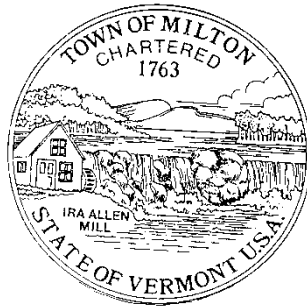


ADMINISTRATIVE CODE

TOWN OF



MILTON, VERMONT

2014

Milton Selectboard:

Darren Adams, Chairperson
John Gifford, Vice Chairperson
John Bartlett, Clerk
Brenda Steady
Stuart King

Brian M. Palaia, Town Manager

Town of Milton, Vermont
Administrative Code

LEGISLATIVE HISTORY

Original: Prepared by James A. McSweeney, Interim Town Manager

Presented to the Selectboard 7/21/97-/lah

Amended **Section 14-** 10-16-00

Amended **Section 19-** 12-04-00

Amended **Section 24-** 12-04-00

Amended **Section 29-** 05-24-00

Amended **Section 32-** 03-07-01

Repealed former Chapter XV, Section 42 Personnel Rules and Regulations.

Adopted new Section 42- Personnel Rules and Regulations 10-21-03, (*effective* 1-1-03;

Amended Section 42- Personnel Rules & Regulations December 16, 2002, Effective January 1, 2003 (Article XV A)

Amended Section 42- Personnel Rules & Regulations November 3, 2003, Effective November 3, 2003 (Article XI, Section 1D, Section 1 A & E)

Amended Section 42- Personnel Rules & Regulations 8-2-04- *effective immediately-* **Article XI-Sections 4 & 5, Article XV-Section 1 A-G**

Amended Section 42- Personnel Rules & Regulations August 1, 2005- *effective June 30, 2005-* **Article IV, Section 7, A,iv.**

Amended Section 42- Personnel Rules & Regulations August 15, 2005- *effective immediately-* **Chapter XV, Article XI**

Amended Sections : Index Section 507 Administrative Code, and Section 42 Personnel Rules & Regulations *January 3, 2006*, *effective date-* immediately or as noted.

Amended Sections: Index, Sections 25 Purchasing Procedures, Section 44 Purchasing Policy- *April 17, 2006*, *effective-* immediately

Amended Sections: Index, Section 507, Section 24 Planning Department, Section 26 BOARDS, COMMISSIONS AND COMMITTEES, Section 602 (#17) and Appendix IV- August 21, 2006, to become effective immediately.

Preface Amended by the Town Manager on October 26, 2006

Amended Section: Chapter XV, Section 42, Article XII Retirement, Section 1. F., *effective* 2-5-07.

Amended Section: Personnel Rules & Regulations- Appendix & Index- added: Human Resource Policy Index to include the Harassment Policy & Complaint Procedure, Sexual Harassment Policy and Complaint Procedure adopted May 19, 2008; Delete Article XIII, Section 9.

October 5, 2009: effective immediately or as noted:

Section 507 of the Administrative Code

Section 26- 2601 Designations, and 2603 Appointment and Removals A, B & E.

Chapter XV, Section 42 Personnel Rules and Regulations

Article IV- Compensation Plan, Section 5 & 6;

Article V. Recruitment, Section 9 Reimbursement for Expenses, B.

Article VII. Transfers, Section 1, C.

Chapter IX, Separations, Section 7- Personnel Advisory Board

Article X: Attendance, Section 3: Holidays A, E, G & H.

Article XI. Leave, Section 1 Annual (vacation) Leave: B & F., Section 2. Sick Leave, C.

Article XII Retirement, Section 1, F.

Article XIII, Miscellaneous Provisions, Section 9 - Prohibition of Sexual Harassment A, B, C, D & E.

Article XIV: Work Place Health and Safety, Section 2: Smoking and Tobacco Policy

Article XV, Health, Dental and Life, Optical, Section 1. Medical and Hospitalization- A, B, C & D, Section 3. Optical Care, Section 5. Long-term Disability Insurance, Section 6 Short-term Disability Insurance

Amended Sections: Index; Section 507, Section 24 Planning Department, Section 26 BOARDS, COMMISSIONS AND COMMITTEES, and Appendix IV- June 6, 2011, to become effective immediately.

Effective November 7, 2011: Chapter XV, Section 42 Personnel Rules and Regulations, Article XV, Subsection D, **Revision to Stipend** in Lieu of Health Insurance and extending part time hours to 35

March 2012 cleaned up formatting and typos, bkc

March 20, 2012 Amended Section 42, Article II, Definitions, Probationary Period; Article IX; Leave. Section 2, Sick Leave; Section 4. Family Medical and Parental Leave; Section 6. Military Leave.

July 17, 2012: Control of Library: Amended Section 29 Library Board of Trustees (Elected), Section 2904 Control of the Library, Items “C” and “D” by deleting subsection “D” in its entirety and editing subsection “C” to integrate the Library’s pay scale and benefits system with the Town’s.

August 7, 2012 amended Chapter XV, Section 42 Personnel Rules and Regulations, Article IV Compensation Plan, Section 5.

August 7, 2012 Amended Sub Chapter 32 Development Review Board (APPOINTED) SECTION 3202 reducing number of DRB Alternates from 5 to 3; Amended Section 105 Section 1 Town Manager by adding section E; Amended Section 27: Section 2703 Selectboard by adding item S.. (The resolution incorrectly referenced item “T”, section 26).

September 16, 2013: Increase Bid Threshold: Amended Section 44 Purchasing Policy, Article III Authorization Levels and Procedures, Section 4405 & 4406; Section 25 Purchasing Section, Section 2505; & Article 9 Bidding Procedures, Section 4416 to increase the bid threshold from \$5,000 to \$10,000. Rules for purchases between \$1,000 and \$5,000 were amended to address purchases between \$1,000 and \$10,000. /jmh

October 7, 2013: Increase Insurance Stipend: Amended Article XV Health, Dental and Life, Vision, Section 1 Medical and Hospitalization, Item “D” to increase stipend in lieu of health insurance coverage from \$2,600 to \$4,500 for a single person, \$3,200 to \$6,000 for two person coverage and \$3,800 to \$7,000 for family coverage (for eligible employees). Also amended was clarifying language that prohibits spouses employed by the Town and/or School from being eligible for the buyout in the same item. /jmh

October 7, 2013: Planning Commission Duties: Amended Section 31, Section 3106, Item “N” to remove the duty to appoint the Planning Director with approval of the Selectboard, and add item “W” to designate that the Planning Commission serve as the Energy Committee, as called for in the Comprehensive Plan of February 2013. /jmh

December 16, 2013: Cemetery Commission Duties: Amended Section 39, Section 3902, to add Item “P” to state that the Cemetery Commission may appoint a Cemetery Advisory Committee to assist in the execution of its duties as outlined in this section. The Committee may make recommendations for cemetery improvements, recommend bylaws, regulations, and fees related to burials and plot costs. The Committee will consist of three (3) members, two (2) of which will be appointed by the Cemetery Commission, and one (1) of which will be appointed by the Town Manager or his or her designee.”

February 3, 2014: Health Reimbursement Account: Amended Article XV Health, Dental and Life, Vision, Section 1 Medical and Hospitalization, Subsection “C” Health Reimbursement Account, deleting “Represented employees will have an individual choice between participating in a Health Savings Account or a Health Reimbursement Account pursuant to their respective Collective Bargaining Agreements. Depending upon a new employee’s date of hire the Town’s contribution to the Health Reimbursement Account will be prorated.”; and adding a sentence to state, “The Town will provide a Health Reimbursement Account for the exclusive use of covering co-insurance costs up to an out of pocket maximum after the deductible is satisfied.”

February 3, 2014: Life Insurance: Amended Article XV Health, Dental and Life, Vision, Section 4 Life Insurance, adding “a minimum of” to state, “[. . .] The life insurance coverage provides a minimum of two times your annual base salary rounded to the nearest \$1,000 [. . .]”.

February 3, 2014: Long-term Disability: Amended Article XV Health, Dental and Life, Vision, Section 5 Long Term Disability Insurance to state, “The Town of Milton provides Long Term Disability Insurance at no cost to the employee. There is a ninety (90) day elimination period with payments up to sixty-six percent (66%) of the base pay, up to six thousand dollars (\$6,000) per month, up to age 65.”; increasing the payments from 60% to 66%.

February 3, 2014: Short-term Disability: Amended Article XV Health, Dental and Life, Vision, Section 6 Short-Term Disability Insurance to state, “The Town of Milton provides Short Term Disability insurance at no cost to the employee. There is a fourteen (14) day elimination period due to injury and sickness with payments up to sixty-six percent (66%) of the base weekly earnings to a maximum benefit of one thousand one hundred dollars (\$1,100) per week.”; increasing the payments from 60% to 66%. Also added is, “If the employee is unable to secure a medical return-to-work at a capacity acceptable to the Town after (12) weeks, they can seek Long Term Disability Insurance and their employment will end. Consolidated Omnibus Budget Reconciliation Act (COBRA) will be offered for benefits where applicable.”

February 3, 2014: Overtime & Compensatory Time (Effective July 1, 2014): Amended Article IV Compensation Plan, Section 6 Hours Worked – Overtime and Compensatory Time, Subsection “A” Compensatory (Comp.) Time (1) Hourly (non-exempt) Employees to add the phrase, “Notwithstanding an employee’s initial choice to elect compensatory time in lieu of over time, the Town Manager shall retain authority at his/her discretion to compensate

the employee with over time when a sufficient budget can be made available.”

March 17, 2014: A preamble addressing the sections of the Administrative Code that the Library will follow was added.

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APPENDIX

- I. Organizational Charts
- II. Attachments for Purchasing Policy
- III. Town Charter
- IV. Economic Development Commission
- V. For future use
- VI. Wage and Salary Schedule
- VII. For future use

PREAMBLE

The Milton Public Library will adhere to the following sections of the Administrative Code in effect as of March 17, 2014.

Section 3 Personnel Policies (301, 303-310); Section 4 Legislative Effect (all); Section 22 Library Department (all); Section 25 Purchasing Procedures (all); Section 26 Boards, Commissions, and Committees (all); Section 29 Library Board of Trustees (Elected) (all); Section 42 Personnel Rules and Regulations (all); Section 44 Purchasing Policy (all).

The Milton Public Library will also adhere to the following Administrative Policies in effect as of March 17, 2014:

- Advertising
- Memorial
- Payroll
- Private Vehicle Insurance
- Cell Phone
- Safety
- Seatbelts
- Driving
- Drug and Alcohol
- Surplus Equipment
- Sexual Harassment
- Fair Housing
- Fair Labor
- Travel Reimbursement
- Vacancy Appointment
- Fraud
- Gifts
- Grants
- Harassment
- Vehicle Identification

Changes to the Administrative Code and Administrative Policies listed above must also be approved by the Library Trustees before the Library Trustees will be bound by the new amendments. This does not include changes that may be in nature of formatting, numbering, typos, or grammar that may be identified and may need to be made from time to time. In the Administrative Code sections and policies identified in this preamble where it says “Town Manager” or “Selectboard”, it is understood that the Library Trustees will perform the role in the place of the Town Manager or Selectboard except for the Grants, Vacancy Appointment, Fraud, Driving, and Memorial Policies. Although the Library Trustees will follow these policies, the Town Manager and/or Selectboard will retain their roles.

Preface

The Town of Milton Charter in accordance with 17 Vermont Statutes Annotated Section 2645 adopted and approved by the Milton Selectboard after a Public Hearing on October 2, 1992 and amended by the Selectboard on October 5, 1992 submitted and approved to the voters on November 3, 1992 required that the Town Manager prepare and submit to the Selectboard a proposal for an Administrative Code for the Town of Milton. To wit, the pertinent section of the Charter (507) is as follows:

Section 507. **Administrative Code**

- a. The Town Manager shall prepare and submit to the Selectboard a proposal for an Administrative Code of the Town of Milton. For the purpose of preparing and updating the code, the Town Manager may have the assistance of the Town Attorney and shall have the authority to request a committee of citizens to assist in the preparation of the proposal. The proposal shall be a comprehensive code administrative organization and procedure for the Town and, at a minimum, shall include the following:
 1. Organization of the administrative departments and elected officers of the Town into such divisions as may be appropriate defining the functions and duties of each
 2. A complete personnel policy for Town employees.
 3. A detailed outline of financial procedures to be followed by the Town including purchasing policy, expenditure of appropriated funds, the system of accounting for the Town and the form and frequency of financial reports.
- b. The Administrative Code, when accepted by the Selectboard, shall be considered a valid extension of the policies set forth in this charter and may be revised by the Selectboard.

Preparation of the Administrative Code began in 1996 when the Selectboard charged the Interim Town Manager, at that time, with the responsibility to prepare such a document. The Administrative Code was created over an eight month period and submitted to the Selectboard in June 1997 for their review.

The Administrative Code serves as a major policy document and operations guide for the Town of Milton and is designed to complement the Town Charter. It is a guide for the effective management and operation of the Town and serves as a communication tool.

This document will be updated periodically, consistent with the Town Charter, Vermont State Statues and Town Policies adopted and/or amended by the Selectboard in a manner to ensure effective communication internally and externally as it relates to the compensation, benefits and overall operation of Town government. Portions of the Administrative Code have been updated and other sections have not. This is evident in a number of contexts, one of which is the inconsistent use of certain terms. Most notable of these is “Select board” and “Selectboard”. For the past several years we have been using the phraseology contained in the Town Charter for such words, which is “Selectboard”. Where there are differences in nomenclature, as updates to the Administrative Code are made, we will resolve such differences in favor of the terms used in the Town Charter.

The overriding goal of the Town Charter, the Selectboard and the Administrative Code is to effectively and efficiently manage operations of the Town by providing high quality cost effective service that will enhance the quality of life for the employees, citizens and taxpayers of the Town of Milton

Respectfully Submitted,

Brian M. Palaia
Town Manager
March 1, 2012

SECTION 1 TOWN MANAGER**Section 101. Creation of Office: powers, Appointments, etc.****Section 102. Qualifications; Residency****Section 103. Removal****Section 104. Vacancy of Office****Section 105. General Powers and Duties****Section 106. Appointment of Powers****Section 107. Officers Appointed by Manager****Section 108. Structure of Town Government to be Delineated****Section 109. Purchasing etc. and Contract Procedures to be Delineated**Section 101. Creation of Office; powers, Appointments, etc.

The chief administrative officer of the town shall be called the Town Manager herein after referred to as "Manager". The Selectboard herein after referred to as "Board", shall appoint a Manager for an indefinite term and affix the salary of a qualified person who receives the majority vote of the members of the Board.

Section 102. Qualifications; Residency

The Manager shall be chosen solely on the basis of executive and administrative qualifications (Title 24, Chapter 37 VSA Section 1233). The Manager need not be a resident of the town or the state at the time he/she is chosen. During tenure of office, the Manager shall reside within the town within a reasonable period of time after appointment unless specifically exempted by the Board at/or during anytime of his/her appointment.

Section 103. Removal

The Manager may be removed for just cause by a majority vote of the members of the Board as herein provided. At least ninety (90) days before the proposed removal of the Manager, the Board shall adopt a resolution stating its intention to remove the Manager and the reasons therefore, a copy of which shall be served forthwith on the Manager. The Manager may, within ten (10) days, demand a public hearing, in which event the Manager shall not be removed until such public hearing has been held.

Upon or after passage of such a resolution, the Board may suspend the Manager from duty, but the pay and benefits shall continue until removal. In case of such suspension, the Board may appoint an Acting Manager, to serve at the pleasure of the Board, for not more than ninety (90) days during this period. (Charter of the Town of Milton Chapter 5 Section 505)

Section 104. Vacancy of Office

If the office of the Manager shall be vacant for any cause, the Board may appoint an Acting Manager to serve at the pleasure of the Board, for not more than one hundred eighty (180) days, and shall appoint a permanent Manager, in accordance with Section 102 of this code within one hundred eighty (180) days of the date of vacancy.

Section 105. General Powers and Duties

- A. The Manager shall supervise the administrative affairs of the town and shall carry out the policies enacted by the Board. The Manager shall have such authority as is provided in 37 VSA Title 24, and the Town of Milton Charter Chapter 5 and as each may be amended from time to time.
- B. The Manager shall keep the Board advised of the conditions and needs of the town, make such reports and recommendations as may be deemed advisable and perform such other duties as may be prescribed by this regulation resolution of the Board or ordinance.
- C. The Manager shall have and perform such other powers and duties of a non-judicial character not inconsistent with this regulation as now are or hereafter may be conferred or imposed upon the Manager by town ordinances or upon Boards of towns by state statute.
- D. The Manager shall have the right to participate in the discussion of matters coming before the Board but shall have no right to vote.
- E. The Town Manager will conduct a review and update of the Town of Milton's Administrative Policies every (4) four years and report to the Selectboard on recommendations thereof.

Section 106. Appointment Powers

- A. The Manager shall have the power to appoint and remove, subject to the provisions of this code and charter, all officers and employees in the administrative service of the town, but the Manager may authorize the head of a department or an office responsible to him to appoint and remove in such department or office.
- B. It shall be the duty of the Manager to furnish the Board in writing, with the identity of any person whom he proposes to appoint as head of any department or office at least ten (10) days prior to the date on which the appointment is to be made.
- C. If the Board has any objection to the person proposed by the Manager for appointment, it shall certify its objections to the Manager, in writing, within that ten (10) day period. It is made clear that this is to be Board Action and not that of an individual member of the Board.
- D. All appointments by the Manager shall be without definite term unless for provisional, temporary or emergency purpose, not to exceed the maximum periods which may be prescribed by the rules and regulations of the merit plan if any. The Board may however enter into a specific term of contract with the Manager.
- E. Neither the Board nor any of its members shall direct or request the appointment or removal of any person to office or employment by the Manager or any of the administrative officers. Neither the Board nor any members shall give orders to any of the administrative officers, either publicly or privately. This section shall not be construed, however, to prohibit the Board or members from conducting general inquiries of administrative officers, the financial officer of the Town as to general or financial matters respectively involving the town or the legal officer regarding any matter.

Section 107. Officers Appointed by Manager

- A. There shall be appointed by the Manager a Director of Public Works (Town Engineer), Police Chief, Water/Waste Water Superintendent, Recreation Director and such other officers as are necessary to administer all departments which the Board shall establish, which departments shall replace all existing departments, boards and commissions except the Planning Board, Conservation Commission, Zoning Board of Adjustment, Library Trustees, Cemetery Commission and such others that may be stipulated by law or the Charter of the Town.
- B. The powers and duties of these officers and heads of departments so appointed shall be those prescribed by state law, ordinance, or by the Charter of the Town of Milton.

Section 108. Structure of Town Government to be Delineated

- A. As required by Charter (Section 507A.1) this regulation divides the administrative services of the town into departments and divisions of the town and defines or alters their functions and duties. Such regulation shall be known as the "Administrative Code".
- B. It is understood that this code outlines new positions and/or new departments. It should be further understood that the adoption of this code is not authorization to implement any of these new positions or departments. The budgetary process is required in order to establish funding on any and all new positions and/or departments.
- C. Each officer shall have supervision and control of their department and employees therein and shall have power to prescribe rules and regulations not inconsistent with state statute, municipal ordinance, and the Administrative Code and the rules and regulations of the Classification Plan and Wage and Salary Schedule. See Chapter XV. Article III. and Article IV.
- D. Pending adoption of such Code, the Manager may establish temporary regulations.

Section 109. Purchasing etc. and Contract Procedures to be Delineated

The Administrative Code shall establish purchasing and contract procedures, including the assignment of all responsibility for purchases, the combination of purchasing of similar articles by different departments and purchasing of competitive bids wherever practical. Personnel and other financial procedures as required by Section 507 A. and B. of the Town of Milton Charter shall be delineated in this code.

SECTION 2 FISCAL AND BUDGET REGULATIONS

Section 201. Fiscal Year

Section 202. **Financial and Accounting Control Officer**Section 203. **Budgeting by Departments; Proposed Budget**Section 204. **Recommendation of Budget to Town Meeting**Section 205. **Adjustment to Budget**Section 206. **Transfer of Unencumbered Balances**Section 201. Fiscal Year

The fiscal and budget year of the Town shall begin on the first day of July and end on the thirtieth of June, unless another date shall be voted on by the voters of the Town of Milton.

Section 202. Financial and Accounting Control Officer

The Manager shall appoint an officer other than the Treasurer who shall maintain accounting control over the finances of the Town, make financial reports and perform such other duties as may be required by the Administrative Code. This person shall audit and approve all authorized claims against the Town before recommending payment of same.

Section 203. Budgeting by Departments; Proposed Budget

- A. At such times as may be required by the Manager or specified by the Charter (at least one hundred twenty (120) days before the date of the regular annual meeting) each officer or director of a department shall submit an itemized estimate of the expenditures for the next fiscal year for the department or activities under his/her control.
- B. The Manager shall submit, with detailed backup, the proposed budget to the Board at least sixty (60) days before the date of the regular annual meeting (Section 1002 B. Town of Milton Charter).
- C. Not less than sixty (60) days (but such time as the Manager may require) prior to the Annual Meeting each department or commission head shall submit a written report to the Manager to be included in the Annual Town Report.

Section 204. Recommendation of Budget to Town Meeting

No later than thirty-one (31) days after the budget has been submitted to the Board, the Board shall take action on such budget and make its recommendation to the Town Meeting Process. Upon failure by the Board to act reasonably, the Manager shall forward the proposed budget, as if it has been approved by the Board, to the Annual Town Meeting for its action.

Section 205. Adjustment to Budget

At the beginning of each quarterly period or as necessary during the fiscal year, the Manager shall be required to submit to the Board, data showing the relation between the estimated and actual income and expenses to date, and if it shall appear that the income is less than anticipated, the Board or Manager may reduce the appropriation for any item(s), except amounts required for debt and interest costs and other costs as may be dictated by state statute, to such a degree as may be necessary to keep the expenditures within the cash income. The Manager may provide for monthly or quarterly allotments of appropriations to departments, funds or agencies under such rules as may be prescribed by the Manager.

Section 206. Transferal of Unencumbered Balances

The head of any department, with the approval of the Manager, may transfer any unencumbered balance or any portion thereof from one line item or agency within that department to another line item or agency within that department. The Manager with approval of the Board, may transfer any unencumbered appropriation balance or any portion thereof from one department to another or from one fund to another.

SECTION 3. PERSONNEL POLICIES

- Section 301. **Appointment on Basis of Merit; Competitiveness**
 - Section 302. **Personnel System Rules and Regulations**
 - Section 303. **Compensation**
 - Section 304. **Certification for Compensation**
 - Section 305. **Applicability of Merit Plan**
 - Section 306. **Oath of Office**
 - Section 307. **Vacancies Defined**
 - Section 308. **Conflict of Interest**
 - Section 309. **Use of Public Property**
 - Section 310. **Personnel Specifics**
-

Section 301. Appointments on Basis of Merit; Competitiveness

- A. Appointments and promotions to all positions in the service to the town shall be made solely on the basis of merit and only after examination of the applicants fitness.
- B. So far as practicable, examination shall be competitive.

Section 302. Personnel System Rules and Regulations

- A. The Manager shall draft and submit to the Board a set of rules and regulations, which shall become effective after its approval by the Board, providing for the establishment of a merit system of personnel administration and for the implementation of such portions of that system as are prescribed by this regulation. The rules and regulations shall include provisions with regard to classification, compensation, selection, training, promotion, discipline, vacations and other matters necessary to the maintenance of efficient service and the improvement of working conditions. The rules and regulations shall continue in force, subject to amendments submitted from time to time by the Manager, which shall become effective upon approval by the Board.
- B. The Personal Rules and Regulations will be and are part of this Administrative Code (See Chapter XV).
- C. The Manager may establish temporary rules and regulations, as required, which shall be submitted for approval to the Board within ten (10) days prior to their effective date.

Section 303. Compensation

The compensation of all officers and employees not fixed by this regulation or state law shall be fixed in the rules and regulations of the Wage and Salary Schedule and shall include a minimum and a maximum and such intermediate rates as may be deemed desirable for each class of position provided for in said rules and regulations as approved by the Board. Those employees represented by labor organizations (Unions) may be excluded. In the preparation of the budget for the next fiscal year, the Board shall not recommend increases or decreases in any individual salary, but shall make budget recommendations with respect to total salaries in each department of the town as it shall see fit.

Section 304. Certification for Compensation

No compensation shall be paid without certification, by the Manager, or such officer as he/she may direct or appoint; that the recipients are employed by the town and that their rates of compensation comply with the pay schedule provided for in Chapter 1 Section 303 of this Chapter.

Section 305. Applicability of Merit Plan

No employee of the town, at the time this regulation is adopted, shall be required to take any written or oral examination in order to continue employment with the town. All other provisions of the merit plan will apply to such employee.

Section 306. Oath of Office

Every person elected or appointed to any town office, before entering upon the duties of this office, shall take and subscribe to an oath of office, if provided by law or ordinance, which shall be filed and kept in the office of the Town Clerk.

Section 307. Vacancies Defined

In addition to other provisions of this regulation, a vacancy shall be deemed to exist in any office or position, when a department head or employee resigns, dies or accepts other full time employment, accepts employment during regular working hours during paid or non paid status other than an authorized vacation period, is removed from office, terminates, is convicted of a felony, is judicially declared to be mentally incompetent or as may be provided by state statute, ordinance or the Charter of the Town of Milton.

Section 308. Conflict of Interest

No employee of the town shall participate in a decision concerning the business of the town in which he/she has a financial interest aside from his/her salary as such employee, direct or indirect, greater than any other citizen or taxpayer (See Section 701 of the Milton Town Charter).

Section 309. Use of Public Property

No officer elected official, volunteer or employee shall devote any town property or labor to his own private use except as may be provided by law or ordinance. Nothing herein shall preclude the use of town property or labor on private property of any citizen of the Town of Milton in an emergency situation where the immediate health and welfare of any citizen mandates such emergency assistance.

Section 310. Personnel Specifics

The items listed in this Administrative Code regarding personnel are not all inclusive. Specifics are contained in the Town's Personnel Policy and when adopted by the Selectboard in accordance with the Milton Town Charter Chapter 5, Section 507 B. shall be considered a valid extension of the policies set forth in the charter.

The Manager upon the recommendation of the department head may contract out or swap comparable services and equipment to other governmental agencies at the established rate for equipment and personnel. In the event of an emergency where the immediate health and welfare of any citizen mandates emergency assistance such assistance may be rendered. Extreme care shall be taken by the department head so as not to endanger Town owned equipment and personnel.

SECTION 4 LEGISLATIVE EFFECT

Section 401. **Status of Regulations; Relation to Other Provisions**

Section 402. **Effect on Existing Offices**

Section 403. **Severability**

Section 401. Status of Regulations; Relation to Other Provisions

This Administrative Code is intended to be a regulation of the Town and is not an ordinance or bylaw. Accordingly, all ordinances of the Town of Milton and state statutes passed and amendments thereof as are now in force relative to the town and duties and powers of its Board hereby continue in full force and effect.

Section 402. Effect on Existing Offices

Any office holder, when this regulation becomes effective, who is not elected by popular vote, as well as all municipal offices not hereby abolished or superseded shall continue to hold the same until his respective term shall expire, where a term of years exist, or until such office is abolished or superseded by lawful ordinance or statute.

