ANNUAL CONFERENCE DEBATES HOT TOPICS FOR REGIONAL LOCAL GOVERNMENTS

Early last month, VLCT’s Advocacy team – Public Policy and Advocacy Director Karen Horn and myself – headed to bustling Boston to attend the annual Northeast Municipal League Conference, which this year was hosted by the Massachusetts Municipal Association. Each fall, advocacy staff from municipal associations across the region gather to discuss and debate the hottest hot-button topics that local governments find on their plates. Attendees to this year’s two-day event included staff from the Connecticut Conference of Municipalities, the Maine Municipal

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Local Gov. Conference  
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Association, the Massachusetts Municipal Association, the New Hampshire Municipal Association, the New York State Conference of Mayors and Municipal Officials, the Rhode Island League of Cities and Towns, and the Vermont League of Cities and Towns.

We discussed a host of issues, starting with property and local taxes. The Lincoln Institute of Land Policy’s presentation on property taxes focused on methods of taxing non-profits, structuring payments in lieu of taxes (a.k.a. PILOT), and how state and local governments can improve the use of property tax incentives for businesses. The rest of the conference featured robust discussion of many other issues important to local governments, such as infrastructure spending, the sharing economy (think Airbnb, Lyft, and Uber) climate change, stormwater and wastewater, labor relations, law enforcement and public safety, marijuana legalization, the federal budget, small cells (i.e., low-powered cellular radio access networks), sanctuary city designations, community and bias-free policing (already a topic of multiple workshops in Vermont), and even the process to discontinue a local road. In our “free” time, we networked with our counterparts from the other associations and shared our advocacy practices and strategies, including effective member engagement, state and congressional communications, and best practices for the use of social media.

As always, the conference was an informative, inspirational, and sometimes therapeutic occasion. As one can glean from the array of conference topics, the issues our towns and cities struggle with on a day-to-day basis are not unique to Vermont. The exchange of knowledge, experience, and ideas with our neighboring municipal associations is invaluable and helps our Advocacy team better strategize, prepare, and effectively advocate on the behalf of you, our members.

Already we are looking forward to next year’s conference, which will hosted by the Connecticut Conference of Municipalities.

Gwynn Zakov  
VLCT Municipal Policy Advocate
New Employment Laws
(continued from page 1)

- disclose a username, password, or other means of authentication or turn over an unlocked personal electronic device for the purpose of accessing his or her social media account;
- access a social media account in the presence of the employer;
- divulge or present any content from his or her social media account;
- change the account or privacy settings to increase third-party access to its contents;
- add anyone, including the employer, to his or her list of contacts associated with a social media account.

The requirements above do not apply to employer-issued electronic devices. Additionally, employers may request “specifically identified content” in order to:

- comply with legal and regulatory obligations;
- investigate an allegation of the unauthorized transfer or disclosure of proprietary or confidential information or financial data through an employee’s or applicant’s social media account;
- investigate an allegation of unlawful harassment, threats of violence in the workplace, or discriminatory or disparaging content concerning another employee.

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**PREPARING FOR TOWN MEETING**

**Town Meeting 2018 is sooner than you think, but MAC is here to help now!**

Town meeting 2018 will take place on Tuesday, March 6. To help you prepare for this important day in Vermont local government, please visit VLCT’s website to access town meeting resources. For more sample warnings and notices, see the Vermont Secretary of State’s Town Meeting Warnings webpage, [https://www.sec.state.vt.us/elections/town-meeting-local-elections/town-meeting-warnings.aspx](https://www.sec.state.vt.us/elections/town-meeting-local-elections/town-meeting-warnings.aspx).

**Town meeting warning.** The town meeting warning and notice must be posted no more than 40 but no fewer than 30 days before town meeting. 17 V.S.A. § 2641(a).

In 2018, the earliest day that the town meeting warning and notice may be posted is Thursday, January 25, while the last day to post the warning and notice is Sunday, February 4.

According to 17 V.S.A. § 2641:

- The warning and notice must be posted in at least two public places in the town and in or near the town clerk’s office. If the town has more than one polling place and they are not in the same building, the warning and notice must be posted in at least two public places within each voting district.
- The warning and notice must be published in a newspaper of general circulation in the town at least five days before the town meeting, unless the warning is published in the town report that is distributed according to 24 V.S.A. § 1682.

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**TRIVIA**

Patricia Johnson, Steve Hier, Linda Parent, Herb Durfee, Rosie Laquerre, Jeanne Desrochers, Carol Dawes, and Donna Bohannon of Wilmington, Weathersfield, Richmond, Norwich, East Montpelier, Coventry, Barre, and Alburgh, respectively, knew that the Widow Gregor (a.k.a. the Widow Kriegger or Mrs. Krieger) was, once upon a time, accused of being a witch and subjected to a borderline undemocratic means of jurisprudence by being pitched into the Hoosick River in Pownal to see if she’d sink. This was, by the way, the second of two tests to determine her witchery. The first one, subsequently rejected, was that she should climb a tree, and if, after it was cut down, she was not killed, she was a witch; otherwise not. Boy, justice was ever so straightforward in those days!

