



Monday, February 3, 2025, 2:00 PM, HR Conference Room, 200 Church St., Burlington, VT

2 pm, HR Conference Room, 200 Church St., Burlington, VT OR Remotely via ZOOM:

Please click the link below to join the webinar:

Zoom Link: <https://zoom.us/j/94820907375?pwd=ZWdzWk5KTGp5K29vZ1dEd2dLaU9jQT09>

Meeting ID: 948 2090 7375

Passcode: 616429

1. Adopt Agenda

2. Approve Minutes

Subject	2.1. Approve Minutes from 12.02.24 Meeting
Meeting	February 3, 2025 - HRPC 02/03/2025 - Monday, February 3, 2025, 2:00 PM, HR Conference Room, 200 Church St., Burlington, VT
Category	2. Approve Minutes
Department	Human Resources
Type	

3. Public Forum

4. Policy Review

Subject	4.1. Burlington Police Department Press Releases
Meeting	February 3, 2025 - HRPC 02/03/2025 - Monday, February 3, 2025, 2:00 PM, HR Conference Room, 200 Church St., Burlington, VT
Category	4. Policy Review
Department	Human Resources
Type	
Recommended Action	

Subject	4.2. Review newly created ADA Interactive Process policy
Meeting	February 3, 2025 - HRPC 02/03/2025 - Monday, February 3, 2025, 2:00 PM, HR Conference Room, 200 Church St., Burlington, VT
Category	4. Policy Review
Department	Human Resources
Type	

Recommended Action

5. Department Head 360 Evaluation Update

Subject **5.1. Department Head 360 Evaluation Update**

Meeting February 3, 2025 - HRPC 02/03/2025 - Monday, February 3, 2025, 2:00 PM, HR Conference Room, 200 Church St., Burlington, VT

Category 5. Department Head 360 Evaluation Update

Department Human Resources

Type

Recommended Action

6. Executive Session - Tentative

Subject **6.1. Amendment to compensation policies**

Meeting February 3, 2025 - HRPC 02/03/2025 - Monday, February 3, 2025, 2:00 PM, HR Conference Room, 200 Church St., Burlington, VT

Category 6. Executive Session - Tentative

Department Human Resources

Type

Recommended Action

7. Other Committee Business

8. Adjournment

Subject **8.1. Motion to adjourn**

Meeting February 3, 2025 - HRPC 02/03/2025 - Monday, February 3, 2025, 2:00 PM, HR Conference Room, 200 Church St., Burlington, VT

Category 8. Adjournment

Department Council and Board

Type

Recommended Action

9. Informational and Non-Discrimination Statements

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities and employment opportunities. The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements, auxiliary aid, service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Burlington, should contact the office of the Title II Burlington ADA Coordinator at 802-865-7000 as soon as possible but no later than 48 hours before the scheduled event.



Monday, December 2, 2024, 2:00 PM, Kieslich Cottage, 311 North Ave., Burlington, VT

2 pm, Conference Room at Kieslich Cottage, 311 North Ave., Burlington, VT OR Remotely via ZOOM: Please click the link below to join the webinar:

Zoom Link: <https://zoom.us/j/94820907375?pwd=ZWdzWk5KTGp5K29vZ1dEd2dLaU9jQT09>

Meeting ID: 948 2090 7375

Passcode: 616429

Present:

Councilor Sarah Carpenter, Chair (SC)

Councilor Marek Broderick (MB)

Councilor Evan Litwin (EL)

Others in Attendance:

Lynn Reagan, HR Acting Director (LR)

Meaghan Diffenderfer, HR Administrative Coordinator

Annie

Sarah calls meeting to order at 2:04 pm

1. Adopt Agenda

MB moves to adopt the agenda.

EL seconds the motion.

All in favor, motion so moved and adopted.

2. Accept Minutes

EL moves to accept the minutes as written.

MB seconds the motion.

All in favor, motion so moved and accepted.

