



# Administrative and Operating Policies and Procedures

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*For the Mount Ascutney Regional Commission*

*Adopted: June 17, 2019*  
*Amended: June 20, 2022*

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# Part 1 - Personnel Policy Manual

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## ***Welcome Letter***

Welcome to the Mount Ascutney Regional Commission or MARC as we refer to it! We are pleased that you want to work with our team. You were hired because we feel you will be a positive addition to our quality programs, and we are confident that you will enjoy working with our highly professional staff. We want you to find your work rewarding and stimulating and our wish is to create a work environment that develops and advances your skills. We hope that you will have a long-term relationship with our organization.

MARC can achieve success only through a highly qualified staff. The Commission and staff are a team, working together with our member municipalities and stakeholders to plan for the future well-being of our region.

The Board respects the opinions of staff members. We acknowledge that staff are the experts in the field and we welcome and value your input.

This manual provides an overview of our personnel benefits, programs, and policies. After reading the material, should you have any questions, please feel free to talk to us.

Thank you and once again welcome to our team!

Sincerely,

Chair of the Mount Ascutney Regional Commission

Jason Rasmussen, Executive Director

# ***Preamble***

This *Personnel Policy Manual* outlines the employment practices that apply to all employees of the Mount Ascutney Regional Commission hereinafter referred to as MARC.

It highlights the programs developed to benefit employees and outlines employee responsibilities and opportunities. Please read this *Manual* carefully. It supersedes all previous handbooks, manuals, and policies.

No personnel manual can anticipate every circumstance or question about policies and practices. As we continue to grow and our office environment changes, we may change, eliminate, add to, or revise policies and benefits described herein. This personnel manual and the provisions contained herein do not constitute a contract of employment in whole or in part. MARC reserves the right to add, amend or delete any benefits or policy stated herein at any time, except as otherwise committed to by formal agreement.

In the implementation of the provisions of this *Personnel Policy Manual*, the Executive Director may, from time to time, interpret the provisions contained herein in consultation with the Executive Committee and the staff and shall post memoranda containing these interpretations for the information of employees.

These policies apply to all regular full time, part time, probationary, and temporary employees. It is the responsibility of the Executive Director to administer this manual.

## *Organizational Principles*

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In order to achieve our missions, the following principles guide our organization:

- Every member of the MARC is responsible for the success of the MARC.
- The best interests of the MARC are served when each member of the MARC develops his or her individual talents.
- All members of the MARC should treat each other with courtesy, consideration, and respect.
- The success of the MARC depends largely upon a commitment to excellence by all members of the organization.
- Members of the MARC strive to exceed our clientele's expectations.
- Our work environment will be safe, healthy, and productive.
- All employees are treated in accordance with Equal Opportunity/Affirmative Action principles, and these principles are continually reflected in the policies and procedures under which we work. The MARC does not tolerate the harassment of any employee for any reason.

## *The Commission and the Executive Committee*

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All of our work and initiatives are accountable to and overseen by the MARC Board of Commissioners (BOC). This board holds regular meetings, usually once per month, to discuss, consider and act on policy and program issues. The meetings are held in accordance with the Vermont Open Meeting Law and are open to the public. On occasion, the BOC will hold a special meeting or public hearing to address a particular subject. Further, during a regular or special meeting, the BOC may meet in Executive Session (when no members of the public are present) to consider matters established by law that have a greater public interest in confidentiality than public participation (e.g., personnel issues, contracts, and property).

### *Executive Committee*

The BOC elects a set of Commissioners to serve as Officers. The Executive Committee is comprised of officers: Chair, Vice Chair and Secretary/Treasurer. The Executive Committee is charged with assisting the Executive Director in the ongoing management of MARC. The Executive Committee and the Executive Director meet periodically to discuss and manage general administrative and policy issues. In addition, the Executive Committee acts on the Executive Director's recommendations pertaining to salary adjustments and other personnel and administrative matters.

### *Executive Director*

The Executive Committee will review applicants for the position of Executive Director and make recommendations for approval and action by the MARC commissioners for hiring. Conditions of employment, salary, benefits and other prerequisites shall be established by the Executive Committee.

*Professional Staff*

The Executive Director shall review applications and present qualified applicants to the Executive Committee who will, in consultation with the Executive Director, interview candidates and hire staff. The Executive Committee shall have the authority to set wage and fringe benefits.

*Intern/Support/Clerical Staff*

The Executive Director, in consultation with the Executive Committee, shall have the authority to interview and hire applicants for intern, support or clerical staff. The Executive Committee shall have the authority to set wage and fringe benefits.

# ***Acknowledgement of Receipt of Administrative and Operating Policies and Procedures***

I acknowledge that I have received, read and understand the provisions of the Mount Ascutney Regional Commission *Administrative and Operating Policies and Procedures* which is dated July 1, 2019 and understand that it supersedes any previous oral or written policies, statements, understandings or agreements concerning the terms and conditions of my employment with Mount Ascutney Regional Commission.

I understand that my employment with Mount Ascutney Regional Commission is “at will”, in accordance with Vermont Statute, and that I have the right to terminate my employment at any time, for any reason, with or without cause and with or without notice, and that the Mount Ascutney Regional Commission retains the same rights.

I also understand that the policies, programs and procedures set forth in the Personnel Policy Manual and all other communications distributed to me by Mount Ascutney Regional Commission, whether written or verbal, do not constitute or supplement a binding employment contract and that they are subject to change at any time, with or without notice, at the sole discretion of Mount Ascutney Regional Commission or in order to comply with changes in federal or state law.

I understand that the interpretation, application and administration of all Mount Ascutney Regional Commission policies, including those in the Personnel Policy Manual, rests exclusively with Mount Ascutney Regional Commission.

I understand that in all instances, where there may be a difference in the benefits described in these policies and the official benefit plan documents relating to such benefits, the official benefit plan document is the final word.

I further understand that Mount Ascutney Regional Commission reserves the right at its sole discretion to amend the contents of this manual at any time and that no agent, employee, or representative of the Regional Commission has the authority to make any promise or agreement contrary to the manual, unless it is in writing and signed by the Executive Committee.

Finally, I understand that no amendment or exception to Mount Ascutney Regional Commission’s at-will employment policy can be made at any time, for any reason, unless it is in writing, directed to me personally, and signed by the Executive Committee.

Employee Name:

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

# *Terms of Employment*

## *Terms of Employment*

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At the time of hire, the MARC shall provide each employee with an Offer of Employment that sets forth, at a minimum, the following matters:

- 1 Category of Employment,
- 2 Job Title,
- 3 Probationary Status,
- 4 Salary Rate,
- 5 Terms,
- 6 Copy of the Personnel Policies.

Only the Executive Director of the MARC, with approval from the Executive Committee, may make an agreement for employment that is different from the terms and conditions outlined in this manual; and such agreement must be in writing, must identify the employee by name, must be approved by the Executive Committee, and be signed by the Executive Director and Executive Committee Chair.

## *Employee Categories*

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### *Regular Full-Time*

A “Regular Full-Time Employee” is one who has satisfactorily completed the probationary period, who is not classified as Limited-Term, and who works the standard office hours of at least 40 hours per week.

### *Regular Part-Time*

A “Regular Part-Time Employee” is one who has satisfactorily completed their probationary period, who is not classified as Limited-Term, and who is scheduled to work between 18-39 hours per week. They are eligible for benefits offered by MARC on a prorated basis, subject to the terms, conditions and limitations of each benefit program. Employees who work less than 18 hours per week are not eligible for benefits.

### *Limited-Term*

A “Limited-Term Employee” (e.g. intern, special project personnel, temporary supplement to the workforce, interim basis, etc.) is one who is hired to work either Full- or Part-Time for a defined period of time or for a specific project. Continued employment beyond any initially stated period does not imply a change in employment status. Limited-Term Employees shall not be eligible for employee benefits, unless specified in an employment offer or otherwise required by state or federal law.

## *Employee Categories and Salary Structure*

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It is the intent of MARC to provide opportunities for advancement within the organization wherever practical. The MARC job titles are defined by the level of training and experience

necessary and the general duties and responsibilities assigned to the positions within the category. New employees may be hired at any level based upon the available positions and the employee's education and professional experience.

### *Salaries and Merit Increases*

The salary ranges for each position shall be as approved by the Executive Committee. The Executive Director should periodically review compensation adjustments offered by peer organizations and other relevant factors in recommending revisions of the salary ranges for consideration by the Executive Committee.

Any increases in employee salaries or bonuses will be primarily based upon cost of living increases and employee performance. The Executive Director may consider annual evaluations, market competitiveness and other factors in making appropriate individual salary adjustments.

Discussions regarding any significant salary increase or promotion will be included in the annual evaluation process. The Executive Director's compensation will be determined by the Executive Committee after an annual review consistent with the Bylaws. The Executive Director shall make all other decisions regarding individual staff salary adjustments within the approved budget and salary range for each position. The Executive Director shall report decisions regarding proposed salary adjustments to the Executive Committee for its ratification.

### *Annual Evaluations*

Each employee will be formally evaluated annually within 60 days of the end of the calendar year. Such evaluations will be in writing and will be the responsibility of the Executive Director and/or the employee's supervisor to carry out in conjunction with the employee. The Executive Director/supervisor shall review the evaluation and determine if a salary adjustment resulting from the evaluation is appropriate. The completed evaluation shall be placed in the employee's personnel file. The objective of the performance appraisal process is to provide a mechanism to:

- Clearly define job expectations
- Ensure that all employees perform to the best of their abilities
- Improve communication between employee and supervisor
- Align employee goals with the overall goals of MARC
- Link performance with rewards such as compensation increases, promotions, recognition, assignments, professional development opportunities, and career advances
- Be consistent across MARC program areas
- Identify employee training and professional development needs
- Establish clear-cut intervention strategies when performance does not meet identified job requirements

The Executive Director/supervisor is responsible for preparing an evaluation process and shall advise the staff of the process thirty (30) days before the annual reviews are to take place.

After all of the reviews are completed and the budget has been adopted, the Executive Director will notify each employee of any salary changes or other actions.

### *Timesheets*

MARC timesheets provide the ability to record time for each project and administrative activity. Time will be recorded and allocated to every project and administrative activity as it occurs. Timesheet records form the basis of project cost tracking for staff time. (Costs will be assigned to projects consistently, and according to binding agreements, with no agreement overriding requirements set forth in 2 CFR Part 225, Appendix B-Section 8 as it relates to documentation for personnel compensated from federal awards.)

Completed timesheets are required to be submitted electronically monthly which will in turn be reviewed and approved by the Executive Director. The Executive Director's timesheet is reviewed and approved by an Executive Committee member.

### *Compensatory Time*

Exempt employees, as defined in Appendix A, are expected to participate in work duties beyond the regular work day. When such participation exceeds 40 hours in a work week, the employee shall be compensated at a rate of one hour off for one hour worked. Exempt regular part-time employees who work more hours in a week than as specified in their Offer of Employment shall be compensated at the same rate as a full-time employee (i.e., one hour off for one hour worked). No more than two consecutive compensatory days within a week for leave can be used without approval from the Executive Director. Compensatory time accumulated during the calendar year must be used during the same calendar year. Any unused compensatory time will be lost and not carry forward at the end of the calendar year. An employee, upon their termination or resignation, will not be reimbursed for any earned but unused compensatory time.

### *Pay Period*

Employees shall be paid every two weeks on Friday. Wages will be deposited into an employee's bank account through Direct Deposit. Regular Part-Time and Temporary Employees must submit a signed timesheet that reflects the hours worked in the pay period by Tuesday of the payroll week. Certain exceptions can exist at the discretion of the Executive Director.

### *Probationary Period*

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The purpose of a probationary period is to provide time for MARC to assess whether a new employee is a good match with the position and the needs of the organization.

Newly-hired exempt employees for regular full-time or regular part-time employment will be considered probationary until they have successfully completed six (6) months of work from the start date of employment. Newly-hired non-exempt employees will be considered probationary until they have successfully completed three (3) months of work from the start date.

A probationary employee may be terminated at any point during the probationary period. Continued employment after the probationary period is at the discretion of MARC. Before the end of the probationary period, the Executive Director will conduct an initial performance appraisal. The Executive Director will meet with the employee to discuss the appraisal, including recommendations towards improving the employee's performance where appropriate. Results of the initial performance appraisal will be documented, including the Executive Director's indication as to

whether the employee has successfully completed the probationary period. A copy of the performance appraisal will be provided to the employee and a copy added to the employee's personnel file.

If, in the judgment of the Executive director, a probationary period does not allow sufficient time to thoroughly evaluate an employee's performance, the probationary period may be extended by written notification.

# ***General Conditions***

## ***Hours of Work***

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The office will be open to the public for business from 8:30 a.m. to 5:00 p.m., Mondays through Fridays, with the exception of designated holidays.

Each staff member may work a flexible schedule between the hours of 7:30 a.m. and 6:00 p.m. that will allow for completion of their workday hours. The Executive Director may require a staff member to attend meetings and events scheduled at times other than MARC office hours and at locations other than at the MARC office.

The workweek shall be defined to begin at 12:01am on Sunday and end at 12:00am on the next consecutive Sunday.

Regular work hours consist of a 40-hour workweek, eight (8) hours per day, Monday through Friday. For non-exempt employees all actual work hours must be recorded on the time sheets. The Executive Director may approve any change in a workweek schedule to accommodate those weeks where a change in the start and end time is appropriate.

