



## PERSONNEL POLICIES OF INCLUSIVE ARTS VERMONT

As of June 18, 2019

### 1. INTRODUCTION

Inclusive Arts Vermont is committed to fair, clearly stated and supportive relationships between the organization and its staff. The personnel policies of Inclusive Arts Vermont have been established to provide a guide to the personnel practices of Inclusive Arts Vermont and to ensure consistency of personnel decisions. It is the intention of Inclusive Arts Vermont to administer the personnel programs in a manner which complies with the letter and spirit of all applicable federal, state and local regulations.

This document is designed to provide guidance to staff at Inclusive Arts Vermont, and will function as an employee handbook. It is not a part of any contract between Inclusive Arts Vermont and its employees. It is a set of informal guidelines for personnel practices. Notwithstanding the provisions of the personnel policies, all employees are "at will employees" which means that they may be terminated at any time with or without cause without subjecting Inclusive Arts Vermont to a claim for breach of an employment contract.

#### **Employee Classification**

All employees are classified as either regular or temporary. Regular employees are employees hired without a specific termination date. Temporary employees are employees whose position at the time of hire is for a short-term period. Terms of employment will depend on agency needs, and in no case will a temporary position be construed as being a contract for an indefinite time.

Employees also are classified as either exempt or non-exempt according to provisions of the Fair Labor Standards Act.

Regular Full-time Employees are those employees who work 30 or more hours per week and are eligible for all fringe benefits.

Regular Part-time Employees, working at least 20 hours/week, are eligible for a pro-

rated number of sick days, holidays, vacation days based on % of a full-time schedule. Regular Part-time Employees are not eligible for health insurance. Temporary part-time employees are not eligible for benefits.

Temporary Employees are those employees who are paid hourly under contracts for employment for a specified period of time. Temporary employees are not eligible for benefits.

Currently, pursuant to Vermont state labor laws, almost all workers under contract of any kind, including ASL interpreters, guest speakers, and other single-event workers, are to be classified as temporary part-time employees, not contractors.

## **2. EQUAL EMPLOYMENT & AFFIRMATIVE ACTION**

The policy and intent of Inclusive Arts Vermont is to provide equal employment opportunity for all persons regardless of race, color, religion, national origin, place of birth, citizenship and/or immigration status, marital status, political affiliation, affectional orientation, sex, gender identity, pregnancy, status with regard to public assistance, genetic information including family medical history, AIDS/HIV, disability, military or veteran status, credit report or credit history, child or spousal support withholding, wage garnishment for consumer debts, age, or any other protected class, in accordance with applicable federal, state, and local laws.

Inclusive Arts Vermont takes allegations of discrimination, intimidation, harassment and retaliation very seriously and will promptly conduct an investigation when warranted. Equal employment opportunity includes, but is not limited to, employment, training, promotion, demotion, transfer, leaves of absence and termination.

Inclusive Arts Vermont intends to respond affirmatively in its employment practices. Affirmative action applies to all aspects of employment practices including, but not limited to, recruiting, hiring, placement, promotion, demotion, transfer, training, compensation, benefits, layoff, recall, and termination. Inclusive Arts Vermont seeks to do business with organizations that encourage equal employment opportunity.

## **3. RECRUITMENT PROCEDURES**

Inclusive Arts Vermont intends to recruit, hire, and place applicants based on the applicant's relative knowledge, skills, and abilities. The decision to employ an applicant will be based solely on the individual's qualification for the particular position along with other requisite job skills. Minimum qualifications shall be specified in the job description.

Inclusive Arts Vermont conducts background checks on all employees who have, or are likely to have, direct personal contact with the people we serve and/or work with confidential information. All employees and volunteers are subject to Inclusive Arts Vermont's background check policy. Inclusive Arts Vermont employees who undergo background checks cannot have a record of abuse or neglect of children or adults. Background checks include fingerprinting and consulting the registries of child abuse, sexual abuse, and elder abuse. Non-violent criminal convictions will be assessed for relevance to position duties. Applicants will be notified in writing of any findings and can appeal to the agency sending the findings. Applicants will be notified in writing of any adverse decisions by Inclusive Arts Vermont relative to employment and can appeal that decision by requesting a review by the Executive Director.

When a new administrative or managerial position is established, the Executive Director will prepare a job announcement identifying the position's responsibilities and overall relationship to Inclusive Arts Vermont for posting or circulation within Inclusive Arts Vermont and for public notification.