2. Public Forum

none

3. Department Head 360 Evaluations Update

LR presents update on Department Head 360 Evaluations. She has met with the Mayor and finalized the document – not much different than what was shared with the committee at the last meeting. She will be meeting with the Chief and Deputy Chief of staffs next week to start assigning each department head with a rater (as of now, a combination of direct reports, peer department head, and city councilors). The survey itself is already set up in draft form on survey monkey. It is estimated it will take between 11-15 minutes to complete. The hope is to roll it out in the beginning of the new year. Each recipient will have between 2-3 weeks to have the evaluations completed, and all data will come back to the HR department. HR will collect it and make sure anonymity is maintained, and will present the data to the mayor end of February / early March. The Mayor will use the data to determine any necessary trainings that should be completed by the department heads and utilize it as one tool of many in regards to reappointments. Her hope is to give at least 2 months' notice to any department head who won't be reappointed.

SC asks for further details on how city councilors will be involved?

LR clarifies it is to include any city councilor who may have relationship with department heads, such as those who sit on department boards or commissions.

SC asks for the final draft of the survey to be sent – LR confirms she can send out the survey monkey link so councilors can see the survey as it will be presented to those completing it.

MB wants to be sure that the councilors selected have enough experience with the department head that the review is worthwhile (i.e. there is an actual, meaningful working relationship) and remains anonymous.

4. Modern Gov Update

LR gives an update on the Modern Gov initiative. She clarifies she is not part of the leadership team that is working alongside the Mayor to work on the Modern Gov project. There has been no impacts yet that have trickled down to the departments. It is still in a discussion phase between the Mayor and selected individuals.

SC asks for clarification on how HR as a department and HRPC may be involved.

LR clarified there could be merging of departments and roles which could lead to a reassignment of a role. The PPM would be followed, and HR and HRPC may be asked to provide input using the tools we have, including the policies laid out in union contracts. Conversations with the Mayor and Chief of Staff continue and this is being discussed, and LR is reminding them of these guiding documents that we have to consider and adhere to while decisions are being made.

EL asks about how this coincides with the FY26 budgeting timeline.

LR explains the budgeting process is happening earlier this year, and notes that Modern Gov will not be a single fiscal year project. Changes made in FY26 will likely be smaller than changes down the line.

EL asks about if it comes to reassigning work vs. layoffs, will it represent cost savings or will salaries be maintained at their current rates if an employee changes positions?

LR shares that it depends, and we would have to review the contracts since a voluntary transfer vs. involuntary transfer do have different paths, at least in the AFSCME contract. The next steps are not known at this point in time. There has been no discussion of layoffs, and the mayor's office is doing everything they can to maintain the city budget.

5. Vacant Department Head Searches

SC opens the discussion by sharing the Director of Planning role has been filled and there is an active search for the Chief of Police.

LR adds on that Charles Dillard (an internal candidate) was hired into the Director of Planning role. Initially the Mayor planned to post the Director of HR once the Director of planning position was filled; that has been placed on hold and LR will continue to act as Interim Director while focus shifts to Chief Of Police. Most likely an outside recruiter will be hired for that search, and the hiring and search team will involve members of the police department and commission in addition to HR.

EL encourages a survey to be sent to councilors or something of the sort to be taken into account to ensure that there isn't a standstill in terms of approving the new Chief.

MB suggests going to both caucuses asking for a discussion, so feedback on what is being sought by councilors can be taken into consideration.

LR shares that Christian Berry has been promoted to be the Interim Director of REIB after Phet, the previous Director, resigned.

SC asks if they will they be filling any additional roles in that department.

LR is unsure at this time

SC asks if the same recruitment process for the Chief of Police will be used for the Deputy Chief of Police.

LR: We are actively recruiting for those roles now and hoping that there will be crossover with the current Deputy Chief.

EL wants to be sure whatever outside recruiting agency that is selected has a plan for how to outreach to diverse groups to find candidates.

LR has not heard a launch date of when the recruitment process will start but imagines it will be sooner rather than later. We were given a last possible employment date, but the Chief has been clear that if another opportunity arises he may leave earlier than that date.

EL asks the committee to be kept updated if the these roles are filled or any changes in process, even via email if it's between meetings.

6. Other Committee Business

LR reports that the PPM is moving in the right direction. It has been handed it off to the City Attorney's office for review. There are scheduled meetings every 2 weeks to check in with them. The goal of completion is still spring – March 2025. While it still might come up over the next few meetings, the goal is to make a summary sheet of any policies that have been touched or changed. There is work on the City's ADA policy with the Attorney's office to formalize our process.

