# TOWN OF ANCRAM

# EMPLOYEE HANDBOOK

**Adopted By Resolution of the Town Board on December 15, 2011**
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# Town of Ancram
# Employee Handbook

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# 100 INTRODUCTION

## *101 Welcome Message*

We would like to welcome you and congratulate you on your employment with the Town of Ancram. As a full time or part time employee, or volunteer or elected official, you take on the extremely important role of serving the members of our community. .

This Employee Handbook is designed to familiarize you with your employment and to help ensure government compliance, foster positive employee relationships, and contribute to the overall success of the Town in delivering services to the public effectively and efficiently.

Please keep in mind that this is only an overview of the Town's policies and procedures, employee benefits, and the Civil Service System. Specific questions concerning employment matters should be addressed to your Department Head.

We hope that you will find employment with the Town of Ancram rewarding both personally and professionally.

## *102 A Brief History of Ancram*

The Town of Ancram was founded in 1803, and was originally part of Gallatin. In 1814 Ancram separated from Gallatin and became an independent Town. Town comprises 27,000 of the total 160,000 acres the Livingston family had held from the initial grant by the English Crown in 1686.

The name of the Town was derived from the Livingston homestead in Anchoram, Scotland. Robert Livingston, first Lord of the Manor, was the son of a Scotch clergyman, born in Anchoram, Scotland in 1654. The first residents of Ancram were mostly farmers brought here in 1740-1741 when Philip Livingston, grandson of Robert, brought several families from Scotland. The majority of the farmers grew crops, mainly wheat, on leased land. Part of the crop was paid as rent to the Lord of the Manor.

Philip Livingston also founded the first iron works in 1743, the only one of its kind on the banks of the Roeliff Jansen Kill and in the NY Colony. There were four forges, a blast furnace and a refinery forge that employed 75 to 100 men at full operation. Three iron mines and a lead mine supported the iron works.

The Ancram iron works later became important as an early “defense plant”. It was in Ancram that iron was made for the cannon balls for the Continental artillery and the links for the great chain that was stretched across the Hudson River between Anthony’s Nose and Fort Montgomery, to keep the British fleet from sailing up the Hudson to attack West Point. This iron works became a paper mill in 1854 and still operates as a paper mill today. It is the longest continuously operating mill in New York State and one of the largest employers in Columbia County.

By 1852, the railroads had come to Boston Corner. There were three, the Harlem, the CNE and the P&E. At this time, Boston Corners was still a part of Massachusetts, but was isolated from that State by the Taconic Range and was without any effective law enforcement.

The combination of access by rail and no effective law enforcement made Boston Corner a favorite spot for boxing, which was illegal at the time, and led to the great boxing match in 1853 that lasted 37 rounds between “Yankee” Sullivan and John Morrisey. Ten thousand sports fans arrived by railroad and took over the small village for two days. Influenced by the chaos of this incident, the State of Massachusetts ceded Boston Corner to New York in May of 1853. Congress ratified the transaction January 1855 and the Town of Ancram annexed Boston Corner on April 13, 1857.

Modern dairy farming came to Ancram with the railroads. In 1872 rail service was extended to Ancram Lead Mines (Ancramdale). Town Supervisor Jacob Miller was the first to take cans of milk down to the train station in Ancramdale and ship them to Boston Corners and then on to New York City on the Harlem line. In 1875 the railroad arrived in Ancram, providing access to the New York market for Ancram farmers as well. Stimulated by the ability to ship milk by rail to New York, more farmers focused on dairy farming and created the large dairy herds which have characterized farming in Ancram since the railroads arrived in the mid 1870’s.

During the late 1800s Ancram supported several stores, blacksmith shops, hotels, milk plants (one of which is now the Town Garage), a tin smith shop, and carriage makers. Four churches had been built in the mid 1800s, and Ancram was a prosperous community.

Telephone service came to town in 1901. Electricity was brought to the Ancram Lead Mines (now Ancramdale) and Ancram in about 1924. There were 14 district schools in Ancram that were centralized in 1930 with Roeliff Jansen Central and Pine Plains Central schools. The two-room schoolhouse in Ancram on Route 7 (District No. 10) remained in service under the Roeliff Jansen School system until 1968 when it closed. In 1975, this building became the Town Hall and Courthouse, and remained as such until the new Town Hall and Courthouse was built in 2003, and is now an antique shop.

## *103 Definitions*

**Town of Ancram** – For purposes of this Employee Handbook, the Town of Ancram may be referred to as the "Town".

**Town Board** – For purposes of this Employee Handbook, "Town Board" will mean the Town Board of the Town of Ancram.

**Elected Official** – For the purposes of this Employee Handbook, "Elected Official" will mean and refer to any of the following elected officials of the Town of Ancram:

- Town Supervisor
- Town Board Members
- Town Justices
- Town Clerk / Tax Collector
- Highway Superintendent

**Town Supervisor** – For purposes of this Employee Handbook, "Town Supervisor" will mean the Town Supervisor of the Town of Ancram. When referenced in this Employee Handbook, Town Supervisor shall also mean an individual acting with the Town Supervisor's properly designated authority.

**Department Head** – For purposes of this Employee Handbook, "Department Head" will mean the person in charge of any department, agency, bureau, unit, or subdivision of the Town of Ancram. This definition will be applicable in the event such person is serving in an acting, temporary, or provisional status in the position of Department Head. This term shall also include the Town Supervisor, where an individual otherwise designated as Department Head or any other individual must report directly to the Town Supervisor.

**Employee** – For the purposes of this Employee Handbook, "employee" will mean a person employed either full time or part time by the Town, including, but not limited to, an appointed official, an appointed member of a board, council, committee or commission, a Department Head, managerial employee, confidential employee, supervisory employee, provisional employee, probationary employee, temporary employee, seasonal employee, trainee, or student intern, but not an independent contractor.

**Civil Service Law** – For purposes of this Employee Handbook, "Civil Service Law" shall mean the New York State Civil Service Law and shall include the *Columbia County Civil Service Rules*.

## *104 The Purpose of this Employee Handbook*

**Statement of Purpose** – The purpose of this Employee Handbook is to communicate the Town's personnel policies and practices to all employees and Elected Officials. It is extremely important that each employee understand the policies that relate to rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits. **This Employee Handbook is not a contract of employment, express or implied, and should not be construed as such**. That is, employees can be terminated at any time at the will of either the employer or the employee, subject only to such procedural requirements as may be specified pursuant to New York State Civil Service Law, Town Law, or any other applicable law, rule, or regulation. **Any employee who violates the policies in this Handbook will be subject to disciplinary action up to and including termination of employment.**

Unless otherwise required by law, the provisions of this Employee Handbook are for Town use only and do not apply in any criminal or civil proceeding. The Employee Handbook provisions shall not be construed as a creation of higher legal standard of safety or care. Notwithstanding the above, a violation of a Handbook provision may form the basis for administrative action by the Town and any subsequent judicial or administrative proceeding.

**Plan Documents** – Some of the subjects described in this Handbook are covered in greater detail in benefit plan documents or applicable laws governing the benefit, such as New York State Retirement Law for retirement benefits. This handbook only briefly summarizes those benefits. The terms of written insurance policies, benefit plans, and applicable laws and regulations control in all cases.

**Previous Personnel Policies** – Unless otherwise specified, this Employee Handbook supersedes and replaces any previous personnel policies issued by the Town concerning all policies contained herein.

**Questions** – Any questions regarding any topic covered in this Employee Handbook should be directed to the appropriate Department Head or the Town Supervisor.

## *105 Changes or Modifications*

**Rights of the Town Board** – The Town Board reserves the right to interpret, change, modify, or eliminate any provision contained in this Employee Handbook.

**Governmental Actions** – This Employee Handbook is subject to alteration by resolutions of the Town Board, changes in Town and/or departmental rules, or changes in federal, state or local statutes, rules, or regulations. (This is not meant to be a comprehensive list).

**Statutes, Laws and Ordinances** – In the event a federal or state statute or a Town Law or ordinance should conflict with any provision contained in this Employee Handbook, then such statute, law or ordinance will prevail.

# 200 EMPLOYEE CLASSIFICATIONS

For purposes of this Employee Handbook, the following terms shall be defined as indicated. The definition provided for each of these terms applies only within the context of this Employee Handbook. The meaning and use of these terms or similar terms may be different in the context of Civil Service Rules.

## *201 Full-Time Employees*

For purposes of this Employee Handbook, the term "full-time employee" will mean an employee who is regularly scheduled to work a minimum of forty hours per week.

## *202 Part-Time Employees*

For purposes of this Employee Handbook, the term "part-time employee" will mean an employee who is scheduled on a regular and on-going basis to work less than forty hours per week.

## *203 Temporary Employees*

For purposes of this Employee Handbook, the term "temporary employee" will mean an employee who is employed on an interim or sporadic basis, or who is employed to work on a special, emergency, or on-call basis for a specified period, consistent with the Civil Service Law as applicable.

## *204 Seasonal Employees*

For purposes of this Employee Handbook, the term "seasonal employee" will mean an employee who is employed to work for a given season.

## *205 FLSA Exempt Employees*

For purposes of this Employee Handbook, "FLSA exempt employee" will mean a covered employee who qualifies for an exemption from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA), <u>or</u> an employee who is not covered under the FLSA. Typically salaried employees are considered "exempt".

## *206 FLSA Non-Exempt Employees*

For purposes of this Employee Handbook, the term "FLSA non-exempt employee" will mean a covered employee who is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act. Typically hourly employees are considered "non-exempt".

# 300 THE CIVIL SERVICE SYSTEM

The following is intended as a guide. The Civil Service Law and the *Columbia County Civil Service Rules* shall govern regarding the jurisdictional classification of positions and the appointment and promotion of personnel.

## *301 The Unclassified and Classified Services*

**Unclassified Service** – In accordance with Civil Service Law and for purposes of this Employee Handbook, the term "Unclassified Service" will include all individuals who are Elected Officials and/or members of boards, councils, committees or commissions.

**Classified Service** – In accordance with Civil Service Law and for purposes of this Employee Handbook, the term "Classified Service" as defined by the Civil Service Law and the *Columbia County Civil Service Rules* will include all Town employees who are subject to the *Columbia County Civil Service Rules*. The Classified Service is divided into four jurisdictional classes:

- **Exempt** – those positions, other than unskilled labor positions, for which competitive or non-competitive examinations or other qualification requirements are not practicable (Civil Service Law, Section 41);

- **Competitive** – those positions for which it is practicable to determine merit and fitness by competitive examination;

- **Non-Competitive** – those positions not in the exempt class or the labor class for which it is not practicable to determine merit and fitness by competitive examination, but rather by a review of training and experience; and,

- **Labor** – unskilled labor positions, except those positions which can be examined for competitively.

## *302 Civil Service Appointments*

**Competitive Class** – In accordance with Civil Service Law, the following types of appointments may be made to positions in the Competitive Class:

- **Permanent** – an appointment to a vacant position in the Competitive Class from an eligible list established as a result of examination, following successful completion of a probationary term;

- **Provisional** – an appointment to a vacant position in the Competitive Class when there is not an appropriate eligible list. A provisional appointee must take an examination whenever it is scheduled. Thereafter, a permanent appointment will be made on the basis of the eligible list resulting from the examination; or

- **Temporary** – an appointment to a position in the Competitive Class for reasons including, but not limited to: emergency work projects; planned termination of the position after a limited time; to replace an employee who is on a leave of absence; to fill a position funded through a temporary grant; or to fill a position vacated by the promotion of another employee until the employee who has been promoted receives permanent status.

## *303 Examinations and Promotions*

**Examinations** – In accordance with Civil Service Law, in the event there is a vacancy in a new or existing position in the Competitive Class which the Town intends to maintain, the Town will fill the vacancy by selection from the eligible list certified by the Columbia County Civil Service Commission / Human Resources of persons who have taken the appropriate Civil Service examination. The Columbia County Civil Service Commission / Human Resources will test and rank each candidate according to the individual's performance on the examination. In accordance with Civil Service Law Section 61, the Town will select one of the top three eligible candidates on the list willing to fill the position.

**Promotions** – The Town will offer opportunities for advancement for those employees who qualify. In the event the position is in the Competitive Class, a qualified employee must normally take a promotional examination and the above "one of three" rule will apply. An employee who wants to be promoted should become knowledgeable about the employee's present position and be aware of higher level positions for which the employee may be qualified.

## *304 Veterans Credits*

**Summary** – An employee who is a veteran as defined by the Civil Service Law may be eligible to apply for veterans credits on a Civil Service examination. An employee who is a veteran should contact the Columbia County Civil Service Commission / Human Resources for details concerning these credits.

# 400 EMPLOYMENT MATTERS

## *401 Oath of Office*

**Requirement** – Each Public Officer as defined in the Public Officers Law must take the Oath of Office in accordance with Town Law Section 25 and Public Officers Law Section 10, which must be administered prior to commencing the duties of the office. Each official who is re-elected or re-appointed to a subsequent term must take the Oath of Office for each term.

Upon original appointment or upon a new appointment following an interruption of continuous service, each employee (other than an employee in the labor class) must take an oath or alternate affirmation as set forth in Civil Service Law Section 62.

**Filing of Oath** – The Oath of Office is filed in the Town Clerk's Office within thirty calendar days of the Public Officer's commencement of the term of office, or upon an employee's appointment.

## *402 Procedure for Filling Vacancies*

**Statement of Compliance** – The Town of Ancram is an Equal Opportunity Employer. The Town complies with all applicable federal, state and local laws, rules, and regulations throughout the employee selection process, including, but not limited to, Public Officers Law, Town Law, Civil Service Law, Title VII, Human Rights Law, the Age Discrimination in Employment Act, and the Americans with Disabilities Act.

**Notification of Vacancies** – In the event there is a vacancy in a new or existing position which the Town intends to maintain, the vacancy may be advertised and/or posted and qualified individuals interviewed. The Town reserves the right to fill a position either internally or with an external candidate.

**Employment Applications** – The Town relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the Town's exclusion of the individual from further consideration for employment or disqualification if the conduct is discovered after employment commences.

**Employment Reference and Background Checks** – To ensure that individuals who join the Town are well qualified and have a strong potential to be productive and successful, it is the policy of the Town to check the employment references of final applicants. In addition, final applicants will be required to complete a hold harmless statement and release in order for the Town to conduct appropriate background checks. Additionally, all final applicants for a position that requires a commercial driver's license must consent to be tested for the presence of a controlled substance (in accordance with federal regulations) as a pre-qualifying condition to employment.

## *403 Probationary Period*

The *Columbia County Civil Service Rules* provide for the following, which is applicable to employees appointed, promoted or transferred pursuant to the Civil Service laws. Additional provisions may also apply in accordance with those rules.

**Purpose of Probationary Period** – The purpose of the probationary period is for an employee to become familiar with the specific duties and responsibilities of the employee's new position. The probationary period also provides the Department Head with an opportunity to evaluate the employee's job performance and potential for development in the position.

**Length of Probationary Period** – Except as otherwise provided in the *Columbia County Civil Service Rules*, every permanent appointment from an open-competitive list and every original appointment to a position in the non-competitive, exempt or labor class shall be for a probationary term of not less than twelve nor more than fifty-two weeks. The length of the probationary period may be extended in accordance with the *Columbia County Civil Service Rules*.

**Successful Completion of Probationary Period** – An employee's appointment will become permanent upon written notice that the probationary period has been successfully completed following the minimum period of service required. Or, the employee's appointment will become permanent upon the retention of the employee after completion of the maximum period of service required. **Except as otherwise provided by law, completion of the probationary period does not necessarily confer rights or privileges in the position.**

**Failure to Successfully Complete Probationary Period** – In the event the employee's performance or conduct is not satisfactory, the Town may dismiss the employee from employment at any time after the completion of the minimum probationary period and before completion of the maximum probationary period. If the performance or conduct of an employee serving a probationary period who has been promoted or transferred from a permanent appointment (as defined by civil service regulations) is not satisfactory, the employee shall be returned to the employee's former permanent position prior to the end of the probationary period.

## *404 New Employee Orientation*

**Procedure** – The purpose of the new employee orientation is to welcome new employees and to familiarize them with the Town and their job. The orientation process generally consists of, but is not limited to, a tour of the employee's assigned worksite, distribution and review of this employee handbook, and enrollment in benefit plans, if applicable. In addition, the employee's Department Head is responsible for introducing the employee to co-workers, scheduling on-the-job training, and reviewing the job description and performance requirements of the position.

## *405 Performance Appraisal*

**Statement of Purpose** – The purpose of a performance appraisal is to evaluate employee performance. The performance appraisal will take into consideration criteria that properly reflects the employee's performance including, but not limited to, the employee's work quality, job knowledge, initiative, attendance, teamwork, conduct, and communication skills. The employee's performance appraisal may be considered in determining a pay increase and/or as a factor in promotion or disciplinary action.

**Frequency** – An employee will be formally evaluated prior to completion of a probationary period and at least once each year thereafter on a date determined by the employee's Department Head. Informal evaluations will occur on an as needed basis throughout the performance cycle.

