



State of Vermont
Agency of Administration
Office of the Secretary
Pavilion Office Building
109 State Street
Montpelier, VT 05609-0201
www.aoa.vermont.gov

[phone] 802-828-3322
[fax] 802-828-3320

Trey Martin, Secretary

MEMORANDUM

TO: Appointing Authorities and Department Heads
FROM: Trey Martin, Secretary of Administration *WJM*
DATE: December 30, 2016
RE: Implementation of Sick Leave Requirements

In order to comply with the requirements of 21 V.S.A §§ 481-486, "Earned Sick Time," State Personnel Policies 5.1- *Employment Categories*, 12.7- *Compensation for Temporary Employees*, and 14.1- *Sick Leave*, have been amended to provide sick leave benefits to temporary State employees.

Summary of Entitlement:

- Temporary employees will accrue sick leave for every hour worked, up to a cap of twenty-four (24) hours in a 12 month period until December 31, 2018, when the cap will increase to forty (40) hours per year.
- Current temporary employees will begin earning sick leave on 1/8/2017, and employees hired after that date will begin earning sick leave on the first day worked.
- Employees may use sick leave the pay period after it has accrued.
- The rate of sick leave accrual is .02 hours of sick leave for every hour worked. Sick leave, and the sick leave cap, will transfer with employees who go from one temporary position to another, but must be used during continuous employment as a temporary employee.
- Sick leave will not be maintained or paid out after termination, or transferred to a permanent position.

Please direct any questions to your DHR Manager or to DHR Labor Relations.

COMPENSATION FOR TEMPORARY EMPLOYEES

Number 12.7

Effective Date: December 31, 2016

Supersedes: Policy 12.7, dated January 27, 2011
Policy 12.7, dated March 1, 1996

Applicable To: All temporary employees within the Executive Branch of the State of Vermont.

Issued By: Department of Human Resources

Approved By: Trey Martin, Secretary of Administration

PURPOSE AND POLICY STATEMENT

The purpose of this policy is to establish the basic principles regarding the compensation for temporary employees. Temporary employees are employed for short periods of time in accordance with 3 V.S.A. § 331. They provide departments with sufficient staffing resources for seasonal or part-time work, emergencies, short-term special projects, work load fluctuations, and short-term absences of regular employees (See Number 5.1, Employment Categories).

HIRING RATE

The hiring rate for a temporary employee, except for an intern, is the minimum rate of pay that would apply to the position if it were a permanent position. There may be occasional exceptions to this minimum rate for temporary employees who are returning to State service. Before an offer of employment is made at a hiring rate above the pay grade minimum, the rate must be approved by the Commissioner of Department of Human Resources. Any unauthorized salary offer is not binding on the State and may not be approved. If the temporary employee is an intern, refer to Personnel Policy 6.7, Internships, to determine the starting rate of pay.

If a temporary employee changes duty assignments during the course of employment, the hiring rate may be adjusted. Such salary adjustments must be approved in advance by the Commissioner of the Department of Human Resources. Salary adjustments are made effective with the first day of the pay period following approval by the Department of Human Resources. Retroactive adjustments will not be approved.

Retired State employees hired into temporary positions may be offered a hiring rate at the end-of-probation step applicable to the comparable classified position. Such offers may be made without prior approval from the Department of Human Resources.

OVERTIME

It is the general policy of the State to compensate temporary employees for overtime work by the same method that applies to classified employees performing similar work in the same work unit, unless otherwise required by State or federal laws. Temporary employees are also eligible to receive shift differential if qualified. However, temporary employees shall not receive compensatory time off.

On request by an appointing authority, the Commissioner of the Department of Human Resources may approve an alternative overtime provision for a temporary employee, provided it complies with the provisions under the Federal Fair Labor Standards Act (FLSA).

OTHER BENEFITS

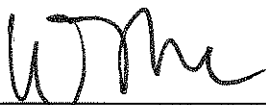
Temporary employees are not eligible for any other forms of compensation or benefits including, but not limited to the following:

- compensatory time off
- merit bonuses
- retirement contributions or service credit
- office allowance
- stand-by pay
- higher assignment pay
- weekend differential
- health, life, or dental insurance
- holiday pay
- paid leave, other than sick leave provided in accordance with Policy 14.1

Expenses for miles traveled and meals incurred as a result of working for the State may be reimbursed in accordance with existing expense reimbursement policies, however, in-state, mid-tour meals are not reimbursable.

The Commissioner of Human Resources may, with evidence of a bona fide business need, waive the limitation(s) of this Policy.