Section 403. Severability

The section of this regulation and of regulations created hereunder are separable. If any portion of this regulation or any subsequent regulation adopted under the provisions hereof, or if the application of such regulation to any person or circumstance shall be invalid, the remainder of the regulation or the application of such regulation to other persons or circumstances shall not be affected.

SECTION 5 AUTHORITY

Section 501. Legal Basis of Regulation

Section 501. Legal Basis of Regulation

The Administrative Code is established in accordance with the provisions of Section 507 paragraphs 7 A. and B. of the Milton Town Charter and state statutes as may be related.

SECTION 6. DEPARTMENTS AND DEPARTMENT HEADS

- Section 601. **Department Categories shall be delineated as follows**
- Section 602. **Departments and Department/Division Heads**
- Section 603. **Powers and Duties of Department Heads**
- Section 604. **Cooperation between Departments**
- Section 605. **Responsibility for Town Property**
- Section 606. **Reports from Department Heads**
- Section 607. **Department Heads to Follow Regulations; Purchase & Control System**
- Section 608. **Appointment of Department Heads**
- Section 609. **Compensation of Department Heads**
- Section 610. **Staffing of Departments**
- Section 611. **Department Heads to Supervise Department Employees**

Section 601. Department Categories shall be and are delineated as Follows:

- General Government
- Public Safety
- Public Works (Highway)
- Health, Education and Welfare
- Culture (Library, Recreation, and Arts)
- Community and Economic Development
- Debt Service
- Intergovernmental
- Capital Improvement
- Public Works Enterprise - Water & Waste Water

Section 602. Departments and Department/Division Heads

When properly authorized, the administrative service of the Town may consist of the following departments/divisions, and the department/division heads shall be known by the titles shown below:

Department	Department/Division Head
1. Town Manager	Town Manager
2. Records	Town Clerk/Treasurer
3. Finance	Finance Director
4. Assessing	Assessor
5. Tax Collection	Tax Collector
6. Legal	Town Attorney
7. Police	Police Chief
8. Animal Control	Animal Control Officer
9. Fire (FUTURE)	Fire Chief
10. Rescue (FUTURE)	Rescue Director
11. Public Works	Public Works Director (Town Engineer)
12. Health	Health Officer
13. Welfare	Welfare Agent
14. Library	Library Director
15. Recreation	Recreation Director
16. Arts	Curator/Gallery Manager
17. Community & Economic Development	Planning Director
18. Development Review Board	Planning Director
19. Water/Waste Water	Water/Waste Water Superintendent
20. Emergency Management	Emergency Manager (Formerly Civil Defense)

Section 603. Powers and Duties of Department Heads

- A. Each department head shall be responsible for the efficient operation of that department. The department head shall perform all the duties and exercise all the powers conferred upon the office by applicable laws, ordinances, resolutions and this administrative code.
- B. Department heads may prescribe departmental rules and regulations consistent with general law, ordinances, this Administrative Code, the provisions of the master personnel rules and regulations for administration of their various departments, conduct of their employees and the proper performance of the department's business.
- C. Department heads, herein after "department heads" refers to department heads reporting to the Manager, with the approval of the Manager, may establish such departmental divisions and sub units as may be deemed desirable in the interest of economy and efficiency and in accordance with sound administrative principles and practices.

Section 604. Cooperation Between Departments

Department heads shall be responsible for maintaining the operation of their department on a close and friendly basis of cooperation with all other departments.

Section 605. Responsibility for Town Property

Each department head shall be responsible for satisfactory maintenance and care of all Town property assigned to their department.

Section 606. Reports from Department Heads

- A. Each department head shall be responsible for preparing and submitting both routine and special reports on the operation of their department to the Manager or to any State or Federal agency as required.
- B. At such time as may be required by the Manager or Charter each department head shall submit an itemized estimate of the planned expenditures for the next fiscal year for the department for use in preparation of the proposed budget for said year. **Department heads will adhere to and not overextend their budgetary appropriation.**

Section 607. Department Heads to Follow Regulations; Purchase & Control System

Each department head shall be responsible for following the provision of this Administrative Code and the purchasing and control system with respect to purchases and contracts for their department consistent with the purchasing policy and/or directive of the Manager.

Section 608. Appointment of Department Heads

All department heads reporting to the Manager shall be appointed, as provided by Chapter 1 Section 106 and 107 of the Administrative Code, for indefinite terms on the basis of merit and fitness to perform their duties and may be removed by the Manager for misconduct or inefficiency as provided for in any established merit plan and/or Personnel Rules and Regulations, statute or the Milton Town Charter.

Section 609. Compensation of Department Heads

Compensation of all department heads shall be fixed in accordance with a job classification and compensation plan and any merit plan existing or that may be established in the future as approved by the Board.

Section 610. Staffing of Departments

Department heads reporting to the Manager may establish subordinate positions and make appointments and removals as necessary within limitation of the budget appropriations provided and subject to the provisions of this Administrative Code, Town ordinance, and established Merit Plan, Personnel Rules and Regulations with the approval of the Manager.

Section 611. Department Heads to Supervise Department Employees

All employees shall be under the immediate supervision of their respective department heads, and all employees in the Town's service shall be compensated on the basis of the job classification and compensation plan and merit plan approved and adopted by the Board.

SECTION 7 ADMINISTRATION

Section 701. **Town Manager**

Section 702. **Reserved**

Section 703. **Reserved**

Section 704. **Reserved**

Section 701. Town Manager

- A. The Manager shall be the administrative head of the Town and shall perform all the duties and have all the responsibilities prescribed by state statutes, Charter, ordinances and resolutions.
- B. The Manager shall supervise the heads of all departments established by this Code and shall have the power to suspend and discipline and to perform or delegate the duties and responsibilities of such department heads, except as may otherwise be provided.
- C. The Manager may prescribe such rules and regulations, not inconsistent with the Town ordinance and statute statutes, as he/she may deem necessary for the conduct of the various departments, and he/she may investigate and inquire into the affairs of any department at any time.

Section 702. Reserved

Section 703. Reserved

Section 704. Reserved

SECTION 8 RECORDS DEPARTMENT: TOWN CLERK-TREASURER DIVISIONSection 801. **Composition of Department; Town Clerk**Section 802. **Functions**Section 803. **Treasury Division**

Section 801. Composition of Department; Town Clerk

The Records Department (Town Clerk/Treasurer) shall consist of the Town Clerk/Treasurer chosen by a ballot vote at a town meeting for a three (3) year term (Section 203 Town Charter). The department shall consist of an Assistant Town Clerk appointed by the Town Clerk (Section 204 Town Charter) and such other clerical staff as may be recommended by the Town Clerk and approved by the Manager.

Section 802. Functions

The Records Department shall perform the following functions:

- A. Record and file official minutes and documents of the Board and all Town Boards and committees in accordance with V.S.A. 24 Section 1152. Prescribe, index, publish, and transmit the proper recording and reporting format and procedures to all board and committees and as otherwise may be required by ordinance, statute and this Administrative Code.
- B. Post and publish all Board and official Board committee meetings as may be required by state statute or local ordinance.
- C. Serve as an election official in accordance with existing statutes; assist in arranging for all elections and the maintenance of all election records.
- D. Obtain, maintain and report all vital statistics on births, marriages and deaths as required by law.
- E. Record, file and preserve, as required by law, all contracts, bonds, oaths of office and all other official documents.
- F. Issue all licenses and permits and collect all fees, as required by statute and ordinance, and deposit these collections with the Treasurer in accordance with governing statutes or more often as may be requested by the Treasurer.
- G. Be custodian of the Official Town Seal.
- H. Record and maintain an up-to-date record of all town ordinances and amendments thereto.
- I. Assist in the supervision and preparation of the Annual Town Report and Warrant and other reports as may be required.
- J. Update periodically and post for public display a schedule of known statutory charges and fees required by state law and/or local ordinances.
- K. Ensure the disposition of all town records and documents under its jurisdiction in accordance with VSA Title 24.
- L. Perform all duties and exercise all powers incumbent upon or vested in town clerks by the laws of the State of Vermont, Town of Milton Charter, ordinances and this code.
- M. Record and file all official appointments of the Board and other officers. Maintain a file and notify the Board and/or Manager of expiration of terms of office of all members of board or committees at least sixty (60) days in advance allowing for timely appointment or reappointment.

- N. Assist in the collection of all taxes duly warranted and pay to the Treasurer such sums and at such times as may be prescribed in the warrant.
- O. Maintain separate tax lists for each type of tax and for each year of levy, of all taxes committed to the Collector for collection and all information as outlined in the V.S.A.'s.
- P. All money collected shall be paid over to the Town Treasurer on a weekly, or daily basis once receipts total \$500.00. Such daily or weekly payments may be deferred until the receipts total \$500.00.
- Q. Manage all property leases as assigned by the Board/Manager and collect and/or oversee payment of all rental or lease fees.
- R. Collect all other accounts as may be assigned including rentals, licenses and fees unless otherwise provided by state law, ordinance or this code.
- S. The department and staff must have and maintain a complete understanding of the VSA's pertaining to Tax Collection. Lack of this knowledge will place the town in jeopardy of collecting amounts due if time limits were not complied with.
- T. Perform all other related duties as may be assigned and/or as outlined in the State of Vermont laws, and other functions as required.

Section 803. Treasury Division

The Treasury Division shall perform the following functions:

- A. Maintain custody of all town funds, investments, and securities, including the recording of the deposits and withdrawals thereof, as required by ordinance and general law.
- B. Carry out the duties as specified by V.S.A. Title 24 Chapter 53 Indebtedness subchapter 2, and amendments thereto, relative to town funds, bonds, notes and record thereof.
- C. At the beginning of each month during the fiscal year and more often if required by the Manager, (NOTE: May be required by the Board and/or Manager.) the Treasurer shall submit a report of receipts and investments made to date.
- D. Sign all checks, drafts, notes and bonds for the town.
- E. Record the deposit of all public moneys DAILY in the depository designated by the Board and/or Manager.
- F. Negotiate, upon authorization of the Board and/or Manager, all loans, by whatever term, with subsequent approval by the Board as provided by VSA.
- G. Coordinate all related activities with the Fiscal Control Division of the Finance Department.
- H. Prepare and mail out tax notices from warrants issued by the Lister's Department
- I. Perform all other related functions as required.

SECTION 9 FINANCE DEPARTMENTSection 901. **Composition**Section 902. **Division of Fiscal Control**Section 903. **Personnel Division**Section 904. **Purchasing Division**Section 905. **Electronic Information System Division (EIS)**

Section 901. Composition

The Finance Department shall be headed by a Finance Officer, appointed as specified by Chapter 1, section 106 and 107 of this Administrative Code, and shall consist of the Divisions of Fiscal Control; Treasury; Personnel; Purchasing; and Electronic Information Systems. Each division shall consist of a division head and such other personnel as may be recommended by the Finance Officer and approved by the Manager.

Section 902. Division of Fiscal Control

The Division of Fiscal Control shall be under the immediate supervision of the Fiscal Officer. It shall perform the following functions:

- A. Maintain a system of budget accounting approved by the Town Auditor and/or the State Auditor of Accounts/VSA's.
- B. Pre-audit all purchases and approve all authorized claims against the town before authorizing payment thereof.
- C. Post audit all receipts and disbursements.
- D. Maintain the general financial accounts of the town and exercise accounting control for the same.
- E. Maintain and supervise all payments from public funds by a system approved by the Town Auditor and/or State Auditor of Accounts.
- F. Assist in conducting all borrowing, investments and bonding in conjunction with the Town Treasurer, pertinent to state statutes.
- G. Assists the Treasurer in negotiating, upon the authorization of the Board and/or Manager, all loans, by whatever term, with subsequent approval by the Board as provided by VSA.
- H. Coordinate all activities with the Fiscal Control Division of Finance Department.
- I. Perform all other related functions as required.

Section 903. Personnel Division

- A. The Personnel Division shall perform the following functions:
- B. Implement and operate a merit system of personnel administration, including a uniform classification and compensation plan, as may be prescribed by town ordinance and regulations.
- C. Prepare and maintain all personnel records.
- D. Perform all other related functions as required.

Section 904. Purchasing Division

The Purchasing Division shall perform the following functions:

- A. Receive and coordinate all requests and solicit, receive and tabulate all bids and contracts for the purchase of materials, supplies, equipment and services.
- B. Prepare and maintain all necessary purchasing records.
- C. Purchase stock and charge out supplies from the stock room for various departments.
- D. Maintain an inventory of all town property which has a useful life in excess of two (2) years.
- E. Comply with all ordinances regulations and this Code with respect to competitive bidding procedures and submit all proposals for acquisitions to the Manager for approval.
- F. Prepare and maintain a purchasing policy.
- G. Perform all other related functions as required.

Section 905. Electronic Information System Division (EIS)

The Data Processing Division shall perform the following functions:

- A. Plan for and implement the electronic data processing and information systems needs of the town.
- B. Assist department heads, division directors and all agencies of the town in assessing the divisions' electronic information needs.
- C. Develop and implement all data processing capabilities required.
- D. Care for and maintain all property and equipment assigned to the Division.
- E. Provide for the training of all personnel using electronic information processing equipment.
- F. Perform all other related functions as required.

SECTION 10 ASSESSING DEPARTMENTSection 1001. **Composition**Section 1002. **Chief Assessor**

Section 1001. Composition

The Assessing Department shall consist of and be under the supervision of the Chief Assessor, appointed as specified by Chapter 1, Section 106 and 107 of this Administrative Code and such other staff as may be recommended by the Assessor and approved by the Manager.

Section 1002. Chief Assessor-Functions

The Chief Assessor, under the administrative supervision of the Manager and shall perform the following functions:

- A. Carry out all the duties relative to taking inventories with respect to the appraisal of property for taxation and the assessment and abatement of taxes and issuing warrants for collection of taxes as are now or may hereafter be required by state statute. 32 V.S.A 3431 and 3481.
- B. Check and record all property transfers and maintain property record cards for every parcel in the town.
- C. Oversee maintenance and/or prepare tax maps, assessment record cards, filing systems and all other data necessary to the department.
- D. Perform regular and frequent checks of the town to assure that all taxable property is being accurately reported.
- E. Perform all other related functions as may be required.

SECTION 11 DELINQUENT TAX COLLECTION DEPARTMENT**Section 1101. Composition of Department****Section 1102. Functions**

Section 1101. Composition of Department

The Delinquent Tax Collection Department under the supervision of the Manager, as required by section 503 B 14, of the Town of Milton Charter shall consist of the Delinquent Tax Collector, Deputy Tax Collector, appointed by the Manager and such other professional staff as may be recommended and approved by the Manager.

Section 1102. Functions

The Delinquent Tax Collection Department shall perform the following functions:

- A. Prepare and mail out delinquent tax notices from warrants issued by the tax collector.
- B. Enter into agreements for the payment of delinquent taxes per the policy approved and revised from time to time by the Manager.
- C. Conduct and execute a tax sale for all properties on which taxes remain unpaid. Tax sale to be in accordance with the laws of the State of Vermont.
- D. The department and staff must have and maintain a complete understanding of the VSA's pertaining to delinquent tax collection. Lack of this knowledge will place the town in jeopardy of collecting amounts due if time limits were not complied with.
- E. Assist in the collection of all delinquent water and waste water accounts as may be necessary.
- F. Perform all other related duties as may be assigned and/or as outlined in the State of Vermont laws and other functions as required.

SECTION 12 LEGAL DEPARTMENT**Section 1201. Town Counsel****Section 1202. Functions**

Section 1201. Town Counsel

The Legal Department shall consist of a Town Attorney, appointed by the Board, (Chapter 3, Section 306E (3) of the Town Charter) and may be, as directed by the Board nominated by the Manager, upon such terms as may be agreed upon.

Section 1202. Functions

The Legal Department shall perform the following functions:

- A. Represent the town in all matters in which the town has an interest coming before any court, tribunal, quasi-judicial or legislative body, except in such cases as other arrangements may be specifically made by the Manager and/or Board.
- B. Advise the Manager, Board and department heads in all cases when a legal opinion is required or requested, in writing, insofar as practicable.
- C. Draft all deeds, leases, contracts, ordinances, resolutions and such other legal instruments as required on behalf of the town.
- D. Examine and approve all deeds, leases and other legal instruments tendered to the town prior to their acceptance.
- E. Perform all other related functions as required.

SECTION 13 **OPEN**

SECTION 14 POLICE DEPARTMENTSection 1401. **Composition of Department**Section 1402. **Patrol Division**Section 1403. **Criminal Investigation**Section 1404. **Communications Division**Section 1405. **Administrative and Service Division**

Section 1401. Composition of Department

The Police Department, under the supervision of the Chief of Police appointed as specified by Chapter 1, Section 106 and 107 of this Administrative Code, shall consist of such forces of permanent officers, special and/or auxiliary officers and civilian employees as may be recommended by the Chief of Police and approved by the Manager and consist of Divisions of Patrol; Criminal Investigations; Communications; Administrative and Service.

Section 1402. Patrol Division

The Police Department, Patrol Division particularly, shall be under the supervision of and responsible to the Chief of Police and shall perform the following functions:

- A. Enforce the laws and ordinances of the State of Vermont and the Town of Milton that come under its jurisdiction.
- B. Protect life and property, which includes the prevention of crime.
- C. Maintain and care for all property assigned to the Police Department.
- D. Reduce and suppress crime and apprehended offenders.
- E. Prevent crime and maintain peace and order.
- F. Protect lives and property from malicious damage and injury.
- G. Regulate traffic and perform miscellaneous calls for service.
- H. Provide and support community policing.
- I. In concert with other divisions, be responsible for the prevention of crime and establishing programs on a day-to-day basis for crime prevention.
- J. Perform all other related functions as required.

Section 1403. Criminal Investigation Division

The Criminal Investigation Division, under the supervision of a Detective Lieutenant, or similar position, responsible to the Chief of Police, shall perform the following functions:

- A. Investigate all crimes involving serious misdemeanors and felonies and all other cases as may be assigned to by the Chief of Police.
- B. Prepare and maintain an effective juvenile and domestic violence unit dealing with juvenile and adult crimes and the prevention of criminal activity in those areas.
- C. Protect and secure all evidence and confiscated property that comes to its attention.
- D. Perform all other related functions as required.

Section 1404. Communications Division

The Communications Division, under the supervision of the Communications Supervisor, is responsible to the Chief of Police and shall perform the following functions:

- A. Coordinate all communications at all times and particularly in times of declared emergency.
- B. Investigate, study, report and recommend improvements and /or changes in the ongoing communications system.
- C. Maintain all call signs and numbers for all departments.
- D. Maintain and care for all property assigned to the Division.
- E. Prepare and maintain all necessary records pertaining to the Division.
- F. Perform all other related functions as required.

Section 1405. Administrative and Service Division

The Administrative and Service Division, under the supervision of the Chief of Police, shall perform the following functions:

- A. Prepare and maintain all necessary records pertaining to the Police Department.
- B. Maintain payroll, accounting and budget information and records.
- C. Ensure the proper processing of all purchases and expenditures.
- D. Prepare and monitor all applications and grants received from federal and state agencies.
- E. Prepare and present all Department cases through the court system.
- F. Prepare all Department cases for the grand jury and/or Superior Court
- G. Support and coordinate as requested the Animal Control Unit that is responsible to attend to all complaints and other matters pertaining to dogs or other animals. This includes assistance in the shelter operations.
- H. Perform all other related functions as required.

SECTION 15 ANIMAL CONTROL**Section 1501. Composition of Department****Section 1502. Functions**

Section 1501. Composition of Department

The Animal Control Department, under the supervision of the Animal Control Officer appointed as specified by Section 1 paragraph 107 of this Administrative Code or by ordinance shall consist of the Animal Control officer and a pound keeper as specified by Chapter 3 section 306E (4) of the Milton Town Charter and such other staff as may be recommended by the Animal Control Officer and approved by the Manager.

Section 1502. Functions

The Animal Control Department shall perform the following functions:

- A. Assist in enforcing the laws in conjunction with the Police Department, of the State of Vermont and the Ordinance of the Town of Milton that come under its jurisdiction.
- B. Maintain and care for all property assigned to the Animal Control Department.
- C. Protect lives and property from malicious damage and injury from stray or other animals.
- D. Prepare and maintain all necessary records pertaining to the Animal Control Department.
- E. Maintain a department that will be responsible to attend to all complaints and other matters pertaining to dogs, felines and all other animals. This shall include maintenance of a shelter.
- F. Prepare and maintain the annual budget.
- G. Purchase equipment and supplies as required for operation of the department.
- H. Cooperate and assist all other departments and agencies as necessary.
- I. Perform all other related functions as required.

SECTION 16 FIRE DEPARTMENTSection 1601. **Composition of Department**Section 1602. **Powers of Chief**Section 1603. **Division of Suppression****Section 1604. Division of Protection, Inspection and Investigation****Section 1601. Composition of Department**

- A. The Fire Department, under the supervision of a Fire Chief, appointed as specified by (Future Language) shall consist of such forces of permanent officers and fire fighters, call officers and call fire fighters as may be recommended by the Fire Chief and approved by (Future Language).
- B. The Fire Department shall consist of the Division of Suppression; Protection, Inspection and Investigation; Rescue (Ambulance emergency medical services).

Section 1602. Powers of Fire Chief

The Fire Chief shall have all the powers designated to fire chiefs as defined in 24 VSA 1953 and/or as may be amended.

Section 1603. Division of Suppression

The Fire Department, Division of Suppression particularly, shall perform the following functions:

- A. Extinguish fires and protect life and property against fires.
- B. Care for and maintain the signal alarm system.
- C. Care for and maintain all property and equipment assigned to the Fire Department.
- D. Prepare and maintain all Fire Department records as required.
- E. Issue permits as required.
- F. Plan and carry out a training program of instruction for all regular and call fire fighters.
- G. Cooperate with surrounding communities through mutual aid programs so that additional fire fighting facilities may be made available when needed.
- H. Perform all other related functions as required.

Section 1604. Division of Protection, Inspection and Investigation

The protection Inspection and Investigation Division, under the supervision of a Deputy Chief responsible to the Fire Chief, shall perform the following functions:

- A. Enforce all laws regarding the prevention/inspection for and removal of fire hazards and prevention of fires.
- B. Care for and maintain all property and equipment assigned to the Fire Department.
- C. Prepare and maintain all Fire Department records as required.
- D. Plan and carry out regular inspection program throughout the community coordinating same with the Building and Inspection Department.
- E. Perform all other related functions as required.

SECTION 17 RESCUE**Section 1701. Division of Rescue (Ambulance)**

Section 1701. Division of Rescue (Ambulance)

The Rescue Division (emergency medical services), under the supervision of the Rescue Director, responsible to the Fire Chief, shall consist of such complement of permanent and volunteer personnel as may be recommended by the Fire Chief and approved by (Future Language)

The Rescue Division shall perform the following functions:

- A. Provide professional rescue emergency care.
- B. Strive for the highest levels of training and competency available.
- C. Promote and encourage an awareness of personnel safety through community service.
- D. Maintain the highest spirit of cooperation and devotion to the principals of service to humanity.
- E. Care for and maintain all property and equipment assigned to the Rescue Division
- F. Prepare and maintain all Rescue Division records as required.
- G. Cooperate with surrounding communities through mutual aid programs so that additional rescue and ambulance facilities may be made available when needed.
- H. Perform all other related functions as required.

SECTION 18 EMERGENCY MANAGEMENT (FORMERLY CIVIL DEFENSE)**Section 1801. Emergency Management Director****Section 1802. Removal of Director****Section 1803. Functions of the Director**

Section 1801. Emergency Management Director

The Emergency Management Director, appointed by the Board (nomination to the Board may be delegated to the Manager), shall be responsible for the organization, administration and operation of the local unit, subject to the direction and control of the Board.

Section 1802. Removal of Director

The Emergency Management Director may be removed with or without cause by the Board.

Section 1803. Functions of the Director

The Emergency Management Director, under the supervision of the Board, shall perform the following functions:

- A. Make mutual aid arrangement with other public and private agencies, with the approval of the State Director.
- B. Render aid in accord with such mutual aid arrangements in times of emergency.
- C. Accept outside aid, except federal aid which requires the consent of the Governor per State Statute; also, develop and implement the various elements of any existing or future emergency operations plan.
- D. Enter into emergency contracts to combat such disaster, protect the health and safety of persons and property and provide emergency assistance to victims without regard to time-consuming procedures and formalities described by law, excepting mandatory constitutional requirements.
- E. Perform all other related functions as required by the Vermont Revised Statutes Annotated, as amended and local ordinances.

SECTION 19 PUBLIC WORKS

Section 1901. **Composition of Department**

Section 1902. **Administrative Division**

Section 1903. **Engineering Division**

Section 1904. **Highway and Bridges Division**

Section 1905. **Equipment Maintenance Division**

Section 1906. **Building and Grounds Division**

Section 1907. **Water Administration and Distribution Division**

Section 1908. **Wastewater Collection and Disposal Division**

Section 1901. Composition of Department

The Department of Public Works, under the supervision of the Director of Public Works or Town Engineer; appointed as specified by Chapter I, Section 106 and 107 of this Administrative Code, shall consist of the Divisions of Administration; Engineering; Highways and Bridges; Waste Water Collection and Disposal (waste treatment/collection Bio-solids-composting); Equipment Maintenance (garage and stores); Building and Grounds; Water Administration and Water Distribution. Each division shall consist of such supervisory, technical, clerical and labor staff as may be recommended by the Director of Public Works or Town Engineer and approved by the Manager.

Section 1902. Administrative Division

The Administrative Division, under the control of the Director of Public Works or Town Engineer, shall perform the following functions:

- A. Prepare and maintain all necessary records pertaining to the Public Works Department.
- B. Maintain payroll, accounting and budget information and records.
- C. Ensure the proper processing of all purchases and expenditures.
- D. Prepare and monitor all appropriate applications and grants received from federal and state agencies.
- E. Plan and carry out training program of instruction for all Department employees.
- F. Perform all other related functions as required.

Section 1903. Engineering Division

The Engineering Division, under the supervision of the Town Engineer, responsible to the Director of Public Works, shall perform the functions of general engineering and engineering inspection consisting of but not limited to the following general categories:

- A. Design, layout and map all municipal public work projects.
- B. Maintain all sewer location maps for the town.
- C. Prepare and maintain all records pertaining to the Engineering Division as required.
- D. Care for and maintain all property and equipment assigned to the Engineering Division.
- E. Inspect all new sewers, sewer lines and water lines and appurtenances, as well as inspection, on a regular basis, of all roads under construction, etc..., in developments and throughout the town.

- F. Direct, oversee and coordinate the Town's Geographic Information Systems (G.I.S.) in conjunction with the Planning Director.
- G. Perform all other related functions as required.

Section 1904. Highway and Bridges Division

The Division of Highways and Bridges, under the supervision of the Highway Division Superintendent, responsible to the Director of Public Works, shall perform the following functions:

- A. Construct, maintain and repair all roads, streets, drains, bridges and sidewalks, except where specific projects may be let to contractors.
- B. Remove snow, distribute salt and sand on all highways, streets bridges, sidewalks and other public ways.
- C. Plant, maintain and remove trees and brush on or affecting town property, either by town forces or contractual services.
- D. Issue all permits as needed for erection of highway related construction signs and for the blocking or excavation of sidewalks, streets or other public ways.
- E. Review and prepare all documentation in conjunction with the Planning Department and Engineering Division regarding road acceptance and formally bring this to the Board/Manager for final action.

