatives of the City 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. All employees shall comply with the following conduct guidelines. Employees may be disciplined up to, and including termination, for failure to conform to these rules of conduct.

Required Conduct

The following conduct is required of all employees, except as may be otherwise authorized by law, rule, contractual agreement, or supervisor approval:

- Employees shall fulfill all of the duties and responsibilities of their position in an efficient, timely, and effective manner. Employees shall pursue the common good in their official activities and shall uphold the public trust.

- Employees shall be punctual in reporting to work and shall remain at work until the scheduled end of their workday unless otherwise authorized by a supervisor. Unexpected absences shall be reported as soon as possible.
- Employees shall respect the legitimate privacy interests of their co-workers, superiors, and employer, both as to personal property and work product in the workplace.
- Employees shall wear attire appropriate to their position.
- Employees shall carry out their work in a manner which minimizes the risk of personal injury or property damage to the employee, other employees, the City, and the public.
- Employees shall report to an immediate supervisor or any supervisor any work incident that results in personal injury or property damage. Any such incident warranting emergency services shall be immediately reported to the police or fire and rescue as appropriate. Employees shall not discuss any such incident with anyone other than City officials, except as may be necessary for rendering of emergency services.

Prohibited Conduct

Prohibited conduct for all employees includes but is not limited to the following:

- Employees shall not use, or attempt to use, their positions to obtain special privileges or exemptions for themselves or others.
- Employees shall not use, or attempt to use, City personnel, property, or equipment for their private use or for any use not required for the proper discharge of their official duties.
- Employees shall not solicit or accept any form of compensation from anyone except the City for activities which are related to their position unless it is provided for by law or approved by the Council. Prohibited compensation shall include any gift, reward, loan, gratuity, or other valuable consideration. This includes free meals provided to employees, their immediate family, or business associate(s).
- Employees shall not engage in any employment, activity, or enterprise which is inconsistent, incompatible, or in conflict with their duties as a City employee or with the duties, functions, or responsibilities of the City.
- Employees shall not engage in any outside employment, activity, or enterprise during their work hours.
- Employees shall not disclose, directly or indirectly, information which they receive or have access to by virtue of their official duties, either for the private gain or benefit of themselves or others, except as authorized by their superiors or by law.
- Employees shall not interfere with a lawful request for public information. Providing information must be in a manner which does not show preference to any particular entity, business, or organization.

- Employees shall not solicit any form of private contract as a result of information gained through their employment.
- Employees shall not smoke or use smokeless tobacco within any City-owned buildings, work areas, or vehicles.
- Employees shall not report to work or engage in work under the influence of alcohol or drugs, and employees shall not consume alcohol or drugs during their scheduled work time. The only exception to this rule is use of a drug prescribed by a duly licensed health care provider, provided such use is in the manner prescribed and the employee is cleared to work while using such prescription drug.
- Employees shall not violate the City's Equal Employment, Anti-Discrimination, or Sexual Harassment policies.
- Employees shall not commit misconduct outside the workplace which interferes with the City's operations.

Section 32: SEPARATION FROM EMPLOYMENT

1. The City Manager, with the approval of the City Council, may, at any time, terminate an employee's employment with the City by providing the employee with a written notice of termination. Termination shall be effective on the date set forth in the notice.
2. Employees may resign from employment with the City at any time by providing the Council with written notice of resignation. Absent unusual circumstances, the employee should provide two weeks' notice and specify the effective date of resignation.

Section 33: SEVERABILITY

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

ADOPTED by the Newport City Council this ____ day of _____, 2024.

