**Village District of Eidelweiss Employee Handbook**



**Village District of Eidelweiss**

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The primary purpose of this Handbook is to provide an understanding of the rules and requirements governing employees and their conduct for the VDOE. The Handbook also provides advisory guidance to the Board of Commissioners, the VDOE Administrator and Supervisor/Foreman.

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# 1. ABOUT THIS HANDBOOK

The following pages contain information regarding many of the policies and procedures of the District of Eidelweiss (the VDOE). This is not an employment contract and is not intended to create contractual obligations of any kind for the VDOE or the employee.

This Handbook is adopted by the Board of Commissioners of the VDOE (Board) as the governing board of the VDOE pursuant to the authority vested in it by RSA Chapter 52 and thelaws of the State of New Hampshire. Personnel Policies and Procedures previously have been adopted and amended by the Board. The Board adopts this Handbook as a revision and replacement of such prior policies and procedures. In addition, the Board may establish or authorize individual departments to establish policies to supplement or replace policies in this Handbook.

The primary purpose of this Handbook is to provide an understanding of the rules and requirements governing employees and their conduct for the VDOE. The Handbook also provides advisory guidance to the Board of Commissioners, the VDOE Administrator and Supervisor/Foreman. Accordingly, employees shall be bound by the policies and procedures set forth in this Handbook. The policies and procedures outlined in this Handbook will be applied at the discretion of the VDOE, which reserves the right to make decisions that may vary fromthe policies and procedures of this handbook, or to withdraw or change them, at any time. We will notify employees when an official change in policy or procedure has been made.

The VDOE seeks to provide the best possible service to the public through competent, well-trained, knowledgeable, courteous, and dedicated staff. Therefore, the VDOE intends to employ persons qualified to perform the duties inherent in their positions. The VDOE values the many talents and abilities of its employees and seeks to foster an open, cooperative and dynamic environment where employees and the VDOE alike can thrive.

The VDOE strives to maintain good working relations with all personnel so that employment with the VDOE is a positive experience, consistent with the need to provide the services expected of the VDOE.

Any employee who would like further information or may have questions about any of the policies and procedures outlined in this Handbook, maybring them to the attention of the Board.

# 2. DEFINITIONS

***Common Meaning.*** In this Handbook, words shall have their common and usual meaning except as defined in Section 2. or as the context may otherwise require. Singular words are deemed to include the plural and words of one gender are intended to refer to both genders.

***Definitions.*** In this Handbook:

 (A) “Board” means the VDOE Board of Commissioners.

(B) “Employee” means a person employed by the VDOE in any capacity under an employee-employer relationship as further set forth in Section 3.

(C) “Independent Contractor” means a person or entity that provides goods or services to or for the VDOE in a capacity other than as an employee or volunteer.

(D) “Policy” means a policy or regulation set forth in this Handbook and, when appropriate, may refer to another policy, regulation, or standard established by the VDOE.

(E) “Volunteer” means a person who provides services of some kind to the VDOE without compensation.

# 3. EMPLOYMENT PRACTICES

***3.01 At Will Employment*** The VDOE does not offer tenured or guaranteed employment. Unless the VDOE by action of the Board has otherwise expressly agreed in writing, employment is “at will” so that the employment may be terminated by either the VDOE or the employee for any reason, with or without notice or cause. Any such termination by the employee shall be subject to the provisions of these policies governing notice and payment of benefits.

# 4. GENERAL HIRING PRACTICES- General Standard/Non-discrimination and Non-interference

The VDOE is committed to providing employment without discrimination based on criteria that violate state or federal laws and seeks to provide equal opportunity for employment without such prohibited discrimination. In addition, no employee or applicant for employment may be coerced or compelled into an agreement, either written or verbal, not to join or become a member of any labor organization, as a condition of securing or continuing in any employment. In addition to non-discrimination in accordance with the foregoing, the VDOE has specific policies regarding workplace violence, general harassment and sexual harassment as set forth in this Handbook.

The VDOE seeks to follow standard employment practices and conditions of employment in compliance with its status as an equal opportunity employer and in compliance with the Federal Fair Labor Standards Act, and other applicable Federal and State laws and regulations, including NHRSA 354-A, as to matters such as recruitment advertising, hiring, layoffs, terminations, promotions, transfers, fringe benefits and training. The VDOE does not discriminate against any individual on the basis of age, sex, race, color, marital status, physical or mental disability, religious creed, or national origin or on other criteria prohibited by state or federal law.

 The Board shall determine qualifications required for hiring, the nature and extent of background checks and examinations, if any, and other matters related to hiring practices.

4.01 Persons with Disabilities.In accordance with the Americans with Disabilities Act (as amended) and NHRSA 354-A, the VDOE does not discriminate in employment on the basis of actual or perceived disabilities as defined in said statutes and applicable regulations and will seek to provide reasonable, feasible accommodations to assist such persons to perform job functions.

4.02 Employment Verification, Background Checks, Testing***.*** Applicants for employment shall demonstrate their legal status of right to work in the United States as required by federal and statelaw. Applicants and current employees may be required to submit references, authorize background reference checks, and submit to physical examinations and drug and alcohol testing as required by the Board.

4.03 Notice of Vacancy. When deemed appropriate and feasible by the Board, job openings shall be posted internally prior to advertising to the general public.

4.04 Implementation of Hiring Decision.After an employee is hired, a letter of appointment stating the terms and conditions of employment shall be provided to the employee which may include matters such as job title, wage rate, length of employment (solely if dictated by funding or seasonal nature and not in the nature of an expression of continued expectation of employment), and other items of particular relevance to the position. A copy of the engagement letter shall be placed in the employee’s personnel file. A copy of this Handbook shall be issued to all employees upon hiring, and each employee shall acknowledge receipt thereof in writing.

4.05 Employment of RelativesEmploying persons related by blood or marriage to current employees or providing them preference in assignment may be perceived as nepotism. Accordingly, and due to the small size of the VDOE’s workforce, employment of relatives is prohibited.

# 5. HOURS OF WORK AND PAY PRACTICES

5.01 Standard Work Hours and Work Week. Except as may be established for separate departments as approved by the Board, the standard work period consists of a 40-hour work week, comprising 8-hour workdays, Monday – through Friday, with appropriate break periods as stated in this Handbook.

