TOWN OF SHANDAKEN

EMPLOYEE HANDBOOK

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Town of Shandaken
Employee Handbook

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100 INTRODUCTION

101 Welcome Message

We would like to welcome you and congratulate you on your appointment to a position with the Town of Shandaken. As a part of our team, you take on an extremely important role, that of serving the members of our community. Together, our mission is to provide cost-effective services that conform to the highest standards of quality.

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 trust that you will find service with the Town of Shandaken rewarding both personally and professionally.

102 A Message to Employees Represented by a Labor Union

This Employee Handbook has been developed by the Town of Shandaken to assist you in getting acquainted with your employment with the Town. A cooperative labor-management relationship not only lends to a positive work environment but also helps ensure a fair treatment in the workplace.

It is important that each member understand the personnel policies and procedures outlined in this Employee Handbook as they pertain to employee benefits and work rules.

In the event an expressed and explicit provision set forth in the collective bargaining agreement should conflict with an employee benefit, personnel policy, personnel procedure, or other provision set forth in this Employee Handbook, the expressed and explicit provision of the collective bargaining agreement will control. Otherwise, unless expressly excluded herein, this Employee Handbook will be applicable to all employees.

We hope that your career with the Town of Shandaken will be an enjoyable experience.

103 *Definitions*

Town of Shandaken - For purposes of this Employee Handbook, the Town of Shandaken 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 Shandaken.

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 Shandaken:

- Town Supervisor
- Town Board Members
- Town Justices
- Town Clerk / Tax Collector
- Superintendent of Highways
- Assessors

Town Supervisor - For purposes of this Employee Handbook, "Town Supervisor" will mean the Town Supervisor of the Town of Shandaken.

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 Shandaken. 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.

Supervisor - For purposes of this Employee Handbook, "supervisor" will mean the individual so designated by the Department Head to direct and inspect the performance of employees.

Employee - For the purposes of this Employee Handbook, "employee" will mean a person employed by the Town, including, but not limited to, an appointed official, an appointed member of a board or commission, 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 *Ulster County Civil Service Rules and Regulations.*

104 *The Purpose of this Employee Handbook*

Statement of Purpose – The purpose of this employee handbook is to communicate important information about many of the Town's personnel policies that affect employment and guide daily operations. 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, employment 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.

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 an Employee Handbook provision may form the basis for administrative action by the Town and any subsequent judicial proceeding.

Employee Responsibility - The Employee Handbook answers many questions about employment with the Town. Each employee is therefore expected to read, understand, and comply with all provisions of this employee handbook and to retain it for future reference.

Previous Employee Handbook - Unless otherwise notified, this Employee Handbook supersedes and replaces any previous employee handbook issued by the Town concerning all policies contained herein.

Police Department Benefits and Pay Practices – With respect to sworn personnel of the Town of Shandaken Police Department, in the event an expressed and explicit provision set forth in the document on police department benefits and pay practices as adopted by resolution of the Town Board should conflict with an employee benefit, personnel policy, personnel procedure, or other provision set forth in this Employee Handbook, the expressed and explicit provision of said document will control. Otherwise, unless expressly excluded herein, this Employee Handbook will be applicable to all sworn personnel of the Town of Shandaken Police Department.

CSEA Contract - In the event an expressed and explicit provision set forth in a collective bargaining agreement between the Town of Shandaken and the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, The Town of Shandaken Unit, Ulster County Local 856 should conflict with an employee benefit, personnel policy, personnel procedure, or other provision set forth in this Employee Handbook, the expressed and explicit provision of the collective bargaining agreement will control. Otherwise, unless expressly excluded herein, this Employee Handbook will be applicable to all employees.

Questions - Any questions regarding any topic covered in this Employee Handbook should be directed to the appropriate Department Head.

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

201 Full-Time Employees

For purposes of this Employee Handbook, the term "full-time employee" will mean an employee who is designated to regularly work a minimum of thirty-five hours per week, except for sworn personnel of the Town of Shandaken Police Department where it is a minimum of forty hours per week. *An employee who is a member of the CSEA collective bargaining unit should refer to the collective bargaining agreement, which infers that a full-time employee is 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 designated to regularly work less than thirty-five hours per week, except for sworn personnel of the Town of Shandaken Police Department where it is less than forty hours per week. *This definition is not applicable to a member of the CSEA collective bargaining unit.*

203 Temporary Employees

For purposes of this Employee Handbook, the term "temporary employee" will mean an employee who is employed on an interim or "as needed" basis (including someone who is replacing another employee on an approved leave of absence) or who is employed to work on a special or emergency 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 Non-Covered Employees

For purposes of this Employee Handbook, "FLSA non-covered employee" will mean an employee not covered under the Fair Labor Standards Act (FLSA).

206 *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.

207 *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.

300 THE CIVIL SERVICE SYSTEM

The following is intended as a guide. The Civil Service Law and the *Ulster County Civil Service Rules and Regulations* 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 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 *Ulster County Civil Service Rules and Regulations* will include all Town employees who are subject to the *Ulster County Civil Service Rules and Regulations*. 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 Ulster County Civil Service Department of persons who have taken the appropriate Civil Service examination. The Ulster County Civil Service Department 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 available candidates on the list 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" 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 *Veteran's Credits*

Summary - An employee who is a veteran as defined by the Civil Service Law may be eligible to apply for veteran's credits on a Civil Service examination. An employee who is a veteran should contact the Ulster County Civil Service Department for details concerning these credits.

400 EMPLOYMENT MATTERS

401 Oath of Office

Requirement - Each Town Officer as defined in the Town Law and 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 and must be filed in the office of the Town Clerk within thirty calendar days of commencement of the term of office. Each official who is re-elected or re-appointed to a subsequent term must take the Oath of Office for each term.

Legally, if no oath is taken within thirty calendar days of a person's assumption of office, it is considered therefore that person is declining the position.

Filing of Oath - The Oath of Office must be filed in either the Office of the County Clerk or the Town Clerk within thirty days of commencement of the term of office.

402 Procedure for Filling Vacancies

Statement of Compliance - The Town of Shandaken complies with all applicable federal, state and local laws, rules, and regulations throughout the employee selection process, including, but not limited to, the Public Officers Law, Town Law, Civil Service Law, Title VII, and the Americans with Disabilities Act, and is an Equal Opportunity employer.

Notification of Vacancies - In the event there is a vacancy in a new or existing position which the Town intends to maintain, the vacancy will be advertised and/or posted and qualified individuals interviewed. *An employee who is a member of the CSEA collective bargaining unit should refer to the collective bargaining agreement on the subject of "posting and promotion".*

Residency Preference - In the event there is a vacancy in a new or existing position which the Town intends to maintain, the Town will give preference to qualified applicants who are residents of the Town.

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 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 all applicants.

403 *Probationary Period*

Purpose of Probationary Period - 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 (Competitive Class) - Except as otherwise provided in the *Ulster County Civil Service Rules and Regulations*, an employee appointed from an open-competitive list must serve a probationary period of not less than eight weeks nor more than twenty-six weeks. The length of the probationary period may be extended in accordance with the *Ulster County Civil Service Rules and Regulations*.

Length of Probationary Period (Other Classes) - Except as otherwise provided in the *Ulster County Civil Service Rules and Regulations*, an employee's original appointment to a position in the exempt, non-competitive, or labor class shall be for a probationary period of not less than eight nor more than twenty-six weeks. The length of the probationary period may be extended in accordance with the *Ulster County Civil Service Rules and Regulations*.

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 or the CSEA collective bargaining agreement, 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 is not satisfactory, the employee shall be returned to the employee's former permanent position at the end of the probationary period.

404 *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. Except as otherwise governed by the CSEA collective bargaining agreement, the employee's performance appraisal may be considered in determining a pay increase and as a factor in promotion and disciplinary action.

Frequency - An employee will be formally evaluated at least once each year on a date determined by the employee's Department Head. Informal evaluations will occur on an as needed basis throughout the performance cycle.

Post-evaluation Conference - After an evaluation, 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 specific, reasonable, written recommendations for improvement.

Employee Reply - An employee's written reply, if any, will be attached to the performance appraisal report.

Documentation – All records pertaining to an employee's performance appraisal will be maintained in a confidential manner under the control of the Town Supervisor's Office.

405 *Corrective Discipline*

Policy Statement - It is the policy of the Town of Shandaken 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. *An employee must conduct oneself in a positive manner so as to promote the* best interests of the Town.

Forms of Discipline – Employees covered by **Civil Service Law Section 75** shall be disciplined in accordance with the provisions contained therein. (Refer to Section 406 of this Employee Handbook).

Sworn personnel of the Town of Shandaken Police Department should refer to the document on police department benefits and pay practices on the subject of "command discipline".

An employee who is a member of the CSEA collective bargaining unit should refer to the collective bargaining agreement on the subject of "discipline and discharge".

In normal circumstances, the Town endorses a policy of progressive and corrective discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. Nevertheless, the Town retains the right to discipline employees without engaging in progressive and corrective discipline if the situation requires such action. Progressive discipline will include written reprimands, suspension without pay, or termination of employment, depending on the circumstances. The Town does not guarantee that one type of discipline will precede another. Furthermore, the Town reserves the right to suspend an employee while an investigation is conducted.

Communication - Open and candid communications with all employees is an important aspect of the Town of Shandaken'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. After such a review, corrective action is discussed with the employee and the management involved.