## ***Driving at Work***

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Upon hire, all employees will provide a copy of their valid driver's license and proof of current vehicle insurance to the MARC. Employees, who use their personal vehicle, are required to maintain a valid driver's license and vehicle insurance according to Vermont law. Employees must notify the MARC immediately should their legal ability to operate a motor vehicle change.

MARC, with permission from the employee, reserves the right to request Motor Vehicle Records for any employee. Any traffic or parking tickets obtained while driving for work are the responsibility of the employee.

## ***Reporting Absences***

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Employees should report their absence from work due to illness or injury to the office or the office calendar. This shall be done at the start of a regularly scheduled workday, and no later than 10:00 a.m., if possible. Failure to report within this period, unless there are extenuating circumstances, can be considered justification for disallowing paid leave for that day. In the event of such circumstances, the employee, family member, or other person should notify the Executive Director as soon as possible.

## ***Weather/ Emergency Closing Procedures***

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In case of a weather/emergency event, it will be at the discretion of the Executive Director to close the MARC office. Employees will be paid for closings as if the day(s) were a Holiday.

At all other times, unless otherwise notified by the Executive Director, the MARC offices will be open during regular business hours. If an employee feels that travel conditions are unsafe, they may choose to stay home. In such cases, the employee should notify the Executive Director as

soon as possible about their planned absence. In such absences, employees must either telecommute or use leave time to be paid for their absence.

### *Accommodations for Disabilities*

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In accordance with federal guidelines of the Americans with Disabilities Act (ADA), MARC will make reasonable accommodations, where possible, to enable an individual with a disability to perform the essential functions of the job.

### *Training and Professional Development*

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It is the policy of MARC not only to encourage participation by employees in activities that improve professional development, attitudes, conduct, competence, and enhance career development, but also to consider such activity in annual performance evaluations. Membership in professional organizations concerned with planning, local government and its administration, transportation and engineering will therefore be encouraged. Participation in workshops, training sessions, seminars, and other educational events are encouraged and expected as long as they do not interfere with the work of the employee. MARC commits to including reasonable funding, within their annual budget, for such activities except during times of financial distress.

#### *Membership Organization*

An employee, with approval from the Executive Director, may have membership fees to a professional membership organization paid by the MARC.

#### *Registration Fees*

MARC will pay for registration fees and related costs for participation in relevant workshops, training sessions, seminars, and regular meetings for employees. This must be approved in advance by the Executive Director and is subject to funding availability. It is expected that the employee will prepare brief written and/or oral reports to the staff on this activity.

#### *Tuition Reimbursement Program*

MARC may reimburse up to 50% of an employee's tuition costs for higher education courses for credit that are related to the needs of MARC. Permission and recommendation for use of the tuition reimbursement program must be obtained from the Executive Director prior to course registration and is subject to funding availability. Employees must have worked for MARC at least one year before being eligible for this program.

Awards shall be made quarterly or by semester strictly on a reimbursement basis after the employee has successfully completed the course with a grade of C or better (a passing grade must be received in pass/fail courses). Course attendance is on the employee's own time. Employees who are awarded tuition reimbursement must repay the award to MARC if they leave MARC within two (2) years of the completion of the course unless laid off. The details and requirements of tuition reimbursement for each employee will be specified in a signed agreement.

## *Equal Opportunity Employer*

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MARC is committed to providing fair and equal opportunity for employment and advancement to all employees and potential employees at MARC. MARC will take the appropriate steps to ensure that all personnel know of our sincere desire to support and take affirmative action toward providing equal employment opportunity.

### *Provisions*

It is our policy and practice to use all qualified available human resources to the fullest. It is essential that all employment decisions be made on the basis of qualifications, merit, and competence. Employment practices shall not be influenced nor affected by an individual's race, color, religion, ancestry, gender, gender identity, national origin, place of birth, sexual orientation, age, marital status, veteran status, handicap status, genetic information, physical or mental disability, HIV status, crime victim status, or any other characteristic protected by state and federal law.

### *Recruitment*

MARC is committed to fostering, cultivating and preserving a culture of diversity, equity and inclusion. All employment advertisements shall identify MARC as an "Equal Opportunity Employer."

### *Responsibility*

The Executive Director, or appointed designee, is the designated Equal Employment Opportunity Officer of MARC, and will have the responsibility of seeing that all phases of personnel administration are in harmony with this policy. The Equal Employment Opportunity Officer is responsible for ensuring that employment decisions comply with principles embodied in Title VII, the Age Discrimination in Employment Act, the Rehabilitation Act of 1973, the Vietnam Era Veterans Readjustment Assistance Act of 1974, Executive Order 11246, Revised Order No. 4, and the Americans with Disabilities Act.

MARC emphasizes to all employees that it is committed to Equal Employment Opportunity. The cooperation and participation of each employee is essential to achieve the objectives of MARC. Any member of MARC staff found to be engaged in any type of unlawful discrimination will be subject to disciplinary action. Any member of the organization may raise concerns related to employment opportunity or perceived acts of discrimination at any time in strict confidence and without fear of reprisal to the Executive Director. If the Executive Director is the subject of any discrimination claim, the employee may raise concerns directly to the Chair of MARC.

### *Outside Activities and Employment*

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All employees are permitted to have other employment as long as it does not interfere with performance of their duties.

An employee must notify the Executive Director in writing of all other jobs, and a work schedule may need to be established.

Employees may not work for any entity where there is a real or perceived conflict of interest.

Employees who have their own businesses must disclose such activity to the Executive Director in accordance with its Conflicts of Interest Policy. MARC will not purchase from, or contract with, a business owned by one of its employees or an employee's family member.

The Executive Director has final authority for determining if outside activity conflicts with the work of MARC.

## *Expense Reimbursement*

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### *Employees*

All reasonable out-of-pocket business expenses incurred by an employee for managing MARC programs will be reimbursed, as will expenses incurred for representing the MARC at an approved conference or convention.

Employees on MARC business will be reimbursed for use of a privately-owned automobile at the G.S.A. rate approved for business travel. Requests for reimbursement of mileage are recorded on the expense report.

All travel, except routine trips within the state, must be approved in advance by the Executive Director. MARC will pay the reasonable actual cost of lodging and auto rental based on meeting location and convention room rates plus the actual cost of transportation, taxi fares, telephone calls and similar items incidental to and necessary for the performance of official business while in travel status. First class air travel is to be used only when there is no other alternative and with advance approval of the Executive Director. Lowest cost alternatives (government or corporate rates) always need to be pursued when making travel arrangements before committing to non-discounted rates and fares.

Meal and incidental costs incurred by employees for travel overnight or longer, conducting MARC business, whether in-state or out-of-state, will be reimbursed at the per diem rate prescribed by the G.S.A. rate for that region. For travel shorter than overnight, meals will be reimbursed at a reasonable or actual cost as defined by the Executive Director.

All expense reports, with appropriate receipts or expense documentation, shall be submitted monthly to the Finance Administrator for payment and approval by the Executive Director. A member of the Executive Committee or a designated member of the BOC will approve the expense reports of the Executive Director.

### *Applicants and New Employees*

Applicants for professional positions who are required to travel for MARC job interviews may be reimbursed for travel expenses, according to the travel expense policies applicable to employees of MARC, when approved in advance by the Executive Director.

New employees relocating from outside of Windsor County may be reimbursed for moving expenses from their present residences to the extent that such expenses are determined to be reasonably necessary by the Executive Director, are approved in advance, and are stated in the Offer of Employment.

# *Resignation, Termination, and Discipline*

## *Resignation*

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An employee who intends to resign should notify the Executive Director in writing as far in advance as possible. It is desired to have exempt personnel give a one-month notice, with non-exempt employees providing a two-week notice.

## *Retirement*

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A written notice of retirement should be submitted to the Executive Director no less than ninety-days prior to retirement date. The retiree should plan to make arrangements to complete any necessary forms for retirement benefits and health insurance prior to his or her retirement date. In the event the Executive Director is to retire, written notice should be submitted to the Executive Committee no less than ninety-days prior to retirement date.

## *Employee Conduct*

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To achieve a positive work environment, MARC encourages courteous and respectful behavior; a responsible attitude toward work; and respect for other employees, outside business relationships/contacts, visitors, and MARC property. Employees are expected to respect individual rights, privacy, and property of others and to treat information appropriately. Employees are also subject to the Standards of Conduct Policy as most recently approved by the Board of Commissioners.

## *Discipline*

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As a governmental body, MARC has a responsibility to the public it serves to provide good public service and efficient use of tax dollars. Thus, the behavior and performance of the MARC's employees can positively or adversely affect the public trust in the MARC; therefore, disciplinary action may be necessary.

The types of behavior for which an employee may be disciplined include, but are not limited to:

- Refusing to respond to appropriate requests made by the Executive Director and/or members of the Board of Commissioners;
- Deliberately or recklessly violating personnel policies or other organizational regulations;
- Neglecting or poorly performing professional responsibilities;
- Engaging in conduct unbecoming a public employee;
- Stealing, lying, cheating, or other similar behavior;
- Fighting, swearing, or otherwise acting in an unprofessional manner;
- Being intoxicated or under the influence of illegal drugs, or abusing regulated drugs on the job;
- Willfully destroying MARC or other's property;
- Being absent from work without an appropriate excuse and notification;

- Violating state or federal laws relating to his/her job or to issues of public safety, including harassing or discriminating against another employee or a member of the public because of his/her sex, race, sexual orientation, etc.

Unless otherwise provided in writing, all employees are employees at will as described earlier. The Executive Director will discuss any performance or behavior problems with the employee informally before further action is taken, but the Executive Director and/or Executive Committee may decide to proceed immediately to discipline. The Executive Director may impose discipline such as an oral or written warning and suspension. More severe disciplinary action will be imposed in consultation with the Executive Committee. Termination or demotion requires concurrence by the Executive Committee.

Discipline may include but is not limited to the following:

- An oral warning that an employee's behavior or performance needs improvement (this may include an oral or written performance improvement plan with specific dates of review);
- A written warning;
- A probationary period;
- Denial of promotion and/or raises;
- Suspension from employment, with or without pay;
- Termination.

Generally, lesser offenses will receive lesser consequences; repeated offenses will receive more serious consequences. However, the Executive Director (or in the case of the Executive Director, the Executive Committee) will determine the appropriate consequence and may impose a remedy s/he deems appropriate. Different consequences may be imposed for similar actions (or inactions) depending on the circumstances, the individual employee's job record, the business needs of the MARC at the time, or other considerations.

Appropriate records of any disciplinary action, other than oral warnings, should be signed by all the parties (the employee may sign to indicate receipt rather than agreement with any written warning). A copy of any written warning or written performance plan should be provided to the employee and a copy kept in the employee's personnel file.

### *Exit Process*

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Any separated employee, regardless of the reason for separation, must meet with the Executive Director or their designee on the last week of employment to undertake an exit interview. During this interview, the employee will complete and sign all necessary forms, a release of information for references, relinquish possession of keys, credit cards, personnel policy manuals, etc. The employee will verify his or her current address and telephone number and arrange for release of a final paycheck. If all materials are not turned in, the final paycheck will be held until this process is successfully completed.

# ***Benefits***

The policy language for the respective benefit plans is incorporated by reference as if fully set forth herein. For each employee, if they are not individually provided copies of the policy, they will be given the appropriate reference (i.e. website or portal) to review the policy.

## ***Health Insurance***

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It is the intent of MARC to provide comprehensive insurance benefits to protect eligible employees and their dependents. MARC continually evaluates the need to enhance insurance benefit programs to ensure they continue to add value, maintain competitiveness, and meet the changing needs of MARC employees while balancing financial costs of such programs. MARC reserves the right to change, delete, or amend such plans annually. Detailed information on these benefits is available from the respective providers.

Each employee in the program will receive an enrollment package for all insurance programs. Information provided in the enrollment package should provide answers to most benefit questions; further questions should be directed to the Executive Director.

Medical insurance is provided to eligible employees and their dependents, unless subject to the opt-out clause below. Domestic partners may be considered dependents for the purposes of the medical insurance plan, as defined by the current carrier.

Employees who are eligible for Medicare will be offered the same level of benefit as if they were participating in a MARC sponsored plan. Coverage is based upon the requirements of the current insurance carrier. MARC will reimburse premiums or, if possible, make payments for Medicare and supplemental coverage up to the value of the MARC health insurance benefit offered to employees participating in the health insurance program.

The Commission reserves the right to require an employee contribution toward the premiums, dependent on the Commission's budget.

## ***Health Insurance Opt-out Compensation Plan***

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Employees may elect to opt-out of the MARC health insurance plan on an annual basis. To do so, eligible employees must show proof of health insurance coverage from another provider. Employees who opt out will be compensated at 40% of the MARC's cost for providing health insurance to the employee and eligible dependents, where applicable. The opt-out provision applies only for health insurance and is not an option other insurance benefits offered to the employee. Employees participating in the opt-out plan will not be eligible for HRA/HSA benefits.

Employees shall elect to participate or opt-out of employer provided health insurance benefits during the open eligibility period, currently during the month of December. Employees will sign a waiver stating that they are choosing to opt-out and accept responsibility for doing so. Eligibility to return to MARC health insurance benefits, should they lose other coverage, is dictated by the insurance provider. Employees must notify the MARC immediately should they lose their other coverage. If employees come back on the MARC plan, the pro-rated portion of opt-out compensation would be subtracted from the payment at the end of the quarter. The

employer HRA contribution would also be provided for the remainder of the plan year on a pro-rated basis.