**Appraisal Meeting** – The evaluator will meet with the employee to review the employee's performance appraisal report.

**Deficiencies** – Should deficiencies be recorded in the performance of the employee, the employee will receive written recommendations for improvement.

**Employee Comments** – An employee's written comments, if any, will be included with the performance appraisal report.

## *406 Corrective Action and Discipline*

**Policy Statement** – It is the policy of the Town of Ancram that certain rules and regulations regarding employee behavior are necessary for the benefit and safety of all employees, the efficient operation of the Town, and the delivery of services to residents of the Town. Any conduct that interferes with operations or that discredits the Town will not be tolerated. Each employee must conduct oneself in a positive manner so as to promote the best interests of the Town. Corrective action is necessary when an employee has demonstrated performance deficiencies, or has violated a policy, rule, regulation, or procedure. Corrective action may include counseling or initiating formal disciplinary action against an employee.

**Communication** – Open and candid communications with all employees is an important aspect of the Town of Ancram's on-going employee relations. When a rule, policy, or procedure is violated, the employee's Department Head, or other designated supervisor, will review the specific nature of the violation with the employee. The employee's input is extremely important to ensure that all of the facts have been considered.

**Counseling** – Counseling employees, as opposed to initiating formal disciplinary action, <u>may</u> be the appropriate first step in addressing performance deficiencies or misconduct. The purpose of counseling is to inform the employee of such deficiencies or misconduct, discourage its recurrence, and inform the employee of the consequences if the behavior is repeated. When performance deficiencies are the issue, the performance standards of the job should be reviewed, along with specific examples of how the employee is not meeting those standards. Where appropriate, goals for improvement may be established, along with a time frame for achieving them. The counseling will be documented in writing and the employee will be required to acknowledge receipt by signing the memorandum. Any employee who fails to follow a supervisor's directive to sign the counseling memorandum to acknowledge receipt will be subject to disciplinary action.

**Discipline** – The purpose of disciplinary action is to impose penalties for performance deficiencies or misconduct. In **normal circumstances**, the Town endorses a policy of progressive discipline which includes, but may not be limited to, documented verbal reprimand, letters of reprimand, suspension without pay, or termination of employment, depending on the circumstances. The Town retains the right to discipline employees without engaging in progressive discipline or prior counseling if the situation so warrants and retains the right to discipline employees in any manner it sees fit.

**Investigations** – Where appropriate, an investigation will be conducted by the proper supervisor or other designated individual(s) in order to gather all pertinent information and to ensure that all the facts are considered. The investigation may include, among other things, interviews with the employee and any witnesses or other involved parties, and review of documents and materials. Employees who are participants in an investigation are not allowed to disclose the content or particulars of the investigation unless otherwise authorized. All employees who are called upon to participate in an investigation are required to fully cooperate in the process and respond truthfully to all questions posed. Failure to do so will subject the employee to appropriate corrective action. The Town reserves the right to suspend an employee while an investigation is conducted.

**Procedures** – Employees covered by **Civil Service Law Section 75** shall be disciplined in accordance with the procedures contained therein. (Refer to Section 407 of this Employee Handbook).

**Prohibited Conduct** – Any employee who, after investigation, is found to have committed any of the actions listed below will be subject to corrective action, up to and including termination of employment. This list is illustrative only and does not limit the Town's right to impose discipline in other appropriate cases.

- Willful violation of Town's rules, policies, and procedures.
- Harassing (including sexual harassment), intimidating, coercing, threatening, assaulting, or creating a hostile environment against another employee, Elected Official, resident of the Town, supplier, visitor, or any other person, whether on or off Town premises.
- Engaging in any action that is in violation of the Town's Workplace Violence Prevention Policy.
- Possession of any weapon or dangerous instrument (including knives with over a three inch blade, firearms, and explosives) on Town property or in Town vehicles, except for those employees who are required as a condition of employment to bear a weapon.
- Possession, use, distribution/sale, or being under the influence of alcohol or controlled substances during hours of work or while on Town property or in Town vehicles.
- Willful or deliberate abuse, destruction, defacement, or misuse of Town property or the property of another employee, Elected Official, resident of the Town, supplier, visitor, or any other person.
- Theft or unauthorized possession, use, or removal of Town property or the property of another employee, Elected Official, resident of the Town, supplier, visitor, or any other person.
- Falsification or alteration of any records or reports including but not limited to employment applications, time records, work records, medical reports, absence reports, work-related injury reports, and claims for benefits provided by the Town.
- Preparation or manipulation of another employee's time record.
- Acts of sabotage, including the work of another employee.
- Making false statements about another employee, Elected Official, resident of the Town, supplier, visitor, or any other person. This includes knowingly making false accusations against another individual as to allegations of discrimination, sexual harassment or other harassment which is in violation of Town policy or applicable law.
- Insubordination or willful refusal to comply with the lawful order or instruction of a supervisor or Department Head.
- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities.

- Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment, in such a way that jeopardizes the safety of the employee, another employee, Elected Official, resident of the Town, supplier, visitor, or any other person.
- Offensive or unprofessional behavior that is contrary to the Town's best interest, or any conduct that does not warrant public trust.
- Committing any violation of the law or criminal activity either on or off duty or on or off the work site that implicates the employee's fitness or ability to perform assigned job duties.
- Unauthorized expenditure of Town funds.
- Gambling while on duty.
- Willful work slow down, work stoppage, or interfering with or restricting the performance of another employee or in any other way interfering with Town operations.
- Careless or negligent use or operation of equipment, including vehicles and machinery.
- Unauthorized absences or repeated failure to give proper notice.
- Excessive tardiness and/or absences except those absences covered by state and/or federal statutes.
- Leaving work area without permission, as defined by the Department Head.
- Failure to adhere to the personal appearance/dress code policy.
- Personal activity during paid work time without the express permission of the Department Head.
- Disruptive, loud, or boisterous behavior or horseplay in the workplace.
- Abusive language in the workplace, including racial slurs and epithets.
- Posting, removing, or defacing of notices, signs, or other written material without prior approval.
- Sleeping on the job, unless authorized by a Department Head or supervisor.

This list is not intended to be comprehensive and does not limit the Town's right to impose discipline in other appropriate cases.

## *407 Civil Service Law Section 75*

**Summary** – New York State Civil Service Law Section 75 establishes disciplinary procedures for covered employees. Section 75 affords a covered employee the opportunity for a hearing when charges of incompetence or misconduct have been made against the employee by the Town.

**Covered Employees** – In accordance with Civil Service Law, the following employees are generally covered under Section 75:

- A newly hired employee who has not completed the minimum probationary period as determined by civil service rules;
- An employee holding a position by permanent appointment in the **Competitive Class** of the classified Civil Service;
- An employee holding a position in the **Non-Competitive Class** who has been employed for at least five years of continuous uninterrupted service in the non-competitive class, other than a position designated in the Columbia County Civil Service Rules as confidential or requiring the performance of functions influencing policy. Even though the employee has completed the required probationary period and has received permanent appointment or employment in the non-competitive class, the employee is not covered under Section 75 until the employee has completed five years of continuous service in the non-competitive class;
- An employee holding a position by permanent appointment or employment in the Exempt, Competitive, Non-Competitive, or Labor Class who is a qualified veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, except when such an employee holds the position of private secretary, cashier, or deputy of any official or department. Specifically, the employee must have been honorably discharged or released under honorable circumstances from the armed forces of the United States having served therein as such member in time of war as defined in Section 85 of the New York State Civil Service Law, or the employee must be an exempt volunteer firefighter as defined in the General Municipal Law.

**Disciplinary Procedure** – The following disciplinary procedure shall apply to employees covered by Civil Service Law Section 75:

- **Notice of Discipline** – An employee subject to discipline will be provided with a written Notice of Discipline (NOD) which will contain all charges and specifications.
- **Employee Answer** – The employee will have eight calendar days to respond to the charges. The employee's response must be in writing.
- **Disciplinary Hearing** – Unless there is a stipulation of settlement between the Town and the employee, the employee is afforded the right to a hearing in accordance with provisions established by Civil Service Law Section 75. The hearing upon such charges shall be held by the officer or body having the power to remove the person against whom such charges are preferred, or by a deputy or other person designated by such officer or body in writing for that purpose.

The Appointing Authority will designate a hearing officer in accordance with Civil Service Law Section 75. The designation must be in writing. The hearing officer will set the time and place for the hearing. The hearing officer will make a record of the hearing which will be submitted to the Appointing Authority, with the hearing officer's recommendations, for review and decision.

**Right to Representation** – The employee may have representation by counsel at the hearing and may summon witnesses on the employee's behalf.

**Suspension Without Pay Pending Determination of Charges** – Pending the hearing and determination of charges, the employee may be suspended without pay for a period not to exceed thirty calendar days.

**Penalties** – In the event the employee is found to be guilty of the charges, the penalty may consist of one of the following:

- Reprimand;
- Fine not to exceed one-hundred dollars which will be deducted from the employee's pay;
- Suspension without pay not to exceed two months;
- Demotion in grade and title; or
- Termination from Town employment.

**Finding of Not-Guilty** – In the event the employee is found to be not guilty of <u>all</u> charges and specifications, the employee will be restored to the employee's position with full pay for the period of suspension less the amount of any unemployment insurance benefits that the employee may have received during such period.

**Limitations** – Notwithstanding any other provision of law, no removal or disciplinary proceeding will be commenced more than eighteen months after the occurrence of the alleged incompetence or misconduct complained of and described in the charges. Such limitation will not apply where the incompetence or misconduct complained of and described in the charges would, if proved in a court of appropriate jurisdiction, constitute a crime.

**Filing Requirements** – In the event the employee is found to be guilty, a copy of the charges, the employee's written answer, a transcript of the hearing, and the determination will be filed in the office of the department in which the employee is employed. A copy will also be filed with the Columbia County Civil Service Commission / Human Resources.

## *408 Ethics Law*

*The Town of Ancram Ethics Law is officially established as Local Law No. 4-2011. Relevant provisions of that Law with respect to the purposes of this Employee Handbook are provided below.*

**§I TITLE**

This Ethics Law shall be known and may be cited as the "Ethics Law of the Town of Ancram".

**§II PURPOSE**

The purposes of this Ethics Law are:

A. To establish and maintain a standard of uniform ethical conduct for elected or appointed officers, paid or contractual employees, agents, appointees, and/or consultants of the Town (hereinafter "officers and employees");

B. To provide the officers and employees with clear guidance and specific recommendations for adherence to these standards;

C. To facilitate the prevention of any intentional or unintentional infraction of the ethical standards of conduct enacted by the Town, and avoid and prevent the appearance of any such infractions or unethical behavior by officers and employees;

D. To promote public confidence and trust in the Town officers and employees and to provide ethical oversight of the processes and actions of the Town of Ancram;

E. To facilitate a wider understanding and recognition of ethical problems or conflicts of interest before they arise and to enhance the accountability of local government to the citizens of the Town by requiring public disclosure of financial interests, associations or involvements, or personal or familial relationships that may influence or be perceived to influence the actions of Town officers and employees;

F. To implement these objectives through the establishment of clear and reasonable ethical standards of conduct;

G. To provide and define clear response and to recommend fair and standard legal sanctions or corrective disciplinary action in the event the Town's Ethics Law is found to be breached by a Town officer or employee; and

H. To create a Board of Ethics for the Town of Ancram to render advisory opinions and to investigate and act on complaints and provide counsel on the fair and effective administration of this Ethics Law.

I. This Ethics Law is enacted pursuant to §806 of the General Municipal Law and §10 of the Town Home Rule Law and is not intended to authorize any conduct prohibited by Article 18 of the General Municipal Law. Any standards, prohibited acts, conflicts of interest, provisions or procedures prescribed herein shall be in addition to those required by Article 18, or any related New York State statutes

## §III DEFINITIONS

"Appear" and "Appear Before" means communicating in any form, including, without limitation, personally through another person, by letter, by electronic communication, or by telephone.

"Board" means the governing board of a municipality and any municipal administrative board e g planning board zoning board of appeals commission or other agency or body comprised of two or more Town officers or employees.

"Code" means this Ethic Law.

"Contractual Goods/Services" means any work performed or goods delivered by a Town officer or employee to another person under mutual agreement of the two parties and provided the transaction has been finalized, without dispute, by the two parties. Retail sales are excluded from this provision.

"Customer" or "Client" means any person for whom a Town officer or employee has directly supplied contractual goods/services during the previous twenty-four (24) months. Retail sales are excluded from this provision.

"Board of Ethics" means the Board of Ethics of the Town of Ancram established pursuant to §VI of this Ethics Law.

"Gift" and "Financial Benefit" shall include any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, or any promise thereof, or any other gratuity or promise thereof, or anything of value. A financial transaction may be a financial benefit but shall not be a gift unless it is on terms not available to the general public. "Gift" and "Financial Benefit" do not include campaign contributions authorized by law.

"Interest" means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the Town or an area of the Town, or a lawful class of such residents or taxpayers. A Town officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.

"Ministerial Act" means an action performed in a prescribed manner without the exercise of judgment or discretion as to the propriety of the act.

"Outside Employer" or "Business" means:

(a) Any activity, other than service to the Town, from which the Town officer or employee receives compensation for services rendered or goods sold or produced;
(b) Any entity, other than the Town, of which the Town officer or employee is a member, officer, director, or employee and from which he/she receives compensation for services rendered or goods sold or produced; or
(c) Any entity in which the Town officer or employee has an ownership interest except a corporation of which the Town officer or employee owns less than five percent (5%) of the outstanding stock. For purposes of this definition, compensation shall not include reimbursement for necessary expenses including travel expenses.

"Person" means both individuals and entities.

“Relative” means a spouse, parent, step-parent, sibling, step-sibling, sibling’s spouse, child, stepchild, uncle, aunt, nephew, niece, first cousin, or house hold member of a Town officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

“Significant Other” means an individual of the opposite or same sex living in shared quarters for the purpose of constituting a family unit.

“Subordinate” of a Town officer or employee means another Town officer or employee over whose activities he/she has direction supervision or control, except those who serve in positions that are in the exempt classification under §41 of the Civil Service Law of the State of New York or in the unclassified service under subdivision (a) through (f) of §35 of that law.

“Town” means the Town of Ancram but shall not include the Town Justice Court.

“Town Officer or Employee” means any official, officer or employee of the Town, whether paid or unpaid, and includes, without limitation, all members of any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, or committee of the Town. “Town officer or employee” shall not include:
1 A judge, justice, officer, or employee of the court system; or
2 A volunteer firefighter or civil defense volunteer, except fire chief or assistant fire chief.

## §IV STANDARDS OF CONDUCT

1. **General Prohibition**
   a. Town officers and employees shall conduct themselves in an ethical, fair and unbiased manner so as to fulfill in good faith the public trust placed upon them by the Town and its citizens.
   b. Each Town officer or employee shall avoid conduct or actions that give the appearance of unethical behavior or which tend to suggest: (i) that any person or entity could improperly influence the officer’s or employee’s position or decision-making, or unduly enjoy his/her favor in the performance of his/her official duties; or (ii) that he/she may be inappropriately affected in the execution of his/her official duties by any factor of kinship or influence by any other private or professional entity or relationship.
   c. A Town officer or employee shall not use his/her official position or office, or take or fail to take any action in any matter he/she knows or has reason to know may provide a personal financial benefit or secure unwarranted or unfair exemptions for him/her or for any of the following persons or entities:
      (i) Fellow town officers or entities;
      (ii) A relative;
      (iii) His/her outside employer, employer business relations, or fellow members of unrelated committees, boards, or corporate affiliations;
      (iv) A past, current, or future client or customer from private business affiliations.

2. **Conflicts of Interest.** No Town officer or employee shall have, or give the appearance of having: (i) any personal or professional interest, financial or otherwise, direct or indirect; (ii) be engaged in any business or transaction or professional activity; or (iii) incur any private or professional obligation of any nature, which is in substantial conflict with the proper, unbiased execution of his/her official Town duties. Town officers and employees shall not knowingly acquire, solicit, negotiate for, or accept any interest, employment, or anything of value which would put him/her in violation of this Ethics Law.

3. **Recusal.**
   a. A Town officer or employee shall promptly recuse himself/herself from participation, involvement, and/or acting on any matter involving, or before the Town, when such participation, involvement, deliberations, and/or act may benefit himself/herself or any of the persons referred to in §IV1(c) of this law or may give the reasonable appearance of such benefit.
   b. Whenever a Town officer or employee is required to recuse himself/herself pursuant to this law, he/she shall: (i) immediately recuse himself/herself and refrain from further participation in the matter; and (ii) fully disclose the grounds for such recusal in writing to the chairperson of the Town board on which such person sits, such person's immediate supervisor (if an employee), and to the Chairperson of the Town Board of Ethics. In the event the recusal occurs after the commencement of, and during, a meeting or public hearing, the recusal of the member shall not deprive the Board of a quorum for purposes of continuing the meeting or public hearing. However, the recused board member may not further participate in that portion of the meeting relating to the matter causing the recusal.
   c. Any person who claims that an officer or employee of the Town is required to recuse himself/herself pursuant to this law shall submit such claim to the chairperson of that person's Board, or to that person's immediate supervisor (if an employee), and in writing to the chairperson of the Board of Ethics. In the event the issue of the recusal of the officer or employee cannot be resolved by the board, or immediate supervisor, as the case may be, the matter shall be referred by the Board, or immediate supervisor, to the Board of Ethics for further proceedings as provided by this law.