Questioning Rights for Union-Represented Employees – During the investigation process, an employee who is a member of the CSEA collective bargaining unit who is covered under Section 75 and who appears to be a potential subject of disciplinary action may undergo questioning. Such employee will have the right to representation by the employee's certified or recognized employee organization under Civil Service Law Article 14, and will be given advanced notice, in writing, of such right. In the event the employee requests representation, the employee will be allowed a reasonable period of time to obtain such representation. In the event the employee is unable to obtain such representation within a reasonable period of time, the employer will have the right to then question the employee.

Corrective Action Notice - Employees are given the opportunity to agree or disagree with the results and write a brief statement on the corrective action notice, if desired. However, as a condition of employment, employees are required to sign the corrective action notice to indicate that a discussion of the issue has taken place. Failure to comply with this policy *could result in further disciplinary action, up to and including termination of employment.* Employees receive a copy of any written notice issued by the Town.

Prohibited Conduct - Any employee who, after investigation, is found to have violated the policies, procedures, rules, or regulations outlined in this Employee Handbook or those established by the employee's department, or is found to have engaged in misconduct will be subject to disciplinary action in accordance with this policy, Civil Service Law Section 75, or the collective bargaining agreement, as applicable. Employees will be subject to disciplinary action for engaging in misconduct including, but not limited to, the following:

- Falsification of any records or reports, employment applications, medical reports, time records, work-related records, absence from work, injuries on the job, claims for benefits provided by the Town;
- *Intimidation, coercion, threatening, or assault of, or fighting or interfering with, other* employees, Elected Officials, residents of the Town; or any other person;
- Engagement in any form of discrimination or harassment, including sexual harassment;
- Violation and/or disregard of valid confidentiality requirements related to Town matters;
- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities;
- Refusal to obey instructions of a Department Head or supervisor or any other form of insubordination;
- Careless or negligent use or operation of equipment, including vehicles and machinery;
- Willful or deliberate abuse, destruction, defacement, misuse, or theft of Town property or removal of Town property without permission;
- Illegal gambling on Town property;
- Sleeping on the job, unless authorized by a Department Head or supervisor;
- Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment;
- Repeated violations of Town policies, procedures or prohibited conduct;
- Leaving work area without permission, as defined by the Department Head;
- *Unauthorized tardiness and/or absences except those absences covered by state* and/or federal statutes;

- Unauthorized absences or repeated failure to give proper notice;
- Possession or use of controlled substances or alcohol while on Town property or in Town vehicles;
- Possession of illegal or unlicensed firearms or explosives on Town property or in Town vehicles; or
- Acts of sabotage.

The above list is illustrative and is not intended to limit the Town's right to impose discipline in other appropriate cases.

406 *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.

Union Employees – Employees covered by a collective bargaining agreement are disciplined in accordance with such agreement.

Employees Not Covered by Section 75 - The following employees are not covered under Section 75:

- Any employee in the **Unclassified Service** (such as Elected Officials and members of boards and commissions);
- A **newly hired employee** serving a required probationary period, even if the employee is a veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law;
- An employee holding a position in the **Non-Competitive Class** who has less than five years of continuous uninterrupted service, unless the employee is an eligible veteran, as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, who has successfully completed the required probationary period;
- An employee holding a position in the **Non-Competitive Class** designated as **management/confidential**;
- An employee holding a position in the **Exempt Class**, unless the employee is an eligible veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, who has successfully completed the required probationary period;
- An employee holding a position in the **Labor Class** unless the employee is an eligible veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, who has successfully completed the required probationary period;
- An employee holding a position by **provisional appointment**; and
- A **Temporary** or **Seasonal** employee.

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

- 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, except when such an employee holds a position designated as management/confidential. 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. *Sworn personnel of the Town of Shandaken Police Department should refer to the document on police department benefits and pay practices on the subject of "command discipline". An employee who is a member of the CSEA collective bargaining unit should refer to the collective bargaining agreement on the subject of "discipline and discharge".*

- **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 and the proposed penalty.

- **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 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:

  - Written 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, 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 Ulster County Civil Service Department.

407 *Personnel File*

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, disciplinary and grievance or dispute notices, and performance appraisal.

Location of Files - All original personnel records for current employees will be kept in the Town Supervisor's office and will be maintained and controlled by the Bookkeeper. For security purposes, these files will be locked at all times.

Immigration (I-9) Forms – All Immigration (I-9) Forms 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.

Medical Records - All employee medical records will be kept in a separate file apart from the employee's personnel file in the Town Supervisor's office and will be maintained and controlled by the Bookkeeper. For security purposes, these files will be locked at all times.

Substance Testing Records - All employee substance testing records will be kept in a separate file apart from the employee's personnel file in the Town Supervisor's office and will be maintained and controlled by the Bookkeeper. For security purposes, these files will be locked at all times.

Change in Status - An employee must immediately notify the Bookkeeper 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.

Employee Access - An employee may review and have copies made of the contents of the employee's own personnel file, with exception of letters of reference. Requests must be in writing to the Town Supervisor and will be scheduled at a mutually convenient time. An authorized official must be present when the employee inspects the file. The employee may not place any documents in the file without the approval of the Town Supervisor. Copies of records contained in an employee's personnel file may not be released to a third party without the written consent of the employee, unless federal, state or local laws require otherwise. *Sworn personnel of the Town of Shandaken Police Department should refer to the document on police department benefits and pay practices on the subject of "personnel folder".*

408 *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.

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 at least thirty calendar days before the date of resignation is to be effective.

Exit Interviews - *Exit interviews are normally conducted by the Bookkeeper, except for* sworn personnel of the Town of Shandaken Police Department where exit interviews are normally conducted by the Officer in Charge. The exit interview provides an opportunity to discuss a number of items including employee benefits, COBRA eligibility, changing of computer passwords, and return of Town property. During the exit interview, employees are encouraged to give suggestions, concerns and constructive recommendations.

Documentation – All records pertaining to an employee's separation from employment will be maintained in a confidential manner in the employee's personnel file.

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 at the annual organizational meeting. 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 approve all employee work schedules, except where otherwise* prohibited by applicable State or Town Law.

Full-Time Ambulance Personnel – Employees will be given 6 shifts per week.

1 Shift = 12 hours on Stand-by

Personnel in the ambulance department hired as part-time have no requirement to cover more than 2 shifts per week to maintain part time status. Further compensation will be paid if a part time employee covers shifts in excess of 6 per week, however, the employee's status will remain part-time regardless of the number of shifts covered.

For a part-time employee to establish full-time status, will require a positions availability, recommendation from the Department Head to the Town Board, and the Town Board's adoption by resolution.

The Chief Ambulance Technician is to supply records of time worked by full-time employees. Actual working time is defined as:

1. Calls
2. Equipment Repairs
3. Equipment Inspections
4. Re-Stocking
5. *Any time spent participating in an event*

Department Head Absences – Department Heads have duties that may require them to be absent from their offices at certain times during the day. In the event that a Department Head is absent from the office, basic departmental forms should be readily available for distribution and/or collection. It is the Department Head's responsibility to determine what services are to be provided and to schedule coverage of these basic services during scheduled business hours.

502 *Emergency Situations*

Closing Procedures - It is the Town of Shandaken's policy to remain open during all normally scheduled work hours. However, there may be times when inclement weather, power failure, or another similar emergency requires the Town Offices to open late, close early, or shut down for an entire workday. In such an event, the Town Supervisor may authorize the closing of non-emergency operations and excuse certain employees from work.

Notification - In the event the Town Offices open late or remain closed for the day, the Town will attempt to notify employees via telephone.

Inclement Weather - Employees are expected to report to work and remain at work during inclement weather conditions unless otherwise notified by the Town. When Town Offices have NOT officially closed, an employee who does not report to work or requests to arrive at work late or leave work early must obtain prior authorization from the employee's supervisor. Paid vacation or personal leave must be taken, if available, or the time off is without pay. If an FLSA-exempt employee has no paid leave benefits available, the employee will only be docked if a full workday is taken.

Closing Affect on Compensation – Pay for FLSA non-covered or exempt employees will not be affected by an emergency closing. Pay for FLSA non-exempt employees will be in accordance with the provisions below:

- **During Work** - A full-time or part-time employee who is directed by the Town Supervisor to leave work due to an emergency closing will be paid for the remainder of the employee's normal workday at the employee's regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime. A seasonal or temporary employee who is directed to leave work due to an emergency closing will not be paid for the remainder of the employee's normal workday. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

- **Prior to Reporting to Work** – If a determination is made to close operations prior to the start of a workday, the Town Supervisor will initiate notification to all affected employees. A full-time or part-time employee who is directed not to report to work due to an emergency closing will be paid for the employee's normal workday at the employee's regular rate of pay. A seasonal or temporary employee who is directed not to report to work will not be paid for the workday. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

Compensation for Employees On Scheduled Leave - An employee who is out of work on vacation, personal, sick, bereavement, or jury duty leave during an emergency closing will be charged such leave as scheduled.

Police Department - *Sworn personnel of the Town of Shandaken Police Department are not covered by or eligible for the Emergency Situations provision set forth above.*

Ambulance Service – *Personnel of the Town of Shandaken Ambulance Service are not covered by or eligible for the Emergency Situations provision set forth above.*

Union-Represented Employees - *An employee who is a member of the CSEA collective bargaining unit is not covered by or eligible for the Emergency Situations provision set forth above.*

503 *Meal and Rest Breaks*

Meal Periods - An employee who works more than six hours in a given day will receive a paid, duty-free meal period not to exceed thirty minutes.

Sworn personnel of the Town of Shandaken Police Department will follow departmental policy regarding meal periods.

An employee who is a member of the CSEA collective bargaining unit should refer to the collective bargaining agreement on the subject of "lunch periods", which provides for an unpaid half-hour lunch period.