### *Life Insurance and Disability Insurance*

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Eligible employees may be provided life short-term and long-term disability plans. A Life Insurance and Accidental Death and Dismemberment policy up to the IRS limit may be provided by MARC for eligible employees. The Commission reserves the right to require an employee contribution toward the premiums, dependent on the Commission's budget.

### *Other Accounts*

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MARC may establish accounts including, but not limited to, Health Reimbursement Accounts (HRA), Health Savings Accounts (HSA), or Flexible Spending Accounts, as allowed and determined by all applicable laws. The purposes of these accounts may include but are not limited to medical reimbursement and/or dependent care. MARC reserves the right to abolish or amend such accounts, including contribution levels, based on the Commission's budget.

HRA or HSA contributions will begin on January 1 for the level of eligibility chosen by the employee. For a new hire, a pro-rated contribution will be made after the date of eligibility to the end of the calendar year.

### *Reporting Injury*

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An employee who incurs a job-related illness or injury is required to report as soon as possible to the Executive Director, or appropriate designee, in person or via phone for instructions. The Executive Director, or the Administrative Office, will file an Employee's Claim and First Report of Injury to the [online portal](#) for PACIF members or Vermont Department of Labor, Worker's Compensation Division.

### *Dental Care Benefits*

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Employees and their dependents are eligible and can participate in the Dental Plan authorized by the MARC. The Commission reserves the right to require an employee contribution toward the premiums, dependent on the Commission's budget.

### *Retirement Plan*

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MARC is a participant in the Vermont Municipal Employees' Retirement System (VMERS). Eligible employees will be enrolled in VMERS. MARC will contribute to an eligible employee's compensation to the Plan. Contribution levels for employers and employees may be changed according to VMERS requirements.

Employees may enroll in the Defined Benefit Plan and contribute a percentage of their own compensation to the Plan.

## *IRS Deferred Compensation*

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The State of Vermont 457 Deferred Compensation Plan may be available to eligible employees. An employee may request to defer any portion of compensation for which he or she is eligible by IRS. The employee must furnish the necessary assurances of compliance with IRS regulations along with proper authorization forms to withhold a fixed amount of compensation.

State of Vermont 457 Deferred Compensation Plan information can be requested from the Vermont Treasurers Office.

## *Wellness Program*

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To enhance the health of MARC employees and their family members and reduce the modifiable health care costs of the organization and employees, the MARC will provide to each employee an amount each fiscal year that is available for appropriate “wellness” expenses on a reimbursable basis. Eligible employees who have completed the probationary period are eligible for the Wellness Program.

Following is a representative listing of activities, training, and expenses that would be considered eligible expenses. This list is not intended to be all inclusive.

Reimbursable expenses might include: Health Profile, Health Information Resources, Team Building, Wellness Classes, Activity Classes (exercise), Wellness Event Attendance, Personal Consultation / Lifestyle Coaching, Diversity Training, Drugs in the Workplace, Employee Assistance, Ergonomics, HIV/ AIDS in the Workplace, Exercise Equipment, Interpersonal Skills, Preventing Violence in the Workplace, Safety in the Workplace, Spirituality in the Workplace, Health Club Fees.

## *Flexible Work Schedules/Telecommuting*

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MARC will consider flexible work schedules and/or telecommuting options on a case-by-case basis. With a flexible work schedule, an employee must still work the same set number of hours, but are given flexibility to adjust their work hours. Telecommuting allows employees to work from home, on the road, or in a satellite location for part of their workweek.

MARC considers such arrangements to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telecommuting and/or flexible work schedules may be appropriate for some employees and jobs but not for others.

Individuals who seek flexible work schedules and/or to telecommute on an intermediate or longer-term basis are subject to the following conditions:

- Employees must have a satisfactory performance record (i.e. work output, effectiveness in developing and maintaining collaborative working relationships on projects, completion of objectives, and accessibility to state and local officials and other MARC staff).
- Employees will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and to facilitate staff collaboration.

- Employees will attend regular staff meetings.
- Employees must be available for in-person and virtual meetings as needed to fulfill the requirements of the position.
- Employees will work in the office (in-person) at least one full day of the week.
- Telecommuting employees must follow security best practices for working remotely.

Employees should submit a written request for a flexible work schedule and/or telecommuting to the Executive Director with a proposed schedule and action plan to ensure work completion that is mutually beneficial to MARC and the employee. All requests will be reviewed on a case-by-case basis by the Executive Director, and consideration will be given to every request in accordance with 21 V.S.A. §309.

Temporary telecommuting arrangements may be approved by the Executive Director for circumstances such as inclement weather, disaster- or public health-related office closure, or for other reasons.

# *Leave Time and Holidays*

## *Vacation Leave*

Vacation leave may only be taken after successful completion of the probationary period; exceptions may be allowed with permission from the Executive Director. Regular part-time employees who work more than 18 hours per week are entitled to vacation leave on a prorated basis. Up to 50% of an employee's accrued time may be carried over to the following year. Termination pay shall consist of any accrued vacation time up to a maximum of 160 hours. Permission to take Vacation Leave shall be at the discretion of the Executive Director and shall be granted or denied based upon the current and anticipated workload and schedule of the MARC staff.

Regular full-time employees and regular part-time employees, on a prorated basis, are entitled to:

- Twelve (12) days (96 hours) per year the first year through the completed fourth year;
- Fifteen (15) days (120 hours) per year the fifth through completed ninth year;
- Twenty (20) days (160 hours) per year tenth through completed fourteenth; and,
- Twenty-five (25) days (200 hours) per year 15 years and after.

## *Sick Leave*

Short-term sick leave shall be granted to regular full-time employees at the rate of 8 hours per month, twelve (12) sick days per year, and to regular part-time employees on a prorated basis. Short term sick leave cannot be carried over from year to year.

Sick leave may be used for illness, medical, or dental appointments; employee's pregnancy; birth or adoption of his/her child; to care for a seriously ill partner, child, stepchild, ward, foster child, parent, parent of the employee's partner; or for an employee's own illness.

An employee, upon their termination or resignation from the MARC, will not be reimbursed for any accumulated sick leave.

## *Bereavement Leave*

Up to (5) five days per occurrence, not cumulative, shall be granted due to a death in the immediate family. Immediate family shall be defined as parents, spouse, siblings, grandparents, children (including step/foster children and those for whom you may have been appointed guardian), grandchild and the corresponding in-laws of same.

## *Long Term Sick Leave*

Regular full-time and regular part-time employees, on a prorated basis, may accumulate Long Term Sick Leave at the rate of 8 hours per month per year up to a maximum of sixty (60) work days or (480 hours). While on Long Term Sick Leave, an employee does not accrue either Short Term or Long-Term Sick Leave.

An employee must use all Short-Term Sick Leave before Long Term Sick Leave becomes effective. The use of Long-Term Sick Leave shall commence only after an employee has been ill for at least five consecutive days. Before Long Term Sick Leave is granted, an employee

must provide the Executive Director with a letter from a physician.

An employee may use Long Term Sick Leave while on leave under the Vermont Parental and Family Leave Act.

An employee using Long Term Sick Leave will be compensated at their normal salary or hourly rate for the first thirty (30) work days, and at 75% for the final thirty (30) work days.

An employee, upon termination or resignation from the MARC, will not be reimbursed for accumulated Long Term Sick Leave.

### *Long Term Disability*

All eligible employees shall be entitled to coverage under a Long-Term Disability plan subject to the terms, conditions and regulations of the insurance carrier. Long Term Disability elimination period shall be set by the insurance carrier and will provide benefit to the employee until age 65.

If an employee is receiving long term disability insurance, the employee's salary/wages cannot exceed the amount of the salary/wages earned prior to receiving long term disability insurance. After an employee has been receiving long term disability insurance for three months, the Executive Director will discuss with the employee their ability to return to work. The Executive Director will make a recommendation to the Executive Committee to either continue the employment of the employee on a part- or full-time basis or to terminate the employee. An employee who is on long-term disability and has been terminated will receive health insurance benefits for 90 days after the termination notice and all other benefits will cease from the date of the termination notice.

During the period of time that an employee is receiving long-term disability insurance, the MARC will not be responsible for contributing towards the costs of providing medical and dental insurance.

### *Parental and Family Leave*

Eligible employees may receive leave as described in the Vermont Parental and Family Leave Act (PFLA). This state law will determine employee eligibility, the qualifying reasons for such leave and the length of leave.

The MARC reserves the right to designate any qualifying leave of absence granted under this policy as leave under the PFLA.

For the purposes of determining the twelve-month period in which an employee may be entitled to PFLA leave, the MARC will use a rolling twelve-month period measured backward from the date an employee uses such leave.

An employee may request modification of work duties or a temporary reassignment during or immediately following illness/injury/pregnancy. Such a request must be supported by a letter from a physician. The MARC will make all reasonable efforts to accommodate the individual in his/her current position unless such an arrangement will result in an undue hardship on the MARC, or if the employee is unable to perform the essential functions of the job. In such a case, if reasonably possible and upon the employee's request, the MARC will seek to reassign the employee to an acceptable position.

### *Civil Duty and Jury Leave*

Any employee called for jury duty shall be granted temporary leave of absence and paid the difference between jury pay and permanent pay for each day of jury duty.

### *Military Leave*

The Board shall comply with the requirements of federal and state law, including the Uniformed Services Employment and Reemployment Rights Act. Regular employees who, by reason of membership in the Active Reserve Forces or the National Guard of the United States, are ordered by the proper authorities to full-time active duty or to attend full-time training activities shall be entitled to leave of absence with pay for a period of time not to exceed 14 days.

The amount of pay for such leave shall be determined by subtracting the amount of pay earned while on active duty from the amount of pay the employee would have normally earned working for the MARC during that period. If the amount earned on duty exceeds that normally earned, the MARC shall not provide compensation.

### *Leave of Absence*

A leave of absence, without pay, may be granted for a maximum of three months for personal or special needs. Approval of such leave will be arranged through the Executive Director with the approval of the Executive Committee. While on unpaid leave, all other leave credits cease to accrue, as do any other benefits paid by the MARC. However, the employee may pay for benefits through the MARC.

### *Holidays*

Holidays, as observed, are not to be considered as vacation leave.

Compensation may be granted for work performed on an observed holiday at the discretion of the Executive Director and/or Chair of the MARC. Holidays for regular full-time employees and regular part-time employees, on a prorated basis, are:

- New Year's Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

The MARC shall observe a holiday which falls on a Saturday on the preceding Friday and a holiday which falls on a Sunday the following Monday.

All regular full-time employees receive five (5) floating holidays per calendar year to provide flexibility to observe additional holidays (e.g. Indigenous People's Day, Veterans Day, Martin Luther King Day), Juneteenth, or take time off for special occasions. These floating holidays may be used for religious or cultural holidays, employee and immediate family member birthdays, to take the Friday off after Thanksgiving, and/or to take either the day before or after Christmas off. Floating holidays are not carried over from year to year or eligible for payout if unused. They refresh every January 1 for all current employees. For employees who start at

any point during the year, their floating holidays will be prorated based on their start date with MARC.

Regular full-time employees and regular part-time employees, on a pro-rated basis, wishing to observe other religious holidays shall be given time off without pay or use their vacation, comp. time, or a personal holiday. Regular full-time employees and regular part-time employees may exchange a holiday for a religious holiday.

Holiday time cannot be accumulated.

### *Personal Days*

Regular full-time employees and regular part-time employees, on a prorated basis, are entitled to two (2) personal days per year. Permission to take a personal day shall be at the discretion of the Executive Director, and shall be granted or denied following consideration of the current and anticipated workload and schedule of the MARC staff. Employees during their probationary period will be entitled to one personal day.

# Access to Personnel Files

MARC has a vital interest in a safe, legal, healthful and productive work environment. It is the policy of MARC to keep accurate and updated information deemed pertinent by MARC in every employee personnel file.

## *Provisions*

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Personnel files are confidential and are the property of MARC.

1. MARC shall have the following documents filed in each employee personnel file, including the Executive Director:
  - a. Letter of interest and resume
  - b. Offer of employment
  - c. Information sheet of personal pertinent dates, emergency contact information and numbers for immediate reference
  - d. I-9 and W-4 form
  - e. Automatic payroll deposit (participants only)
  - f. Benefits forms
  - g. Annual evaluation forms
  - h. All merit reviews
  - i. Letters of commendation or other notices of employee recognition
  - j. Records of disciplinary action
2. No other documents are to be placed in personnel files without the approval of the Executive Director
3. All files will be kept and maintained by the Executive Director or his or her designee
4. Files on all terminated employees will be kept by MARC for a period of 7 years
5. Employees will be permitted reasonable access to their own file during business hours in accordance with applicable law
6. Separate files will be maintained for workers' compensation claims, family or medical leave absences, and immigration records. These files may only be accessed in accordance with applicable law.
7. Employees are responsible for keeping the information current such as their home address, telephone number, and W-4 with the knowledge of the Executive Director. If there is a dispute between the Executive Director and the employee concerning any addition or correction, the Executive Committee will resolve the issue.

# ***Grievance Procedure***

Any discontent felt by employees in their employment relationship is of concern to the MARC and should be addressed immediately. It is the MARC's intent to provide an effective and acceptable system to quickly review and resolve employee grievances or complaints.