Approved:



Trey Martin
Secretary of Administration

12-28-16

Date

EMPLOYMENT CATEGORIES

Number 5.1

Effective Date: December 31, 2016

Supersedes: Personnel Policy 5.1, dated March 1, 1996

Applicable To: All classified, exempt, appointed, and temporary employees of the Executive Branch of the State of Vermont

Issued By: Department of Human Resources

Approved By: Trey Martin, Secretary of Administration

PURPOSE AND POLICY STATEMENT

The purpose of this document is to define the various categories of employment in the Executive Branch of Vermont State Government, and to establish the employment policies and procedures applicable to each.

It is the policy of the State that each person hired by the State of Vermont shall be engaged in the appropriate category as defined herein, and his or her employment shall be in accordance with the policies relating to that particular category.

All employment with the Executive Branch of State government is either classified or exempt, and is enumerated by statute or regulation into specific categories of employment. The classified category includes permanent and limited service positions. The exempt category includes State Police, temporary, elected, and appointed.

GENERAL INFORMATION

Separation of Powers: No agency, department, or other unit within the Executive Branch of State government shall employ any member of the Vermont Legislature during his/her term of office, except as authorized under the provisions of 21 V.S.A. § 496 and the current collective bargaining agreements, if applicable.

Simultaneous Employment: No full-time or part-time employee shall enter into an employment arrangement or a contract agreement which will result in concurrent payments from the State of Vermont under more than one employment category without prior review and approval from the Department of Human Resources. For example, a full-time employee shall not be concurrently engaged under contract or as a temporary employee with the same or another department without prior approval. Exceptions may be made by the Commissioner of the Department of Human Resources in special circumstances when there is documented evidence of necessity based upon lack of available qualified personnel in the open market, and when the work involved will in no way conflict with an employee's regular working hours or performance of his/her regular

duties. A classified employee shall not be granted a leave of absence from his/her regular position to accept other employment with the State, including temporary, contract, or other arrangement with the State except in accordance with the applicable provisions of the appropriate collective bargaining agreement and/or Agency of Administration Bulletin No. 4.5 as applicable.

EXEMPT EMPLOYEES

Exempt service positions are excluded from the classified service by State statute. These positions include State Police, temporary positions, elected and appointed positions.

State Police Positions: Permanent positions within the Department of Public Safety for uniformed personnel, plainclothes members of the department with powers of arrest, and certain positions in the communications, records, and fire prevention units of the department, as determined by the Commissioner of Public Safety, and to be filled in accordance with its rules and regulations applicable to the State Police.

Temporary Positions: Positions of persons employed in a temporary capacity pursuant to 3 V.S.A. §§ 311 and 331, and as defined therein. There are six (6) categories of temporary employees: seasonal; fill-in; bona-fide emergency hires; intermittent; sporadic; or ongoing part-time (that averages less than twenty (20) hours per week during any one calendar year, not to exceed 1280 hours in any one calendar year).

Employment in a Temporary Position:

- Is limited to 1,280 hours of work per calendar year, except as authorized by the Commissioner of Human Resources; and
- Does not confer access to permanent employment in state government. Temporary employees must compete on an equal footing (or "open competitive basis") with other non-state employee applicants for permanent employment. If hired on a permanent basis, a former temporary employee must satisfactorily complete an original probationary period, as would any newly hired employee

Elected and Appointed Positions: Permanent positions that are excluded from the classified service by statute, and are generally filled through the elective or appointive process. Such positions include, but are not limited to:

- Agency secretaries, commissioners, deputy commissioners, private secretaries, principal assistants, executive directors, and assistant attorneys general.
- Positions in the office of the Governor.
- Positions filled by popular vote or by the legislature.
- Members of boards, commissions, councils, or similar bodies.
- Attorneys employed as legal advisors or special counsel outside the office of the Attorney General.

CLASSIFIED EMPLOYEES

A classified employee is an employee of the State of Vermont who is hired to fill a position in the classified service in accordance with merit principles as administered by the Department of Human Resources, and who is paid a salary for work performed in a

position in the State classification plan.

The classified service includes all positions and categories of employment except as otherwise provided by law.

Permanent Full-Time Positions: Positions in the classified service with duties and responsibilities of a continuing nature which require an employee to work a full-time, year-round work schedule.

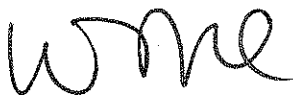
Permanent Part-Time Positions: Positions in the classified service with duties and responsibilities which are of a predictable, continuing nature, but which require an employee to work for less than forty (40) hours per week, and/or less than five (5) workdays per week; or, if of a seasonal nature, to work for less than fifty-two (52) weeks per year.

Limited Service Positions: Non-tenured positions in the classified service which, when initially established, are reasonably expected to exist for a limited duration of less than three (3) years but more than one (1) year. Such positions have a definite termination date and are usually associated with a specially funded project or program.