(A) Standard work weeks may be varied for individual departments or on a seasonal basis as determined by the Board.

(B) All employees are entitled to two fifteen-minute breaks as paid time each full working day. These breaks are to be taken separately, and an employee may leave the work site building during that time span. The employee may take up to a 30-minute unpaid lunch break.

5.02 Pay Periods and Manner of Pay.Employees shall keep accurate and up-to-date records of hours worked (time sheets) on such forms and in such a manner as described in the Timecard Policy. The VDOE pays employees every two weeks.

*(*A)Employees shall submit their time sheets to the VDOE Administrator no later than the end of the work week, which is usually Friday. Employees who have timely and properly submitted time sheets shall be paid by issuance of a VDOE check or by direct deposit as agreed to between the employees and the Board. Pay will normally be issued on Friday following submission of bi-weekly, pay period time sheets, but in no event later than the deadline for pay established by state law.

(B)Pay rates for employees shall be determined by the Board based on appropriations approved by the Annual Meeting. Adjustments in salaries shall be made annually on a given date, on an employee’s anniversary date, or at some other time or as otherwise determined by the Board. Any requests for vacation pay in advance of taking leave shall be submitted and handled in accordance with Section 9.02.

5.03 Hourly and Salaried Employees.

(A) An employee may be paidon an hourly or a salaried basis as determined by the Board. Salaried positions are those for which pay-period salary rates are based on full-time employment at normal working hours, but the rates are fixed according to the responsibilities to be fulfilled and are not based on a fixed number of hours of work per week, in accordance with NHRSA 275 and the Fair Labor Standards Act. Unless an employee is designated as an employee exempt from overtime, salaried employees are entitled to overtime pay for actual hours worked in excess of 40 hours in the standard work week for that employee’s position.

(B) Salaried employees do not have salary payments reduced for hours not worked during a work period as a general matter, except in accordance with the Fair Labor Standards Act and NHRSA 275.

(C) The VDOE is committed to avoiding improper deductions and will act promptly to remedy any situation in which such a deduction may have been made by reimbursing the employee for any such improper deduction not later than the first pay day upon which the reimbursement reasonably may be made following a timely final determination that the deduction was improper.

(D) Any employee who believes that a deduction from salary is improper should discuss the matter with the Supervisor/Foreman or VDOE Administrator who will promptly (normally within 24 hours) make an initial determination as to whether the deduction is proper, including a written explanation if it is found that the deduction was proper. The employee ordinarily should initiate this inquiry within 48 hours after being paid or being notified of the deduction unless special circumstances justify later action.

(E) If the employee is not satisfied with that decision, within 48 hours after receiving notice of decision, the employee may file to the Board a written appeal which states the basis for disagreeing with the decision. The appeal shall be considered within 72 hours with a final decision issued within 96 hours whenever possible. If the deduction is found to have been improper, the employee shall be reimbursed in the next pay period during which the adjustment may be made. Any final adverse decision may be appealed in accordance with state or federal requirements as applicable.

(F) If any deduction was found to have been made improperly, the VDOE shall make a sincere and good faith effort to avoid any such improper deductions in the future for that employee and for any similarly situated employees.

5.04 Overtime and Overtime Pay. Any employee may be required to work overtime. Reasonable attempts shall be made to notify an employee in advance if overtime is required, but it may not be possible to do so in all circumstances. Employees are expected to work overtime when requested and failure to do so may constitute grounds for discipline. Employees called back to work before a regular shift begins or after a shift end shall be compensated in accordance with state law. Employees who are entitled to overtime shall be compensated at the rate of one and one-half (1.5) times their regular rate of pay for overtime hours in excess of 40 hours during their regular weekly work period. In computing hours worked, only actual time worked shall be included and leave of any kind (e.g., vacation, sick, personal) shall not be counted as hours worked. Holiday hours are exempt and therefore constitute hours worked.

5.05 Exempt Employees.Salaried employees who work in executive, administrative or professional positions are not entitled to overtime as they are “exempt” employees under federal and state law. The Board shall notify employees when it is determined that they are exempt or if there is a change in the employees’ status.

5.06 Compensatory Time.A non-exempt employee who earns overtime may elect to convert this into compensatory time off at the rate of one and a half hours of compensatory time for each hour worked in excess of forty hours in a work week. An employee may accumulate up to 40 hours of compensatory time, after which all overtime shall be paid in wages. Compensatory time must be used in the current year. No carryover to the next year is permitted. Upon termination the outstanding balance of compensatory time shall be paid over to an employee at his/her current hourly rate. In order to take compensatory time an employee must make a request at least one day in advance and must receive permission from their supervisor.

5.07 Timecards. An important daily function of every employee is to accurately report the time worked for the VDOE on the timecard.

(A) All employees are required to report the hours worked on a weekly basis on a timecard. The payroll period for the timecard reporting begins on Saturday and ends on Friday. All timecards are to be completed on Friday and submitted by the Supervisor/Foreman by the end of business on Friday.

(B) No one is allowed to enter information on an employee’s timecard other than the employee or a District Commissioner.

(C) The timecard entries should record the full date of the days worked with the time in and out clearly listed along with the total hours worked for each day. All timecards are to be signed by the employee. Timecards must be completed in blue or black ink.

(D) When an employee requires time off during the workday to attend personal business, the employee must request time off from the Commissioners prior to leaving. The employee is responsible for seeking approval prior to taking time off. In the case of illness, prompt notification of leaving is required.

(E) Supervisor/Foreman is responsible for official verification of timecard entries and for assuring that only correct and/or appropriately documented timecards are submitted to the administrator. The Supervisor/Foreman will acknowledge the correctness of a timecard with his/her initials.

(F) When corrections are required, the timecard will be given to the Supervisor/Foreman with a request for correction. The correction will be made by the employee and acknowledged by the Supervisor/Foreman, then submitted to the administrator. Errors are to be lined out with a single line. The corrections are to be written as close to the error as reasonable. Corrections are to be initialed by the employee and the Supervisor/Foreman.

(G) Errors on submitted timecards may result in a delay in getting paid.

(H) Timecards cannot be pre-approved by the Supervisor/Foreman. The exception is timecards completed for vacation, sick leave, holiday leave, military leave or jury duty.