The employee filing a grievance may be accompanied by a peer at any meeting described in this section. The Executive Director may be accompanied by a member of the Executive Committee at any meeting described in this section.

If an employee feels that they have been assigned inappropriate work, have been treated unfairly or unjustly, or have been improperly disciplined or terminated, they may initiate a grievance by using the following procedure:

1. The employee shall first notify the Executive Director of the concern and the relief s/he requests. The Executive Director shall meet with the employee, discuss the problem, and respond to the relief requested. The Executive Director will keep a written record of the meeting.
2. If the employee has a problem with the Executive Director, the employee shall notify the Chair of the Executive Committee.
3. If the matter is not resolved by the meeting with the Executive Director, the employee may contact the Chair of the Executive Committee (or in the case of the Executive Director, the Executive Committee) and request a meeting to discuss the problem. The Executive Director or Executive Committee shall keep a written record of the meeting.
4. Any employee may file a grievance by notifying the Executive Director (or in the case of the Executive Director, the Chair of the Executive Committee) in writing, that a problem exists and specifying the problem and corrective action the employee seeks. Grievances must be filed no later than three (3) months after the event occurred.

After receiving a written grievance, the Executive Director (or in the case of the Executive Director, the Executive Committee) shall meet with the employee to attempt to seek a satisfactory solution. Any appropriate witness identified by the employee may be contacted, and the employee's personnel file or other material presented by the employee or the supervisor may be reviewed. After the meeting, the Executive Director (or in the case of the Executive Director, the Executive Committee) should issue a written decision on the grievance. That decision stands unless the employee successfully appeals the decision to the Executive Committee.

5. If the employee disagrees with the decision, s/he may appeal the decision to the Executive Director (or in the case of the Executive Director, the Executive Committee) by submitting a written letter of appeal within thirty (30) days. That letter shall be presented to the Executive Director who shall notify the Chairperson of the Executive Committee of the appeal. (In the case of the Executive Director, the appeal shall be made directly to

the Chairperson of the Executive Committee).

The Executive Director shall make all records of the grievance, including the employee's personnel file and any other relevant materials, available to the Executive Committee. The Executive Committee shall convene a meeting to hear the grievance within 30 days of receipt of the written request. The employee and the Executive Director shall be expected to attend the meeting, and both shall have the right to present witnesses or evidence to the Committee. This is intended to be an informal proceeding, and the Chairperson of the Executive Committee will establish the rules for the meeting. After hearing the grievance, the decision of the Executive Director (or in the case of the Executive Director, the Executive Committee) shall be final, except for disciplinary actions that require the concurrence of the Executive Committee.

A written record of all decisions made shall be kept in the personnel file.

# *Harassment*

MARC is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, we will not tolerate unlawful harassment of MARC employees by anyone, including any Board member, supervisor, co-worker, or third party. Harassment may include derogatory remarks; epithets; offensive jokes; display or circulation of offensive printed, visual or electronic material; or offensive physical actions. Harassment consists of unwelcome conduct, whether verbal, physical or visual, that is based on a person's race, color, national origin, religion, age, sex, gender, gender identity, sexual orientation or disability or other category protected by state or federal law. Harassment that affects job benefits; interferes with an individual's work performance; or creates an intimidating, hostile, or offensive work environment will not be tolerated. All employees are responsible for helping to enforce this policy against harassment. It is our policy to investigate all harassment complaints thoroughly and promptly. To the fullest extent practicable, MARC will maintain the confidentiality of those involved. If an investigation confirms that harassment has occurred, MARC will take corrective action. Corrective action may include discipline up to and including immediate termination of employment. Allegations of retaliation against those who have reported harassment or cooperated in the investigation of harassment complaints will be treated the same way as allegations of harassment and investigated using the same procedure.

## *Discrimination*

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It is a violation of this Policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, sex, gender, gender identity, sexual orientation, pregnancy, HIV status, veteran status, crime victim status, or marital status or other category protected by state or federal law.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964; the Age Discrimination Act of 1975; and the Americans with Disabilities Act of 1990. This Policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this Policy will be subject to severe sanctions up to and including termination.

## *Policy Prohibiting Unlawful Harassment*

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It is against the policies of the MARC, and unlawful under state and federal law, for any employee to discriminate against or harass another employee, Regional Commission member, or member of the public because of that person's sex, age, race, sexual orientation, religion, color, national origin, ancestry, place of birth, HIV+ status, or disability. The MARC is committed to providing a workplace free from this unlawful conduct. It is a violation of this policy for an employee to engage in unlawful harassment.

What is "unlawful harassment"?

Unlawful harassment is a form of discrimination. It includes comments or actions based on a person's sex, age, race, sexual orientation, gender identity, need for health insurance, religion, color, national origin, ancestry, place of birth, HIV+ status, disability or any other protected category.

Sexual harassment is a specific form of unlawful harassment and involves unwelcome sexual advances, request for sexual favors, other verbal or physical conduct of a sexual nature, or when:

- Submission to that conduct is made either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or

The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work or volunteer environment. Some examples of unlawful harassment include, but are not limited to the following:

- Either explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- Touching or grabbing a sexual part of an employee's body;
- Touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical conduct was unwelcome;
- Continuing to ask an employee to socialize on or off-duty when that person has indicated s/he is not interested;
- Displaying or transmitting sexually suggestive or racially offensive pictures, objects, cartoons, or posters;
- Referring to or calling a person a sexualized or racially offensive or derogatory name;
- Regularly telling jokes or using vulgar or explicit language that is sexual in nature or is based on a protected characteristic in the presence of a person;
- Retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g., ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.); or
- Derogatory or provoking remarks about an employee's sex or sexual orientation or other protected characteristic.

What will this employer do if it learns of possible unlawful harassment?

In the event this employer receives a complaint of unlawful harassment, or otherwise has reason to believe that unlawful harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. The employer is committed, and

required by law, to take action if it learns of potential unlawful harassment, even if the aggrieved person does not wish to formally file a complaint. Every supervisor is responsible for promptly responding to or reporting any complaint or suspected acts of unlawful harassment to the Executive Director or the Chair of the Executive Committee. Failure by a supervisor to appropriately report or address such unlawful harassment complaints or suspected acts shall be considered to be a violation of this policy.

To the extent possible, care will be taken to protect the identity of the person with the complaint and that of the accused party or parties, except as is reasonably necessary to successfully complete the investigation.

It shall be a violation of this policy for any employee who learns of the investigation or complaint to take any retaliatory action which affects the working environment of any person involved in the investigation.

Even if no unlawful behavior is found, the MARC has the right to discipline employees whose behavior is unprofessional or inappropriate, depending upon the circumstances. If the allegation of unlawful harassment is found to be credible, the MARC will take appropriate corrective action. The employer will inform the complaining person of the determination, and let them know that steps have been taken to stop the unlawful harassment. Any employee, supervisor, or agent who has been found by the employer to have unlawfully harassed another employee, Regional Commission member, or member of the public will be subject to sanctions appropriate to the circumstances, ranging from a verbal warning up to and including immediate dismissal.

If the allegation is not found to be credible, the person with the complaint and the accused person shall be so informed, with appropriate instruction provided to each, including the right of the complainant to contact any of the state or federal agencies identified in this policy notice.

#### What should you do if you believe you have been harassed?

Any employee who believes that they have been the target of unlawful harassment, or who believes that they have been subjected to retaliation for having brought or supported a complaint of unlawful harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop. If the employee does not wish to communicate directly with the alleged harasser or harassers, or if direct communication has been ineffective, then the person with the complaint is encouraged to report the situation as soon as possible to Executive Director or the Chairperson of the Executive Committee.

If the complainant is dissatisfied with this employer's action, or is otherwise interested in doing so, they may file a complaint by writing or calling either of the following state or federal agencies:

- Vermont Attorney General's Office, Civil Rights Unit,  
109 State Street, Montpelier, VT 05602,  
tel: (802) 828-3171 (voice/TDD).  
Complaints should be filed within 300 days of the adverse action.
- Equal Employment Opportunity Commission  
1 Congress Street, Boston, MA 02114,  
tel: (617) 565-3200 (voice), (617) 565-3204 (TDD).  
Complaints must be filed within 300 days of the adverse action.

Each of these agencies can conduct impartial investigations, facilitate conciliation, and, if it finds that there is probable cause or reasonable grounds to believe unlawful harassment occurred, it may take the case to court; although, the agency may not cover all types of harassment included in this policy.

Although employees are encouraged to file their complaint of unlawful harassment through this employer's complaint procedure, an employee is not required to do so before filing a charge with these agencies.

## *Drug Free Work Place*

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As an employer, the MARC is responsible for maintaining safe working conditions. Providing a drug-free workplace is one way of meeting this responsibility. Therefore, employees shall not engage in the unlawful manufacture, distribution, possession, or use of controlled substances (drugs) on the job or on any work site. An employee who is under the influence of any drug on the job may pose serious safety and health risks not only to the user but to co-workers and the general public at large.

### **Controlled Substance**

As used in this Policy shall mean a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined in regulation at 21 CFR 1300.11 - 1300.15.

### **Conviction**

Means a finding of guilt (including a plea of nolo contendere), or imposition of sentence, or both by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

### **Criminal Drug Statute**

Means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.

### **Illegal Drug**

Any drug which is not legally obtainable or which is legally obtainable but has not been legally obtained. The term includes prescription drugs not legally obtained and not being used for prescribed purposes, or legally obtained but not used by the person for which it was intended.

### **Legal Drug**

Includes prescribed drugs and over-the-counter drugs or alcohol, which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

### **Under the Influence**

Means, for the purpose of this Policy, that the employee is noticeably affected by a drug.

### **Workplace**

Is defined to include non-MARC owned property which is used in the conduct of MARC business, including property used temporarily for business-related purposes, such as lodging sites rented for seminars, training, or other MARC activities.

### *Applicability and General Policy Conditions*

The following conditions shall be applicable to all employees of the MARC:

- Employees shall be required, as a condition of their employment, to abide by the terms and conditions of this Drug-Free Workplace Policy.
- An employee shall notify his/her supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Failure to do so will result in discipline, up to and including dismissal. If a convicted employee works in a federally funded program, the involved federal grant agency shall be notified of the conviction within ten (10) days of the Commission receiving the notice of the conviction. In the case of the Vermont Community Development Program, the MARC will notify the Department of Economic, Housing and Community Development.
- An employee convicted under any criminal drug statute for a violation occurring in the workplace, while on or off duty, or on duty away from the workplace shall be immediately dismissed for the first offense. In the absence of compelling mitigating circumstances, an employee convicted under any criminal drug statute for a violation not occurring in the workplace while not on duty shall be subject to immediate dismissal for the first offense, if convicted of a felony. If the conviction is not a felony, discipline up to and including dismissal may be imposed, including for the first offense, provided that there is a nexus between the offense and the job of the employee.
- Appropriate disciplinary and/or corrective action is to be taken within thirty (30) days after the employer receives notice of a conviction. This, however, is not to be construed to limit the authority of the employer to take such action thereafter.
- An employee not convicted under any criminal drug statute, but who engages in the illegal manufacture, distribution, dispensation, possession or use of controlled substances in any MARC workplace while on or off duty, or on duty away from the workplace, shall be subject to discipline up to and including dismissal for the first occurrence. An employee engaging in such actions while off duty and away from the workplace may be subject to discipline, up to and including dismissal, including for the first offense, if the interests of the MARC are materially adversely affected by the employee's behavior.
- Any employee on MARC premises who appears to be under the influence of, or who possesses illegal or non-medically authorized drugs, or who has used such drugs on MARC premises, may be temporarily relieved of duty pending investigation, and may thereafter be disciplined, up to and including termination.
- If the use of legal drugs endangers safety, management may (but is not required to) reassign work on a temporary or permanent basis.
- Employees must observe other work rules established by their employing departments regarding the use, possession, or presence of drugs involving their employment.
- Each employee of the MARC will make a good faith effort to maintain a drug-free workplace and uphold and promote this policy.

## *Use of Drugs*

### *Legal Drugs*

For certain positions, the legal use of a drug, including alcohol, can pose a significant risk to the safety of the employee or others. Employees who feel or have been informed that the use of such a drug may present a safety risk, are to report such drug use to the Executive Director.

### *Illegal Drugs*

The use, sale, purchase, transfer or possession of an illegal drug by an employee while in a MARC facility, while performing MARC business, or while on the job is prohibited. Presenting oneself for work under the influence of any illegal drug or being under the influence of any illegal drug while conducting MARC business, while on MARC property or in a MARC facility, or while operating any MARC equipment is prohibited. Misuse of prescribed drugs is considered to be the illegal use of drugs. This includes both the use of such drugs in a manner inconsistent with the prescribed use and any use of prescription drugs by persons for whom they are not prescribed.

## *Responsibilities*

### *Employer*

It is the responsibility of the Executive Director to advise each employee of this policy, to post the policy annually at each worksite, and to include a copy of this policy in each new employee's orientation.

### *Employee*

It is the responsibility of each employee to be aware of and to abide by this policy. Employees who become aware of any violations of this policy are required to report any such violation to their supervisor or the Executive Director immediately.

### *Administration*

It is the responsibility of the Executive Director to ensure that managers, supervisors, and employees receive training and orientation regarding the implementation of this policy.

