

MENDON CODE OF ETHICS INVESTIGATION AND ENFORCEMENT POLICY

SECTION 1. AUTHORITY. This policy is adopted by the Mendon Selectboard of Mendon ("Municipality") under authority of Act 171 (H.875) of 2024.

SECTION 2. PURPOSE.

The purpose of this policy is to enact procedures for the investigation of complaints that allege a municipal officer has violated Vermont's Municipal Code of Ethics and the enforcement in instances of substantiated complaints, including methods of enforcement and available remedies.

SECTION 3. DEFINITIONS.

A. "Designated Complaint Recipient" means the municipal officer or body designated to receive complaints alleging violations of the Municipal Code of Ethics.

B. "Municipal Code of Ethics" means the municipal ethics framework in Vermont established by Act 171 (H.875) of 2024.

C. "Municipal Ethics Complaint" means a complaint against a "Municipal Officer" or "Officer" alleging a violation of the Municipal Code of Ethics.

D. "Municipal Officer" or "Officer" means:

1. any member of a legislative body of a municipality;
2. any member of a quasi-judicial body of a municipality; or
3. any individual who holds the position of, or exercises the function of, any of the following positions in or on behalf of any municipality:
 - a. advisory budget committee member;
 - b. auditor;
 - c. building inspector;
 - d. cemetery commissioner;
 - e. chief administrative officer;
 - f. clerk;
 - g. collector of delinquent taxes;
 - h. department heads;

- i. first constable;
- j. lister or assessor;
- k. mayor;
- l. moderator;
- m. planning commission member;
- n. road commissioner;
- o. town or city manager;
- p. treasurer;
- q. village or town trustee;
- r. trustee of public funds; or
- s. water commissioner.

E. "Public body" means any board, council, or commission of the Municipality, any board, council, or commission of any agency, authority, or instrumentality of the Municipality, or any committee or subcommittee of any of the foregoing boards, councils, or commissions.

SECTION 4. COMPLAINTS.

A. Any member of the general public may make a Municipal Ethics Complaint including any person elected, appointed, or employed by the Municipality.

B. All Municipal Ethics Complaints must be directed to the Designated Complaint Recipient hereby designated as the Chair of the Selectboard.

C. The Designated Complaint Recipient will conduct a prompt, thorough, and impartial investigation of all Municipal Ethics Complaint, and confidentiality will be protected to the extent possible.

D. Municipal Ethics Complaints against the Designated Complaint Recipient must be directed to the Town Administrator.

E. No person will be adversely affected in either their volunteer or employment status with the Municipality as a result of bringing a Municipal Ethics Complaint.

SECTION 5. ENFORCEMENT.

If the Designated Complaint Recipient, or the Town Administrator in the case of a Municipal Complaint brought against the Designated Complaint Recipient, determines that a

violation of the Municipal Code of Ethics has occurred, the Selectboard will take immediate and appropriate corrective action. Municipal Officers who are found to have violated the Municipal Code of Ethics may face the following disciplinary action:

A. Enforcement Against Elected Officers. In cases in which the Municipal Officer holds elected office, the Selectboard may, in its discretion, take any of the following disciplinary actions against such an elected officer as it deems appropriate:

1. The Chair of the Selectboard may meet informally with the Municipal Officer to discuss the Municipal Code of Ethics violation. This will not take place in situations where the Chair of the Selectboard and the Municipal Officer together constitute a quorum of a public body.
2. The Selectboard may meet to discuss the conduct of the Municipal Officer. Executive session may be used for such discussion in accordance with 1 V.S.A. § 313(a)(4). The Municipal Officer may request that this meeting occur in public. If appropriate, the Selectboard may admonish the offending Municipal Officer in private.
3. The Selectboard may admonish the offending Municipal Officer at an open meeting and reflect this action in the minutes of the meeting. The Municipal Officer will be given the opportunity to respond to the admonishment.
4. Upon majority vote in an open meeting, the Selectboard may request (but not order) that the offending Municipal Officer resign from their office.

B. Enforcement Against Appointed Officers. In cases in which the Municipal Officer holds appointed office, the Selectboard may choose to follow any of the steps articulated in Section 5A. In addition to, or in lieu of any of those steps, the Selectboard may choose to remove an appointed Municipal Officer from office, subject to state law.

C. Enforcement Against Employees. In cases in which the Municipal Officer is also an employee of the Municipality, the Chair of the Selectboard may take any disciplinary action, up to and including termination, in accordance with the Municipality's personnel policy.

SECTION 6. APPEALS.

A decision of the Selectboard may be reviewable by the Vermont Superior Court pursuant to Rule 75 of the VT Rules of Civil Procedure. An enforcement action taken against an employee may be appealed in accordance with the Municipality's personnel policy.

SECTION 7. OTHER LAWS.

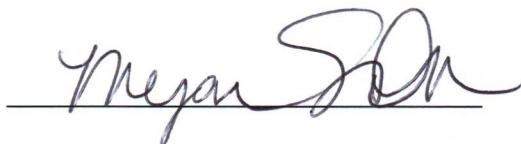
This policy is in addition to all other policies of the Municipality and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, policies, or other documents inconsistent with the provisions of this policy are hereby repealed to the extent of such inconsistency.