Somewhere in Vermont is a hill that has only a number for a name. **What is its name and where is it?**

Email your answer to dgunn@vlct.org. His – he wrote, taking this opportunity to refer to himself in the third person – answer will appear in the jaded jackalope January issue.
The warning must also be posted to the town’s website, if the town actively updates its website on a regular basis.

The warning and notice must include the date and time of the election, the location of the polling place(s), and the nature of the meeting. The warning must, by separate articles, specifically indicate the business to be transacted, including the offices and questions to be voted on. In addition, the posted notice that accompanies the warning must include information on voter registration, early or absentee voting, and other appropriate information. 17 V.S.A. § 2642.

Voter-backed petitions. State statute requires that the town meeting warning must also contain any article requested by a voter-backed petition that meets the requirements of 17 V.S.A. § 2642(a)(3). However, selectboards are only obligated by law to warn a voter-backed petitioned article when it “sets forth a clear right which is within the province of the town meeting to grant or refuse through its vote.” Royalton Taxpayers’ Protective Ass’n v. Wassmansdorf, 128 Vt. 153 (1960). If a petitioned article does not fall within the legal authority of the voters, it is for the selectboard to decide whether to include the article as an advisory, non-binding article. Further information is posted on the Vermont Secretary of State’s Local Petitions webpage, https://www.sec.state.vt.us/elections/town-meeting-local-elections/local-petitions.aspx.

Voter-backed petitions must be signed by at least five percent of the voters of the municipality and filed with the town clerk not fewer than 47 days before town meeting day. 17 V.S.A. § 2642(a)(3). The last day for petitions to be submitted for town meeting 2018 is Thursday, January 18. Petitions must also:

• contain the petition language on each page on which signatures are collected; and

• include the printed name, signature, and street address of each voter who signed the petition.

Town clerks receiving petitions have a short timeframe in which to ascertain if they contain the required number of registered voters and conform to the requirements of 17 V.S.A. § 2642(a)(3)(A). Clerks must return a non-conforming petition within 24 hours to the petitioners, stating in writing the reasons it cannot be accepted. Petitioners may then file supplementary petitions no later than 48 hours after the petition is returned by the clerk or the filing deadline, whichever is later.

It is crucial to start early on drafting your town meeting warning and notice. We recommend consulting your town moderator, who may have advice about the wording or order of articles that will promote a smooth and manageable meeting. The selectboard should perform a thorough review of the town meeting warning and notice before they are finalized. Corrections are much easier to fix before town meeting than after. To learn more about the town meeting process, attend our annual Town Meeting Tune-up Workshop, scheduled for Wednesday, February 7, 2018. Registration information is at https://www.vlct.org/event/town-meeting-tune-0.

And as always, MAC is available to assist town officials with any town meeting related questions. Email us at info@vlct.org or call 800-649-7915.

Garrett A. Baxter, Senior Staff Attorney
VLCT Municipal Assistance Center

In 2017, the Vermont Legislature passed Act 73, which moves the administration of health care contributions from the Department of Labor to the Department of Taxes. Now, the two departments are coordinating the transfer. Therefore, effective with 2017 fourth quarter reporting (Q4 2017, due January 31, 2018), employers must report their quarterly health care contributions to the Vermont Department of Taxes instead of the Department of Labor.

For the third quarter of this year, employers must still report their health care contribution alongside wages in the Vermont Internet Tax and Wage System (VITWS) on Labor’s website. However, for Q4 2017 and thereafter, employers must split health care from wages and begin reporting their health care contributions on Form WHT-436, Quarterly Withholding Reconciliation and Health Care Contribution, which, after October 31, 2017, will be posted with instructions at www.tax.vermont.gov. Employers please note that you must continue to report wages through the Department of Labor’s VITWS.

...effective with 2017 fourth quarter reporting (Q4 2017, due January 31, 2018), employers must report their quarterly health care contributions to the Vermont Department of Taxes instead of the Department of Labor.

Information about this change should be available after October 31, 2017, at www.tax.vermont.gov. Employers can also contact the Department of Taxes directly at 802-828-2505.
Records may be public regardless of where they are located.

The Vermont Supreme Court recently ruled that “records produced or acquired in the course of agency business are public records under the Public Records Act, regardless of whether they are located in private accounts of state employees or officials or on the state system.” Toensing v. Attorney General of Vermont, 2017 VT 99. Although the case specifically addresses employees and officials of the state, the Court’s decision affects municipal employees and officials as well and makes it clear that the use of private accounts and personal devices does not prevent an otherwise “public” record from being subject to public inspection and copying.

According to Vermont’s Public Records Act (PRA), “public record” means “any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of agency business.” 1 V.S.A. § 317(b). Municipalities, municipal departments, and municipal officials are “public agencies” for purposes of the law. As such, any information that is produced or acquired by a municipal official or municipal employee in the course of municipal business is a public record.

The Toensing case verifies the Municipal Assistance Center’s advice to our members that information that is produced or acquired in the course of municipal business is a public record, even if it is sent to or received by a private account. This includes, for example, an email sent from a personal address, a text received by a personal iPhone, or a document stored on a personal computer. As the Court stated in Toensing, the law “does not define ‘public record’ in reference to the location or custodian of the document, but rather to its content and the manner in which it was created.” Moreover, records “do not lose their agency character just because the official who possesses them takes them out the door.”