SC asks if that policy will go through the Accessibility Committee.

LR says the plan is to pass it along, but that committee does mostly focus on external relations. She also is asking that it gets approved and put out sooner than the complete PPM manual.

SC notes that she did ask that each department appoint someone to serve on the accessibility committee.

Next Meeting planning: Break in January, meet in February. February 3rd – 2:30 pm. Tentatively March 17, 2:30 pm. Both meetings will be back at 200 Church or via Zoom.

7. Adjournment

Meeting adjourned, 2:45 pm.

9. Informational and Non-Discrimination Statements

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Office of Mayor Emma Mulvaney-Stanak

EXECUTIVE ORDER

January 8, 2025

Requiring Mayoral Approval of all Burlington Police Department Press Releases

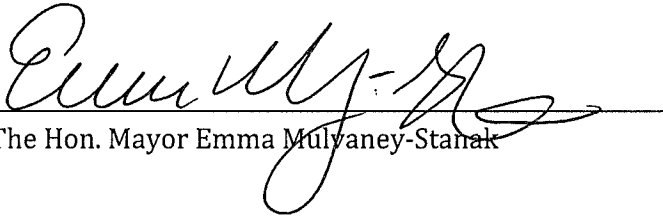
WHEREAS, the City of Burlington's Comprehensive Personnel Policy Manual States that "[a]ll press releases will be issued by the Mayor or designee"

NOW THEREFORE, exercising the authority vested in me as Mayor of the City of Burlington by Article V, Section 116 of the Charter of the City of Burlington, I, Emma Mulvaney-Stanak, hereby issue the following executive order, effective immediately:

1. All press releases to be issued by the Burlington Police Department shall be sent to the Mayor's Office for approval prior to issuance of the release by the Chief of Police or designee.
2. Such press releases submitted for approval to the Mayor's Office shall be submitted in the form of a Microsoft Word Document.
3. In the event that the Burlington Police Department determines that a press release must be issued on an emergency basis to communicate critical information to the public in urgent situations, such as missing person alerts or evacuation warnings, the following protocol shall be observed:
 - a. The draft press release shall be labeled as an "Emergency Press Release" when submitting to the Mayor's Office.
 - b. Along with the appropriately labeled press release, the Burlington Police Department shall provide the Mayor's Office with notification that the release needs to go out immediately or a deadline by which approval is needed for the issuance of the press release.
 - c. If the Police Department does not receive approval of the emergency press release from the Mayor's Office prior to the stated deadline, the Police Department may issue the press release without approval from the Mayor's Office.

4. This Executive Order shall remain in effect until further notice and may be rescinded upon the completion of the Burlington Police Department's development of a press release policy which has been approved by the Mayor.

Dated this 8th day of January, 2025.



The Hon. Mayor Emma Mulyaney-Stanak



**BURLINGTON POLICE DEPARTMENT
DEPARTMENT DIRECTIVE
DD30 Public Information, Website, NIXLE**

POLICY: It is desirable for the Burlington Police Department to maintain a positive working relationship with the media that will result in satisfying the needs of the agency, the media, and the public and to use varied means to regularly release information to the public. Toward that end, the Department shall maintain a Public Information function responsible for cultivating positive police-media and community relations and fulfilling the public's desire to be informed of matters involving public safety and Department operations.

PURPOSE: The presence of news reporters at the scene of a police incident is a necessary and legitimate function of the media's responsibility to inform the public. Public safety officials should extend the media all courtesies consistent with efficient police operations, the rights of the persons involved, and the public's right to know. This directive shall establish policies and procedures for releasing information to the media and general public.