SIGNATURES of Mayor and City Council:

Mayor

City Council President

City Councilor

City Councilor

City Councilor

City Councilor

**ADDENDUM A:
Employee Acknowledgement and Receipt of
City of Newport's Personnel Policy**

I, _____, acknowledge that:

1. I received a copy of the City of Newport's Personnel Policy ("Policy") on _____ and understand it is my responsibility to read it and familiarize myself with its contents.
2. I understand that it is my responsibility to ask questions if there is anything in the Policy that I do not understand.
3. I understand that unless otherwise provided by contract or statute, my employment with the City is terminable at-will, meaning it may be terminated at any time and for any lawful reason or no reason, regardless of the length of my employment or the granting of benefits of any kind.
4. I am aware that the descriptions of benefits in this policy are not contractual in nature and do not guarantee any continuance of benefits.
5. I understand that this Policy replaces any and all prior versions and that the City reserves the right, at its sole discretion, to add, amend or discontinue any of the provisions of this Policy for any reason or no reason, in whole or in part, at any time, with or without notice.
6. I understand that my signature below indicates that I have read and understand the statements above and that it is my responsibility to adhere to the policies contained within the Policy, including but not limited to, those policies concerning equal employment opportunities, and those prohibiting discrimination and sexual or other harassment.
7. I understand that this Receipt and Acknowledgment will be placed in my personnel record.

Employee's Name (please print)

Date

Employee's Signature

ADDENDUM B:

Agreement by Independently Elected Officer to be Bound by City of Newport's Personnel Policy

This is a contract between the City of Newport City Council, and the City's independently elected City Clerk and/or City Treasurer collectively referred to as the "parties."

In exchange for the provision of benefits by the City of Newport as set forth in Addendum C (Attached) which may change from time to time at the sole discretion of the Council, independently elected officers, the City Treasurer, and/or City Clerk agree to be bound by the provisions of the City of Newport's Personnel Policy ("Policy"), except the provisions on Probationary Period, Performance Evaluations, and Separation from Employment.

[*Insert name*] agrees as follows:

- [*she / he*] has received a copy of the Policy and understands that it is [*her / his*] responsibility to familiarize [*herself / himself*] with its contents;
- [*she / he*] has been given an opportunity to ask questions about this Policy and has been provided with satisfactory information in response to those questions;
- [*she / he*] acknowledges that the City reserves the right to add, amend or discontinue any of the provisions of this Policy for any reason or none at all, in whole or in part, at any time, with or without notice;
- [*she / he*] acknowledges that [*she / he*] understands the City's Policy and agrees that [*she / he*] will comply with all its provisions.

The parties agree that this shall not constitute a contract for employment.

[*If applicable, insert the following:* "In addition to the above, [*name*] agrees that [*her / his*] statutory assistant, [*name*], who holds the position of [*insert title*], will be subject to the City's Personnel Policy except the provisions on Probationary Period, Performance Evaluations, and Separation from Employment, which do not apply to him/her. In return, the said statutory assistant will receive benefits from the City as set forth in which may change from time to time at the sole discretion of the Council. **Addendum C** (Attached)."

Entered into this ____ day of 202_

By:

Independently Elected Official

By the Mayor and City Council:

Mayor

City Council President

City Councilor

City Councilor

City Councilor

City Councilor

Mayor's Memo to Council re: Action to disconnect from Water Service Provided by the Village of Derby.

July 5, 2025

Council Members,

There is a requirement in the contract between the City of Newport and the Village of Derby, in which the City of Newport agrees to purchase water from the Village of Derby to service several properties on the east end of town, which requires that Newport City Council formally act to notify the Village of Derby sixty days in advance of our intended date to disconnect.

Since we expect the new water tower to be online by the end of July or middle of August, and since we will no longer need the water that the Village of Derby has been providing, I request that the Council empower me to notify the Village of Derby immediately.

Though we did informally notify the Village of Derby in May that we expected to disconnect, the requirement that the council take formal action was an item that slipped by without my notice. This may delay our ability to formally end the arrangement by several weeks following the start of the use of the new water tower, since their Select Board is also required to take action on our notification.

Also, the Council should be advised that upon disconnecting from the Village of Derby, the contract calls for a final payment of \$30,000 for projected loss of income to the Village of Derby.

Assuming your approval, I recommend language similar to the following:

The City Council of Newport is formally acting to notify the Village of Derby that we intend to disconnect from the Village of Derby's water source as soon as possible following the completion of the Water Tower in late July or early August. As stipulated in the 2017 Amendment to the 1997 Interlocal Water Agreement in item 9:2:a, referring to the newly numbered Article VI in the original agreement, the City of Newport will pay \$30,000 to the Village of Derby at the time of disconnection.