(I) Any employee who does not abide by this Timecard Policy is subject to disciplinary action. Intentional fraudulent entries on a timecard, upon substantiation, will result in termination.

# 6. STANDARDS OF CONDUCT

The following list of directives represents the conduct standards for employees of the VDOE. The basis for these regulations is the following policy:

Every employee of the VDOE is expected to operate in a highly self-disciplined and respectful manner and is responsible to regulate his/her own conduct in a positive, productive, and mature way. Failure to do so will result in disciplinary action ranging from counseling to termination. The VDOE has a zero-tolerance policy for violence in the workplace. It expects all employees to act with courtesy and respect, to display no anger or aggression, and to otherwise assist the VDOE in providing a workplace that is free of intimidation and any manifestation of physical violence.

## 6.01 Employees shall:

(A) Follow policies and written directives of the VDOE.

(B) Use their training and capabilities to protect and serve the public at all times.

(C) Work competently in their positions to cause all department programs to operate effectively.

(D) Always conduct themselves to reflect credit on the VDOE.

(E) Supervisor/Foreman will manage in an effective, considerate manner; subordinates will follow instructions, oral or written in a positive, cooperative manner.

(F) Always conduct themselves in a manner that creates good order inside the department.

(G) Keep themselves informed to do their jobs effectively and safely.

(H) Be concerned and protective of each other’s welfare.

(I) Operate safely and use good judgment.

(J) Keep themselves physically fit as appropriate to the physical requirements of their positions.

(K) Observe the work hours of their position.

(L) Obey the law.

(M) Be careful with VDOE equipment and property.

## 6.02 Employees shall not:

(A) Engage in any activity that is detrimental to the department or to the VDOE.

(B) Engage in a conflict of interest to the VDOE or use their position with the VDOE for personal gain or influence.

(C) Fight, threaten or bully.

(D) Abuse sick leave.

(E) Steal.

(F) Use alcoholic beverages, debilitating drugs, or any controlled substance, which could impair their physical or mental capacities.

(G) Engage in any sexual activity while on duty.

6.03 Conflicting Outside Employment or Enterprise.Employees shall disclose to their Supervisor/Foreman in writing should they engage in any outside employment or enterprise.

6.04 Unsafe Conditions / Injuries.The VDOE wants to ensure a safe and healthy work environment for all employees, but safety is everyone’s business, and the VDOE expects all employees to get involved. Employees who see an unsafe condition or work practice, no matter how small it may seem, should report it to a Supervisor/Foreman. All employees are expected to work in a safe manner and to immediately report on-the-job injuries to a Supervisor/Foreman. Safety violations or preventable injuries may result in discipline.

6.05 VDOE Property.Property owned by the VDOE, including vehicles, computers, telephones, FAX or copy machines, etc., are to be used for official VDOE business. Employees are trusted to use VDOE equipment properly and safely.Any VDOE property under the control of an employee must be made available for inspection upon request.

6.06 Accommodations to VDOE Residents. VDOE employees are not permitted to provide special accommodations for any VDOE resident. The VDOE cannot create expectations that employees are available for work that is for the personal benefit of a resident. Employees may not offer assistance in moving disabled vehicle due to liability issues. These activities are a distraction and are disruptive to authorized or planned work.

# 7. PERFORMANCE REVIEWS. EVALUATION AND PERSONNEL RECORDS.

7.01 Evaluations.The VDOE believes that employees should be aware of how their performance is viewed by it as an employer. Accordingly, employees shall be evaluated periodically as determined by the Board.

(A) The time, form, and conduct of evaluations shall be determined by the Board and may vary from time to time and by department.

(B) Evaluations shall be reviewed with the employee to assist in identifying positive and negative aspects of performance and to inform employees on their progress in their performance and how they can improve their work performance. Most employees receive a formal written appraisal of their work performance prior to completion of their probation period and annually thereafter. The performance appraisal may be used as a factor in considering merit increases.

(C) Summaries of evaluations, including employee responses, if any, shall be placed in the employee’s personnel file.

7.02 Merit Pay.Consideration for merit increases is usually annual and takes place as part of the performance evaluation process.

(A)Upon successful completion of any required probationary period (for new or promoted employees), the employee may become eligible for merit pay increases to be awarded at the discretion of the Board based on employee performance, evaluations, and such other factors relating to merit as the Board deems relevant. The manner of distribution and the amount of merit pay shall be determined by the Board based on such criteria as it deems appropriate.

(B)Implementation and awarding of merit pay increases if used in any year is conditional upon provision of adequate funding of the merit pay system by the VDOE Annual Meeting.

(C)The Board may change the merit pay system as it deems appropriate and reserves the right not to award merit pay in any year.

**7.03 Bonus Policy for District Employees**

Village District of Eidelweiss Commissioners may choose to award end of year bonuses to its employees. This policy does not guarantee bonuses. The policy outlines conditions and maximums for bonuses that may be granted.

Bonuses may be given to employees if the following conditions have been met.

1. The district has under spent the operating budget.

All bonus award recipients must meet the following criteria:

* The employee’s accomplishments exceed the normal standards/expectations for the job.
* The employee has fulfilled all normal job duties in addition to performing added duties to accomplish a special project or achieve a certain goal.
* The employee serves as a role model for others, displaying desirable characteristics such as outstanding customer service, positive attitude and team leadership.

The amount of a lump-sum bonus may not exceed $1,500 or 3% percent of the employee’s base salary, whichever is greater.

7.04 Personnel Files.The VDOE shall maintain personnel files for each employee containing significant information about the individual’s employment with the VDOE as determined by the Board/VDOE Administrator. Employee personnel files shall be deemed confidential information under NHRSA 91-A, except as to information subject to disclosure. To the extent reasonably feasible, the VDOE shall seek to separate confidential from non-confidential material in files. Employees may view their own personnel files in accordance with NHRSA 275:56. The files will not be copied or be removed from the premises unless there is a legitimate business reason to do so. No employee may alter or remove any document in his or her personnel file.