Administrative and managerial positions will be posted both internally and externally. Posted positions will be open for a minimum application period of 15 days. Part-time teaching artist positions will be offered based upon prior experience with Inclusive Arts Vermont, and the individual's qualifications for that particular position including geographic distance from the teaching opportunity. If no qualified teaching artists known to Inclusive Arts Vermont are available, Inclusive Arts Vermont will post an announcement of the position opening both internally and externally.

#### **4. COMPENSATION**

Persons employed by Inclusive Arts Vermont in a full-time capacity except those persons in non-exempt positions will receive a salary negotiated at the time of recruitment that will not be based upon an hourly wage. At the time of hire, new employees will receive a letter of hire, a job description, salary, and benefits detail and a copy of the personnel policies. The magnitude of the work assignments and the full scope of responsibility for the position will be fully discussed at time of hire. In setting compensation, Inclusive Arts Vermont may consider, among other things, external labor market rates, equitable relationship with other jobs within the organization and the organization's ability to pay. Administrative and managerial employees are eligible for a salary review at the beginning of each fiscal year, with annual performance review. The Board of Directors will determine the Executive Director's salary and benefits. Part-time employees' compensation is determined at an hourly rate commensurate with contracted agreements. Contracts for temporary part-time

employees contain the job descriptions and work requirements.

Mileage for regular and temporary part-time employees is specified in the employment contract. Mileage for full-time employees is paid only for distances traveled that are greater than the distance for a full-time employee to drive from home to the VSA office in Essex Junction.

## **Overtime**

Inclusive Arts Vermont complies with all applicable federal and state laws regarding payment of overtime work. Non-exempt employees are paid overtime at the rate of one and one-half times the regular rate of pay for all hours worked over 40 in a workweek.

Any overtime worked must be authorized by a supervisor or manager, in advance. Working unauthorized overtime is not considered acceptable work performance, and is subject to discipline.

## **Payment Schedule**

Payment will be made bi-monthly, upon receipt of time sheets, which are due on the 15<sup>th</sup> and the last business day of every month. Paychecks/direct deposits are delivered four business days after the close of the pay period.

## **Payroll Deductions**

Inclusive Arts Vermont is required by law to make certain deductions from all employees' paychecks. Such deductions include federal, state, and local taxes and court-ordered wage garnishments. Voluntary deductions might include premiums for benefits, retirement plan contributions, and disability insurance.

Inclusive Arts Vermont is not required to pay the full salary in the first or last week of employment; for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act, if applicable; or for penalties imposed in good faith for infraction of policies or safety rules of major significance. In these circumstances, either partial day or full day deductions may be made.

## **What to Do if an Improper Deduction Occurs:**

If you believe that an improper deduction has been made, you should immediately report this information to your direct supervisor, or to the person responsible for payroll processing.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

Adjustments to W-4 tax withholding documentation can be made at any time by resubmitting to the payroll coordinator and Executive Director.

## 5. WORK SCHEDULE

Inclusive Arts Vermont will establish a 40-hour weekly work schedule for full-time employees, and whenever possible consider requests for flexibility in scheduling the 40 hours/week of work, commensurate with the needs of the organization. Regular part-time and temporary part-time employees' work hours will be specified in their employment contracts.

## 6. BENEFITS

Inclusive Arts Vermont offers cafeteria plan style of benefits to anyone who works 30 hours or more. Employees are eligible to receive health and dental insurance upon employment, and other benefits after 60 days of employment. The organization reserves the right to extend this period for any reason, and an employee leaving the organization after less than one year must reimburse Inclusive Arts Vermont for the amount disbursed. Special circumstances will be considered by the Executive Director.

### Options:

#### 1) Health & Dental Insurance Coverage:

Inclusive Arts Vermont shall cover 75% of premium costs to all new full-time employees. Employees may contribute to an FSA, pre-tax, to contribute to the rest of the premium.

Full-time employees hired before October 1, 2019 will receive coverage at 100% of the premium.

Inclusive Arts Vermont is committed to providing flexible and cost-effective medical care for full-time employees. Inclusive Arts Vermont reserves the right, in its discretion, however, to change the nature of the benefits offered to employees, or to change insurance carriers, deductibles, premiums, or other features of any benefit. In addition, Inclusive Arts Vermont may decide to discontinue one or more benefits. Covered employees will be notified of such changes or discontinuations as soon as practicable.