Provisional Positions: In the absence of three (3) available names on an appropriate hiring certificate, the appointing authority may request the Commissioner of Human Resources to approve the provisional appointment of a person meeting the minimum qualifications of the class, pending examination and/or certification requirements and establishment of a register.

1. No provisional appointment shall be made until the position has been classified and minimum qualifications established.
2. No provisional appointment shall continue for more than thirty (30) days after an appropriate certificate of eligible applicants is submitted to the appointing authority.
3. The acceptance of a provisional appointment shall not confer upon the appointee any rights of permanent status, transfer, reassignment, promotion or reinstatement. A provisional employee who has been tested may compete for the position but may be appointed only if his or her name appears on the certified list.
4. Time spent on provisional appointment shall count towards completion of probationary period.

Approved:



Trey Martin
Secretary of Administration



Date

SICK LEAVE

Number 14.1

Effective Date: December 31, 2016

Supersedes: Personnel Policy 14.1, dated March 1, 1996

Applicable To: All classified and temporary employees within the Executive Branch of the State of Vermont.

Issued By: Department of Human Resources

Approved By: Trey Martin, Secretary of Administration

PURPOSE AND POLICY STATEMENT

It is the policy of the State to help protect the income of classified and temporary employees who cannot work due to illness or injury or other reason as described below.

The purpose of this policy is to establish the State's policies and practices for when certain employees need to be absent from duty in the event of illness or injury.

DEFINITIONS

Accrual Rate - the number of hours the employee shall accrue per complete payroll period of service.

Sick Leave - paid authorized absence from duty due to employee's illness, injury or quarantine; for his or her medical or dental appointments which cannot reasonably be made outside of working hours; or for death or illness in the employee's immediate family.

Immediate Family - parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, foster child, stepchild or ward who lives with the employee, and any other family member for whom an employee is primarily responsible either to arrange for health care or to provide care.

Workday - a regularly scheduled day of work which begins at the time the employee's regular and normal work schedule begins and continues for twenty-four (24) consecutive hours.

GENERAL GUIDELINES

The Sick Leave Article of the current Collective Bargaining Agreements between the

State of Vermont and the Vermont State Employees' Association, Inc. (VSEA); and the Vermont Trooper's Association (VTA), respectively, must be adhered to when administering sick leave for employees in these respective bargaining units. The collective bargaining agreements supersede portions of this policy, and may impose additional requirements and/or provide additional benefits.

Sick leave benefits may not be used by employees prior to being credited to their accounts.

Time spent on a leave of absence without pay shall not be counted in determining the rates of sick leave accrual.

CLASSIFIED EMPLOYEES

Accrual of Sick Leave

Upon appointment to the classified service, employees are credited with a bank of forty-eight (48) hours of sick leave that employees may use during the first six (6) months of service, prorated accordingly for part-time employees.

At the end of the first full payroll period following completion of their first six (6) months of service, and at the end of every pay period thereafter, employees shall be credited with sick leave for that payroll period as follows:

YEARS	OF	ACCRUAL	PER	PAY
0-5 years		3.69 hours		
5-10		4.62		
10-20		5.54		
>20		6.46		

Permanent part-time classified employees earn sick leave on a pro-rated basis based on their assigned number of regularly scheduled work hours.

There is no limit on the total amount of sick leave that employees may accumulate.

When classified employees separate from State service, the entire amount of unused sick leave shall lapse.

Use of Sick Leave

The use of earned sick leave shall be authorized by an appointing authority (or designee) for employees who are absent from work and unable to perform their duties because of illness, injury, or quarantine for contagious disease. The use of such leave shall also be authorized for employee medical and dental appointments that cannot reasonably be made outside employees' normal work hours.

Sick leave may also be authorized by an appointing authority to permit employees to be absent from duty due to death or illness in their immediate family. Such absences shall be authorized for a specified period of time that should be sufficient to make funeral arrangements and to attend to family matters, or in instance of family illness, to arrange for continued care of the ill family member. In extremely unusual circumstances, the appointing authority may authorize use of additional sick leave.

Employees who have an accumulated sick leave balance shall be authorized its use although recovery and return to duty is impossible. At the request of the appointing authority, the disability or illness and inability to perform position requirements must be periodically certified to by a licensed physician or osteopath ("physician's certificate").

If a female employee is unable to work because of pregnancy or any medical condition related to pregnancy, she may use accumulated sick leave under the same conditions which apply to other illnesses and disabilities.

If an employee becomes ill during a scheduled vacation, to the extent that hospitalization is required, the employee's absence from the date of hospitalization may be charged to sick leave rather than annual leave. Employees who are on vacation and become ill and are confined to their home for three (3) or more days pursuant to a physician's or osteopath's order (as evidenced by a physician's certificate), may have that time charged to sick leave.