# ***Employee Conduct***

*IT Usage & Control – see Part 3, page 5*

## ***Telephone Calls and Emails***

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Telephones, emails and other routine forms of communication are an important resource to MARC for the simple reason that a good portion of work is done over the phone and much of our work is based upon communication. To the greatest extent possible these office resources should be used for professional purposes. Some personal communications during business hours may be necessary, but should be kept to a minimum. If an employee must make a long-distance call, the employee shall either use a calling card or reimburse MARC for the cost of the call. Try to make personal cell phone calls out of the office or in a private place so as not to disrupt others if you share a space.

## ***Smoke-Free Workplace***

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Under state law, the MARC workplace is smoke free, which includes vaping and marijuana use.

## ***Dress Code***

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MARC standard of dress is business-casual. Employees' manner of dress shall be commensurate with his/her responsibilities and compatible with community standards for equivalent positions in the private and public sector. Employees are asked to use discretion and judgment in their choice of attire.

MARC believes that personal cleanliness and appearance reflects on MARC when employees are representing MARC. If the Executive Director believes that an employee has not met the dress code requirements, or if an outside complaint has been made that the Executive Director deems valid, the Executive Director will inform the employee informally of the violation. Continued warnings may be grounds for disciplinary action. If an employee disagrees with the Executive Director's judgment, the employee is entitled to pursue the Grievance Procedure.

## ***Solicitations and Distributions***

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MARC property, facilities, or bulletin boards are not to be used for solicitation or distribution of materials for activities which are not MARC related. Solicitations of any kind on MARC premises and on MARC work time are prohibited unless approved by the Executive Director.

*Fraud Prevention – see Part 3, page 10*

## ***Safety and Security***

The active cooperation of all employees is necessary to provide a safe and healthy work environment. To accomplish this, safety precautions must be observed. It is expected that employees will respect their work areas and that of fellow employees. If there are any concerns or questions about the safety of the office environment or individual work area, please see the

Executive Director for necessary corrections or accommodations.

## *VOSHA*

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MARC adheres to all relevant Vermont Occupational Safety and Health Administration (VOSHA) safety programs for the protection of employees. This includes compliance with safety regulations and standards established by VOSHA. Any questions should be directed to the Executive Director.

Field work is required for certain staff, such as those who perform traffic counts and road erosion inventories. Employees will adhere to all relevant VOSHA and MUTCD safety measures as well as any applicable VTrans Section 1111 permit conditions when performing fieldwork activities for the MARC. See the MARC Traffic Count Manual for more information.

## *Reporting Accidents/Vehicle Accidents*

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All job-related injuries, illnesses and accidents must be reported immediately to the Executive Director and the Administrative Office who will in turn notify the MARC's Workers Compensation carrier by completing a first report of injury form. This includes any vehicular accidents that occur while conducting business on behalf of MARC during business hours. On-the-job injuries requiring medical attention are to be promptly reported to the Executive Director and the Administrative Office. Employees who suffer an injury or occupational disease arising out of, and in the course of, employment are entitled to payment of medical services for treatment for that injury or illness, in accordance with applicable state laws.

It is preferred that first aid is to be administered by authorized personnel only. If injured on the job, MARC will use the best means possible to provide transportation to the hospital.

Employees who are involved in a vehicular accident involving a personal vehicle outside of MARC premises must obtain the names, addresses and telephone numbers of all people involved, including witnesses. Any damage should be reported to the Executive Director.

## *Worker's Compensation*

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MARC has Workers' Compensation Insurance for all employees. To expedite the receipt of benefits, employees must report any absences or accidents immediately. Proper paperwork must be filled out in accordance with state law.

## *Workplace Violence*

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MARC provides a safe workplace for all employees. To ensure a safe workplace and reduce the risk of violence, all employees should review and understand provisions of this Workplace Violence Policy.

### *Prohibited Conduct*

We do not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities.

This list of behaviors, while not inclusive, provides examples of conduct that is prohibited.

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on MARC property or while on company business;
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

### *Reporting Procedures*

Any potentially dangerous situation must be reported immediately to the Executive Director. Reports can be made anonymously, and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately, and information will be disclosed to others only on a need- to-know basis. All parties involved in a situation will be counseled, and the results of investigations will be discussed with them. MARC will actively intervene at any indication of a possibly hostile or violent situation.

### *Risk Reduction Measures*

**Hiring:** MARC may take reasonable measures to conduct background investigations and review candidates' backgrounds in order to reduce the risk of hiring individuals with a history of violent behavior

**Safety:** MARC will conduct annual inspections of the premises to evaluate and determine any vulnerabilities to workplace violence or hazards. Any necessary corrective action will be taken to reduce all risks.

**Individual Situations:** While we do not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and inform the Executive Director if any employee exhibits behavior that could be a sign of a potentially dangerous situation. Such behavior includes:

- Bringing weapons to the workplace;
- Displaying overt signs of extreme stress, resentment, hostility, or anger;
- Making threatening remarks;
- Sudden or significant deterioration of performance;
- Displaying irrational or inappropriate behavior.

**Employees at Risk:** The Executive Director will identify and maintain a list of employees who have been determined to be at risk for becoming victims of violence because of the nature of their job or because they are subject to harassment, violence, or threats from a non-employee, including family members. The Executive Director will design a plan with at-risk employees to prepare for any possible emergency situations.

### *Dangerous/Emergency Situations*

Employees who encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact and talk to the individual. If someone or the Executive Director can be safely notified of the need for assistance or 911 can be dialed without endangering the safety of the employee or others, such notice

should be given. Otherwise, cooperate and follow the instructions given.

### *Enforcement*

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Non-employees engaged in violent acts on MARC premises will be reported to the proper authorities and fully prosecuted.

## ***Amendment Procedures and Effective Date***

The MARC Personnel Policy Manual may be amended at the discretion of the Executive Committee, and shall be reviewed annually to assure that it is in line with current and practical procedures. Changes to this Manual will be provided to employees through the Executive Director before action by the Executive Committee. Upon adoption by the Executive Committee of MARC, these policies supersede all others previously in effect for MARC. Each employee will need to sign an “Acknowledgement of Receipt of Personnel Policies” upon receipt of the changes.

# Appendix A – Job Descriptions

## Employee Classifications

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Employee classifications are determined by the Fair Labor Standards Act. Those classifications are “exempt” and “nonexempt.”

“**Exempt Employees**” are those who are independently performing technical, professional or administrative functions, working the hours necessary to fulfill the requirements of their positions and to complete all assigned tasks, and who are not covered by the Fair Labor Standard Act overtime pay provisions.

“**Nonexempt Employees**” are those whose duties are clerical, paraprofessional or support in nature and who are required by the Fair Labor Standards Act to be paid overtime at a rate of one and one-half times their regular pay for all hours worked beyond the standard work week of 40 hours. Any overtime must be approved by the Executive Director.

## Job Titles

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Job Title	Min. Education	Min. Experience
Executive Director	Master’s	10 years
Planning Manager	Master’s	8 years
Solid Waste Manager*	Master’s	8 years
Senior Planner	Bachelor’s	5 years
Community Development Specialist	Bachelor’s	2 years
Planner	Bachelor’s	2 years
Assistant Planner	Bachelor’s	None
Recycling Coordinator	Bachelor’s	
Planning Technician	Associate’s	1 year
Financial Administrator	Bachelor’s	4 years
Administrative Assistant	Associate’s	1 year
Bookkeeper	HS Diploma	2 years

Updated: 02/09/2022

\* or expanded position for Director of Community Development

## *Executive Director*

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**Reports to:** Executive Committee

**Exemption Status:** Exempt

### **General Responsibilities**

The Executive Director is the top management position. The Executive Director is responsible to the Executive Committee for overall leadership and management of all the organization's activities, including:

- Preparation and implementation of the annual work programs and budgets, and submission of all required progress reports on the different programs administered by the Commission.
- Oversight, or delegation as appropriate, of contracts with firms and/or individuals performing services for the organization.
- Acting as the principal liaison with the public and media regarding organizational activities.
- Preparation and implementation of organizational planning documents and programs consistent with requirements of Vermont statutes and federal programs.
- Identification of unmet regional needs, opportunities for addressing regional issues, and conceptualization of strategies to accomplish the organization's strategic goals.
- Providing support to board members as they decide on organizational priorities and providing recommendations on organizational policies and by-law updates.
- Ensuring on-going training and development for staff and Board members.
- Human resources management including preparation of position descriptions, assignment of responsibilities, candidate searches, hiring, firing and annual evaluation of performance.
- Budget management including identification of revenue sources, preparation of grant applications, budgets and contracts with state and federal agencies and other non-profit and for-profit organizations, preparation of financial reports to the executive committee and commission.
- Strengthening effective public participation and building relationships that will enable the organization to serve its clients better.
- Represent the Commission's interests in its work with towns, state agencies, other regional groups, citizen organizations and the general public.
- Manages the solid waste programs.
- Perform other tasks and duties as assigned.

### **Minimum Qualifications**

The Executive Director shall have the following minimum qualifications:

- A Master's degree in planning or a closely related field and a minimum of ten years of relevant professional experience illustrating progressively greater responsibility. A Bachelor's Degree and 12 years of experience may be substituted for a Master's Degree.

- At least three years must be in supervisory roles, including direct experience with program, personnel and project management preferably with a regional or metropolitan planning organization.
- Experience in the administration and implementation of adopted policies and objectives, and must demonstrate, by prior relevant experience, the ability to work with complex regulations and issues.
- Ability to work with and supervise staff in a manner that allows for an efficient, productive and pleasant office environment.
- Candidates should also have direct experience with budget formulation and management and human resources management.
- Knowledge of computer technology for routine office applications; must be functional in a Microsoft Office environment.
- AICP desirable but not required.

This position is subject to all the terms and benefits of the Commission's Personnel Policies. Applicants must be lawfully authorized to work in the United States.

## *Planning Manager*

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**Reports to:** Executive Director

**Exemption Status:** Exempt

### **General Responsibilities**

The Planning Manager is responsible to the Executive Director for senior leadership and assisting to manage the MARC's planning activities. The Planning Manager will assist with the following:

- Act as Executive Director in Executive Director's absence.
- Assist the Executive Director with the ongoing management and administration of the Commission's planning activities.
- Assist the Executive Director with developing the annual organizational work program and budget.
- Manage the emergency, health and economic development planning programs, and other programs as assigned.
- Oversee the planning functions of the organization, and provide guidance to assist planners with their work for the organization.
- Take a leading role with the development of applications seeking new funding sources for the organization.
- Provide technical assistance to member towns including the preparation of local and regional documents, conducts regional studies, applies for and administers grants.
- Undertake professional technical analysis, writes reports, conducts community hearing board presentations, and develops and implements short- and long-range planning projects or programs.
- Represent the Commission's interests in its work with towns, state agencies, other regional groups, citizen organizations and the general public.
- Act as a liaison with the public, member towns and media regarding planning activities.
- Attend a substantial number of community meetings, many of which may be during evening hours.
- Perform other tasks and duties as assigned.

### **Minimum Qualifications**

The Planning Manager shall have the following minimum qualifications:

- A Master's degree in planning or a closely related field and a minimum of eight years of relevant professional experience illustrating progressively greater responsibility. A Bachelor's Degree and 10 years of experience may be substituted for a Master's Degree.
- Knowledge of computer technology for routine office applications; must be functional in a Microsoft Office environment. GIS experience with ESRI products is highly desirable. Experience with graphics software (e.g. InDesign, Illustrator, Sketch Up) is also highly desirable.
- Ability to work with and supervise staff in a manner that allows for an efficient, productive

and pleasant office environment.

- Experience with preparing and managing project budgets.
- AICP desirable but not required.

This position is subject to all the terms and benefits of the Commission's Personnel Policies. Applicants must be lawfully authorized to work in the United States.

## *Director of Community Development*

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**Reports to:** Executive Director

**Exemption Status:** Exempt

### **General Responsibilities**

The Director of Community Development is responsible to the Executive Director for senior leadership and management of the MARC's activities and will assist with the following:

- Assist the Executive Director with the ongoing management and administration of the solid waste program, including assistance with developing the annual work programs and budgets for the solid waste districts.
- Oversee the development and implementation of the Solid Waste Implementation Plan (SWIP) for each district.
- Staff the two solid waste district boards.
- Oversee and provide guidance to assist staff with their work for the solid waste program.
- Manage the brownfields program, and assist with administering Northern Boarders projects and other projects as assigned.
- Assist with grant writing, grant administration, project development, and project management.
- Represent the Commission's interests in its work with towns, state agencies, other regional groups, citizen organizations and the general public.
- Represent the Commission's interest by reviewing and providing testimony on legislation that would impact the solid waste or brownfield programs.
- Attendance and facilitation of public meetings, many of which may be during the evening hours.
- Perform other tasks and duties as assigned.

### **Minimum Qualifications**

The Director of Community Development shall have the following minimum qualifications:

- A Master's degree in planning or a closely related field and a minimum of eight years of relevant professional experience illustrating progressively greater responsibility. A Bachelor's Degree and 10 years of experience may be substituted for a Master's Degree.
- Knowledge of computer technology for routine office applications; must be functional in a Microsoft Office environment.
- Ability to work with and supervise staff in a manner that allows for an efficient, productive and pleasant office environment.
- Experience with preparing and managing budgets.
- AICP desirable but not required.