# 8. ANTI-HARASSMENT POLICY, INCLUDING SEXUAL HARASSMENT

8.01 Purpose Statement.The VDOE prohibits harassment, including sexual harassment, in the workplace and has adopted a zero-tolerance policy. In addition to being illegal, harassment is demeaning to all persons who are involved; may result in increased turnover, absenteeism, and low morale so as to adversely affect the workplace; and may result in liability and/or legal expenses for the VDOE and for affected individuals.

(A) Since violation of this policy results in serious adverse consequences, all employees must read, understand and comply with this policy. This Section advises employees of their rights and responsibilities in achieving the goal of a workplace where all employees are free from intimidation, humiliation, and insults, and from being subjected to offensive and unwelcome physical or verbal abuse or actions, direct or insinuated, which are based on a person’s gender, whether of the same or opposite sex, or other discriminatory factors under state or federal law.

(B) This policy is intended to provide affected individuals with an efficient, effective and timely internal mechanism for reporting and resolving complaints without fear of retaliation or retribution. This policy will be supplemented by training and education programs and materials which are deemed to be components of this policy.

8.02 Scope of Harassment Policy.The remainder of the policy set forth in this Section expressly deals with sexual harassment. The VDOE applies the same procedures and standards to other forms of harassment. In addition to this policy, additional guidance and information on harassment and sexual harassment is available at the VDOE Office. Any person seeking guidance or advice on the topic of harassment is urged to contact the VDOE Administrator, or a Commissioner

8.03 Sexual Harassment Policy. As stated in Section 8.01 and Section 8.02, this section specifically addresses sexual harassment, but its procedures and standards shall apply to other forms of prohibited harassment.

(A) Definition and Examples.

(1)Legal Standard. Sexual Harassment is illegal.

(a) Discrimination under State and Federal Law. It constitutes a prohibited form of discrimination on the basis of sex or gender under Federal Law, Title VII of the Civil Rights Act [42 U.S.C. § 2000e-2(a)(1)], and under NHRSA 354-A.

(b) Sexual Assault. In addition, any conduct which is prohibited as an offense of sexual assault of any kind under the N.H. Criminal Code may be deemed prohibited sexual harassment under this policy.

(2)Examples of Prohibited Conduct/Actions*.* Prohibited Sexual Harassment includes, but is not limited to, the following types of conduct and actions:

(a) Derogatory comments, insults, suggestive remarks or jokes involving sexual activity or a person’s gender.

(b) Display of photographs, drawings or cartoons, or use of computers and/or the internet, which would offend a reasonable person.

(c) Conduct that a reasonable person would view as having the purpose or effect of degrading or creating an intimidating, hostile or offensive work environment.

(d) Subtle or direct pressure for sexual activity whether or not accompanied by implied or overt threats concerning an individual’s employment status.

 (e) Inappropriate physical contact, such as patting or pinching.

 (g) Intentional brushing against another person’s body.

(h) Stating or implying that an individual’s job performance is attributable to that person’s gender.

(i) Giving of unsolicited or inappropriate gifts of a personal and private nature.

 (j) Sexual assault of any kind.

(3) Perception*.* Employees must understand that sexual harassment often involves perception. What may be intended as innocent or harmless conduct may be perceived as inappropriate sexual based conduct. Since one person cannot control another’s perception, it is always a better choice to avoid conduct that could be perceived as being inappropriately sexual in nature.

(B) Prohibition of Sexual Harassment

(1) Every employee has the right to a workplace free from sexual harassment. Sexual harassment is a form of prohibited, unlawful discrimination. It is prohibited by both state and federal law.

(2) Every employee has the responsibility to refrain from any conduct which constitutes sexual harassment and to protect other employees from sexual harassment.

(3) The VDOE has a “zero-tolerance” policy in furtherance of the intent to provide all persons with a workplace and environment free of sexual harassment.

(C) Employee Obligations.

(1) Employees have the obligation to comply with this policy and avoid any conduct which constitutes sexual harassment. Employees have a moral, ethical and legal responsibility to report instances of sexual harassment. Sexual harassment potentially exposes the VDOEto liability, and all share the obligation to assist in reducing exposure to liability.

(2) Employees have the obligation to fully cooperate in any investigation of sexual harassment, including the obligation to provide truthful and complete evidence and testimony in any investigation or proceeding.

(3) Employees have the obligation to refrain from making any bad faith or known false complaints of sexual harassment.

(4) Employees have the obligation to avoid retaliation or retribution against any person who files a complaint, or who participates or provides evidence or testimony in any investigation or proceeding under this policy.

(D) Complaint Procedures.

 (1) Filing Procedure

(a) By the Subject of Harassment*.* Any employee who believes he or she has been the subject of sexual harassment must report the incident. The report should be made to the employee’s Supervisor/Foreman. If the employee wishes, the report may be submitted to an alternate individual (e.g., the Board, or VDOE Administrator.) The filing of a report will facilitate the handling of the complaint, but the paramount concernis to provide a means whereby a complaint may be filed without fear of retaliation or adverse consequences, while assuring that the rights of all parties are protected. The report should be made no later than 3 days after the incident whenever possible. Failure to timely file a report may adversely affect other employees and may hinder the ability to respond effectively to the complaint.

(b) By an Observer.A report also may be filed in the same manner by a person who observes sexual harassment in the workplace, but who is not the subject of the harassment.

(c) By the Perpetrator. An individual who believes that he or she has engaged in sexual harassment may self-report in the same manner. Self-reporting will not negate the consequences or policies set forth herein but will be considered as a factor in resolution of the matter.

(2) Filing Obligation*.*  While a person may be hesitant to file a complaint, the VDOE cannot respond to and remedy harassment unless it is made aware of the conduct. In addition, the failure to promptly file a complaint may adversely affect an individual’s right of recourse and may result in harassment of others. Therefore, employees must utilize this reporting mechanism when required to do so by this policy. Every effort will be made to protect the reporting individual, and a person who mistakenly files a complaint will face no adverse consequences unless it is determined that the complaint was filed knowing that it was false and unfounded. Although filing an internal complaint is encouraged, an individual may not wish to do so and may, instead, wish to contact the N.H. Human Rights Commission or the federal Equal Opportunity Commission directly. However, such action will not permit the VDOE to address the complaint, and the VDOEretains all rights under law if an individual chooses not to utilize this internal complaint mechanism.

(E) Handling and Investigation of Complaint.