4. **Gifts.** A Town officer or employee shall not directly or indirectly accept or solicit any gift valued over twenty-five dollars ($25.00), whether in the form of money, services, loan, travel, entertainment, meals, hospitality, thing, or promise, or in any other form under circumstances in which it could reasonably be inferred that the gift was intended to influence any Town officer or employee in the performance of their official duties or that such gift was intended as a reward for any officer action or inaction on the part of a Town officer or employee

5. **Confidential Information.** A Town officer or employee, or any former officer or employee of the Town, shall not disclose confidential information acquired during the course of his/her official duties or use such information to further his/her personal interests or to unduly affect or influence the outcome of considerations before the Town. This provision does not prohibit disclosures protected under Federal Whistleblower's laws or any comparable state laws

6. **Representation.** A Town officer or employee shall not represent any private interest before any Town agency or in any litigation in which the Town of Ancram is a party, or complainant against, the private interest represented. Additionally, a Town officer or employee shall not receive or enter into any agreement. express or implied. for compensation for services, or opinion to be rendered, in relation to any matter before any Town of Ancram board or agency.

7. **Appearances or Public Representation.** A Town officer or employee shall not appear before any board agency of the Town except on his/her own behalf, his/her spouse or minor children's behalf, or on behalf, or concern for, the Town. No Town officer or employee shall use his/her position to officially present or advocate for a person that could be considered in actual, or potential, conflict in interest with the Town.

8. **Political Solicitation.** A Town officer or employee shall not request, or authorize anyone else to request, any subordinate of the officer or employee to participate or contribute to any election campaign or political committee. No Town officer or employee shall permit political materials to be placed on Town property, except where permitted by official policies adopted by the Town Board. Town officers and employees shall comply with all local, State, and federal laws, rules and regulations governing political campaign contributions.

9. **Future Employment.**
   a. No Town officer or employee may ask for pursue or accept a private government post employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the Town officer or employee either individually or as a member of a board while the matter is pending or within the 30 days following final disposition of the matter.
   b. No Town officer or employee for a two-year period after serving as a Town officer or employee may represent or render services to a private person or entity in connection with any matter involving the exercise of discretion before the Town office board department or comparable organizational unit for which he or she serves.
   c. No Town officer or employee at any time after serving as a Town officer or employee may represent or render services to a private person or entity in connection with any particular transaction in which he or she personally and substantially participated while serving as a Town officer or employee.

10. **Investments.** A Town officer or employee shall not invest or hold any investment directly or indirectly in any business, financial, commercial, or other private transaction which would create a conflict with his/her official duties.

11. **Inducement of Others.** No Town officer or employee shall intentionally induce, encourage, compel, or conspire with another Town officer, employee, or person to violate any of the provisions of this Ethics Law.

12. **Nepotism.**
   a. Every officer and employee related closer in degree, by blood or marriage, (including significant others), than first cousin to any persons seeking employment within any department, section, or function of the Town shall disclose such relationship as provided herein.
   b. Such disclosure shall be made in writing to the Town Clerk and shall be made at the earliest opportunity next following the date upon which such officer or employee first learns or has knowledge of the application.

13. **Use of Public Property.** No Town officer or employee shall request or permit the use of Town-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as Town policy for the use of such officers or employees in the course or conduct of their official duties.

14. **Contracts Rendered Null and Void.** Pursuant to existing State laws any contract entered into by the Town or by any Town officer or employee on behalf of the Town may be rendered null and void, either in part or wholly, if any of the sections or elements of this Town Ethics Law are found to have been violated in the course of that contract's development and/or implementation.

## *409 Personnel Records*

**Policy Statement –** It is the policy of the Town to balance its need to obtain, use, and retain employment information with a concern for each employee's privacy. To this end, the Town will endeavor to maintain only that personnel information necessary for the conduct of the Town's business or required by federal, state, or local law. Personnel records will be maintained for current and past employees in order to document employment related decisions and comply with government record keeping and reporting requirements.

**Content** – The personnel records maintained by the Town include, but are not limited to, Employment Applications, Report of Personnel Change Forms; copies of job-required licenses and certificates, Federal and State Withholding Tax Forms, Retirement Enrollment/Waiver Forms, Health Insurance Enrollment/Waiver Forms, performance appraisals, grievance or dispute resolution notices, counseling memoranda, notices of discipline, and probationary reports.

- *Medical Records and/or Substance Testing Records* – All employee medical records and substance testing records (if applicable) will be kept in a separate file apart from the employee's personnel file. ***For security purposes, these files will be locked at all times***.
- *Employment Eligibility Verification (I-9) Forms* – All Employment Eligibility Verification (I-9) Forms will be kept in a separate file apart from the employee's personnel file.

**Change in Status** – An employee must immediately notify the Town Supervisor or Highway Superintendent of a change of name, address, telephone number, marital status, number and age of dependents, beneficiary designations, and individuals to notify in case of emergency.

**Review of Personnel Files** – Access to personnel files is limited. A current employee may review the contents of the employee's own personnel file by submitting a written request to the Town Supervisor or Highway Superintendent and will be scheduled at a mutually convenient time. An authorized official must be present when the employee inspects the file. An employee may not copy, remove, or place any material in the employee's personnel file without the approval of the Town Supervisor or Highway Superintendent.

## *410 Separation from Employment*

**Notice of Resignation (Employees)** – An employee who intends to resign from employment must submit a written resignation to the employee's Department Head at least two weeks before the date of resignation is to be effective. All resignations shall be filed in the Town Clerk's Office.

**Completion of Notice Period** – When a resignation notice is provided by an employee, the Town reserves the right to waive some or all of the notice period.

**Notice of Resignation (Town Officers)** – A Town Officer (as defined by Public Officers Law) must resign by delivering a written notice to the Town Clerk. If no effective date is specified, the office becomes vacant immediately upon delivery of the notice to the Town Clerk. If a Town Officer wishes to resign at some future date, the Town Officer may specify a resignation date. However, if the resignation date is more than thirty days after delivery of the notice to the Town Clerk (ninety days for Justices), the resignation will become effective thirty days after such delivery (ninety days for Justices).

**Notice of Resignation (Town Clerk)** – The Town Clerk who intends to resign must submit a written resignation to the Secretary of State with a copy to the Town Supervisor at least thirty calendar days before the date of resignation is to be effective.

**Final Paycheck** – Employees receive their final paycheck on the next regularly scheduled payday. The final paycheck includes payment for accumulated vacation benefits, if applicable.

# 500 OPERATIONAL POLICIES

## *501 Departmental Hours*

**Normal Hours of Operation** – The normal hours of operation are established by the Town Board and/or Highway Superintendent. An employee's Department Head will establish the employee's work schedule, which may differ from the normal hours of operation depending upon the particular needs and requirements of the department. The Town Board reserves the right to review and approve all employee work schedules, except where otherwise prohibited by applicable State or Town Law. During emergency circumstances caused by weather, flooding or accidents, Town Highway department may be required to work extended overtime schedules at the direction of the Highway superintendent.

**Overtime** – A Department Head may require an employee to work additional hours beyond the employee's normal workday and workweek. An employee must receive prior approval from the employee's Department Head before working additional hours.

**Refusal to Work Additional Hours** – An employee who, after investigation, is found to have refused to work additional hours as directed without a valid medical reason or otherwise excused by his or her Supervisor may be subject to appropriate disciplinary action.

## *502 Meal and Rest Breaks and Breaks for Nursing Mothers*

**Meal Breaks** – An employee who works more than six hours in a given day will receive an unpaid, duty-free meal break not to exceed thirty minutes.

**Scheduling of Meal Breaks** – Scheduling of meal breaks must be approved by the Department Head in accordance with the needs and requirements of the department. Meal breaks must normally be taken in the middle of the employee's workday. Unless otherwise directed by the Department Head, an employee may leave the work-site during the meal break.

**Observance of Meal Breaks** – In accordance with New York State regulations, an employee who works more than six hours in a given day is required to take the scheduled meal break. An employee is not allowed to work through the meal break to make up lost work time or to leave work early. In addition, the meal break may not be taken at the end of an employee's workday in order to leave work before the normal quitting time.

**Rest Breaks (Highway Department)** – A full-time employee will normally receive a paid, duty-free rest break of up to ten minutes to be taken approximately in the middle of the first half of the employee's workday and again during the middle of the second half of the workday. In the event an employee works beyond the employee's normal workday, the employee will normally receive an additional paid, duty-free rest break of up to ten minutes to be taken approximately in the middle of each four hours of work that is not interrupted by a meal break. An employee who chooses not to take a rest break will not be entitled to leave before the normal quitting time and will not receive extra pay for the time worked.

**Approval of Rest Breaks** – Rest breaks must be approved by the employee's Department Head in accordance with the needs and requirements of the department. Unless otherwise specified by departmental rules, all rest breaks must be taken at the work-site and may not exceed the time allowed.

**Breaks for Nursing Mothers to Express Breast Milk** – Employees who are nursing mothers shall be allowed to use a reasonable break (generally between twenty to thirty minutes) in addition to the employee's meal and rest breaks to express milk for a nursing child. The Town will provide this break at least once every three hours if requested by the employee. This provision applies to nursing mothers for up to three years following childbirth. The Town will make a reasonable effort to provide a room or location other than the restroom or toilet stall, within walking distance to the employee's work space, or other location in close proximity to work so that nursing mothers can express in private. An employee wishing to avail herself of this break is required to give the Town advance notice, preferably prior to the employee's return to work following the birth of her child, to allow the Town an opportunity to establish a location and to schedule leave time for multiple employees, if needed.

## *503 Time Records*

**Policy Statement** – Time records provide a means of accurately accounting for time worked and authorized paid leave taken by employees. All FLSA non-exempt employees are required to complete an individual time record showing the daily hours worked. Employees in the Highway Department must punch a time card.

**Procedures –** An employee required to complete a time record or punch a time card must comply with the following procedures:

- All time worked, including the beginning and ending time, must be recorded;
- All paid and unpaid leaves of absence must be recorded;
- Employees must complete their own time record or punch their own time card;
- The time record must be submitted to the Department Head at the time specified;
- The time record must be verified and signed by the Department Head;

**Correction of Errors** – An employee must immediately bring errors in time records to the attention of the employee's Department Head who will investigate the matter and make and initial the correction once the error has been verified.

**Arriving at Work Before or Leaving After Scheduled Work Hours** – Arriving at work before the scheduled starting time or leaving work after the scheduled ending time for an employee's own convenience is permitted but is not to be included in working time. No work may be performed for the Town outside of the employee's regular work schedule unless prior approval has been obtained from the Department Head (i.e. unauthorized overtime is prohibited). Violations of this policy will result in appropriate corrective action.

**Falsification of Time Records** – An employee who, after investigation, is found to have falsified or altered a time record, or the time record of another employee, or completed a time record for another employee, will be subject to disciplinary action. In extenuating circumstances where an employee is not able to complete the employee's own time record, the Department Head may complete the time record on behalf of the employee.

## *504 Bonding*

**Insurance** – The Town will provide bonding insurance for an eligible employee who is required to act in a fiduciary capacity.

## *505 Expense Reimbursement*

**Policy Statement** – Upon proper authorization of the Town Board, an employee or Elected Official will be reimbursed for expenses associated with carrying out Town business, including, but not limited to, meals, lodging, mileage, parking, highway tolls, and training and membership fees. A voucher, approved by the appropriate department head, with all required documentation and corresponding receipts must be submitted to the Town Clerk in order for the reimbursement to be processed.

**Mileage** – An employee who is directed by the appropriate Department Head to use the employee's own vehicle to conduct Town business will be reimbursed at the IRS approved mileage rate in effect at the time travel takes place.

**Education and Training** – Upon proper authorization of the Town Board, an employee will be reimbursed for training courses that are directly related to the employee's present job. Employees must first seek approval from their Department Head before the request is presented to the Town Board.

**Required Membership Fees** – Upon proper authorization of the Town Board, an employee required to hold membership in a professional organization as part of the employee's job will be reimbursed for any required dues and/or fees.

## *506 Vehicle Usage*

**Policy Statement** – All vehicles and related equipment of the Town of Ancram are owned and maintained for the purpose of conducting official business of the Town. Said vehicles and equipment may not be used for the personal use or private gain of any official or employee, nor for any other purpose which is not in the general public interest.

**Daily Inspection of Highway Department Vehicles and Equipment** – Before the daily operation of any Town owned highway vehicle or piece of equipment, each employee operator/driver should be satisfied that the vehicle or equipment to be operated is in safe working order. In addition, at the beginning of each day's work, an inspection should be performed on at least the following parts and accessories: Service Brakes, Parking Brakes, Steering Mechanisms, Lights, Illumination and Reflector Systems, Tires, Wheels and Rims, Horn, Windshield Wipers, Rear Vision Mirrors and Emergency Equipment. Any damage, needed repairs, or deficiencies to equipment determined by these daily inspections should be filed in a written report and delivered to the Highway Superintendent.

**Standards** – For the purpose of compliance with this policy, the following standards must be met at all times:

- Town vehicles and related equipment must remain under the general administrative jurisdiction and direction of the Department Head to which it is assigned.

- Town vehicles must be assigned to specific Town officials and employees for specific purposes and tasks. Said vehicles may not be used for any unauthorized purpose nor to conduct personal, private, or non-Town related business.

- Town vehicles must always be operated in a safe and responsible manner and in compliance with all applicable motor vehicle and traffic laws in effect. Employees are responsible for any personal driving infractions (speeding, DWI etc.) and fines that result from their operation of Town vehicles, and must report them to their Department Head, who will notify the Town Supervisor within 24 hours. The Town is responsible and will pay for any fines which would typically be levied against the owner of the vehicle.

- Any accident involving a Town employee or volunteer using a personal vehicle on town business, or using Town vehicle, regardless of severity, must be reported immediately to the appropriate Department Head. The Department Head must file an accident report with the Town Supervisor's Office within twenty-four hours. Any employee involved in an accident resulting in personal injury or property damage may be required to submit to a drug and alcohol test.

- The use of a cell phone when driving on Town business must be compliant with all applicable laws and/or regulations.

- Town vehicles may not be used to transport persons who are not officials or employees of the Town of Ancram, nor material not related to the conduct of official Town business, without direct authorization by the appropriate Department Head or the Town Board.

- Town vehicles must always be maintained in a safe and secure condition when not in use, including being locked and/or under direct observation; and all keys maintained under controlled and authorized jurisdiction of the appropriate Department Head.

- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on Town vehicles at any time, except those of a limited community service nature which have been authorized by the Town Board.

## *507 Driver's License / Insurance Requirements*

**Requirement** – An employee who is required to drive either a Town-owned vehicle or the employee's own personal vehicle to conduct business on behalf of the Town, must possess at the time of appointment, and must maintain throughout employment, a valid New York State driver's license. Proof of such license must be on file with the Town. If a personal vehicle is used to conduct business on behalf of the Town, the employee is responsible for ensuring liability insurance coverage meeting NYS requirements is appropriately maintained.

**Commercial Drivers** – An employee who operates a vehicle which requires a Commercial Driver's License (CDL), must maintain such license throughout employment. Proof of such license must be on file with the Town. In accordance with the federal Commercial Motor Vehicle Safety Act of 1986, a commercial driver must notify the Town within thirty

days of a conviction of any traffic violation (except parking), no matter where or what type of vehicle the employee was driving.

**Loss of Driver's License** – An employee who is required to possess a driver's license or CDL license in order to perform certain job duties and responsibilities must immediately notify the appropriate Department Head in the event the license is suspended or revoked. The loss or suspension of the driver's license or CDL license may affect the employee's employment with the Town. The Town will utilize the NYS Department of Motor Vehicles' "License Event Notification Service" (LENS) to monitor activity that may negatively impact an employee's ability to maintain a required license.

## *508 Supplies, Tools and Equipment, and Fuel Usage*

**Supplies** – All Town owned supplies must be used efficiently and not wasted. An employee may not use any Town supplies including, but not limited to, postage, paper, or office supplies for personal use.

**Tools and Equipment** – The employee must repair or replace any Town-owned tool or piece of equipment lost or damaged by the employee as a result of negligence or intentional misuse. An employee may not use any Town-owned tool or piece of equipment, including, but not limited to, fax machines, copiers and computer equipment for personal use. An employee may not use Town facilities, Town-owned tools or equipment to work on vehicles or trailers not owned by the Town without the prior approval of the Highway Superintendent.