This position is subject to all the terms and benefits of the Commission's Personnel Policies. Applicants must be lawfully authorized to work in the United States.

## *Senior Planner*

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**Reports to:** Executive Director

**Exemption Status:** Exempt

### **General Responsibilities**

The Senior Planner is a higher-level professional staff position in the Commission's professional career series, recognizing the individual's depth of professional experience and knowledge in numerous specialized areas related to the Commission's work program and mission. General responsibilities of the Senior Planner are as follows:

- Provides technical assistance, in consultation with the Planning Manager, to member towns including the preparation of local and regional documents, conducts regional studies, applies for and administers grants, and reviews development proposals.
- Undertakes professional technical analysis, writes reports, conducts community hearing board presentations, and assists the Executive Director in the development and implementation of short and long range planning projects or programs.
- Provides primary staff assistance to various boards and committees as deemed necessary by the Regional Planning Commission Board and/or the Executive Director.
- Has project management responsibilities and shall assist in the supervision of other staff as assigned by the Executive Director.
- Communicates effectively with various agencies, organizations, and citizens groups is critical to the functioning of the organization.
- Attends substantial number of evening meetings.
- Performs field work in a variety of conditions (e.g. windshield surveys, traffic counts, road inventories) as required.
- Performs other tasks and duties as assigned.

### **Minimum Qualifications**

The Senior Planner shall have the following minimum qualifications:

- A Bachelor's degree in planning or a closely related field and a minimum of five years of experience in rural and/or regional planning, including at least one year experience in program administration and supervision. A Master's degree in planning or a closely related field may be substituted for one year of the required experience.
- Excellent oral and written communication skills.
- Knowledge of computer technology for routine office applications; must be functional in a Microsoft Office environment. GIS experience with ESRI products is highly desirable. Experience with graphics software (e.g. InDesign, Illustrator, Sketch Up) is also highly desirable.
- Must demonstrate experience in administration and implementation of adopted policies and objectives, and the ability to work with complex regulations and issues.
- Well qualified in managing other portions of the Commission's overall work program.
- AICP desirable but not required.

This position is subject to all the terms and benefits of the Commission's Personnel Policies. Applicants must be lawfully authorized to work in the United States.

## *Planner*

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**Reports to:** Executive Director

**Exemption Status:** Exempt

### **General Responsibilities**

The Planner is a mid-level professional staff position in the Commission's professional career series. The Planner brings to the position some professional experience or an expertise or orientation in one or more subject areas corresponding to the Commission's work program. General responsibilities of the Planner are as follows:

- Provides technical assistance, with supervision from the Planning Manager, to member towns including helping to prepare or amend municipal plans and bylaws, conducts regional studies, ensures that procedural requirements are met for public review and hearings, and other similar work as assigned.
- Undertakes professional technical analysis, drafts reports, develops and administers grants, conducts community and hearing board presentations, and works with town officials and the general public on local and regional planning matters.
- Provides staff assistance to various boards and committees.
- Attends substantial number of evening meetings.
- Performs field work in a variety of conditions (e.g. windshield surveys, traffic counts, road inventories) as required.
- Performs other tasks and duties as assigned.

### **Minimum Qualifications**

The Planner shall have the following minimum qualifications:

- A Bachelor's degree in planning or a closely related field and two years of related professional or para-professional experience. A Master's degree in planning or a closely related field may be substituted for one year of the required experience.
- Excellent oral and written communication skills.
- Knowledge of computer technology for routine office applications; must be functional in a Microsoft Office environment. GIS experience with ESRI products is highly desirable. Experience with graphics software (e.g. InDesign, Illustrator, Sketch Up) is also highly desirable.
- Must demonstrate the potential to administer and implement adopted policies and objectives, work with complex regulations and issues, and represent the Commission in its work with towns, state agencies, other regional groups, a wide variety of citizen organizations, and the general public.
- Ability to effectively communicate with various agencies, organizations, and citizens groups is critical to the functioning of the organization.
- AICP desirable but not required.

This position is subject to all the terms and benefits of the Commission's Personnel Policies. Applicants must be lawfully authorized to work in the United States.

## *Assistant Planner*

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**Reports to:** Executive Director

**Exemption Status:** Exempt

### **General Responsibilities**

The Assistant Planner is the entry-level professional staff position in the Commission's professional career series. This position receives considerable immediate supervision from senior planners. General responsibilities of the Assistant Planner are to assist senior-level planners with the following:

- Helps to prepare or amend municipal plans and bylaws, develop planning studies and reports, and other similar work as assigned.
- Assists with developing draft reports, technical analysis, preparing and administering grants, conducting public presentations, and working with town officials and the general public on local and regional planning matters.
- Provides staff assistance to various boards and committees.
- Attends evening meetings.
- Performs field work in a variety of conditions (e.g. windshield surveys, traffic counts, road inventories) as required.
- Perform other tasks and duties as assigned.

### **Minimum Qualifications**

The Assistant Planner shall have the following minimum qualifications:

- A Bachelor's degree in planning or a closely related field.
- Excellent oral and written communication skills.
- Knowledge of computer technology for routine office applications; must be functional in a Microsoft Office environment. GIS experience with ESRI products is highly desirable. Experience with graphics software (e.g. InDesign, Illustrator, Sketch Up) is also highly desirable.
- Knowledge of the principles and practices of research, data collection, and report preparation.

This position is subject to all the terms and benefits of the Commission's Personnel Policies. Applicants must be lawfully authorized to work in the United States.

## *Community Development Specialist*

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**Reports to:** Executive Director

**Exemption Status:** Exempt

### **General Responsibilities**

The Community Development Specialist's role will involve a variety of tasks to assist with the successful completion of ongoing projects. General responsibilities of this position are to assist with the following work activities:

- Helps to prepare and administer grants, conduct public presentations, and works with town officials and the general public on municipal project management and planning projects.
- Provides staff assistance to various boards and committees.
- Attends evening meetings.
- Performs field work in a variety of conditions (e.g. windshield surveys, traffic counts, road inventories) as required.
- Performs other tasks and duties as assigned.

### **Minimum Qualifications**

The Community Development Specialist shall have the following minimum qualifications:

- A Bachelor's degree in natural resources, environmental science and/or planning background or related field.
- Excellent oral and written communication skills.
- Knowledge of computer technology for routine office applications; must be functional in a Microsoft Office environment. GIS experience with ESRI products is highly desirable. Experience with graphics software (e.g. InDesign, Illustrator, Sketch Up) is also highly desirable.
- Knowledge of the principles and practices of research, data collection, and report preparation.

This position is subject to all the terms and benefits of the Commission's Personnel Policies. Applicants must be lawfully authorized to work in the United States.

## *Recycling Coordinator*

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**Reports to:** Executive Director

**Exemption Status:** Exempt

### **General Responsibilities**

The Recycling Coordinator assists the MARC to provide recycling coordinator services for the solid waste districts. General responsibilities of the Recycling Coordinator are to assist with the following work activities:

- Helping to prepare and implement a Solid Waste Implementation Plan.
- Coordinating recycling services for member communities.
- Providing education and outreach on solid waste and recycling services.
- Performing other tasks and duties as assigned.

### **Minimum Qualifications**

The Recycling Coordinator shall have the following minimum qualifications:

- A Bachelor's degree in natural resources, environmental science or a related field.
- Excellent oral and written communication skills.
- Knowledge of computer technology for routine office applications; must be functional in a Microsoft Office environment.
- Knowledge of the principles and practices of research, data collection, and report preparation.

This position is subject to all the terms and benefits of the Commission's Personnel Policies. Applicants must be lawfully authorized to work in the United States.

## *Planning Technician*

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**Reports to:** Executive Director

**Exemption Status:** Non-Exempt

### **General Responsibilities**

The Planning Technician is an entry-level paraprofessional position, which may also be called GIS Technician or other specialized technician. This position receives considerable immediate supervision from senior planners. The role will involve a variety of tasks to assist planners with ongoing projects. General responsibilities of the Planning Technician are to assist planners with the following:

- Fieldwork will include, but may not be limited to, conducting traffic counts, working with town road crews to inventory roads, bridges and culverts and conducting road erosion inventories (REI) as required by Act 64 (2015 Vermont Clean Water Act),
- Office work will include, but may not be limited to, grant writing, data entry/management, and compilation of technical reports.
- Perform other tasks and duties as assigned.

### **Minimum Qualifications**

The Planning Technician shall have the following minimum qualifications:

- A college degree with natural resources, environmental science and/or planning background or related field, and at least one year of para-professional experience.
- Experience with Microsoft Office products, particularly Excel and Word.
- Ability to use Geographic Information System (GIS) mapping software and GPS unit.
- Strong data entry and quality control ability.
- A willingness to work with a variety of personalities.
- Good oral and written communication skills.

This position is subject to all the terms and benefits of the Commission's Personnel Policies. Applicants must be lawfully authorized to work in the United States.

## *Financial Administrator*

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**Reports to:** Executive Director

**Exemption Status:** Exempt

### **General Responsibilities**

The Financial Administrator position for the Commission is multi-dimensional, and has primary fiscal responsibilities related to the operation of the RPC. This position requires attention to detail, an ability to adjust quickly to work peaks and the flexibility to adjust to changing priorities. General responsibilities of the Financial Administrator include the following:

- Under general supervision of the Executive Director, the Financial Administrator is responsible for the fiscal management of the Commission and supervises the other administrative staff.
- Maintains all general ledgers; prepares monthly financial statements and budget reports; calculates an indirect cost proposal; assists in the preparation of the annual budget; facilitates the annual audit process; is responsible for bank reconciliation; processes invoices received in the mail; time and benefit tracking; and prepares quarterly/annual payroll returns.
- Monitors grant and special project accounts, serves as the account receivable grants manager, maintains contract files and related financial information.
- Assists the Executive Director in the financial administration of state/federal grant programs. Duties include monitoring all programs for compliance with federal/state financial regulations, prepares all contract and grant reimbursement requests, and develops and maintains financial spreadsheets on program fund accounts.
- Guides the overall administration of the human resources policies, procedures and programs.

### **Minimum Qualifications**

The Financial Administrator shall have the following minimum qualifications:

- A Bachelor's degree and a minimum of four years of fund accounting experience.
- Must have good written and oral communication skills, possess good math skills, and show ability to be detail-oriented.
- Must have strong computer skills and familiarity with spreadsheets and accounting software.
- Demonstrated ability to work independently and as a team member.

This position is subject to all the terms and benefits of the Commission's Personnel Policies. Applicants must be lawfully authorized to work in the United States.

## *Administrative Assistant*

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**Reports to:** Executive Director

**Exemption Status:** Non-Exempt

### **General Responsibilities**

The Administrative Assistant for the Commission is multi-dimensional and must insure the smooth completion of all clerical and reception tasks related to the day-to-day operation of the office. The Administrative Assistant is often the first contact citizens have with the Commission and as such must demonstrate excellent phone and people skills. General responsibilities of the Administrative Assistant include the following:

- Provides telephone/clerical/administrative support for all office projects, under general supervision of the Executive Director, but not limited to, keyboarding, filing, copying and distribution of incoming and outgoing documents.
- Prepares agendas and maintains meeting records pursuant to Vermont Open Meeting Law, monitors the schedules of other personnel, and provides general staff support as necessary.
- Establishes and maintains the office filing and resource library systems, and orders/maintains office supplies and equipment necessary for the day-to-day operation of the office.
- Assures the efficient operation of the workplace through implementation of the office policies. in conjunction with the Executive Director.
- Helps to facilitate the preparation of community outreach materials for the office, such as newsletters, website updates and Facebook posts.
- Assists with payroll.
- Originates and leads Human Resources practices and objectives, in conjunction with the Financial Administrator, that will provide an employee-oriented, high performance culture that emphasizes empowerment, quality, productivity and standards, goal attainment, and the recruitment and ongoing development of a superior workforce.

### **Minimum Qualifications**

The Administrative Assistant shall have the following minimum qualifications:

- A vocational or community college degree, and a minimum of one year clerical/office support experience.
- Proven experience in office administration, and have good written and oral communication skills.
- Knowledge of computer and telephone systems and familiarity with the operation of typical office equipment.
- Strong organizational skills are required, as well as an attention to details, and an ability to adjust to changing priorities.
- Demonstrated ability to work independently and as a team member.

This position is subject to all the terms and benefits of the Commission's Personnel Policies.

Applicants must be lawfully authorized to work in the United States.

## *Bookkeeper*

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**Reports to:** Executive Director

**Exemption Status:** Non-Exempt

### **General Responsibilities**

The Bookkeeper assists the Financial Administrator with the financial management of the Commission. General responsibilities include the following:

- Assists with accounts receivable, accounts payable and filing under the general supervision of the Financial Administrator.
- Performs other duties as assigned.

### **Minimum Qualifications**

The Bookkeeper shall have the following minimum qualifications:

- Minimum of two years of prior bookkeeping experience and an accounting degree preferred.
- Must have good written and oral communication skills, possess good math skills, and show ability to be detail-oriented.
- Must have strong computer skills and familiarity with spreadsheets and accounting software.
- Demonstrated ability to work independently and as a team member.

This position is subject to all the terms and benefits of the Commission's Personnel Policies. Applicants must be lawfully authorized to work in the United States.