Although the Court concluded that the PRA’s definition of “public record” includes “digital documents stored in private accounts,” it also emphasized that the definition “extends only to documents that otherwise meet the [PRA’s] definition of public records,” and that its decision “should not be construed to expand the reach of the PRA to reach nonpublic records in private accounts.” As such, the ruling does not mean that the private accounts of municipal employees and officials are subject to being

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searched. Nor does it impose any legal obligation on municipal employees and officials to “hand over their smart phones or log-in credentials for their personal email accounts” in response to a public records request. Instead, the Court’s ruling only requires that when there is a public records request for records to or from individual employees or officials for records that may be located on the private accounts of those employees or officials, such employees or officials must asked to look through their private accounts for those public records.

The Court declared that a search for public records that may exist on personal accounts or personal devices of officials and employees is “adequate” if all of the following take place: “the specified officials and employees are trained to properly distinguish public and nonpublic records, the agency asks them to in good faith provide any responsive public records from their personal accounts, and they respond in a manner that provides reasonable assurance of an adequate search.” As such, every municipality should take the following steps: (1) enact policies (such as personnel policies) to minimize the use of personal accounts to conduct municipal business; (2) provide guidance and training to municipal officials and employees as to the difference between public and nonpublic records; and (3) when a request is received for public records that may exist on the personal accounts or personal devices of municipal officials and employees, ask those officials and employees to search for and provide any responsive and non-exempt public records from their personal accounts or devices.

MAC offers training about the Public Records Act to VLCT members, and our Model Public Records Policy and Guidance Memo are available on our website. To schedule a training, learn how to use our model policy, or ask general questions about how to respond to a public records request, contact us at 800-649-7915 or info@vlct.org. For assistance responding to a specific records request, we may recommend consulting with your municipality’s legal counsel.

The Toensing case is available at https://www.vermontjudiciary.org/sites/default/files/documents/op17-090.pdf.

Sarah Jarvis, Staff Attorney II
VLCT Municipal Assistance Center

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Trust Matters
Noteworthy and timely information from VLCT’s non-profit risk-sharing trusts.

VERB’s Life and Disability Rates Stay Low

The VLCT Employment Resource and Benefits (VERB) Trust is pleased to announce that our carrier for life and disability insurance, Lincoln Financial Group, will extend our current group rates guarantee for another two and a half years. That means the rates for all VERB Trust members currently participating in the Trust’s life and disability program will remain unchanged until at least July 1, 2020.

It’s clear the Trust chose wisely in moving to Lincoln in July of 2014 for these benefits. We look forward to continuing this partnership, and we thank current members for their continued support and participation in our Trust offerings. If your group is not already taking advantage of VERB’s life and disability program, contact Larry Smith (lsmith@vlct.org) or Kelley Avery (kavery@vlct.org) at VLCT at 800-649-7915 for a quote today.

Winter Workshops for Municipal DPW Decision Makers

Beginning in January, VOSHA, Project WorkSAFE, and PACIF will co-present regional safety leadership workshops. These workshops, which will emphasize trenching and excavation safety requirements, are for municipal officials who budget for and make safety decisions for municipal public works employees. Municipal managers and administrators, selectboard members, and public works directors and supervisors are all encouraged to attend. Developed in response to an increase in the number of trenching and excavation incidents that have occurred in municipalities over the past two years, these two-hour workshops will be held in multiple locations. “Both PACIF and VOSHA are concerned about recent injuries and near misses that have occurred during some municipal excavation projects,” says Fred Satink, PACIF Underwriting and Loss Control Manager. “We believe a contributing factor may be that clear information regarding mandatory safety requirements is just not getting to the people who control the budgets for and manage public works operations. This workshop is designed to close that gap while providing a consistent message from PACIF, VOSHA compliance, and Project WorkSAFE.” To learn the details of dates and locations, watch for an email in December, look for an announcement at www.vlct.org, or write to losscontrol@vlct.org and ask to be notified directly.

New Voluntary Benefits for VERB Member Employees

The VERB Trust is happy to offer new voluntary benefits options for VERB Trust member employees through our broker partner, Hickok & Boardman HR Intelligence (H & B). Voluntary benefits are paid, through payroll deductions, by any employees who choose to obtain them. The new benefits include life insurance in excess of the employer-provided limit, accident insurance, and critical illness.

To help VERB members understand and implement these new benefits, H & B has assigned Kelsey Foster to work exclusively as their Voluntary Benefits Specialist. In tandem with Larry Smith (VLCT’s Member Relations Manager), Kelsey will ensure that all voluntary benefits are correctly integrated with the core Life and Disability benefits that members are already offered. Kelsey will also coordinate with Larry to provide employee education, one-on-one enrollment, and claims support.

Members in VERB’s Life and Disability program who are looking to meet employees’ diverse needs and add benefits to their current offerings – at no cost to the municipality – should contact Larry Smith (lsmith@vlct.org) or Kelley Avery (kavery@vlct.org) at VLCT at 800-649-7915 today.