**Fuel** – An employee may not use gasoline, fuel oil, or motor oil purchased by the Town for personal use.

## *509 Telephone / Cell Phone Usage*

**Guidelines** – Town telephone and cell phone usage must adhere to the following guidelines:

- When answering a work phone an employee must answer promptly and speak in a clear, friendly and courteous tone.
- An employee must give the name of the department or office and one's own name. If the call is not for the employee who answers, the employee must transfer the caller to the correct party or take a message recording all pertinent information.
- If the call must be placed on hold, the employee who answered the call must return to the line frequently to confirm that the call is being transferred.
- During office hours, supervisors should schedule at least one employee in the department or office to answer telephones, or an answering device must be in operation.
- Each Department Head will review messages left on the town voice mail for his/her Department on a regular basis, and will make sure that all messages are answered within the week they are received.
- An employee may make personal telephone calls, however, such calls should be limited in duration and frequency and must not interfere with the performance of the employee's job duties.
- Use of a town cell phone for personal text messaging during work hours is prohibited except in the event of an emergency.
- An employee may not make or receive personal calls on a Town provided telephone or cell phone that will result in additional charges to the Town, except in an emergency and/or with prior approval from the Department Head. The employee must reimburse the Town for the cost of the call.
- The use of Town telephones and Town issued cell phones is monitored to ensure no excessive or inappropriate use occurs, and employees should have no reasonable expectation of privacy while using Town telephones or cell phones.
- The use of a cell phone while driving on Town business must be in compliance with all applicable laws.

**Personal Cell Phone Usage** – Employees are permitted to carry personal cell phones during working hours but must adhere to the guidelines shown below.

- With the exception of an emergency situation, cell phones may not be used for personal purposes during work hours unless the employee is on an authorized break or has permission from a Department Head.
- Use of a cell phone for personal cell phone calls or text messaging during work hours is permissible only on a limited basis for family matters; and must not interfere with the performance of the employee's job duties.
- Personal cell phones that are broken, damaged or lost during working hours will not be replaced or paid for by the Town.

## *510 Use of Communication Systems and Equipment*

**Policy Statement** – The purpose of this policy is to provide the following requirements for the use of Town-owned communication systems and equipment. Communication systems and equipment include but are not limited to computer systems, internet services, hardware, software, laptops, smart phones, cell phones, land-line phones, printers, facsimile machines, copiers, and scanning devices.

**Property** – All communication systems, equipment and files are the property of the Town. This includes the messages created, transmitted, and stored on such systems and equipment.

**Usage** – All communication systems and equipment are provided to an employee for the purpose of aiding that employee in the performance of the employee's job functions. All hardware and software used is to be supplied by the Town. No unauthorized or unlicensed hardware or software may be used or installed on any Town-owned computer. Any hardware or software necessary to perform job duties should be requested of the employee's Department Head.

**Town's Right to Monitor Communication Systems and Equipment** – There is no guarantee of privacy when using Town-owned communication systems and equipment. The Town reserves the right to enter, search, and monitor employee communication systems, equipment, and files, with or without advance notice, at any time in the normal course of business. Department Heads have the authority to inspect the contents of any Town communication systems, equipment, data/files, or electronic messages of their subordinates in the normal course of their supervisory responsibilities. In addition, the data/files of Department Heads may be inspected by the Town Supervisor in the normal course of duty. This applies to all information, messages, and files that are created, transmitted, downloaded, received, stored, or deleted on such systems, including items that are password protected. Additionally, the Town has the authority to monitor and record each web site, chat room, and newsgroup visited on the Internet, and every electronic message and file transfer into and out of the Town's network or communication service. The Town may also monitor each employee's Internet activity and usage patterns to ensure that the Town's resources are being utilized for appropriate business purposes. Any employee who is required to have a password must submit that password to the employee's Department Head.

**Personal Use** – Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Any non-business use should be incidental and occasional and must conform to all standards set forth in this policy. Any personal use that interferes with the performance of an employee's work or burdens or compromises the effectiveness of the Town's network and equipment is strictly prohibited.

**Prohibited Uses** – In addition to the requirements set forth above, the following uses of Town-owned communication systems and equipment are prohibited. This list is meant to be illustrative, and not exhaustive.

- Any illegal activity;
- Threats or harassment;
- Slander or defamation;

- Transferring, viewing, or storage of obscene or suggestive messages or graphic images;
- Any unauthorized commercial activity;
- Accessing or attempting to access the data/files of another person, unless otherwise authorized as necessary in the course of performing Town business;
- Using or aiding in the unauthorized use of another person's password;
- Harming or destroying data/files (other than editing or deleting information in the normal course of one's job duties);
- Use of non-business software;
- Gambling;
- Use of entertainment software, such as games and puzzles;
- Installation or use of any hardware or software, not authorized by the Town;
- Installation or use of Town-owned hardware or software for any use that is not Town related business;
- Installation or use of any unauthorized or unlicensed hardware or software; and
- Installation of any software containing viruses.

**Internet / Electronic Messaging Requirements**

**Eligibility** – Internet / electronic messaging service may be provided to employees who can demonstrate a work-related reason to have access. Electronic messages (e-messages) include but are not limited to e-mails, text messages, blogs, instant messages and postings to social networking or other sites. Approval must be given by the employee's Department Head.

**Proper Usage** – In addition to the prohibitions set forth in the above paragraphs, any activities prohibited for any other general computer user are also prohibited with respect to Internet / e-messaging service usage. Employees are expected to communicate in a manner that will reflect positively on both themselves and the Town. Additionally, it is the responsibility of the employee to adhere to the following requirements:

- E-messaging must be used in a professional manner;
- Messages must not be threatening, insulting, obscene, abusive, or derogatory;
- Messages must not include content that constitutes workplace harassment including sexual harassment;
- E-messaging may not be used to transmit chain letters;
- Employees are responsible for saving any e-messages that they want to keep permanently;
- E-messages must not involve personal sales or solicitation or be associated with any for-profit outside business activity;
- E-messages must not involve personal not-for-profit solicitations;
- E-messages must not potentially embarrass the Town;
- Passwords should not be given to anyone other than the employee's Department Head;
- Internet must not be used for the propagation of computer viruses;
- Internet must not be used for personal recreational activities (e.g. online games);
- Participation in non-business Internet chat groups, blogging or instant messaging is prohibited;
- As a security precaution, a workstation must not be left signed onto E-mail or the Internet while unattended for a long period of time (or overnight). Each employee must log off the network when not in use and power down at the end of the day;

- Employee Internet usage and e-messaging may be subject to filtering and may be monitored;
- Employees should be aware that deletion of any E-mail message or file does not truly eliminate that message or file from the system. All E-mail messages are stored on a central back-up system in the normal course of data management;
- Employees should ensure that no personal correspondence appears to be an official communication of the Town; and
- Employees may not use the Town's address for transmitting or receiving personal mail or use the Town's e-mail address for transmitting or receiving personal e-messages.

**Disclosure of Information** - Employees must bear in mind that e-messages are not private and its source is clearly identifiable. E-messages may remain part of the Town's business records long after they are deleted. Electronic records, including e-messages, are public records subject to state Freedom of Information Law and will be disclosed upon request unless an exemption to disclose is found to apply. In general, e-messages are subject to discovery in civil lawsuits.

**Reliability** – Users should be aware that because the internet is a collection of computer networks with no single central authority over information consistency, data is subject to inaccuracies. The Town is not responsible for loss or damage to a user's data or for the reliability of information that is obtained via the Internet service. Also, this information must be used in accordance with applicable copyright laws.

**Reporting of Violations** – Anyone with information as to a violation of this policy is to report said information to the employee's Department Head. Once the employee's Department Head is informed of the violation, a formal process, consistent with this Employee Handbook and/or applicable law, will begin.

**Disciplinary Action** – Any employee who violates this policy will be subject to disciplinary action up to and including termination of employment.

## *511 Personal Appearance*

**Policy Statement** – It is the policy of the Town that each employee's dress, grooming and personal hygiene should be appropriate to the work situation.

**Standards** – An employee must maintain a personal appearance in a manner that reflects a good image to the public. Acceptable personal appearance is an ongoing requirement of employment with the Town. Radical departures from conventional dress or personal grooming and hygiene standards, including visible tattoos and piercings, are not permitted. Employees should wear clothing that is appropriate for the particular work environment. Department Heads will determine and enforce what is appropriate in each department.

**Safety Clothing and Equipment** – An employee may be required to wear safety clothing and equipment as directed by the Department Head. In addition, Seven Hundred Dollars ($700) will be allotted annually to each full-time Highway Department employee toward the cost of acquiring their work clothing and required steel-toed safety boots, which must be worn while on duty.

**Uniforms** – An employee may be required to wear a uniform as directed by the Department Head. The Town will provide employees with uniform items, which shall remain the property of the Town, and as such must be returned to the Town upon separation of employment.

## *512 Solicitations/Distributions*

**Policy Statement** – It is the policy of the Town to prohibit solicitation and distribution on its premises by non-employees and to permit solicitation and distribution by employees only as outlined below.

**During Working Hours** – An employee may not distribute literature or solicit other employees during working hours without approval from the appropriate Department Head.

**During Meal and Rest Breaks** – With permission from the Department Head, an employee may distribute literature and solicit other employees during meal and rest breaks provided it does not interfere with the normal operations of the department, reduce employee efficiency, annoy fellow employees, or pose a threat to the Town's security.

## *513 Disclosure of Information*

**Policy Statement** – The Town of Ancram promotes open government and complies with all requirements regarding public access to information. However, the Town recognizes that certain documents, records, and other information pertaining to Town operations and activities contain sensitive and confidential information about Town residents and others who do business with or on behalf of the Town and/or its residents. Such information cannot be photocopied, duplicated, discussed, or otherwise disclosed to any outside party except in accordance with the Freedom of Information Law or any other applicable laws and regulations. An employee is also prohibited from sharing or otherwise disclosing such information with other Town employees, family members or friends who do not have a Town business reason to have such information. This includes posting of such information in any public forum (computer or otherwise) or on computer social networking sites (Facebook, etc.)

**Responsibility for Security of Confidential Information** – Elected Officials, Department Heads and employees are responsible for maintaining the security of documents, records and other information that fall within their department operations. Any request from outside parties for disclosure of information under the Freedom of Information Law or any other applicable laws or regulations must be submitted to the Town Clerk.

**Employee Personal Information** - An employee should never provide a caller or visitor with confidential information regarding employees, including home addresses and personal telephone numbers. An employee should take the person's name and telephone number and inform the caller/visitor that a message will be forwarded to the employee.

## *514 Visitors*

**Policy Statement** – It is the policy of the Town not to allow personal visitors during working hours, except for emergency situations. Visitors are allowed for brief visits during an employee's meal break as long as such visit does not interfere with Town operations or interrupt other employees who are still working. Exceptions require prior approval from the Department head.

## *515 Purchasing*

**Policy Statement** – The Town has established an official procurement policy that must be followed without exception. No employee shall make purchases for the Town, or use the Town's name to make purchases, unless so authorized by the Town Board and in adherence to the procedures set forth in the procurement policy.

## *516 Maintenance of Work Area*

**Policy Statement** – It is the policy of the Town that work areas must be kept safe, clean and orderly at all times.

**Employee Responsibility** – Employees are responsible for maintaining their work area in a safe and orderly fashion. As such, each employee should, at a minimum, do the following:

- Place coats, boots, umbrellas and other items of clothing in designated areas so that work areas are not unnecessarily cluttered;
- Consume food or beverages only in designated areas so that work areas are kept free of food and related litter;
- Report any existing or potential workplace hazards and safety violations to the Department Head;
- Abide by the smoking policy as specified in this Employee Handbook;

- Clean and store all tools and equipment and properly store any items, papers or confidential information in a manner prescribed by the Department Head.

**Department Head Responsibility** – Department Heads are responsible for having their employees maintain their work areas according to the requirements of this policy. Each Department Head should:

- Make sure that aisles, floors and walls are free from debris and other unnecessary items;
- Monitor the facilities and equipment and issue maintenance requests where appropriate;
- Arrange for the removal of any items from the workplace that are not needed for the flow of business or the enhancement of employee comfort;
- Abide by and enforce the Town's smoking policy;
- Ensure the proper disposal of all trash and waste.

## *517 Personal Property*

**Policy Statement –** It is the policy of the Town to ask each employee to refrain from bringing unnecessary or inappropriate personal property to work. The Town recognizes that an employee may need to bring certain items to work. However, employees should take care to ensure that personal property brought to the workplace does not disrupt work or pose a safety risk to other employees. Employees are not allowed to bring personal firearms (pistols, rifles, shotguns) onto Town property or into Town vehicles.

**Personal Liability** – An employee is expected to exercise reasonable care to safeguard personal items brought to work. The Town will not repair, replace, or reimburse an employee for the damage or loss of the employee's personal property. An employee bringing personal property to the workplace does so at one's own risk.

**Security Inspections** – Desks, lockers and other storage devices may be provided for the convenience of employees but remain the sole property of the Town. Accordingly, such storage devices, as well as any articles found within them, can be inspected by any agent or representative of the Town at any time, with or without notice. The inspection may be made in the presence of the employee. The Town is not responsible for loss or damage to personal property placed in such storage devices.

## *518 Town Property*

**Employee Responsibility** – An employee will be responsible for any item issued by the Town which is in the employee's possession and/or control, such as, but not limited to the following:

- Equipment, including Protective Equipment
- Identification Badges
- Keys
- Uniforms
- Communication Devices
- Laptop computers and peripherals
- Books or other Reference Materials, including this Employee Handbook

**Return of Property** – All Town property must be returned to the Town before the employee's last day of work.

## *519 Unauthorized Work*

**Policy Statement** – An employee may not perform work for any entity other than the Town during the employee's authorized work hours, or claim that Town work was done when such is not the case. Employees must devote their full scheduled shift to Town business, as assigned.

## *520 Outside Employment*

**Policy Statement** – It is the policy of the Town that an employee may engage in outside work as long as such outside work does not interfere with the employee's performance standards, pose an actual or potential conflict of interest, or compromise the interests of the Town.

**Guidelines** – The following guidelines have been established for an employee who engages in outside work.

- An employee will be judged by the same performance standards and will be subject to the Town's scheduling demands, regardless of any existing outside work requirements.

- If the Town determines that an employee's outside work interferes with the performance or the ability to meet the requirements of the Town as they are modified from time to time, the employee may be required to terminate the outside employment if the employee wishes to remain employed by the Town.

- No Town equipment, supplies, or other material may be used by an employee on other than Town work.

- Outside employment that does or may constitute a conflict of interest is prohibited. An employee may not receive any income or material gain from individuals outside of the Town for materials produced or services rendered while performing the employee's Town job.

- An employee may not work on outside employment during any period which the employee is regularly scheduled to work for and is paid by the Town.

- A Town employee who engages in outside work must notify the person for whom the work is being performed that such work is being done on the employee's own time and that the employee is not representing the Town while performing such work.

**Employee Responsibility** – A Town employee who wishes to engage in outside work is responsible for ensuring that the above guidelines are maintained. Questions should be directed to the Department Head.

## *521 Social Media*

**Policy Statement** – The purpose of the policy is to provide the framework for employee usage of Social Media, both inside and outside of the workplace. Social Media in general refers to internet based applications that allow for the creation and exchange of user generated content. Examples of Social Media include, but are not limited to: Facebook, Twitter, MySpace, LinkedIn, Instagram, Flickr, Snapchat, YouTube, web blogs, and web based wikis whereby users can add, modify, or delete its content via a web browser.

**Usage During Working Hours** – Unless the use of Social Media is pertinent to Town business or authorized by a Department Head, employees are prohibited from using Social Media during working hours. This applies regardless of whether or not such usage occurs on Town-owned computers or communication equipment or a device personally owned by the employee.

**Usage During Meal and Rest Breaks** – Employees are responsible for exercising good judgment when using Town-owned computers or communication equipment to access Social Media sites while on a meal and rest break. The Town's right to monitor communication systems and equipment also applies to the use of Social Media if employees are using Town computers or communications systems.

**Posting Content on Social Media (regardless of point of access) –** The following uses of Social Media are prohibited. These terms pertain to content posted from computers or communication systems that are not Town owned, as well as those that are Town property.

This list is meant to be illustrative, and not exhaustive.

- Disclosing confidential or proprietary information pertaining to matters of the Town that is not otherwise deemed accessible to the general public under the Freedom of Information Law (Public Officers Law Article 6, §§84-90).
- Matters which will imperil the public safety if disclosed.
- Promoting or endorsing any illegal activities.
- Threatening, promoting, or endorsing violence.
- Directing comments, or sharing images that are discriminatory or insensitive to any individual or group based on race, religion, gender, disability, sexual orientation, national origin, or any other characteristic protected by law.
- Knowingly making false or misleading statements about the Town, or its employees, services, or Elected Officials.
- Posting, uploading, or sharing images that have been taken while performing duties as an agent of the Town, or while wearing Town uniforms – the only exception to this rule is when it is directly pertinent to Town business and such posting, uploading, or sharing of images is authorized in advance by the appropriate Department Head.
- Representing that an opinion or statement is the policy or view of the Town, or of any individual acting in their capacity as a Town employee or official, or otherwise on behalf of the Town, when that is not the case.
- Posting anything in the name of the Town or in a manner that could reasonably be attributed to the Town without prior written authorization from the applicable Department Head.
- Using the name of the Town or a Town e-mail address in conjunction with a personal blog or Social Media account.