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- II. Responsibilities of the Public Information Function
- III. Responsibilities of the Public Information Officer
- IV. Responsibilities of All Agency Personnel
- V. Access of Media Personnel at Crime Scenes
- VI. Release of Information During Multi-jurisdictional Incidents
- VII. Release of Information by Task Force Members
- VIII. Information that May be Released to the Media
- IX. Information that May Not be Released to the Media
- X. Community Outreach Notification
- XI. Release of Department of Motor Vehicle Information
- XII. Important Considerations Regarding Release of Information
- XIII. Website
- XIV. NIXLE Broadcast System

I. DEFINITIONS

Public Information Officer: For the purposes of this directive shall refer to the individual designated by the Chief of Police as responsible for coordinating the agency's Public Information function. This officer shall be responsible for maintaining a file of all press releases disseminated by any member of this agency.

Public Information Function: Shall be the responsibility of all personnel of the rank of Lieutenant or higher. In the absence of the Public Information Officer, it shall be the responsibility of the on duty Officer in Charge, the Chief of Police, or his/her designee to fulfill the responsibilities of the function.

Media Personnel: Legitimate representatives from established radio, television, or print media. Upon request media personnel should be prepared to provide credentials indicating their name and media affiliation. Any question regarding the legitimacy of a media representative should be directed to the Officer in Charge.

II. RESPONSIBILITIES OF THE PUBLIC INFORMATION FUNCTION

A. Maintaining positive police-media relationships is the responsibility of every member of the Burlington Police Department. Any member may be called upon to serve as a department spokesperson. While recognizing that providing information to the public is a task shared by all, it is

in the interest of coordinating the dissemination of information and increasing agency accountability that a public information function is established.

- B. The Public Information function of this agency shall be responsible for the following:
1. Approving press releases prior to dissemination to media to ensure consistency and accuracy.
 2. Assisting media personnel in covering news stories at the scene of incidents.
 3. Being available for response to crime scenes.
 4. Preparing and disseminating news releases regarding public education issues such as personal safety tips, special enforcement efforts, new or revised laws, seasonal crime awareness information, and the winter parking prohibitions.
 5. Arranging for and assisting at press conferences.
 6. Coordinating and authorizing release of information about victims, witnesses, and suspects.
 7. Assisting in crisis situations within the agency, such as a line of duty death or serious injury.
 8. Coordinating and authorizing release of information concerning sensitive agency investigations and operations.
 9. Developing procedures for release of information when the Department is involved in a multi-jurisdictional incident.
 10. Soliciting feedback and input from media personnel regarding agency policies and procedures related to public information.
 11. Communicating Department guidelines and restrictions regarding access of media personnel, to include photographers, at crime scenes and other serious incidents.

III. RESPONSIBILITIES OF THE PUBLIC INFORMATION OFFICER

- A. To assume primary responsibility for the accomplishment of the above stated responsibilities of the Public Information function.
- B. To delegate duties, as necessary, to other agency personnel regarding the Public Information function. It may be desirable during some incidents for the Public Information Officer to delegate Public Information duties to other agency personnel (investigating officer, officers involved in special projects, etc.). The Public Information Officer shall attempt to provide agency employees with relevant career development opportunities regarding media relations.
- C. To act as the Department's official liaison to the media.
- D. To maintain a central file of all information disseminated to the media by members of this agency.
- E. Retain all press releases in a central file for one year.

IV. RESPONSIBILITIES OF ALL AGENCY PERSONNEL

- A. As stated previously, all personnel should be prepared to deal with members of the media during the course of their official duties. There is some information, enumerated below, that may be released by any member of the agency. In serious incidents, however, any department member approached by the media for information shall refer the request to the Public Information Officer, or other ranking officer responsible for the Public Information function.

- B. The following information may be released to media personnel by any member:**
1. **Crash** – time, date, location, number of vehicles, injuries sustained, names and ages of drivers and occupants, and whether or not seat belts were used.
 2. **Arrests** – the name, age, and address (to include street but not house or box number) of adults arrested or cited, the charge, and arraignment date.
 3. **Crimes** – the time, date, location, type of crime, and status of investigation.
- C. Except as noted above, any information that is released must be forwarded to the Public Information Officer for inclusion in the central file.
- D. All written press releases must be prepared on agency approved forms and must be authorized by a Lieutenant or higher ranking officer, or the on duty OIC. If information is distributed to the media in other than print format, a synopsis shall be forwarded to the Public Information Officer immediately following dissemination.
- E. Agency members may not authorize media personnel to trespass onto private property.
- F. Inquiries concerning departmental policies, procedures, personnel issues or relationships with other agencies shall be referred to the Office of the Chief of Police.
- G. Media personnel shall not be allowed to interview subjects who are in police custody.