New EyeMed Account Manager

It has been a year of growth at EyeMed Vision Care®, the VERB Trust’s partner for vision insurance. EyeMed now has not only insurance plans that are easy to administer, but also the largest national vision care insurance network in the industry, with convenient online sources for eyeglasses (Glasses.com) and contact lenses (ContactsDirect.com).

EyeMed recently restructured its account management team, and Chelsea Koesters now has the honor of serving VLCT members. Here is her contact information:

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Fire Departments in PACIF: It’s Roster Time!

All fire departments (FDs) that obtain their workers’ compensation coverage through PACIF need to, in late December or early January, fill in our 2017 Roster Template (a new Excel file) by listing all their FD personnel – including volunteers – by name, along with their FD role(s) and any pay they received in 2017. This list is mandatory for calculating the FD’s workers’ compensation contribution, and it must be submitted by either January 1 or January 10 as explained below. Members that provide accurate rosters and pay information on time will receive invoices and statements that are more accurate and timely than what late or inaccurate filers will receive. Late or inaccurate filers might also be surprised by a corrective invoice, which could arrive in the next fiscal year.

Early this month, Associate Underwriter Susan Benoit will email all the details and the 2017 electronic form to the department’s Assigned Risk Contact. Two notes for recipients: (1) please set aside time in December to fill in your roster file; and (2) it’s very important not to reuse an old roster file, so be certain to start with our 2017 template. If you don’t have access to the required information, please forward the email without delay to the person who does, pointing out the deadline dates to him or her.

The deadline for returning the completed roster depends on whether anyone in the fire department receives any kind of pay – stipend, per-call, hourly, salary, or whatever. Departments whose firefighters all receive no pay at all (so will have “$0” in the “$ Paid in 2017” column of the Excel file) need to return their completed roster form to Susan (sbenoit@vlct.org) by Monday, January 1. Departments with anyone who received any FD pay need to include all 2017 pay information and return the roster no later than Wednesday, January 10. Complete instructions are contained in Susan’s December email and the new Excel file’s Instructions sheet, and the file will be attached to the email and also available at www.vlct.org. If you have any difficulties or questions, please contact Susan at 800-649-7915 or sbenoit@vlct.org.

EyeMed Acct. Manager (continued from previous page)

Chelsea Koesters
Account Manager, EyeMed Vision Care
ckoesters@eyemed.com
Office: 513-765-6564; Fax: 513-492-3631
4000 Luxottica Place, Mason, OH 45040

If your group obtains EyeMed insurance through VERB, feel free to contact Chelsea about any billing or account management issue you have. As always, you can also contact Larry Smith (lsmith@vlct.org) or Kelley Avery (kavery@vlct.org) at VLCT at 800-649-7915 with any questions about your EyeMed coverage. If your group currently has no vision coverage and you want to look into (!) adding EyeMed to your employee benefits, contact Kelley or Larry.

2017-2018 RMS Calendar

Open Enrollment for 2018 Health Insurance. November 1 to December 15, 2017.

Deadlines for PACIF Members with Volunteer Fire Departments to submit their 2017 Roster and Payroll Information as required for fire personnel’s annual Workers’ Compensation audit. See related story on this page.

• Monday, January 1, 2018, for departments in which no one receives any kind of pay for any fire department activities.

• Wednesday, January 10, 2018, for departments that have any personnel who receive pay, regardless of whether it is per-call, per-training, a stipend, or wages.

The person whose name was returned to Susan Benoit in response to her October “Primary Assigned Risk Contact” mailing will receive an email in early December with complete instructions and the correct Excel file to use when reporting the roster information for the department’s 2017 workers (both paid and not paid). If you have any questions, please contact Susan at 800-649-7915 or sbenoit@vlct.org.

EAPFirst Officer Peer Trainings. Two mornings and locations listed below. Regional trainings for PACIF members’ Police, Fire, and Rescue personnel who are interested in joining the EAPFirst Team of Peers or who want to understand the program completely. (See the EAP article on page 12.) Peers will get to know their local EAPFirst clinicians and learn how to use and promote EAPFirst for psychological support; properly use the clinicians for phone or in-person consultations regarding Peer concerns; and refer colleagues to EAPFirst clinicians for support when troubled for any reason – critical incident, family issue, etc. Presented by Invest EAP. $50 per person. For more information, contact Bobby Arnell, EAPFirst Account Manager, at 802-651-1842 or bobbya@investeap.org.

• Northwest: 8:30 a.m. to 12:30 p.m. Friday, December 1, St. Albans Town Hall, 279 Lake Road, St. Albans. Register at www.eventbrite.com/e/northwest-eapfirst-peer-and-counselor-team-training-tickets-3644053144.

• Southwest: 8:30 a.m. to 12:30 p.m. Wednesday, January 24, CCV Rutland, 60 West Street, Rutland. Register at www.eventbrite.com/e/southwest-eapfirst-peer-and-counselor-team-training-tickets-36443781331?aff=erelpanelorg.