We currently offer health insurance through BlueCross of Vermont, and dental insurance through Delta Dental.

Employees may elect to add dependents or spouses to their coverage, and will be entirely responsible for the cost of the premiums.

2) **Cafeteria Plan:**

If a full-time employee does not elect to receive health coverage through Inclusive Arts Vermont, they may elect to distribute their benefit funds quarterly to a flexible spending account, equal to 6% of their gross salary, in the following ways, as they agree to with the Executive Director:

- **Health Savings Account:** Useable on eligible medical expenses including co-pays, deductibles, and prescriptions.
- **Dependent Care:** For use on expenses related to care of a child in the employee's household that they claim as a dependent.
- **Retirement Account:** A contribution to an employee's retirement account.
- **Cash Bonus Payout:** An employee may "cash out" their for a one-time bonus at a rate of 50% of their benefit, paid to the employee at the end of a fiscal year and after at least one-year of employment.

Employees may choose to contribute additional funds as withholdings from their pay to their flex spending accounts, pre-tax, up to the IRS approved amount.

## 7. PARENTING LEAVE & RETURNING TO WORK

Inclusive Arts Vermont strives to assist new parents in balancing the demands of working while caring for children. Inclusive Arts Vermont will provide up to 12 weeks of family leave to any employee for the birth or adoption of a child. Leave must be initiated within six weeks of the birth or adoption of the child, unless otherwise approved by the Executive Director.

The use of the 12 weeks shall be at the discretion of the employee, who will discuss and design a plan for the delegation of duties and essential tasks for the duration of the leave with the Executive Director. Although a maximum of 12 weeks is available, an employee may utilize accumulated time off to enable either partial payment for or extension of the basic 12-week period.

Full-time employees working an average of 30 hours per week will be eligible for their

choice of either six of the 12 weeks at full pay, or the full 12 at 50% pay. This will be agreed upon by the employee and Executive Director prior to leave, and will be communicated in writing to the payroll personnel, as well as recorded in the employee's personnel file.

Special circumstances shall be reviewed by the Executive Director. Insurance benefits will continue to be in force during this leave period. Accrual of leave benefits and cease during an approved leave. Upon completion of leave, the employee will be allowed to return to the same or a substantially similar position at the same salary as the employee earned prior to the leave.

Employees returning to work after the birth or adoption of a newborn may bring their child to work in the office with them through the age of six months. Children are not permitted in the office if sick or causing continuous disruption to the productivity of other staff. The employee will be responsible for taking soiled diapers with them and not disposing of them in office trash receptacles. Children older than six months are permitted to join their parents at work when necessary, for brief periods of time, as approved by the Executive Director.

Children of any age are not permitted to accompany their parents to teaching residencies or partner/donor meetings.

## **8. ANNUAL LEAVE (Paid Time Off)**

Inclusive Arts Vermont does not designate between sick, vacation, or holiday paid time off.

The organization will provide each full-time staff employee a bank of hours, based on length with the organization, to use as appropriate for vacations, sick time, and holidays.

During the first year of full-time employment, annual leave is accrued at a rate of two days per month until the end of the fiscal year, and then begins accruing yearly at the start of each fiscal year. Annual leave will increase with the number of years employed by Inclusive Arts Vermont as follows:

- 0-1 year = 2 days or 16 hours per month
- 1-3 years = 39 days or 312 hours
- 4. years = 40 days or 320 hours
- 5. years = 41 days or 328 hours
- 6. years = 42 days or 336 hours

7. years = 43 days or 344 hours
8. years = 44 days or 352 hours
9. years = 45 days or 360 hours

Employees who have worked at Inclusive Arts Vermont for 11 years or more may receive increases in annual leave, not to exceed 60 days, at the discretion of the Executive Director. In the event that the Executive Director is employed more than 10 years, their leave is determined by the Board of Directors.

Employees may use their annual leave as earned if absence from assignment does not unduly provide an impediment for completion of an assigned task or prevent other staff from completion of their work assignments. The Executive Director must approve scheduled absences and the employee should request such leave as soon as possible, with a minimum of two weeks in advance.

It is the policy of Inclusive Arts Vermont to encourage each employee to utilize allotted annual leave during each individual's employment year. A maximum of ten days, or 80 hours, will be allowed to be carried over from one year to the next. All other accrued annual leave will be forfeited on the employee's anniversary date.

