



TOWN OF BRISTOL, VERMONT

1 South Street, P.O. Box 249, Bristol, VT 05443

MEMORANDUM

TO: Bristol Selectboard; Kevin Brown, Municipal Attorney
FROM: Gregory W. Faust, Town Administrator
DATE: July 2026
RE: **Draft Consolidated Personnel Policy Revision, Summary of Changes**

1. Overview

Attached is a full consolidated revision of the Town of Bristol Personnel Policy. It replaces the 2017 policy (adopted April 3, 2017; amended June 26, 2017) in a single governing document. The revision preserves the structure and substance of the 2017 policy, updates sections where Vermont or federal law or Town operations have changed, and adds eight new sections (40 through 47) for areas that previously had no written coverage, including dedicated sections on interns and on temporary and seasonal employees.

This memo summarizes what changed and identifies the decisions that still require Selectboard direction or confirmation from municipal counsel before adoption. The draft is based on the Town's April 2026 HR Policy Audit, updated to reflect verified current law.

2. Two Corrections to the April 2026 Audit

In preparing this draft, two of the three items the April 2026 audit labeled "urgent" were checked against current Vermont law and found to be overstated. Both are corrected in the draft. Flagging them here so the record is accurate:

Vermont Paid Family and Medical Leave (PFML).

The audit described PFML as a new mandatory entitlement requiring employer notice. That is not accurate. Vermont's Family and Medical Leave Insurance (FMLI) program is a voluntary, optional insurance program administered by a private carrier, not a mandatory payroll-tax entitlement. Employers are not required to participate or to provide notice. The draft therefore treats FMLI as an optional benefit decision for the Selectboard (Section 26) rather than a compliance obligation. The Town's actual leave obligations continue to come from the Vermont Parental and Family Leave Act (VPFLA) and the Earned Sick Time Act.

Off-duty cannabis.

The audit stated that Vermont law bans disciplining employees for lawful off-duty cannabis use. That is overstated. Vermont law does not require the Town to accommodate cannabis use on or off duty, and the Town may maintain a drug-free workplace and prohibit use, possession, and impairment on the job. The narrower, accurate rule, reflected in Section 13, is that the Town will not discipline solely for lawful off-duty use unless it impairs job performance or poses a safety risk, or unless testing is required for a safety-sensitive or federally regulated position. Testing is governed by 21 V.S.A. sections 511 through 520, which the updated Section 13 now tracks.

The one audit item that was confirmed as a genuine compliance gap is the 1995 Bloodborne Pathogen Exposure Plan, which is an operational document to replace, not policy text in this document (see Section 6 of this memo).

3. Updated Sections (Changes From the 2017 Policy)

Section	What Changed	Basis
2	Added temporary/seasonal and intern classifications; clarified that benefit-eligibility hour thresholds (health at 30 hrs, VMERS at 24 hrs) can differ from the full-time definition.	Resolves the Sec 2 vs Sec 20 inconsistency without changing the full-time definition.
4	Added hair type, hair texture, and protective hairstyles to protected characteristics; added gender identity or expression.	Vermont CROWN Act (Act 105 of 2024, eff. 7/1/2024).
5	Delegated recruitment, screening, interviewing, and non-department-head hiring to the Town Administrator; Selectboard retains final appointment for Department Heads. Added FMCSA Clearinghouse pre-hire and annual query duty.	Reflects TA role; FMCSA 49 CFR Part 382 (mandatory since 2020).
13	Rewrote around impairment and a drug-free workplace; added cannabis paragraph; aligned testing with 21 V.S.A. 511-520; added rehabilitation-before-termination for non-safety-sensitive first positives; cross-referenced CDL/Clearinghouse.	Vermont drug-testing law; cannabis legalization (Act 86); FMCSA.
14	Added electronic cigarettes and vaping devices explicitly.	Consistency with current practice.
15	Established a required annual evaluation, normally by June 30, using the Town's supervision templates.	Operationalizes the new supervision system.
19	Cross-referenced the new Social Media section (44).	New Section 44.
20	Removed the gym-membership/wellness reimbursement provision (Town does not offer it). Added a lactation cross-reference; retained health at 30 hrs and VMERS at 24 hrs.	TA direction 7/2026; PUMP Act.
24	Deleted the stale 2017-2018 sick-leave transition bullets; stated the current 40-hour annual cap cleanly.	Vermont Earned Sick Time Act, 21 V.S.A. 481 et seq.
26	Reframed to lead with VPFLA (Town is covered); clarified FMLA applies only at 50+ employees; added the optional FMLI paragraph.	VPFLA 21 V.S.A. 471-474; FMLA 50-employee threshold.
22	Added a day-in-lieu (Option B): an employee required to work a Town holiday earns an equivalent day off, in addition to holiday premium pay, used within 90 days or paid out. Removed the flat no-banking rule for holidays worked.	TA direction, July 2026.
23	Vacation buy-back for Department Heads and the Town Administrator (Director level and above) is now paid at 100 percent of pay, not 80 percent. Staff below Director keep the 80 percent rate.	TA direction, July 2026.
32	Comp time available only to nonexempt Public Works and Police employees; all other nonexempt staff paid cash overtime; exempt salaried staff earn neither overtime nor comp time. Embedded the current FLSA exempt threshold (\$684/wk, \$35,568/yr).	TA direction; 29 U.S.C. 207(o); DOL threshold restored 5/14/2026.