Safety Leadership Workshops on Trenching and Excavation. January dates and locations TBD. Co-presented by VOSHA, Project WorkSAFE, and PACIF. Municipal managers and administrators, selectboard members, and public works directors and supervisors are all strongly encouraged to attend. See page 8 for more information. To learn dates and locations, watch for an email in December, look for an announcement at www.vlct.org, or write to losscontrol@vlct.org asking to be notified directly.

VERB Unemployment Insurance Administration, Claims Management, Advocacy Dental, Vision, Health Insurance Consultation, Large Group Health Insurance Group Life, Accidental Death, Disability, Optional Life
Towns not required to provide “certificate of opening” for old town highways

In 2009, the Town of Granville officially recognized Sabin Homestead Road as a properly established town highway and added it to the town’s highway map. Prior to 2009, the road had not appeared on town maps, leaving the question of whether it was a public or private road unanswered.

Joseph Loprete, defendant in the case, blocked the road with a storage container and refused to remove it upon the Granville Selectboard’s request. Loprete argued that the town failed to properly lay out the road pursuant to state law back in 1850 and therefore the road was still a private road, uncontrollable by the selectboard.

To properly lay out a town highway at the time of Sabin Homestead Road’s creation required three things: (1) an official survey recorded in the town clerk’s office; (2) a formal act by the selectboard; and (3) the filing of a certificate of opening. The main issue in this case was the certificate of opening, which the town could not find in its records.

The town argued that the rule requiring a certificate of opening was modified by the adoption of 19 V.S.A. § 717(a) and, furthermore, the town could otherwise prove — through written and oral testimony — the highway was created consistent with state law. Section 171(a) states “the lack of a certificate of completion of a highway shall not alone constitute conclusive evidence that a highway is not public.”

Loprete contended that another state law, 19 V.S.A. § 302(a), should control and override section 717(a) because it was enacted after section 717(a). Section 302(a) requires, in part, that “unidentified corridors are town highways that have been laid out as highways by proper authority through the process provided by law at the time they were created.” (Emphasis added.) The defendant made a statutory construction argument: that when a later-enacted law (i.e., section 302(a)) covers the same subject as a prior enacted law (i.e., section 717(a)) and the two laws contradict, the later-enacted law is the superior one and nullifies the prior enacted law. Thus, the defendant argued, the town was required to present a certificate of opening because the rule at the time Sabin Homestead Road was created required it.

The Addison Superior Court ruled in favor of the town and the defendant appealed. In upholding the superior court’s decision, the Vermont Supreme Court disagreed with the defendant’s reasoning, explaining that “where there is no clear intention otherwise, a specific statute will not be controlled or nullified by a general one, regardless of the priority of enactment.” Here the Court is saying that even though section 302(a) was enacted after section 717(a), there was no intention (legislative or other) to eliminate the clear, specific language of section 717(a).

The Court concluded that “the town was not required to provide a certificate of opening, nor to prove that it once existed and cannot now be located.” Even though “the rule” to establish a town highway requires that it was created in a way that was consistent with statute, section 717(a) modifies the rule and makes it clear that “the absence of a certificate of completion is not fatal to the town’s claim.”

Takeaway. Municipalities are not required to provide a certificate of opening to prove that an old town highway was properly laid out. This is true even if a highway was created at a time when certificates of opening were required by law to be recorded. While presenting a certificate of opening would be considered strong evidence, the absence of said certificate will not prevent a municipality from otherwise proving that it established a highway consistent with state law.


Carl Andeer, Staff Attorney I
VLCT Municipal Assistance Center
The law defines “specially identified content” as data, information, or other content stored in a social media account that is identified with sufficient particularity to distinguish the individual piece of content being sought from any other data, information, or content stored in the account. It shall not include a username, password, or other means of authentication for the purpose of accessing an employee’s or applicant’s social media account.

The law also includes certain exceptions for law enforcement agencies.

**Pregnancy Accommodation.** Effective January 1, 2018, state law affords the same rights to individuals with a pregnancy-related condition as it does to qualified individuals with a disability. 21 V.S.A. § 495k. Accordingly, all municipalities must provide a reasonable accommodation for the pregnancy-related condition of an applicant or employee, as long as it does not impose an undue hardship.

A “pregnancy-related condition” is defined as a limitation on an individual’s ability to perform the functions of a job caused by pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

“Reasonable accommodation” is defined as a change or modification that can be made to the structure of a job or manner in which it is performed, unless it would impose an undue hardship on the employer. While always dependent on the specific facts of a situation, examples of reasonable accommodation may include a part-time or flexible schedule, sitting, frequent breaks, snacks or drinks at a workstation, light duty, or leave time.

What constitutes an “undue hardship” is likewise fact-specific. Relevant factors include size of the employer (in terms of number of employees, number and type of facilities, and size of the budget) and cost of the accommodation. For example, the expense for a piece of equipment that imposes an undue hardship on a small town might be considered a reasonable accommodation for a large municipality with a larger budget. Before determining that an accommodation imposes an undue hardship, it is important to consult with an attorney.