Scheduling of Meal Periods --Meal periods will normally be in the middle of the employee's workday.

Observance of Meal Periods - 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 period. An employee is not allowed to work through the meal period to make up lost work time or to leave work early. In addition, the meal period may not be taken at the end of an employee's workday in order to leave work before the normal quitting time.

Rest Periods -- Employees in clerical or administrative positions may take brief, informal breaks to attend to personal needs.

Employees in labor-intensive positions will normally receive a paid, duty-free rest period of up to fifteen 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. An employee who chooses not to take a rest period will not be entitled to leave before the normal quitting time and will not receive extra pay for the time worked. Rest periods will be designated by the employee's Department Head in accordance with the needs and requirements of the department. Unless otherwise specified by departmental rules, all rest periods must be taken at the work-site and may not exceed the time allowed.

An employee who is a member of the CSEA collective bargaining unit is not covered by or eligible for the Rest Periods provision set forth above.

504 *Time Records*

Policy Statement - All FLSA non-exempt employees are required to complete an individual time record showing the daily hours worked. An FLSA exempt employee is not required to record daily attendance but must account for authorized paid leave taken by completing a time record indicating such. Employees in the Highway Department must punch a time card. *Employees in the Police Department record time worked in the departmental log.*

Procedures - All employees required to complete a time record or punch a time card must comply with the following procedures:

- Time records must be completed by the close of each workday;
- 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 verified and signed by the Department Head;
- The time record must be submitted to the Town Supervisor's Office by Monday at 12:00 noon;

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.

Unauthorized "Flex-Time" - Unless prior approval has been obtained from the Department Head, arriving early or leaving late for the employee's own convenience is not to be included in working time, provided that the employee performed no pre-approved authorized duties for the Town during such intervals.

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.

505 Bonding

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

506 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 properly completed voucher, including all required documentation and *corresponding receipts must be submitted to the Town Supervisor's Office in order for the* reimbursement to be processed.

Mileage - An employee who is directed by the appropriate Department Head or supervisor to use the employee's own vehicle to conduct Town business will be reimbursed at the IRS mileage rate. An employee's commute to work is not included.

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. *An employee who is a member of the CSEA collective bargaining unit is not covered by or eligible for this Education and Training provision.*

Association of Towns Meeting - Upon proper authorization of the Town Board, an employee or Elected Official who attends the annual meeting conducted by the Association of Towns will be reimbursed for all reasonable expenses. Delegates to this meeting will be selected by the Town Board.

507 *Vehicle Policy*

Policy Statement - All vehicles and related equipment of the Town of Shandaken 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.

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 assigned to the Town Supervisor, Water Superintendent, Superintendent of Highways, Highway Foreman (with approval from the Highway Superintendent), Officer in Charge, Police Detective, and Chief Ambulance Technician may additionally be used for travel between home and work or in the event of an emergency;

- Town vehicles must always be operated in a safe and responsible manner, and in compliance with all applicable traffic laws in effect. Employees are responsible for any driving infractions or fines that result from their operation of Town vehicles, and must report them to the their Department Head. In the event of an accident, regardless of severity, an accident report must be filed with the Town Supervisor's Office, by the applicable Department Head within twenty-four hours;

- Town vehicles may not be used to transport persons who are not officials or employees of the Town of Shandaken, 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. Any requests for maintenance or repair work should be directed to the Highway Superintendent;

- In the event a Town vehicle must travel outside the limits of the Town of Shandaken, the Department Head or supervisor must receive prior approval from the Town Board; either on a case by case basis or as a comprehensive approval for specified purposes;

- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on Town vehicles at any time.

508 *Driver's License*

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.

Commercial Drivers - An employee who operates a vehicle which requires a Commercial Driver's License (CDL), must maintain such license throughout employment. 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.

509 *Supplies, Tools and Equipment, and Fuel Usage*

Supplies - An employee may not use office supplies for personal use, including, but not limited to, paper, envelopes, and postage.

Office Tools and Equipment – With pre-authorization from the appropriate department head, and within reason, an employee may use computers, fax machines, and copiers for personal use but not for furtherance of any business or personal financial gain. If the fax transmission is long distance, the employee must reimburse the Town for the cost of the call. The employee is responsible for the proper care of all equipment while it is being used for personal use and must repair or replace any equipment damaged by the employee as a result of negligence or intentional misuse.

Mechanical Tools and Equipment - An employee may not use the Town Garage or tools and equipment for personal use. An employee must repair or replace any tool either lost or damaged by the employee as a result of negligence or intentional misuse.

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

510 *Telephone / Cell Phone Usage*

Guidelines - Telephone and cell phone usage must adhere to the following guidelines:

- 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, each employee is responsible for there being at least one employee in the department or office to answer telephones. If the department or office has a limited staff, arrangements must be made with another department or office for telephone coverage or an answering device must be in operation;
- Collect calls may not be accepted without the approval of the Department Head or supervisor;
- An employee may not make or receive personal telephone or cell phone calls during work hours, except in an emergency or to check briefly on family matters;
- An employee may not make 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.
- An employee must adhere to all applicable laws while using a cell phone in a Town vehicle.

511 *Computer Systems and Internet/On-Line Service*

Policy Statement - The purpose of this policy is to provide guidance for the use of Town-owned computer systems and internet/on-line service.

Computer Systems

Property – All computer systems, hardware, software, and files are the property of the Town of Shandaken. Licensed software cannot be reproduced.

Authority – Department Heads have the authority to inspect the contents of any computer equipment, data/files, or electronic mail ("e-mail") of their subordinates in the normal course of their supervisory responsibilities. In addition, the data/files of Department Heads and supervisors may be inspected by the Town Supervisor in the normal course of duty.

Usage – All computer systems, hardware, and software provided to an employee are provided 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 of Shandaken. 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.

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

- Any illegal activity;
- Threats or harassment;
- Slander or defamation;
- Transferring of obscene or suggestive messages or graphical images;
- Unauthorized commercial activity;
- Unauthorized accessing or attempting unauthorized access of another person's data/files;
- Unauthorized use 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);
- Installation or use of any unauthorized or unlicensed hardware or software;
- Installation or use of any hardware or software, not owned by the Town;

Internet/On-Line Service

Eligibility – Internet/on-line service may be provided to employees who can demonstrate a work-related reason to have access. Approval must be given by the employee's Department Head or supervisor.

"Netiquette" (Internet Etiquette) – Employees are expected to communicate in a manner that will reflect positively on both themselves and the Town of Shandaken.

Prohibited Uses - 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/on-line service usage.

Reliability – The Town of Shandaken is not responsible for loss or damage to a user's data or for the reliability of information that is obtained via the Internet/on-line service. Also, this information must be used in accordance with applicable copyright laws.

Security – There is no guarantee of privacy of data/files, including e-mail, on Town-owned computers. As stated herein, all files are subject to inspection by Department Heads and supervisors. Any employee who is required to have a password must submit that password to the employee's Department Head in a sealed envelope.

Procedure – 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, applicable collective bargaining agreement and/or applicable law, will begin.

512 Purchasing

Policy Statement - It is the policy of the Town to authorize certain individuals to make purchases on behalf of the Town. No employee shall make purchases for the Town, or use the Town's name to make purchases, unless so authorized by the Town Board.

513 *Code of Ethics*

Policy Statement - Pursuant to the provisions of Section 806 of the General Municipal Law, the Town Board recognizes that there are rules of ethical conduct for Elected Officials and employees that must be observed so as to maintain a high degree of moral conduct and public confidence. Therefore, the Town Board has adopted rules of ethical conduct. These rules are in addition to Article 18 of the General Municipal Law and any other law pertaining to ethical conduct or interest in contracts.

Definitions - For the purpose of the Town of Shandaken's Code of Ethics, the following terms shall have the meanings indicated:

- **Officer or Employee** - will mean and refer to an officer or employee of the Town of Shandaken, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person will be deemed to be a municipal officer or employee solely by reason of being a volunteer firefighter or civil defense volunteer.

- **Interest** - will mean and refer to a pecuniary or material benefit accruing to an officer or employee, unless the context otherwise requires.

Standards of Conduct - An officer or employee is subject to, and must abide by, the following standards of conduct:

- **Gifts** - An officer or employee may not directly or indirectly solicit any gift or accept or receive any gift having a value of twenty-five dollars or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that such gift was intended to influence the officer or employee, or could reasonably be expected to influence the officer or employee, in the performance of official duties or was intended as a reward for any official action on the officer's or employee's part;

- **Business before the Town or one's own department** - An officer or employee may not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the Town or one's own department over which the officer or employee has jurisdiction or to which the officer or employee has the power to appoint any member, officer or employee;

- **Representation before the Town for a contingent fee** - An officer or employee may not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of the Town, whereby the officer's or employee's compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this provision will not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered;

- **Disclosure of interest in legislation** - To the extent that an officer or employee knows thereof, the officer or employee, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board must publicly disclose on the official record the nature and extent of any direct or *indirect financial or other private interest the officer or employee has in such legislation;*

- **Investments which conflict with official duties** - An officer or employee may not invest or hold any investment, directly or indirectly in any financial, business, commercial, or other private transaction which creates a conflict with official duties;

- **Private employment** - An officer or employee may not engage in, solicit, negotiate for, or promise to accept private employment, or render services for private interests, when such employment or service creates a conflict with or impairs the proper discharge of official duties;

- **Confidential information** - An officer or employee may not disclose confidential information acquired in the course of official duties or use such information to further personal interest;

- **Future employment** - *No officer or employee, within two years from the termination of* services or employment with the Town, may accept employment which will involve contacts with the Town in which such employment takes advantage by virtue of ones' prior contact and relationship with the Town; or,

- **Future representation before the Town** - An officer or employee may not, after the termination of service or employment with the Town, appear before any board or agency of the Town in relation to any case, proceeding or application in which the officer or employee personally participated during the period of service or employment or which *was under the officer's or employee's active consideration.*

Penalties for Offenses - In addition to any penalty contained in any other provision of law, any person who shall knowingly violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

514 *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 are not permitted. Employees should not wear suggestive attire, athletic clothing, novelty buttons, and similar items of casual attire since this clothing does not present a businesslike appearance.