## ***Appendix B – Standards for Conduct***

The Mount Ascutney Regional Commission (MARC) is established under 24 V.S.A. Chapter 117 Subchapter 3. As such, it is the responsibility of the MARC to provide quality public service and to use tax dollars efficiently. The purpose of this policy is to ensure that all activities of the MARC will be conducted in a way that no employee or member of the Board of Commissioners will gain a personal or financial advantage from his or her work for the MARC in order to preserve the public trust in the MARC. It is also the intent of this policy to ensure that all decisions made by staff and members of the Board of Commissioners are based on the best interest of the community at large.

### ***Conflicts of Interest***

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A conflict of interest means any situation where an employee or member of the Board of Commissioners has a personal or financial interest in the outcome of a cause, proceeding, application or any other matter pending before the MARC (e.g. plans and policies, contracts, applications before Act 250 or other regulatory board where the MARC is a party). This may involve any direct or indirect interests of an employee or commissioner with any partnerships, firms or corporations, or individuals (e.g. his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother- or sister-in-law, business associate, or employer or employee).

In order to avoid conflicts of interest, employees and members of the Board of Commissioners shall not:

- a) Participate in any official action if he or she has a conflict of interest or appearance of a conflict of interest in the matter under consideration.
- b) Represent, appear for or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application or other matter pending before the MARC.
- c) Solicit nor accept gifts, gratuities, favors or other offerings of personal gain from contractors, potential contractors, parties to sub-contracts, or others that have a vested interest in the outcomes of decisions made by the MARC.
- d) Use resources unavailable to the general public – including but not limited to staff time, equipment, supplies or facilities – for private gain or personal purposes.

Additionally, employees of the MARC shall not engage in or purport to represent the MARC in any partisan political activity. If an employee holds an elected or appointed position on a local board or commission, or is otherwise involved in policy-making or quasi-judicial responsibilities that relate to town or regional planning or relate to work performed by the MARC, he or she must exercise discretion to minimize the risk of appearance of a conflict. Prior to holding public office, an employee shall consult with the Executive Director or Officers of the Board to identify potential difficulties and appropriate means of addressing them.

An employee shall disclose any potential conflicts of interest to the Executive Director or his or her designee. The Executive Director (or his or her designee) shall decide if a conflict of interest condition exists, whether to reassign the responsibilities to another staff person, or if

other action is appropriate, and shall disclose such conflicts of interest to the Executive Committee. If found to have a conflict of interest, said employee(s) must refrain from using their personal influence by avoiding further discussion on the matter with other employees or with commissioners, and by physically excusing themselves from any related actions or proceedings before the Board of Commissioners.

The Executive Director or a member of the Board of Commissioners shall disclose on the record any direct or indirect personal or financial interests with an official action before the MARC. In any cases where there is such a conflict of interest or appearance of a conflict of interest, said person(s) must refrain from using their personal influence by recusing themselves from further discussion on the matter. The applicable meeting minutes shall reflect the resulting disclosures and recusals.

In the event a Commissioner is uncertain whether he or she has a conflict of interest in any matter, he or she may request the Commission to determine whether a conflict of interest exists. Prior to action being taken by the Commission, any Commissioner may request that the Commission discuss whether a conflict of interest exists as to another Commissioner or him/herself. When any conflict is unresolved, a Commissioner or the full Commission can request that it be noted in the minutes that a potential conflict may exist.

### *Conflicts of Ethics*

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Members of the Board of Commissioners and employees shall conduct themselves in a manner that serves the public interest and is consistent with these policies, the mission of the Commission, and the [Ethical Principles in Planning](#) as maintained and periodically updated by the American Planning Association. All planning staff shall strive to achieve high standards of professionalism consistent with the [Code of Ethics and Professional Conduct](#) of the American Institute of Certified Planners, as most recently amended.

Approved by the MARC Board of Commissioners on November 20, 2017.

# Part 2 - Procurement Procedures And Self-Certification

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## *Purpose and Authority*

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The purpose of this document is to describe the process through which the Mount Ascutney Regional Commission (MARC) will procure consultant services and equipment for the accomplishment of assignments provided by state and/or federal agencies that are beyond the ability of the Commission staff either due to workload or available in-house expertise. This document is intended to satisfy the requirements to self-certify MARC procurement procedures in compliance with applicable federal regulations 2 CFR §§200.317-326. Specific federal agency or Vermont requirements also apply and are in addition to those outlined in Title 2.

These policies and procedures have been developed in accordance with the following state and federal statutes and regulations:

- 24 VSA Chapter 117 - Vermont Municipal and Regional Planning and Development Act.
- Vermont Agency of Administration Administrative Bulletin 3.5 - Contracting Procedures.
- Code of Federal Regulations (CFR) Title 2, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- CFR §§200.317-326 Procurement Standards.
- CFR §200.112 Conflict of Interest.
- CFR §200.113 Mandatory disclosures.

## *Definitions*

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- **Agency** - an agency, department, division, or other administrative unit of the State of Vermont or Federal Government.
- **Contract** - a legal instrument by which the MARC purchases property or services needed to carry out the project or program. The term contract includes all such agreements whether or not characterized as a “contract,” “agreement,” “purchase order,” “procurement,” “license agreement,” “maintenance agreement,” “support agreement,” or other similar term (Vermont Bulletin 3.5.).
- **Contractor** - Any third party providing services or materials to MARC for the purpose of accomplishing a contracted work plan.
- **Equipment** - Tangible, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.
- **Pass-Through Entity** – a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.
- **Services** - includes professional services of an individual or of persons working for a business enterprise, that provide an expertise in construction, design, engineering, information technology,

real estate, equipment maintenance, etc.

- **Subaward** - an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity.
- **Subrecipient** – a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program.
- **Supplies** – all tangible personal property other than those as described as Equipment above.

## *General Procurement*

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- MARC will maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions and specifications of their contracts or purchase orders.
- MARC will maintain a written code of standards of conduct as part of the MARC Personnel Policies governing the performance of their employees engaged in the award and administration of contracts under this program. In addition, no employee, officer or agent of the MARC shall participate in the selection, award or administration of a contract supported by State or Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:
  - 1) The employee, officer or agent or,
  - 2) Any member of his/her immediate family or,
  - 3) His or her partner, or
  - 4) Any organization which employs, or is about to employ, any of the above has a financial or other interest in, or a tangible personal benefit from, a firm considered for a contract.

The MARC officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subcontracts. MARC may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct will provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of MARC.

- MARC will review proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase and to increase free and open competition. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
- In order to foster greater economy and efficiency, MARC will endeavor to enter into State and local intergovernmental agreements for procurement or use of common or shared goods and services.
- MARC will endeavor to use federal and state excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.
- MARC will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
- MARC will maintain records sufficient to detail the history of procurement. These records will

include, but are not necessarily limited to, the rationale of the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

- MARC will use time and material-type contracts when procuring on state and/or federal jobs only:
  - 1) After a determination that no other contract is suitable, and
  - 2) If the contract includes a maximum limiting amount (MLA) that the contractor exceeds at its own risk.

Time and material type contract mean a contract whose cost to a non-Federal entity is the sum of: the actual cost of materials; and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative (indirect) expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, MARC must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

- MARC alone will be responsible, in accordance with good administrative practice and sound business judgement, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protest, disputes, and claims. These standards do not relieve MARC of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of MARC unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having jurisdiction.
- MARC will have protest procedures (see Grievance Resolution Procedures) to handle and resolve disputes as part of all contracts awarded, and shall, in all instances of such occurrences, disclose information regarding the protest to the said state and/or federal awarding Agency. A protestor must exhaust all State and local potential remedies before pursuing a protest with the Federal Agency. Review by the Federal agency will be limited to alleged violations of federal laws or regulations or MARC protest procedures.
- All procurement transactions will be conducted in a manner providing full and open competition. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, and invitations for bids or requests for proposals will be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:
  - 1) Placing unreasonable requirements on firms in order for them to qualify to do business;
  - 2) Requiring unnecessary experience and excessive bonding;
  - 3) Noncompetitive pricing practices between firms or between affiliated companies;
  - 4) Noncompetitive work authorization to consultants that are on retainer contracts;
  - 5) Organizational conflicts of interest;
  - 6) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
  - 7) Any arbitrary action in the procurement process.

- Solicitations for goods and services shall be based upon a clear and accurate description of the technical requirements for the material, product or service to be procured. Such a description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated. All solicitations will identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
- MARC will conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluations of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. This shall not preempt state licensing laws.

When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

- MARC will ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. MARC will not preclude potential bidders from qualifying during the solicitation period.
- MARC will use one of the following methods of procurement.
  - 1) **Purchase orders.** All purchases over \$100 require a Request for Disbursements form to be approved by the Executive Director before the purchase can be made.
  - 2) **Procurement by Micro-Purchases.** Micro-purchase procurement is intended to be used only for equipment and supplies, not for contracted services. Staff shall follow sound business practices and seek price quotes to the extent possible for all micro-purchases that are below \$2,000 in aggregate.
  - 3) **Procurement by Small Purchase** (i.e. Simplified Acquisition/Bid). Small purchases between \$2,000 and \$15,000 in aggregate shall be procured using a simplified procurement process which solicits price or rate quotations obtained from at least three qualified sources. Small purchase procurement files must contain a summary of the quotes and a written explanation for the selection.
  - 4) **Standard Procurement Process.** For those purchases above \$15,000, the MARC shall use either sealed bid or a competitive proposal process.
    - a) **Procurement by Sealed Bids.** Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the following conditions apply. In order for sealed bidding to be feasible, the following conditions should be present:
      - i. A complete, adequate, and realistic specification or purchase description is

- available;
- ii. Two or more responsible bidders are willing and able to compete effectively for the business; and
- iii. The procurement lends itself to a firm fixed price or unit price contract and the selection of the successful bidder can be made principally on the basis of price.

If sealed bids are used, the following requirements apply:

- a. The invitation for bids will be publicly advertised and bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids;
- b. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
- c. All bids will be publicly opened at the time and place prescribed in the invitation for bids;
- d. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
- e. Any or all bids may be rejected if there is a sound documented reason.

- b) **Procurement by Competitive Proposals.** The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:
  - i. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum practical;
  - ii. Proposals must be solicited from an adequate number of qualified sources;
  - iii. MARC will have a written method for conducting technical evaluations of the proposals received and for selecting recipients; and
  - iv. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

- 5) **Procurement by Noncompetitive Proposals.** Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
  - a) The item is available only from a single source;
  - b) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
  - c) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from MARC; or
  - d) After solicitation of a number of sources, competition is determined inadequate.

If this is utilized, then clear documentation for the justification should be kept in the contract file explaining why a noncompetitive process was utilized.

- 6) **Procurement of Design/Engineering Services:** MARC will comply with 19 VSA 10a for procurement of Architectural Engineering (A/E) and related professional services. Procurement for design and/or engineering services over \$100,000 shall be done using a qualifications-based selection process in accordance with the Brook's Act.
- **Contracting with small and minority businesses, women's business enterprises and labor surplus area firms.** MARC will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include:
    - 1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
    - 2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
    - 3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
    - 4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
    - 5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
    - 6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed above.
  - **Procurement of recovered materials.** MARC, as a political subdivision of Vermont, and its contractors will comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.
  - **Contract cost and price.** MARC will perform a cost or price analysis in connection with every procurement action in excess of the \$100,000 threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, MARC will make independent estimates before receiving bids or proposals.

MARC will negotiate profit as a separate element of the price for each contract in which there is no price competition and, in all cases, where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Cost or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for MARC under Subpart E – Cost Principles of 2 CFR § 200. MARC may reference its own cost principles that comply with the Federal cost principles.

The cost plus a percentage of cost and percentage of construction cost methods of contracting will not be used.

- **Federal awarding agency or pass-through entity review.** MARC will make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if MARC desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.
  - 1) MARC will make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent costs estimates when:
    - a) MARC's procurement procedures or operation fails to comply with these procurement standards;
    - b) The procurement is expected to exceed the \$100,000 threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
    - c) The procurement, which is expected to exceed the \$100,000 threshold, specifies a "brand name" product;
    - d) The proposed contract is more than the \$100,000 threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
    - e) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the \$100,000 threshold.
  - 2) MARC is exempt from the pre-procurement review if the Federal awarding agency or pass-through entity determines that its procurement systems comply with these standards.
    - a) MARC may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis;
    - b) MARC may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from MARC that it is complying with these standards. MARC will cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.
- **Bonding requirements.** For construction or facility improvement contracts or subcontracts exceeding the \$100,000 threshold, the Federal awarding agency or pass-through entity may accept

the bonding policy and requirements of the MARC provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

- 1) A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
  - 2) A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor’s obligations under such contract.
  - 3) A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.
- **Contract provisions.** MARC’s contracts will contain the applicable provisions as described below and contained in Appendix II to Part 200 – Contract Provisions for non-Federal Entity Contracts Under Federal Awards. In addition to other provisions required by the Federal agency or MARC, all contracts made by MARC under the Federal award will contain provisions covering the following, as applicable.
    - 1) Contracts for more than the \$100,000 threshold must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions as appropriate.
    - 2) All contracts in excess of \$10,000 will address termination for cause and for convenience by MARC including the manner by which it will be affected and the basis for settlement.
    - 3) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 will include the equal opportunity clause provided under 41 CFR 601-4(b), in accordance with Executive Order 11246 “Equal Employment Opportunity” (30FR 12319, 12935, 3 CFR Part 1964-1965 Comp., p. 339), as amended by Executive Order 11375 “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”
    - 4) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors will be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in wage determination made by the Secretary of Labor. In addition, contractors will be required to pay wages not less than once a week. MARC will place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. MARC will report all suspected or reported violations to the Federal awarding agency. The contracts will also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The

Act provides that each contractor or subrecipient will be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. MARC will report all suspected or reported violations to the Federal awarding agency.