An employee's Social Media usage must comply with Town policies pertaining to but not limited to Non-Discrimination and Harassment, Confidentiality, Violence in the Workplace, and Substance Abuse. Any harassment, bullying, discrimination, or retaliation that would not be permissible in the workplace is not permissible between co-workers online, even if it is done after hours, outside of the workplace, using computers or communication systems that are not Town-owned.

Notwithstanding the above, nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment. Nor is it meant to imply any restriction or diminishment of an employee's right to appropriately engage in protected concerted activity under law. Town employees have the right to engage in or refrain from such activities as they choose.

**Reporting of Violations** – Anyone with information as to a violation of this policy is to report said information to the appropriate Department Head. Once the Department Head is informed of the violation, a formal process, consistent with this Employee Handbook and/or applicable law, will begin.

**Disciplinary Action** – An employee who violates this policy will be subject to disciplinary action up to and including termination of employment.

# 600 ABSENCE POLICIES

## *601 Attendance*

**Tardiness** – An employee must be ready and able to work at the time the employee is scheduled to begin work. In the event an employee is unable to report to work at the scheduled time, the employee must notify the employee's Department Head prior to the employee's scheduled starting time. Highway Department employees must notify the Highway Superintendent by no later than 6:00 a.m. The reason for tardiness and the expected time of arrival must be indicated to the Department Head / Highway Superintendent. Notification requirements may be waived in extenuating circumstances.

**Daily Notification** – In the event an employee is unable to report to work, the employee must notify the employee's Department Head each day of the absence and state the reason for the absence. In the event the absence was pre-authorized, this requirement will be waived.

**Scheduled Absences** – Requests for scheduled time off, such as the use of vacation leave and personal leave, must be approved by the Department Head in advance. All requests for time off are subject to approval by the employee's Department Head on a case-by-case basis. Refer to Section 802, Vacation Leave, and Section 804, Personal Leave, for further details.

**Unscheduled Absences** – An employee who is unable to report to work must personally contact the employee's Department Head prior to the employee's scheduled starting time. Highway Department employees must notify the Highway Superintendent by no later than 6:00 a.m. The employee must indicate the reason for the absence and when the employee expects to return to work. Asking another person to call in on the employee's behalf is not permitted. Notification requirements may be waived in extenuating circumstances.

**Unexcused Absences** – Notification of an absence to an employee's Department Head does not automatically mean the absence is authorized. Any time off from work that is without approval of an employee's Department Head is considered an unexcused absence. An unexcused absence is without pay and may result in disciplinary action, up to and including termination.

**Early Departure** – In the event an employee must leave work during the workday, the employee must seek permission from the employee's Department Head prior to leaving.

**Leaving the Premises** – An employee must obtain prior approval from the employee's Department Head to leave an assigned worksite during working hours due to a non-work related reason. An employee who leaves an assigned worksite during the workday due to business reasons must notify the employee's Department Head in accordance with department policy.

**Documentation of Absences** – An employee may be required to provide appropriate documentation in justification of any absence. Documentation may include medical verification.

## *602 Jury Duty Leave*

**Jury Leave** - In the event a full-time or part-time employee is required to perform jury duty on a day the employee is scheduled to work, the employee will receive paid jury duty leave. Such leave will not be subtracted from any of the employee's leave credits. An employee is obligated to notify the Commissioner of Jurors that the Town is paying the employee's full pay during jury duty. If the employee receives a jury stipend from the courts, such amount must be reimbursed to the Town. An employee can collect and keep any mileage or parking expense reimbursement that may be issued by the court system for performing jury duty.

The Town shall pay a temporary or seasonal employee up to $40 of the employee's wages for the first three days the employee serves jury duty if on those days the employee is scheduled to work for the Town. After the first three days, the employee may be eligible for a stipend issued by the court system if the employee continues to serve on jury duty.

**Notification of Jury Duty** – When an employee receives notice to report for jury duty, the employee must immediately submit a copy of the notice to the employee's Department Head.

**Return to Duty** – In the event the employee is released from jury duty on a given day and there are two or more hours remaining in the employee's scheduled workday, the employee must report to work. The employee will be allotted time to return home and prepare for work.

**Accrual of Benefits** – The Town will continue to provide health insurance benefits for an eligible employee during the jury leave. Vacation leave, sick leave and holiday benefits will continue to accrue during jury duty leave.

## *603 Military Leave and Military Leave of Absence*

**Military Leave (New York State Law)** – This section refers only to a paid leave for military service under New York State Law and does not affect an employee's entitlement to leave needed for military service under federal statute. The Town of Ancram recognizes the importance of the Military Reserve and National Guard, and will permit any employee the use of military leave to perform ordered military duty or required training. The Town will grant such leave with pay for up to twenty-two workdays or thirty calendar days in a calendar year, whichever is greater. Such military leave beyond the twenty-two workdays or thirty calendar days in a calendar year will be unpaid, however accumulated vacation leave may, at the employee's option, be used at any time during the leave. In accordance with applicable New York State law, the employee may keep all pay received for military service.

**Military Leave of Absence (Federal Law)** – An unpaid leave of absence for a period of up to the federal statutory limits will be granted to an employee to serve in any of the Armed Forces of the United States. The employee's accumulated vacation leave may, at the employee's option, be used at any time during such leave of absence.

## *604 Leave for Cancer Screening*

**Policy** – The Town of Ancram complies with New York State Civil Service Law which entitles all Town employees to paid leave to undertake screening for breast cancer (under §159-b) and prostate cancer (under §159-c). This leave will not be charged against any available sick, vacation, personal, compensatory or other leave accruals. This does not preclude an employee's option to use other available paid leave for this same purpose.

**Allowance** – An employee will be allowed four hours of paid leave per year for the purpose of undergoing a screening procedure for breast cancer, and four hours of paid leave per year for the purpose of undergoing a screening procedure for prostate cancer (male employees only). Such paid leave will be accrued as of January 1 each year. If the employee does not exercise his/her rights to the leave, those hours are not carried forward to the next year. The allowed leave time may include the travel time to and from the appointment and any subsequent follow up consultation visits. In addition, the allowed leave may be staggered throughout the year until the maximum allowance has been reached.

**Scheduling** – An employee must receive prior approval from the employee's Department Head to take leave for this purpose. The request for leave should be submitted to the Department Head in writing a minimum of two days in advance. The Department Head will have total discretion in the approval of this leave, but will not unreasonably deny such request.

**Documentation Requirements** – If an employee applies for paid leave for a cancer screening procedure under this policy, documentation must be provided to the Department Head from the health care provider verifying that the absence from the workplace was for cancer screening. If an employee uses any other available leave for a cancer screening procedure, the provisions of the applicable leave policy (e.g. sick, personal, vacation, compensatory) will apply; there is no requirement in such a case to provide specific documentation regarding cancer screening.

## *605 Leave for Blood Donations*

**Policy** –The Town of Ancram complies with New York State Labor Law Section §202-j which entitles Town employees who work an average of twenty hours or more per week to a leave of absence for the purpose of making a blood donation. This leave of absence will not be charged against any available sick, vacation, personal, compensatory or other leave accruals. The leave allowed under this policy is unpaid, however, this does not preclude an employee's option to use available paid leave for this same purpose.

**Allowance** – An eligible employee will be allowed a leave of absence of up to three hours per year under this policy. Such leave will be accrued as of January 1 each year. If the employee does not exercise his/her rights to this leave, those hours are not carried forward to the next year. The allowed leave may include the travel time to and from the appointment.

**Scheduling** – An employee must receive prior approval from the employee's Department Head to take leave for this purpose. The request for leave should be submitted to the Department Head in writing a minimum of two days in advance. The Department Head will have total discretion in the approval of this leave, but will not unreasonably deny such request.

## *606 Bereavement Leave*

**Eligibility** – In the event of a death of a full-time employee's immediate family member, the employee may take a paid leave for up to three consecutive days from the employee's regularly scheduled work. Such leave will not be subtracted from any of the employee's leave credits. A part-time, temporary, or seasonal employee is not eligible for paid bereavement leave but may be allowed to take time-off without pay provided the employee has prior approval from the Department Head.

**Definition of Immediate Family** – For purpose of bereavement leave, "immediate family member" will mean the following:

- Spouse
- Parent
- Grandparent
- Child
- Sibling
- Grandchild
- The employee's same-sex committed partner* or the child, parent or other relative (categorized above) of the committed partner

**Defined under NYS Human Rights Law §79-n, same-sex committed partners are those who are financially and emotionally interdependent in a manner commonly presumed of spouses*

**Extended Bereavement Leave** – With authorization from the employee's Department Head, an employee may use vacation leave credits and/or personal leave credits to extend a bereavement leave. The Department Head will have total discretion in the approval of an employee's extended bereavement leave, based upon the needs of the department.

## *607 Volunteer Firefighters / Emergency Responders*

**Policy** – In the event an employee is called upon to perform volunteer duties as a firefighter or emergency responder on a day the employee is scheduled to work, the employee will receive paid leave to perform such duties if so authorized. The paid leave is limited to the extent of the employee's regular work schedule. Such leave will not be subtracted from any of the employee's leave credits. Time spent by the employee performing such duties, including driving to and from the scene, will not be included as time worked for purposes of computing overtime. The employee is required to return to the worksite upon completion of the emergency call, unless such call ends after the end of the employee's scheduled work shift.

**Documentation Requirements** – The employee must account for all time spent responding to emergency calls on the employee's time sheet or time card, including the time the employee left and returned to the worksite. The employee may be required to submit verification of the employee's attendance at such call.

**Responding to Calls During Paid Leave** – If the employee is on a paid leave from the Town (i.e. vacation, holiday, sick, personal, etc.) and the employee responds to a call, the employee will not receive additional compensation from the Town and the employee's appropriate leave time will still be charged.

## *608 Family and Medical Leave Policy*

**Policy Statement** – It is the policy of the Town of Ancram to grant a full-time employee a leave of absence without pay for a period of up to twelve weeks, under certain circumstances. If and when any employee meets the eligibility requirements under the *Family and Medical Leave Act*, the provisions of that Act will then take precedence over this policy.

**Granting of Leave of Absence** – The granting and duration of each leave of absence will be determined by the Town Board in conjunction with applicable federal and state laws, including Civil Service Law Sections 71, 72 and 73, as applicable, and the *Columbia County Civil Service Rules*.

**Types of Leave** – The following types of leaves of absence will be considered:

- **Sick Leave of Absence** – Employees who are unable to work because of a serious health condition or disability may be granted a sick leave of absence. This type of leave includes disabilities caused by pregnancy, childbirth, or other related medical conditions. The Town requires certification of an employee's need for sick leave, both before the leave begins and on a periodic basis thereafter, by the employee's health care provider.

  In addition to leave provided under this policy, employees may be eligible for a leave of absence pursuant to Civil Service Law Section 71. Section 71 provides that **covered** employees shall be entitled to a leave of absence for at least one cumulative year (unless found to be permanently disabled) when disabled due to an occupational injury or disease as defined in the Workers' Compensation Law. This leave runs concurrently with the designated Family and Medical Leave. Employee should consult with their Department Head for further details regarding this provision.

- **Parental Leave of Absence** – Female employees, when not disabled by pregnancy or childbirth (see above), and male employees may be granted a parental leave of absence to care for a child upon birth or upon placement for adoption or foster care.

- **Family Care Leave of Absence** – Employees may be granted a family care leave of absence for the purpose of caring for a child, spouse or parent who has a serious health condition. The Town requires certification of the family member's serious health condition, both before the leave begins and on a periodic basis, by the family member's health care provider.

**Eligibility** – To be eligible, an employee must meet the following requirements:

- The employee must have completed at least one year of full-time, continuous service during the previous twelve months prior to the date leave commences.

- Spouses who both work for the Town of Ancram are allowed a combined maximum of twelve workweeks of leave for the birth or care of a newborn child, adoption or foster care of a child and to care for such newly placed child, or the serious health condition of a child, spouse or parent, during any twelve month period.

**Definitions** – For the purpose of this policy, the following definitions will apply:

- **Serious Health Condition** will mean and refer to an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or any subsequent treatment in connection with such inpatient care; <u>or</u> continuing treatment by a health care provider, including, but not limited to:

  - A period of incapacity of more than three consecutive calendar days and any subsequent treatment or period of incapacity that also involves continuing treatment by a health care provider;

  - A period of incapacity due to pregnancy or prenatal care;

  - A period of incapacity or treatment for such incapacity due to a chronic serious health condition;

  - A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or

  - A period of absence to receive multiple treatments, including any period of recovery, by a health care provider, or by a provider of health care services under orders of or on referral by a health care provider, for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

- **Health Care Provider** will mean and refer to a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; <u>or</u> any other person defined in the FMLA regulations capable of providing health care services.

- **Family Member** will mean and refer to:

  - **Spouse** – husband or wife as defined or recognized under State law for purpose of marriage;

  - **Parent** – biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a son or daughter as defined directly below. This term does not include an employee's parents "in law".

  - **Child** – biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis*, who is either under age eighteen, or age eighteen or older and "incapable of self-care because of a mental or physical disability". Persons who are "*in loco parentis*" include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

**Notification Requirements** – If the need for leave is foreseeable, the employee must give notice, in writing, to the Department Head at least thirty calendar days prior to the commencement date of the unpaid leave. The employee and Department Head must complete the Leave of Absence Request Form and forward the completed form to the Town Supervisor for review. The failure of an employee to give thirty days' notice of foreseeable leave with no reasonable excuse for the delay may result in the delay of the employee taking the leave until thirty days from the date of notice. When the need for leave is unforeseeable, verbal notice to the employer will be sufficient.

**Status Reports** – The employee must periodically update the Department Head as to the employee's status and intent to return to work.

**Medical Certification** – The employee must produce a medical certification issued by a health care provider which supports the need for a leave under this policy. When required, the employee must provide a copy before the leave begins, or if the leave was unforeseeable, no later than fifteen calendar days from the date the certification was requested. Failure to submit medical certification may jeopardize the employee's eligibility for an unpaid leave of absence and/or the ability to return to work. The medical certification must include:

- The date the medical condition began;
- The probable duration of the medical condition;
- Pertinent medical facts; and,
- An assertion that the employee is unable to perform the employee's essential job functions or that the employee is needed to care for a family member for a specified period of time.

*The Town of Ancram reserves the right to request a second opinion by another health care provider. The Town will pay for the second opinion. In the event a conflict occurs between the first and second opinion, the Town may, again at its own expense, obtain a third opinion from a health care provider approved jointly by the Town and the employee. This third opinion will be final and binding.*

**Leave for the Birth, Adoption or Foster Care Placement of a Child** – Leave for the birth of a child or the placement of a child for adoption or foster care must conclude within twelve months from the date of the birth or placement.

**Certification for Adoption/Foster Care** – An employee must produce proper certification from the appropriate agency for an unpaid leave for the adoption or foster care of a child.

**Employment Restrictions During Leave of Absence** – While on an approved unpaid leave, the employee may not be employed by another employer during the same hours that the employee was normally scheduled to work for the Town of Ancram.

**Benefits During a Leave of Absence** – For the purpose of this policy, the following will apply:

- **Use of Accrued Paid Leave Credits** – An employee taking leave for the **birth, adoption or foster placement of a child or to care for a spouse, child or parent with a serious health condition** must first use all vacation leave credits which will be included in the maximum twelve weeks of leave. The substitution of paid leave for unpaid leave for these types of leave does not extend the twelve-week period.

  For leaves taken due to the **employee's own serious health condition**, the employee must first use all sick leave and vacation leave credits, which will be included in the maximum twelve weeks of leave. However, in the event that the paid leave credits available are greater than the maximum twelve-week period, an employee may use paid leave credits to extend the leave of absence beyond the twelve-week period, **up to a maximum of one year**. If, after the completion of the one-year leave of absence, the employee is medically unable to return to work (as determined by a health care provider) and the employee has leave credits remaining, the Town Board may authorize an extension of the employee's leave of absence until such benefits are exhausted. However, **job reinstatement** beyond the one-year leave of absence **is not automatic** and will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *Columbia County Civil Service Rules*.

- **Accrual of Paid Leave Credits** – An employee will continue to accrue vacation and sick leave and receive holiday pay during the portion of the leave that is paid. **Paid leave is defined as leave during which the employee continues to use accumulated paid vacation and sick leave.** After all such paid leave is exhausted, the remaining leave of absence is unpaid. An employee will not earn paid vacation or sick leave or receive holiday pay for any holidays that may occur during an unpaid leave of absence.

- **Medical Insurance** – During the period of authorized leave under this policy, up to a maximum of twelve weeks, an employee's eligibility status for medical insurance coverage will not change. All employee contributions (if any) must be paid on a timely basis in order to maintain the continuous coverage of benefits. Contributions will be at the same level as if the employee was working. Coverage will cease if payments are not made within a thirty-calendar day grace period of the due date. Premium payments or policy coverage are subject to change. In the event the employee fails to return to work after the authorized leave of absence period has expired, provisions of COBRA (see Section 808) will apply. In addition, the Town may recover the premium that it paid for maintaining the coverage during any period of the unpaid leave except for the following circumstances:

  * The continuation, recurrence, or onset of a serious health condition of the employee or the employee's eligible family member with proper medical certification; or,

  * Circumstances beyond the employee's control, such as: parent chooses to stay home with a newborn child who has a serious health condition; employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's work-site; the employee is laid off while on leave.