Safety Clothing and Equipment - An employee may be required to wear safety clothing and equipment as directed by the Department Head. If such is the case, the employee must comply with all safety requirements.

Uniforms – *An employee may be required to wear a uniform as directed by the Department* Head. If such is the case, the employee must comply with all requirements.

515 *Unauthorized Work*

Policy Statement - An employee may not perform work for any entity other than the Town during the employee's tour of duty, or claim that Town work was done when such is not the case.

516 *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 for monetary gain;
- 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;
- 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.

Notification of Outside Employment - A Town employee who wishes to engage in outside work should discuss the matter with the Department Head to ensure that the above guidelines are maintained.

517 *Solicitations/Distributions*

Policy Statement - It is the policy of the Town to prohibit solicitation and distribution on its premises by nonemployees 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 - 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.

518 *Town Property*

Employee Responsibility - An employee will be responsible for items 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
- Books or other Reference Materials, including this Employee Handbook

Return of Property - Except as otherwise provided by a collective bargaining agreement, all Town property must be returned to the Town before the employee's last day of work.

519 *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.

Personal Liability - An employee is expected to exercise reasonable care to safeguard personal items brought to work. Except as otherwise provided by a collective bargaining agreement, 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 Law Enforcement Officer at any time, with or without notice, with reasonable suspicion and authorization from the Town Supervisor. 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.

520 *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 restrictions established by Town policy and outlined 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.

Supervisory Responsibility – Supervisors are responsible for having their employees maintain their work areas according to the requirements of this policy. Each supervisor 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.

521 *Visitors*

Policy Statement – Visitors are allowed for brief visits as long as such visit does not interfere with Town operations or interrupt other employees who are still working.

522 *Smoking*

Policy Statement - It is the policy of the Town to prohibit smoking in all Town buildings and all Town vehicles.

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.

Scheduled Absences – Vacation requests must be submitted in accordance with the vacation leave policy in Section 802. Requests for personal leave must be submitted in accordance with the personal leave policy in Section 804. All requests for time off are subject to approval by the employee's Department Head on a case-by-case basis. *An employee who is a member of the CSEA collective bargaining unit should refer to the collective bargaining agreement on the subject of scheduling vacation leave and personal leave.*

Unscheduled Absences - An employee who is unable to report to work must personally contact the employee's Department Head as soon as possible before the employee's scheduled starting time. The employee must speak directly with the Department Head, unless the Department Head authorizes the use of an answering device for this purpose, indicating 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 cases of emergency.

Daily Notification - In the event an employee is unable to report to work, the employee must notify the employee's Department Head <u>each</u> day of the absence and state the reason for the absence. In the event the absence was pre-authorized or due to an extended illness, this requirement will be waived.

Notification of Sick Leave - In the event an employee must take sick leave, the employee must notify the Department Head as soon as possible before the employee's scheduled reporting time. The notification must be made personally to the Department Head, unless the Department Head authorizes the use of an answering device for this purpose. Unless an extended sick leave absence has been authorized, the employee must notify the employee's Department Head <u>each</u> day of the absence.

Early Departure - In the event an employee must leave work during the workday, the employee must notify the employee's Department Head prior to leaving.

602 *Jury Duty Leave*

Jury Leave - In the event a full-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. A part-time, temporary or seasonal employee shall receive paid jury duty leave if the employee is scheduled to work for the Town on the day the jury duty is served. An employee is obligated to notify the Commissioner of Jurors that the Town is paying the employee's full pay during jury duty. An employee can collect and keep any mileage expense reimbursement that may be issued by the court system for performing 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 four 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 effect an employee's entitlement to leave needed for military service under federal statute. The Town of Shandaken 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. No employees further rights are waived by this statement.

604 *Bereavement Leave*

Immediate Family - In the event of a death of a full-time employee's immediate family member, the employee may take a paid leave of absence for up to five consecutive scheduled workdays immediately following the death. Such leave will not be subtracted from any of the employee's leave credits. For purposes of bereavement leave, "immediate *family member" will mean the following:*

- Spouse or Domestic Partner
- Child
- Parent
- Stepchild

Extended Family - In the event of a death of a full-time employee's extended family member, the employee may take a paid leave of absence for up to three consecutive scheduled workdays immediately following the death. Such leave will not be subtracted from any of the employee's leave credits. For purposes of bereavement leave, "extended *family member" will mean the following:*

- Sibling
- Parent-in-law
- Sister-in-law
- Brother-in-law
- Grandparent
- Daughter-in-law
- Son-in-law

Additional Bereavement Leave – An employee may receive an unpaid leave of absence or use vacation leave credits and/or personal leave credits to extend bereavement leave due to the death of an immediate or extended family member. The request must be submitted, in writing, to the employee's Department Head. The employee's Department Head shall have total discretion in the approval of such additional bereavement leave, based upon the needs of the department.

Funeral Leave - In the event of a death of a full-time employee's family member included in the list below, the employee may take a paid leave of absence for one day from the employee's regularly scheduled work to attend the funeral. Such leave will not be subtracted from any of the employee's leave credits.

- Aunt
- Uncle
- Grandparent-in-law

Part-time, Temporary, or Seasonal Employees - 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 employee's Department Head.

Police Department - *Sworn personnel of the Town of Shandaken Police Department are not covered by or eligible for the Bereavement Leave provisions set forth above and should refer to the document on police department benefits and pay practices on the subject of Bereavement Leave.*

Union-Represented Employees - *An employee who is a member of the CSEA collective bargaining unit is not covered by or eligible for the Bereavement Leave provisions set forth above and should refer to the collective bargaining agreement on the subject of Bereavement Leave.*

605 *Family and Medical Leave Act*

Statement of Compliance - The Town of Shandaken complies with the provisions of the Family and Medical Leave Act (FMLA). The Town of Shandaken 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 FMLA. If at some point the Town of Shandaken 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.

Summary - FMLA entitles an eligible employee to a maximum of twelve workweeks (defined by the employee's normal workweek) of job-protected, unpaid leave in any twelve-month period for certain family and medical reasons. The twelve-month period is a rolling period measured backward from the date an employee uses any FMLA leave. At the conclusion of a leave of absence under the FMLA, the employee will be restored to the position the employee held when the leave began or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment, provided the employee returns to work immediately following such leave.

Eligibility - To be eligible for an unpaid leave under FMLA, an employee must meet the following requirements:

- The employee must have worked for the Town for at least twelve months before the leave request (these need not be consecutive);
- The employee must have worked for the Town for at least 1,250 hours during the previous twelve months prior to the date the leave commences; and
- The employee must work at or report to a worksite which has fifty or more employees or is within seventy-five miles of worksites that taken together have a total of fifty or more employees.

An eligible employee will be afforded leave under FMLA under the following circumstances:

- Upon the birth of the employee's child and to care for the newborn child;
- Upon the placement of a child with the employee for adoption or foster care and to care for the newly placed child;
- To care for the employee's spouse, child, or parent who has a serious health condition; and
- Because of the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's job.

Return to Work - At the conclusion of the leave, 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.

606 *Family and Medical Leave Policy*

Policy Statement - It is the policy of the Town of Shandaken to grant a full-time employee a leave of absence without pay for a period of up to twelve weeks, under certain circumstances. Otherwise, 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 *Ulster County Civil Service Rules and Regulations.* 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 Family and Medical Leave Policy.

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

- **Sick Leave of Absence** – An employee who is unable to work because of a serious health condition or disability may be granted a sick leave of absence. This type of leave covers 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, an employee 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** – A female employee, when not disabled by pregnancy or childbirth (see above), and a male employee 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** – An employee 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 Shandaken 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; or 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; or any other person defined in the Family and Medical Leave Act 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 in 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 the thirty-day notice with no reasonable excuse for the delay may result in the delay of the employee taking the leave until thirty calendar days from the date of notice. When the need for leave is unforeseeable, verbal notice to the Town Supervisor will be sufficient.

Status Reports - The employee must periodically update the Bookkeeper 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 that 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, 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 Shandaken 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 be taken 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 Shandaken.

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 designated by the Town) 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 *Ulster County Civil Service Rules and Regulations*.

- **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. 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 paid or unpaid leave under this Family and Medical Leave Policy, an employee's eligibility status for medical insurance coverage will not change. All employee contributions 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, 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 and provided that the employee returns to work immediately following such leave (except for leaves beyond a one-year period), the employee 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 *Ulster County Civil Service Rules and Regulations*.

- **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. 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 and the Bookkeeper.

- **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.

607 *Unpaid Leave of Absence*

General Terms - Absences taken beyond an employee's leave accruals shall be considered unauthorized unless prior written approval has been given from the Town Board. Subject to the approval of the Town Board, unpaid leaves of absence other than under the Town's Family and Medical Leave Policy may be available to an employee for personal reasons including, but not limited to, family responsibilities and education.

Request for Unpaid Leave - The employee must submit such request and the reasons for the leave, in writing, to the Town Supervisor at least thirty calendar days prior to planned commencement of the requested leave. The Town Board has sole discretion in approving such leave.