Section 1905. Equipment Maintenance Division

The Equipment Maintenance Division, under the Supervision of the Chief Mechanic, responsible to the Director of Public Works or Town Engineer, shall perform the following functions:

- A. Prepare and maintain all the motorized Public Works equipment and motorized equipment of other departments as may be assigned from time to time.
- B. Purchase stock and charge to the using department all necessary parts and materials.
- C. Maintain and care for all property and equipment assigned to the Equipment Maintenance Division.
- D. Prepare and maintain all necessary records pertaining to the Equipment Maintenance Division.
- E. Perform all other related functions as required.

Section 1906. Buildings and Grounds Division

The Building and Grounds Division under the supervision of the Public Works Director shall perform the following functions:

- A. Maintain and care for all buildings and grounds not assigned to any other department.
- B. Maintain records and prepare budgets necessary to complete maintenance of aforementioned buildings.
- C. Maintain and care for all cemeteries under the jurisdiction of the town.
- D. Maintain and care for all municipal and recreation buildings, parks, playgrounds, athletic fields, and other recreational areas.
- E. Cooperate with the Recreation Department and all other departments in the town.
- F. Perform all other related functions as required.

Section 1907. Water Administration and Distribution Division

The Water Administration Division under the direction of the Water/Waste Water Superintendent; responsible to the Public Works Director or Town Engineer shall perform the following functions:

- A. Manage all office operations.
- B. Establish and maintain operational system for billing, accounts and needed records.
- C. Coordinate and prepare the input for annual budget requirements. Submit budget to Town Engineer and/or Manager as may be required.
- D. Review yearly cost measures, coordinate audits and complete operational reports.
- E. Manage and supervise the division personnel for accomplishments of various construction maintenance projects.
- F. Construct, maintain and repair distribution lines and needed components within the year.
- G. Coordinate with other division heads for equipment, maintenance, record keeping and financial considerations.
- H. Prepare and maintain all necessary records, including layout, location and easements.
- I. Coordinate and assist with supporting projects for total water distribution operations.
- J. Perform inspections, condition surveys and necessary testing to insure efficient water distribution.
- K. Prepare, conduct and/or assist in an annual water audit.
- L. Perform all other related functions as may be required.

Section 1908. Wastewater Collection and Disposal Division

The Division of Wastewater Collection under the supervision of the Water and Wastewater Superintendent responsible to the Director of Public Works or Town Engineer shall perform the following functions:

- A. Manage and supervise the division personnel for the accomplishment of various construction and maintenance projects.
- B. Construct, maintain and repair collection lines, manholes and needed components within the system.
- C. Coordinate and assist with supporting projects for total waste operations.
- D. Prepare and maintain all necessary records, including layout, location and easements.
- E. Coordinate with other division heads for equipment, maintenance, record keeping and financial considerations.
- F. Perform inspections, conditions surveys and necessary testing to insure efficient wastewater collection.
- G. Construct, repair, maintain and operate the sewer system, except where specific projects may be let to contract.
- H. Prepare and maintain all necessary records pertaining to the Wastewater Collection and Disposal Facilities Division, including , but not limited to, an annual report containing the following:
 - I. Number of cubic feet/gallons of wastewater treated per year.

- J. Average annual cost to treat one hundred (100) cubic feet/one thousand (1000) gallons of wastewater.
- K. Operate and maintain all wastewater disposal facilities, bio-solids and composting projects, maintaining all necessary records pertaining to same.
- L. Perform all other related functions as required.

SECTION 20 HEALTH DEPARTMENT**Section 2001. Supervision and Duties**

Section 2001. Supervision and Duties

The Health Department shall be supervised by a Health Officer, appointed as specified by 18 VSA 601, and such professional and other staff as may be recommended by the Health Officer and approved by the Manager and shall perform the following duties (NOTE: The Board must recommend a local Health Officer to the State Commissioner of Health. The Commissioner shall appoint the person recommended (18 VSA 601):

- A. Investigate all complaints relating to nuisances that may be brought to his/her attention.
- B. Act as Secretary and executive officer to the Board of Health. Serve all notices and orders issued by the Board and shall enforce all rules and regulations affecting the health and comfort of the public.
- C. Conduct investigation upon receipt of information regarding a condition that may be a health hazard.
- D. Enforce the provisions of Title 18 and rules and permits issued under its authority.
- E. Prevent, remove or destroy any public health hazard or mitigate any significant public health risk consistent with the provisions of Title 18.
- F. Prepare and maintain all necessary records required by laws of the State of Vermont or the town ordinances.
- G. In consultation with the State department of Health, take steps to enforce the provisions of Title 18, Chapter 3 (refers to responsibilities of State Board of Health and Commissioners of Health, some of which may be delegated to the local health officer).
- H. Immediately report to the divisions of environmental health all health hazards relating to a public water system, food or lodging establishments. Any other health risk must be reported to the environmental health division within 48 hours as must any action taken by the health officer (18 VSA 602a).
- I. Inspect all schools, school lunch facilities and public buildings on an annual basis and report his/her findings to the local board of health each February or report on Town Meeting (18 V.S.A. 608) or Town Report.
- J. The health officer shall not incur significant expense in the name of the municipality for the presentation, removal, or destruction of any public health hazard or the mitigation of any public health risk without the consent and approval of the local Selectboard (18 VSA 615).
- K. Maintain complete records of all inspections made and keep records of all complaints made to him/her or to the Board, of all orders issued notice served and nuisances abated. Said record shall at the end of the fiscal year be placed in the hands of the Town Clerk.
- L. Perform all other related functions as may be required by state statute, local ordinance or this code.

SECTION 21 TOWN SERVICE OFFICER**Section 2101. Composition of Agency****Section 2102. Functions**

Section 2101. Composition of Agency

The Town Service Officer shall be an Agent appointed as specified by 33 VSA 3002. The Agent is authorized to administer emergency assistance to those demonstrating a need, either directly or through a person or persons appointed by the State.

Section 2102. Functions

The Town Service Officer shall perform the following functions:

- A. Plan, report on and supervise the town's welfare agent program.
- B. Investigate all requests for relief and authorize such relief aid as may be deemed necessary.
- C. Exercise all powers and perform all duties conferred on or imposed by law on welfare agents.
- D. Develop, maintain a current document dealing with specific welfare guidelines as to eligibility rights and appeals.
- E. Keep complete and accurate records of persons fully supported and the travelers and vagrants lodged at the expense of the town or state together with the amount paid to them for such support and relief and make such reports to the Vermont Agency of Human Services, as required by law.
- F. Perform all other related functions as required.

SECTION 22 LIBRARY DEPARTMENT**Section 2201. Composition of Department****Section 2202. Functions**

Section 2201. Composition of Department

- A. The Library Department shall consist of the Library Director and other professional staff appointed in accordance with 22 V.S.A.143 (NOTE: Library Trustee's duties are to adopt bylaws, prepare budgets, expend appropriations and other income, and appoint the librarian and other employees). (See Chapter 10 Section 2901-2904). Professional and clerical staff shall consist of the Division of Technical Services; Reference; Circulation; Young People; and Children.
- B. The Library Board of Trustees may delegate nomination(s) for Library Director and library staff positions, as well as recommendations for dismissal of the Library Director or staff members prior to any action being taken thereon by the Library Board of Trustees.

Section 2202. Functions

- C. The Library Department shall perform the following functions:
- D. Prepare and maintain all records pertaining to the Library.
- E. Select and procure books, magazines, periodicals, audio visuals, software and other materials for use by residents/library card holders.
- F. Maintain payroll or make/arrangements for accounting and budget information and records, unless delegated to the Town Treasurer or finance area.
- G. Catalogue and classify all such material and circulate al materials designated for loan.
- H. Provide a reference service for answering requests for specific information.
- I. Maintain and encourage a viable volunteer program
- J. Provide the availability of the library material to stimulate a wider general interest in its use.
- K. Prepare and carry out a training program of instruction for all employees and volunteers.
- L. Promote special reading services for children and young people to aid in the development of desirable reading habits.
- M. Maintain and care for all property assigned to the Library.
- N. Prepare and maintain all records pertaining to the Library Department.
- O. Perform all other duties as may be assigned by the Trustees.
- P. Perform all other related functions as required.

SECTION 23 RECREATION AND PARKS DEPARTMENT**Section 2301. Composition of Department****Section 2302. Functions****Section 2303. Administration****Section 2304. Maintenance (Buildings & Grounds)****Section 2305. Ski/Skate Functions****Section 2306. Skating/Hockey Rink Area****Section 2307. Playground Functions****Section 2308. Buildings (Historic Houses)****Section 2309. Patriotic Purposes Function**Section 2301. Composition of Department

The Parks and Recreation Department under the supervision of the Recreation/Parks Director, appointed as specified by Chapter 1 Section 106 and 107 of this Administrative Code shall consist of the areas of Administration; Maintenance-Grounds; Ski/Skate; Hockey Rink; Playgrounds; Buildings (Historic Houses); and Patriotic Purposes. Each division shall consist of such supervisory, technical, clerical and labor staff as may be recommended by the Parks and Recreation Director and approved by the Manager.

Section 2302. Functions

The Parks and Recreation Department shall perform the following overall functions:

- A. Develop a general recreational program for the town.
- B. Operate all recreation activities on town parks, playgrounds, tennis courts, ski and skate areas and all other recreational facilities, including buildings.
- C. Develop and assist in the maintenance and care of all municipal recreational buildings, municipal parks, playgrounds, athletic fields and other recreational areas.
- D. Maintain and care for all property assigned to the Recreation and Parks Department.
- E. Prepare and maintain all records pertaining to the Recreation and Parks Departments.
- F. Cooperate with private groups as well as with public officials in the development and promotion of recreational activities in the town.
- G. Cooperate with the Public Works Departments and all other departments of the town.
- H. Perform all other related functions as required.

Section 2303. Administration

The Administrative Areas shall consist of and perform the following functions:

- A. Prepare and maintain all necessary records pertaining to the Parks and Recreation Department.
- B. Maintain payroll, accounting and budget information and records.
- C. Ensure the proper processing of all purchases and expenditures
- D. Prepare and monitor all applications and grants received from federal and state agencies.
- E. Plan and carry out a training program of instruction for all department employees.
- F. Perform all other related functions as required.

Section 2304. Maintenance (Buildings & Grounds)

The Maintenance Division under the supervision of the Assistant Parks and Recreation Director, responsible to the Parks and Recreation Director shall perform the functions of general maintenance inspection and shall perform the following functions:

- A. Grounds and building maintenance for all public property under the direction of the Department of Parks and Recreation and in conjunction with the Public Works Department.
- B. Completion of facility and safety inspections, documentation, equipment repair and preventative maintenance, scheduling for all tools and equipment.
- C. Scheduling of projects and timely logistical support for recreational programs and special events.
- D. Assist in the planning and budgeting for all aspects of parks facilities and equipment maintenance repair, replacement and improvement.
- E. Perform all other related functions as required.

Section 2305. Ski/Skate Functions:

The ski and skate Division under the supervision of the assistant director for Parks & Recreation responsible to the Parks and Recreation Director shall perform the following functions.

- A. Assist in the operation of the Nordic ski trails and skating rinks on Town property, open and secure the area.
- B. Supervise all ski/skate related activities and collect fees.
- C. Maintain trails, rinks, equipment, logs and ski reports.
- D. Maintain current certifications and training. Complete relative logs and paperwork.
- E. Perform all other related functions as required.

Section 2306. Skating/Hockey Rink Area

The Hockey Rink Area under the supervision of the Parks and Recreation Director shall perform the following functions:

- A. Open and secure the area, maintain facility and maintain outside rink and ice surface.
- B. Supervision of skating activities on all rinks.
- C. Collection of fees and completion of related paperwork.
- D. Maintenance of all tools and equipment, report all deficiencies and maintain all logs relative to the rink operation.
- E. Perform all other related functions as required.

Section 2307. Playground Functions:

The Playground functions shall be under the supervision of the Assistant Director responsible to the Parks and Recreation Director and shall perform the following functions:

- A. Program and schedule activities, events and field trips.
- B. Maintain all facilities, equipment and provide a safe and clean environment.
- C. Complete all paperwork, supervise all activities at the playground.
- D. Perform all other related functions as required.

Section 2308. Buildings (Historic Houses)

The Buildings Division under the supervision of the Parks and Recreation Director shall perform the following functions:

- A. Cooperate with the Milton Historic Society for grounds and building maintenance activities as may be budgeted.
- B. Assistance with budget preparation and CIP allocations and planning.
- C. Perform all other related functions as required.

Section 2309. Patriotic Purposes Function

The Patriotic Purposes Function under the supervision of the Parks and Recreation Director shall perform the following functions:

- A. Assist in the preparation of the budget for Patriotic Purposes.
- B. Cooperates with Veterans groups, private groups and coordinate with the public and public officials for the development of patriotic activities in conjunction with the recreational activities in the town.
- C. Perform all other related functions as required.

SECTION 24 ARTS DEPARTMENT

Section 2401. Composition of Department

Section 2402. Functions

Section 2401. Composition of Department

- A. The Arts Department shall consist of the Curator/Gallery Manager and a two-person, volunteer Advisory Board.
- B. The Town Manager will appoint the Curator/Gallery Manager and the Selectboard shall appoint the Advisory Board.

Section 2402. Functions

- C. The Arts Department shall perform the following functions:
- D. Manage the exhibition space in the lobby and halls of the Milton Municipal Building for the purposes of The Community Gallery.
- E. Preview art, schedule exhibitions, secure liability waivers, and design exhibits
- F. Write copy for and design associated materials such as ads, brochures, postcards, and online postings.
- G. Assist artists with installation and deconstruction of shows, plan receptions, and handle all correspondence.

SECTION 25 Department of Planning and economic DEVELOPMENT**Section 2501. Composition of Department****Section 2502. Planning Division****Section 2503. Division of Zoning, Enforcement, Building and Inspection****Section 2504. Division of Economic Development****Section 2505. Division of Code Enforcement (Reserved)**

Section 2501. Composition of Department

The Department of Planning and Economic Development, under the supervision of the Planning Director and under the direction of the Manager, appointed as specified by Chapter 9 Section 905 of the Town Charter, shall consist of the Divisions of Planning; Zoning, Building and Inspection; and Economic Development. Each division shall consist of professional and clerical staff as may be recommended by the Planning Director such as a Town Planner, etc. and approved by the Manager.

Section 2502. Planning Division

The Planning Division shall perform the following functions:

- A. Act in the capacity of advisor to Planning Commission, Selectboard and Manager.
- B. Investigate, study, report and recommend on all matters relating to land use, zoning, traffic, parking, highway, public facilities, population, urban renewal, subdivision, parks, playgrounds and other related phases of Town planning.
- C. Revise the Zoning Map to reflect changes made therein by Town ordinances, etc.
- D. Develop and implement changes to the Zoning Regulations.
- E. Develop and implement changes to the Subdivision Regulations.
- F. Perform all research work which might be assigned by the Manager, Selectboard and Planning Commission.
- G. Develop and implement the various elements of any existing or future general comprehensive plans being used or that may be used as a guide for the orderly development of the Town.
- H. Direct, oversee and coordinate the Town's Geographic Information Systems (G.I.S.) in conjunction with the Town Engineer.
- I. Investigate study and report on all matters relating to the construction of municipal structures.
- J. Develop and implement, as necessary, the overall capital improvement program.
- K. Notify members of the Conservation Commission and the Town Clerk of the expiration of their terms thirty (30) days before it expires.
- L. Maintain files of each case and activities of the Conservation Commission.
- M. Work with the clerk of the Conservation Commission to create the meeting agenda.
- N. Oversee subdivision process involving the construction of town infrastructure with the Town Attorney and Town Engineer.
- O. Research, apply for, review and process all grants related to planning, economic development, and any other relevant areas.
- P. Assist and work with the Town Clerk in notifying the members of the Zoning Board of Adjustment and the Economic Development Commission of the expiration of their terms thirty (30) days before it expires.
- Q. Perform all other related functions as required.

Section 2503. Division of Zoning, Enforcement, Building and Inspection

The Division of Zoning, Enforcement, Building and Inspection under the immediate direction of the Manager and direct supervision of the Planning Director and as appointed as specified by Chapter 9, Section 904 of the Town Charter shall perform at least the following functions:

- A. Be responsible for interpretation of the zoning ordinances, answering questions asked by the public concerning uses in all zones and investigating all complaints made concerning zoning.
- B. Enforce all rules and regulations relating to zoning or building codes as may be established by the Planning Commission.
- C. Issue building and related permits and inspect construction for compliance with local laws, zoning regulations and building codes.
- D. Prepare notice of appeals and variances and advise the Zoning Board of Adjustment of the reason for refusal of permit.
- E. Prepare and maintain records of all permits. Prepare and report monthly to the Manager, Selectboard and Commissions as required.
- F. Inspect all construction, remodeling, and land use for conformity with town permits, zoning, building and related codes.
- G. Issue monthly reports on division activities such as number of building permits, violations, enforcement actions etc.
- H. Insure compliance with all permits as required.
- I. Review with Planning Commission violations that are to be presented to the Selectboard.
- J. Seek and obtain authorization from the Selectboard for the prosecution of all violations of laws and codes within its jurisdiction.
- K. Coordinate prosecuting violations etc. with the Town Attorney.
- L. Research and prepare drafts of proposed Zoning Regulations changes as may be required.
- M. Perform all other related functions as required.

Section 2504. Division of Economic Development

The Division of Economic Development, under the immediate supervision of an Economic Development Coordinator, responsible to the Planning Director, shall perform the following functions with the assistance and overview of the planning staff:

- A. Apply for, receive and process all grants relating to community development.
- B. Cooperate, coordinate and assist the Economic Development Commission as may be required from time to time.
- C. Search, make application and coordinate all grants relating to the implementation and/or functions of community development, economic development and housing assistance programs which the Town has ongoing or which the Town may receive in the future.
- D. Investigate, study and report on all matters relating to overall community development.
- E. Perform all other related functions as required.

Section 2505. Division of Code Enforcement (Reserved)

(Reserved for future use in the event it is ever determined to include Building Code and Building and Inspection)

SECTION 26 PURCHASING PROCEDURESSection 2601. **Legal Basis**Section 2602. **Purchasing Agent**Section 2603. **Duties of the Purchasing Agent**Section 2604. **Requisition Procedures**Section 2605. **Competitive Bidding**Section 2606. **Field Purchases**Section 2607. **Exceptions to Competitive Bidding**Section 2608. **Purchases up to \$1,000.00**Section 2609. **Purchasing- Professional Services**Section 2610. **Purchasing Specifics**

Section 2601. Legal Basis

This article governing procedure to be used by the Town of Milton is incorporated into the Administrative Code in accordance with Section 503 (B-8) of the Town Charter.

Section 2602. Purchasing Agent

The Purchasing Agent, as prescribed by Chapter 5, Section 503 (B.8) of the Town Charter, shall be the Manager or shall be appointed by the Manager.

Section 2603. Duties of the Purchasing Agent

The Purchasing Agent shall perform the following duties:

- A. Receive all requests for supplies, materials and equipment from the various departments.
- B. Receive and tabulate bids and award contracts.
- C. Develop, distribute and expedite the use of whatever forms may be required to centralize purchasing.
- D. Keep all department heads advised of matters relating to purchasing and, in particular, to coordinate the requisitioning of standard items in order to take advantage of quantity prices.
- E. Keep all necessary records pertaining to purchasing.
- F. The Manager may authorize a department head to perform the above duties for their respective departments or others.
- G. The Purchasing Agent shall also perform all other related functions pertaining to purchasing.

Section 2604. Requisition Procedures

All materials, supplies and equipment shall be requisitioned by department heads on a prescribed requisition form to be provided by the Purchasing Department. This requirement can be waived from time to time by the Manager in order to better expedite the purchasing procedure until such time as a Purchasing Department may be established.

Section 2605. Competitive Bidding

All purchases in excess of one thousand dollars (\$1,000.00), but less than ten thousand (\$10,000.00), except as otherwise herein provided, shall require obtaining at least three price quotes.

- A. The following services/contracts, shall be submitted to the Finance Department, to be placed on a Vendor Sheet for action by the Manager
- B. (including but not limited to): employee reimbursements, monthly utility bills
- C. (electric, pagers, telephones, gas, etc), monthly services/contracts such as uniforms, employee benefits, etc. or as deemed appropriate by the Manager.
- D. All emergency purchase orders shall be filled out no later than one (1) business day after the purchase is been made.
- E. All purchase orders must include the vendor number, account number, date, cost or cost estimate and signature.
- F. The pink copy is encumbered and stays in the Finance Department, yellow copy is the department copy, white copy to stay in the department until the invoice is received than forwarded with the invoice to Finance Department.
- G. Division heads or those authorized must present all purchase orders to their department head for signature.
- H. For purchase orders over \$1,000.00, the procedure is as follows:
 - I. Obtain three (3) quotes.
 - J. Sign the purchase order and present to the appropriate department head for approval.
 - K. Department head signs and presents to Town Manager for approval.
 - L. Distribute copies.
- M. (It is understood that in some cases the purchase of "specialized equipment" it is difficult and sometimes impossible to locate 3 vendors to offer quotes. The Manager may waive this requirement in these cases.)
- N. Upon signing of contract a purchase order shall be issued for the total contractual amount.
- O. Requests for purchases, bids, contracts, etc. in excess of ten thousand dollars (\$10,000.00) shall require specifications provided by the requesting department in order to allow fair and equal bidding by all parties concerned. This provision can be waived by the Manager where it has been determined that it is clearly to the Town's advantage to do so.
- P. All bids for contracted services involving hiring a contractor to provide and/or complete work for the Town will require wording including insurance for indemnification of Town for liability, adequate liability insurance and a contractor bond as may be required by VSA or the Town of Milton. Specifics are to be included in the bid specifications.

Section 2606. Field Purchases

Field purchase may be made by Town employees so authorized under the following conditions:

- A. Emergency purchase orders shall be restricted to those circumstances where emergency conditions exist.
- B. Must be approved by the department head or his/her designee.
- C. All emergency orders shall be processed no later than one (1) business day after the purchase is made.

Section 2607. Exceptions to Competitive Bidding

- A. In any case where it is clearly to the Town's advantage to contract without competitive bidding, the Manager may so authorize.
- B. All requests for bids shall specifically reserve the right to reject any and all bids, and whenever purchases may be made on the open market at lower costs than the bids submitted, the Purchasing Agent shall reject all bids and purchase on the open market.

Section 2608. Purchases up to \$ 1,000.00

Purchase of goods and services valued up to one thousand dollars (\$1,000.00) may be made by departments as authorized by the Manager. When an item or service is less than one thousand dollars (\$1,000.00), and is purchased on a regular basis it may be advisable to go out to bid to establish a vendor with contracted prices for at least a one year period.

Section 2609. Purchasing -Professional Services

In purchases involving professional services, such as auditors, engineers, physicians, lawyers, architects or similar professions where the effects of the profession prohibit bidding, the requirement of bidding may be waived, but the request for a proposal should be solicited.

Section 2610. Purchasing Specifics

The items listed in this section of the Administrative Code are not all inclusive. Specifics are contained in the Town's Purchasing Policy Manual and when that document is accepted in accordance with Chapter 5, Section 507 B. will be considered a valid extension of the policies set forth in the Charter.

SECTION 27 BOARDS, COMMISSIONS AND COMMITTEES

Section 2701. Designations

Section 2702. Boards, Commissions, and Committees to be Advisory

Section 2703. Appointments and Removals

Section 2701. Designations

There shall be established in the Town of Milton and/or are currently existing under State law, Town Charter, Ordinance or otherwise, at least the following boards, commissions and committees:

ELECTED

- A. Selectboard
- B. School Board of Trustees
- C. Library Board of Trustees

- D. Planning Commission
- E. Development Review Board
- F. Conservation Commission
- G. Recreation Commission
- H. Economic Development Commission

See Appendix IV Charter Compliance Committee

- a. Municipal Records Committee
- b. Personnel Advisory Board

BY STATE STATUTE

- A. Board of Abatement
- B. Board of Health
- C. Board of Civil Authority
- D. Liquor Control Commission

OTHER

*It should be noted that the Cemetery Commissioners are either voted separately or the Selectboard is the Commission, according to the Town Charter.

Section 2702. Boards, Commissions and Committees to be Advisory

All boards, commissions and committees whether standing, permanent or temporary shall serve in advisory capacity only, unless otherwise empowered by state statute or town ordinances.

Section 2703. Appointment and Removals

All appointments to boards, commissions and committees shall serve for the term appointed or until a successor shall have been appointed and qualified. Appointments for unexpired terms shall be for the remainder of that term unless otherwise directed by this Code, Town Charter, etc. and until a successor has been appointed and qualified unless otherwise stated in state statute or Town ordinance or this Code. Vacancies for the Planning Commission, Zoning Board of Adjustment, Cemetery Commission, Chittenden County Regional Planning, Chittenden Solid Waste, or Civil

Defense Director (emergency manager), as well as optional offices of the Fire Warden, Collector of Taxes, Tree Warden and Constable and any other permanent commission or committee the Selectboard may be authorized to appoint requires public posting of said vacancy in at least four (4) public places.

Any temporary or adhoc committee does not require a legal posting. The Selectboard, under their powers may appoint these committees from time to time without the legal requirement of posting or advertising.

Conditions for removal from any board, commission, committee shall be as defined by statute, ordinance or this Administrative Code or under the Selectboard's general powers and duties.

- A. If a member of a Board, Commission or Committee, appointed by the Selectboard misses three (3) consecutive meetings without the knowledge or approval of the appropriate person(s), the respective Board, Commission or Committee Chairperson, or in the absence of the Chairperson, the Vice Chair, shall make a request in writing to the Manager with regard to the removal of said person. The Manager will review the request and, if the request is valid, forward it to the Selectboard for their consideration and possible action.

SECTION 28 SELECTBOARD (ELECTED)Section 2801. **General**Section 2802. **Functions and Duties**Section 2803. **Specific Functions of the Selectboard**

Section 2801. General

The Selectboard has the powers, duties, obligations and general responsibilities as outlined in Chapters 2 and 3 of the Town of Milton Charter. In addition certain other responsibilities and authority are conferred upon the Selectboard by state statutes.

The Selectboard also serves to make up the Board of Civil Authority, Liquor Control Commissioners, Cemetery Commissioners and the Board of Abatement.

The legislature has vested all the authority in the Selectboard as a body rather than in a Selectboard member individually.

Section 2802. Functions and Duties

The Selectboard shall have the general supervision of the affairs of the town and shall cause to be performed all duties required of the town not committed by law to the care of any particular officer (24 VSA 827).