V. ACCESS OF MEDIA PERSONNEL AT CRIME SCENES

- A. Generally, access of media personnel, including photographers, shall be restricted to the outer perimeter of any crime scene or serious incident. Media personnel may only cross the established perimeter after receiving permission from the Incident Commander.
- B. When permission is granted by the Incident Commander, officers shall assist media personnel in gaining access to an incident scene.
- C. Media personnel shall never be allowed to interfere with police operations. Additionally, officers may deny access to a scene for safety or investigative purposes.
- D. It shall be the responsibility of the Public Information function to communicate these guidelines to affected media agencies to help ensure their cooperation.

VI. RELEASE OF INFORMATION DURING MULTI-JURISDICTIONAL INCIDENTS

- A. In situations involving multi-agency participation, the Burlington Police Department shall handle public information activities only if it is the agency having primary jurisdiction in the incident.
- B. In all other multi-jurisdictional activities in which Department personnel participate, questions from the media shall be directed to the agency having primary jurisdiction. Burlington Police personnel may assist the primary agency as requested.

VII. RELEASE OF INFORMATION BY TASK FORCE MEMBERS

Burlington Police personnel assigned to a Task Force shall comply with the procedures established by the Task Force. Task Force members are encouraged to forward a copy of all press releases that mention the Burlington Police Department for inclusion in the central file.

VIII. INFORMATION THAT MAY BE RELEASED TO THE MEDIA

- A. The following information may be released to the media, with the exceptions noted. Some information may not be appropriate for release given the nature of the investigation.
1. The identity of a deceased victim, **after notification of next of kin.**
 2. The name, age, and residence of any person charged with a crime, the charge and date of arraignment.
 3. The facts and circumstances of an arrest, including the date, time, and location of the arrest, disposition of the arrested person (lodged or cited), bail imposed, arraignment date, and general statements about any pursuit, resistance, or weapons involved.
 4. A brief description of evidence seized without any further comment.
 5. The identity of the investigating officer(s) and/or the arresting officer(s) and the anticipated length of the investigation.
 6. Whether the suspect was arrested with or without a warrant and a brief description of the offense charged.
 7. The name of the court issuing a warrant and the time and place of arraignment and plea entered, if known.
 8. Any information necessary to aid in the apprehension of a person formally charged with a crime, or to warn the public of any danger posed by a suspect.

IX. INFORMATION THAT MAY NOT BE RELEASED TO THE MEDIA

- A. The following information **may not** be released to the media, unless it is contained in a public file.
1. Comments regarding the character or reputation of a suspect.
 2. Comments regarding the existence of a confession, or statements made by a suspect. Or, the failure or refusal of the suspect to make a statement or confession. It **can** be noted that the suspect denies the charge(s).
 3. The results of any examination or tests made, or the refusal or failure of the suspect to submit to any examination or test;
 - a. If the failure to submit to an examination or test is the cause for the charge (DWI refusal, contempt of court, etc.), this information may be released.
 4. The identity, statements, or credibility of any witness or prospective witness.
 5. Any opinion as to the guilt or innocence of a suspect, or speculation as to the plea a suspect may enter.
 6. Any opinion as to the merits of the case or of the evidence in the case.
 7. Information concerning the planning of raids or other confidential enforcement efforts.
 8. Only the Chief of Police, or his/her designee, may authorize the release of information pertaining to personnel issues within the department.
 9. The identity of the following persons will not be released:

- a. Any victim of a sex crime;
 - b. Any abused or neglected child;
 - c. Any person taken into protective custody because of mental illness;
 - d. Any person taken into custody because of intoxication. NOTE: State law requires that police notify the next of kin of any incapacitated person **who is taken to Corrections**, unless the person requests that no notification be made.