Conditions of Leave - The Town Board will specify the duration of an unpaid leave of absence and to impose such other terms, conditions and restrictions on the employee as the Town Board, in its discretion, deems appropriate.

Continuation of Benefits - An employee on an approved unpaid leave of absence may continue to be eligible for medical insurance coverage in accordance with COBRA

Disability benefits and accruals for leave benefits shall be suspended.

Return to Work - An employee returning to work from an unpaid leave must submit request to return to work, in writing, to the employee's Department Head, at least fourteen calendar days in advance. If the employee's previous job cannot be vacated upon return, the employee will be given the first open position within the bargaining unit in an equal or lower grade, provided the employee is qualified to perform the job duties.

An employee who fails to return from an unpaid leave of absence at the scheduled expiration date without giving proper notice or receiving proper authorization shall be conclusively presumed to have voluntarily resigned from employment.

Change in Status - If the reason for the unpaid leave of absence changes, the employee must reapply or return to work.

* This section covers absences not covered by State and Federal Laws.

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.

Police Department - *Sworn personnel of the Town of Shandaken Police Department are not covered by or eligible for the Wage and Salary provisions set forth above and should refer to the document on police department benefits and pay practices on the subject of Bereavement Leave.*

Union-Represented Employees - *An employee who is a member of the CSEA collective bargaining unit is not covered by or eligible for the Wage and Salary provisions set forth above and should refer to the collective bargaining agreement on the subject of Bereavement Leave.*

702 Overtime

Authorization - A Department Head may require an employee to work additional hours beyond the employee's normal workday and workweek.

A FLSA non-covered employee or a FLSA exempt employee may regularly be required to work beyond the employee's scheduled work hours and does not need prior supervisory approval.

An FLSA non-exempt employee must receive authorization from the employee's supervisor before working beyond the employee's scheduled work hours. An employee must receive prior approval from the employee's Department Head or supervisor before working additional hours. An employee is not entitled to overtime pay for additional hours worked without proper authorization.

FLSA Non-Covered and Exempt Employees - In accordance with the Fair Labor Standards Act, FLSA non-covered and 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.

Sworn personnel of the Town of Shandaken Police Department should refer to the document on police department benefits and pay practices on the subject of "overtime pay".

An employee who is a member of the CSEA collective bargaining unit should refer to the collective bargaining agreement on the subject of "overtime pay".

Full-time personnel in the ambulance squad will be paid one and one-half times the employees regular hourly rate of pay for all time actually worked over thirty-five hours in a given work week – this does NOT include "Stand By".

Shift pay for additional shifts after working 6 shifts per week will be paid at one and one-half times shift pay.

Credit for Paid Leave – Holidays, vacation leave, personal leave, and sick leave will be included as time worked in the computation of overtime. Bereavement leave, jury duty leave, and all military leave will not be included as time worked in the computation of overtime.

Sworn personnel of the Town of Shandaken Police Department will follow departmental policy regarding paid leave in the computation of overtime pay.

An employee who is a member of the CSEA collective bargaining unit should refer to the collective bargaining agreement on the subject of paid leave in the computation of overtime pay.

Compensatory Time (Police Department Only) - With pre-authorization from the Officer in Charge, 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 officer will be credited with the equivalent of one and one-half hours for all authorized time worked over the officer's regular tour in a given workweek. An employee who is eligible for compensatory time may accumulate up to eighty hours in compensatory leave credits. In the event an employee accrues more than eighty hours of compensatory leave credits, the officer 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 it is earned or receive payment at the end of the calendar year at the officer's then current rate of pay.

703 *Pay Period and Check Distribution*

Payroll Period – Employees are paid on either a weekly, bi-weekly, or monthly basis, depending upon their job title. 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.

Payday – Paychecks for employees paid on a weekly basis will normally be issued on a Thursday. Paychecks for employees paid on a bi-weekly basis will normally be issued on a Wednesday. In the event the payday is a designated holiday, paychecks will be distributed on the previous workday.

Distribution - The Bookkeeper will deliver paychecks to the Department Heads for further distribution to employees.

Direct Deposit - The Town provides a direct deposit option for employees. If elected, the paycheck will be deposited directly into the employee's account at the designated financial institution. The employee must submit a signed, written authorization for direct deposit to the Bookkeeper.

Authorized Check Release - The Department Head will not release a paycheck to anyone other than the employee unless the employee has submitted a signed, written authorization with the Town Supervisor's Office.

704 *Payroll Deductions*

Statutory and Voluntary Deductions - In compliance with government regulations, the Town deducts the required portion of an employee's wages for federal, state, and social security taxes. An employee may voluntarily authorize payroll deductions for items such as insurance benefits and retirement by submitting a written authorization to the Bookkeeper. All statutory and voluntary payroll deductions are indicated on an employee's pay stub.

Garnishments - If the Town is required to deduct any garnishments from an employee's wages, the employee is notified as soon as possible.

Questions - Questions concerning paycheck deductions or how they were calculated should be directed to the Bookkeeper.

800 EMPLOYEE BENEFITS

801 Holidays

Designated Holidays - The following holidays will be observed on the day designated by the Town Board at its organizational meeting in January of each year:

1. New Year's Day
2. Martin Luther King Day
3. Presidents' Day
4. Good Friday
5. Memorial Day
6. Independence Day
7. Labor Day
8. Columbus Day
9. Election Day (Federal/State General)
10. Veterans' Day
11. Thanksgiving Day
12. Day after Thanksgiving
13. Christmas Day

Holiday Pay - A full-time FLSA non-exempt employee who **does not** work on a designated holiday will be paid for the day at the employee's regular daily rate of pay. An FLSA exempt employee will receive the employee's regular salary for each holiday.

A part-time FLSA non-exempt employee (*except part-time sworn personnel of the Town of Shandaken Police Department*) who **does not** work on New Year's Day, Independence Day, Thanksgiving Day, or Christmas Day will be paid for the day at the employee's regular daily rate of pay, provided the employee was otherwise scheduled to work on that day. *Part-time sworn personnel of the Town of Shandaken Police Department,* temporary employees, and seasonal employees are not eligible for holiday pay.

Assigned to Work on a Holiday - A full-time non-exempt employee who **does** work on a designated holiday will be paid for all hours worked at one and one-half times the employee's regular rate of pay plus "holiday pay" **or**, with the approval of the employee's Department Head, the employee will be paid for all hours worked at the employee's regular rate of pay and schedule another mutually agreed upon day off with pay within three months following the holiday. A FLSA exempt employee will receive the employee's regular salary for the day and with the approval of the employee's Department Head be allowed to schedule another mutually agreed upon day off with pay within three months following the holiday.

A part-time FLSA non-exempt employee (*except part-time sworn personnel of the Town of Shandaken Police Department*) who **does not** work on New Year's Day, Independence Day, Thanksgiving Day, or Christmas Day will be paid for all hours worked at one and one-half times the employee's regular rate of pay plus "holiday pay". *Part-time sworn personnel of the Town of Shandaken Police Department,* temporary employees, and seasonal employees who work on a designated holiday will be paid at the employee's regular rate of pay.

Sworn personnel of the Town of Shandaken Police Department should refer to the document on police department benefits and pay practices on the subject of compensation for working on a holiday.

An employee who is a member of the CSEA collective bargaining unit should refer to the collective bargaining agreement on the subject of compensation for working on a holiday.

Holiday Pay Requirements - An FLSA non-exempt employee must work the employee's scheduled workday before and the employee's scheduled workday after a designated holiday in order to receive holiday pay. For example, if the designated holiday is a Monday and the employee is scheduled to work the previous Friday and the following Tuesday, the employee must actually work that Friday and Tuesday to receive holiday pay for the Monday, unless the employee is on a scheduled paid vacation, scheduled paid personal leave, scheduled bereavement leave, or scheduled jury duty leave. *This provision does not apply to an employee who is a member of the CSEA collective bargaining unit.*

Holiday Pay During Paid Leaves - In the event a designated holiday occurs on an employee's regularly scheduled workday and the employee is on a paid leave of absence, the employee will receive holiday pay for the day and the employee's leave credits will not be charged for that day.

Religious Holidays - An employee may request an unpaid leave of absence for a religious holiday, observance, or practice that is not included in the above list of Town-observed holidays. An employee also has the option of using accumulated vacation or personal leave or taking the time off without pay (FLSA exempt employees are only docked for full day absences). The request must be submitted, in writing, to the employee's supervisor at least fourteen calendar days in advance. An employee will not be denied time off solely because it has been requested for religious reasons. Time off is generally granted so long as it does not create an undue hardship on the Town. A FLSA non-exempt employee may be allowed to make up the lost work time during the current workweek with prior supervisory approval, if work is available and if a mutually convenient time can be agreed to by the employee and the supervisor.

802 *Vacation Leave*

Allowance - A full-time employee is eligible for paid vacation leave in accordance with the vacation schedule listed below.

A part-time employee regularly scheduled to work at least twenty-six hours but less than thirty-five hours per week will be credited with paid vacation leave in accordance with the vacation schedule at 75% of the full-time rate.

A part-time employee regularly scheduled to work at least seventeen and one-half hours but less than twenty-six hours per week will be credited with paid vacation leave in accordance with the vacation schedule at 50% of the full-time rate.

	CREDITS PER MONTH
From date of hire	3.00 hours
After 3 years of continuous service	6.00 hours
After 4 years of continuous service	8.75 hours
After 10 years of continuous service	12.5 hours
After 20 years of continuous service	14.5 hours

For example, a full-time employee who has completed three years of continuous service on February 26th will see an increase in the number of hours credited from 6.00 hours per month to 8.75 hours per month; a full-time employee who has completed ten years of continuous service on November 21st will see an increase from 8.75 hours per month to 12.5 hours per month.