All employees hired prior to October 1, 2019 may carry over their unused bank of sick time and keep it to be used only for the purposes of sick leave. This time will not be added to their bank of combined time off described above, and will not be paid out upon termination or resignation of employment.

**Regular Part-Time Employees**, working at least 20 hours per week, are eligible for a pro-rated number of leave days, based on percentage of a full-time schedule.

**Temporary part-time employees** are not eligible or compensated for paid leave but may make up contracted time lost to illness with other hours, provided the program work schedule can accommodate the change in schedule.

### **Special Leave**

Special leaves of absence without pay may be granted an employee at the discretion of the Executive Director or in the case of the Executive Director, the Board of Directors.

## **10. COMPASSIONATE LEAVE**

Employees of Inclusive Arts Vermont shall be granted up to five working days with pay due to a death in their immediate family (mother, father, sister, brother, spouse/



partner, children, in-laws, grandparent, and grandchildren). The Executive Director will consider special cases other than these relatives on an individual basis.

## **11. JURY DUTY**

Inclusive Arts Vermont will pay a full-time employee his or her normal pay for up to two weeks of jury duty. Part-time employees may make up missed contractual hours after jury duty is over, provided the program work schedule can accommodate the change in schedule.

## **12. MILITARY LEAVE**

Inclusive Arts Vermont follows the laws and regulations of the State of Vermont and the U.S. Department of Labor. (See appendix.)

## **13. REASONABLE ACCOMMODATIONS**

It is the policy of Inclusive Arts Vermont to comply with all the relevant and applicable provisions of the federal Americans with Disabilities Act (ADA) and Pregnancy Discrimination Act (PDA), as well as state and local laws concerning the hiring and employment of individuals with temporary and ongoing disabilities. Pregnant workers may also have impairments related to their pregnancies that qualify under the ADA. Inclusive Arts Vermont will not discriminate against any qualified employee or job applicant because of a person's physical or mental disability with respect to any terms, privileges or conditions of employment, including, but not limited to hiring, advancement, discharge, compensation and training.

Employees who become disabled should notify their supervisor or manager if the conditions of the disability impair their ability to perform the essential functions of their position. Where necessary and feasible, reasonable accommodations will be made for qualified disabled employees to perform the essential functions of the job in question, as long as the accommodation does not cause Inclusive Arts Vermont undue hardship. Inclusive Arts Vermont will also make reasonable accommodations for employees who have work-related limitations stemming from pregnancy, childbirth or a related medical condition.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which cannot be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health of safety of the other individuals in the workplace will

be placed on appropriate leave until a decision has been made by management regarding the employee's immediate employment situation.

#### **14. LACTATION ACCOMMODATION**

Inclusive Arts Vermont provides a supportive environment to enable breastfeeding employees to express their milk during work hours for up to three years following the birth of a child. Accommodations under this policy include a place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public which may be used by an employee to express breast milk. Discrimination and harassment of breastfeeding parents in any form is unacceptable and will not be tolerated.

#### **15. HARASSMENT POLICY**

It is Inclusive Arts Vermont's belief that the employees of Inclusive Arts Vermont are the primary means by which the goals and objectives of Inclusive Arts Vermont will be met. To that end, the rights of all employees must be respected. All employees of Inclusive Arts Vermont must understand its position on harassment. Harassment is defined as any unwanted attention or action prohibited by law by someone in the workplace that creates an intimidating, hostile, or offensive work environment, including sexual harassment. Applicable federal and state law defines sexual harassment as unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) participation in the conduct is made a term or condition of employment; or (2) response to the conduct is used as basis for employment decisions affecting the individual; or (3) the conduct has the purpose or effect of interfering with the employee's work performance, or creating an intimidating, hostile, or offensive working environment. Sexual harassment on the job is unlawful and unacceptable whether it involves coworker harassment, harassment by a manager, or harassment by persons doing business with or for Inclusive Arts Vermont, such as clients, customers or vendors.

The procedure for reporting and dealing with this sensitive issue is as follows:

- If a person's behavior makes an employee uncomfortable, the employee should feel free to immediately advise the person that, in the employee's opinion, the behavior is inappropriate and that the employee would like it stopped.
- If the employee is not comfortable discussing the issue with the person, or if the person fails to respect an employee's request, the employee should report the incident to his or her supervisor. If, for whatever reason, the employee does not feel that the supervisor is a suitable person to whom to report the incident, the

employee should contact the Executive Director or, if appropriate, the Board President. Complaints regarding harassment or retaliation may be made orally or in writing.