VDOl will issue a related workplace poster to be displayed in a place conspicuous to employees, and VLCT will add the new poster to its workplace poster packet when it becomes available. VLCT members may purchase the workplace poster packet for $15 from the VLCT website bookstore at www.vlct.org/store/catalog. Alternatively, members may download all mandatory workplace posters for free from the State of Vermont and U.S. Department of Labor websites.

If you have questions regarding these requirements or other areas of human resources, please contact Jill Muhr at MAC-HR@vlct.org or 800-649-7915, ext. 1923.

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**Schedule your on-site clinic today!**

802.770.1536

**Are your employees risk takers?**

They are if they don’t know their blood pressure or cholesterol numbers.

Your company depends on a healthy workforce to be productive and sustainable. To ensure that your team stays healthy, it is essential to promote a culture that emphasizes prevention and wellness.

We invite you to partner with us to ensure that your employees take charge of their health.

- Biometric screenings with finger stick
  - Total cholesterol, HDL and glucose (fasting or non-fasting)
- Blood pressure screening
- Body mass index
- Written educational materials
- One-on-one health coaching with registered nurses
- Travel vaccines and education for overseas destinations
- BCBS Preferred Provider

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**VNA & HOSPICE**

of the Southwest Region

Serving Bennington and Rutland Counties
Making the Most of the Invest EAP Benefit

In this conclusion of a two-part article, Invest EAP reviews some important benefits of PACIF membership which, when used conscientiously, can help municipal leaders foster a workforce that performs with success and harmony.

EAP features many services that are free for PACIF member employees and their household members.

- Confidential EAP counseling and assistance with anything of concern to the caller, including relationships, aging, parenting techniques, stress and anxiety, decision-making, preparing for difficult conversations, substance abuse, medical issues, childcare, grief and loss, disability, eldercare, handling change, and behavior change (for weight loss, drinking less, quitting smoking, etc.)
- 24/7 telephone access to counselors
- In-person counseling sessions
- 30 minutes of professional legal consultation for legal matters – and a 25% discount on legal representation
- 30 minutes of professional financial consultation to help address financial matters
- A dynamic website (password protected) with videos, information, and interactive self-assessments
- Quarterly EAP newsletters on a variety of germane topics

A Positive CDL Drug or Alcohol Test Result? Here’s How EAP Can Help!

EAP is always available to speak confidentially with members’ employees or their household members (or both) who seek help in addressing their own or a loved one’s problematic drinking or substance use. This counseling is free as well as confidential, and additional assistance and support can be found through the EAP website, www.investeap.org. Similarly, a manager of a PACIF organization who is concerned about an employee’s drinking or drug use may contact EAP for a confidential management consultation. All of this is in the scope of voluntary counseling.

EAP is also a valuable resource for municipalities with employees whose work involves a Commercial Driver’s License (CDL). Federal laws to promote safe roadways require employers to have these drivers participate in a random drug and alcohol testing program approved by the U.S. Department of Transportation (DOT) and to assign a manager or other staff member to be the designated employer representative (DER) in fulfilling these requirements. When a DER receives notification that a CDL employee has tested positive on a DOT drug or alcohol screening, EAP is instrumental in helping to meet the federal requirements. Here is how EAP typically fits into the process:

- The notification of a failed screening should alert the municipality’s DER to call Invest EAP at 1-800-287-2173. Follow the prompts for immediate assistance and ask for a Clinical Manager to be paged. EAP helps guide the DER through the process of referring the employee for drug and/or alcohol assessment and possible additional counseling.
- EAP’s Clinical Manager provides the DER with contact information for one or more substance abuse professionals (SAPs).
- The DER gives the SAP contact information to the employee.
- The employee must schedule an appointment and meet with the SAP.
- The SAP assesses the employee and makes recommendations.
- When referral to the SAP is processed through Invest EAP, the cost for the SAP’s assessment is covered under the EAP contract with VLCT PACIF.
- Treatment and/or education as prescribed by the SAP is to be covered by the employee.

EAPFirst

Invest EAP’s newest program, EAPFirst, was designed specifically for first responders and their household members. Its mission is to care for the well-being of Vermont’s first responders by providing expert trauma-informed clinical support, individual counseling, and a skilled peer network. EAPFirst was conceived in 2016, soon after the President’s Task Force on 21st Century Policing was published. It provides some of the services outlined in Pillar Six: Officer Wellness and Safety. VLCT PACIF and Invest EAP partner in supporting municipalities to build healthy municipal work environments and a peer support network of law enforcement and first responders who are ready to help when needed.

EAPFirst is different from INVEST EAP in that it is only for first responders and their household members. This enhanced program includes:

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CLASSIFIEDS

Please visit the VLCT website www.vlct.org/classifieds to view more classified ads.