**Return to Work** – The following conditions for returning to work will apply:

- **Job Restoration** – At the conclusion of the leave of absence, (except for leaves beyond a one-year period) the employee, provided that the employee returns to work immediately following such leave, will be restored to the position the employee held when the leave began, or an equivalent position with equivalent benefits, pay and working conditions. For an authorized leave of absence beyond the one-year period, job restoration will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *Columbia County Civil Service Rules*.

- **Medical Statement** – Before resuming employment, an employee must submit a statement from the employee's health care provider indicating that the employee is able to return to work either with or without restrictions. The Town reserves the right to have the employee examined by a physician selected and paid for by the Town to determine the employee's fitness to return to work either with or without restrictions. Failure to return to work when required may be considered a voluntary termination.

- **Early Return** – An employee who intends to return to work earlier than anticipated must notify the Department Head at least five business days prior to the date the employee is able to return. The Department Head shall in turn notify the Town Supervisor.

- **Extension of Unpaid Leave of Absence** – An employee who wants an extension of the leave previously requested must notify the employee's Department Head at least two business days from the date the change occurred which necessitates the change in leave time. The Town Board reserves the right to approve all leave extensions.

**Statement of Compliance** – The Town of Ancram complies with the provisions of the Family and Medical Leave Act (FMLA). **The Town of Ancram currently does not employ fifty or more employees who work twenty or more calendar workweeks per year. Therefore, Town employees are not presently eligible for leave under the FMLA.** If at some point the Town of Ancram should employ fifty or more employees for twenty or more calendar workweeks in the current or preceding year, eligible employees will be afforded leave in compliance with FMLA.

**Change in Status** – If the reason for the unpaid leave of absence changes, the employee must return to work.

# 700 COMPENSATION

## *701 Wage and Salary*

**Rate of Pay** – An employee's rate of pay will be established by the Town Board.

**Merit Increases** – An employee may receive a pay increase based upon the employee's past performance. The merit increase will be granted at the discretion of the Town Board.

**Longevity Pay** – A full-time employee is eligible for a longevity pay bonus paid once a year as a lump sum payment, to be paid with the first payroll of December, according to the following schedule of work years completed:

a. Three to Ten years: $400.00 each year
b. Eleven to Fifteen years: $750.00 each year
c. Sixteen to Twenty years: $1200.00 each year
d. Over Twenty-one years: $1700.00 per year

## *702 Overtime / Compensatory Time*

**Authorization** – A Department Head may require an employee to work additional hours beyond the employee's normal workday and workweek. An employee must receive prior approval from the employee's Department Head before working additional hours.

**FLSA Exempt Employees** – In accordance with the Fair Labor Standards Act, FLSA exempt employees will not be paid for overtime nor receive "compensatory time" for any hours worked in excess of the employee's normal workday or workweek.

**FLSA Non-Exempt Employees** – In accordance with the Fair Labor Standards Act, an FLSA non-exempt employee will be paid one and one-half times the employee's regular hourly rate of pay for all authorized time worked over forty hours in a given workweek.

**Compensatory Time** – With pre-authorization from the Department Head, a non-exempt employee will have the option of receiving "compensatory time" in lieu of paid overtime. When a non-exempt employee chooses to receive compensatory time, the employee will be credited with the equivalent of one and one-half hours for all authorized time worked over forty hours in a given workweek. An employee may accumulate up to 120 hours in compensatory time credits. In the event an employee accrues more than 120 hours of compensatory time, the employee must either use the excess compensatory leave credits within the pay-period in which it is earned or take paid overtime. An employee must use all compensatory leave credits within the calendar year in which they are earned or receive cash payment at the end of the calendar year at the employee's then current rate of pay.

**Calculation of Overtime/Compensatory Time** – Only time actually worked will be counted for the purpose of computing overtime. Leave time (e.g. sick, vacation, personal holidays) will not be included as time worked for the purpose of computing overtime.

**Use of Compensatory Time** – An employee must have prior approval from the Department Head to use compensatory time.

**Termination from Employment** – An employee whose employment with the Town is terminated will receive cash payment for unused compensatory credits to which the employee is properly entitled at the employee's then current rate of pay.

## *703 Call-In Pay*

**Compensation** – In the event an FLSA non-exempt employee is called in to work outside of the employee's regularly scheduled work shift, the employee shall be credited for pay purposes with the greater of either two hours time, or the time actually worked.

## *704 Pay Period*

**Payroll Period** – Normally, employees are paid on a bi-weekly basis. An employee's paycheck will be based on the amount earned during the preceding payroll period. Certain employees may be paid on a different schedule as established by the Town Board.

## *705 Payroll Deductions*

**Statutory Deductions** – The required portion of an employee's pay for federal and state taxes, and any other deduction required by law, will be deducted from the employee's paycheck. Such deductions will be noted on the paycheck.

**Voluntary Deductions** – Payroll deductions provided through the Town's payroll system will be made from an employee's paycheck when authorized by the employee. Such deductions will be noted on the paycheck.

# 800 EMPLOYEE BENEFITS

## *801 Holidays*

**Designated Holidays** – The Town of Ancram currently observes the following holidays:

1. New Year's Day
2. Martin Luther King Day
3. Presidents' Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Columbus Day
8. Veterans' Day
9. Thanksgiving Day
10. Day after Thanksgiving
11. Christmas Day

**Eligibility** – A full-time employee is eligible for holiday pay at the employee's regular rate of pay. A part-time, temporary, or seasonal employee paid per hour is not eligible for holiday pay. (Part-time, temporary or seasonal employees paid on a salary basis will receive their regular pay during a pay period in which a holiday occurs.)

**Assigned to Work on a Holiday** – A full-time non-exempt employee who is required to work on a designated holiday will receive holiday pay plus wages at one and one-half times the employee's regular rate of pay for all time worked on that day. A part-time, temporary, or seasonal employee who works on a designated holiday will be paid at the employee's regular rate of pay.

## *802 Vacation Leave*

**Eligibility** – A full-time employee is eligible for paid vacation leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid vacation leave but may be allowed to take time-off without pay provided the employee has prior approval from the Department Head.

**Allowance** – A full-time employee or salaried part time employee (Assessor, Building Inspector) will be credited with paid vacation leave as indicated in the following chart. Vacation leave is based upon the employee's normally scheduled work week. An employee may take vacation leave only after it has been credited. Vacation leave is credited annually on the employee's anniversary date of employment.

| After Completion Of: | Vacation Leave |
|---|---|
| 1 year continuous service | One week |
| 2 to 15 years continuous service | Two weeks |
| 16 or more years continuous service | Three weeks |

**Continuous Service** – Continuous Service shall mean uninterrupted service. An authorized leave of absence without pay, or a resignation followed by reinstatement within one year following such resignation, shall not constitute an interruption of continuous service. However, the duration of the absence from work without pay will be excluded from the computation of length of continuous service. Vacation is earned only for monthly pay periods during which an employee is in full pay status for at least fifteen working days during such monthly pay period.

**Scheduling** – An employee must receive prior approval from the employee's Department Head to take vacation leave. Vacation leave credits may not be used in increments of less than two hours. The Department Head will have total discretion in the approval of vacation leave.

**Carry-Over** – An employee **may not** carry over vacation leave from one year to the next. Any vacation leave remaining unused at the end of the employee's anniversary year will be cancelled. Employees will not be paid for unused vacation. In extenuating circumstances, the Highway Superintendent may approve carry-over of a limited amount of vacation leave.

**Holiday During Scheduled Vacation** – In the event a designated holiday occurs on an employee's normal workday and the employee is on paid vacation, the employee will receive holiday pay for the day and the employee's vacation leave credits will not be charged for that day.

**Separation of Employment** – An employee who resigns, retires or is laid off will receive cash payment for unused vacation leave to which the employee is properly entitled at the employee's then current rate of pay. To be eligible to receive this payment, an employee who is to resign or retire must give written notice at least two weeks in advance of the last day of employment. In the event an employee leaves employment due to disciplinary action, the employee will not receive a settlement for unused vacation leave. In cases of death of an employee, the Town will pay an employee's designated beneficiary for any unused vacation leave.

## *803 Sick Leave*

**Eligibility** – A full-time employee is eligible for paid sick leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid sick leave.

**Allowance** – After one year of employment, a full-time employee will be credited with 96 hours of paid sick leave each year on the employee's anniversary date.

**Notification of Sick Leave** – In the event an Highway Department employee must take sick leave, the employee must notify the Highway Superintendent by no later than 6:00 a.m. The notification must be made personally; asking another person to call in on the employee's behalf is not permitted. Notification requirements may be waived in extenuating circumstances.

**Proper Use of Sick Leave** – An employee may use sick leave credits for a personal illness, injury, doctor/dentist appointment, or medical procedure that inhibits the employee's work. Sick leave credits may not be used in increments of less than two hours. An employee may take sick leave only after it has been credited.

**Family Sick Leave** – An employee may use up to 40 hours of sick leave credits annually for family illness or injury if the employee must provide direct care to an immediate family member. Such leave will be subtracted from the employee's accumulated sick leave credits. For purpose of family sick leave, "immediate family member" will mean the employee's parent, spouse or child, including step-child and foster child.

**Accumulation** – An employee may accumulate sick leave credits to a maximum of 480 hours. It is important to recognize that paid sick leave is intended to protect an employee against financial hardship and can provide income protection and continued medical insurance coverage in the event the employee is unable to work for a long period of time due to illness or injury. Therefore, each employee should take care to manage the use of sick leave to ensure adequate time is available should such a need arise.

**Medical Verification** – The Town may require medical verification of an employee's absence if the Town perceives the employee is abusing sick leave, or has used an excess amount of sick leave, or when an employee is absent for more than three consecutive workdays due to an illness or injury. If an employee is on an authorized leave of absence, the provisions of the Family and Medical Leave Policy in this Employee Handbook shall apply.

**Abuse of Sick Leave** – An employee who, after investigation, is found to have abused the use of sick leave or falsifies supporting documentation, will be subject to disciplinary action.

**Separation of Employment** – An employee whose employment with the Town is terminated due to a resignation, lay-off, or disciplinary discharge will not receive cash payment for unused sick leave. An employee who retires from the Town (i.e. has applied for and been granted a bona-fide retirement benefit from the New York State Employees' Retirement System) will receive cash payment for up to 480 hours of accumulated, unused sick leave.

## *804 Personal Leave*

**Eligibility** – A full-time employee is eligible for paid personal leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid personal leave.

**Allowance** – After twelve months of continuous service, a full-time employee will be credited with 32 hours of paid personal leave on an annual basis, which will be credited on the employee's anniversary date of hire. An employee may take personal leave only after it has been credited.

**Proper Use of Personal Leave** – An employee may use personal leave credits to conduct personal business which cannot be conducted outside of normal working hours, non-emergency medical and dental appointments, and for personal emergencies. In no event may personal leave credits be used on the scheduled workday immediately prior to or following a holiday or vacation; in lieu of sick leave or other leaves of absences, except to extend bereavement leave. Personal leave credits may not be used in increments of less than two hours.

**Scheduling** – An employee must receive prior approval from the employee's Department Head to take personal leave. The Department Head will have total discretion in the approval of personal leave.

**Accumulation** – An employee <u>may not</u> accumulate personal leave credits. Any personal leave credits remaining unused at close of business on the last day of the calendar year will be canceled.

**Separation of Employment** – An employee whose employment with the Town is terminated for any reason, including retirement, <u>will not</u> receive cash payment for unused personal leave.

## *805 Disclosure of Insurance Benefits*

**Summary** – The following is a brief description of the insurance benefits currently offered by the Town to eligible employees. Eligibility for benefits is dependent upon a variety of factors, including employment classification and length of service. The description of the benefits provided is only an overview. The plan documents or specific government regulation provide a full description of the specific benefit.

**Plan Administrator** – The Town Supervisor serves as the Administrator of the Town's benefits plans. The Administrator is responsible for all communications and disclosures concerning Town benefits and is available to answer questions concerning the benefit plans. A description of each of the plans may be obtained from the Town Supervisor.

**Plan Documents** – Benefits are administered according to applicable government regulation, benefit plan documents, insurance carrier master policy, or Town policy. Should there be a discrepancy between the information presented in this Employee Handbook and the benefit plan document, the Town Board has the discretionary authority to determine eligibility for benefits and to interpret the plan's terms. The Town Board is responsible for compliance with all applicable laws and regulations. The Town Board may, at its discretion, change carriers and/or offer alternative insurance plans.

**Changes in Benefits** – Any benefit offered by the Town to employees, retirees, retiree spouses or surviving spouses, or Elected Officials is subject to change or discontinuance by resolution of the Town Board.

**Waiver of Benefits** – An employee who is eligible to participate in any of the available insurance plans but who elects not to participate must sign an appropriate waiver of enrollment form.

**Enrollment Information** – The Town Supervisor will provide the employee with the enrollment forms and assist with the administrative and operational aspects of the various insurance plans. Enrollment in a benefit plan is not automatic. Employees must complete the appropriate enrollment forms and applicable payroll deduction authorizations in order to receive benefits.

**Changes in Status** – Employees whose status changes from full-time to part-time are notified of the changes to their Town benefits. This notification contains all legally mandated information regarding applicable benefits, including COBRA health insurance continuation. An employee must immediately notify the Town Supervisor in the event that the employee has a change in marital or family status that may affect coverage, such as marriage, divorce, legal separation, death of a spouse or dependent, acquiring or losing a dependent, changes in address.

## *806 Medical Insurance*

**Eligibility** – The Town currently offers medical insurance coverage to each full-time employee, the Highway Superintendent, the Town Clerk, and their eligible family members. Coverage is also currently provided to retirees who retired prior to January 1, 2011, and their spouses or surviving spouses. A part-time, temporary, or seasonal employee is not eligible for medical insurance coverage.

**When Coverage Begins** – Coverage will begin upon the employee's completion of six months of continuous service, provided all eligibility requirements of the insurance plan are met. This requirement may be waived by the Town Board.

**When Coverage Ends** – Coverage ends on the last day of the month in which the employee ends active employment with the Town or the Highway Superintendent ends elected service. Coverage may continue in accordance with COBRA regulations.

**Premium Payment** – The Town will pay the full premium for individual medical insurance coverage for each eligible employee who was hired or first elected prior to January 1, 2011. The Town will pay 75% of the premium for individual medical insurance coverage for each eligible employee who was hired or first elected after January 1, 2011. Coverage for family members of eligible employees is available, however the employee or Highway Superintendent must pay 50% of the full premium cost for such family coverage. Retirees who retired prior to January 1, 2011 and their spouse or surviving spouse are eligible for fully paid Town health insurance for life. Employees who retire after January 1, 2011 will not be eligible for Town health insurance.

**Changes in Premium Contributions** – The amount of the insurance premium an employee or Elected Official is required to contribute is subject to change by resolution of the Town Board. The Town Board will provide a two-month written notice of such change.

## *807 Medical Insurance Buy-out*

**Eligibility** – An employee or Highway Superintendent who is eligible for medical insurance coverage made available through the Town may receive a cash buy-out in lieu of receiving medical insurance benefits. To be eligible for the medical insurance buy-out, the employee must provide documentation of comparable medical health insurance coverage in a manner and form to be determined by the Town and sign an appropriate waiver of health insurance coverage and waiver of liability to the Town. The medical insurance buyout is not applicable in a situation in which two employees are married or in a family relationship that makes both eligible for coverage under the same medical insurance plan.

**Amount of Buy-out** – An employee who was hired, or Highway Superintendent who was elected, prior to January 1, 2011, and who is eligible for the medical insurance buy-out, will receive an annual payment of $4,800. An employee who was hired, or Highway Superintendent who was first elected, after January 1, 2011, and who is eligible for the medical insurance buy-out, will receive an annual payment of $3,600.

**Method and Form of Payment** – The buy-out amount will be disbursed in equal installments in each bi-weekly paycheck. This payment is in addition to the compensation and/or salary to which the employee is otherwise entitled, and will be treated as part of the employee's gross income and will be subject to the appropriate withholding for income and payroll tax purposes. Payments made to an employee under the provisions of this buy-out option are excluded from NYS Retirement System earnings calculations.

**Reinstatement** – In the event the employee loses coverage under the alternate insurance plan, the employee may resume coverage under a medical insurance plan made available through the Town. Coverage will become effective in accordance with the provisions specified in the plan documents, provided that the employee meets all eligibility requirements of the insurance plan. Upon reinstatement, the employee must refund the portion of the payment received for the period in which the Town will subsequently provide coverage for said employee.

**Changes** – This policy may be changed or eliminated at any time by resolution of the Town Board.

## *808 Continuation of Health Insurance Benefits (COBRA/NYS Continuation Coverage)*

**Summary** – The federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) offers "qualified beneficiaries" the right to continue existing health insurance coverage, completely at their own expense, under certain qualifying conditions. **All required premiums and administrative fees must be paid in a timely manner in order for coverage to continue.**

**NYS Continuation Coverage** – For purposes of this policy, references to COBRA will be considered to incorporate the requirements for "Continuation Coverage" set forth in NYS Insurance Law, which provides enhancements over and above the provisions of COBRA.