Section 2803. Specific Functions of the Selectboard

The Selectboard's functions are, but are not limited to the following:

- A. They can enact ordinances and regulations (24 VSA 1972) in many areas including traffic regulation and controlling public business, (24 VSA 2291).
- B. They must warn all town meetings and specify business to be conducted, including proposing an annual budget (17 VSA 2641, 2642, 2664).
- C. If the town does not set the tax rate, the Selectboard must, to raise the specific amount the town has voted to spend (17 VSA 2664).
- D. They must authorize all town expenditures by signing orders for the treasurer to draw upon the town funds (24 VSA 1621, 1622, 19 VSA 30).
- E. They are also responsible for laying out, classifying and discontinuing town roads (19 VSA Chapter 7, 19 VSA Chapter 9).
- F. They are responsible for all animal control (20 VSA 3341-4003).
- G. They may borrow money for periods of less than a year in anticipation of taxes (24 VSA 1786).
- H. They must fill all town vacancies until an election is had (24 VSA 1786).
- I. They may license many operations within the Town (i.e. selling liquor, restaurants, junkyards, entertainment). (Numerous citations of the statute).
- J. They appoint several minor Town offices (i.e. fence viewers, pound keepers, inspector of lumber) (24 VSA 871, 2503, others).
- K. They appoint and remove planning commissioners; (24 VSA 4323) serve as ex-officio planning board members (in Town under 2500 population); (24 VSA 4322) adopt the Town plan (24 VSA 4385); hold a public hearing on proposed zoning bylaws; (24 VSA 4404) and adopt bylaws if over 2500 population; (24 VSA 4404).
- L. They appoint and may remove a Manager when Town so votes to adopt such form of government (24 VSA 1092).
- M. They purchase all insurance for the Town (24 VSA 1092).

- N. They require certain Town officers to obtain a bond and set the amount necessary (24 VSA 832).
- O. They control junkyards (24 VSA 2241-2242).
- P. All meetings of the Board shall be open to the public, unless by an affirmative vote of the majority of the Board, a portion of the meeting is declared to be an Executive Session. Executive Sessions may be held in compliance with Title 1 Section 313 of the Vermont State Statutes Annotated.
- Q. Emergency meetings may be held without 24 hour warning provided that some public notice is given as soon as possible before such meeting and all members of the Board are notified.
- R. The agenda of the Selectboard meetings shall be available to the public at least 24 hours prior to the meeting and posted in one or more public places.
 - 1. Any member of the Board may add items of business to the written agenda prior to its posting.
 - 2. The Board may add items of business to the agenda at the commencement of the meeting and in open session. If action is taken on an item added in the section, the action may be reconsidered at the next at the next scheduled Board meeting. Additions in this section shall be kept to a minimum.
- S. The Selectboard shall approve all Administrative Policies of the Town of Milton but the Administrative Code shall take precedence over any policy should there be a conflict.

SECTION 29 SCHOOL TRUSTEES (ELECTED)**Section 2901. Statutory Organization Duties**

Section 2901. Statutory Organization Duties

The compositions, terms of office, vacancies, functions and duties of the School Trustees shall be as provided in accordance with the Milton Town Charter, Chapter 4 Sections 401-405 which sections follow in their entirety:

- A. Forthwith after their election and qualification the School Trustees shall organize and elect a Chairman and a Clerk by a majority vote of the entire Board.
- B. The Chairman of the Board or in his/her absence, the Vice-Chairman in his/her absence the Clerk shall be recognized as the head of the Town/School District for all ceremonial purposes.
- C. As soon as possible after election of its officers the School Trustees shall fix the time and place of its regular meetings and such meetings shall be held at least once a month.
- D. The School Trustees shall also designate annually a paper of general circulation to be used for publications as prescribed by Title 17 section 2641 (b) of Vermont Statutes Annotated.
- E. The Trustees shall conduct its business under Robert Rules of Order Newly Revised.
- F. Three (3) Trustees shall constitute a quorum. No action of the Board shall be valid or binding unless adopted by the affirmative vote of at least three (3) members.
- G. All meetings of the Board shall be open to the public, unless by an affirmative vote of the majority of the Board, a portion of the meeting is declared to be an executive Session. Executive Sessions may be held in compliance with Title 1 Section 313 of the Vermont Statutes Annotated.
- H. Emergency meetings may be held without 24 hour warning provided that some public notice is given as soon as possible before such meeting and all members of the Board are notified.
- I. The agenda of the School Board's meeting shall be available to the public at least 24 hours prior to the meeting and posted in one or more public places.
 1. Any member of the Board may add items of business to the written agenda prior to its posting.
 2. The Board may add items of business to the agenda at the commencement of the meeting and in open session. If action is taken on an item added in the section, the action may be reconsidered at the next scheduled board meeting. Additions in this section shall be kept to a minimum.
- J. It shall be the duty of the Clerk of the School to keep an official record of its proceedings which shall be open for public inspection.
- K. The minutes of each meeting shall be approved within thirty (30) days of the meeting by a majority vote of the School Board. An unofficial copy shall be filed in the Town Clerk's Office five (5) days after the meeting.
- L. The School Trustees shall perform all duties as required by the Vermont State Statutes and this Charter.
- M. Appoint and remove the Superintendent of Schools.

- N. Appoint and remove members of all boards, commissions, committees or similar bodies unless specifically provided otherwise by the Charter.
- O. Submit the annual budget to the voters to be voted on at Town Meeting in accordance with the provisions in Section 1002 of the Milton Town Charter.
- P. Provide for an independent audit as described in Section 304 F. of the Milton Town Charter.
- Q. Create change and abolish offices and commissions.
- R. Prescribed the duties of all offices and commissions created by them.

SECTION 30 LIBRARY BOARD OF TRUSTEES (ELECTED)**Section 3001. Statutory Organization and Duties****Section 3002. Budgeting****Section 3003. Financial Accountability****Section 3004. Control of Library****Section 3005. Membership; Vacancies**

Section 3001. Statutory Organization and Duties

The composition, terms of office, vacancies, functions and duties of the Library Board of Trustees shall be as provided by 22 VSA 141.

Section 3002. Budgeting

- A. The Library Board of Trustees shall submit its proposed budget for the next fiscal year to the Selectboard in accordance with the Charter of Town of Milton, Section 1002 and 1003, and such proposed budget shall recommend a sum of money, sufficient to provide and maintain adequate public library services within the Town of Milton.
- B. The Selectboard shall review the budget proposed by the Trustees, and shall make any changes to the proposed budget it deems appropriate prior to submitting the budget for voter approval. Any changes made by the Selectboard shall be reflected in the total library budget with the Trustees holding full authority to reflect the Selectboard changes in budget line items of their choice.

Section 3003. Financial Accountability

- A. The approved library budget shall be reflected as a Town department for accounting purposes, and control of the library appropriation for investment purposes shall remain with the Town Treasurer.
- B. Payment of library expenses shall occur under the following procedures:
 1. The Trustees, or their designee, shall submit purchases orders to the Town Finance Department.
 2. Upon receipt of a purchase order form the Trustees, the Finance Department shall review the purchase order to determine if sufficient funds remain in the library budget to cover the expenditure.
 - a) If sufficient funds remain in the library budget, the finance office shall
 - b) Place the expenditure on the next available Selectboard Warrant Invoice for approval.
 - c) If sufficient funds do not remain in the library budget to cover the Expenditure, the Finance Department shall return the purchase order to the Trustees, or their designee, with an explanation of why the purchase order was rejected.
 3. The Selectboard shall not deny any purchase order request from the Trustees unless it is determined that such expenditure would result in the library budget exceeding the level approved by the voters.
- C. Any library appropriation unspent at the end of each fiscal year shall revert to the Town General Fund, and shall be applied to the General Fund Balance.

- D. The Town shall create, an maintain, a Library Fund, which fund shall contain any monies, such as gifts, grants, or other funds that are designated for the sole use of the public library. This fund shall be under the sole control of the Library Board of Trustees, and monies shall only be removed form it by express action of the Library Board of Trustees.

Section 3004. Control of Library

- A. The Library Board of Trustees shall have custody and control of the public library, its property and annual appropriation.
- B. The Trustees shall have full power to manage the Public Library, make by-laws, establish a library policy and receive, control, and manage library property (22 VSA 142).
- C. The Library Board of Trustees shall have full authority to hire, fire, set salaries, and oversee personnel issued within the Public Library, except that the Trustees shall utilize the same pay scale and benefits system utilized by the Town. This authority shall include appointing a Director as provided in (22 VSA 143).

Section 3005. Membership; Vacancies

- A. In accordance with 22 VSA 141 the Milton Library Board of Trustees shall number five (5) whom one shall be elected at each annual Town meeting.
- B. The Selectboard shall fill vacancies of the Board of Library Trustees according to (Section 202D.1) of the Town of Milton Charter.

Section 31 PLANNING Commission (APPOINTED)**Section 3101. Statutory Organization****Section 3102. Membership; Board Makeup****Section 3103. Service of Members on Other Boards or Commissions****Section 3104. Removal of Members****Section 3105. Vacancies****Section 3106. Functions and Duties**

Section 3101. Statutory Organization

The composition, terms of office, vacancies, functions and duties of the Planning Board shall be as provided by 24 VSA 44 as amended, and shall be subject to all provisions of said chapter.

Section 3102. Membership; Board Makeup

The Planning Commission shall consist of five (5) members, and the membership shall be filled as provided in the Town of Milton Charter Chapter 3, Section 306 A. The Selectboard appoints planning commission members for four (4) year terms. The Selectboard may choose one (1) Selectboard Member to act as an ex-officio member and that person counts as one of the five (5) permissible number of members. That person's term corresponds to their official tenure. The ex officio member shall be a voting member, (24 VSA 4322). The chairperson and clerk shall be elected members of the commission from its own membership annually. The Selectboard member shall be allowed to vote for the chairperson and clerk.

Section 3103. Service of Members on Other Boards or Commissions

Appointed members of the Planning Commission may also serve on any other municipal boards or commissions, provided that no more than (1) Planning Commission member shall serve on the same board or commission.

Section 3104. Removal of Members

Members of a Planning Commission may be removed by the Selectboard at any time by "unanimous vote" (24 VSA 4323 A).

Section 3105. Vacancies

Vacancies in the membership of the Planning Board occurring otherwise than through the expiration of term shall be filled for the duration of the unexpired term by the Selectboard (24 VSA 1786).

Section 3106. Functions and Duties

The functions and duties of the Planning Commission shall be as provided by 24 VSA 4325 as amended, and be subject to all provisions of said chapters, including but not being limited to the following:

- A. Prepare a plan and amendments thereto for consideration by the legislative body and to review any amendments thereof initiated by others as set forth in subchapter 5 of chapter 24 V.S.A.
- B. Prepare and present to the legislative body proposed by-laws and make recommendations on proposed amendments to such by-laws as set forth in subchapter 6 of Chapter 24 V.S.A.
- C. Administer by-laws adopted under subchapter 6 of Chapter 24 V.S.A.

- D. Undertake studies and make recommendations on matters of the land development, urban renewal, transportation, economic and social development, urban beautification and design improvements, and historic and scenic preservation; the conservation of energy and the development of renewal energy resources and wetland protection.
- E. Prepare and present to the legislative body recommended building, plumbing, fire, electrical, housing, and related codes and enforcement procedures, and construction specifications for streets and related public improvements.
- F. Prepare in conjunction with the Manager and present the legislative body a recommended annual capital budget and future capital program for a period of not less than five years.
- G. Hold public meetings.
- H. Require from other departments and agencies of the municipality such available information as relates to the work of the planning commission.
- I. In the performance of its functions, to enter upon land to make examinations and surveys.
- J. Participate in the regional planning program.
- K. Retain staff and consultant assistance in carrying out its duties and powers.
- L. Undertake comprehensive planning, including related preliminary planning and engineering studies.
- M. Perform such other acts or functions as it may deem necessary or appropriate to fulfill the duties and obligations imposed by, and the intent and purpose of, this chapter.
- N. Appoint with the approval of the Selectboard the Zoning Administrator for a three (3) year term.
- O. Prepare and periodically revise the Town's master plan.
- P. Implement the master plan; may hire and contract, with the approval of the Manager, for consulting services to implement the master plan.
- Q. Interpret the master plan to community residents and officials.
- R. Post and publish all meetings as required by law and ordinances.
- S. Assure that all members and staff are aware of the open meeting (1 VSA 311-314) and access to public record laws (1 VSA 315-320).
- T. Recommend to the Selectboard the amount of bonds to be set on the construction of roads and all infrastructures within the Town.
- U. Keeps records of its business and makes an annual report to the Town.
- V. Perform such other acts or functions as it may deem necessary or appropriate to fulfill the duties and obligations imposed by, and the intent and purpose of 24 V.S.A., the Milton Town Charter, local ordinances and the subdivision regulation of the Town of Milton.
- W. Fulfill the duties and functions of the Energy Committee, as detailed in the February 2013 Comprehensive Plan Goal 5.7.5.

SUB CHAPTER 32 DEVELOPMENT REVIEW BOARD (APPOINTED)**Section 3201. Statutory Organization****Section 3202. Membership; Appointment; Terms****Section 3203. Removal of Members****Section 3204. Vacancies****Section 3205. Functions and Duties****Section 3206. Alternate Members**

Section 3201. Statutory Organization

The composition, terms of office, vacancies, functions and duties of the Development Review Board shall be as provided by Title 24 VSA Chapter 117 as amended.

Section 3202. Membership; Appointment; Terms

- A. The Development Review Board shall consist of five (5) voting members, appointed by the Selectboard for a three (3) year term.
- B. The chairperson, vice-chairperson, and clerk shall be elected annually by the Development Review Board from its own membership.
- C. The Selectboard shall appoint up to 3 alternate members of the Development Review Board (DRB). Alternate members shall serve for a term of one (1) year.

Section 3203. Removal of Members

Members and alternate members may be removed from the Development Review Board by the Selectboard after three consecutive unexcused absences or for cause.

Section 3204. Vacancies

Vacancies in the membership and alternate membership of the Development Review Board occurring otherwise than through the expiration of term shall be filled for the duration of the unexpired term by the Selectboard.

Section 3205. Functions and Duties

The functions and duties of the Development Review Board shall be as provided by Title 24 VSA Chapter 117 as amended, including, but not limited to, the following:

- A. Conduct public hearings on all appeals from actions of the Zoning Administrator, conditional use applications, variance applications, subdivision applications, and site plan applications.
- B. Recommend to the Selectboard the amount of bonds to be set on the construction of roads and other public infrastructure within the Town.
- C. In the performance of its functions, to enter upon land (with landowner permission) to conduct site visits.
- D. Retain staff and consultant assistant in carrying out its duties and powers, as approved by the Selectboard.
- E. Keep minutes of its meetings as a public record, which shall be filed with the Town Clerk within 5 days of each meeting.
- F. Make an annual report to the Selectboard.

Section 3206 Alternate Members

- A. No more than 2 alternates shall serve on the DRB for any one application.
- B. Alternates will have no regular assignments on the DRB.
- C. The assignment of an alternate to the DRB will come from an alphabetical roster list. The assignment will begin with the first alternate in alphabetical order and rotate through the list until all alternates have served and the rotation will be repeated.
- D. The purpose of alternates is to maintain a full DRB or as close to full as possible during public meetings. The duty of the alternates is to attend public hearings where a regular DRB member or members are unable to attend for any reason. If a regular member must recuse him or herself from an application, the alternate will be called to serve on the DRB for that application only. For an ill or otherwise completely absent regular DRB member, attendance of the alternate shall be for the complete agenda.
- E. An alternate that is called upon to serve shall be required to be part of the DRB until a decision is made on that application. This includes attending deliberative sessions and the continuance of the public hearing if it has been tabled or recessed.
- F. The Chair of the DRB shall appoint an alternate to serve on the DRB by selecting an individual from the roster as provided in paragraph C above whenever, based on one of the conditions identified in paragraph D above, the Chair deems it appropriate to appoint an alternate. If the Chair does not appoint an alternate when one of the conditions identified in paragraph D above occurs, a majority of the members of the DRB present and voting may appoint an alternate.

SECTION 33 CONSERVATION COMMISSION (APPOINTED)**Section 3301. Statutory Organization****Section 3302. Creation of Conservation Commission****Section 3303. Membership; Appointment; Terms****Section 3304. Removals; Vacancies****Section 3305. Rules****Section 3306. Powers and Duties****Section 3307. Disposition of Property**

Section 3301. Statutory Organization

The composition of the terms of office, vacancies, functions and duties of the Conservation Commission shall be as provided by 24 V.S.A. 4501-4506 Chapter 118 which follows in their entirety below:

Section 3302. Creation of Conservation Commission

A conservation commission may be created at any time when a municipality votes to create one, or, if the charter, of a municipality permits it, when the legislative body of the municipality votes to create one.

Section 3303. Membership; Appointment; Terms

- A. A conservation commission shall have not less than three (3) nor more than nine (9) members. All members shall serve without compensation, but may be reimbursed by the municipality for necessary and reasonable expenses. All members shall be residents of the municipality.
- B. Members of the conservation commission shall be appointed and any vacancy filled, by the legislative body of the municipality. The term of each member shall be for four (4) years, except for those first appointed, whose terms shall be varied in length so that in the future the number of whose terms expire in each successive year shall be minimized.

Section 3304. Removal; Vacancies

- A. Any member of a conservation commission may be removed at any time for just cause by vote of the legislative by, for reasons given to him in writing and after a public hearing thereon if he/she so requests.
- B. Any appointment to fill a vacancy shall be for the unexpired term.

Section 3305. Rules

- C. At its organizational meeting a conservation commission shall adopt by majority vote of those present and voting such rules as it deem necessary and appropriate for the performance of its functions. It shall annually elect a chairman, a treasurer, and a clerk.
- D. Times and places of meeting of a conservation commission shall be publicly posted in the municipality, and its meeting shall be open to the public.
- E. A conservation commission shall keep record of its transactions, which shall be filed with the Town clerk as a public record of the municipality.

Section 3306. Powers and Duties

Any conservation commission created under this chapter may:

- A. make an inventory and conduct continuing studies of the natural resources of the municipality including but not limited to air surface and ground waters, and pollution thereof;
 1. soils and their capabilities;
 2. mineral and other earth resources;
 3. streams, lakes, ponds, wetlands, and flood plains;
 4. unique or fragile biologic resources;
 5. scenic and recreational resources;
 6. plant and animal life, especially the rare and endangered species;
 7. prime agricultural and forest land, and other open lands;
- B. Make and maintain an inventory of lands within the municipality which have historic, educational, cultural, scientific, architectural, or archaeological values in which the public has an interest;
- C. Recommend to the legislative body of the municipality the purchase or receipt of gifts of land or rights thereto, or other property, for the purposes of this chapter;
- D. Receive appropriations for operating expenses including clerical help by appropriation through the budget of the legislative body;
- E. Receive money, grants or private gifts from any source for the purposes of this chapter. Grants and gifts received by the trustee of public funds shall be carried in a conservation fund from year to year to be expended only for purposes of this chapter;
- F. Receive gifts of land for purposes of this chapter, by consent of the legislative body or by the affirmative vote of the municipality;
- G. Administer the lands, properties and other rights which have been acquired by the municipality for the purposes of this chapter;
- H. Assist the local planning commission or zoning board of adjustment or the district environmental evaluations where pertinent to applications made to those bodies, for permits for development;
- I. Cooperate with the local legislative body, planning commission, zoning board of adjustment, road committee or other municipal or private organizations on matters affecting the local environment or the natural resources of the municipal or private organizations on matters affecting the local environment or the natural resources of the municipality;
- J. Prepare, collect, publish, advertise and distribute relevant books, maps and other documents and maintain communication with similar organizations and encourage through educational activities the public understanding of local natural resources and conservation needs;
- K. Make a brief annual report to the municipality of its finances and transactions for the year just passed, and its plans and prospects for the year just passed, and its plans and prospects for the ensuing year.

Section 3307. Disposition of property

Land, rights or other property acquired by a municipality under this chapter shall not be sold or diverted to uses other than conservation or recreation except after approval by an affirmative vote of the voters of the Town at the annual meeting.

SECTION 34 RECREATION COMMISSION (APPOINTED)**Section 3401. Membership****Section 3402. Manner of Function****Section 3403. Functions**

Section 3401. Membership

The Recreation Commission may consist of not less than five (5) nor more than seven (7) residents of Milton who shall be appointed by the Selectboard for three (3) year terms and until their successors are appointed. Vacancies shall be filled by appointment of the Selectboard for the unexpired term only. There may be Selectboard representative to the Recreation Committee as well as a School District representative and the representative from the combined youth associations of Milton appointed by the respective boards. They shall have voting privilege with said committee.

Section 3402. Manner of Function

The Recreation Commission shall function as a standing committee working in an advisory capacity to the Recreation Director and Manager. The committee shall study, advise and recommend to the Manager and Recreation Director on matters of policy pertaining to the Recreation Department. The committee shall report to the Selectboard as a whole, either through itself, the Selectboard representative or the Manager, relative to any studies with its recommendations as requested by the Selectboard.

Section 3403. Functions

The Recreation Commission shall perform the following functions:

- A. Serve as the advisory board to the Manager, Recreation Director and Selectboard.
- B. Recommend the utilization of all Town recreation property.
- C. Formulate or cause to be formulated and keep updated a Town recreation master plan.
- D. Assist in providing recreation programs for the citizens of Milton.
- E. Review and/or assist in preparing the annual recreation operating and capital budget, in conjunction with the Recreation Director, to defray the cost of recreation and related programs to be submitted to the Manager at such time as may be required.
- F. Recommend the acquisition and development of recreation property.
- G. Post all meetings of the committee and keep minutes in accordance with state law.
- H. Cooperate with private groups and public official in the development and promotion of recreation property.
- I. Perform all other assigned and related functions as may be required.

SECTION 35 BOARD OF ABATEMENT (BY STATUTE)**Section 3501. Statutory Organization and Duties****Section 3502. Membership****Section 3503. Removal of Members****Section 3504. Vacancies****Section 3505. Functions and Duties**

Section 3501. Statutory Organization and Duties

The composition, terms of office, function and duties of the Board of Tax abatement shall be as outlined in 24 VSA and they shall serve for the term appointed/elected and until a successor shall have been appointed and qualified.

Section 3502. Membership

The board of abatement consists of the members of the board of civil authority (Town Clerk, the Selectboard, and the Justices of the Peace and Town Treasurer.

Section 3503. Removal of Members

There is no Vermont Statute which provides generally for the recall of elected local officials. Absent any such provisions in the local charter, elected officials may not be recalled.

Section 3504. Vacancies

Any vacancy in the board of abatement will be filled in the same manner as in Section 3501 of this chapter, except that any member appointed to fill a vacancy shall complete the unexpired term of that vacancy.

Section 3505. Functions and Duties

The functions and duties of the board of abatement shall be as provided by 24 VSA 1535, as amended and be subject to all provisions of said chapters, including but not limited to the following:

- A. The majority of a quorum is required for binding action of this board. However, this quorum requirement is not necessary if the Town treasurer and a majority of the Selectboard are present at the meeting (24 VSA 1533).
- B. Insures that written notice of a meeting must be sent to each member of the board and to post notice of said meeting in two (2) for more public places in Town at least five (5) days before the meeting (23 VSA 801).
- C. The board has jurisdiction over the abatement of Town taxes and Town School District taxes.
- D. Complies with the open meeting and access to public records law, 1 VSA 311-32, and assures that minutes are provided in accordance with the law.
- E. May abate in whole or in part of taxes, interest and collection fees accruing to the Town in certain cases.
- F. If the board denies abatement or abates taxes they must state in detail the reason for its decision.
- G. Keep a record of any taxes, interest and fees which are abated and record same in the office of the Town Clerk and a certified copy forwarded to the Tax Collector and Town Treasurer.
- H. Perform all other statutory assigned and related functions as may be required.

SECTION 36 BOARD OF HEALTH (SELECTBOARD)(BY STATUTE)**Section 3601. Statutory Organization and Duties****Section 3602. Health Officer; Board Makeup****Section 3603. Functions, Powers and Duties**

Section 3601. Statutory Organization and Duties

The composition terms of office, vacancies, function and duties of the Board of Health shall be as provided by 18 VSA 601-618.

Section 3602. Health Officer; Board Makeup

The local health officer with the Selectboard of the Town...constitutes the local Board of Health (18 VSA 604). The health officer is the secretary and executive officer of the local Board of Health. He or she serves a term of three (3) years and until a successor is appointed (18 VSA 605).

Section 3603. Functions, Powers and Duties

The function powers and duties of the Board of Health include but are not limited to:

- A. Make and enforce rules and regulations that relate to prevention, removal or destruction of public health hazards and the mitigation of public health risks. These rules and regulations must be approved by the Commissioner of health and posted and published in the same manner for ordinances (18 VSA 613a).
- B. Has jurisdiction over conditions that create a risk to the public health as a result of sewage disposal and treatment or effects on the water supply.
- C. May issue local health orders.
- D. May act to abate nuisances affecting public health caused by a system that allows:
 1. Surfacing of sewage
 2. Pollution of drinking water supplies, ground water and surface water; and that do not maintain sanitary and healthful condition during operation
- E. May call upon sheriffs, constables and police officers to assist them in carrying out their responsibilities (18 VSA 6170).
- F. May bring action in Superior Court to enforce health regulations.
- G. Recommends to the state Commissioner of Health a local health officer.
- H. Provide and control the compensation of the local health officer and may reimburse for all reasonable expenses (18 VSA 602 a.b.).
- I. Approve significant expenses for the prevention, removal and destruction of any public health hazard or the mitigation of the same (18 VSA 615).
- J. Recommend / appeal to the Commissioner of Health for the removal of the local health officer.
- K. May recommend to the Commissioner of Health the formation of a health district with other cities and towns.
- L. In case the Health Officer is unable to act as the executive officer of the Board, through illness or other good cause, the Board may appoint a suitable person to act temporarily in his/her stead; and the said person shall, while so acting, possess all the authority and receive the same compensation which the Health Officer would otherwise receive under the provision of any existing compensation plan or other salary agreement.

- M. The Board of Health shall provide itself with such blank forms and record books, at the expense of the Town, as are necessary and shall promptly, at the close of the fiscal year, report in writing for inclusion in the Annual Report, giving a classification of all complaints made to it, together with such suggestions pertaining to the health of the Town; so much of the vital statistics as are necessary; and such other sanitary information as may be necessary.
- N. The Board of Health shall meet at such times and places as it may deem necessary for the consideration of matters relating to the public health; it shall investigate, inquire into and advise in all cases referred to it for such purpose by the Health Office and shall direct him/her in such cases.
- O. The Board of Health shall prescribe a blank form upon which a complete record of inspections made by the Health Officer shall be entered. A record shall also be kept by the Health Officer of all complaints made to him/her or to the Board, of all orders issued, notice service and nuisances abated; said record shall, at the end of the fiscal year, be placed in the hands of the Town Clerk.
- P. Enforce the state cruelty to animal law.
- Q. The local board of health shall also perform all other duties and functions as required by law and ordinances.

SECTION 37 BOARD OF CIVIL AUTHORITY (BY STATUTE)**Section 3701. Statutory Organization****Section 3702. Membership; Board Makeup****Section 3703. Functions, Powers and Duties**

Section 3701. Statutory Organization

The composition, terms of office, function and duties of the board of civil authority shall be as provided by 17 VSA.

Section 3702. Membership; Board Makeup

The Board is comprised of Selectboard, Town Clerk and the justices residing in the Town (17 VSA 2103 (5)).