HELP WANTED

Property Superintendent. The Vermont State Housing Authority needs a top-notch, organized individual full time to handle maintenance and repair needs for residential properties in Middlebury, Brandon, and/or Vergennes. The individual must be able to perform the necessary maintenance and repair work, respond at odd hours, work within budgets and time constraints, and maintain records. Requirements: high school education plus at least three years of related experience; reliable transportation and required level of vehicle insurance; valid driver’s license and a clean driving record; your own hand tools; and the ability to move appliances and lift up to 100 pounds up or downstairs. More details and a job description are available at www.vsha.org/about-vsha/employment-opportunities/. To apply, send a cover letter and resume to VSHA Human Resources, 1 Prospect Street, Montpelier, VT 05602-3556. EOE. (11-08)

Admin. Asst. to the Selectboard. The Town of Rutland is seeking to fill the essential position of Administrative Assistance to the Selectboard. The Town of Rutland is Rutland County’s third largest municipality. Recreation is at the heart of who we are as a community. More than 4,000 people are proud to call Rutland Town “home.” A complete job description is posted at http://rutlandtown.com/ under Town Notices. Salary based on experience and education; full benefits offered. To apply, send a cover letter, resume, and three references to Town of Rutland, Admin. Asst. Search Committee 181 Business Route 4, Center Rutland, VT 05736. Interviews will commence after November 30, 2017. (11-08)

Highway Maintainer. Search re-opened. The Town of Hinesburg seeks an individual to fill a highway maintainer position with its Highway Department. A Class B commercial driver’s license with tanker and trailer endorsements is preferred. For more information, contact the Town Administrator’s office (marshall@hinesburg.org or 482-2281, ext. 222), or visit www.hinesburg.org and click Employment. Equal Opportunity Employer. (11-06)

Emergency Medical Ambulance Services. The Town of Littleton, N.H., is accepting proposals from qualified contractors for emergency medical ambulance services for the town. The contract term is for at least one year but no more than three years. The deadline to submit a proposal is Friday, December 1, 2017. A link to the full RFP is at www.vlct.org/classified/emergency-medical-ambulance-services. (11-01)

Hwy Dept. Tech I or Tech II. The Town of Morristown seeks a Tech I or Tech II for its (continued on page 15)

VERMONT STATE INFRASTRUCTURE BANK (SIB) LOAN FUND

Jointly operated by VEDA and VTrans, the Vermont State Infrastructure Bank (SIB) has low-interest loan funds available for transportation-related projects that enhance economic opportunity and help create jobs. Municipalities, RDCs, and certain private sector companies may qualify for financing to:

• Construct or reconstruct roads, bridges, sidewalks and bike paths;
• Make safety improvements such as highway signing and pavement marking;
• Make operational improvements such as traffic control and signal systems;
• Construct rail freight and intermodal facilities, and public transit facilities; and
• In certain cases, electric vehicle charging stations and natural gas refueling stations that are available for public use.

www.veda.org
802-828-JOBS
Health Advocate for All VERB Members

Because it was easy to overlook the small reminder in last month’s newsletter, we are repeating it: As of January 1, every member enrolled in any VERB Trust program – dental insurance, vision insurance, life and disability insurance, or Health Insurance Advisory Services – will have access to HealthAdvocate Solutions™ at no cost throughout 2018!

In 2011, the VLCT Health Trust began offering Health Advocate as a free benefit for all Health Trust members. In 2014, when Vermont Health Connect came into being, Health Advocate was grandfathered in for all groups that were in the Health Trust at the end of 2013, and at the same time it was made available to other VLCT members at a low cost. This year, the VERB board felt so keenly that municipalities will be stronger if their employees can make use of this benefit that the board opened the program to all VERB Trust members at no cost for next year.

Health Advocate™, a subsidiary of West Corporation, is the nation’s leading independent healthcare advocacy and assistance company. Their Health Advocacy service employs a team of personal health advocates – typically registered nurses supported by medical directors and benefits and claims specialists – who provide clinical and administrative support to help subscribers resolve issues involving their medical, hospital, dental, pharmacy, and other healthcare needs.

Health Advocate’s professionals assist employees in navigating difficult health care issues, particularly with claims and coverage. Health Advocate provides several primary services, including:

- A personal health advocate assigned to each subscriber
- Service for not only the employee but also his or her spouse, dependent children, parents, and parents-in-law
- 24/7 access via a toll-free assistance hotline
- Insurance claims resolution
- Assistance with correcting billing errors
- Explanation of coverage and plan details, including Medicare considerations
- Assistance with eldercare issues
- Help with serious or chronic conditions
- Answers to questions regarding medical terms, tests, medications, and treatments
- Finding the best doctors and hospitals
- Locating and researching treatments for a medical condition
- Securing second opinions
- Scheduling appointments with hard-to-reach specialists

The health insurance landscape gets increasingly complicated every year, and the professionals at Health Advocate are trained to stay abreast of these changes. They are also well versed in Medicare issues and coverage options, which can be very confusing to people who are approaching Medicare eligibility. By helping to resolve complex clinical and administrative issues, Health Advocate allows employees to stay focused on their work rather than being distracted by aggravations.

VERB Trust members that are newly eligible for this program in January will be contacted by Kelley Avery to collect subscriber counts and health benefits information. Please respond by January 2, 2018, with all of the requested information so we can implement this service as soon as possible for your employees! For questions regarding Health Advocate or to receive brochures and other materials to help your employees learn about their new benefit, contact Kelley Avery (kavery@vlct.org) or Larry Smith (lsmith@vlct.org) at VLCT at 800-649-7915.