Information regarding the status of an incapacitated person **may not** be released to anyone other than next of kin;
 - e. The name of a complainant, unless a complainant specifically authorizes the release of his/her name to the media;
 - f. Any juvenile accused of a crime, unless the case has been transferred to criminal court and the juvenile is ordered to stand trial as an adult.
11. The contents of affidavits are not public information until after a judicial officer has found that probable cause exists and the defendant has been arraigned.
 12. Any information contained in the Sex Offender Registry, unless authorized for release by Statute.
 13. Any other information deemed as not public information as described in Title 1, section 317 of Vermont Statutes Annotated.

X. PIO CONTACT GUIDELINES

The following guidelines are distributed to area media regarding contacting the PIO or Department representative.

- A. All media inquiries between 8 a.m. and 10 p.m. that are non-emergent should be directed to 540- 2211.
- B. This phone number will be programmed to forward the call to the on duty Public Information Officer. This number should not be disseminated beyond the media.
- C. The media is strongly discouraged from calling multiple members of the Command Staff or Public Information team, as it is difficult to coordinate a response to multiple messages.
- D. ***This phone number is designed to be a single point of contact.*** We commit to fielding phone calls as quickly as possible.
- E. If the on call public information officer does not return a call within thirty minutes, the media may contact the Officer in Charge.
- F. Any media inquiry in response to a specific press release should be directed to the contact person named in the release.
- G. Any media inquiry that is time sensitive and pertains to ongoing police operations or occurring between 10 p.m. and 8 a.m. may be directed to the Officer in Charge at 540-2400.
- H. During a “critical incident” the media will be alerted by a press release. The Officer in Charge will either handle media inquiries or defer them until a member of the Public Information team is available.

XI. COMMUNITY OUTREACH NOTIFICATION

A. In those instances where it has been determined that a significant event has happened which will impact the perception of safety within the neighborhood, the OIC may authorize the implementation of the Community Outreach Team. The Team may consist of members of the Burlington Police Department and other designated agencies. The Team’s goal will be to provide timely and accurate information directly to residents

regarding the recent traumatic event in their neighborhood, beyond that which is typically available in the published media.

B. The Team may utilize neighborhood canvassing, educational or informational flyers, holding community meetings, or conducting individual meetings to better inform the residents as to the actual circumstances, and the current status of the incident in the neighborhood. The Team may also offer referrals for counseling, crime prevention, and community support programs to the residents.

XII. RELEASE OF DEPARTMENT OF MOTOR VEHICLE INFORMATION

- A. Personnel may disclose personal information obtained from the Department of Motor Vehicles (DMV) to criminal justice agencies. (See DMV Agreement)
- B. Personnel may release information to any requestor pertaining to vehicular crash, driving violations and driver's license and registration status.
- C. However, in the event that personnel choose to disclose personal information about any individual obtained from the **DMV** to a **non-criminal justice agency**, they may only disclose such information under the following conditions:
 - 1. Personal information released to non-criminal justice agencies is **limited to name and address**. The Social Security Number or medical/ disability information may **NOT** be disclosed.
 - 2. **To disclose** personal information **means to verbally report** it to the requestor. **Copies** of personal information **are NOT to be released** to non-criminal justice users.
 - 3. Personal information may only be disclosed to the following non-criminal justice agencies:
 - a. Government agencies in carrying out official business or in response to a court order.
 - b. Legitimate businesses in connection with:
 - 1. matters of motor vehicle or driver safety and theft.
 - 2. providing notice to the owners of towed or impounded vehicles;
 - 3. investigative agencies or licensed security services for any of the purposes included in Section 3 of this amendment;
 - 4. obtaining or verifying information related to a holder of a commercial driver's license.
 - c. A properly identified person seeking information regarding his/her own record.

XIII. IMPORTANT CONSIDERATIONS REGARDING RELEASE OF INFORMATION

- A. When addressing the media it is important to remember that the general public is the audience. Speak in clear, concise language and avoid the use of jargon, military time or acronyms.
- B. Whenever any member of the Burlington Police Department addresses the media, he/she is representing the entire agency. Personnel should remember that thousands of citizens within the community and beyond would form impressions of the department based on a single interview.

XIV. WEBSITE

All media and informational release shall be cross-posted to the Department's website by the Executive Assistant to the Chief of Police. Additionally, the Department's website should be kept current with important operational information for the public, the contents of which vary widely as Department operations evolve.