Section 3703. Functions, Powers and Duties

The Board of Civil Authority is the body responsible for:

- A. Determining voter eligibility and hearing property tax appeals.
- B. Meeting before elections or at other times for revisions of the checklist. The meeting is to be called by the Town Clerk in accordance with 23 VSA 801.
- C. Holding at least one meeting after the deadline for filing applications and before the day of election (17 VSA 2142 and 2144).
- D. Electing its own chairperson.
- E. When meeting consider all applications for additions to the checklists.
- F. Remove names from the checklist as may be required by law.
- G. Keep detailed records of its proceedings with respect to removing names from the checklist.
- H. File with the Secretary of State by September 20 of each odd numbered year a letter certifying that the board has complied with the necessary requirements to remove names from the checklists.
- I. Hear tax appeals to the decisions of Assessor no later than 32 VSA 4341 requires and certify its findings in writing (certified mail) to the aggrieved taxpayer. The certificate of finding must be filed with the Town clerk.
- J. Perform all other duties and responsibilities as may be required by law or bylaws.

SECTION 38 LIQUOR CONTROL COMMISSIONERS (BY STATUTE)**Section 3801. Statutory Organization; Board Makeup****Section 3802. Functions and Duties**

Section 3801. Statutory Organization; Board Makeup

Once the voters of a Town determine whether or not beer and wine and liquor can be sold in Town the Selectboard become the Liquor Control Commissioners of the Town (7 VSA 166).

Section 3802. Functions and Duties

The Liquor Control Commissioners of the Town shall:

- A. Call a special meeting or add an article to the annual meeting if petitioned by five (5) percent of the voters to determine if licenses for the sale of malt and vinous beverages, or spirituous liquors or both shall be sold in the Town. (7 VSA 161)
- B. With the approval of the State Liquor Control Board may grant first and second class liquor licenses.
- C. May suspend licenses after notification and hearing if it's determined that there is a violation of conditions issued as part of the license grant (7 VSA 236).
- D. Shall operate under the rules and regulations adopted by the state Liquor Control Board.
- E. Perform all other functions, duties and responsibilities as may be required by state law or local ordinances.

SECTION 39 CEMETERY COMMISSIONERS (BY STATUTE)**Section 3901. Statutory Organization****Section 3902. Functions, Duties and Responsibilities**

Section 3901. Statutory Organization

Unless the Town votes to place its public burial grounds under the charge of cemetery commissioners then the Selectboard is charged with the responsibility of Town cemetery matters. The authority to own and operate cemeteries is granted to municipalities in 18 VSA 5361, 5367 and 5373.

Section 3902. Function, Duties and Responsibilities

Generally the cemetery commissioners shall have charge, care and management of such burial grounds and exercises all powers, rights and duties with respect to such care and management. The board of cemetery commissioners:

- A. Has sole control over monies received and expended for Town cemetery purposes (18 VSA 5377).
- B. Have authority to adopt bylaws and regulations for burial grounds (18 VSA 5378).
- C. Assume responsibility for private cemeteries that have been abandoned and become "unsightly" (18 VSA 5321).
- D. Purchase land for burial grounds with public funds voted for that purpose.
- E. Accept or acquire lands through dedication, by gift or eminent domain for creation of burial grounds (18 VSA 5361, 5481-83).
- F. Discontinue burial grounds in accordance with 18 VSA 5369, 5370.
- G. Be familiar with state statutes that regulate the holding and passing of title to cemetery plots so as advise citizens how to obtain or transfer ownership of a particular plot.
- H. Oversee the sale of burial lots but only if a plot exists for the lots (18 VSA 5312).
- I. Assure that all deeds to lots are recorded by the Town Clerk and that burial records are maintained and open to the public (18 VSA 5311, 5313, 5376).
- J. Proceeds from sales of lots must be used directly for the operation and maintenance of the cemetery or placed in a perpetual care fund and may be invested in accordance with 18 VSA 5309.
- K. Land determined to be unsuitable for burial purposes may be sold and proceeds may be used for the purchase of other land to be used for burial purposes or for the care and maintenance of the existing cemetery (18 VSA 5315).
- L. Submit an annual report to the Town auditors for auditing, file a report with the Town clerk and include the report in the Town's Annual Report (18 VSA 5379-80).
- M. May be called upon to provide a headstone (18 VSA 5371) without charge for deceased person whose estate does not have the funds to pay for one or whose grave remains unmarked for three (3) years following his/her burial.
- N. May be asked to adjudicate the need for a permit allowing an applicant "to enter a graveyard enclosure".
- O. Perform all other duties and responsibilities as may be required by law, ordinance.
- P. May appoint a Cemetery Advisory Committee to assist in the execution of its duties as outlined in this section. The Committee may make recommendations for cemetery improvements, recommend bylaws, regulations, and fees related to

burials and plot costs. The Committee will consist of three (3) members, two (2) of which will be appointed by the Cemetery Commission, and one (1) of which will be appointed by the Town Manager or his or her designee.

SECTION 40 CHARTER COMPLIANCE COMMITTEE (BY CHARTER)**SECTION 4001. STATUTORY ORGANIZATION****Section 4002. Membership, Committee Makeup****Section 4003. Functions and Duties**

Section 4001. Statutory Organization

In accordance with Section 702 A-I of the Town Charter, a charter compliance committee is established.

Section 4002. Membership, Committee Makeup

The charter compliance committee will consist of three (3) elected Justices of the Peace for the Town of Milton. Biannually all of the elected Justices of the Peace will elect three (3) of its members to the Charter Compliance Committee.

Section 4003. Functions and Duties

The general purpose of the charter compliance committee is to hear rules and take any action as may be required and act in a quasi-judicial capacity as a result of any allegations from the citizens or general public who feel that an elected or appointed board or commission or elected official has, unknowingly, violated the charter. The charter compliance committee shall also:

- A. Meet within ten (10) days of a complaint received in writing by the Town Clerk. If the complaint is against the Town Clerk, the complaint is filed with the Selectboard.
- B. Provide the opportunity to the Board, the Commission or the official to be heard regarding the allegations as well as hearing all evidence before determining any conclusion regarding the complaint.
- C. Verify the validity of the allegation and if found that there in fact was a violation.
- D. Issue all finding of fact in a timely manner.
- E. Publicly notify the board, commission or public official to allow correction of the matter.
- F. Determine that if no correction is made in a timely manner whether to award:
- G. Reprimand (official, board or commission will be told to abide by the charter).
- H. Public sanction (Public will be made aware of the violation along with the facts and findings).
- I. Perform all other duties and responsibilities as may be required by Charter, law or ordinance.

SECTION 41 MUNICIPAL RECORDS COMMITTEE (GENERAL)

Section 4101. **Legal Basis**

Section 4102. **Purpose**

Section 4103. **Committee Members**

Section 4104. **Functions**

Section 4105. Unlisted Record Disposition (FUTURE)

Section 4101. Legal Basis

The Municipal Record Committee composition, functions and duties shall be as provided by this Administrative Code.

Section 4102. Purpose

The purpose of the Municipal Records Committee is to govern the disposition of the municipal records pursuant to the rules adopted by this committee as may be required by state statute, the Town of Milton Charter, local ordinance or this code.

Section 4103. Committee Members

The Municipal Records Committee shall consist of the Selectboard, Town Clerk, Treasurer, Assessors, if any and the Tax Collector.

Section 4104. Functions

Govern the disposition of municipal records pursuant to rules promulgated by the Municipal Records Committee or any State Municipal Records Board that may exist to establish standards, procedures and regulations for the management of municipal records.

- A. All records microfilmed, microfiched or created on electronic discs will have two (2) copies prepared; one copy transferred to a suitable location for permanent storage.

SECTION 4105. Unlisted Record Disposition (FUTURE)

CHAPTER XV

SECTION 42 Personnel Rules and RegulationsINTRODUCTIONNAME OF ADMINISTRATIVE RULES AND AUTHORITY

These rules shall be known and cited as “Personnel Rules and Regulations” and are hereby adopted pursuant to the provisions of Title 24, Vermont Statutes Annotated Section 1121 and 1122 and the Town Charter, Section 507 A. (2).

Employment with the Town of Milton (hereafter Town) is not for any definite period or succession of periods and may be terminated either by the employee or by the Town at any time without notice, 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.

This manual and the provisions continued herein do not constitute a contract of employment in whole or in part. The Town reserves the right to add, amend or delete any benefits or policy stated herein at any time, except as otherwise committed to by formal contract agreements.

These rules and regulations shall be applicable to all persons employed by the Town with the exception of Elected Officers, members of Boards and Commissions, employees of the School District, persons employed in a professional capacity to make special and temporary studies, investigations and/or inquires and other positions to which no compensation is attached.

Town Equal Employment Opportunity Policy

It is the policy and intent of the Town to provide equal opportunity in employment to all persons. This policy prohibits discrimination because of race, color, religious affiliation, national origin, political affiliation, disability, marital status, sex, age, sexual orientation, or HIV status, in all aspects of its personnel policies, all aspects of full time, part time, temporary or seasonal employment including but not limited to, recruitment, hiring, placement, promotion, evaluation, work assignment or transfer, reduction in force, recall or termination, rates of pay or other forms of compensation, and selection for training.

It is the responsibility of each Department Head and Supervisor to implement this policy.

Failure of any employee to perform in a manner consistent with this policy may constitute grounds for reprimand, suspension, demotion or dismissal from the Town’s employ.

The Town’s equal opportunity policy is both consistent with and fundamental to the maintenance of an effective merit system and it shall be implemented as an integral part of the Town’s personnel system.

SECTION 42 PERSONNEL RULES AND REGULATIONS**ARTICLE I PURPOSE AND AMENDMENT OF RULES****Section 1. Purpose of Rules****Section 2. Positions Covered/Application to Bargaining Units****Section 3. Administration and Amendment to Rules****Section 1. Purpose of Rules**

The Town, in extending service to its residents, recognizes that the well being of its employees is essential to the maintenance of a high standard of operation.

It is the purpose of this manual to establish normal procedures which will serve as a guide to administrative action concerning the various personnel activities and transactions and to give effect to provisions of the Milton Town Charter, Section 507 A. (2). This manual is intended to indicate the customary and reasonable methods whereby the aims of the personnel program may be implemented. These rules shall be applied in accordance with the purposes of the Charter which are interpreted in the plan as follows:

- A. To establish for employees a system of personnel administration on merit principals and designed to secure efficient administration.
- B. To provide for classification, compensation, selection, training, promotion, discipline, vacation and all other matters necessary to maintenance of efficient service and improvement of working conditions.
- C. To provide for a Personnel Advisory Board as required to assist in properly administering the personnel system.

Section 2. Positions Covered/Application to Bargaining Units

Except as otherwise provided herein, these rules shall not apply to volunteers appointed by the Selectboard (hereafter Board) or individuals employed in a professional capacity under investigations or inquiries. These rules and regulations and the application thereof shall prevail in cases where union agreements are silent or where there is no past practice.

Section 3. Administration and Amendment of Rules

These rules shall be administered by the Manager. Amendments to these rules shall be by resolution at any regular or special board meeting as proposed by the Manager or as may be brought forth by the Board from time to time.

ARTICLE II PERSONNEL CODE DEFINITIONS**SECTION ANALYSIS****Section 1. Definitions**

Absence Without Leave:

The absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of these rules.

Anniversary Date:

The month and day an individual is initially appointed to serve as an officer or employee of the Town, unless his/her status has been changed through a promotion or demotion. In this case the employee's anniversary date is changed to the most recent date of action.

Annual Base Pay Adjustment:

The term used to indicate the increase in base pay given to certain employees of the Town.

Appointment - Permanent:

The official unconditional appointment of the most qualified individual to apply to fill an open position of employment with the Town. Such appointment generally follows satisfactory completion of a probationary period and may be for a specified or unspecified term.

Appointment - Provisional:

The official conditional appointment of the most qualified individual to apply to fill an open Town position. A provisional appointment may include conditions such as, differing terms, hours, requirements that must be met by the appointee and/or Town during the probationary period, and/or changes in compensation. As a rule, all conditions of a provisional appointment must be met in advance of the position becoming permanent.

Competitive Service:

The provisions of these rules and regulations shall apply to all offices, positions, and employees in the service of the Town except persons elected to office by popular vote and persons appointed to fill vacancies in such offices such as positions on appointed boards, commissions, and committees; members of a volunteer Fire Department and/or Rescue Squad who are not paid a full time salary; the head of departments; part time, per diem or temporary employees unless otherwise noted. Offices, positions and employees not exempted above shall constitute the competitive service of the Town.

CPI-U:

All-Urban Consumer Price Index as prepared by the United States Bureau of Labor Statistics.

Demotion:

The change of an employee, either voluntarily or involuntarily, from a position in one classification to a position in another classification, having a lower maximum salary rate.

Department Heads:

An employee in charge of a department. The duties of a department head include such things as the active supervision of employee(s), planning and executing programs and preparing and adhering to budgets.

Discharge:

(See Separation)

Division Head:

An employee in charge of a division within a department. The duties of a division head may include active supervision of employee(s), planning and executing programs and preparing and adhering to budgets. A division head will typically report to the Department Head or the Manager, in his/her absence.

Due Process:

The rights available to every municipal officer (elected and appointed) and employee to be treated in a fair, equitable and reasonable manner while the Town pursues the goal and mission of delivering cost effective services. Due process rights include, but may not be limited to:

- being given appropriate notice(s);
- the ability to participate in certain hearing(s);
- the process(es) provided for elsewhere in the Administrative Code.

Employee:

A person working for the Town full-time and on a permanent basis, having completed a probationary period.

Employee - Full Time Equivalent (For Benefit Purposes):

An employee who is working on a full-time permanent basis on an hourly or salaried basis for an average of no less than thirty-five 35 hours, or more, per week. For overtime purposes, an employee's work period will consist of forty (40) hours.

Employee - Hourly (nonexempt)*:

A person working for the Town who receives compensation on the basis of hours worked due to the nature and function of the position.

Employee - Part-time:

A person working for the Town on a permanent basis, having completed a probationary period, who is expected to work less than thirty-five hours per week.

Employee - Probationary:

A person working for the Town as either a full or part-time employee with the expectation he/she will become a permanent employee, yet has not completed the probationary period.

Employee - Salaried (Exempt)*:

An employee shall be deemed to be salaried if under an employment agreement or as a matter of policy or practice he/she regularly receives each work period a predetermined or fixed amount of money constituting his/her compensation.

Employee - Temporary:

A person hired for a definite period of time, not in excess of six (6) months (unless otherwise authorized by the Manager), such as seasonal, emergency or other special help.

Grievance:

A grievance is a dispute or disagreement as to the interpretation or application of these Personnel rules and Regulations and/or those adopted by a department except in the case of a personnel action arising out of a position classification, pay, demotion, suspension and dismissal. The adjustments of complaints arising from such actions are separately provided for.

Injury leave:

As distinguished from sick leave, shall mean an injury or illness sustained in the line of duty.

Lateral Move:

A change of an employee from one position to another position at the same pay level in the wage and salary schedule but involving significant differences in duties performed and basic qualifications required. (See also transfer)

Layoff:

A termination of employment at the will of the employer.

Outside Employment

(Standard for unacceptable influence on the employee's Town duties and responsibilities): Any work, voluntary or paid, which may cause the employee to choose between loyalties, is detrimental to the Town's interest and/or may be in conflict with his/her primary duties.

Position Classification(s):

The description of a position or group of position(s), subject to the Personnel Rules and Regulations, defined by an overview of the position, essential job descriptions, education & experience, knowledge, skills & abilities, and working conditions.

Position classification is used as a guide to justify the placement of each position in the schedule of pay in the group.

Probationary Period:

A working test period during which a probationary employee is required to demonstrate his/her abilities and fitness for the duties to which he/she is appointed by actual performance of the duties of the position. An employee may be either restored to her/his former position, in the case of a promotion, or terminated, in the case of a new appointee, without cause at any time during the probationary period. The typical probationary period is six months for all non-law enforcement employees and twelve months for law enforcement personnel. A probationary period may be extended, on a case by case basis as circumstances warrant. The department head with the approval of the Manager, may extend the initial probationary period once for an additional term not to exceed six (6) months. A division head's probationary period will be reviewed by the department head and a department head's probationary period will be reviewed by the Manager for the purpose of determining whether they become an employee.

Promotion:

A change of an employee to a position having a higher level of duties and responsibilities and a higher maximum salary range.

Reclassification:

The change of an employee's title and job description as a result of comparing and contrasting the individual's job description to the actual duties and responsibilities. This may take place at the request of an employee or his/her supervisor. The process to reclassify a position is defined elsewhere in the Administrative Code.

Separation:

The voluntary or involuntary termination of service from employment with the Town. This is typically permanent occurring after proper notice.

Sexual Harassment:

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:

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

Step:

The compensation point held by an individual in the Wage and Salary Schedule.

Transfer:

A change of an employee from one position to another, involving the performance of similar duties and requiring substantially the same basic qualifications. Transfers may be interdepartmental or intradepartmental. (See also lateral move) Transfers shall in no way affect an employee's seniority.

* Refer to the FLSA for the exact definition of "exempt" and "non-exempt" employees.

ARTICLE III CLASSIFICATION PLAN**SECTION ANALYSIS****Section 1. Content****Section 2. Preparation and Administration****Section 3. Preparation Procedure****Section 4. Procedure for Adoption/Amendment of the Classification Plan****Section 5. Appeal Procedure****Section 6. Use**

Section 1. Content

The Classification Plan shall comprise a summarized representation of positions grouped into classes which are similar in the basic characteristic of their duties and responsibilities so that the same pay scale, title and minimum qualifications requirements can be applied and positions can fairly and equitably be treated under like conditions for other personnel purposes. Each classification shall be characterized by:

- A. Class Title;
- B. Overview of the position;
- C. Essential job functions;
- D. Education and experience;
- E. Knowledge, skills and abilities;
- F. Working conditions, where applicable; and
- G. Any other information deemed necessary or desirable.

The classification of positions is generally based upon an examination of significant classification factors in each position, the grouping together of all positions having similar duties and responsibilities into a class, and a grouping together of all classes which exhibit a similar level of difficulty and responsibility into a classification level which will be comparable with pay level of the Wage and Salary Schedule.

Classification factors utilized are: nature and complexity of work, level of responsibility, and where applicable, required physical exertion and exposure to environmental conditions.

- A. The position Classification Plan groups all competitive positions in the Town service, as well as certain miscellaneous non-competitive positions into classes according to their duties, responsibilities and level of work difficulty of the various jobs.
- B. For each classification there is a Job Description designated by Job Title and a definition of the position, distinguishing characteristics of the job, examples of duties involved, and the desirable qualifications.

The Job Specifications are intended to be descriptive and explanatory only, and do not necessarily include all the duties performed by an employee in that classification. Positions are allocated to the various classifications on the basis of work performed during the majority of the working period, and employees may be required to perform the duties of either a higher or lower classification, on a temporary basis, as the need may arise.

Section 2. Preparation and Administration

The Manager and/or his/her designee shall prepare and maintain on a current basis a position classification plan covering all the competitive positions in the Town service.

Section 3. Preparation Procedure

It shall be the duty of the Manager in preparing the Classification Plan and any amendments and notifications thereto, as called for by these rules and regulations to employ the following procedure. The Manager and/or his/her designee will ascertain the duties, authorities and responsibilities of all positions subject to these rules and regulations. After consulting with the department heads and employees the Manager will prepare or will cause to be prepared, a position classification plan which shall group all positions in the competitive service and department heads in class based on their duties, authority and responsibilities.

Section 4. Procedure for Adoption/Amendment of the Classification Plan

The Manager shall give the employees the opportunity to make suggestions and recommendations concerning the classification plan. After receiving such suggestions and recommendations, the Manager shall review the information and may make such modifications, amendments and recommendations, as he/she deems proper. He/she shall submit such a plan to the Board for approval.

This plan may be amended from time to time in the same manner it was adopted. The Manager shall be responsible for the continuous maintenance of the Classification Plan. An employee and/or supervisor/Department Head may request a position reclassification when actual duties differ from those specified in the job description.

The supervisor and Manager will, within a reasonable period of time (i.e. 10 working days) evaluate the individual's actual duties in comparison to his/her job description. This review will take place independently and then jointly between the supervisor and manager. This review will conclude with findings and a decision, by the Manager to one of the following options:

1. Retain the employee in his/her current job description and classification;
2. Modify the job description and retain the same classification;
3. Assign the employee to another, more suitable, job description within the same or different compensation level; or
4. Modify the job description and reclassify the individual to another location within the wage and salary schedule.

Where the new classification of a person presently employed by the Town is allocated to a labor grade with a higher maximum rate than the existing one, the employee's rate shall be set at the increment in the new range which constitutes the next higher step in rate from the employee's rate.

Section 5. Appeal Procedure

Any party who is dissatisfied with his/her classification specification may appeal in writing to his/her immediate supervisor. A supervisor may also request a review of the position classification on behalf of an individual in his or her department. The Manager and his/her designee shall independently and then jointly review the request in accordance with the procedure for preparation and adoption of the position classification and take any appropriate action. This action may include but is not limited to:

- approving the reclassification to another approved position description;
- denial of the request, or
- drafting a position description more closely descriptive of the position in question.

In all cases, the request will be conducted as a personnel matter to protect the rights of the individual under consideration. The Manager will make the final adjudication as may be required by the Charter and state statute.

Section 6. Use

The position classification plan shall be used as follows:

- A. For setting and maintaining equitable compensation rates;
- B. As a basis for action regarding hiring and recruiting;
- C. As a basis for action in transfers, promotions and reclassifications; and
- D. As a guide in all personnel matters regarding an accurate knowledge of various positions in the municipal organization

ARTICLE IV COMPENSATION PLAN**SECTION ANALYSIS****Section 1. Preparation and Administration****Section 2. Procedure****Section 3. Adoption and Amendment of the Wage and Salary Schedule****Section 4. Wage and Salary Pay Ranges****Section 5. Annual Base Pay Adjustment****Section 6. Hours Worked – Overtime and Compensatory Time****Section 7. Revision and Salary Range****Section 8. Applicability of Wage and Salary Schedule on Various Classifications****Section 9. Employee Recognition****Section 10. Early Retirement****Section 11. Miscellaneous Provisions**Section 1. Preparation and Administration

The Manager shall prepare a uniform and equitable compensation plan covering all competitive positions in the Town Service. The Compensation Plan shall serve as the basis for regular employee compensation, promotions, new appointments and budget preparation.

Section 2. Procedure

The Manager, or other such designated person or agency selected for this purpose, shall prepare a proposed salary and wage plan showing, for each class of positions, minimum and maximum salary and wage rates and such intermediate rates as deemed desirable. Salary ranges for each class shall be coordinated with the position classification plan.

In arriving at the proposed rates, the following items shall be taken into consideration:

- A. Prevailing rates of pay and other working conditions for comparable work in other public and/or private business;
- B. Current cost of living;
- C. Difficulty and responsibility of work;
- D. The Town's financial condition and ability to pay;
- E. Maintenance or other benefits received by employees;
- F. Pertinent economic considerations; and
- G. Other conditions which are applicable.

Section 3. Adoption and Amendment of the Wage and Salary Schedule

After consideration and adoption of the plan by vote of the Board, the salary and wage plan shall be applied to all affected positions. This plan may be amended from time to time in the same manner as it was adopted.

Section 4. Wage and Salary Schedule Pay Ranges

For each classification there shall be established, a Wage and Salary Schedule range consisting of a probationary, minimum and such intermediate rates as may be approved by the Board. An employee appointed to a position will normally be compensated at a probationary or minimum rate of pay assigned to the class for which the position is allocated; however subject to the approval of the Manager, original employment at a salary above the probationary minimum step may be made upon

written request from the department head that such action is justified by exceptional qualification of the applicant or by lack of qualified applicants at the probationary minimum rate.

All newly hired or promoted employees shall begin work at the minimum increment (probationary step) in the labor grade of their classification with the following exceptions:

- A. Where an employee is promoted from a position which is in a lower labor grade to one in a higher labor grade, but where the present rate is higher than the minimum of the new labor grade, he/she shall be placed on the step in the new labor grade that will give him/her a rate increase of at least the amount equivalent to a one step increase in his/her present labor grade.
- B. Where there has been a written request and recommendation from the receiving department head and in the opinion of the Manager an employee has experience which so qualifies him, the Manager may approve the advance in-hire rate in accordance with Article IV, Section 4 of this chapter.

Where the new classification of a person presently employed by the Town is allocated to a labor grade with a higher maximum rate than the existing one, the employee's rate shall be set at the increment in the new range which constitutes the next higher step in rate from the employee's rate.

The Manager may grant in-grade rate adjustments in order to ensure the retention of essential skills, to maintain pay equity or as he/she deems to be in the best interest of the Town. Such adjustments shall not exceed the wage range contained in this Wage and Salary Schedule for the specific classification involved.

Section 5. Annual Base Pay Adjustment

Management and Non-represented employees become eligible for an Annual Base Pay Adjustment on July 1st of each year. The Annual Base Adjustment will be based on merit as determined by the results of an evaluation process. The Selectboard shall determine the maximum amount available for annual base pay adjustments through the budget process. An employee's annual adjustment must not make their annual wages exceed the maximum amount approved in the Wage and Salary Schedule. If a merit increase awarded places an individual above the maximum range of their grade on the Wage and Salary Schedule, they will receive the difference as a bonus. This bonus shall not become a part of the employee's base wage. All unionized employees shall receive compensation based upon their approved collective bargaining agreements.

Section 6. Hours Worked - Overtime and Compensatory Time

Overtime is defined as compensation. Department Heads and other exempt personnel are normally ineligible for overtime at a rate of 1.5 times the normal hourly rate of pay. The compensation paid to employees of the Town shall be as follows:

Regular Overtime: Overtime shall be paid when a non-exempt employee is required by special circumstances to work in excess of his/her normal work periods and their supervisor has **authorized and approved** such overtime. In either case, employees shall be compensated for overtime at a rate of 1.5 times their regular hourly wage.

Non-Scheduled: A non-exempt employee who is called out for nonscheduled emergency work after hours on a normal day off, holiday or circumstances declared emergencies by the Manager or his/her designee, shall be given compensatory time at a rate of 1.5 times his/her regular salary. Full time Management and Non-exempt employees required to work on Thanksgiving, Christmas Day and/or New Years will receive compensatory time for call out equal to two times their normal rate. These employees will also receive their normal monetary compensation for these holidays.

The basic work week for department heads, assistant or deputy department heads and division heads shall be the greater of the minimum work week for the department, or the number of hours necessary for the efficient operation of the department or division. No overtime pay or time off in lieu of overtime worked shall be paid to a department head, assistant or deputy department head, or division head. In no instance shall a department head, assistant or deputy department head, or division head be paid less than the minimum wage for the number of hours worked in any pay period.

A. Compensatory (Comp.) Time

The purpose of this section is to allow for the accrual and use of comp. time for employees within the organization.

1. Hourly (non-exempt) Employees:

Individuals who are paid by the hour are eligible to earn and exercise use of comp. time. According to the Fair Labor Standards Act (FLSA), all hourly employees shall have the opportunity to choose their compensation for time over forty (40) hours worked at time-and-one-half, in the form of either wages or comp. time. If Comp. time is elected, it will be earned at time and one-half and be deducted on an hour-for-hour basis.

Notwithstanding an employee's initial choice to elect compensatory time in lieu of over time; the Town Manager shall retain authority at his/her discretion to compensate the employee with over time when a sufficient budget can be made available.