 (1) Preliminary Handling and Investigation.

(a) The person receiving the complaint shall discuss it informally with the complainant and, unless resolved at that time to the satisfaction of the complainant, shall report the complaint to the VDOE Administrator. Upon receipt of a complaint, the VDOE Administrator shall commence a formal investigation and may conduct the investigation or assign it to an investigator. This preliminary investigation may include discussion with the complainant and other individuals who may possess relevant information.

(b) Confidentiality of a complaint will be maintained to the extent possible during this preliminary investigation; however, there can be no assurance of complete confidentiality. The investigator shall remind all involved individuals that the complaint shall not be discussed with others and that retaliation is prohibited.

(2) Preliminary Personnel Action, if Required by Safety Considerations. After such preliminary inquiry as may be necessary, the VDOE Administrator will determine if action is required to secure the personal safety of the complainant or other individuals. If warranted, the VDOE Administrator may take precautionary action as is appropriate, including separation of the parties, removal from the workplace, or temporary suspension. Any adverse employment action shall be preceded by an opportunity for discussion with the parties, except when necessary for the safety of any individual.

(3) Initial Determination of Action. As soon as practicable after receiving a complaint, the VDOE Administrator shall determine if further formal inquiry is warranted.

(4) Initial Determination, Notice to Parties and Investigation. If the VDOE Administrator decides not to proceed with further formal inquiry, the complainant shall be advised as to the reasons for the decision. If the VDOE Administrator determines to proceed with further inquiry, both the complainant and the subject shall be advised and the VDOE Administrator or investigator shall fully examine the complaint. The VDOE Administrator or investigator shall speak with all persons who wish to be heard and may accept written comments, but no such comments may be anonymous. At such a point in the proceedings as the VDOE Administrator or investigator determines to be appropriate, the alleged perpetrator may be permitted to address the complainant. Upon completing the investigation, the VDOE Administrator or investigator shall prepare a written summary of the matter (to be submitted to the VDOE Administrator if prepared by an investigator), with copies of the complainant and alleged perpetrator.

(5) Opportunity for Response to Investigation Report. Both the complainant and the alleged perpetrator may respond in writing within 3 business days to the investigation report. If the VDOE Administrator then finds it appropriate, a formal hearing may be held under such procedures as the VDOE Administrator deems to be fair and appropriate for the circumstances.

(6) Decision*.* The VDOE Administrator shall issue a written decision as soon as practicable after receiving the investigation report and any responses or upon the conclusion of any hearing. The decision shall include a summary of relevant findings of fact and the action(s) to be taken, if any.

(F) Internal Appeal*.* Any person adversely affected by the VDOE Administrator’s decision may file a written appeal to the Board. Such appeal shall fully delineate all reasons for the appeal and must be delivered within 72 hours after issuance of the VDOE Administrator’s final decision. If no appeal is filed, the decision shall become final without further action. If an appeal is filed, the Board shall take such action in response as is deemed proper and appropriate to the circumstances.

(G) Implementation*.* Once a decision is final:

 (1) If harassment is found to have occurred:

(a) A notation shall be placed in the perpetrator’s personnel file which states the findings without personally identifying the complainant or others involved in the investigation.

(b) Discipline appropriate to the nature of the harassment shall be imposed.

(2) If harassment is found not to have occurred, written notice to the parties shall be provided. An entry (without identification of the other party) shall be made in each party’s personnel file noting that a harassment complaint was filed along with a notation that harassment was found not to have occurred.

(3) If the investigation and determination are not conclusive as to whether harassment occurred, written notice to the parties shall be provided. An entry shall be made in each party’s personnel file noting that a harassment complaint was filed along with a notation that the investigation was unable to determine if harassment occurred. Other parties and individuals involved in the investigation shall not be identified by name in such notations.

(4) Separate records of the investigation shall be retained in confidential files maintained by the VDOE Administrator which may be reviewed and considered by management in the event of similar matters pertaining to either party in the future.

(H) Consequences*.*

(1) Since sexual harassment is absolutely prohibited, any employee engaging in sexual harassment will be deemed to be acting outside the scope of employment and, therefore, may not be indemnified or reimbursed for any costs, damages or other liability resulting from such conduct.

(2) Any employee who violates this policy or who fails to abide by obligations set forth in this policy is subject to disciplinary action. Such disciplinary action may be imposed for perpetrating or assisting in sexual harassment, for a failure to report sexual harassment, for failing to cooperate in an investigation, for providing false or misleading statements or evidence in any investigation or proceeding, or for otherwise failing to comply with the expectations set forth in this policy.

(G) Non-Retaliation*.*  An essential component of this policy is that all employees are allowed to work without fear of retaliation under this policy. No employee, Supervisor/Foreman, or department head may take any action in any form against a person for filing a complaint or assisting in an investigation under this policy, even if such complaint is found unjustified. Any disciplinary action for bad faith, improper filing of a complaint under this policy shall be imposed solely by the VDOE Board, subject to appeal as set forth in this Handbook. Any prohibited retaliation may be deemed to be a separate violation of this policy and may subject the perpetrator to additional discipline.

# 9. STATUTORILY REQUIRED BENEFITS; EMPLOYEE SAFETY AND HEALTH

 9.01 Workers’ Compensation.Employees injured while working are covered under the workers’ compensation laws of the State of New Hampshire and may receive compensation based thereon. Employees shall cooperate with the VDOE in administering workers’ compensation matters. Employees must submit a doctor's note attesting to the employee’s ability to perform the specific functions of the employee’s position (with or without reasonable accommodation) before being allowed to return to work.

9.02 Workplace Smoking. NHRSA155:64-77 requires that smoking be restricted and regulated in enclosed places of public ownership, public access, and places of employment to protect the health of the people who use them. In order to comply with the provisions of this law, and to ensure a safe, smoke-free environment, all VDOE owned buildings are declared non-smoking facilities. Smoking is permitted only outside of buildings. In addition, no employee may smoke in any VDOE vehicle at any time or in any personal vehicle operated during the course of employment with the VDOE.

9.03 Safety and Health.The VDOE seeks to provide employees with a safe and healthy workplace. Employees promptly should report any unsafe conditions in the workplace to their Supervisor/Foreman. Employees have an affirmative obligation to assist the VDOE in seeking to provide a safe and healthy workplace.