SECTION 8. SEVERABILITY. If any section of this policy is held by a court of competent jurisdiction to be invalid, such finding will not invalidate any other part of this policy. If any statute referred to in this policy is amended, this policy will be deemed to refer to such amended statute.

SECTION 9. EFFECTIVE DATE. This policy will become effective upon adoption by the Selectboard.

Adopted this 13 day of January, 2025.

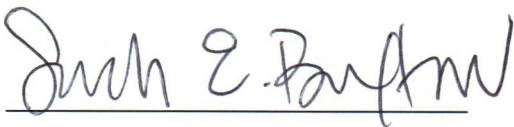
Mendon Selectboard for the Town of Mendon.



Megan Smith



Seth Bridge



Sarah Buxton

WHISTLEBLOWER PROTECTIONS

[Effective January 1, 2025]

Protected activity.

An agency, department, appointing authority, official, or employee of a municipality is prohibited against engaging in retaliatory action against a protected employee because the protected employee refuses to comply with an illegal order or engages in any of the following:

- providing to a designated complaint recipient a good faith report or good faith testimony that alleges an entity of a municipality, employee or official of a municipality, or a person providing services to a municipality under contract has engaged in a violation of law or in waste, fraud, abuse of authority, or a threat to the health of employees, the public, or persons under the care of a municipality; or
- assisting or participating in a proceeding to enforce the provisions of Title 24, Section 1998 (VT's Municipal Whistleblower Protection Law).

No agency, department, appointing authority, official, or employee of a municipality can attempt to restrict or interfere with, in any manner, a protected employee's ability to engage in any of the protected activity described above.

No agency, department, appointing authority, or manager of a municipality can require any protected employee to discuss or disclose the employee's testimony, or intended testimony, prior to the employee's appearance to testify before the General Assembly if the employee is not testifying on behalf of an entity of the municipality.

No protected employee can divulge information that is confidential under State or federal law. An act by which a protected employee divulges such information will not be considered protected activity.

In order to establish a claim of retaliation based upon the refusal to follow an illegal order, a protected employee must assert at the time of the refusal the employee's good faith and reasonable belief that the order is illegal.

Communications with legislative bodies of municipalities and the General Assembly.

No entity of a municipality can prohibit a protected employee from engaging in discussion with a member of a legislative body or the General Assembly or from testifying before a committee of a municipality or a committee of the General Assembly; provided, however, that a protected employee cannot divulge confidential information, and an employee must be clear that the employee is not speaking on behalf of an entity of a municipality.

No protected employee will be subject to discipline, discharge, discrimination, or other adverse employment action as a result of the employee providing information to a member of a legislative body, a legislator, or a committee of a municipality or a committee of the General Assembly; provided, however, that the protected employee does not divulge confidential information and that the employee is clear that the employee is not speaking on behalf of any entity of the municipality. The protections set forth herein do not apply to statements that constitute hate speech or threats of violence against a person.

In the event that an appearance before a committee of a municipality or committee of the General Assembly will cause a protected employee to miss work, the employee must request to be absent

from work and must provide as much notice as is reasonably possible. The request must be granted unless there is good cause to deny the request. If a request is denied, the decision and reasons for the denial must be in writing and must be provided to the protected employee in advance of the scheduled appearance. These protections are subject to the efficient operation of municipal government, which shall prevail in any instance of conflict.

Enforcement and preemption.

Nothing in this section will be deemed to diminish the rights, privileges, or remedies of a protected employee under other federal, State, or local law, or under any collective bargaining agreement or employment contract, except the limitation on multiple actions as set forth herein.

A protected employee who files a claim of retaliation for protected activity with the Vermont Labor Relations Board or through binding arbitration under a grievance procedure or similar process available to the employee may not bring such a claim in Superior Court. A protected employee who files a claim under Title 24, Section 1998 in Superior Court may not bring a claim of retaliation for protected activity under a grievance procedure or similar process available to the employee.

Remedies.

A protected employee who brings a claim in Superior Court may be awarded the following remedies:

- reinstatement of the employee to the same position, seniority, and work location held prior to the retaliatory action;
- back pay, lost wages, benefits, and other remuneration;
- in the event of a showing of a willful, intentional, and egregious violation of this section, an amount up to the amount of back pay in addition to the actual back pay;
- other compensatory damages;
- interest on back pay;
- appropriate injunctive relief; and
- reasonable costs and attorney's fees.

Posting.

Every agency, department, and office of a municipality must post and display notices of protected employee protection under this law in a prominent and accessible location in the workplace.

Limitations of actions.

An action alleging a violation of Vermont's Municipal Whistleblower Protection Law (Title 24, Section 1998) brought under a grievance procedure or similar process shall be brought within the period allowed by that process or procedure. An action brought in Superior Court must be brought within 180 days following the date of the alleged retaliatory action.