CERTIFIED RESOLUTION

The undersigned members of Newport, VT City Council, hereby certify as follows:

At a meeting of the Newport City Council duly warned and held on July 7, 2025, with a quorum present at all times, the following resolution was adopted by the affirmative vote of a majority of said City Council; and that said resolution has not been rescinded or amended in any way.

RESOLVED: That the Newport City shall move to terminate with proper notice Grant Agreement #07110-DTF-2022-09 associated with the Coventry Street & Main Street Improvement Project held with The Vermont Agency of Commerce and Community Development

Dated at Newport, Vermont this 7th day of July 2025.

Mayor

Council President

Member

Member

Member

2017 Amendment to 1997 Interlocal Water Agreement

For good and valuable consideration, whose receipt and sufficiency are conclusively acknowledged, and for the purpose of settling their outstanding litigation, the **Village of Derby Center**, Vermont, and the **City of Newport**, Vermont, amend the 1997 Interlocal Agreement for Water Between Village of Derby Center and City of Newport.. These amendments override any provisions in the existing agreement to the contrary, but except as amended below, the existing agreement survives. For purposes of this amendment, the village and the "Company" are one and the same, and "design flow" will be determined by rules the state may from time-to-time adopt.

1. The city may maintain and modify the three existing connections *within* the industrial park and the three existing connections *outside* the park. The city may make, maintain and modify additional connections *within* the park, and it may make, maintain and modify *one* additional connection *outside* the park, at 1352 E. Main Street. The city may not otherwise make, maintain or modify any connections whatsoever except as provided below or by further written amendment to the agreement.
2. The city will notify the village in writing as connections are made and modified, and such notice will include (a) the name of the applicant, (b) the address of the connection, (c) the state permit approving the connection and (d) any other information that the village may reasonably request, including concerning design flow.
3. The aggregate design flow of connections may not exceed 10,000gpd unless the parties agree otherwise by further written amendment to the agreement.
4. The city will install, test and maintain separate, external meters at each connection.
5. Article III is modified to read *in its entirety*:

The city will no longer be treated by the village as a single, connected customer with 10,000gpd of design flow. Rather, the village will create *pro forma* accounts for each connection, assigning to each an allocation based on its design flow. The village will read the meters at those connections when it from time-to-time reads connections generally, and deliver to the city *pro forma* invoices for each such connection utilizing the same rates, fees, charges and methodology that the village from time-to-time applies to comparable connections within the village, i.e., the village will invoice the city for each connection *as if* it were a *village* connection. The city will be liable for 100% of all rates, fees and charges the village may from time-to-time impose, under any ordinance, payment being due in full within thirty days of invoicing, time being of the essence, and payment not being contingent on collection by the city from its own users. To confirm water use, for billing and otherwise, the village may from time-to-time also read the master meter. To the extent water use appears to be under-reported, the village may test any meter with a city representative

present. The parties will share all metering data, on request, including metering data for the town connections described in section 9 below.

6. Article IV is modified to read *in its entirety*:

The village will provide additional water necessary for fire suppression in the city at existing fire hydrants and at fire sprinklers that may exist or be installed at any authorized connection, but the village is not responsible for installing, testing or maintaining hydrants, sprinklers or other suppression systems. The city will pay the village rents for fire hydrants at the same rate the village from time-to-time charges the town, payment being due within thirty days of invoicing, time being of the essence. The village will not otherwise charge the city for water used for fire suppression.

7. Article V is modified to read *in its entirety*:

The parties agree to mediate before litigating. If mediation is unsuccessful and litigation is again required to enforce the existing agreement, as amended, the substantially prevailing party will be entitled to, in addition to damages and appropriate injunctive relief (e.g., the village will be entitled to pursue disconnection of any connection that causes the city to exceed the maximum design flow allowed under section 2), reasonable costs and litigation expenses (including attorney fees incurred in good faith). The village may also pursue fines under any applicable village ordinance.

