

**TOWN OF MIDDLEBURY**  
**Policy Review Committee**  
Meeting Minutes – November 3, 2017

In attendance

Committee members: Donna Donahue, Gary Baker, Beth Dow and Chris English  
Town staff: Ann Webster and Jackie Sullivan

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

**Approval of October 27, 2017 Meeting Minutes.** Donna moved to approve the minutes of the Committee's October 27th meeting, with a second from Garry. Unanimously approved.

**Resumption of Discussion of Staff Proposals for Revisions to Personnel Policy.** Referring back to the October 27th meeting, Chris asked the Committee to consider restoring Paragraph 18.05, which addresses giving employees time off to attend their own Town Meetings, in some fashion. The Committee had agreed to delete the paragraph, since it is a matter of statute. Chris pointed out, however, that other sections of the Personnel Policy are also defined in statute (e.g. Short-Term Family Leave and Military Leave) and simply incorporate the statutory language by reference. The Committee agreed and Chris volunteered to draft some language for 18.05 for the Committee to review at its next meeting.

**Section 20: Sick Leave.** The Committee reviewed and endorsed substitute language recommended by staff for Paragraphs 20.02, 20.03 and 20.04 and further agreed to re-arrange and re-number the narrative, as follows, to improve the flow:

20.01 Full-time and part-time employees will accrue sick time on a monthly basis. Calculation will be based on a 40 hour per week work schedule accruing 96 hours per year / 8 hours per month, and prorated based on an employee's regularly scheduled hours. Sick time will be paid at the employee's regular rate of pay.

20.02 An employee may use sick leave for a personal or family illness or injury. An employee may use 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/partner, 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/partner, or parent-in-law to an appointment related to his or her 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/partner, 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/partner, 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.
- An appointment eligible for short-term family leave under the provisions of the Vermont Parental and Family Leave Act (21 V.S.A. § 472a).

20.03 Employees may carry over a maximum of 120 hours of accrued and unused sick time from one fiscal year to the next. Full-time employees, as defined in Section 2 of this Policy as, anyone regularly schedule 30 hours or more, who have accrued more than 120 hours of sick time as calculated as of May 31<sup>st</sup> each year will be paid for thirty three and one third percent (33 1/3%) of any hours over 120, at their current rate of pay, by the 15<sup>th</sup> of June of the same year. Part-time employees do not receive payment for unused accrued hours over the 120.

20.04 Upon separation from employment with the Town, an employee will not be compensated for unused sick leave.

**Section 27: Longevity Pay.** The Committee had inadvertently omitted language from the old Personnel Policy regarding Longevity Pay, which Chris said he suggested restoring in the updated policy as the new Section 27. He noted that he had re-numbered all subsequent paragraphs to reflect the change. While the Committee agreed to restore the Longevity Pay paragraph from the old policy as is, there was a discussion among meeting participants about whether Longevity Pay, itself, is still a meaningful feature of the policy, and whether the Committee should formulate a recommendation to the Selectboard to phase it out. Donna, representing one point of view, argued that there are no entitlements, and that employees should be rewarded for performance, not just for sticking around.

Ann said she agreed with Donna's point about entitlements, but in the absence of any formal performance evaluation process in place in the Town, Longevity Pay is really the only tool available to a supervisor to encourage good performance. Chris noted that the Selectboard has asked Kathleen to make the development of an employee performance management system a priority in 2018, so it is possible that an evaluation process could be put in place in the not-distant future that could include the means to reward performance.

As a compromise, Beth suggested stating in the Committee's readout to the Selectboard that the Committee recommended leaving the Longevity Pay clause in the policy for now, until such time that a merit-based performance management system can be implemented. The Committee agreed.

**Next Steps.** The Committee will meet next on Friday, December 1st @ 8:00 a.m. At that time, the Committee will tie up any remaining loose ends (i.e. draft language for Paragraph 18.05 and wording for the Committee’s recommendation regarding Longevity Pay) and do a final read-through of the amended policy. At Ann’s request, for the sake of clarity, Chris will re-arrange the final draft of the amended policy to show sections that have been revised in complete “old” and “new” blocks of text, rather than noting changes made to each paragraph individually.

The meeting adjourned at 8:45 a.m.

Submitted by:

Chris English  
Assistant Town Manager

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