**Eligibility** – An individual is a "qualified beneficiary" if the individual is covered under a group health plan on the day before a qualifying event as either a covered employee or Highway Superintendent or Town Clerk, the spouse of a covered employee or Highway Superintendent or Town Clerk, or a dependent child of a covered employee or Highway Superintendent or Town Clerk. A child who is either born to or who is placed for adoption with the covered employee or Highway Superintendent or Town Clerk during a period of COBRA coverage is also a "qualified beneficiary" entitled to COBRA coverage.

**Period of Coverage** – COBRA coverage is in effect for a period of up to **thirty-six months**, following any qualifying event. The COBRA requirements do not put any limit on the number of times a qualified beneficiary may be entitled to COBRA continuation coverage.

**Qualifying Events** – If a qualified beneficiary loses coverage under a group health plan as a result of a "qualifying event," the qualified beneficiary is entitled by COBRA to the continuation of group health insurance coverage at the qualified beneficiary's own expense. Any of the following circumstances are considered to be qualifying events:

- Termination of the covered employee's (or Highway Superintendent's) employment for any reason except gross misconduct, or the covered employee's loss of eligibility to participate due to reduced work hours.
- When a covered employee is on a leave of absence due to military service obligations.
- Death of a covered employee or Highway Superintendent.
- Divorce or legal separation from a covered employee or Highway Superintendent.
- A covered dependent ceases to be a "dependent child" under the health insurance plan.

- A covered dependent child's loss of eligibility to participate in the insurance plan due to the covered employee or Highway Superintendent becoming covered by Medicare as a result of total disability or choosing Medicare in place of the insurance plan at age sixty-five.

**Change in Beneficiary Status** – An employee or Highway Superintendent must notify the Town Supervisor within sixty calendar days of a legal separation or divorce or when a dependent is no longer eligible for insurance due to the age limitations or educational status requirements established by the insurance plan. The Town will not be responsible for any loss of coverage resulting from failure by the employee or Elected Official to give notification of such an event.

**Enrollment Information** – The Town Supervisor will provide the employee or Elected Official with the enrollment forms and assist with the administrative and operational aspects of COBRA. **Enrollment is not automatic. The employee or Elected Official must complete the necessary enrollment forms and return all COBRA forms to the Town Supervisor within the time indicated**. If the required forms or premium payments are not received at the time specified, medical insurance coverage will cease.

## *809 Workers' Compensation Benefits*

**Coverage** – The Town will make available Workers' Compensation benefits, including payment of medical costs and replacement of lost wages up to the regulated maximum, to each eligible employee who suffers an accidental injury arising out of and in the course of employment, as determined by the Workers' Compensation Board. Eligibility for coverage is determined by applicable Workers' Compensation regulations.

**When Coverage Begins** – Coverage will begin on the employee's first day of employment, provided the employee meets all eligibility requirements.

**Premium Payment** – The Town will pay the full premium for Workers' Compensation coverage for each eligible employee.

**Reporting of Injury** – The employee must report any accidental injury arising out of and in the course of employment to the Highway Superintendent immediately after the occurrence of the injury. The Highway Superintendent will complete and submit the required forms.

**Use of Sick Leave Credits** – An employee may draw from the employee's sick leave credits in conjunction with Workers' Compensation payments to equal, but not exceed, the employee's regular daily rate of pay.

**Medical Insurance Coverage** – The Town will continue medical insurance coverage for the employee in accordance with the provisions of the Family and Medical Leave Policy in this Employee Handbook.

## *810 Unemployment Benefits*

**Coverage** – The Town will make available unemployment benefits to each employee ruled eligible for benefits under New York State labor law.

## *811 Social Security*

**Summary** – Social Security benefits are available for retirement, survivor's benefits, and medical costs under qualifying conditions, as determined by the Federal Social Security Administration Office. Employee contributions to Social Security (FICA) are matched by the Town.

## *812 The New York State Employees' Retirement System*

**Summary** – The Town will make available the New York State Employees' Retirement System pension plan to each eligible employee and Elected Official. An employee or Elected Official is eligible for service retirement benefits after completion of the required minimum period of creditable public sector service (either five or ten years depending on tier.)

**Mandatory Membership** – A full-time employee who began employment with the State of New York or with a participating employer, on or after July 27, 1976, must join the Retirement System. An employee who is appointed to a permanent, full-time position on a probationary basis must join the Retirement System on the effective date of the probationary appointment. Employment is considered full-time unless:

- The employee works less than thirty hours per week, or less than the standard number of hours for full-time employment as established by the employer for this position; or
- The annual compensation for the position is less than the State's minimum wage multiplied by 2,000 hours; or
- Duration of employment for less than one year or employment on less than a 12 month per year basis; or
- The position is either provisional or temporary under Civil Service Law.

**Optional Membership** – An employee or Elected Official who is not mandated to join may join the Retirement System. Such employee or Elected Official will be informed, in writing, that the employee or Elected Official may join the Retirement System and will acknowledge receipt of such notice by signing a copy thereof and returning it to the Town Clerk. If the employee or Elected Official elects to join the Retirement System, the employee or Elected Official must complete the application form and return it to the Town Clerk.

**Waiver of Enrollment** – An employee who is not mandated to join the Retirement System, and who chooses <u>not</u> to join, must complete a waiver of enrollment form.

# 900 COMPLIANCE POLICIES

## *901 Equal Employment Opportunity*

**Policy Statement** – The Town of Ancram is an Equal Opportunity Employer. The Town does not unlawfully discriminate on the basis of race, religion, color, sex, age, national origin, citizenship, disability, marital status, pregnancy, application to or present membership in the uniformed services, veteran status, arrest or conviction record, genetic information, predisposition or carrier status, sexual orientation, domestic violence victim status, or any other protected class or status. Likewise, the Town prohibits employees, Elected Officials, vendors, suppliers, visitors, customers, and any other non-employee from discriminating against Town employees based on these protected groups. Discrimination based on any of the above is strictly prohibited. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, compensation, promotion, transfer, training, leave of absence, and termination.

**Notification of Policy Violations** – An employee should immediately report any perceived violation of this policy to the employee's Department Head. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported in writing to the Town Supervisor or any member of the Town Board. All complaints of discrimination will be investigated discreetly and promptly. This procedure is not intended to restrict an individual's rights to make a complaint to a federal or state agency. An employee who reports discrimination will not suffer adverse employment consequences as a result of making the complaint.

**Prohibition Against Retaliation** – Retaliation against any employee who brings a written or verbal complaint of discrimination or who assists or participates in the investigation of such a complaint is strictly prohibited. The Town will not tolerate or permit adverse treatment of employees because they report discrimination or provide information related to such complaints, or who otherwise oppose an unlawful employment practice. Any employee who participates in the procedure may do so without fear of retaliation. Violations of this policy may result in disciplinary action up to and including termination of employment.

**Application of Policy** – This policy is for Town use only and does not apply in any criminal or civil proceeding. This policy shall not be construed as a creation of higher legal standard of safety or care in an evidential sense with respect to third party claims. Violations of this policy will only form the basis for Town administrative action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

## *902 The Americans with Disabilities Act*

**Policy Statement** – It is the policy of the Town of Ancram to comply fully with the provisions and spirit of the Americans with Disabilities Act and ensure equal employment opportunity for all qualified persons with disabilities. All employment practices, such as recruitment, hiring, promotion, demotion, layoff and return from layoff, compensation, job assignments, job classifications, paid or unpaid leave, fringe benefits, training, employer-sponsored activities, including recreational or social programs, will be conducted so as not to discriminate unlawfully against persons with disabilities. This also extends to prohibit unlawful discrimination based on a person's relationship or association with a disabled individual. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) along with work assignments, classifications, seniority, leave, and all other forms of employment compensation or advantage.

**Reasonable Accommodation** – Reasonable accommodation is available to all qualified employees and applicants with disabilities, unless it imposes an undue hardship on the Town and/or operations of a program. The Town may require medical documentation or other information necessary to verify the existence of the disability and the need for accommodation. Following receipt of an accommodation request, the Town will meet with the requestor to discuss and identify the precise limitations resulting from the disability and the potential accommodation(s) that the Town might make to help overcome those limitations.

The Town will determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodations(s), and the accommodation's impact on Town operations.

**Pre-Employment Inquiries** – Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position and not any disabling condition. Pre-employment physical exams will only be requested when in compliance with the law. The Town of Ancram intends to base employment decisions on principles of equal employment opportunity and nondiscrimination, as defined by law.

**Notification of Policy Violations** – An employee should immediately report any perceived violation of this policy to the employee's Department Head. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported in writing to the Town Supervisor or any member of the Town Board. All complaints of possible violations will be investigated discreetly and promptly. An employee who reports a possible violation will not suffer adverse employment consequences as a result of making the complaint. This procedure is not intended to restrict an individual's rights to make a complaint to a federal or state agency.

**Application of Policy** – This policy is for Town use only and does not apply in any criminal or civil proceeding. This policy shall not be construed as a creation of higher legal standard of safety or care in an evidential sense with respect to third party claims. Violations of this policy will only form the basis for Town administrative action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

## *903 Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace*

**Policy Statement** – It is the policy of the Town of Ancram to promote a productive work environment and to prohibit conduct by any employee that disrupts or interferes with another's work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with this goal, the Town of Ancram is committed to educate employees in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to provide an effective means of eliminating such discrimination and harassment from the workplace. Any conduct that discriminates against, denigrates or shows hostility or aversion towards a person on the basis of gender, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, genetic predisposition, sexual orientation, domestic violence victim status, or any other protected status is strictly prohibited. In short, the Town will not tolerate any form of discrimination or harassment, including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such harassment in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and harassment, including sexual harassment, without any risk of repercussion to an employee who, in good faith, files such complaint.

**Applicability of Policy** – This policy applies to all Elected Officials, employees, and Department Heads, whether employed full or part-time, temporary or seasonal, whether elected or appointed and regardless of compensation level, and all personnel in a contractual relationship with the Town. Depending on the extent of the Town's exercise of control, this policy may be applied to the conduct of non-Town employees with respect to harassment of Town employees in the workplace.

**Supervisory Responsibility** – Department Heads and supervisory personnel are responsible for ensuring a work environment that is free from discrimination and harassment, including sexual harassment. Supervisors must take immediate and appropriate corrective action when instances of discrimination or harassment come to their attention in order to assure compliance with this policy.

**Prohibited Activity** – No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any person. Employees shall not make offensive or derogatory comments based on race, color, sex, religion, national origin, or any other protected status either directly or indirectly to another person. Employees shall not produce offensive or inappropriate written materials or electronic communications (e.g. letters, e-mail or text messages, or graffiti.) These are examples of harassment that are a prohibited form of discrimination under State and Federal employment law and also considered misconduct subject to disciplinary action by the Town; it is not intended to be a comprehensive list and does not limit the Town's ability to take disciplinary action in other appropriate instances.

**Definition of Sexual Harassment** – This policy places special attention on the prohibition of sexual harassment in the workplace. Sexual advances that are not welcome, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made, either explicitly or implicitly, a term of condition of an individual's employment; OR

- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, such as promotion, transfer, or termination, affecting such individual; OR

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment refers to behavior that is not welcome, that is personally and objectively offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with an employee's work performance and/or effectiveness or creates an intimidating, hostile or offensive working environment. Exposure to such conduct that serves to alter the terms and conditions of employment is prohibited by this policy and state and federal law.

**Forms of Sexual Harassment** – Specific forms of behavior that the Town of Ancram considers sexual harassment and which are prohibited include, but are not limited to, the following:

- Quid pro quo threats or promises by a supervisor (loss of job or promise of job, promotion, or other employment benefit).

- Verbal harassment of a sexual nature related to an employee's gender, including sexual innuendoes, slurs, sexual slurs, suggestive, derogatory, insulting or lewd comments or sounds, whistling, jokes of a sexual nature, sexual propositions and/or threats.

- Sexually oriented comments about an employee's body that are unwelcome and/or unreasonably interfere with an employee's work performance or create an intimidating, hostile, or offensive working environment.

- Any sexual advance that is unwelcome or any demand for sexual favors.

- Sexually suggestive written, recorded or electronically transmitted material, showing or displaying pornographic or sexually explicit objects or pictures, graphic commentaries, leering or obscene gestures in the workplace such that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment.

- Physical contact of any kind which is not welcome, including touching, grabbing, hugging, fondling, jostling, petting, pinching, coerced sexual intercourse or sexual relations, assault or intentional brushing up against a person's body.

**Reporting of Discrimination and Harassment (including Sexual Harassment)** – Employees are encouraged to report incidents of harassment (including sexual harassment) to their Department Head and/or Town Supervisor as soon as possible after their occurrence. If the employee's Department Head is believed to be involved in the incident, or if the employee is not comfortable in addressing the matter with the Department Head, the report should be made directly to the Town Supervisor. If the Town Supervisor is the source of the alleged harassment, the employee should report the problem to a Town Board member. Employees who believe they have been discriminated against or harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their Department Head, the Town Supervisor, or any member of the Town Board. Employees who work during off-hours are encouraged to contact their Department Head, the Town Supervisor, or any member of the Town Board at home if these individuals do not work during the employee's shift.

**Discrimination and Harassment (including Sexual Harassment) Complaint Form** – To ensure that all discrimination and harassment complaints are managed appropriately, effectively and in accordance with the Town's policy, discrimination and harassment complaints, including sexual harassment complaints, will be recorded in writing by using the Town sanctioned Complaint Form. These forms can be obtained from the Town Supervisor's Office. If needed, additional guidance can be obtained from the Town Supervisor's Office.

**Confidentiality** – Complaints of harassment will be handled and investigated promptly and in a manner that is as impartial and confidential as possible. In no event will information concerning a complaint be released by the Town to third parties or to anyone within the Town employment who is not directly involved in the investigation or handling of the complaint unless otherwise required by law.

**Investigation of Complaint** –The Town Supervisor will convene with the Town Board in executive session to determine the appropriate individual(s) to conduct the investigation. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident(s) occurred. Any complaints received will be investigated promptly, thoroughly, and in as impartial a manner as possible. All employees are required to cooperate in an investigation, if so directed.

**Employee or Elected Official Defense** – Any employee or Elected Official charged with discrimination or harassment, including sexual harassment, will be afforded a full and fair opportunity to offer and present information in their defense. Such information will be confidential to the extent possible.

**Employee Rights** – Nothing in this policy should be construed as in any way limiting employees' rights to file a formal complaint with appropriate state or federal agencies responsible for administering anti-discrimination laws.

**Disciplinary Action** – Any employee or official who is found to have committed an act of workplace discrimination or harassment, including sexual harassment, will be subject to disciplinary action, up to and including termination of employment, as provided by Town operating procedures, including Civil Service Law Section 75. Any Elected Official who violates this policy will be subject to remedial action as provided for and/or allowed under NYS Public Officers Law, as well as any other applicable statutes. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, to the extent that the Town is empowered to take such action.

**Prohibition Against Retaliation** – Retaliation against any employee who brings a written or verbal complaint of discrimination or harassment or who assists or participates in the investigation of such a complaint is strictly prohibited. The Town will not tolerate or permit adverse treatment of employees because they report discrimination or harassment or provide information related to such complaints. Any employee who participates in the procedure may do so without fear of retaliation. Violations of this policy may result in disciplinary action up to and including termination of employment.

## *904 Violence in the Workplace*

**Policy Statement** – The Town of Ancram is committed to providing its employees with a work environment that is safe, secure, and free from violence. The Town also considers the safety of its residents, vendors, contractors, and the general public (collectively referred to as "visitors") to be of paramount importance and strives to provide them the same type of protections while on Town property. The Town considers any threat of violence or potential violence as legitimate, and will take immediate appropriate action, including the involvement of law enforcement. Implementation of this policy will include compliance with the NYS Workplace Violence Prevention Act in accordance with NYS Labor Law Section 27-b.

**Prohibited Conduct** – The Town has zero tolerance for violence of any kind in the workplace, including but not limited to, physical assault (e.g., hitting, pushing), threatening, intimidating, or aggressive behavior, or verbal abuse or harassment. In addition, employees and visitors are prohibited from possessing firearms or weapons (e.g., guns, knives, explosives, and other items with the intention to inflict harm) in the workplace, even if licensed to carry the weapon. The only exceptions are law enforcement and authorized security personnel. An employee who has knowledge that a coworker or visitor possesses a weapon on Town property must report this to a Department Head immediately.

For the purpose of this program, the workplace is defined as any location away from an employee's home, either permanent or temporary, where the employee performs any work-related duty in the course of employment. This includes, but is not limited to, Town-owned buildings and surrounding perimeters, parking lots, work sites, clients' homes, and traveling to and from work assignments.

**Reporting Requirements** – An employee who is subject to, witnesses, or becomes aware of any threats or acts of violence should inform the employee's Department Head immediately. Likewise, any suspicious individuals or activity must be reported immediately.

**Policy Violations** – Violations of this policy will result in appropriate remedial, disciplinary, and/or legal action, according to the circumstances.