XV. NIXLE BROADCAST SYSTEM

A. Beginning on November 1, 2009, the Department will begin utilizing an electronic messaging system that allows direct communication with interested persons who sign up to receive messages via e-mail, SMS, or text to their mobile device. The service is provided by NIXLE, who is a trusted entity with partners such as NLETS, the U.S. Conference of Mayors, the Council of State Governments, the Police Executive Research Forum, and a host of others.

B. Messages that will be sent, from time to time, include:

1. **Traffic** – information related to traffic problems or diversions and parking bans
2. **Community Information** – information about meetings that relate to public safety topics
3. **Advisories** – Crime Alerts and Press/Informational Releases (from events in which we are seeking information from the public or a neighborhood that may be impacted by a response or have a recognizable interest in immediate information about an event)
4. **Alerts** – Critical Incident Information – information on major events, emergencies, or things such as Amber Alerts, missing persons, etc.

C. For those within the agency with access to post to NIXLE, the login page is located at: <https://agency.nixle.com/login>.

NIXLE is configured to broadcast to all persons subscribed to the BPDVT NIXLE messaging system or anyone following BPDVT on Twitter. Broadcasts can be configured to occur to all persons subscribed or within a geographic area around a particular address. Generally, a supervisor must approve any NIXLE posting. Supervisors and Communications Staff will have access to post to NIXLE. Communications Staff may post traffic advisory information to NIXLE without the approval of a supervisor.

Burlington Police employees are prohibited from posting information relating to Department operations directly to Twitter or any other social networking or other Internet site, or disseminating information via any other electronic means other than NIXLE without the express consent of a supervisor.

Residents, businesses or others interested in following Department NIXLE broadcasts can register securely at no charge by visiting: <http://local.nixle.com/city/vt/burlington>. In the event that members of the public would prefer to follow these broadcasts via Twitter, NIXLE postings are automatically cross-posted to Twitter at the following Tweet: <http://twitter.com/BPDVT>. BPD personnel do not directly post to Twitter. Rather, using a feature of NIXLE that allows automatic population of the BPDVT Twitter page.

Information about the NIXLE service can be found at www.nixle.com. The site provides tutorial information about its operation for both end users and persons posting information.

Reviewed and adopted by the Burlington Police Commission on November 17, 2010.



Michael E. Schelling, Chief of Police

17 NOVEMBER 2010
Effective Date

Interactive Process Policy

This policy describes the process by which the City will address requests for reasonable accommodations for disabilities. This policy will apply to current employees, applicants, and those to whom a job offer has been extended but whose service has not yet commenced. In the case of an applicant or individual whose employment is pending, it is understood that the process will look different than in the case of a current employee insofar as the timeline for decision-making may limit discussions and information gathering.

What is a Disability?

The term “disability” means,

- (A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
- (B) a record of such an impairment; or
- (C) being regarded as having such an impairment.

This definition is from 42 U.S.C. § 12102, which contains additional relevant definitions. HR should consult with the City Attorney’s Office in deciding what constitutes a disability. Note that substance abuse disorder is a disability to the extent that the individual is receiving treatment for the disorder and is not currently using a substance. For more information, refer to the Americans with Disabilities Act.

What Is a Reasonable Accommodation for a Disability?

A reasonable accommodation includes any of the following:

- (1) A modification or adjustment to a job application process to enable a qualified applicant with a disability to be considered for the position.
- (2) Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, to enable a qualified individual with a disability to perform the essential functions of that position.
- (3) Modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment as similarly situated employees.

A modification or adjustment is not considered a *reasonable* accommodation if it will cause undue hardship for the City as the employer. Undue hardship may take four forms:

- (1) Even with the modification or adjustment, the employee (or applicant or pending employee) still will not be able to do the essential functions of the job. An essential function is a core duty or competency. Each position in the City has enumerated duties and competencies associated with that position, but not every duty or competency is core. It would be a reasonable accommodation to excuse an employee from a non-core duty or competency because of a disability. However, core duties and competencies cut directly to the reason the job exists. For example, an employee hired to do manual labor cannot be

excused from performing all manual tasks because of a disability. That would undercut the reasons the position exists.