Section	What Changed	Basis
34	Expanded: light-duty definitions, work-related vs non-work-related, medical documentation, six-month cap, return-to-full-duty clearance, and the workers-comp vs ADA (Sec 40) split.	Depth requested by TA.
35	Expanded: reporting channels (with alternate if the TA is involved), supervisor duty to report, investigation steps, interim measures, and no-retaliation.	Depth requested by TA.
36	Expanded: reporting/investigation, interim protective measures, third-party harassment, retaliation, and annual training plus info sheet at hire. Added Act 183 (2018) obligation.	Depth requested by TA; Vermont Act 183.
45	Expanded: eligibility, written approval process, availability, nonexempt timekeeping/overtime, equipment and data security, records, and workers-comp for a designated home work area.	Depth requested by TA.
47	Added mandatory final TA approval for every temporary/seasonal hire (incl. returning Rec staff), and a hard pre-employment background-check gate for anyone working with children.	TA direction, July 2026.
35	Added CROWN Act hair characteristics; modernized protected-class list.	Vermont CROWN Act.
36	Added the Act 183 (2018) training and information-sheet obligation.	Vermont Act 183 of 2018.
Various	Cleaned scanning and typographical errors throughout and standardized 'Public Works' and defined-term usage.	Readability; the 2017 file was a degraded scan.

4. New Sections Added (40 through 47)

- Section 40, Reasonable Accommodation (ADA and Pregnancy): request process and interactive-process procedure (ADA; 21 V.S.A. 495k).
- Section 41, Lactation Accommodation: reasonable break time and a private non-bathroom space (federal PUMP Act; 21 V.S.A. 305).
- Section 42, Whistleblower and Anti-Retaliation: good-faith reporting channels and a no-retaliation rule.
- Section 43, Workplace Violence Prevention: zero-tolerance standard, reporting, and response (OSHA/VOSHA general duty).
- Section 44, Social Media: authorized posting, confidentiality, and conduct rules, with explicit First Amendment and NLRA protections for public employees.
- Section 45, Remote and Telework: approval framework; not an entitlement; timekeeping, equipment, and public-records rules.
- Section 46, Interns: paid vs. unpaid (FLSA seven-factor test), approval, agreement, supervision, and conduct. Condensed from your June 2026 intern-program draft.
- Section 47, Temporary and Seasonal Employees: covers Recreation seasonal staff; wage and overtime rules, earned sick time eligibility, workers' comp, background checks for staff working with children, and contractor classification.

5. Open Decisions for Selectboard or Counsel

The draft marks these with [brackets]. None block adoption of the rest of the policy, but each should be resolved before final adoption:

- Section 15: confirm the annual evaluation deadline (draft uses June 30).
- Section 22 (Holiday Leave): resolved to a day-in-lieu (Option B). Confirm the 90-day use window and the pay-out-if-unused rule (vs. forfeit or a fiscal-year window).
- Section 23 (Vacation buy-back): confirm which positions count as 'Director level and above' (draft uses Department Heads plus the Town Administrator), and whether the 40-hour annual buy-back limit still applies to them or is lifted. This is a compensation change the Selectboard should formally approve.
- Section 32 (Comp time): draft provides comp time to nonexempt Public Works and Police employees. Verify no Police collective bargaining agreement or established past practice conflicts before finalizing.
- Section 32 (FLSA review): to complete the misclassification check, provide the list of salaried positions with weekly salary so each can be tested against the \$684/week threshold and the duties test.
- Section 26: municipal counsel to confirm current FMLA applicability (employee count vs. the 50-employee threshold).
- Section 26: Selectboard to decide whether to offer the optional FMLI insurance benefit.
- Section 2 / 20: confirm whether to keep the full-time definition at 32 hours (draft keeps 32 and clarifies benefit thresholds separately, avoiding a cost change) or move it to 30 hours to match health-insurance eligibility. This is a budget decision, so it is left to the Selectboard.

- Section 46 (Interns): four open questions carried from your draft, the Selectboard approval threshold for paid interns, whether to limit unpaid placements to academic-credit programs, workers' comp confirmation with VLCT PACIF, and a weekly-hours cap for unpaid interns.

6. Operational Items (Not Policy Text)

These audit items are actions to take alongside adoption; they are not part of the policy document:

- Replace the 1995 Bloodborne Pathogen Exposure Plan (the one confirmed urgent item). Use a current VLCT PACIF or VOSHA template. OSHA requires annual review.
- Confirm the Town's FMCSA Drug and Alcohol Clearinghouse registration and complete annual queries for all CDL drivers.
- Collect signed Addendum A acknowledgements from all current employees, and Addendum B from elected officers, after adoption.
- Schedule sexual-harassment prevention training (free materials from the Vermont Attorney General's Office) and document completion.
- Post the adopted policy in a shared location accessible to all staff and add policy receipt to the onboarding checklist.

7. Recommended Adoption Path

(1) Selectboard and Town Administrator review this draft and resolve the bracketed decisions in Section 5. (2) Municipal counsel (Kevin Brown) reviews for legal compliance, with particular attention to Sections 13, 26, 40, 42, and 44. (3) Selectboard warns and adopts the revised policy at a public meeting under 24 V.S.A. 1122. (4) The Town distributes the adopted policy to all staff and collects Addendum A signatures. VLCT model policies and the VLCT field representative are the recommended reference for any further refinement.

The attached draft is complete and internally consistent and is ready for your review and for counsel.