- 5) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by MARC in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5).
  - 6) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2(a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.
  - 7) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended – Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires MARC to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387).
  - 8) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (43 U.S.C. 6201).
  - 9) Debarment and Suspension (Executive Orders 12549 and 12689) – A contract award (see 2CFR 180.220) must not be made to parties listed on the government-wide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1968 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), “Debarment and Suspension.” The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549. In addition, a contract award must not be made to parties listed on the Vermont Building and General Services (BGS) website at <http://bgs.vermont.gov/purchasing/debarment>.
  - 10) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) – Contractors that apply or bid for an award of \$100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
- The MARC procurement file must contain the following, in addition to all other items listed in these Procurement Procedures:
    - 1) The technical specifications/Scope of Work for all proposed procurement (purchases or personal services contracts).

- 2) The final draft contract or agreement or purchase order including submission of the MARC cost estimates, a description of the cost on price analysis performed by the MARC, and the technical evaluation of all proposals.
- A procurement selection committee shall be established for the purpose of technical evaluation and consultant selection, and it may include the state or federal agency as a non-voting member.
  - The MARC shall use state and/or federal agency provided pro-forma contracts and agreements for contractual compliance with State and Federal requirements.
  - The MARC shall prepare a technical evaluation for the proposals received and it will become a part of the procurement file.

### *Other Provisions*

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- **Salary Caps.** All contracts using U.S. EPA assistance for a contractor or sub recipient shall comply with 40 CFR 30.21-28 including 30.27(b) dealing with the authorized direct salary cap under federal assistance agreements.
- **Minority/Women's Business Enterprise (MBE/WBE).** The MARC shall make a good faith effort to encourage the participation and bidding of minority and women-owned business enterprises whenever procuring construction, equipment, services and supplies, especially as related to accomplishing the goals and conditions of federal assistance awards and contracts. The organization will follow the guidelines and requirements of Title 40 CFR Part 33, Subpart-C, in addition to using the basic reporting requirements of EPA Form 5700-52A to document and implement the policies, procedures and systems necessary to make opportunities available to MBE/WBE firms.
- **Cost Sharing, Matching and In-Kind Contributions.** The MARC may accept cash and third party in-kind support to assist in the implementation and pursuit of its goals and mission. When addressing federal cost share, match or in-kind contribution requirements of federal assistance awards, all contributions, including cash and third party in-kind, shall meet all of the requirements of 40 CFR 30.23, including the following criteria.
  - 1) Are verifiable from the recipient's records.
  - 2) Are not included as contributions for any other federally-assisted project or program.
  - 3) Are necessary and reasonable for proper and efficient accomplishment of project or program objectives.
  - 4) Are allowable under the applicable cost principles.
  - 5) Are not paid by the Federal Government under another award, except where authorized by Federal statute to be used for cost sharing or matching.
  - 6) Conform to other provisions of Circular A-110, as applicable.

### *Purchase of Equipment*

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- All equipment procured on behalf of a state and/or federal agency must be pre-approved if not in an approved work plan. The purchased equipment must be directly related to the implementation of a specific state and/or federal program and is to be used only for the originally authorized purpose. If the equipment is no longer needed, the MARC will notify the state and/or federal agency of this for

possible use on other projects or programs supported by said agency. However, when acquiring replacement equipment approved by a specific state and/or federal agency, the MARC may use the equipment to be replaced as a trade-in or sell the equipment and use the proceeds to offset the cost of the replacement equipment with approval of the appropriate state and/or federal agency. All documentation showing trade-in value must accompany MARC's invoice in which reimbursement is being requested for that equipment.

- The MARC will not use equipment acquired with grant funds to provide services for a fee in order to compete unfairly with private firms which provide equivalent services.
- The MARC will be responsible for the management of the equipment while in use in such a fashion that at a minimum meets the following requirements:
  - 1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of the property, who holds title, the acquisition date, the cost of the property, the location and use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.
  - 2) A physical inventory of the property must be taken and the results reconciled with the property records at least every two years.
  - 3) A control system must be developed to ensure adequate safeguards to prevent loss, damage or theft of the property. Any loss, damage, or theft shall be investigated.
  - 4) Adequate maintenance procedures must be developed to keep the property in good condition.
- When original or replacement equipment acquired under an agreement is no longer needed for the original project or program, disposition of the equipment will be made as follows:
  - 1) Items of equipment with a current per-unit market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation.
  - 2) Items of equipment with a current per-unit market value in excess of \$5,000 may be retained or sold and the state or federal agency shall have the right to an amount calculated by multiplying the current market value or proceeds from sale by the state or Federal Government's share of the equipment.
- In cases where the MARC fails to take appropriate disposition actions, the state and/or federal awarding agency may direct the MARC to take excess property and disposition actions. The Federal Government may reserve the right to transfer title to the Federal government or a third party when such a third party is otherwise eligible under existing statutes. Such transfers shall be subject to the following standards:
  - 1) The property shall be identified in the agreement or otherwise made known to the MARC in writing.
  - 2) The state and/or federal awarding agency shall issue disposition instructions within 120 calendar days after the end of said agency's support of the project for which it was acquired. If the state and/or Federal agency fail to issue disposition instructions within the time frame, the MARC will follow the instructions as described above. When title is transferred, the MARC will be paid an amount calculated by applying the percentage of participation in the purchase to the current fair market value.
- Title to supplies acquired under an agreement will vest upon acquisition to the MARC. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate fair market value upon

termination or completion of the state and/or federal award, and if the supplies are not needed for any other state and/or federally sponsored programs or projects, the MARC shall compensate the awarding agency for its share.

### *Grievance Resolution Procedures*

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- MARC will maintain a grievance resolution system which ensures that contractors are treated fairly when resolving disputes with the terms, conditions and specifications of their contracts or purchase orders.
- MARC will act responsibly and in a timely manner when resolving a grievance.
- MARC will maintain records sufficient to detail the significant history of a grievance.
- MARC will, in all instance of such occurrence disclose information regarding the protest to the Agency.
- A protester must exhaust all potential remedies with the MARC before pursuing a protest with the appropriate Agency. Review by the Agency will be limited to alleged violation of federal laws or regulations, or MARC grievance procedures.
- A grievance committee shall be established appointing VTRANS Planning Coordinator or Contract Administrator, as appropriate, as a non-voting member.

Adopted by the MARC Board of Commissioners on May 22, 2017

## Appendix E - Acronyms

**ACCD** – The **Agency of Commerce & Community Development** is the Vermont agency that contains the departments of Economic Development, Tourism and Marketing, and Housing and Community Affairs.

**ADA** – **Americans with Disabilities Act** prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities.

**AICP** – The **American Institute of Certified Planners** is a non-compulsory planning certification recognized in the United States.

**MARC** - **Mount Ascutney Regional Commission**

**CFR** – The **Code of Federal Regulations** is the codification of the general and permanent rules and regulations (sometimes called administrative law) published in the Federal Register by the executive departments and agencies of the federal government of the United States.

**CPA** – **Certified Public Accountant** is the statutory title of qualified accountants in the United States who have passed the Uniform Certified Public Accountant Examination.

**ESRI** – The **Environmental Systems Research Institute** is a company whose software and web applications MARC purchases for the GIS program.

**FFATA** – The **Federal Funding Accountability and Transparency Act** was signed on September 26, 2006. The legislation requires information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website, which is [www.USASpending.gov](http://www.USASpending.gov).

**FHWA** – The **Federal Highway Administration** is the U.S. Department of Transportation agency responsible for highways.

**FLSA** – The **Fair Labor Standards Act** is a federal statute of the United States. The FLSA introduced a maximum 44-hour seven-day workweek, established a national minimum wage, guaranteed "time-and-a-half" for overtime in certain jobs, and prohibited most employment of minors in "oppressive child labor", a term that is defined in the statute.

**FOIA** – The **Freedom of Information Act** is a federal freedom of information law that allows for the full or partial disclosure of previously unreleased information and documents controlled by the United States government.

**FSRS** – The **FFATA Subaward Reporting System** is the reporting tool Federal prime awardees (i.e. prime contractors and prime grants recipients) use to capture and report subaward and executive compensation data regarding their first-tier subawards to meet the FFATA reporting requirements.

**FTA** – The *Federal Transit Administration* is the U.S. Department of Transportation agency that administers federal funding to support a variety of locally planned, constructed, and operated public transportation systems throughout the U.S., including buses, subways, light rail, commuter rail, streetcars, monorail, passenger ferry boats, inclined railways, and people movers.

**FY** – A *Fiscal Year* is a period used for calculating annual ("yearly") financial statements in businesses and other organizations. MARC's fiscal year is July 1 through June 30.

**GIS** – *Geographic Information System* is a system designed to capture, store, manipulate, analyze, manage, and present all types of geographical data.

**HIV/AIDS** – *Human immunodeficiency virus infection/acquired immunodeficiency syndrome* is a disease of the human immune system caused by infection with human immunodeficiency virus.

**HSA** – A *Health Savings Account* is a tax-advantaged medical savings account available to taxpayers in the United States who are enrolled in a high-deductible health plan.

**IRS** – The *Internal Revenue Service* is the revenue service of the United States federal government.

**IT** – *Information Technology* is the application of computers and telecommunications equipment to store, retrieve, transmit and manipulate data, often in the context of a business or other enterprise.

**MPO** – A *Metropolitan Planning Organization* is a Federally established organization responsible for a cooperative, continuous, and comprehensive framework to make transportation investment decisions within their designated area.

**MTP** – A *Metropolitan Transportation Plan* is a federally-mandated long-range plan for transportation development and investment based on the goals in the MARC Vision Statement.

**OMB** – The *Office of Management and Budget* is the largest office within the Executive Office of the President of the United States (EOP). The Director of the OMB is a member of the President's Cabinet. The main job of the OMB is to assist the President to prepare the budget. The OMB also measures the quality of agency programs, policies, and procedures and to see if they comply with the President's policies.

**OSHA** – The *Occupational Safety and Health Administration* is an agency of the United States Department of Labor. Congress established the agency under the Occupational Safety and Health Act, which President Richard M. Nixon signed into law on December 29, 1970. OSHA's mission is to "assure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance".

**PL** – Metropolitan *Planning Funds* (Federal Highway Administration) are intended for planning purposes only. Such funds are intended to be exclusive of design or engineering of transportation projects, as well as operations or right-of-way acquisitions. Planning funds may however, be used for project scoping.

**PTO** – *Paid Time Off* is vacation or sick time at the MARC. Employees accrue PTO on a regular schedule and may use it with Executive Director approval.

**QB** – *QuickBooks* is proprietary accounting software that is used by MARC Business Managers.

**RFP** – A *Request for Proposal* is a solicitation made, often through a bidding process, by an agency or company interested in procurement of a commodity, service or valuable asset, to potential suppliers to submit business proposals.

**RFQ** – A *Request for Qualifications* refers to the pre-qualification stage of the procurement process. Only those proponents who successfully respond to the RFQ and meet the qualification criteria will be included in the subsequent Request for Proposals (RFP) solicitation process.

**RPC** – *Regional Planning Commissions* are enabled by state law. RPCs assist communities within their region to develop local and invoke regional comprehensive land use, transportation and economic development plans which have regulatory recognition in Vermont Act 250 land use proceedings and state agency planning efforts.

**SAM** – The *System for Award Management* is the U.S. Government supplier database that replaced the CCR (Central Contractor Registration) on July 30, 2012.

**SPR** – *State Planning and Research* funds (Federal Highway Administration) are intended for planning and research purposes. SPR funding requires that States allocate 2 percent of their apportionments received from federal programs (e.g. Interstate Maintenance, NHS, Surface Transportation, Highway Bridge, CMAQ, et al.) for State planning and research activities. From this 2 percent, States must then allocate 25 percent for research, development, and technology (RD&T).

**STDM** – *State (VT) Transportation Demand Management* is the application of strategies and policies to reduce travel demand (specifically that of single-occupancy private vehicles), or to redistribute this demand in space or in time.

**STP** – The *Surface Transportation Program* is a Federal program providing flexible funding for projects on any Federal-aid highway, including the NHS, bridge projects on any public road, transit capital projects, and bus facilities.

**TAC** – The *Transportation Advisory Committee* is the committee that recommends plans and programs related to transportation to the MARC Board.

**TDD** – A *Telecommunications Device for the Deaf* is a teleprinter, an electronic device for text communication over a telephone line that is designed for use by

persons with hearing or speech difficulties.

**TIP** – The *Transportation Improvement Program* is a list of federally funded projects planned for a four-year period and consistent with the goals of the MTP (Metropolitan Transportation Plan).

**UPWP** – The *Unified Planning Work Program* is the MARC’s annual work plan for local and regional planning projects.

**VAOT** – The *Vermont Agency of Transportation Agency* establishes state policies and plans, and implements programs and projects, for all modes of transportation.

**VMERS** – The *Vermont Municipal Employees’ Retirement System* is the public pension plan administered by the State of VT.