In all instances, a prompt, thorough, and fair investigation will take place, giving careful consideration to protect the rights and dignity of all people involved. Inclusive Arts Vermont will take those steps it feels necessary to resolve the problem, which may include verbal or written reprimand, suspension or termination. All managers and supervisors are responsible for:

- Implementing the policy on harassment, which includes, but is not limited to, sexual harassment and retaliation;
- Ensuring that all employees they supervise have knowledge of and understand the policy;
- Reporting any complaints of misconduct to the Executive Director or the Board President, as appropriate, so they may be investigated and resolved internally;
- Taking and/or assisting in prompt and appropriate corrective action when necessary to ensure compliance with the policy, and;
- Conducting themselves in a manner consistent with the policy.

No retaliation or any kind will occur because an employee has in good faith reported an incident of suspected harassment. The supervisor, or other person to whom the complaint was made, will work to establish mutually agreed upon safeguards against retaliation while attempting to mediate any sexual harassment complaint.

## **16. SUBSTANCE USE AND ABUSE**

Inclusive Arts Vermont is dedicated to providing employees with a workplace that is free of drugs and alcohol. Any employee found to use, sell, possess or distribute drugs that are illegal under state, federal or local laws, including marijuana, or any unauthorized drugs (including excessive quantities of prescription or over-the-counter drugs) while on Inclusive Arts Vermont premises or engaged in Inclusive Arts Vermont duties is subject to disciplinary action, up to and including termination of employment. Any suspected illegal drugs confiscated will be turned over to the appropriate law enforcement agency. The moderate use of alcohol at Inclusive Arts Vermont-approved meetings, with business meals, travel, and entertainment or in an appropriate social setting is not prohibited by this policy.

Employees needing help with a substance related issue are encouraged to contact their supervisor or a treatment facility.

Early recognition and treatment are critical to any program to curb abuse and to

enhance the employee's ability to perform satisfactorily. Inclusive Arts Vermont finds that both the employee and Inclusive Arts Vermont will benefit greatly from early substance abuse recognition and treatment.

No person will be penalized in employment-related decisions for seeking or accepting counseling or treatment for substance use treatment or support.

## **17. CONFIDENTIAL INFORMATION**

It is an employee's duty and responsibility to safeguard all confidential information. This includes the dissemination of information by any available means, including but not limited to telephone, fax, and email. Confidential information shall be disclosed and/or discussed only on a "need to know" basis. Conversation of a confidential nature must never be held within earshot of the public or clients. All employees and volunteers at Inclusive Arts Vermont must sign a Confidentiality Agreement, witnessed by their supervisor. This Agreement has more specific information about expectations around confidential information.

In addition, always respect financial disclosure laws and third party intellectual property.

This policy, and the Confidentiality Agreement, is intended to alert employees to the need for discretion at all times and is not intended to inhibit normal business communications. In addition, nothing in this policy is intended to infringe upon employee rights under Section Seven of the National Labor Relations Act (NLRA).

## **18. PERFORMANCE REVIEWS**

Each performance review should be a positive and interactive process whereby both Inclusive Arts Vermont and the individual being reviewed receive information about his or her success in meeting the responsibilities of the job, and Inclusive Arts Vermont can learn about its strengths and weaknesses as an employer of that employee. In general, the goal of Inclusive Arts Vermont is to conduct a performance review of each new employee during the sixth month of employment, after the first year of service and annually thereafter. The review will be based on the Performance Review Process and Form which includes annual goal setting and assessment, review of performance and actions related to employment and Inclusive Arts Vermont mission, goals, and norms.

A high level of job performance is expected of each and every employee. In the event that an employee's job performance does not meet the standards established for the position, employees should seek assistance from their supervisor or manager to attain an acceptable level of performance. If employees fail to respond to or fail to make positive efforts toward improvement, corrective action may ensue, including termination of employment.

It is the policy of Inclusive Arts Vermont to regard discipline as an instrument for developing total job performance rather than as punishment. Corrective action is one tool Inclusive Arts Vermont may select to enhance job performance. Inclusive Arts Vermont is not required to take any disciplinary action before making an adverse employment decision, including discharge. Corrective action may be in the form of a written or oral reprimand, notice(s) of inadequate job performance, suspension, discharge or in any combination of the above, if Inclusive Arts Vermont so elects. Inclusive Arts Vermont reserves its prerogative to discipline, and the manner and form of discipline, at its sole discretion.