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. Continuous Service shall mean uninterrupted service with the Town of Shandaken. No credit will be given for service with any other municipality. 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. An absence due to the loss of employment due to a change in administration shall not constitute an interruption of continuous service.

Date Credited - The employee will be credited with vacation leave on the first day of the month after it has been earned.

New Employees - A new employee may not use paid vacation leave credits until after completion of six months of continuous service.

Accrual During Leaves of Absence - An employee will be credited with vacation leave credits while on a paid leave of absence, but not while on an unpaid leave of absence, including an unpaid leave of absence due to a Workers' Compensation claim.

Accumulation - An employee may accumulate vacation leave credits to a maximum of one-hundred and fifty hours. Any vacation credits in excess of one-hundred and fifty hours will be cancelled. However, in the event an employee is unable to take vacation leave due to no fault of the employee, the employee may "carry" the excess for ninety calendar days.

Scheduling - An employee must receive prior approval from the employee's Department Head to take vacation leave. The request must be submitted, in writing, to the employee's Department Head at least fourteen calendar days in advance. The Department Head will have total discretion in the approval of vacation leave. In the event more employees request vacation leave than minimum coverage permits, preference in the selection of a vacation period shall be given to the employee with the most service seniority. Vacation leave may be limited to ten consecutive workdays at any one time. Vacation leave may not be used in increments of less than one-half day. An employee may take vacation leave only after it has been credited.

Termination of Employment - An employee who resigns, retires or is laid off will receive 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 case of the death of the employee, the Town will pay the employee's designated beneficiary for any unused vacation leave.

Temporary or Seasonal Employees - A temporary employee or seasonal employee is not eligible for paid vacation leave but may be allowed to take time-off without pay provided the individual has prior approval from the Department Head.

Police Department - *Sworn personnel of the Town of Shandaken Police Department are not covered by or eligible for the Vacation Leave provisions set forth above,* ***except for scheduling and Termination of Employment,*** *and should refer to the document on police department benefits and pay practices on the subject of Vacation Time.*

Union-Represented Employees - *An employee who is a member of the CSEA collective bargaining unit is not covered by or eligible for the Vacation Leave provisions set forth above and should refer to the collective bargaining agreement on the subject of Vacation Leave.*

803 *Sick Leave*

Allowance - A full-time employee will be credited with the hourly equivalent of one full day of paid sick leave each month. (For example, an employee who is regularly scheduled to work 35 hours per week would receive 7.5 hours per month and an employee who is regularly scheduled to work 40 hours per week would receive 8 hours per month).

Date Credited - The employee will be credited on the first day of the month after it has been earned.

New Employees - A newly hired full-time employee will not be credited with sick leave credits prior to completing six months of continuous employment, at which time a full-time employee will be credited with the hourly equivalent of six days of paid sick leave.

Accrual During Leaves of Absence - An employee will be credited with sick leave credits while on a paid leave of absence but not while on an unpaid leave of absence, including an unpaid leave of absence due to a Workers' Compensation claim.

Accumulation - An employee may accumulate sick leave credits to a maximum of the hourly equivalent of one-hundred and sixty-five days (35-hour employee = 1237.5 hours; 40-hour employee = 1320 hours). Any sick leave credits in excess of the maximum will be canceled.

Sick Leave Sell-Back - A full-time employee shall have the option to sell back a portion of unused sick leave credits to which the employee is properly entitled at the employee's then current rate of pay. An employee must sell back the days in increments of five days, and can sell back a maximum of fifteen days per year, as long as the employee maintains a balance of at least thirty days of accumulated sick leave.

Use of Sick Leave - Sick leave is provided to protect an employee against financial hardship during an illness or injury. An employee may use sick leave credits for a non-work related illness or injury that inhibits the ability to perform the duties of the employee's job. An employee may use sick leave credits for medical and dental appointments that cannot be scheduled during non-work hours. Sick leave credits may not be used in increments of less than one hour. An employee may take paid sick leave only after it has been credited.

Family Sick Leave - An employee may use sick leave credits for family illness or injury only if the employee must provide direct care to an immediate family member. In the event the employee must be absent from work beyond a continuous five days, the employee should apply for leave under the Family and Medical Leave policy. For purposes of family sick leave, "immediate family member" will mean the employee's parent, spouse, or child, including step-child and foster child.

Notification of Sick Leave - In the event an employee must take sick leave, the employee must notify the Department Head as soon as possible before the employee's scheduled reporting time. The notification must be made personally to the Department Head, unless the Department Head authorizes the use of an answering device for this purpose. Unless an extended sick leave absence has been authorized, the employee must notify the employee's Department Head each day of the absence.

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 excessive amount of sick leave. The Town may require medical verification of an employee's absence to verify that the employee is able to return to work with or without restrictions.

Abuse of Sick Leave - An employee who, after investigation, is found to have demonstrated a pattern of sick leave abuse or to have used an excessive amount of sick leave will be subject to appropriate disciplinary action.

Retirement Credit - The Town Board has elected to provide Section 41-j of the Retirement and Social Security Law and allows credit for up to one hundred sixty five days of accumulated sick leave at the time of retirement. The additional service credit is determined by dividing the total unused, unpaid sick leave days (not to exceed 165 days) by 260. For example: 130 unpaid sick leave days ÷ 260 = .50 or 6 months additional service credit. To be eligible, an employee must retire directly from covered employment or within one year of leaving covered employment.

Termination of Employment - An employee who resigns, retires or is laid off will receive payment for unused sick leave to which the employee is properly entitled at the employee's then current rate of pay. In the event an employee leaves employment due to disciplinary action, the employee will not receive a settlement for unused sick leave. In case of the death of the employee, the Town will pay the employee's designated beneficiary for any unused sick leave.

Part-Time, Temporary or Seasonal Employees - A part-time employee, temporary employee, or seasonal employee is not eligible for paid sick leave but may be allowed to take time-off without pay provided the individual has prior approval from the Department Head.

Police Department - *Sworn personnel of the Town of Shandaken Police Department are not covered by the Sick Leave provisions set forth immediately above,* ***except for Use of Sick Leave, Family Sick Leave, Notification of Sick Leave, Abuse of Sick Leave, Retirement Credit, and Termination of Employment,*** *and should refer to the document on police department benefits and pay practices to the Police Agreement on the subject of Sick Leave.*

Union-Represented Employees - *An employee who is a member of the CSEA collective bargaining unit is not covered by or eligible for the Sick Leave provisions set forth immediately above,* ***except for Notification of Sick Leave, Abuse of Sick Leave, and Retirement Credit,*** *and should refer to the collective bargaining agreement on the subject of Sick Leave.*

804 *Personal Leave*

Allowance - A full-time employee will be credited with the hourly equivalent of six full days of paid personal leave each year. (For example, an employee who is regularly scheduled to work 35 hours per week would receive 45 hours each year and an employee who is regularly scheduled to work 40 hours per week would receive 48 hours each year). *Full-time sworn personnel of the Town of Shandaken Police Department will be credited with forty hours per year.*

Date Credited - An employee will be credited with personal leave on the first day of January of each year for use during that year.

New Employees - An employee who is hired after the first day of January in any given year will be credited with paid personal leave prorated by the number of months to be worked in the first calendar year of employment. Thereafter, the employee will be credited on the first day of January for use during that year.

Accumulation - An employee may not 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.

Use of Personal Leave - An employee may use personal leave credits to conduct personal business that cannot be conducted outside of normal working hours and for personal emergencies. Personal leave credits may not be used in increments of less than one-half day. An employee may take personal leave only after it has been credited.

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.

Termination of Employment - An employee who resigns, retires, is laid off, or is terminated from employment due to disciplinary action will not receive payment for unused personal leave.

Part-Time, Temporary, or Seasonal Employees - A part-time employee, temporary employee, or seasonal employee is not eligible for paid personal leave but may be allowed to take time-off without pay provided the individual has prior approval from the Department Head.

Union-Represented Employees - *An employee who is a member of the CSEA collective bargaining unit is not covered by or eligible for the Personal Leave provisions set forth above and should refer to the collective bargaining agreement on the subject of Personal Leave.*

805 *Short-Term Disability Benefits*

Summary - The Town offers a short-term disability plan for non-job-related injuries or illnesses that meets the minimum requirements of New York State Disability Insurance. The insurance company makes the determination of whether an employee is eligible for short-term disability benefits. Disability payments will be in accordance with the terms of the policy. The duration of disability benefits is dependent upon a physician's certification and consistent with the terms of the policy. Benefits generally start with the eighth day of the disability and may continue up to a maximum of 26 weeks. An employee generally receives 50% of the employee's average weekly wages based on the previous eight weeks of employment, up to a maximum of $170 per week. There is no coverage for medical care. Full details regarding the policy currently in effect are available from the Bookkeeper.

Eligibility – A full-time employee is provided with short-term disability coverage in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid short-term disability coverage.

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

Change in Plan - The Employer may, at its discretion, change carriers and/or offer an alternative short-term disability plan.

Premium Payment – An employee contribution of thirty cents per week will be deducted from the employee's paycheck. The Town will pay the remainder of the premium for each eligible employee.

Reporting of Illness or Injury - The employee must submit a written notice of the illness or injury on the proper application form to the employee's Department Head and the Bookkeeper within seventy-two hours of the occurrence. Proper medical certification will be required and must be submitted with the application form.

Use of Sick Leave Credits - An employee may draw from the employee's sick leave credits in conjunction with the short-term disability payments to equal, but not exceed, the employee's regular daily rate of pay. When the insurance company makes payment, the Town shall be reimbursed for that portion of sick leave covered by insurance. An employee may not use vacation leave or personal leave credits to supplement short-term disability.