**Prohibition Against Retaliation** – An employee will not be subject to criticism, reprisal, retaliation, demotion, discrimination, disciplinary action, or other adverse employment action for making a good faith report of acts pursuant to this program.

## *905 Drug-Free Workplace / Drug Free Awareness Program*

**Policy Statement** – It is the policy of the Town of Ancram that the unlawful manufacture, distribution, dispensation, possession, or use of an illegal controlled substance as defined in the Federal Drug-Free Workplace Act, is prohibited on the job or at the workplace.

**Coverage** – The Town of Ancram's Drug-Free Workplace Policy pertains to all individuals who are employed by the Town of Ancram.

**Compliance with Federal Drug-Free Workplace Act** – The Federal Drug-Free Workplace Act of 1988 is applicable to all recipients of Federal grants. In order to receive federal funds, the Town must certify to the granting Federal agency that it will provide a drug-free workplace in accordance with the legislation. As a recipient of Federal grants, the Town hereby complies with the requirements of the Drug-Free Workplace Act by adopting this policy and drug-free awareness program:

**Prohibited Conduct** – No employee shall use, sell, distribute, dispense, possess, or manufacture any alcoholic beverage, illegal drugs, or any other intoxicating substance, nor be under the influence of such, while on duty, at any job site or workplace, or in a Town vehicle, a vehicle leased for Town business, or a privately owned vehicle being used for Town business. An employee who, after investigation, is found to have violated this prohibition may be referred for counseling or rehabilitation and satisfactory treatment and will be subject to criminal, civil and disciplinary penalties, up to and including termination of employment. Any work-related accident or injury involving a Town vehicle, equipment, and/or property where it can be demonstrated that the use of alcohol, illegal drugs, or any other intoxicants may have been a contributing factor will result in disciplinary action which may include penalties up to and including termination of employment.

**Use of Prescription and Over-the-Counter Drugs** – Prescription drugs must be in the possession of the individual to whom the prescription was written, taken in the dosage prescribed, and maintained in their original containers. Employees in public safety or safety-sensitive positions must inform their supervisors of any prescription or legal, nonprescription (i.e., over-the-counter) drugs they are currently taking that could in any way affect or impair the employee's ability to perform the job safely. The legal use of prescribed and over-the-counter drugs is permitted on the job only if it does not impair an employee's ability to perform the job safely and if it does not affect the safety or well being of other individuals in the workplace.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of the Town's drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur.

**Employee Assistance** – It is the policy of the Town to work with an employee suffering from substance abuse so that the employee will receive assistance necessary to overcome dependency. An employee seeking such assistance is encouraged to contact the employee's Department Head to discuss the situation before problems begin to surface in the workplace. Any disclosures made by an employee will be treated as strictly confidential to the greatest extent practicable. The employee's decision to seek assistance will not be used as the basis for disciplinary action nor used against the employee in any disciplinary proceeding.

**Employee Responsibilities** – As a condition of the Town receiving Federal grant monies, each employee must abide by this policy and notify the employee's Department Head of any criminal drug statute conviction for a violation occurring in the workplace within five calendar days of the conviction.

**Town Responsibilities** – The Town will notify the granting federal agency within ten days after receiving notice from an employee of such a conviction or otherwise receiving actual notice of such conviction. In addition, within thirty calendar days of receiving notice of a conviction, the Town will take disciplinary action against the employee and/or require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program pursuant to Sections 702 and 703 of the Drug-Free Workplace Act.

**Drug-Free Awareness Program** – It is the policy of the Town of Ancram to maintain a drug-free workplace. In accordance with that policy, the Town is providing the following drug-free awareness information to raise employee awareness of the dangers associated with drug abuse in the workplace.

***Dangers of Drug Abuse in the Workplace***

Employees with chemical dependence problems have a major negative impact on productivity, staff morale, and labor/management relations. Their hidden illness is responsible for:

1. Declining Performance

    - poor concentration
    - confusion in following directions
    - noticeable change in the quality of work
    - inability to meet deadlines
    - errors in judgment affecting the health and safety of others
    - customer complaints and injuries

2. Increased Costs

    - five times the average sick and accident benefits
    - higher job turnover, replacement and training costs
    - greater workers' compensation and health insurance payments
    - 3 to 5 times more on-the-job accidents
    - unemployment claims

3. Absenteeism and Tardiness

    - double the normal rate
    - repeatedly being late for work and often leaving early
    - extended lunch hours
    - frequent illness and accidents both on and off the job

4. Damaged Relationships

    - emotional outbursts, over-reaction to criticism, mood swings, complaints from co-workers, associates and the public often leading to damaged relations

## *906 Controlled Substance and Alcohol Testing*

**Statement of Compliance** – The Town Board has adopted a Controlled Substance and Alcohol Testing Policy that is in compliance with the "Omnibus Transportation Employee Testing Act of 1991" (OTETA). The purpose of this policy is to reduce accidents resulting from an employee's use of controlled substances and alcohol, thus reducing fatalities, injuries and property damage.

**Covered Employees** – The Town's Controlled Substance and Alcohol Testing Policy applies to all covered drivers as defined by the federal regulations, which includes all employees who drive commercial motor vehicles (as defined in Sec. 382.107 of the OTETA) requiring a commercial driver's license to operate.

**Acknowledgment Form** – A covered employee will receive a written copy of the Controlled Substance and Alcohol Testing Policy and must sign an Employee Acknowledgment Form. This form will be placed in the employee's personnel file.

## *907 Smoking and Tobacco Products*

**Policy Statement** – In accordance with the NYS Clean Indoor Air Act, it is the policy of the Town to prohibit smoking in the workplace, which includes all Town buildings and all Town vehicles. In addition, the Town prohibits the use of tobacco in any form within all indoor spaces and vehicles owned by, or under the jurisdiction of, the Town of Ancram.

# 1000 SAFETY

## *1001 Workplace Safety*

**Policy Statement** – Prevention of injury and illness in the workplace requires the cooperation of all employees in all safety and health matters. It is the policy of the Town to reduce the number of workplace injuries and illnesses to an absolute minimum. Accidents can be prevented through use of reasonable precautions and the practice of safe working habits.

**Employee Responsibility** – In an effort to protect all employees and to safeguard equipment and property, before an employee begins a given task, it is the employee's responsibility to understand the correct operation and possible hazards involved, safety procedures, and necessary safety equipment required to perform the job.

**Safety Program** – The Town's safety program includes, but is not limited to, the following:

- Providing mechanical and physical safeguards to the maximum extent possible;
- Conducting inspections to find and eliminate unsafe working conditions and practices, control health hazards, and comply with the safety and health standards for every job;
- Training all employees in safety and health practices;
- Providing necessary personal protective equipment and instructions for its use and care;
- Developing and enforcing safety and health rules and requiring that employees cooperate with these rules as a condition of employment;
- Investigating, promptly and thoroughly, every accident to find the cause and correct the problem to prevent future occurrences;
- Providing First Aid kits and fire extinguishers throughout buildings and facilities.

**Accident Plan** – In the event of an accident, an employee must immediately stop work and take the following steps:

- Eliminate the immediate cause of the accident;
- Provide aid to the injured person and summon for assistance;
- Call the Department Head immediately;
- If the accident appears serious, call 911; and
- Take steps to prevent additional accidents.

**Accident Reporting Procedures** – In the event an accident occurs in the workplace or in the course of employment, the following procedures will apply:

- When an accident occurs which results either in the loss of an employee's work time, or in the provision of medical care to an employee, the employee must immediately notify the appropriate Department Head, who will complete an *Employer's Report of Injury Form (C-2)* and submit according to operating procedures.

- When an accident occurs which does not result in the loss of an employee's work time, or in the provision of medical care to the employee, the employee must immediately notify the applicable Department Head, who will maintain appropriate documentation of the incident.

- The Highway Superintendent will keep a log of the injury or illness for five years following the end of the calendar year to which it relates. A copy of this log, which includes totals and information for the year, must be posted in each department or areas where notices to employees are customarily posted.

## *1002 Hazard Communication Program*

**Statement of Compliance** – The Town of Ancram is committed to providing a safe and healthy work environment and complies with all Federal, State and local laws regarding hazard recognition, accident prevention, and working conditions. The Town considers Hazard Communication and the prevention of workplace injuries and illnesses to be of prime importance.

**Guidelines** – The following guidelines for the identification of chemical hazards and the preparation and proper use of containers, labels, placards, and other types of warning devices must be adhered to:

- **Chemical Inventory** – The Town must maintain an inventory of all known chemicals in use. An employee may obtain the chemical inventory from the employee's Department Head.

- **Container Labels** – All chemicals on a work-site must be stored in the original or approved containers with the proper label attached. The Department Head must ensure that each container is labeled with the identity of the hazardous chemical contained and any appropriate hazard warnings. The Town will rely on manufacturer applied labels whenever possible. A container that is not labeled or on which the manufacturer's label has been removed, must be properly labeled. A container not properly labeled must be given to the Department Head for labeling or proper disposal.

- **Dispensing Chemicals** – An employee may dispense chemicals from original containers only in small quantities intended for immediate use. Any chemical leftover must be returned to the original container or to the Department Head for proper handling. No unmarked containers of any size are to be left in the work area unattended.

**Material Safety Data Sheets (MSDS)** – An employee working with a Hazardous Chemical shall obtain a copy of the Material Safety Data Sheet (MSDS) and a standard chemical reference from the employee's Department Head.

**Employee Training** – An employee must be trained to work safely with hazardous chemicals. This training program must cover the following areas:

- Methods used to detect the release of hazardous chemicals in the workplace;
- Physical and health hazards of chemicals and the measures used to protect employees;
- Safe work practices;
- Emergency responses to the exposure of hazardous chemicals;
- Proper use of personal protective equipment; and
- Hazard Communication Standards, including labeling and warning systems, and an explanation of the use of Material Safety Data Sheets.

**Personal Protective Equipment (PPE)** – Depending on job duties, an employee must routinely wear protective devices, such as gloves and safety glasses, as directed by the supervisor. An employee who is required to wear special safety equipment as directed by the supervisor must comply with the supervisor's request.

**Emergency Response** – Any incident of overexposure or spill of a hazardous chemical/substance must immediately be reported to the employee's supervisor. The supervisor must insure that proper emergency response actions are taken.

**Hazards of Non-Routine Tasks** – The Department Head must inform employees of any special tasks that may arise which would involve possible exposure to hazardous chemicals. Review of safe work procedures and use of required PPE must be conducted prior to the start of these tasks. Where necessary, areas will be posted to indicate the nature of the hazard involved.

# 1100 COMMUNICATION PROCEDURES

## *1101 Organizational Communications*

**Summary** – The Town Board is committed to assuring effective communications between the Board and employees. The success of the organization is dependent upon a set of common interests and goals that are achieved through teamwork, sharing of ideas, and effective communications of our short-term and long-term plans. From time to time, information and updates will be distributed to employees. All employees are encouraged to discuss this information with their Department Head should there be any questions.

**Methods of Communication** – Information will be communicated to employees in a variety of ways, including general and departmental meetings, e-mail distributions, memos and other written correspondence, notices distributed with paychecks, and posting of information. Employees should check bulletin boards frequently to keep informed on changes in employment matters and other items of interest. All material to be posted on bulletin boards, including memos and announcements, must have the prior approval of the appropriate Department Head.

## *1102 Adverse Communications*

**Policy Statement** – An employee who receives any communication of a negative nature directed to the Town, or to any of its officers or employees in their official capacity, shall immediately notify and/or forward the communication to the appropriate Department Head. The term "communication" shall refer to both written and verbal communications, and includes, but is not limited to, memoranda, faxes, messages, letters, legal notices, e-mails, summonses and other communications.

## *1103 Suggestions*

**Policy Statement** – Giving and receiving feedback is encouraged in order to promote a positive, productive, and cooperative atmosphere. Employees should notify their Department Head of any suggestions which may be valuable to the Town's productivity and success. All suggestions will be carefully reviewed and may be implemented if feasible.

## *1104 Public Relations*

**Policy Statement** – The courteous, professional treatment of members of the public by all employees helps to build confidence among the citizens we serve. We require all employees to make every effort to represent the Town in a polite and professional manner.

## *1105 Reporting of Improper Activities*

**Policy Statement** – Any employee who witnesses or becomes aware of an inappropriate action, improper financial circumstance, inappropriate use of Town funds or property, safety issue, or other matter that appears to be improper, should immediately make his or her Department Head, the Town Supervisor, or any Town Board member aware of the issue. Even if you are in doubt about what you witnessed or were made aware of you should report the matter. There shall be no retaliation or adverse action taken against any employee who makes such a report in good faith, even if the matter reported is, after investigation, not found to be improper.

# 1200 DISPUTE RESOLUTION

## *1201 Dispute Resolution Procedure*

**Policy Statement** – The Town Board has established a set of procedures to provide for the orderly resolution of differences at the earliest possible stage and to promote a harmonious and cooperative relationship between employees, Department Heads and members of the Town Board which will enhance the overall operation of the Town. The Town will attempt to resolve all work-related complaints that are appropriate for handling under this policy.

**Definition of Dispute** – For the purpose of this Employee Handbook, a "dispute" will mean a claimed violation, misinterpretation or inequitable application of any of the provisions of this Employee Handbook. In addition, the term "dispute" shall not apply to any matter as to which the Town is without authority to act. A few examples of matters that may be considered appropriate disputes under this policy include:

- A belief that Town policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee;
- Treatment considered unfair by an employee, such as coercion, reprisal, harassment, or intimidation;
- Alleged discrimination because of race, color, sex, age, religion, sexual orientation, national origin, marital status, disability; or any other protected class; and
- Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, salary, or seniority.

**Step One** – An employee who claims to have a dispute must present the dispute to the employee's Department Head. The dispute must be submitted, in writing, within seven working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge. The dispute will specify the date of submission, the name of the aggrieved employee, the date the dispute arose, the nature of the dispute, the provision of the Employee Handbook that was allegedly violated and a statement of facts, times, dates, and the remedy sought.

Within seven working days after receiving the dispute, the employee's Department Head will meet with the employee to discuss and attempt to resolve the matter.

**Step Two** – In the event the informal dispute is not resolved at Step One, or the employee reasonably believes that the employee cannot present the dispute to the employee's Department Head, the employee may submit the matter to the Town Supervisor. The dispute must be submitted, in writing, within seven working days from receiving the Step One response, or when the response should have been received or if Step One is not utilized for the above reason, within seven working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge.

Within seven working days after receiving the dispute, the Town Supervisor will meet with the employee to discuss and attempt to resolve the matter. Within seven working days from the meeting, the Town Supervisor will issue a written response.

**Step Three** – In the event the employee is not satisfied with the response at Step Two, the employee may submit the matter to the full Town Board by filing a Request for Hearing with the Town Clerk. The Request for Hearing must be submitted, in writing, within seven working days from receiving the Step Two response, or when the response should have been received. The Request for Hearing will include a written statement of the dispute as outlined in Step One of this Procedure.

The Town Board will set the time and place for the hearing. All decisions rendered by the Town Board will be final and binding.

**Time Limits** – The employee must adhere to the time limits set forth in this dispute procedure. In the event the employee does not advance the dispute to the next step within the established time limit, the dispute will be considered withdrawn and no further appeal will be accepted. The time limits may be extended by mutual agreement provided the extension is in writing, dated and signed by the employee and the person who is to receive the dispute.

**Final Decisions** – Final decisions on disputes will not be precedent-setting or binding on future disputes unless they are stated as official Town policy.

**Proper Use of Dispute Resolution Procedure** – Employees will not be penalized for proper use of the dispute resolution procedure. However, it is not considered proper use if an employee raises a dispute in bad faith or solely for the purposes of delay or harassment, or repeatedly raises meritless disputes. Implementation of the dispute procedure by an employee does not limit the right of the Town to proceed with any disciplinary action that is not in retaliation for the use of this procedure.

**Refusal to Proceed with Dispute** – The Town Board may, at its discretion, refuse to proceed with any dispute it determines is improper or baseless under this policy.

# 1300 EMPLOYEE ACKNOWLEDGEMENT FORM

Detach and place in employee's personnel file.

## TOWN OF ANCRAM

## EMPLOYEE HANDBOOK ACKNOWLEDGMENT

I hereby acknowledge that I have received a copy of the ***Town of Ancram Employee Handbook*** outlining the rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits of the Town of Ancram. I further acknowledge that I have read, or will read, the contents of the Employee Handbook and will contact my Department Head or the Town Supervisor if I have any questions.

I understand that the Employee Handbook is not meant to create a contract of employment, nor should it be construed as creating a contract of employment and that the Town Board of the Town of Ancram reserves the right to interpret, change or modify any section of the Employee Handbook at any time. Except as otherwise provided by law, I understand that I am an employee at will.

I agree to abide by the personnel policies, procedures, rules and regulations outlined in the Employee Handbook.

I understand that the Employee Handbook and the changes contained herein are intended to supersede all prior manuals and guidelines issued by the Town of Ancram, and may be changed from time to time, by the Town of Ancram.

| | |
|---|---|
| Employee name (please print) | Department Head Name (please print) |
| Employee Signature | Department Head Signature |
| Date of Signature | Date of Signature |