

# TOWN OF MIDDLEBURY

## Policy Review Committee

Meeting Minutes – September 15, 2017

### In attendance

Committee members: Donna Donahue, Gary Baker, Beth Dow and Chris English

Chris called the meeting to order at 8:03 a.m.

The Committee devoted its time to a discussion of staff feedback and suggestions for revisions to the Town Personnel Policy made at the last meeting August 11th. Highlights of the discussion follow:

### **Section 2: Persons Covered**

The Committee disagreed with a suggestion that paragraph 2.02 include language establishing a threshold for the minimum number of hours a part-time (PT) employee must work each week in order to qualify for paid vacation, sick and holiday leave. While classifying a part-time employee as someone who works fewer than 30 hours per week is consistent with definitions provided by both the Vermont Department of Labor and the IRS, the Committee felt that setting a threshold for a minimum number of hours would be completely arbitrary without supporting federal or state language and subject to a potential claim of employment discrimination.

The Committee also reaffirmed its agreement with a suggestion that paragraph 2.02 should reflect “hours scheduled,” rather than “actual hours worked,” as follows:

For purposes of this policy, a full-time employee is an employee who ~~works~~ **is scheduled to work** at least 30 hours per week on a regular and continuing basis. A part-time employee is an employee who ~~works~~ **is scheduled to work** fewer than 30 hours per week on a regular and continuing basis.

The Committee did not agree with the following highlighted language suggested for paragraph 2.02:

This policy applies to full-time and part-time employees of the Town of Middlebury who work on a regular and continuing basis, **with the following exceptions:**

- **Elected Officers and their statutory assistants.**
- **Seasonal and temporary employees and persons who provide the Town with services on a contracted basis.**
- **Members of Town boards, commissions and volunteers**

This suggested revision eliminated the phrase “except by separate written agreement,” contained in paragraph 2.01 of the current policy. The Committee felt that Elected Offices and statutory assistants, in particular, should be covered by the terms of the Personnel Policy, whether in whole or by special written agreement with the Selectboard.

On a related subject, and for the purpose of clarity, Chris said he would look for federal or state definitions for Seasonal Full-Time and Seasonal Part-Time employee classifications, for incorporation into Section 2.

### **Section 19: Vacation Leave**

The Committee agreed with the suggestion to express the accrual of vacation time in hourly terms, rather than in fractions of days, as follows:

19.01 Full-time and part-time employees accrue vacation time on a monthly basis. The following annual rates of accrual are based on a 40 hour work week and prorated based on an employee's regularly scheduled hours. 0 through 12 months of employment accrues 80 hours per year.

- (a) 13 through 60 months of employment accrues 96 hours per year.
- (b) 61 through 108 months of employment accrues 120 hours per year.
- (c) 109 through 156 months of employment accrues 144 hours per year.
- (d) 157 through 204 months of employment accrues 168 hours per year.
- (e) 205 months plus of employment accrues 200 hours per year.

### **Section 18: Holiday Leave and Personal Days**

The Committee had an extended discussion about suggested revisions to language regarding holiday time and holiday pay for full-time and part-time employees but reached no final conclusions. Committee members also debated, once again, whether Sections 18 and 19 should be simplified to focus on statements that the Town offers paid holidays and vacation time to full- and part-time, and leave the details about what holidays are observed and how vacation is accrued to a separate addendum that can be updated without having to amend the underlying policy.

The Committee agreed that it would be appropriate to draft language formalizing the Town's long-standing practice of permitting part-time employee who are not regularly scheduled to work on a day on which a holiday happens to fall to schedule another day off, with supervisor approval, within the same pay period. Chris will work on draft language for this, building off of what has already been proposed as a revision to paragraph 18.03.

**Next Steps.** The Committee will meet again on Friday, September 29th @ 8:00 a.m., to continue discussing the proposed revisions to the Personnel Policy.

The meeting adjourned at 9:15 a.m.

Submitted by:

Chris English  
Assistant Town Manager