Employers: have health insurance concerns?

For custom consultation and support, sign up for VERB’s Health Insurance Advisory Services and get

- Full explanations of the various health plans and funding options
- Financial modeling of potential plan and funding approaches
- Support at meetings of governing boards, managers, and employees
- Assistance with pre-enrollment, enrollment, and post-enrollment activities
- Education on required forms and paperwork
- Guidance on regulatory compliance — and more!

For details, contact Larry Smith: lsmith@vlct.org
Assistant Finance Director. The Town of Morristown seeks an Assistant Finance Director. This professional administrative position assists with the maintenance of comprehensive accounting records for the Town and works with the Finance Director to develop and manage financial management systems and practices for all departments. Requirements: Knowledge of municipal accounting, auditing practices, and principles; exceptional attention to detail and organizational skills; ability to analyze and interpret financial documents and data and present findings to the town administrator and selectboard. Education and expertise: Associate’s degree in relevant discipline (accounting, finance, business administration) and/or extensive relevant experience and/or training; three years’ experience in public finance or accounting; previous experience in municipal government preferred but not required. This position operates mainly on a M-F, 8 a.m.-4 p.m. schedule with overtime as needed. Hourly salary, $18.70-$24.67. A full job description is available by contacting Erica Allen at eallen@morristownvt.org. Please email complete job application (available at http://www.morristownvt.org/employmentopportunities.html), and references by 3 p.m. on December 15, 2017, to eallen@morristownvt.org, or submit the documents to the Town Offices at 43 Portland Street in Morrisville. (11-13)

Highway/Street Department. Duties: Perform maintenance, repair, and construction work on town roadways and facilities, including installation and maintenance of culverts; screening and storage of sand and salt; washing bridges; patching and/or paving of roadways; mowing roadside areas; line and stripe painting; street sweeping; and other duties as assigned; operate hand tools, heavy equipment, light trucks, plow trucks, power tools, and other highway department equipment as directed by the foreman; perform winter snow and ice removal on town roads and sidewalks; use chainsaw and other tools to cut brush and trees along roadside; perform regular and special maintenance on town equipment and vehicles as directed by the foreman; and respond to calls for assistance from foreman on a 24-hour basis, as requested. Requirements: CDL, high school education or GED, and compliance with U.S. DOT Drug and Alcohol as required by 49 CFR Part 655 or 49 CFR Part 382 and 49 CFR Part 40. This position operates mainly on a M-F 7:30 a.m.-3:30 p.m. schedule with overtime as needed. Hourly salary, $16.70-$28.83. A full job description is available by contacting Erica Allen at eallen@morristownvt.org. To apply, please email completed job application (available at http://www.morristownvt.org/employmentopportunities.html) by 3 p.m. on December 7, 2017, to eallen@morristownvt.org, or submit the documents to the Town Offices at 43 Portland Street in Morrisville. (11-13)

**Invest EAP Benefit (continued from page 12)**

- Expert, trauma-informed counselors for individual counseling and critical incident follow-up. In 2016, Invest EAP conducted a Vermont-wide sweep of licensed counselors and screened for professionals who have a clinical focus on trauma and are specifically dedicated to serving first responders.
- Assistance with developing policies to support first responders’ emotional wellbeing.
- Statewide peer support team development and training.
- Department visits to immerse the counselors in the culture of law enforcement and emergency services to build rapport and develop trusting relationships between first responders and EAPFirst counselors.
- Annual “wellness checks” for departments and their staff.
- A 24/7 phone line dedicated to first responders to quickly connect them with a specially trained, trauma-informed counselor within the EAPFirst Network.

All employees of PACIF member groups already have access to EAP’s standard services. EAPFirst is a customized, add-on service. Future development of this program will hinge on the EAPFirst program receiving adequate funding to fulfill its mission.

Departments that are interested in learning more or in joining the EAPFirst Team of Peers can attend an Officer Peer Training Session. The next two sessions are December 1st in St. Albans and January 24th in Rutland. See the RMS Calendar on page 9 for more information.

**Reaching Out to Invest EAP**

We hope this article helps deepen your knowledge of PACIF’s EAP benefit. If you have questions or if you would like to learn more, please contact us directly.
- Call Invest EAP at 1-800-287-2173. For urgent needs, follow the prompts to have a manager paged. If your group has experienced a critical incident, be sure to ask for an urgent consultation.
- Visit our website, www.investeap.org. Create a login using the Organization Password, vlc, to gain access to a wealth of useful tools and resources.

**Connie Gavin**
Director of Account Services, Invest EAP
UPCOMING EVENTS

Check out all of the upcoming MAC workshops online at www.vlct.org/training-events

Municipal Roads
Wednesday, December 6
Capitol Plaza, Montpelier

Town Meeting Tune-up
Wednesday, February 7
Capitol Plaza Montpelier

Local Government Day
Thursday [new day!], February 15
Capitol Plaza, Montpelier

Local Government Day in the Legislature

Save the Date!

Thursday, February 15
Capitol Plaza, Montpelier

Make your voice heard at the State House!

Questions? Visit www.vlct.org/training-events to register and for the most updated information and events.