The Federal Family Medical Leave Act, 29 U.S.C. §2601 *et. seq.* and/or Vermont's Parental and Family Leave Act, 21 V.S.A. §470 *et. seq.* may provide additional usage options, if applicable.

Medical Documentation

An appointing authority may require an employee to: submit a physician's certificate or other evidence to justify the approval of sick leave; or to furnish evidence of good health and ability to perform work without risk to self, co-workers, or the public as a condition of returning to work. Whenever a physician's certificate is required as a condition of sick leave approval, the time period for such requirement shall not normally exceed six (6) months and may be extended for up to an additional six (6) months.

The State may require an employee to be examined by a physician designated by the employer, at State expense, for the purpose of determining the employee's fitness for duty.

Notification

Unless physically unable to do so, employees shall notify their supervisor (or other person designated by the appointing authority) of their inability to report to work and the nature of the illness, no later than one (1) hour prior to the beginning of the scheduled

workday.

Employees who misrepresent their claims for sick leave may be subject to disciplinary action up to and including dismissal.

TEMPORARY EMPLOYEES

Accrual of Sick Leave

Effective with the Payroll Period beginning January 8, 2017, temporary employees will accrue sick leave at the rate of .02 hours of sick leave per hour worked, up to a maximum of twenty-four (24) hours in a twelve (12)-month period beginning the first day worked (or 1/8/17 for those employed before that date.) After December 31, 2018, the accrual cap will increase to forty (40) hours in a 12-month period. Accrued, unused sick leave will be available for use if the employee transfers to a different temporary position within the twelve (12)-month period if there is no break in service, but will not be paid out upon termination, or transferred if the employee is hired into a classified or exempt position.

Use of Sick Leave

A temporary employee may use accrued sick leave when:

1. The employee is ill or injured.
2. The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.
3. The employee cares for a sick or injured parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment, or accompanying the employee's parent, grandparent, spouse, or parent-in-law to an appointment related to his or her long-term care.
4. The employee is arranging for social or legal services or obtaining medical care or counseling for the employee or for the employee's parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, who is a victim of domestic violence, sexual assault, or stalking or who is relocating as the result of domestic violence, sexual assault, or stalking. As used in this section, "domestic violence," "sexual assault," and "stalking" shall have the same meanings as in 15 V.S.A. § 1151.
5. The employee cares for a parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, because the school or business where that individual is normally located during the employee's workday is closed for public health or safety reasons.

EXEMPT EMPLOYEES: Exempt Employees employed in classifications with leave plans should refer to the applicable plans.

RESPONSIBILITIES

All employees shall:

1. Give their supervisors advance notice of absence if employees have advance knowledge of required treatment.
2. Notify their supervisors no later than the first hour of the beginning of the scheduled workday, if possible, of their inability to report to work, and the reason for the absence
3. Obtain a physician's certificate if requested by supervisors.

The appointing authority (or designee) shall:

1. Advise new employees of the sick leave provisions of this policy and the collective bargaining agreements, if applicable.
2. In the instance of extended illness, keep informed as to employees' physical condition and anticipated date of return to work.
3. Ensure that sick leave is not misused, and if necessary, require submission of evidence as to the necessity for the leave.
4. Ensure that the provisions of the sick leave article of the collective bargaining agreements, if applicable, are observed in their agency or department.
5. Report the use of sick leave on payroll time reports.

MISCELLANEOUS

Classified employees and Exempt employees whose positions are covered by a leave plan on authorized sick leave before and/or after a legal or administrative holiday shall not be charged sick leave for absence on a day observed as a legal or administrative holiday.

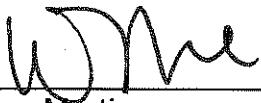
A classified employee awarded weekly compensation under the provisions of the Workers' Compensation Act may be granted the use of sick leave (or annual leave when sick leave is exhausted) for the difference between such compensation and the employee's regular rate of pay.

Classified employees and Exempt employees whose positions are covered by a leave plan who take a leave of absence to serve in the armed forces of the United States shall receive credit for time served for the purposes of determining the rate of sick leave accrual, but shall not accrue sick leave while on such leave. Employees must have been honorably discharged and apply for return to their position with the State within ninety (90) days before or after termination from active duty or training in order to receive credit for such time in computing total years of full-time employment for the purposes of determining the rate of sick leave accrual.

SICK LEAVE BANK

Classified employees who are covered by a collective bargaining agreement may qualify to participate in the sick leave bank associated with their respective bargaining unit. See the current collective bargaining agreements for more information. Classified employees who are not members of a collective bargaining unit may qualify to participate in a separate sick leave bank. See the Department of Human Resources' website for more information.

Approved:



Trey Martin
Secretary of Administration

12-28-16

Date