8. Article VI is changed to Article VIII. This will be the new Article VI:

1. On at least sixty days' notice to the village, and on giving the village a reasonable opportunity to observe and otherwise confirm compliance by the city, the city may disconnect from village water when the city has constructed infrastructure sufficient to supply water of its own under sufficient pressure to provide fire suppression to its customers and the hydrants existing along the main.
2. All expenses related to the disconnection will be borne exclusively by the city.
3. On the day before the disconnection date, the village will read the meters of all city customers and thereafter promptly deliver final invoices, which the city will immediately pay.
4. The city will thereafter supply its own water for all purposes, including hydrants and other fire suppression, and, except as provided in Article V and Article VII, the obligations of the parties to one another under this agreement, as amended, will terminate.

9. This will be the new Article VII:

1. The village may continue to maintain and modify existing connections of its town customers to the main, below the master meter vault, but only for those existing town parcels presently abutting East Main Street below the vault. The village may not add to or modify connections to the main to serve other parcels or to serve any abutting parcel to the extent such parcel is enlarged to include land not presently within the aggregate abutting

parcels. Any service of such other parcels, or of any such enlarged parcels, will have to be supplied by the village, at the village's sole cost, from the village's main on Shattuck Hill Road, or through its main to Walmart.

2. Upon any disconnection under Article VI:
 - a. The city will immediately pay \$30,000.00 to the village. The \$30,000.00 payment is intended to compensate the village for lost revenues for the connections the city will assume under section 2(b), and the parties irrevocably agree the amount is a reasonable and conclusively binding estimate of those lost revenues, for all purposes.
 - b. The city will thereafter provide city water to and assume, as city customers, the town connections identified in section 1, exchanging city meters for the village meters (and returning the village meters to the village), provided, the city may not, without the village's prior, informed, written consent, ever modify those connections to serve town parcels other than those directly abutting East Main Street below the vault, or to provide service to any such abutting parcel if such abutting parcel is enlarged to include land that is not presently within the aggregate abutting parcels, it being understood that any service of other parcels, or enlarged parcels, will be supplied by the village.
 - c. From completion of the infrastructure identified in Article VI, section 1, and until the city assumes the town connections below the vault under section 2(b) of this Article VII, the city will continuously supply city water to those connections, but only as those connections are defined and limited by section 1 of this article, and, during such time that city water is supplied, the village may bill and collect for such water used at those connections *as if* the water supplied were village water, it being understood by the village that the city will *not* be required to supply city water to connections *other than* those the village may maintain and modify under section 1.
3. Except as provided in section 2: the town customers of the village identified in this Article VII are and will continue to be exclusively village customers, the village will not compete for water customers in the city, absent the city's consent, and the city will not compete for water customers in the village or the town, absent the village's consent, this non-competition clause being a vital part of the overall consideration for this agreement and which will survive, perpetually, any disconnection by the city under Article VI.

10. The city will pay the village \$50,000.00 by August 28, 2017, time being of the essence, and that payment, together with the other terms of this amendment, will settle the existing litigation between the parties, which the parties will confirm to the Superior Court, it being understood that this \$50,000.00 payment and the \$30,000.00 payment identified in section 9 are distinct.

11. The existing town parcels identified in section 9 are depicted in Exhibit A. Nothing herein is deemed to be a "future phase" of the industrial park under the original agreement.

Executed and effective as of August 21, 2017:

Village of Derby Center



Rosaire Fortin, Trustee



Stephen Mengel, Trustee



William Jenne, Trustee

City of Newport



Paul L. Monette, Mayor



Denis Chepette, Councilor



James Merriman, Councilor



Julie Roboin, Councilor



John Wilson, Councilor

Attest



Elizabeth Bumps, Clerk

Attest

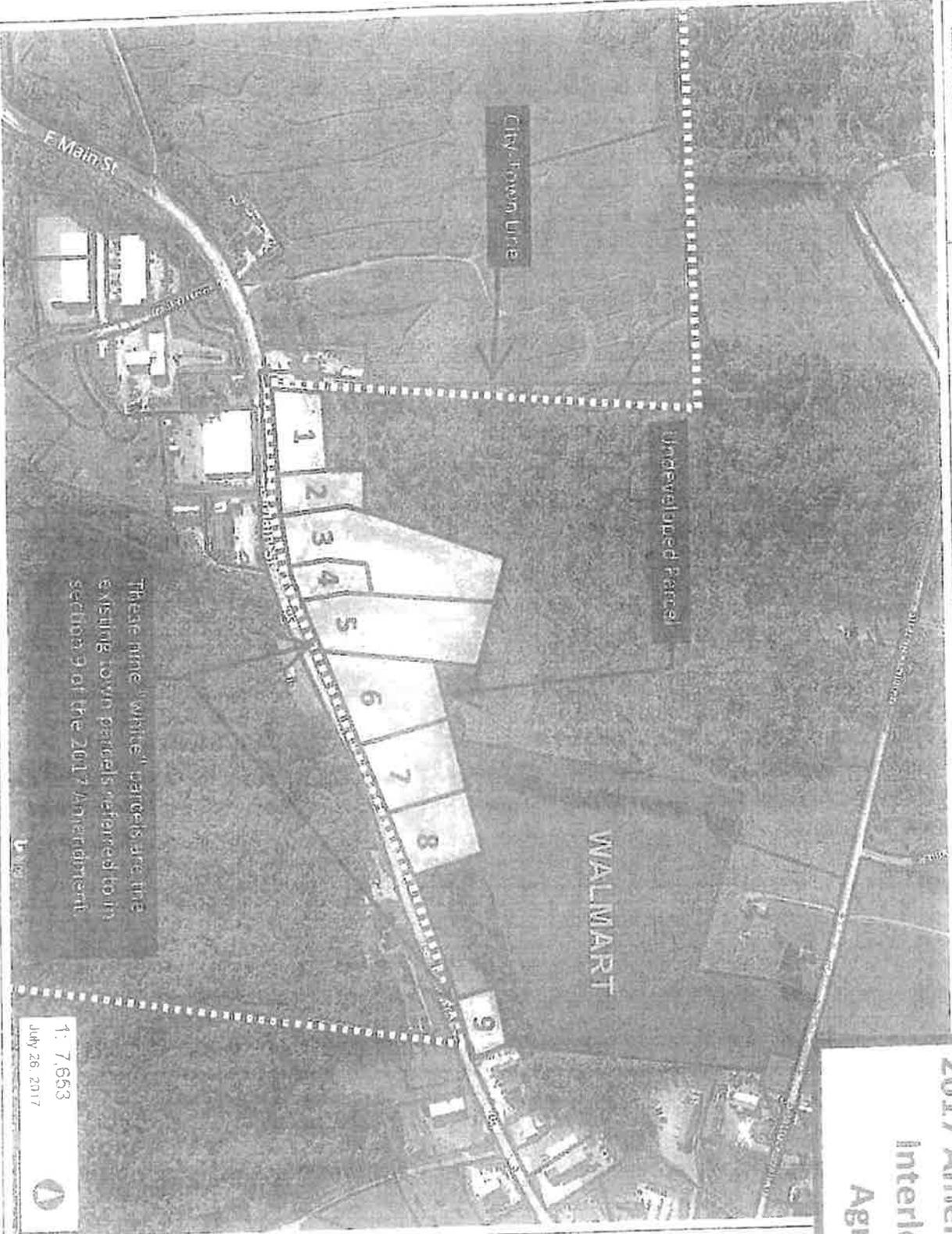


James D. Johnson, Clerk



EXHIBIT A

2017 Amendment to 1997 Interlocal Water Agreement



These nine 'white' parcels are the existing town parcels referred to in section 9 of the 2017 Amendment.

1: 7,663
July 26, 2017



LEGEND

- Parcels (where available)
- Town Boundary

NOTES

Map created using ARX's Natural Resources Atlas

389.0

194.00

389.0 Meters

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

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