Medical Insurance Coverage – The Town will continue medical insurance coverage for the employee in accordance with the provisions in this Employee Handbook. Thereafter, an employee who is receiving short term disability payments under this plan **and** is continuing to draw on accrued sick leave credits, will continue to receive medical insurance benefits and the Town will continue to make its contributions for **up to a maximum of one year** provided the employee makes the required employee contribution. If the employee has exhausted all sick leave credits, the employee may continue to be eligible for medical insurance coverage in accordance with COBRA.

806 *Workers' Compensation Benefits*

Summary - In accordance with New York State law, the Town offers a Workers' Compensation plan for job-related injuries or illnesses, 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. The Workers' Compensation Board is responsible for determining an employee's eligibility for benefits. If deemed eligible, an employee is covered for the period of disability specified by the employee's health care provider and the Workers' Compensation Board. The amount of cash benefits an employee receives for lost work time is determined by the Workers' Compensation Board. An employee must generally serve a seven-day waiting period before cash benefits begin. If the employee is unable to work for more than fourteen days, cash benefits for the first week are generally paid retroactively. Coverage is provided for all medical care received that is related to the job-related injury or occupational disease.

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

Change in Plan - The Employer may, at its discretion, change carriers and/or offer an alternative Workers' Compensation plan.

Premium Payment - The Town will pay the full premium for Workers' Compensation insurance 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 Department Head immediately after the occurrence of the injury. The Department Head will notify the Bookkeeper, who 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. When the insurance company makes payment, the Town shall be reimbursed for that portion of sick leave covered by insurance. An employee may not use vacation leave or personal leave credits to supplement Workers' Compensation.

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. Thereafter, an employee who is receiving Workers' Compensation payments for lost time **and** is continuing to draw on accrued sick leave credits, will continue to receive medical insurance benefits and the Town will continue to make its contributions for **up to a maximum of one year** provided the employee makes the required employee contribution. If the employee has exhausted all sick leave credits, the employee may continue to be eligible for medical insurance coverage in accordance with COBRA.

Union-Represented Employees - *An employee who is a member of the CSEA collective bargaining unit should refer to the collective bargaining agreement on the subject of "work-related injury and disability pay".*

807 *Disclosure of Insurance Benefits*

Summary - The following is a brief description of the insurance benefits 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 Bookkeeper 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 Bookkeeper.

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 for non-union employees. Changes in carriers and/or plans for union employees shall be in accordance with collective bargaining negotiations and/or procedures.

Changes in Benefits – Any benefit offered by the Town is subject to change by resolution of the Town Board. *Changes in benefits for union-represented employees shall be in accordance with collective bargaining negotiations and/or procedures.*

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 Bookkeeper 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 Bookkeeper 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, and any changes of address.

Beneficiary – Under some of the Town's benefit plans, each employee must designate a beneficiary for the employee's death benefits. This designation must be made in writing and on the form provided by the plan Administrator.

808 *Medical and Dental Insurance*

Eligibility - The Town will make available medical and dental insurance coverage to each full-time employee and Elected Official and their eligible family members. In no event shall the Town be required or obligated to pay or reimburse any portion of any doctor's bill, hospital bill, prescription bill, x-ray bill, laboratory bill, procedure bill, or any other medical bill or expense that is not covered or reimbursed by the insurance plan.

A part-time, temporary, or seasonal employee is not eligible for medical or dental insurance coverage, with the exception of any employee already receiving these benefits prior to the date of adoption of this Employee Handbook.

Date Coverage Begins - Full-time employees are eligible to participate in the medical insurance plan on the first day of the month following three continuous months of employment, provided all eligibility requirements of the plan are met and the requisite forms have been completed. Elected Officials are eligible to participate in the medical insurance plan on the first day in office. Eligible employees and Elected Officials may also enroll in the medical insurance plan during the annual open enrollment period or at the time of a qualified change in employment or family status, as defined by the Internal Revenue Service (IRS) and the insurance carrier.

Premium Payment - The Town Board has established a fixed amount that will be paid annually towards the cost of the medical and dental insurance offered by the Town. An employee or Elected Official who opts to accept coverage under one or both of the plans must pay any difference in the total premium cost.

Changes in Premium Contributions – The fixed amount of the insurance premium the Town will contribute is subject to change by resolution of the Town Board. The Town Board will provide a two-month written notice of such change.

Union-Represented Employees - *An employee who is a member of the CSEA collective bargaining unit is not covered by or eligible for the Medical Insurance provisions set forth immediately above and should refer to the collective bargaining agreement on the subject of medical and dental insurance.*

809 *Medical Insurance Buy-out*

Eligibility - A full-time employee 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 insurance coverage in a manner and form to be determined by the Town and sign an appropriate waiver of medical insurance coverage and waiver of liability to the Town.

Elected Officials - Elected Officials are not eligible for this medical insurance buy-out.

Amount of Buy-Out - If the employee is eligible for individual coverage, the employee will receive an amount equivalent to forty percent of the Town's annual premium contribution for individual coverage. If the employee is eligible for dependent coverage, the employee will receive an amount equivalent to forty percent of the Town's annual premium contribution for dependent coverage. This payment is added to the employee's paycheck on an *after*-tax basis.

Method of Payment - Partial payment of the buy-out will be made in the employee's regular paycheck for each pay-period the employee is eligible for the buy-out.

Reinstatement - In the event the employee loses coverage under the alternate insurance plan, the employee may resume coverage under one of the medical insurance plans made available through the Town. Coverage will begin on the first of the month immediately following the employee giving notice, provided the employee gives such notice at least five business days prior to the first of the month and meets all eligibility requirements of the insurance plan.

Union-Represented Employees - *An employee who is a member of the CSEA collective bargaining unit is not covered by or eligible for the* <u>*Medical Insurance Buy-out*</u> *provisions set forth immediately above.*

810 *Section 125 Plan*

Eligibility – Full-time employees and Elected Officials are eligible to enroll in a Section 125 plan on the first day of the month following three continuous months of employment, provided all eligibility requirements of the plan are met and the requisite forms have been completed.

Election Changes - Eligible employees may enroll or decline coverage in the Section 125 Plan during the annual open enrollment period. Once a pre-tax election is made, it must remain in effect for the entire plan year. An employee may not drop coverage, change an election, or cease contributions at any time during the plan year unless there is a qualifying change in employment or family status, as defined by the IRS. For any qualifying change in family or employment status, an employee must make the appropriate change in coverage within thirty-one days of the date of the qualifying event. Under the pre-tax insurance premium option, an employee's election for the plan year is automatically continued for the next plan year unless a new election form is submitted.

Pre-Tax Insurance Premiums - An employee may elect to pay the employee's contribution towards the health and dental insurance premiums with pre-tax dollars, which means deductions are taken from the employee's paycheck before federal, state, and social security taxes are calculated. This reduces the employee's taxable income and increases net wages.

Flexible Spending Accounts - An employee may elect to have a pre-determined amount deducted from the employee's paycheck on a pre-tax basis each payroll period to be placed in a medical care flexible spending account (FSA), dependent care FSA, or both. Money set aside in an employee's medical care FSA may be used to cover certain health, dental, and vision care expenses that are not reimbursable through the employee's insurance plan(s). Money set aside in an employee's dependent care FSA may be used to cover eligible day care and nursery school expenses for covered dependents. To receive reimbursement from an employee's FSA account, a claim for reimbursement and proof that the expense was incurred during the current plan year must be submitted to the Town.

811 *Medical Insurance for Retirees*

Coverage - The Town offers medical insurance and prescription drug coverage to eligible full-time employees, Town Supervisor, Town Clerk, Superintendent of Highways, and Chair of the Board of Assessors after they retire from Town employment and are receiving retirement benefits under the New York State Retirement System. Coverage is also available for the retiree's eligible dependents if the dependents were covered under the Town's medical insurance plan on the retiree's last date of employment with the Town. Coverage of a dependent at the time of divorce or legal separation is in accordance with plan documents and COBRA requirements.

Eligibility - To be eligible for coverage, the retiree meet all three of these requirement:
1) must be age fifty-five or older, 2) must have at least ten years of continuous service with the Town, and 3) must have been granted a bona-fide retirement benefit from the New York State Employees' Retirement System.

For example, an employee who resigns from Town employment at age fifty-eight and has been continuously employed by the Town for fifteen years may participate in and receive the Town contribution toward the cost of premiums when the retiree is granted a bona-fide retirement benefit from the New York State Employees' Retirement System - which would typically be at age sixty-two. In this example, the former empoyee may continue to participate in the Town's medical insurance and prescription drug plans but the former employee must pay the full premiums until the former employee has been granted a bona-fide retirement benefit from the New York State Employees' Retirement System. At that time, the Town will contribute towards the premiums as set forth below.

Notwithstanding the above, an employee who leaves employment due to disciplinary action is not eligible for medical insurance or prescription drug coverage for retirees.

Continuous Service - Continuous Service shall mean uninterrupted service with the Town of Shandaken. No credit will be given for service with any other municipality. 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. For an employee who holds the position of private secretary, cashier, or deputy of any official or department, an absence due to the loss of employment due to a change in administration shall not constitute an interruption of continuous service.

Plan - The Town Board may, at its discretion, change the medical insurance and/or prescription drug plan at any time, including, but not limited to, type of coverage, carrier, and retiree contributions.

The amount of the insurance premium a retiree or retiree's spouse 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.

Premium Payment - The amount of the insurance premium a retiree or retiree's spouse 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.