- (2) The modification or adjustment would enable the employee to perform essential functions of the job, but would impose a cost that is excessive relative to all available resources.
- (3) Allowing the modification or adjustment poses a “direct threat” to the health or safety of the employee or others. Determination of a direct threat requires substantial evidence that the threat is significant, actual, and currently existing.

What Are Some Examples of Potentially Reasonable Accommodations?¹

- (1) Job restructuring, typically through reassigning tasks within a department.
- (2) Allowing an employee to take advantage of protected leave or leave provided as an employee benefit.
- (3) Modification of work from home policies.
- (4) Modified workplace policies (e.g., allowing an insulin-dependent employee to eat at desk even if otherwise not allowed).
- (5) Use of a service animal. For more information, please see: <https://www.ada.gov/resources/service-animals-2010-requirements/>.
- (6) Modified or part-time schedule, which may affect the employee’s compensation subject to personnel rules and/or a collective bargaining agreement. This option is not preferred but should be considered where the employee requests it or the alternative is dismissal.
- (7) Reassignment to another position for which the employee is qualified, which may affect the employee’s compensation subject to personnel rules and/or a collective bargaining agreement. This option is not preferred but should be considered where the employee requests it or the alternative is dismissal.

How Will the City Be Informed of the Need for a Reasonable Accommodation?

- (1) The need for the accommodation may be obvious.
- (2) The employee may request the accommodation orally or in writing. The employee does not need to use the magic words, “I need to request an accommodation”. All that is required is that the employee make clear the need for a modification or adjustment based on a disability. “I need a more comfortable chair” is not an example of a request for a reasonable accommodation, but “I need a more comfortable chair because I have a back problem” is.
- (3) Someone may also request the accommodation on behalf of the employee, such as a doctor or a spouse.²

What Information Can the City Require?

The City needs to verify that the employee has a disability, and the City needs to know how the disability affects the employee’s ability to do their job. If the employee’s needs are clear, then the City should not request further information. A discussion with the employee may also satisfy this purpose. Where more information is necessary, the City should request reasonable documentation.

¹ These may not necessarily be reasonable in all circumstances. Refer to factors in previous section.

² The receipt of a request from a third party does not, in itself, authorize staff to continue to communicate with the third party rather than the employee.

Where appropriate, this should include medical records, but the City may not require the employee to provide more documentation than is reasonably necessary to establish the existence of the disability and its effect on the employee's ability to perform job functions. The employee is free to provide more information than requested.

How Will a Reasonable Accommodation Be Selected?

If the employee proposes an accommodation that appears reasonable on its face, then the accommodation shall be implemented with no further process. If the accommodation is not reasonable on its face, one or more meetings shall be noticed in writing in which the employee, a representative of HR, a supervisor if appropriate, an attorney in the City's Attorney Office if appropriate, and appropriate representatives of the employee shall participate. The meeting or meetings should be recorded with the employee's informed consent.

The goal of the meeting or meetings will be to brainstorm possible accommodations and to consider whether any proposed accommodation is reasonable. Any agreed upon solution should be documented in an informal writing. No accommodation should be rejected unless the employee refuses it or unless the reasons it is not reasonable are supported by substantial evidence and documented in writing. The City has the burden of explaining why an accommodation is not reasonable.

Experts may be consulted as appropriate during the process, and the City should request clarification whenever appropriate. The employee is expected to participate fully in the process and to respond to reasonable requests for information or clarification in a timely manner. Reasonable accommodations may be appropriate to help the employee participate and respond.

How Will Privacy Be Maintained?

All medical records, written requests for an accommodation, or records of the deliberative process shall be kept in the employee's medical personnel file and shall be available only to HR personnel, supervisors on a need-to-know basis, attorneys in the City Attorney's Office on a need-to-know basis, the employee, other public agencies when requested pursuant to applicable law for investigatory or legal compliance purposes, or otherwise when legally required.

What Happens If a Reasonable Accommodation Cannot Be Identified?

An employee may be terminated, subject to applicable law if:

- (1) The employee cannot perform essential job functions because of a disability, and
- (2) A reasonable accommodation was not identified through the interactive process or the employee refused a reasonable accommodation that would enable the employee to perform essential job functions.