2. Salaried (exempt) Employees:

There are some individuals working for the Town who are exempt under the FLSA. Comp time for all eligible salaried employees begins only after the employee has worked more than 40 hours in a regular work week. The time will be earned and used on an hour-for-hour basis.

3. Using Comp. Time:

All requests to use accumulate comp. time must be approved, in advance, by the Department and/or Division head. Requests for approval must be submitted on the same form used for other types of leave. The Department/Division Head has the authority to approve, modify and approve or deny any request to use compensatory time, depending on the request and department/division staffing requirements. All approved forms for use of compensatory time are to be filed in the Manager's Office. Holidays, sick leave, vacation or any other type of leave counts as hours worked towards qualifying for comp. time.

4. Opportunities and Limitations for Carrying Comp. Time (For categories i & ii):

A maximum of thirty two (32) hours of unused comp. time may be carried at any time by an employee. Employees will be paid unused comp time at the time of separation. The Manager shall have the authority to increase the thirty two (32) hour limit, on a case-by-case basis, in unusual circumstances including, but not limited to, employees' taking on special projects which prevent them from maintaining the normal, thirty two (32) hour limit.

Section 7. Revision and Salary Range

When a salary range for a given class is revised upward, the incumbents, of positions in classes affected, shall have their existing salary adjusted in order to reach the minimum wage of the pay range and their anniversary date shall not be changed.

When a salary range for a given class is revised downward, the incumbents of positions in classes affected shall maintain their present salary level and shall advance upon satisfactory performance on their regular anniversary, if the maximum in the new range so provides.

Section 8. Applicability of Wage and Salary Schedule on Various Classifications

For general information various classifications will be dealt with as follows:

APPOINTED OFFICIALS

- A. Manager: The annual salary of the Manager, as well as his/her benefits, shall be determined by the Board.
- B. Full Time and Part time Employees: The rate of pay shall be in accordance with a formally structured salary range of pay grades generally arranged in ascending degrees of job responsibility and corresponding compensation, as well as ascending levels of compensation, within each grade, known as pay steps.
- C. Temporary Employees: The pay rate of part-time employees hired on a temporary or seasonal basis shall be at least minimum wage, as determined by the Department Head with the approval of the Manager.
- D. Volunteers' Nominal Compensation: Nominal compensation for all volunteer personnel in Rescue and Fire shall be determined by the Board.

FOR GENERAL INFORMATION ONLY

- E. The Board shall determine the annual compensation for the Board, Town Clerk, and Treasurer. An increase or decrease in any elected salary shall take place through the normal budgetary process and be adopted at the annual Town Meeting.

Section 9. Employee Recognition

The Manager may provide for the establishment and maintenance of a system for recognizing and rewarding specified, demonstrated job performance, which has contributed significantly to the enhancement of the efficient administration of the Town's program of public service. Any recognition granted by the Manager under this Section shall be non recurring in nature.

Section 10. Early Retirement

The Board may periodically, as appropriate, consider the adoption of an early retirement plan. Such plan(s) may include eligibility characteristics such as, years of service, retirement age, and a balance between attractive yet affordable incentives. Such a plan may extend for a specific time and apply to eligible employees.

Section 11. Miscellaneous ProvisionsTemporary, Part Time and Acting Appointments

The Manager may make temporary, part time or acting appointments without regard to this Compensation Plan except that in no instance shall the temporary, part time or acting employee receive a rate which is greater than the maximum rate paid to permanent employees in that classification.

Retention of Fees

All fees paid to any employee of the Town on account of services rendered by any part in the course of his/her official duties and which are so paid by virtue of any State or Federal Statute, or Municipal Ordinance, shall be, by the employee receiving them, paid into the Town Treasury. All such employees shall receive in lieu thereof, and in full payment for all services rendered by him/her in his/her employment, such wages as the Board may from time to time establish for such employees.

Pay Periods

Effective with the first pay period of the fiscal year 98 (July 1, 1997) Town employees are paid biweekly (26 pay periods per year) on Friday, for the two (2) week period, or portion thereof, ending the preceding Saturday. The pay period for Public works ends on Saturday at Midnight.

ARTICLE V RECRUITMENT**SECTION ANALYSIS****Section 1. Certificate of Vacancy****Section 2. Application****Section 3. Examinations: Written, Oral, Physical, Medical****Section 4. Appointment/Proof of Citizenship****Section 5. Probationary Appointment****Section 6. Temporary Appointments****Section 7. Employment of Relatives and Officials (Immediate Relative Defined)****Section 8. Training/Orientation/Conferences****Section 9. Reimbursement for Expenses**Section 1. Certificate of Vacancy

Whenever a vacancy occurs in a competitive position in any department, the department shall notify the Manager of the vacancy in writing stating the date of vacancy, the position title and all other pertinent facts. Whenever a department head wishes to establish a new position, he/she shall notify the Manager furnishing the class title, if such class exists, or job description when no such position is classified, and the reason for the request. *No new position will be established without the approval of the Manager and the Board.* Upon approval all positions shall be posted internally for five (5) days and may be advertised in an orderly and prescribed manner to ensure attracting qualified candidates (see Promotions Article 6).

Section 2. Application

Application for employment in a competitive position with the Town must be filed on the forms prescribed by the Manager. Such forms may require whatever information is deemed necessary, and all applications must be signed and the truth of all statements therein certified by such signature.

Section 3. Examinations: Written, Oral, Physical, Medical

- A. All appointments and promotions in the competitive service may be made according to merit and fitness to be ascertained by examining such things as; the experience, education, possession of required licenses/certifications, knowledge, skills, abilities reference checks and behaviors of the applicants. The character and necessity of all examinations shall be determined by the Manager and shall be designed to examine job relevant criteria. The selection procedure may include written, oral, physical and medical, psychological and drug testing as may be required for the position being filled. A physical examination may be required thereafter at the Managers direction and at the Town's expense.
- B. All new permanent employees who are hired for positions in which health and physical abilities are important for the performance of the essential functions of the job shall be required to have a physical examination at the expense of the Town after an offer of employment has been made. Appointment to a position may be conditioned on positive results of the examination. The specific criteria will be determined by the Manager but will be based on the specific requirements of the essential functions of the job. All information obtained as part of the medical exam shall remain confidential and shall not be placed in the employee's personnel file, but in a separate medical file.

- C. Reference Checks-As part of the pre-employment procedure, former supervisors, employers and references provided by applicants shall be checked as a precaution against obtaining undesirable employees. Reference checks made by personal or telephone contact shall be documented. These reference checks shall be completed prior to an offer of employment and the information shall be made part of the application file. All such information is to be handled as privileged and confidential information.
- D. Employees offered a position working with a protected class of people (as defined by state law) shall, as a condition of probationary appointment, submit to a complete background check. This background check, to be performed by the Town, will include complete disclosure of any criminal history.

Section 4. Appointment/Proof of Citizenship

- A. Based upon the examination and selection results a list of the three (3) highest rated applicants shall be prepared, interviews may be conducted and submit the recommendations to the Manager in cases where he/she is the final appointing authority. The procedure shall be as impartial and relevant as possible and not influenced by race, color, religion, national origin, political affiliation, handicap, age or sex or any other non-merit factor but by the necessary qualifications needed to best fill the position available. Preference will be given, when all other qualifications are equal to residents of Milton, Vermont and the Manager will make every effort to secure applicants from Milton.
- B. Proof of Citizenship- All new Town employees must provide the Manager or his/her authorized representative 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.

Section 5. Probationary Appointment

The department head shall, in writing, five (5) days prior to the termination of the initial probationary period, give notice in writing to the employee of such action and the reason(s) for the same. A copy of this notice shall be filed with the Manager and inserted in the employee's records. The probationary period is regarded as an integral part of the selection process. It is utilized for carefully observing the employees work, for securing the most effective adjustment of a new employee to the position and for rejecting any employee whose performance does not meet the required work standards.

During this period, supervisory personnel shall observe the employee to ascertain the degree of adjustment and consistency of satisfactory work performance. At any time during the probationary period, any probationary employee may be dismissed upon the recommendation of the department head. Any rejected probationary employee who was promoted or transferred shall be reinstated to his/her former position unless he/she is dismissed. Any employee affected by this reinstatement procedure shall have the right to return to his/her former position even though it shall be necessary to lay off a person.

Within two (2) weeks prior to the termination of the probationary period or an extension thereof, the department head shall submit in writing to the Manager a recommendation regarding the permanent employment of the employee. At the end

of the probationary period or an extension thereof, any probationary employee must either be given permanent appointment, rejected or dismissed, the failure of the Town to give notice of said decision, shall in no way constitute a waiver of its right to reject or dismiss an employee.

Section 6. Temporary Appointments

When qualified applicants are not available, or pending the making of a permanent appointment, or in the case of an emergency the Manager on his/her own or upon recommendation of the department head may make temporary appointments as he/she deems necessary. No emergency appointment shall exceed six (6) months in duration in any calendar year, unless deemed to be a necessary situation to benefit the Town.

Section 7. Employment of Relatives and Officials (Immediate Relative Defined)

Applicants for employment shall be considered only on the basis of their qualifications for the position they seek. However, it shall be the policy of the Town to prohibit immediate family members from working within the same Department. An immediate relative is defined as a spouse, parent, grandparent, grandchild, brother, sister, or child (natural or adopted).

Section 8. Training/Orientation/Conferences

All Town employees may be required to engage in such on-the-job training or outside training as may be deemed necessary or desirable by the Manager and the appropriate department head.

Orientation- To assist new Town employees, each new employee shall receive an orientation to the Town department and position. This orientation shall include, but not be limited to:

An introduction from the Managers Office of the following items:

- The Administrative Code and Personnel Regulations;
- Town Policies that apply to all employees; and
- A clear description of the benefits available to the new employee.

An introduction from the Department Head or designee of the following items:

- Specific policies and procedures of the department;
- An introduction to co-workers;
- A review of the expectations and requirements of the position, with an identification of significant dates or deadlines;
- Training in specific job functions or operation in which the employee is not specifically trained. Such training will normally be provided by the supervisor or designated coworker; and
- Training here does not include external training which would require time off from the job or additional expense to the Town except in the case of the police department.

Conferences/Travel Allowances- Attendance at and participation in professional conferences, conventions and technical meetings shall be considered part of the employee's normal duties. With the prior approval of the department head and the Manager, an employee may attend such functions without loss of pay at the Town's expense, in accordance with budgetary provisions and scheduling constraints.

Section 9. Reimbursement for Expenses

- A. The Manager may authorize the reimbursement of job applicants for reasonable expenses incurred as a result of traveling to the Town as part of its employment examination process or in relocating to the Town upon acceptance of employment within the constraints of budgetary appropriation. The relocation assistance shall be restricted to Exempt position classifications and to those involving essential job skills where the Manager deems the need to be critical.
- B. The Town will encourage professional development to the greatest extent possible, at the sole discretion of the Manager. Employees will be reimbursed 100% for tuition costs, as funds permit, for pre-approved successfully completed courses with a grade of “B” or better. Such courses must be either part of a job related degree program or specific to the employee’s immediate position and the approval process must conform to the tuition reimbursement policy effective at the time.

ARTICLE VI PROMOTION**SECTION ANALYSIS****Section 1. Eligibility****Section 2. Notification****Section 3. Preference****Section 4. Opportunities/Training**

Section 1. Eligibility

All employees, both exempt and nonexempt status, who have served one (1) year continuous service with no written or more serious disciplinary action, within that year, may be considered for promotion.

Section 2. Notification

The Manager shall cause to be posted notice of vacancies that are to be filled in each department of the Town. The posting period shall be for a minimum of five (5) working days (outside advertising may be done concurrently). This posting requirement shall not apply to vacancies to be filled from an existing roster. A roster of qualified individuals will only exist for the duration of the selected candidate's probationary period.

Section 3. Preference

In the event applicants for any position appear to be equally well qualified, preference shall be given to the Town employee over the applicant who is not a Town employee. When two (2) Town employees appear equally well qualified for promotion to any position, preference shall be given to the employee with greater seniority in the department where the vacancy exists. If the employees are from different departments than where the vacancy exists, preference shall be given to the employee with greater seniority in Town service.

Section 4. Opportunities/Training

Employees are encouraged to continuously prepare for promotional opportunities. In-service training programs should be established to prepare individuals for the duties and responsibilities of management positions. Training may include such things as demonstrations, assignments, reading material, lecture courses, or other devices as may be available for the purpose of improving the effectiveness and broadening the knowledge of employees in the performance of their duties. This in-service training will be established in conjunction with the daily work schedule. (See also Article V, Section 8 – Training/Orientation/Conferences)

ARTICLE VII TRANSFERS

SECTION ANALYSIS

Section 1. Conditions of Transfer

Section 2. Approval of Manager

Section 1. Conditions of Transfer

Transfers may be made under the following conditions:

- A. Employees may apply for a transfer to another vacant position of the same classification governed by the procedure as defined in Article V, "Recruitment" of this Chapter.
- B. When a department head deems transfer necessary because of work conditions
- C. The Appropriate Staff will be notified of all transfers prior to the effective date of transfer.

Section 2. Approval of Manager

All interdepartmental transfers shall be approved by the Manager. Intradepartmental transfers are subject only to the department head's approval.

ARTICLE VIII EMPLOYEE CONDUCT AND DISCIPLINARY PROCEDURES**SECTION ANALYSIS****Section 1. Conduct Work Habits and Attitudes****Section 2. Department Regulations****Section 3. Outside Employment****Section 4. Progressive Disciplinary Action (Example)****Section 5. Types of Discipline****Section 6. Procedure****Section 7. Right of Appeal**

Section 1. Conduct, Work Habits and Attitudes

- A. It shall be the duty of each employee, in the service of the Town, to maintain a high standard of conduct, cooperation, efficiency and economy in their work for the Town. Whenever work habits, attitude, production or the personal conduct of an employee falls below a desirable standard, the supervisor should point out the deficiencies at the time they are observed.
- B. It shall be the duty of all Town Employees to comply with, and assist in carrying into effect, the provisions of the Town's Personnel Rules and Regulations. Any disciplinary action shall be in accordance with procedures established by the Personnel Rules and Regulations.
- C. Corrections and suggestions should be presented in a constructive and helpful manner in an effort to elicit the full cooperation of and positive performance from the employee. To the greatest extent possible employees will be given the benefit of the doubt for improving performance where deficiencies previously existed. Verbal warnings, for example, would normally not apply in subsequent events after a six (6) month period. Written warnings would normally not apply one (1) year or more after a similar event.

Section 2. Department Regulations

A department head may make rules and regulation for the administration of his/her department. Said rules and regulations shall not be inconsistent with any existing Town ordinances, laws, or this code. Prior to the implementation of any departmental rules and regulations a copy shall be submitted to the Manager for approval.

Section 3. Outside Employment (*See note below and definition):

Outside employment of any full time employee should be kept to a minimum. As a general rule, time off, vacation and holidays are granted to benefit the employee. No outside employment shall be permitted if:

- A. It constitutes a conflict of interest, reflects discredit upon the Town or
- B. interferes with the proper performance of his/her duties in Town service.
- C. It requires use of or references to the employee's identification as a Town
- D. employee ("Town Employee" shall include department heads).
- E. It entails employment during his/her regular Town working hours, or if it entails use of Town vehicles, equipment or facilities in the pursuit or performance of such employment.

*Note: This section does not apply to instances where the Town is under contract to provide service(s) with personnel and equipment outside the normal schedule. An example is Police Department security detail contracts and the use of Town personnel/equipment/vehicles.

Section 4. Progressive Disciplinary Action (example)

Disciplinary action may include reprimand, suspension without pay and dismissal. An example of progressive discipline resulting from recurring unacceptable conduct is as follows:

- A. The employee shall be verbally warned. Such notification shall not become part of the employee's permanent personnel record.
- B. A second offense shall result in a written reprimand which will indicate the previous verbal warning. The written reprimand will then be placed in the employee's permanent personnel file.
- C. A third offense shall result in suspension from duty without pay.
- D. A fourth offense of a sufficient magnitude shall constitute grounds for dismissal.

Section 5. Types of Discipline

The goal in all discipline is to assure a constructive, effective and professionally responsible work atmosphere in which employees exhibit respect for the public and each other at all times. Any failure to live up to this standard should be matched with corresponding action by the direct supervisor. There is a range in the degree of discipline yet, all action must be based on facts, follow constructive supervisory efforts, match the violation and be handled in a responsible manner. Discipline that will have an impact on the employees income or continued Town employment require the prior consent of the Manager.

The following list is an example of disciplinary actions that may follow unacceptable conduct:

- A. Verbal warning
- B. Written Warning
- C. Suspension with or without pay pending an investigation
- D. Suspension without pay
- E. Demotion
- F. Termination

Section 6. Procedure

A written notice of any disciplinary action, shall be furnished to the employee by the department head or manager, and a copy filed with the Manager at least five (5) days prior to the effective date of the action, unless the charge is of sufficient magnitude (as defined in Article IX Section 1. C.). The effective date of the action and right to appeal shall be stated in the letter.

Section 7. Right of Appeal

- A. Disciplinary Actions other than dismissal: Appeals from position classification, demotion, suspension or any disciplinary action other than dismissal, shall be made by an employee by applying in writing within five (5) working days of its receipt. The department head shall be present and the employee may be represented by counsel. The procedure shall apply notwithstanding the fact the disciplinary action was initiated by the Manager. The Manager shall render a written decision on the matter within five (5) working days of the hearing date or any adjournment thereof. If the disciplinary action is overruled, the employee shall be reinstated with no loss of benefits, compensation, or seniority status of privileges. In appropriate cases, the requested disciplinary action may be mitigated or reduced, subject to Manager's discretion. The Manager's decision may be appealed to the Personnel Advisory Board as provided in Article IX, Section 7 of this Chapter.
- B. Policy. The most effective accomplishment of the work of the Town requires prompt consideration and equitable adjustment of employee grievances. It is the policy of the Town Administration to encourage employees to discuss with their supervisors or department heads any problems which may arise. If any employee has any complaint or grievance concerning safety, working conditions, or other matters relative to employment, the employee shall act as follows:
1. The employee should first discuss the problem with his/her immediate supervisor
 2. If the supervisor cannot offer a satisfactory solution for both parties, the matter should be discussed with the department head.
 3. If the conference with the department head does not yield a satisfactory solution, the employee may then appeal to the Manager.
 4. If the solution remains unsatisfactory then the employee may appeal to the Personnel Advisory Board.

In no instance shall the department head and/or supervisor discourage the employee from continuing the process.

At the discretion of the Manager, the appropriate supervisor and/or department head may be contacted to explore all facts of the case. The Manager shall make every effort to assure that the grievant is treated with full respect during and after the grievance process.

C. Procedure.

Step 1. An employee shall first present the grievance to the employee's immediate supervisor within five (5) working days of when the employee knew or should have been aware of having a grievance. If the supervisor is the subject of the grievance then the grievance shall be presented to the next highest supervisor.

If there is no supervisor the employee may move directly to Step 2. The supervisor shall make a careful and discreet inquiry into the facts and circumstances of the grievance complaint. The supervisor shall then attempt to resolve the problem promptly and fairly within seven (7) working days after receiving the grievance.

Step 2. An employee who is dissatisfied with the decision of the supervisor, or has not received a reply within the time limit, may submit the grievance in writing to the department head within three (3) working days of the receipt of the supervisor's decision of the date when that decision should have been rendered. The department head shall make an investigation and inform the employee in writing of his/her decision and the reason therefore within seven (7) working days after the receipt of the employee's grievance.

Step 3. An employee who is dissatisfied with the decision of the department head may, within three (3) working days following the receipt of that decision or the date when such decision should have been rendered, submit the grievance in writing to the Manager. The Manager shall make a separate investigation and inform the employee and the department head in writing of his/her decision and the reason therefore within ten (10) working days after the receipt of the grievance.

Step 4. If the employee or department head is dissatisfied with the decision of the Manager either one may appeal for further review by the Personnel Advisory Board by submitting a written request for a determinate review to the Manager's Office within three (3) working days following the receipt of the decision of the Manager or the date when such a decision should have been rendered.

In conducting a determinate review, the Personnel Advisory Board shall investigate the complaints made in writing by the employee, and review the decisions of the employees supervisor, the department head, and the basis therefore. The Personnel Advisory Board shall prepare a report within fifteen (15) working days after conducting its determinate review.

The Manager shall conduct such meetings as deemed necessary and shall, within fifteen (15) working days after the receipt of the recommendations of the Personnel Advisory Board, inform the employee(s) of the implementation steps resulting from the decision.

D. Finality.

- a. Failure to forward a grievance within the specified time periods shall be cause for grievance to be considered settled upon the basis of the last decision rendered.

E. Exceptions.

1. Time limits at any stage of the grievance procedure may be extended by written mutual agreement of the parties involved at that step.
2. A department head may substitute a higher ranking employee to assist or to act instead of the supervisor to investigate and give a response to the grievance at step 1.

ARTICLE IX SEPARATIONS**SECTION ANALYSIS****Section 1. Dismissal****Section 2. Grounds for Suspension or Dismissal****Section 3. Suspension or Dismissal Hearing Rules****Section 4. Lay-Off****Section 5. Resignation****Section 6. Exit Interview****Section 7. Personnel Advisory Board (PAB)**

Section 1. Dismissal

- A. Cause-The Manager may dismiss an employee under his/her jurisdiction for misconduct, inefficiency or other just cause. A department head may recommend to the Manager dismissal of an employee under his/her jurisdiction for any one or more of the reasons stated in Article IX, Section 2. of this Chapter.
- B. Procedure- Any employee who is dismissed shall be furnished, prior to the effective date of dismissal, (5 days notice) a written statement setting forth the reasons for such dismissal, and a copy of such statement shall be filed with the department head. The notice shall advise that the employee is entitled to a hearing as set forth below. The Town reserves the right to immediately remove the dismissed individual from the work place.
- C. If, in the judgment of the department head or the Manager, the offense charged is of sufficient magnitude, the employee may be suspended immediately.
“Sufficient magnitude,” as used in these rules, shall be defined as that degree of severity, which can reasonably be expected to result in irreparable harm to the efficiency and dignity of the offices and departments of the Town.
- D. Appeal- Any employee who is dismissed may appeal in writing to the Personnel Advisory Board and a copy filed with the Manager, within ten (10) days of the effective date of dismissal.

Section 2. Grounds for Suspension or Dismissal

The following are examples of declared grounds for requesting dismissal of any employee (dismissal/suspension however are not limited to these examples):

- A. Incompetence or inefficiency in the performance of duties.
- B. Conviction of a felony or of a misdemeanor involving moral turpitude.
- C. Violation of any lawful or official regulation or failure to obey any lawful direction made and given by his/her superior where such violation or failure to obey amounts to an act of insubordination or a breach of proper discipline.
- D. Intoxication on duty.
- E. Use and/or possession of alcohol, controlled substance or cannabis while on duty, except with the approval and guidance of a licensed physician. The Town reserves the right to verify the medical treatment with a physician of the Town’s choice.
- F. Carelessness and negligence in handling or control of Town equipment and property.
- G. Inducing or attempting to induce an officer or employee of the Town to commit an unlawful act or to act in violation of any lawful and reasonable official regulation or order.

- H. Taking any fee, reward, gift, tip or any other form of remuneration in addition to regular compensation from a source for the performance of their duties.
- I. Proven dishonesty in the performance of their duties. Specifically excluded are tokens of appreciation given to and enjoyed by various departments or individuals within the workplace.
- J. Unauthorized use of Town property or equipment.
- K. Habitual tardiness and/or absenteeism.
- L. Failure to properly report work related accidents or personal injuries.
- M. Misrepresentation or falsification of any information required by the Town or any other governmental organization.
- N. Political activity during hours of employment which is intended to promote political ends by means of organizing, promoting, enlisting, campaigning or any other action which may be construed to promote one's political preferences.
- O. Threatening, intimidating or harassing any Town employee in a manner proscribed by any state or federal law.
- P. Willful violation of the Vermont Fair Employment Practices Act or the Equal Employment Opportunities Act of 1972, as each may be amended from time to time, with respect to any subordinate employee. Willful deprivation of the civil rights of any Town employee or citizen.
- Q. Conduct unbecoming the character and status of the position or office held.
- R. Failure to obtain treatment, or remedial care in a timely manner, for any physical or emotional illness that endangers the lives or well-being of any other employee, or take reasonable steps to prevent such endangerment.
- S. Failure of a department head to manage his/her department in an orderly and efficient manner, consistent with the goals and objectives of the Town/department, or act in a timely manner in response to recommendations or directives issued by the Manager or Board via the Manager.
- T. Failure to adhere to any duly adopted policies by the Board, Manager or department such as the Alcohol and Drug Abuse, Sexual Harassment and all other Board and administrative policies as may be amended from time to time.
- U. Substantiated physical assault of another person while on duty.
- V. Possession of a firearm by a unqualified and/or non-certified employee while on duty.

Section 3. Suspension or Dismissal Hearing Rules

- A. If a hearing is requested by the employee who has been dismissed or suspended a request shall be made in writing within five (5) business days of the filing of charges to the Personnel Advisory Board who shall set a date for hearing promptly.
- B. If the employee has been suspended without pay, such hearing shall commence no later than thirty (30) days from the date the suspension begins.
- C. Evidentiary matters shall be governed by Section 810 of the Vermont Administrative Procedure Act.
- D. The Personnel Advisory Board shall act as the hearing board in accordance with Chapter XV, Article IX, Section 7 of this Administrative Code.
- E. The Town shall bear the burden of proving the factual basis for the charges by a preponderance of the evidence.

- F. The employee may be represented by counsel of his or her choice at their expense.
- G. Both sides may call witnesses in their behalf, and shall have an adequate opportunity to cross-examine each other's witnesses.
- H. No less than ten (10) days prior to the date of the hearing, the parties shall exchange lists of exhibits that they intend to introduce at the hearing, and upon request shall allow the opposing side an opportunity to examine the exhibits.
- I. Hearings shall be recorded. The tape and exhibits will be filed with each party, and at their sole cost. Stenographic transcriptions of the hearing shall be at the cost of the party requesting them.
- J. Within fifteen (15) working days of the completion of the hearing, the Personnel Advisory Board shall file written findings of fact and the conclusions with a copy to the employee and Manager.

Section 4. Lay-Off

- A. Cause-The Manager, or a department head with the approval of the Manager may lay off employees for any of the following or similar reasons:
 - 1. Reorganization resulting in the abolishment of positions
 - 2. Abolishment of a position
 - 3. Shortage of Work
 - 4. Shortage of Funds
 - 5. Material Changes in duties or organization.

The department head shall prepare for the Manager's approval a list of those employees to be laid off.

- B. Order of Layoff- Layoffs shall normally occur in the inverse order of seniority. No permanent employee shall be separated by a layoff while there are temporary, emergency or probationary employees in the Towns service in the same classification. The temporary, emergency or probationary employees shall have no recall rights.
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.
- C. Benefits- Employees shall retain his/her benefits accrual rate earned prior to the layoff for up to one (1) year. However, during this period, no benefits will accrue and if the period extends past thirty (30) calendar days, the anniversary date shall be adjusted.
- D. Displacement- An employee may displace a less senior employee of a lower classification in a similar job classification in lieu of layoff, provided the employee is and continues to be qualified for the classification. An employee displaced by another employee as a result of a layoff may in turn displace another employee in a lower classification following this same procedure.
- E. Notification- Employees who are being laid off shall be notified in writing by the department head at least thirty (30) days prior to the effective date of such action stating the reasons for such layoff. A copy of such statement shall be filed with the Manager. The Town reserves the right to immediately remove the laid-off individual from the work place.