9.04 Workplace Safety Program.In addition to abiding by the general safety policy standard set forth in this Section, the VDOE has adopted a workplace safety program that is mandatory for all employees and volunteers. Information and guidance on the program are available at the VDOE Office and all employees and volunteers must review that information and comply with all aspects of the safety program as appropriate for their workplace.

# 10. EMPLOYEE LEAVE

## 10.01 Holidays:

(A) The following days are recognized by the VDOE as holidays. All full-time employees in good standing are eligible to take these days as paid holidays in accordance with this section.

 New Year's Day

 Martin Luther King Day

 Presidents’ Day

 Memorial Day

 Juneteenth

 Independence Day

 Labor Day

 Columbus Day

 Veteran's Day

 Noontime closure on Wednesday prior to Thanksgiving

 Thanksgiving Day

 Day after Thanksgiving

 Noontime closure on Christmas Eve

 Christmas Day

(B) Employees who are absent for unauthorized reasons on the day directly preceding or directly following the holiday shall forfeit pay for the holiday. Employees shall be paid at a rate of one- and one-half times (1.5) their regular wage, plus holiday pay, for work performed on a holiday when duly authorized.

## 10.02 Vacations.

1. All employees who work a regular schedule of 40 or more hours per week are entitled to paid vacation benefits in accordance with this section. Vacation benefits are earned on a calendar year basis from January 1 to December 31. Beginning on the first of the month following 90 days of employment an employee begins to accrue vacation time at a rate of .5 days per calendar month for the remainder of that calendar year.

(B) On January 1st of the following year the employee is entitled to 1 week of paid vacation for their first and second year. For the third, fourth and fifth year the employee is entitled to 2 weeks of paid vacation. On the sixth year and beyond the employee is entitled to 3 weeks of paid vacation.

(C) Vacation is to be taken during the twelve months in which it is earned. Vacation time may not be accumulated from another year and must be taken to be paid.

(D) The specific dates of paid vacation time must be submitted to the Board for approval. At least 2 weeks advance notice is required for a week or more of time off and at least 1 week in advance notice is required for less than a week off. The Board reserves the right to limit vacation to periods considered to be in the best interest of the VDOE.

(E)Upon termination the final paycheck will include payment of all properly accruedunused vacation time.

## 10.03 Personal Leave.

The purpose of personal leave is to allow for days when an employee is sick or has personal business to attend to. As a general rule it is not to be used to extend paid vacations or to serve as additional vacation time.

(A)All requests for use of personal leave, except in case of use for bona fide illness of the employee (or an immediate family member) or in the case of an emergency, must be approved in advance by the Board or its authorized designee. The Board reserves the right to verify requests for leave and may deny requests that it determines violate the purpose of personal leave under this section.

(B) Personal leave shall be available to employees in the same manner as employees may qualify for vacation leave under Section 10.02, except that the rate at which a qualifying employee may accrue personal time is at the rate of one day per year for each year of service to a maximum of ten days

(C)In the event accumulated personal leave has been used, the employee may take accumulated vacation days for the purposes for which personal leave may be taken.

(D) Employees using personal leave for illness will be required to furnish to the Department Head a certificate from an attending physician for all consecutive days of sickness absence in excess of 3 working days. Employees may also be required to furnish a certificate from an attending physician certifying to the employee’s ability to return and perform the duties of their employment with or without reasonable accommodation.

(E) An employee who terminates employment with the VDOE immediately loses all accumulated personal leave and shall not collect any compensation for accumulated personal leave. An employee who transfers to another department with no break in service shall have accumulated personal leave transferred to his or her credit.

The Board may enact additional Policies regarding leave to address one or more of the laws listed in Appendix A. The number of employees that trigger compliance with some laws varies, but the VDOE wishes to acknowledge their existence. The Board periodically will indicate which of the laws in Appendix A actually apply and which do not.

10.04 Personal or Emergency Leave. Personal leave with pay, not to exceed five (5) days may be granted by the Board. Personal days cannot be accrued.

10.05 Maternity Leave.

(A) In accordance with federal law, employees who are unable to work due to pregnancy shall be considered disabled and shall be extended the same benefits and subject to the same policies as any disabled employee. The employee shall submit documentation from the physician stating the date she is no longer able to work and when she is able to resume her duties.

(B) In accordance with NHRSA 354-A, a female employee may take leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth or related medical conditions. When the employee is physically able to return to work, her original job or a comparable position shall be made available to her unless business necessity makes this impossible or unreasonable. For all other employment related purposes, including receipt of benefits under fringe benefit programs, pregnancy, childbirth, and related medical conditions shall be considered temporary disabilities, and a female employee affected by pregnancy, childbirth, or related medical conditions shall be treated in the same manner as any employee affected by any other temporary disability.

10.06 Jury Duty. Any employee called for jury duty shall be excused from work for the duration of the employee's service and shall receive the difference between regular pay and jury pay, provided the employee presents an official statement of pay received. All benefits shall continue to accrue during such absence. The Board reserves the right to review this policy in particular circumstances where the jury duty is for an extended period of time.

10.07 Armed Forces Service. In accordance with the Uniformed Services Employment and Reemployment Right Act (USERRA), any qualified employee who is called to active service in the armed forces of the United States receives the protections afforded by the Act that may include rights of reinstatement to employment on release from service. [See Appendix A and the USERRA poster for additional information.] In addition, the VDOE will pay the difference, if any, between the employee’s regular pay and service pay, upon submission of appropriate documentation of the employee’s service pay. The Board reserves the right to review this policy (except as required by USERRA) in particular circumstances where the armed forces service is for an extended period of time.

10.08 Bereavement Leave. Bereavement leave of not more than three days, without loss of pay, may be granted by the Board in the event of a death in employee’s immediate family. Immediate family includes spouse, parent, child, brother, sister, grandparent, in-laws, grandchild, significant other, or a relative living in the same house.

# 11. EMPLOYEE BENEFITS

11.01 Medical Insurance.The VDOE currently provides a group health insurance policy for qualifying employees whose regular, authorized work week consists of 40 hours. The Board shall determine the type of plan and the costs for participation for employees, subject to Annual Meeting appropriations. Employees must comply with eligibility requirements established by the insurance plan to participate.

