

**TOWN OF MIDDLEBURY**  
**Policy Review Committee**  
Meeting Minutes – January 13, 2017

In attendance

Donna Donahue and Gary Baker, Committee members; Beth Dow and Chris English, Town staff.

Chris called the meeting to order at 8:00 a.m.

**Approve Meeting Minutes of December 16, 2016.** Gary moved to approve the minutes of the December 16th meeting as presented. Donna seconded. Unanimously approved.

**Complete Review of VLCT Feedback Regarding Draft Personnel Policy.** The Committee wrapped up its review of VLCT Attorney Sarah Jarvis' feedback on the draft Personnel Policy with a discussion of Sections 30 – 34:

**Section 30: Employee Discipline**

Sarah added “engaging in any illegal activity” to the bullet list of prohibited employee behaviors on pg. 17.

PRC: The Committee agreed to accept the changes.

**Section 31: Employee Termination Process**

Sarah struck the following sentence: “The notice will also inform the employee of his or her right to have the hearing conducted in executive session in accordance with 1 VSA § 313.” She explained that, while the Selectboard has the discretion under § 313 to conduct a disciplinary or dismissal action in executive session, statute does not mandate it, nor does it give an employee or public official the right to have such an action discussed in private session. As such, she said, the sentence in this section is a misstatement of the law.

PRC: The Committee agreed to accept the changes.

**Section 32: Grievances**

Sarah added the following clarification to the beginning of this section: “This section does not apply to instances of discrimination or harassment, as those instances are covered in Sections 28 and 29.”

Sarah also added language stipulating that the rights in Section 32 are conferred upon full-time employees only.

Under "Formal Procedure for Grievances," Sara made the following changes:

(A) The grievance must be presented **by the employee to the department head** in writing. **The department head will forward the grievance to the Town Manager.**

**(B) The Town manager may respond to the grievance as she or he sees fit.**

(C) The employee ~~shall have the right to~~ **may** request to meet with the Selectboard in executive session to discuss grievance, once it has been reviewed by both the appropriate department head and the Town Manager. **The Selectboard will respond to the employee's request as soon as practical after consulting with the Town Manager. If deemed necessary and appropriate, the Selectboard may schedule a meeting with the employee, which meeting may take place in such an executive session if deemed necessary and appropriate** ~~will be scheduled as early as practicable at a regularly scheduled Selectboard Meeting.~~ The Selectboard may support or modify the action of the Town Manager.

PRC: The Committee agreed to accept the changes.

### **Section 33: Severability**

No changes were proposed.

### **Section 34: Adoption and Amendment**

Sarah struck the current language in this section as unnecessary, noting that both Statute and the Town Charter give the Selectboard the legal authority to adopt and amend the Town's personnel policy.

PRC: The Committee agreed to accept the changes.

**Discuss Preparation for Presentation of Draft Policy to the Selectboard.** The Committee agreed that the following documents should be included in the Selectboard packet for discussion at the February 14th meeting:

- Original Town Personnel Policy
- Clean final draft of the updated Personnel Policy
- Marked-up draft prepared by VLCT attorney Sarah Jarvis
- Summary of major changes to the original Personnel Policy reflected in the new draft

Chris will work on preparing the clean final draft of the policy, incorporating the changes that the Committee discussed and agreed to following Sarah's review. He will also prepare a draft summary of the major changes between the old and new policies.

Donna advised that she wants to give Selectboard members as much time as possible to review and absorb the new draft policy prior to the February 14th meeting so that everyone is well versed in its contents.

The Committee discussed the possibility of sending a revised draft of the policy back to Sarah Jarvis for one final round of comments. It was decided, however, to wait until Chris had completed incorporating the Committee's latest changes before making this decision, since it is believed that the Committee agreed to accept the great majority of Sarah's comments anyway.

**Next Steps.** The Committee will meet next on Friday, January 27th @ 8:00 a.m.

The meeting adjourned at 9:00 a.m.

Submitted by:

Chris English  
Assistant Town Manager

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