- F. Recall- Employees shall be recalled in the inverse order of layoff by classification and department involved unless the department head, with concurrence of the Manager, deems that special job skills are required for the efficiency and effectiveness of the department. A laid off employee shall be eligible for recall if the recall notice is issued within twelve (12) months from the date of layoff and the employee continues to meet the qualification requirements of the classification.

Failure by an employee to report to work in accordance with the provisions of a recall notice shall result in loss of all rights of recall. A written recall notice will be provided to employees who are eligible for recall and shall be sent to the last address provided by the employee. The employee must notify the department head in writing within five (5) days after receiving the notice of recall of his/her intention to return to work.

Failure by the employee to fulfill this obligation shall represent a decision not to accept the recall. It shall be the obligation of the employee to immediately notify the department head in writing of any changes in mailing address during the twelve (12) month period following layoff.

Any employee who is on layoff and who has not received recall within one (1) year from the date of layoff shall lose all seniority and recall rights.

Section 5. Resignation

All full time, permanent employees wishing to leave the Town's service in good standing should file with the department head a written resignation. Non-exempt employees are expected to give at least two (2) weeks and exempt employees four (4) weeks advance notice. The department head may waive these requirements because of extenuating circumstances and agree to a shorter period of notice. A copy of the resignation shall be forwarded immediately to the Manager.

All full time, permanent employees who leave the Town's service without filing a written resignation, as specified above, may be denied re-employment in the Town's service in the future.

Section 6. Exit Interview

To assist the Town and employee an exit interview shall be conducted by the department head and/or the Manager when an employee leaves the service of the Town. In addition, employees may choose to interview with, or file written comments to, the full Board. Human Resources shall conduct a separate interview to include a review of accrued vacation, conversion of health insurance rights; other insurance coverage; clearance of any accounts, surrendering of keys and other Town property as well as any questions which may arise concerning the termination of employment.

Section 7. Personnel Advisory Board (PAB)

There is hereby established a Personnel Advisory Board consisting of three (3) Town of Milton residents. One Member will be appointed at will by the Manager and one Member will be appointed at will by the Selectboard. The third will be appointed at will by the other two appointees.

The PAB shall hear appeals of any employees aggrieved as to the status or conditions of their employment relative to dismissal, demotion and suspension. The PAB shall submit a written statement of facts and finding with their decision. In all cases it shall require a majority vote by the PAB to overturn the Manager's decision.

ARTICLE X ATTENDANCE**SECTION ANALYSIS****Section 1. Hours of Service****Section 2. Attendance****Section 3. Holidays**

Section 1. Hours of Service

Core hours of service for the Town Offices shall be from 8:00 in the morning through 5:00 in the afternoon, Monday through Friday. With the approval of the Board, the Manager shall prescribe the number of hours per day and per week of actual attendance on duty for employment in positions under his/her jurisdiction. The hours so established shall be construed as the normal work day or work week. Currently the normal full-time work week for Town employees is forty (40) hours unless otherwise excepted, authorized leave is considered time worked. Office hours for elected Officers shall be set annually through the budget process.

Section 2. Attendance

Employees shall be in attendance at their work in accordance with these rules and departmental regulations. All departments shall keep daily attendance records of non-exempt employees which shall be reported to the Manager in the form and on the dates he/she shall specify.

Section 3. Holidays

A. All full time permanent employees will be paid for eleven (11) holidays with ten (10) falling on the official observed federal holiday dates:

New Year's Day	Columbus Day
President's Day	Veteran's Day
Memorial Day	Thanksgiving Day
4 th of July	Day after Thanksgiving
Labor Day	Christmas Day
Christmas Eve Day	

- B. If a holiday falls on a weekend, Saturday holidays shall be designated as Friday off. Sunday holidays are designated as Monday off.
- C. If a holiday occurs during an employee's regular scheduled vacation the holiday does not lose its identity. The extra day may be added to the employee's regular scheduled vacation or taken at another time with the approval of the department head.
- D. Any absences before and/or after the holiday must be approved by the department head in order to be compensated for the holiday. In the case of an unapproved absence, the employee would not be eligible for holiday pay and the holiday will not be added to the base to account for overtime compensation. Paid holidays are considered time worked.
- E. Exempt employees who, with previous approval from his/her supervisor, opt to work on a holiday shall be allowed to take an equal amount of time off, at another time of their choice.
- F. Temporary and part time probationary employees are not eligible for holiday pay.

- G. An employee shall provide his/her department head with as much notice as possible of the date selected for such date. This time is to be credited at the beginning of each fiscal year. Any personal time not taken by the end of the fiscal year is lost. Unused personal time will be paid to the employee at time of honorable separation. Personal time is considered vacation time, except as otherwise noted, and therefore time worked.

ARTICLE XI LEAVE

SECTION ANALYSIS

Section 1. Annual (vacation) Leave

Section 2. Sick Leave

Section 3. Injury Leave (Workers Compensation)

Section 4. Family Medical and Parental Leave

Section 5. Leave of Absence without Pay

Section 6. Military Leave

Section 7. Civil Leave

Section 8. Bereavement Leave

Section 9. Mandatory Leave

Section 10 Procedures in Requesting Leave

Section 1. Annual (Vacation) Leave

A. All full time permanent employees are eligible for the following paid annual leave benefits: (* See note below)

<u>Years of Service</u>	<u>Days</u>	<u>Per Hour</u>	<u>Per Month</u>
Zero (0) to four (4) Inclusive	10	0.833	6.664
Five (5) to fifteen (15) Inclusive	17	1.417	11.336
Fifteen (15) or more	22	1.833	14.664

*Note: Any employee earning more annual leave than indicated in the schedule above shall continue to earn at his/her current rate until he/she would earn more time according to this schedule.

B. Employees leave request are to be filed with and approved by the department head (in the case of a Department Head the Manager). Vacation time shall be submitted for approval to the department head or his/her designee. Requests for blocks of leave of five (5) consecutive days or more shall be submitted for approval no less than four (4) weeks prior to the start of vacation time. Requests to take more than two (2) full calendar weeks at one time must have prior specific approval from the Manager upon recommendation by the department head. Working in lieu of vacation shall not be permitted except in emergency as declared by the department head and/or Manager. Every effort shall be made to request vacation time at least seven (7) days in advance of the proposed leave date. Vacation time must be taken in blocks of at least four (4) hours and personal leave in blocks of two (2) hours. A probationary employee can request the use of vacation time and be granted its use by their supervisor, when such time has been credited to them.

C. Employees suffering from any illness/injury, prior to or during their annual leave, and upon reasonable notification to the department head, (in the case of a department head-Manager), shall be entitled to convert those days to sick leave days. The department head/Manager shall request verification by requiring a certificate from an attending physician if the conversion is to be in excess of three (3) days.

D. Full time Management and Non represented employees who earn sick leave may convert up to nine (9) sick days into three (3) vacation days during the Fiscal Year. It is expressly understood that these employees may exercise only one

- conversion during any Fiscal Year and all conversions are subject to the approval of the Manager.
- E. Monetary compensation shall not be exchanged for vacation time except at the time of termination and/or resignation. Paid leave is considered time worked.
 - F. No more than 160 hours (twenty (20) vacation days) accrued may be carried into the next fiscal year by an employee except in the most unusual circumstances and with the approval of the Manager.
 - G. In the event of death of an employee the Town shall pay to the designated beneficiary, one hundred percent (100%) of the total accumulated unused vacation.
 - H. Employees hired from the first (1st) to the fifteenth (15th) of the month will be credited with vacation time at the beginning of his/her first (1st) month of service. All others will be credited vacation time at the beginning of the second month of service.
 - I. All full time employees shall be allowed two (2) Personal Days per fiscal year for religious, social or personal need. In the first year of service, all new appointed hired between July 1 and December 31 will be granted two (2) days in his/her first year. Those appointed between January 1 and May 31 will receive one (1) personal day in his/her first year. Those appointed in the month of June must wait up to one month, or until July 1 of his/her first year to be credited personal time.

Section 2. Sick Leave

Full time permanent employees for the Town shall be authorized sick leave. Sick leave is a privilege that is to be used for the sole purpose of providing wage continuation when an employee is incapacitated due to illness or non-job related injury for medical treatment and for exposure to contagious disease when attendance and duties jeopardize the health of others. This provision extends to illness of a member of the employee's household that requires the employee's personal care and attention. The sick leave policy shall be as follows:

- A. Full time, permanent employees shall be entitled to accrue sick leave at the rate of one (1) sick leave day per month and may accumulate to not more than one hundred (100) days. Any individual with more than one hundred (100) days of accumulated sick leave will not accumulate any additional earned time until he/she has less than that total amount. Each individual who has more than one hundred (100) days of accumulated time will retain any unused time in excess of that amount for as long as he/she is a full-time permanent Town officer or employee unless otherwise used as authorized sick leave.
- B. Newly appointed employees will be entitled to sick leave in accordance with the following schedule:
 - 1. Twelve (12) days sick leave per year. Accumulation begins immediately at the start of continuous service and shall be pro-rated, if applicable, in a partial month of employment.
 - 2. Accumulation of sick leave shall not be more than one hundred (100) days.
- C. A certificate of illness from a doctor shall be required to receive sick leave for more than three (3) consecutive working days or after eight (8) single "sick events" in any rolling twelve (12) month period. In cases where the Town

questions an employee's certificate of illness, the Town may require a physical examination at the Town's expense.

- D. In the event of death of an employee the Town shall pay to the designated beneficiary one hundred percent (100%) of the total accumulated unused sick leave. This provision shall not apply if the employee was engaged in unlawful activity at the time of death.
- E. Sick leave shall not be payable to any employee who is injured while in the employ of an outside employer.
- F. To receive compensation while on sick leave an employee must notify his/her department head prior to or within four (4) hours after the time set for the beginning of his/her regular duties. Authorized sick time will be considered time worked.
- G. Leave Donation Program:

The Town supports an employee donation program created on a case by case basis. The donations will be established and sustained on the following principles and subject to the limits and conditions as described herein:

Once all other leave time is exhausted, an injured or sick employee may request the donation of additional time by other employees subject to the approval of the Manager. The Manager's decision shall be final and is not appealable or grievable. Sick or vacation time, if donated, must be given in four (4) hour blocks of time. Any donated time remains with the recipient as sick time.

Donors may give a maximum of eighty (80) hours to an injured or sick employee per incident or illness.

Donated time will be discounted by 50%, so half the donated time is recovered by the Town of Milton.

The employee who received the donation may receive no more than 200 hours of sick time per applicable illness or injury.
- H. Full time Management and Non-represented employees may request payment for two (2) days of sick leave (8 hrs. per day) when the employee uses five (5) days or less of sick leave during a Fiscal Year. This request may be made at the end of each Fiscal Year and is subject to the approval of the Town Manager.
 - 1. Full time Management and Non-represented employees may request medical/dental appointment leaves at up to two (2) hours each. Two (2) such leaves may be requested during the Fiscal Year, beginning October 11, 2005.

Section 3. Injury Leave (Workers Compensation)

- A. Employees (full and part time) of the Town are covered by Workers Compensation Insurance. If an employee is disabled while on duty and is unable to perform assigned regular duties, the employee becomes eligible for a substance payment from Worker's Compensation.
- B. Eligible employees may elect to utilize available sick time accruals for the legal waiting period not covered by State Worker's Compensation Act. When the employee receives payment for these five (5) days from Workers Compensation, the employee may elect to endorse their check to the Town, in which case the five (5) days will be credited back to the employees sick leave.

- C. After the legal waiting period the employee may elect to have Workers Compensation supplemented by available accrued sick leave. This will assure that the employee receives full pay during that time.
- D. If such injury shall continue for more than ninety (90) days, the Manager shall have the option to order a complete physical and/or mental examination by a registered physician at the Town's expense.
- E. If, within one (1) month from being certified fit for duty, an employee can be restored to duty, said employee will be restored. The Manager, with a certificate from a registered physician, designated by the Town, will testify to the satisfactory physical or mental condition of said employee.
- F. **All injuries, regardless of severity, incurred on the job should be reported immediately to the employee's supervisor.** Failure to properly report injuries may result in disciplinary action.

Section 4. Family Medical and Parental Leave

To the extent of applicability to the Town and the eligibility of the employee, the Town shall observe the requirements of the Vermont Parental and Family Leave Act, 21 V.S.A. 495 Chapter 5, Subchapter 4A and the federal Family and Medical Leave Act, 29 U.S.C. § 2601 et seq., both as may be amended. In order to qualify for leave or other benefits thereunder provided, an employee is required to meet all criteria and notice obligations imposed under these statutes and applicable regulations. If an employee is eligible for leave under both acts, and if the employee is eligible for sick leave under this Agreement, the leaves under both acts and sick leave under this Agreement shall run concurrently.

Section 5. Leave of Absence Without Pay

All special leave of absences must be petitioned through the department head and approved by the Manager. Normal leaves of absence without pay are granted for reasons of additional education, training, and travel calculated to equip the employee to improve their service to the Town. Leave may also be granted due to health and welfare problems of the employee's family. Leaves granted may not exceed a six (6) month period.

Section 6. Military Leave

To the extent of applicability to the Town and the eligibility of the employee, the Town shall observe the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4301 et seq. and 21 V.S.A. Chapter 5, subchapter 5 (Employment Rights for Reserve and National Guard Members), both as may be amended. In order to qualify for leave or other benefits thereunder provided, an employee is required to meet all criteria and notice obligations imposed under these statutes and applicable regulations. To the extent this Agreement provides a benefit greater than required by statute, in such case this Agreement's provision shall apply.

Section 7. Civil Leave

Should any full time permanent employee be called for jury duty within any state or federal judicial court, the Town shall pay to the employee the difference between the employee's actual salary and that received from the court.

Section 8. Bereavement Leave

- A. Purpose- The purpose of bereavement leave is to enable a full time employee to take care of personal arrangements and problems caused by death of an immediate family member of his/her family and to relieve themselves of concern over the loss of earning on the regularly scheduled work days immediately following the death. If a death and/or funeral of a family member under “B” or “C” below occurs during the employees vacation, he/she may convert those vacation days to be charged against bereavement leave.
- B. Bereavement Leave Immediate Family- Upon the death of an employee’s spouse or child, the employee may request bereavement leave of up to five (5) working days immediately following such death without loss of pay.
- C. Bereavement Leave Parent, Etc. – Upon the death of an employee’s parent, grandparent, stepparent, sister, brother, stepsister, stepbrother or spouse’s parents, the employee may request up to three (3) working days immediately following such death without loss of pay.
- D. Bereavement Leave General- An employee may request and the Manager, upon recommendation of the department head or his/her designee may grant bereavement leave not to exceed two (2) days for family members other than those listed in B and C above. Any leave granted in this case shall first be charged against the employee’s accumulated vacation leave.

Section 9. Mandatory Leave

If any occasion arises where an employee is placed on Mandatory Leave, with pay, the Manager may remove the employee from regular duty.

Section 11. Procedures in Requesting Leave

- A. An employee requesting a leave for any reason must fill out a request form. The employee must submit the completed form to his/her immediate supervisor for approval. A copy of the leave forms are given to the employee.
- B. The original approved leave form is attached to the department’s payroll and submitted to the Manager’s Office.
- C. When possible, requests for annual leave should be made far enough in advance to allow time to carry out this procedure.

ARTICLE XII RETIREMENT

SECTION ANALYSIS

Section 1. Retirement System

Section 1. Retirement System

Agreement between the State of Vermont and the Town.

- A. The Town and the employees of the Town elected to be covered by old age and survivors insurance (OASIS) (Social Security).
- B. The Town agrees that all appropriate provisions representing old age and survivors insurance coverage, as continued in Title II of the Federal Social Security Act 3371 ET seq. of the Vermont Revised Statutes Annotated as amended, shall be part of the agreement.
- C. All its employees will be covered by the plan except those performing services specifically excluded by Federal and State Law.

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- D. The provisions of the manual of rules and regulations (as it is now and may be amended from time to time) issued by the State of Vermont are part of the agreement.
 - E. The Town participates in the Vermont Municipal Employees Retirement System. Each new employee will be provided with an election form to join either the defined benefit (db) or defined contribution (dc) plan available to them based upon his/her status, department and available plan options. Specific details will be reviewed during the orientation period or at any mutually agreeable time thereafter.
 - F. **Deferred Compensation Plan** The Town offers employees the ability to participate in deferred compensation plans through providers as approved by the Selectboard.
 - G. Details of these plans are available upon request.

ARTICLE XIII MISCELLANEOUS PROVISIONS

SECTION ANALYSIS

Section 1. Performance Appraisal

Section 2. Continued Employment

Section 3. Absence without leave

Section 4. Unauthorized Absence

Section 5. General Conditions

Section 6. Political Activities

Section 7. Pecuniary Interests

Section 8. Gratuities

Section 9. Prohibition of Sexual Harassment

Section 1. Performance Appraisal

The Town shall develop, adopt and maintain a system whereby the Department Heads shall periodically appraise and report to the Manager on the performance of employees in the Town's service under his/her supervision for the purpose of employee development and improvement of work performance. Each Department Head shall discuss with each subordinate ways in which the individual's performance could be improved. Records of such evaluations utilizing the prescribed form shall be filed at least once a year and before an employee can be removed from probationary status.

Each regular employee shall have his/her performance evaluated at least annually by the department head, immediate supervisor, or at a more frequent interval as deemed necessary. Such evaluation shall be reported on a performance evaluation form as prescribed by the Manager. One (1) copy is to be retained by the department, one (1) copy is to be placed in the employee's personnel file and one (1) copy is to be given to the employee.

Section 2. Continued Employment

Continued employment with the Town shall depend on the satisfactory completion of the probationary period of employment, satisfactory work performance, need for the work performed and the availability of funds.

Section 3. Absence without Leave

Any absence without leave shall be without pay, and may be subject to disciplinary action. Any employee who absents him/herself for two (2) consecutive work days

without leave shall be deemed to have resigned or shall be cause for automatic termination of employment. Such action may be reconciled by a subsequent grant of leave if the conditions warrant.

Section 4. Unauthorized Absence

Unauthorized absences, including the absence for a single day or part of a day shall be investigated by the appropriate supervisor and shall be reported to the department head for action. An unauthorized absence by a nonexempt employee shall result in a forfeiture of all compensation for the period of such absence and other disciplinary action as deemed appropriate by the department head. An unauthorized absence by an exempt employee shall result in disciplinary action as deemed appropriate by the department head or Manager.

A. Flexible Schedule: Reserved for future use

Section 5. General Conditions

Town Property – Employees shall not use their positions to secure special privileges or exemptions for the employee or others. Employees shall not use Town property or equipment without written authorization from the Manager for the employees private use or for any use other than that which serves the public interest. Such private use of Town property or equipment is seriously discouraged and shall be approved only in emergency situations as determined by the Manager or his/her authorized representative and/or as outlined in Chapter 1, Section 309 of this Administrative Code.

Section 6. Political Activities

Employees are encouraged to exercise the privilege and prerogatives of their citizenship; however, it is not considered in the interest of the Town that employees engage in Town political activities while on duty. Under no circumstances will Town employees be appointed, promoted, transferred, removed, receive pay increase or be retained as a result of political activity or affiliation.

Section 7. Pecuniary Interest

No employee of the Town shall have a financial interest, direct or indirect, in any contract with the Town or be financially interested, directly or indirectly, in the sale, to or by the Town, of land, materials, supplies or services except on behalf of the Town as an employee. This provision may be waived by the Board on full disclosure of all pertinent facts when in the Town's best interest.

Section 8. Gratuities

Town employees are discouraged from accepting gifts of any type which are given as the result of the employees position with the Town and no one responsible for adhering to these regulations will prosper or benefit from any gratuity.

Section 9. Prohibition of Sexual Harassment

The “**Town of Milton, Vermont Sexual Harassment Policy and Complaint Procedure**” and the “**Town of Milton, Vermont Harassment Policy and Complaint Procedure**” was adopted by Resolution of the Milton Selectboard May 19, 2008. These documents will be updated from time to time and is incorporated into this Code by reference.

ARTICLE XIV WORK PLACE HEALTH AND SAFETY
SECTION ANALYSIS**Section 1. Vermont Occupational Safety Hazards Act (VOSHA)****Section 2. Smoking and Tobacco Policy****Section 3. Drug Testing****Section 4. Clothing**Section 1. Vermont Occupational Safety Hazards Act (VOSHA)

In the interest of the safety and well-being of Town workers, all employees shall acquaint themselves with the rules and regulations of the Vermont Occupational Safety Hazards Act (VOSHA). All department heads shall be responsible for enforcing safety rules as required by VOSHA and /or adopted by the Town.

All Town employees shall observe safe work practices including but not limited to, the wearing of appropriate work clothing and/or equipment; follow all prescribed work practices as presented in department policies and procedures.

Section 2. Smoking and Tobacco Policy

In order to comply with the provisions of 18 V.S.A. §1421, et.seq., the Town of Milton established this Policy to protect workers by prohibiting smoking and use of smokeless tobacco products in the workplace except in designated areas.

The United States Surgeon General, in his 1986 report on Involuntary Smoking, concluded:

- Involuntary Smoking is a cause of disease, including lung cancer, in healthy nonsmokers;
- The simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to environmental tobacco smoke.

In 1993, the Environmental Protection Agency (EPA) classified environmental tobacco smoke as a Group A carcinogen, that is, a substance known to cause cancer in humans. The EPA recognizes no safe level of exposure for Group A carcinogens. Smokeless tobacco is a significant health risk and is not a safe substitute for smoking cigarettes. According to the Centers for Disease Control, smokeless tobacco contains 28 cancer-causing agents (carcinogens). It is a known cause of human cancer, as it increases the risk of developing cancer of the oral cavity, other oral health problems, and can lead to nicotine addiction and dependence.

In light of these findings, the Town of Milton shall be entirely smoke and tobacco free. Smoking and use of smokeless tobacco products will be strictly prohibited within all Town owned vehicles and within all municipal owned buildings and structures. It shall also be prohibited in all entranceways and anywhere an outside air intake is located.

This Policy applies to all employees, clients, contractors, and visitors working within and around all municipal owned buildings, structures and vehicles. Smoking may only occur at a reasonable distance (e.g., 30 feet or more) outside any enclosed area where smoking is prohibited to insure that environmental tobacco smoke does not enter the area through entrances, windows, ventilation systems or any other means. An employee's failure to comply with the smoking policy shall constitute cause for disciplinary action, and the failure of the Town to implement or enforce the policy

shall be grounds for a grievance procedure by an aggrieved employee, and any violations shall be promptly rendered.

The Health Officer and/or Deputy Health Officer are designated as the person(s) to enforce all rules and regulations in accordance with 18 V.S.A. and this policy.

Section 3. Drug Testing

In accordance with the Omnibus Transportation Employee Testing Act of 1991, all Town employees who are required to hold a commercial driver's license shall be subject to pre-employment and regular drug and alcohol testing in accordance with the Department of Transportation rules and procedures.

Employees who are found to be using illegal drugs and/or alcohol on the job will be subject to immediate dismissal.

Section 4. Clothing

Public Works Supervisors will be provided with clothing comparable to the items outlined in the AFSCME Contract.

ARTICLE XV HEALTH, DENTAL AND LIFE, VISION**SECTION ANALYSIS****Section 1. Medical and Hospitalization****Section 2. Dental Insurance****Section 3. Vision Insurance****Section 4. Life Insurance****Section 5. Long-Term Disability Insurance****Section 6. Short-Term Disability Insurance**

The Town offers Management and Non- Represented full time employees medical, hospitalization, vision, long and short term disability, dental and life insurances. Represented Employees benefits are pursuant to their respective Collective Bargaining Agreements. The Town has the option of changing the provider and/or the companies with which it contracts for these insurances.

Section 1. Medical and Hospitalization

Town employees may enroll in the insurance program on the first day of the first full month after they begin service with the Town. Employees should verify coverage start date at the time of their enrollment. The Town provides all eligible Town employees and their dependents with medical and hospitalization insurance.

A. The Town will seek to provide comparable coverage in the event of a change in insurance plans.

B. Health Savings Account

The Town will contribute a portion of an employee's health insurance deductible directly into their Health Savings Account, amount to be determined by the type of plan they are enrolled i.e., single, two-person or family plan. These monies will be deposited the first payroll processed in the months of January, July and October of each year. Represented Employee's participation in a Health Savings Account will be pursuant to their respective Collective Bargaining Agreements. Depending upon a new employee's date of hire the Town's contribution to the Health Savings Account will be pro-rated.

C. Health Reimbursement Account

The Town will provide a Health Reimbursement Account for the exclusive use of covering co insurance costs up to an out of pocket maximum after the deductible is satisfied.

- D. Beginning January 1, 2012, the Town will provide Management and Non-represented employees an increased stipend, in lieu of their eligible health insurance coverage level, at the following rate if the employee provides proof they are covered by other health insurance: \$4,500 single person coverage, \$6,000 two person coverage, and \$7,000 for family coverage per year. This stipend shall be paid in monthly installments. An employee shall not receive such stipend when both spouses work for the Town and/or School District. For this purpose, the Town includes: Town, School, Water/Wastewater, and Library. Further the Town will not provide Health and Dental coverage if an employee is already covered by the same or similar health and/or dental plan with the Town. If the employee is found to have dual coverage within the Town, the employee must pay back to the Town an amount equal to the premiums paid by the Town during dual coverage.
- E. Part-time employees who work at least 17.5 hours per week may enroll in the health plan, entirely at their own expense according to the following guidelines. These employees may have their compensation from the Town of Milton paid toward the cost of the employee's health insurance. However, in no case shall the Town of Milton's contribution exceed the total monetary compensation the employee would otherwise have received from the Town. Should the cost of the health insurance program chosen by the eligible part-time employee exceed the Town's monetary compensation to the employee, the entire difference would be the responsibility of the employee. Further, such difference shall be remitted to the Town up-front at the time of benefit election for the entire plan year. Should there be changes to the employee's compensation or the cost of the health insurance at any time during the year, the Town or the employee shall remit the difference to the other in one lump sum as soon as is practical, but in all instances within a 30 day period following the change. Should the employee fail to remit payment up-front at the beginning of the plan year, the employee's health insurance shall be canceled immediately and the employee shall not be eligible for reinstatement until the next benefit election period.
- F. Individuals who have worked for the Town of Milton for at least ten (10) years and who retire from their employment with the Town of Milton shall be eligible to purchase a health insurance plan offered by the Town of Milton. The cost shall be borne entirely by the retiree and must be remitted to the Town up-front at the beginning of the plan year. Should there be changes to the cost of the health insurance, the Town or former employee shall remit the difference to the other in one lump sum as soon as is practical, but in all instances within a 30 day period following the change. Should the retiree fail to remit payment up-front at the beginning of the plan year, the retiree's health insurance shall be canceled immediately and the retiree shall not be eligible for reinstatement until the next benefit election period.

Section 2. Dental Insurance

The Town provides a Comprehensive Dental Plan.

Section 3. Vision Insurance

The Town provides Vision Insurance.

Section 4. Life Insurance

The Town provides a Life Insurance Policy for all employees with the premium being entirely paid by the Town.