If employees violate established Company procedures, guidelines, or exhibit behavior that violates commonly accepted standards of honesty and integrity or creates an appearance of impropriety, Inclusive Arts Vermont may elect to administer disciplinary action.

## **19. EMPLOYMENT & VOLUNTEER REFERENCES**

When any inquiry is made regarding an employee, former employee, volunteer or intern, the inquiry must be forwarded to a supervisor or manager. If the employee who receives the inquiry is also the subject of the inquiry, the request must be forwarded without comment from the employee.

When Inclusive Arts Vermont receives a request for information from another person or entity about an employee, volunteer or intern either during or after their involvement with Inclusive Arts Vermont it is Inclusive Arts Vermont's policy to provide only the following:

- a. dates of employment
- b. last job title
- c. salary range

In general, Inclusive Arts Vermont's policy is not to furnish any other information about work performance or employment, unless the employee specifically directs it to do so

and signs a release prepared by Inclusive Arts Vermont which authorizes it to do so. (See appendix.) If an employee does not authorize Inclusive Arts Vermont to furnish any additional information, it will advise the requesting person or entity that, absent a release, Inclusive Arts Vermont's policy is to provide only the information set out in a-c above.

## **20. TERMINATION & RESIGNATION**

Any employee of Inclusive Arts Vermont may resign by submitting a letter of resignation to the Executive Director or in the case of the Executive Director, the Board of Directors at least ten working days prior to the effective date of the resignation.

At the time of the effective date of the resignation, the employee shall be paid for up to fifteen days or 120 hours of unused leave. If the employee leaves before the first quarter of the fiscal year ends (December 31) they are ineligible to receive payout from time not rolled over from the previous year.

Employees of less than one year are not eligible for leave payout prior to their anniversary of hire date.

### **Other Discharges**

Discipline and/or discharge may result for many reasons including, but not limited to, inappropriate behavior and/or unsatisfactory performance. Employee will be notified in writing and may respond within 30 days regarding the identified behavior or performance.

Inappropriate behavior is defined as including, but not limited to, misbehavior on the job, refusal to do work reasonably expected, wrongful use of, or taking of agency property, conviction of a felony, violation of any policies or practices of Inclusive Arts Vermont.

Unsatisfactory performance means failure of an employee to meet performance standards, to complete tasks in a timely, competent way, or to maintain an adequate attendance record.

Uncooperative behavior or negative attitudes that affect the work or morale of others may result in termination. At the discretion of the Executive Director, any staff member facing termination for unsatisfactory performance may be given the option to resign as described in the above section under "Resignation."

### **At-Will Notice**

Vermont is considered an “at will” state. An employer may terminate an employee at any time without advance notice for any reason as long as it is not by reason of one of the protected classes, e.g.: race, color, national origin, religion, sex, gender, age, or mental or physical disability.

## **Layoffs**

Inclusive Arts Vermont attempts to hire highly qualified staff with broad capabilities. There may be occasions, however (due to program changes, loss of contract support, etc), when it may be necessary to initiate lay-offs. In such cases, it is the intent of Inclusive Arts Vermont to attempt to avoid abrupt, arbitrary, and unfair actions whenever possible.

## **21. EMPLOYEE APPEALS (Grievance Procedures)**

The purpose of the employee appeal procedure is to provide a means for employees to resolve their work place concerns with management. All regular and temporary employees of Inclusive Arts Vermont may file a grievance under this section.

### **Definition of an Appeal**

A grievance shall be determined as an alleged misapplication of Inclusive Arts Vermont personnel policies. This procedure offers a dispute resolution mechanism to the employees of Inclusive Arts Vermont. Failure by Inclusive Arts Vermont to exactly follow this procedure shall not subject Inclusive Arts Vermont to a breach of contract claim.

### **Timing for Appeals**

In order to qualify for processing under this section, an appeal must be filed no later than thirty (30) calendar days after the date on which the aggrieved condition commenced.

#### Step One:

Any employee who is eligible may present an appeal to his/her immediate supervisor for discussion. The supervisor shall have five (5) regular working days in which to respond to the relief requested. Should the supervisor fail to respond within this time limit or if the employee finds the response unsatisfactory, the appeal may be reduced to writing, clearly specifying the policy allegedly misapplied, and the relief requested.