11.02 Retirement Plan. Participation in the Retirement System is a condition of employment. All employees, upon hire, will be required to enroll in and contribute to the Retirement System.The VDOE contributes to the NH Retirement System at the state required contribution for all employees effective upon date of hire.

# 12. MEETINGS, TRAINING EDUCATION AND TRAVEL

12.01 Cost Reimbursements***.*** Employees who attend meetings, training, educational programs or similarly incur expenses that are directly related to the performance of their jobs may be entitled to reimbursement of all or a portion of such expenses in accordance with this Section.

12.02 Prior Approval; Verification.Except for specific types of expenses as outlined by the Board, employees must obtain written approval in advance in order to receive reimbursement. Only in exceptional circumstances, when prior approval is not feasible, will the Board entertain a request for approval that is not submitted in advance of incurring the expense. All requests for authorized reimbursements shall be made promptly (normally within 3 working days) after the expenses is incurred and shall be accompanied by receipts or other proper evidence of the expense. The Board may develop reporting forms to be used for requesting expense reimbursements.

12.03 Reimbursement.Unless otherwise determined by the Board, mileage that qualifies for reimbursement will be paid at the then-current rate allowed by the Internal Revenue Service for deduction from income taxes. Other travel expenses will be reimbursed at actual cost. Meal expenses may not include alcoholic beverages but may include taxes (if shown on the receipt) and a reasonable gratuity.

# 13. DISCIPLINE AND TERMINATION

13.01 General Guidance. The procedures and statements set forth in this Section are intended as guidance for the VDOE in administering and imposing discipline. The VDOE need not expressly follow the suggested steps or impose discipline in any particular manner, as the Board retains ultimate discretion to impose discipline. While this section lists exemplary reasons for imposition of discipline, the listing is for demonstration only and does not limit, in any way, the reasons for which the VDOE may impose discipline. Specifically, the listing of discipline in this Section does not impose a “for cause” standard for imposition of discipline and creates no property right or expectation of continued employment with the VDOE.

(1) Subject to the paragraph above, disciplinary action may be initiated for reasons which include, but are not limited to, the following:

 (*a*) Improper absenteeism or tardiness

(*b*) Insubordination.

 (*c*) Unacceptable performance.

(*d*) Use of alcohol and drugs during the workday or in a manner that affects job performance.

(*e)* Falsification of documents concerning payroll or other departmental operations.

 (*f*) Willful destruction of public and/or private property.

 (*g*) Obscene language directed at other employees, officials, or the public.

 (*h*) Theft of public and/or private property.

 (*i*) Failure to comply with safety requirements.

(j) Negligent or intentional conduct resulting in a failure to perform the employee’s duties.

(*k*) Violation of any policy, rule or practice in the workplace or disobeying an order from a Supervisor/Foreman, department head, the VDOE Administrator, or the Board; or

 (l) Any other reason as determined by the Board.

13.02 Procedure.The procedure outlined in this section is advisory only as the manner in which discipline is imposed by the VDOE is determined by the Board. The VDOE may take such action as it deems appropriate at any step in the disciplinary process. At each step in the process employees should understand that repeated conduct, similar conduct, or conduct otherwise demonstrating issues or problems will result in imposition of additional discipline.

(1) The disciplinary process normally shall include the following steps. However, this sequence need not be followed if an infraction is sufficiently severe to merit immediate suspension, probation or discharge, or other action as determined by the Board. Additionally, the VDOE reserves the right to take disciplinary action in a manner consistent with the efficiency of operations and appropriate to the infraction involved.

(a) Verbal warning. The immediate Supervisor/Foreman verbally warns the employee of conduct which needs improvement, along with remedial suggestions, if any. The date, time and nature of warning and remedial suggestions are to be placed in the employee’s personnel file.

(b) Written warning. The Supervisor/Foreman or Board issues a written warning to the employee for conduct which was the source of or is related to conduct for which the employee received a verbal warning, or for conduct, the seriousness of which dictates more than a verbal warning. The date, time, nature of warning and remedial suggestions is to be placed in the employee’s personnel file.

(c) Suspension. The Supervisor/Foreman may recommend that the Board suspend an employee without pay for recurring offense conduct, which in the determination of the Supervisor/Foreman warrants such suspension, or which otherwise warrants suspension. The Board may take such action upon becoming aware of the conduct even without the Supervisor/Foreman’s request. The length of suspension (between 1 to 30 workdays) shall be based upon the seriousness of the conduct as determined by the Board. The employee will receive confirmation of such action including the date, time, nature of suspension and remedial suggestions to be included as part of the employee’s personnel file, as well as the employee’s ability to appeal such action in accordance with Section 13. Salaried employees may be suspended in accordance with RSA 275:43-b.

(d) Discharge. The Supervisor/Foreman may recommend that Board terminate the employee. The Supervisor/Foreman shall compile and submit to the Board after investigation all pertinent facts and circumstances in support of such action. The Board shall notify the employee of any proposed termination, when practicable as it determines, and may hold a hearing as appropriate. The Board shall hold a pre-termination hearing when required by law. Except in cases when immediate action is appropriate, the Board normally will provide an opportunity for the employee to communicate with the Board prior to a decision to terminate taking effect. If the Board terminates the employee, it shall notify the employee and place a copy of the notice of its action in the employee’s personnel file. An employee terminated under this section may appeal the decision as described in the Grievance Procedure.

13.03 Resignation of Employment.Employees are expected to give written notice of their intent to resign from VDOE employment at least two weeks prior to the planned date of separation. Once management has accepted, acknowledged or acted upon a resignation, it cannot be withdrawn.

13.04 Exit Interviews**.** All employees separating from VDOE must complete an Exit Interview. An exit interview gives the VDOE the ability to obtain feedback from the employees as they transition out of their positions.

13.05 Return of VDOE Property.Employees who separate from VDOE service must return all issued VDOE property such as cell phones, keys, computers, files, uniforms, identification badges, etc.

# 14. GRIEVANCE PROCEDURE

14.01 Availability of Grievance Procedure***.*** A full-time employee of the VDOE who has completed any probationary period, and who is otherwise in good standing, may use the procedures established in this Section to seek review of any disciplinary proceeding that involves suspension without pay or termination. The Board may permit an employee to seek review of other disciplinary action, but such review is discretionary.