- A. Group life insurance is provided for all eligible Town employees: The life insurance coverage provides a minimum of two times your annual base salary rounded to the nearest \$1000.00 in case of the employee's death from any cause while insured.
- B. Continuation of coverage with Premium Payment: If an employee becomes totally disabled for a period of up to nine (9) consecutive months, his/her group life insurance will remain in force, if during that time the employee pays the premium to the Town. The Town will pay premiums for the first (1st) one hundred twenty (120) days of this nine (9) months if the employee is on Parental Leave.
- C. Premium waiver for extended Disability: If the disability continues past nine (9) months, the Town will not be required to maintain the insurance.
- D. Commencement of Coverage: Eligible employees are covered on the first (1st) of the calendar month coinciding with or next following, one (1) month continuous service.

Section 5. Long-term Disability Insurance

The Town of Milton provides Long Term Disability insurance at no cost to the employee. There is a ninety (90) day elimination period with payments up to sixty-six (66%) of base pay, up to six thousand dollars (\$6,000) per month, up to age 65.

Section 6. Short-term Disability Insurance

- A. The Town of Milton provides Short Term Disability insurance at no cost to the employee. There is a fourteen (14) day elimination period due to injury and sickness with payments. The insurer will pay sixty-six percent (66%) of base weekly earnings to a maximum benefit of one thousand one hundred dollars (\$1,100) per week. If the employee is unable to secure a medical return-to-work at a capacity acceptable to the Town after (12) weeks, they can seek a Long Term Disability Insurance and their employment will end. Consolidated Omnibus Budget Reconciliation Act (COBRA) will be offered for benefits where applicable.

Open for future use

SECTION 43 PURCHASING POLICY**ARTICLE 1 AIMS AND OBJECTIVES****SECTION ANALYSIS****Section 4301. Objectives**

Section 4301. Objectives

This Purchasing Manual is developed in conjunction with the Manager's Office pursuant to the requirements of the Administrative Code. The Purchasing Agent is the Town Manager (Manager) per Section 503 (B-8) of the Town Charter and makes all purchases for every department using the Purchasing Policy approved by the Selectboard.

ARTICLE 2 DUTIES AND FUNCTIONS**SECTION ANALYSIS****Section 4302. General Functions and Duties of Departments**

Section 4302. General Functions and Duties of Department

In order to implement the purchasing policies of the Town, the duties and functions of the departments are as follows:

- A. The department head shall provide budgetary control for his/her department, ensuring that adequate funds are appropriated for all purchases
- B. The department head shall prepare, or aid in the preparation of purchase orders ("P.O.") (see Purchase Order Procedures article 4), bid specifications (see Bidding Procedures article 9) and Selection of bidder (see Selection of Bidder/contract Award, article 10).
- C. Cooperate in consolidating the purchases of similar supplies and services used by various departments within the Town so as to ensure that maximum value will be obtained.
- D. To anticipate requirements in advance.
- E. To inspect all deliveries to ensure that orders were properly filled and that materials have been delivered in good condition.
- F. Advise the Manager to arrange for the disposal of surplus equipment, supplies or materials.
- G. To refrain from fragmenting large orders into multiple small orders as a means of avoiding the financial parameters established by this manual.
- H. Department heads assume full responsibility for ensuring that all employees involved in the procurement process familiarize themselves with the policies and procedures outlined in this manual.

ARTICLE 3 AUTHORIZATION LEVELS AND PROCEDURES**SECTION ANALYSIS****Section 4303. Authorization****Section 4304. Purchases under \$1,000.00****Section 4305. Purchases in the amounts between \$1,000.00- \$10,000.00****Section 4306. Purchases over \$10,000.00****Section 4307. Miscellaneous**

Section 4303. Authorization

In order to fully implement a Town purchasing policy that will provide sufficient standardization and accountability as well as ensure a degree of operational flexibility to Town departments, the following levels of authorization are hereby established and are outlined by Section 4403-4407. Note all attachments referred to in this section of the Administrative Code are contained in Appendix II.

Section 4304. Purchases under \$1,000.00

Purchases of goods or services valued up to \$1,000.00 may be processed by the using department under authorization of the Manager. The department head has the sole responsibility to ensure that adequate funds exist in the department budget for the purchase.

- A. Although obtaining at least three quotes is not required, it is expected that department heads will exercise care and judgment in making such purchase in order that the best prices are obtained. Department heads are strongly urged to obtain quotes for items that are known to vary in price from vendor to vendor.
- B. Departments are encouraged to contact the Finance Department if in doubt as to where to purchase goods or services, especially in the case of office equipment, furniture, paper, printing services, etc.
- C. When any item is less than \$1,000.00, and is purchased on a regular basis, it is necessary to go out to bid to establish one vendor with contracted prices for at least a one-year period. If a number of like items are purchased frequently, as is the case with Road Materials, they can be included in the same bid.

Section 4305. Purchases between \$1,000.00 - 10,000.00

Purchases of \$1,000.00 and over but less than \$10,000.00 requires at least three price quotes (exceptions are notes under Section 4407). P.O.'s are issued by the using department. Any P.O. that does not have three quotes will not be approved by the Manager without an accompanying memo of explanation.

- A. An order can only be placed after the using department receives back their signed copy of the P.O. The vendor can then be notified by being given the P.O. number for invoicing purchases.
- B. A written request for quotation shall be used when obtaining quotes either by telephone or in writing. (Attached)
- C. P.O.'s will be approved and returned within three (3) business days, unless there is a problem with the execution of the purchase order. The Manager will advise the using department of the problem as soon as practicable.
- D. Purchases that are made from one vendor at one time should follow the above process even if no one item being purchased is valued at over \$1,000.00

- E. The Finance Department will advise the department head and/or the Manager if budget funds are inadequate to make the purchase.

Section 4306. Purchases over \$10,000.00

Purchases of \$10,000.00 and over must go through the formal bid process. Procedures are outlined in Article 9 sections 4416-4419-Bidding Procedures.

- A. Within one year after a bid opening date, the same equipment may be purchased from the bidder who was awarded the contract without re-bidding, provided that prices, terms and conditions remain the same as was originally quoted.
- B. Departments may make purchases that are over \$5,000.00 without going to bid if the department participates in a local buying group that has gone out to bid. P.O.'s with accompanying explanation must still be submitted prior to purchase being made.

Section 4307. Miscellaneous

- A. Emergency purchases may be authorized by the department head. These purchases should be made directly from the vendors generally providing these services to the Town. Emergency purchases are usually costly. Every effort should be made to keep purchases of this type at a minimum.
 - 1. Emergency situations shall be defined as a situation in which the operation of the department would be **seriously** hampered, or when the health, welfare and/or safety of employees or the public are endangered. This includes those instances when immediate repair to Town property, equipment or vehicles is necessary, but should not be due to negligent planning by the department.
 - 2. A P.O. shall be issued no later than one (1) business day after the purchase is made. A formal written explanation must accompany the purchase order. If the exact price is not known an estimate or not to exceed figure shall be listed on the P.O.
- B. The Town also reserves the right to purchase items without obtaining quotes or using the bid process from vendors that have contracted with the State of Vermont. The Finance Department has a list of these vendors. This method should be used only if the prices obtained through the State vendors are the lowest available.
- C. Sole source purchases may be made when it has been demonstrated that the goods or services to be procured are only available from a single vendor, eliminating the opportunity to seek competitive prices. A written justification must be submitted with the P.O.
- D. Bulk purchase – the Finance Department and Manager's Office will, with the cooperation of the using departments, consolidate requests for materials, supplies or services which are needed by various departments within the Town and School.
 - 1. This may involve items that are purchased on a daily basis, as is the case with office supplies or items that are purchased once or twice a year, example, computer paper.
 - 2. All departments will be made aware of all contractual agreements and shall order materials or services from these contracted vendors.

- E. Items or services, after approval by the Manager, which have already had prices established through the Town's bid process may be purchased directly by the using departments, even if the value is greater than \$1,000.00.
- F. DEPARTMENTS THAT DO NOT FOLLOW THESE PROCEDURES MAY HAVE INVOICES SUBMITTED FOR PAYMENT REJECTED BY THE MANAGER AND MAY HAVE TO RETURN THE ITEM (S) WHICH WERE PURCHASED.

ARTICLE 4 PURCHASE ORDER PROCEDURES**SECTION ANALYSIS****Section 4308. Definitions****Section 4309. Procedure**

Section 4308. Definitions

The P.O. authorizes a vendor to release goods or services to the Town and informs him/her that funds are available to pay for the goods or services. A P.O. becomes a binding contract when the vendor demonstrates his/her acceptance through initiation of some action to fill the order.

The following outline assumes that all procedures under Article 3 “Authorization Levels and Procedures” of this manual have been adhered to.

Section 4309. Procedure

The using department issues the P.O. and forwards it to the Finance Office.

- A. It is the responsibility of the requesting department to make sure that the P.O. is filled out entirely:
 1. Vendor Name
 - *If this is a new vendor being used a W-9 Form must accompany the P.O.
 - (Note: The IRS must be notified with a 1099 Form annually of all payments made to an individual/sole proprietor or a partnership that receives \$600 or more
 - The W-9 Form gives the Finance Department the information needed to comply with these regulations.
 2. Vendor Number
 3. Account number to be charged and the amount per account number.
 4. Quantity of items to be purchased
 5. Description of items to be purchased
 6. Estimate Cost
 7. Department head or designee signature
- A. If a department head has authorized another employee within his/her department to sign P.O., the department head still remains solely responsible for all terms, conditions and information contained within the P.O., including assurance that the expenditure is within the purpose of the appropriation, to which it is charged, and that there is a sufficient amount of funds available.
- B. The P.O. is then sent to the Finance Department for processing:
 1. P.O. will be verified for completed information
 2. Account number charged will be verified for available funds
 3. P.O. will be given to Manager for approval
- A. After the P.O. has been approved by the Manager, it will be distributed by the Finance Office as follows:
 1. White, yellow - Returned to using department
 2. Pink - Remains in Finance for encumbrance

ARTICLE 5 ACCOUNTS PAYABLE APPROVAL SHEETS/REIMBURSEMENT FORMS**SECTION ANALYSIS****Section 4310. Accounts Payable (AP) Approval Sheet****Section 4311. Reimbursement Forms**

Section 4310. Accounts Payable (A/P) Approval Sheet

Accounts Payable Approval Sheets are used by the Finance Office for any regular bills/payments. The Finance Office processes these regular A/P bills which are done consistently on a biweekly, monthly or quarterly basis. These are previously approved expenditures by the Town i.e. utility bills, leases, budget appropriations.

Section 4311. Reimbursement Forms

Reimbursement forms shall be used in place of a P.O. This form is designed to reimburse an employee for items granted by board policy or for items purchased for town use, when approved by the Manager i.e. eye care, mileage, etc.

- A. When a Reimbursement Form is being used the purchase has already been made. This form goes through the process much quicker since the amount to pay is never encumbered. So when a reimbursement form is complete, this is for payment. The department head completed the reimbursement form in full and gives it to the finance department for processing.

ARTICLE 6 RECEIVING PROCEDURES

SECTION ANALYSIS

Section 4312. Notification of Vendors

Section 4313. Reporting of Inadequate Service

Section 4312. Notification of Vendors

It shall be the responsibility of the receiving department to ensure that goods and services are received as ordered and in good condition.

The receiving departments shall be responsible for notifying the vendor of any goods received that are damaged or not in compliance with the terms of the P.O.

Section 4313. Reporting of Inadequate Service

The departments should advise the Manager of any vendor who consistently delivers damaged goods, fails to deliver goods on time or otherwise fails to meet the terms of the P.O.

ARTICLE 7 PAYMENT PROCEDURES**SECTION ANALYSIS****Section 4314. Payment**

Section 4314. Payment

All payments for materials, supplies, equipment and services will be made upon receipt of the correct copy of the P.O. that had been issued and approved, the vendor's original invoice and a properly executed Warrant, as outline below:

- A. Invoices - an invoice is the vendor's charges to the Town for materials or services rendered. Invoices that are based on purchase orders must contain substantially the same information as the P.O.
 - 1. Invoices should be mailed directly to the Finance Office. If received by the department head, they will forwarded to the Finance Office immediately.
 - 2. It is the responsibility of the Finance Office to ensure that the Town is invoiced for the correct amount. If there is a discrepancy of more than 10% between the P.O. and the invoice amount, the using department/Manager will be notified.
- B. A warrant is required for all expenditures of funds, regardless of whether or not a P.O. is required.
 - 1. When an invoice is received, or when a check is to be issued for any reason, a warrant must be executed by the Finance Office and submitted to the Selectboard for approval.
 - 2. Prior to submission of the Warrant to the Selectboard, the Manager shall review and approve items on the Warrant.
- C. Payment procedures for P.O.'s. The department head must complete the P.O. for payment:
 - 1. Verify that the supplies were received, by signing "rec'd by" and your name.
 - 2. Department head keeps the yellow copy.
 - 3. Department head sends the white copy to the Finance Office to be paid once the invoice is received.
- D. Partial payments - When the using department has received part of an order or some services have been performed, they must complete the P.O. for a partial payment.
 - 1. Verify that the supplies were received, by signing next to the received items.
 - 2. The department head keeps the white and yellow copies until final payment.
 - 3. The department head makes a photo copy of the P.O. and it is sent to the Finance Office to be paid once the invoice has been received.

ARTICLE 8 RELATIONS WITH VENDORS**SECTION ANALYSIS****Section 4315. Relation with Vendors**

Section 4315. Relation with Vendors

It is the responsibility of the Town Manger and using departments to establish a relationship of mutual confidence and satisfaction between the Town and its vendors.

- A. A vendor shall be considered to be a supplier of goods and services.
- B. Failure by vendors to meet specified delivery dates or to supply satisfactory goods and services should be communicated to the Manager.
- C. All vendors' representatives should meet with the Manager's Office except in areas where the materials or services are specialized. In such cases, the vendor's representatives should meet with staff from the departments requesting such services. Staff members should retain all pertinent information collected from the vendor's representatives and forward it to the Manager on request. The Manager's Office will forward pertinent information obtained from catalogs, interviews etc. to the using departments.
- D. All employees of the Town shall keep themselves free of obligation by refusing to accept any gifts or entertainment offered by any vendor.

ARTICLE 9 BIDDING PROCEDURES**SECTION ANALYSIS****Section 4316. General Information****Section 4317. Development of Specifications****Section 4318. Construction Services****Section 4319. Bid Documents**

Section 4316. General Information

The formal sealed bid process is to be used to promote competitive prices from vendors for the purchase of capital equipment, construction services and other goods and services valued at \$10,000.00 or greater.

- A. Prior to the project or purchase going to bid, the using department shall route the specifications with a Pre-Bid Specification Review Form to the designated departments.
1. Manager shall review to ensure that the standard bidding language and formats have been adhered to and review the specifications.
 2. Finance shall verify that funds are available and inform the Manager who will verify that Selectboard approval has been obtained if necessary, i.e. for expenditures involving Contingency Funds, grants, or a Lease/Purchase agreement.
 3. After the review process has been completed, the Manager will assign a bid number and bid opening date and return to using Department for revisions, if necessary.
 4. It is the responsibility of the Manager or his/her designee to: advertise the Invitation to Bid, aid in the preparation of bid specifications, determine if a bid security is required (bid securities are only required when the project amount is greater than \$10,000) mail documents to vendors, maintain the bid records, receive and open the bids, tabulate bids, make the bid award and notify all bidders of the results, return bid security.
- B. Certain services may require a level of trust and experience between the vendor and the Town of Milton. In such circumstances, the Manager may propose to the Selectboard that it is not in the best interest of the Town Milton to bid such services. The Manager would seek the authorization of the Selectboard to negotiate on-going contracts, which will be examined from time to time.

Section 4317. Development of Specifications

- A. The using department will work with the Manager to establish minimum bid specifications and other bid requirements.
- B. Specifications shall be developed with attention to the following guidelines:
 - 1. Specifications should be concise, free of ambiguities and provide a sound basis for competitive bidding.
 - 2. They should not require features or quality levels unnecessary to the function or operation.
 - 3. Whenever possible, several acceptable brand names should be considered when preparing specifications.
 - 4. The use of a particular brand specification is discouraged, however, when such a use is justified, the bid documents must bear a statement to the effect that specifications are not intended to be restrictive and any equivalent, meeting or exceeding specifications, will be acceptable as determined by the Town.
 - 5. Performance specifications are preferable as they promote innovation and cost reduction.
 - 6. Suppliers should not prepare specifications.
- C. If it is necessary to change specifications after the bid has been published and mailed, bidders will be notified by issuing an addendum. Any such addendum will be prepared by the using department and forwarded to the Manager to be mailed or faxed to all bidders on the original bidders list.

Section 4318. Construction Services

- A. The procedures for bids on construction services are generally identical to bids for goods and non-construction services.
- B. The Town Engineer and/or Director of Public Works are responsible for determining whether or not a bid shall require a performance bond, payment bond or materials bond.
 - 1. Alternates to the bond requirements, such as Letters of Credit or certified checks may be accepted, provided that such methods have been reviewed and approved by the Town Attorney.
 - 2. A copy of all bonds and insurance certificates should be forwarded to the Town Clerk's office upon completion of the project with a copy of the signed contract.
- C. The Manager, Town Engineer or Project Manager will maintain a list of bidders who have picked up a set of bid documents.

A.

Section 4319. Bid Documents

- A. All bid documents become public information upon completion of the bid opening.
- B. Bid documents shall contain the following information:
1. Date, time and location of bid opening
 2. Bid submittal deadline
 3. Where the bidder can obtain bid documents and if there is any cost to obtain them
 4. Any bid security, insurance or bond requirements
 5. Any special requirement such as pre-bid meetings
 6. A statement to the effect that the Town of Milton reserves the right to reject any or all bids, to waive technical or legal deficiencies and to accept any bid that it may deem to be in the best interest of the Town.
 7. General conditions
 8. Minimum specifications
 9. Bid proposal form
 10. Award criteria
- C. A Bidder's list should be established and maintain by the Manager or his/her agent with input from the using departments, in order to promote competitive bidding and to establish a list of qualified vendors.
1. Vendors should be removed from the bidders' list when:
 - a. The vendor has failed to respond to bid invitations on three successive occasions.
 - b. The vendor is in default of contracts and/or quotes.
 - c. Consistent poor performance.
 2. When removal from the bidder's list appears to be justified, the Manager should inform the vendor in writing. There should be complete documentation of the reasons for the action.
- D. Advertising - **all bids must be published in a newspaper having general circulation in the Town at least seven (7) days preceding the last day set for the receipt of bids.** Other forms of notice likely to come to the attention of prospective bidders may also be used.
- E. Receipt of Bids - Bids will be received by the Manager. When received, the date, and if received on the day of the opening, the time, will be marked on the outside of the envelope and initialed by the person who received it.
- F. Late Bids - as a general rule, late bids will not be accepted. However, at the discretion of the Manager, late bids may be accepted under the following condition:
- G. If it can be ascertained beyond a reasonable doubt that the circumstances which caused the bid to be late were beyond the bidder's control and that the bid was submitted without prior knowledge of the contents of competing bids. If a late bid is rejected, it will be returned to the vendor unopened.
- H. Bid Security - if it is a requirement of the bid and is not submitted, the bid will be rejected without being read aloud.

1. In the event any irregularities are contained in the bid security, the bidder will have five (5) days from the time bids are opened to correct any such irregularities. If they are not corrected to the satisfaction of the Manager and/or Town Attorney, the bid may be rejected.
2. Bid securities must be in the form of a certified check, drawn upon a bank in the State of Vermont, made payable to the Town of Milton or a bid bond, executed by a surety company authorized to do business in the State of Vermont, made payable to the Town of Milton, unless a different form has been pre-approved by the Manager and/or Town Attorney and is detailed in the specifications.
3. Bid securities will be returned immediately after the bid opening and examination of the bid proposals, except for those of the three (3) lowest bidders.
 - a. The retained securities of the second and third lowest bidders will be returned within ten (10) days following the award of the contract.
 - b. Bid security of the successful bidder will be returned within ten (10) days after the Manager has signed the contract.

ARTICLE 10 SELECTION OF BIDDER/CONTRACT AWARD**SECTION ANALYSIS****Section 4320. Opening Process****Section 4321. Evaluation Criteria****Section 4322. Non-Formal Agreement****Section 4323. Formal Agreement****Section 4324. Contracts**

Section 4320. Opening Process

- A. The Manager or his/her designee will prepare a bid tabulation after bids have been opened, indicating the Bid Proposal name and number, bid opening date, all vendors who submitted bids and an itemized list of bid prices. Copies are sent to:
1. Town Treasurer
 2. Finance Department (when requested)
 3. Department Heads affected
 4. Vendors (after award is made)

Section 4321. Evaluation Criteria

- A. In addition to the bid amount, additional factors will be considered as an integral part of the bid evaluation process, including, but not limited to:
1. The bidder's ability, capacity and skill to perform within the specified time limits.
 2. The bidder's experience, reputation, efficiency, judgment and integrity
 3. The quality, availability and adaptability of the supplies or materials bid.
 4. Bidder's past performance.
 5. Sufficiency of bidder's financial resources to fulfill the contract.
 6. Bidder's ability to provide future maintenance and/or service.
 7. Other applicable factors as the Town determines necessary or appropriate (such as comparability with existing equipment or hardware).
 8. Location of bidder's place of business.
 9. Any conditions attached to the bid.
- B. Tie Bids - in the event that one or more vendors submit equal bids, after determining that there is no collusion involved, one or more of the following factors may be considered for awarding the bid:
1. Location
 2. Bidder's past dealings with the Town
 3. References

Section 4322. Non-Formal Agreement

For Purchases not involving a formal contract agreement: department heads shall review bids and issue Purchase Orders to recommended vendor, and forward to Manager.

- A. Manager will review, sign purchase order and forward to Finance Department and confer with Town Attorney, if necessary.
- B. Finance will process and return to department head
- C. Manager will send Notice of Award to successful bidder with the white copy of P.O. A copy will be sent to the using department.
- D. Awards over \$10,000 require Selectboard signatures on Notice of Award.
 1. If bid specifications required insurance coverage, this will be restated in the Notice of Award. The Manager with cooperation from the department, will insure that a correct Certificate of Insurance is received prior to start of contract.
- E. If a department head intends to recommend award to other than apparent low bidder, he/she should forward written recommendations, outlining reasons to award vendor other than apparent low bidder, to Manager prior to submitting P.O. for approval.
 1. At the discretion of the Manager, he/she may discuss the recommended award with the Town Attorney, in which case, decision of Town Attorney is final. Otherwise, decision is final (department head may be present for discussion).
 2. Award will be based on evaluation criteria as outlined in bid specifications, which will generally follow factors listed in Section 4421 of this chapter.
 3. Manager will advise department head in writing of the decision, who will then issue P.O.

Section 4323. Formal Agreement

For bids involving a formal contract agreement: the procedure shall be as follows:

- A. Department head shall review bids received and discuss recommended award with Manager.
 1. If other than apparent low bid is recommended, department head will forward a memo outlining reasons for recommended award to Manager who shall discuss with Town Attorney whose decision shall be final (department head may be present during discussion).
 2. Award will be based on evaluation criteria as outlined in bid specifications, which will generally follow factors listed in Section 4421 above.
 3. Manager shall notify department head in writing of decision.
- B. Department shall send "Notice of Intent to Award" (copy to Manager) to successful vendor, who shall then execute the contract and obtain bonds, Certificate of Insurance and any other required documentation and deliver all copies to the appropriate department.
- C. Department shall forward completed Contract Agreement (usually four copies) with "Contract Sign-Off Sheet" and Purchase Order to designated departments for review and approval.
 1. Manager will ensure award procedure was followed.
 2. Manager and/or Town Attorney shall verify accuracy of bonds and insurance certificates and any other relevant contract issues.

3. Finance shall verify funds are available and that Selectboard approval has been obtained, if necessary, i.e. for expenditures involving Contingency Funds, grants, Capital Improvement Projects or a Lease/Purchase agreement.
- D. After all departments have reviewed and approved Contract Agreement, Finance shall forward to Manager for review and approval.
 1. After Manager has signed Contract, return to Finance who shall then distribute P.O. and return all copies of signed Contract to Department.
 2. Department shall issue Notice to Proceed.
- E. If during the course of the project it is necessary to issue a change order that increases the original cost of the contract, a P.O. must be issued and all approvals given prior to the start of the work. However, if the change order involves work that is considered to be an emergency, the provisions outlined in Section 4407 A. 1 should be followed.

Section 4324. Contracts

- Contracts that are issued for services on an annual basis, such as Uniform Rental, Trucking, Tree Work, etc. may be renewed at the end of the contract period, at the discretion of the department head and Manager.
- A. Bid specifications must contain a statement to the effect that the Town retains the right to renew the contract at the end of the contract period.
 - B. Work has to have been performed under the contract to satisfaction of the department head and Manager. Town Attorney may be consulted.
 - C. Generally, the vendor must agree to maintain all terms and conditions, including original contracted price, unless the department head and Manager deem it to be in the Town's best interest to negotiate otherwise.
 - D. Contracts cannot be renewed such that the total period exceeds three consecutive years.

SECTION 44 CONCLUSION**SECTION ANALYSIS****Section 4401. Designation of Regulations****Section 4402. Adoption****Section 4403. Effective Date****Section 4404. Amendment****Section 4405. Legislative Effect****Section 4406. Severability****Section 4407. Signature**

Section 4401. Designation of Regulations

This proposed regulation is to be known as the “Administrative Code of the Town of Milton” in accordance with the Town of Milton Charter Section 507 A. and B.

Section 4402. Adoption

The adoption of this Administrative Code is considered an administrative act of the Selectboard. Accordingly the Code may be adopted by a majority vote and are/is not subject to statutory provisions ordinarily applicable to the Selectboard’s promulgation of ordinances and rules. (24 VSA 1122; Martin vs. Town of Springfield, 141 VT 554 (1982))

Section 4403. Effective Date

After adoption by the Selectboard at a regular or special meeting of the Board, this regulation shall become effective on July 1, 1997.

Section 4404. Amendment

This code may be amended from time to time by the Selectboard at a regular or special meeting and as may be recommended to the Selectboard by the Manager.

Section 4405. Legislative Effect

Except as provided by State Statute or town ordinance no new positions and/or new departments as set forth in this code shall be authorized or implemented without the approval of the Selectboard and the necessary funding as may be approved by any annual or special town meeting.

Section 4406. Severability

If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatever, such decisions shall not effect the remaining portions of this regulation, which shall remain in full force and effect; and to this end, the provisions of this regulation are hereby declared to be severed.

Section 4407 Signature

APPENDIX 1 ORGANIZATIONAL CHARTS

APPENDIX II PURCHASING POLICY

TOWN OF MILTON, VT

TO

ORDER

ITEMS

PURCHASE

IS

MADE

ITEMS

ARE

RECEIVED

REIMBURSEMENT

FORM

PURCHASING/COMPETITIVE QUOTE FORM

APPENDIX III TOWN CHARTER

APPENDIX IV ECONOMIC DEVELOPMENT COMMISSION

APPENDIX V FOR FUTURE USE

APPENDIX VI WAGE AND SALARY SCHEDULE

APPENDIX VII FOR FUTURE USE