The appeal should be submitted to the Executive Director within five (5) regular working days from the time the first step answer was due or was given. The Executive Director should respond in writing within five (5) days of receipt and if the Executive Director fails to respond within this time, or if the employee finds the response unsatisfactory, or in cases where the Executive Director is the immediate supervisor, the employee may proceed to Step Two.

#### Step Two:

The employee may submit an appeal to the Executive Committee if Step One has not resolved the issue. Upon receipt of a written appeal, the Executive Committee, including the Board Chair/President shall convene a meeting wherein statements shall be taken from the appealing employee and the employee's immediate supervisor, as applicable, either separately or jointly at the discretion of the Executive Committee Chair. The Executive Committee may also request statements from other employees. The Committee may refuse to grant the employee's request for appeal when the issues involved are minor in nature, or involve evaluations or judgments by management unless they appear to be contrary to policy, malicious or vindictive. The Executive Committee shall have twenty (20) regular working days in which to respond to the employee in writing concerning the relief requested. If the Executive Committee fails to respond within this time limit, the employee may petition the Chair of the Board of Directors. Failure on the part of the employee to petition the Chair of the Board of Directors within thirty (30) days of the result of Step Two shall result in the appeal being waived.

#### Step Three:

The Chair of the Board shall convene a meeting with the aggrieved employee, the Executive Committee, the Executive Director and the Immediate Supervisor, as applicable, either separately or jointly at the discretion of the Chair. The Chair may convene an Executive Committee meeting and within ten (10) working days shall respond to the grievant in writing with the final decision. In all instances, a thorough and fair investigation will take place, giving careful consideration to the rights and dignity of the people involved. The Chair will report the grievance and the result at the next regularly scheduled Board meeting.

## **22. WORK PRODUCTS AND FILES**

All supplies, materials, and work products of an employee if purchased by Inclusive Arts Vermont shall remain the property of Inclusive Arts Vermont after resignation, discharge, or layoff of that employee. The employee may retain any personal files, but work files, program documents, photographs, and other papers shall remain with



### **23. Whistleblower Policy**

A whistleblower as defined by this policy is an employee of Inclusive Arts Vermont who reports an activity that they consider to be illegal or dishonest to one or more of the parties specified in this Policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities. Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his / her immediate supervisor, Office Manager, Human Resources Representative, or President. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas -- confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained.

However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. Inclusive Arts Vermont will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he / she is being retaliated against must contact his / her immediate supervisor, Office Manager, Human Resources Representative, or President immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to Executive Director or President who is responsible for investigating and coordinating corrective action.


Employees with any questions regarding this policy should contact his / her immediate supervisor, Executive Director or President.

## 24. CONSULTANT FEES, HONORARIA, GIFTS

All employees are encouraged to participate in a variety of community and professional activities. In those instances where an employee's activities are part of their regular duties and responsibilities, any payment will be turned over to Inclusive Arts Vermont. All fees derived from Inclusive Arts Vermont reports, activities, events, or speaking engagements while employed by Inclusive Arts Vermont also shall be turned over to Inclusive Arts Vermont.

In some instances, an individual may do work that is based on activities or experiences prior to or separate from their regular duties and responsibilities at Inclusive Arts Vermont. To avoid actual or appearance of conflict of interest, any employee who engages in any remuneration activity in any field directly related to Inclusive Arts Vermont programs must have prior approval by the Executive Director. The Board of Directors will review these issues for the Executive Director. No employee may formally represent himself/herself as a spokesperson for Inclusive Arts Vermont without prior approval of his/her supervisor.

This policy was adopted by the Inclusive Arts Vermont Board of Directors on March 5, 2012, and amended February 2014, November 2014, December 2016, May 16, 2017, and September 19, 2017.

Signed:  Date: June 9, 2022  
Abbey Pratt, President

---

### Employee Acknowledgement

I acknowledge that I have read and understood the policies outlined in this copy of Inclusive Arts Vermont Personnel Policy Guidelines. I understand that these policies provide only a general reference and are not a full statement of Inclusive Arts Vermont's procedures nor are they a contract. I will update these policies as I am provided with new materials, and I will return my copy of the Personnel Policies to Inclusive Arts Vermont upon termination of my employment.

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

**APPENDIX**

Volunteer and Job Application

Confidentiality Agreement

Media Release

W4 Form

I9 Form

Documentation of Car Insurance

Employment Information Release Form

Background Check Release Form

Emergency Contact Information Form

Direct Deposit Form