14.02 Requests for Review.An employee eligible to use the process provided by this Section may request the Board to review the disciplinary action by filing a written request therefore with the VDOE Administrator not later than 48 hours after being notified of the action. The request shall clearly state the disciplinary action involved and fully and completely state all grounds, including a review of relevant statements and claims, which the employee asserts in support of the request. Any ground or fact not included in the request will not be considered or reviewed in the proceedings. The request shall indicate if the employee requests a hearing and, if so, whether the employee wishes the hearing to be open to the public or closed. The employee also shall indicate if the employee will be represented by an attorney or other person and identify any individuals the employee may wish to have appeared to provide testimony. The request for appeal shall be forwarded to the Board, with a copy sent to the VDOE Administrator. Employees who do not meet the requirements of this Section are not entitled to review unless granted by the Board.

14.03 Review and Hearing.The Board promptly shall review any request properly filed under the Request for Review Section. Unless the Board determines there is no basis to proceed with a review, it shall notify the employee as to whether it will grant any requested hearing or will hold a hearing based on its own determination.

14.04 Decision Final.After such proceedings as the Board allows, it will issue its decision which shall be final and binding.

# 15. MISCELLANEOUS MATTERS

 15.01 Employee Expectations.

(1) General Policy*.* Individual privacy is a matter of concern to many individuals today, and public employees are no exception. The VDOE acknowledges and shares in the concern for individual privacy. At the same time, the VDOE has a vital interest in the security and protection of its premises, property, and processes, and a responsibility to further a safe, productive and personally secure work environment for employees, visitors, and the public. In addition, as a public governmental entity, the VDOE is carrying out public functions, operating in a public environment, and subject to public access and disclosure requirements established by the State constitution and applicable law, including (NHRSA 91-A, the right-to-know law), and court rules and rulings. Therefore, the VDOE must balance these interests, and seeks to protect against the unauthorized use and removal of property, to provide a safe environment in the workplace, and to avoid improper expectations of privacy in general and with specific application to inspections, searches and monitoring within the workplace, on the premises, and while performing service for the VDOE, and the use of computers, software and other communications. This Section is to be applied and administered in conjunction with other policies such as those in Section 6.

(2) Workplace Privacy Expectations*.* Employees must understand and accept that compensated time is to be spent performing services for the VDOE. As part of its management responsibility and authority, and accountability to taxpayers and citizens, the VDOE must reserve the right to oversee activities within and about the workplace and to oversee performance of employee service, no matter where it is physically performed. Therefore, to the extent practicable and appropriate to the circumstances, the VDOE will seek to respect individual concerns with private matters; however, employees are not entitled to expect that any activity, property, or conduct will be private and not subject to oversight when conducted on or about VDOE premises, while on compensated time, or in conjunction with the employee’s position, whether formally or informally, or directly or indirectly.

(3) Inspections, Searches. To provide a safe environment and to protect important interests, the VDOE reserves the right to conduct announced or unannounced inspections or searches upon suspicion, at random, or periodically. Searches or inspections may include an employee’s office, desk, file cabinet, closet, locker, computer files, voice mail, electronic mail or similar places regardless of whether the places are locked or protected by access codes or passwords. Because even a routine search or inspection may result in the discovery of an employee’s personal possessions, all employees are encouraged to refrain from bringing into the workplace any item of personal property that they do not wish to reveal to the VDOE. Employees who refuse to cooperate during an inspection or search will not be forcefully detained or searched. However, the VDOE will base any disciplinary decisions on the information that is available, including the employee’s refusal to consent to a search. In addition, the VDOE reserves the right to take appropriate action to prevent (a) the unauthorized removal of VDOE property from its premises and (b) the disclosure of confidential information.

15.02 Personal Property.The VDOE does not assume responsibility for any personal property located on its premises. Employees are to use their own discretion when choosing to bring personal property into the workplace and do so at their own risk.

15.03 Driver’s License Record. The VDOE has adopted the requirements imposed by federal law and regulations regarding commercial vehicle operations and to protect the best interests of the District, any employee, who is required to possess a commercial driver’s license (CDL) or who is otherwise required or authorized to operate a motor vehicle as part of the employee’s job, shall: (a) notify the District immediately of any violation of a federal, state or local law, regulation or ordinance regarding the operation of motor vehicles, and (b) are required provide copies of, or formal permission to obtain copies of, the employee’s motor vehicle records on file with the state government or any other relevant governmental entity.

# 16. EMPLOYEE ACKNOWLEDGEMENT

The VDOE requires that the employee acknowledge receiving this Handbook. This Handbook does not create an employment contract or alter at-will status, and the employee has an obligation to read, understand, and comply with this Handbook.

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hereby acknowledge receipt of the VDOE employee Handbook.

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPENDIX A

VDOE COMPLIANCE WITH STATE AND FEDERAL LAWS

The VDOE is committed to abiding by all federal and state laws prohibiting discrimination on the basis of a prohibited criterion or otherwise addressing employment with VDOE including those listed in this Appendix A. The list may change as state or federal laws or regulations are amended or as the result of court rulings or as the result of a change in the number of employees that changes the applicability of that any law to the VDOE. In such a case, the VDOE will seek to amend this Appendix as appropriate.

Employees also may obtain information by viewing posters placed by the VDOE in the workplace and by contacting the VDOE Administrator. In addition, this Handbook may contain additional information regarding some of these laws. The following are at least some of the laws that may apply to the VDOE in some manner, though in several cases the law does not expressly apply because the VDOE does not employ sufficient numbers of employees to require compliance. In such cases, the VDOE may, if the Board of Commissioners decide, utilize the law as guidance for non-binding actions.

* The Americans with Disabilities Act
* The Federal Civil Rights Act
* The Family Medical Leave Act
* The Fair Labor Standards Act
* The Uniformed Services Employment and Reemployment Act
* Workers and Unemployment Compensation Laws
* The N.H. Law Against Discrimination
* The N.H. Whistleblowers Protection Act
* The Family Medical Leave Act-currently the VDOE does not have sufficient number of employees in any workplace to make the employees eligible for FMLA leave under the Act.