The Town will contribute a variable amount towards medical insurance coverage for retirees, depending upon the length of service completed:

- The Town will pay the full premium for individual or dependent medical insurance coverage, as the case may be, for each eligible retiree who completes **fifteen** years of continuous service with the Town. In the event the retiree predeceases the retiree's eligible dependents, the eligible dependents may continue medical insurance coverage and the Town will pay 75% of the cost of the premium.

- The Town will pay 75% of the full premium for individual or dependent medical insurance coverage, as the case may be, for each eligible retiree who completes **ten** years of continuous service with the Town. In the event the retiree predeceases the retiree's eligible dependents, the eligible dependents may continue medical insurance coverage and the Town will pay 50% of the cost of the premium.

An employee who is a member of the CSEA collective bargaining unit should refer to the collective bargaining agreement on the subject of "medical insurance for retirees".

Medicare – Coverage under a medical insurance plan made available through the Town will continue until the retiree or eligible spouse, as the case may be, meets the eligibility criteria for Medicare coverage, at which time primary coverage will be provided by Medicare. At that time, the retiree and/or eligible spouse may be required to change the medical insurance and prescription drug plans in order to enroll in a Medicare supplemental policy.

The Town will <u>not</u> reimburse a retiree or the retiree's eligible spouse for the cost of the Medicare Part B premium.

812 *Continuation of Health Insurance Benefits (COBRA)*

Summary - The 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.

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 elected official, the spouse of a covered employee or elected official, or a dependent child of a covered employee or elected official. A child who is either born to or who is placed for adoption with the covered employee or elected official during a period of COBRA coverage is also a "qualified beneficiary" entitled to COBRA 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 and for a limited time as described below. The COBRA requirements do not put any limit on the number of times a qualified beneficiary may be entitled to COBRA continuation coverage. COBRA coverage is in effect for a period of up to eighteen, twenty-nine, or thirty-six months, depending upon any of the following qualifying events:

- An **eighteen month** continuation will be available to a qualified beneficiary in the event of the covered employee's (or elected official's) termination of employment for any reason except gross misconduct, or the covered employee's loss of eligibility to participate due to reduced work hours.

- A **twenty-nine month** continuation will be available to a qualified beneficiary in the event that the qualified beneficiary is disabled, per a determination under the Social Security Act, or becomes disabled within the first sixty days of COBRA coverage. The qualified beneficiary must provide the plan administrator with notice of the disability within sixty calendar days of the determination of the disability by Social Security and before the end of the original eighteen-month COBRA coverage period. The qualified beneficiary must notify the plan administrator of a determination by Social Security that the individual is no longer disabled within thirty calendar days of such determination.

- A **thirty-six month** continuation will be available to a qualified beneficiary in the event of any one of the following:

  * Death of a covered employee or elected official;

  * Divorce or legal separation from a covered employee or elected official;

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

  * A covered dependent ceases to be a "dependent child" under the health insurance plan.

Limitations - In the event an employee or elected official becomes covered by Medicare, but no loss of coverage results for the employee or elected official or the covered dependents, and a subsequent qualifying event occurs, the duration of coverage for all qualified beneficiaries will be thirty-six months from the date of the termination or reduction in hours. A qualified beneficiary may be covered under multiple qualifying events, but in no case will coverage be continued for more than thirty-six months.

Change in Beneficiary Status - An employee or elected official must notify the Town 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 Bookkeeper 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 Bookkeeper within the time indicated. If the required forms or premium payments are not received at the time specified, medical insurance coverage will cease.

813 *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 five years of creditable public sector service. In the event an employee or Elected Official leaves after five years of service but prior to retirement age, such employee Elected Official may receive a benefit at retirement age related to those years as a public sector employee or Elected Official.

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 Bookkeeper. 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 Bookkeeper. 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.

814 *Police and Fire Retirement System*

Summary - The Police and Fire Retirement System covers all sworn personnel in the Police Department. The Town will contribute 100% of the cost associated with this plan. It is mandatory for <u>all</u> full-time and part-time police officers to become members of the Police and Fire Retirement System effective on the first day of employment.

815 *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.

816 *Unemployment Benefits*

Summary - The Town offers unemployment insurance to each eligible employee ruled eligible for benefits under New York State labor law.

900 COMPLIANCE POLICIES

901 *The Americans with Disabilities Act*

Policy Statement – It is the policy of the Town of Shandaken 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 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. An employee who believes an accommodation is needed to perform the essential functions of the employee's job should contact the Town Supervisor.

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 Shandaken intends to base employment decisions on principles of equal employment opportunity and nondiscrimination, as defined by law.

Complaint Procedure - An employee who believes that the actions or words of an employee or non-employee have violated this policy should report the behavior to the Town immediately. Refer to Policy 905 Complaint Procedure and Investigations for information regarding how to file a complaint and the Town's investigation procedures.

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 *Equal Employment Opportunity*

Policy Statement - The Town of Shandaken is an Equal Opportunity Employer. The Town does not unlawfully discriminate on the basis of a person's race, religion, color, sex, age, national origin, marital status, pregnancy, veteran status, arrest/conviction record, disability, genetic predisposition or carrier status, sexual orientation, or any other protected class or status. Likewise, the Town prohibits employees, vendors, suppliers, visitors, customers, and any other non-employee from discriminating against Town of Shandaken employees based on these protected groups. This policy applies to all terms and conditions of employment including, but not limited to, recruiting, hiring, placement, promotion, termination, layoff, transfer, leave of absence, compensation, benefits, training, and social and recreational programs.

Complaint Procedure - An employee who believes that the actions or words of an employee or non-employee have violated this policy should report the behavior to the Town immediately. Refer to Policy 905 Complaint Procedure and Investigations for information regarding how to file a complaint and the Town's investigation procedures.

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 *Fair Treatment*

Policy Statement – The Town of Shandaken recognizes the rich diversity of its employees and the varying cultures, backgrounds, and experiences they each bring to the workplace. The Town is committed to maintaining and promoting a work environment where similarities and differences are respected and valued. The Town will not tolerate harassment or discrimination of any kind in the workplace.

Employee Responsibilities - An employee is expected to treat coworkers, customers, vendors, suppliers, and other non-employees that the employee comes in contact with on the job with fairness, dignity, and respect. The Town prohibits any form of discrimination, harassment, or other offensive behavior targeted towards an individual based on race, religion, color, sex, age, national origin, marital status, pregnancy, veteran status, arrest/criminal record, disability, genetic predisposition or carrier status, sexual orientation, or any other reason.

Complaint Procedure - An employee who believes that the actions or words of an employee or non-employee have violated this policy should report the behavior to the Town immediately. Refer to Policy 905 Complaint Procedure and Investigations for information regarding how to file a complaint and the Town's investigation procedures.

904 *Sexual Harassment*

Policy Statement – The Town of Shandaken is committed to maintaining a professional work environment where employees and non-employees are free from any form of harassment, including sexual harassment. The Town takes all necessary measures to prevent sexual harassment in the workplace or, in the event it occurs, to stop the conduct immediately. The complaint procedure in Policy 905 is intended to provide an effective mechanism for reporting and resolving promptly, complaints of sexual harassment without any risk of repercussion to a complaining employee for filing a complaint of sexual harassment in good faith.

Applicability of Policy - This policy applies to all Town employees and Elected Officials regardless of supervisory level, 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 sexual harassment of Town employees in the workplace.

Supervisory Responsibility - Department Heads and supervisors are responsible for providing a work environment that is free from unsolicited, unwelcome, and intimidating behavior, including behavior of a sexual nature. A supervisor must therefore take immediate and appropriate corrective action in the event the supervisor is a witness to, or becomes aware of, any violations of this policy. The supervisor is also responsible for immediately notifying the Town Supervisor of any policy violations.

Definition of Sexual Harassment - The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature to an individual of the same or opposite gender when:

- Submission to such conduct is made either explicitly or implicitly a term or 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 (e.g., promotion, termination, pay increase) affecting that 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.

Further, 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 - Unprofessional, inappropriate, or offensive conduct committed by a supervisor, coworker, vendor, supplier, visitor, or any other non-employee is prohibited, even if the conduct is welcome by the recipient(s). Prohibited conduct includes, but is not limited to:

- A supervisor threatening or implying that a subordinate's acceptance or refusal of the supervisor's sexual advances will affect the subordinate's terms or conditions of employment (e.g., promotion, demotion, pay increase, termination).

- 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.

Complaint Procedure - An employee who believes that the actions or words of an employee or non-employee have violated this policy should report the behavior to the Town immediately. Refer to Policy 905 Complaint Procedure and Investigations for information regarding how to file a complaint and the Town's investigation procedures.

Employee Defense – Any employee charged with sexual harassment will be afforded a full and fair opportunity to offer and present information in the employee's 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 use the Dispute Resolution Procedure as described in this Employee Handbook.

Disciplinary Action - Any employee or official who is found to have committed an act of sexual harassment or violation of confidentiality will be subject to disciplinary action, up to and including termination of employment.

905 *Complaint Procedure and Investigations*

Policy Statement – The Town of Shandaken takes all complaints of discrimination, harassment, and sexual harassment seriously. A comprehensive complaint procedure has been developed to address any complaints received from employees and non-employees. This procedure is not intended to restrict an individual's rights to make a complaint to a federal or state agency.

Reporting Policy Violations - An employee who believes that the actions or words of a supervisor, coworker, vendor, supplier, visitor, customer, or any other non-employee has violated the Town's ADA, Equal Employment Opportunity, or Diversity and Fair Treatment, or Sexual Harassment policy should immediately report any perceived violation of this policy to the 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.

Investigation of Complaint – Generally, investigation of a complaint will be conducted by someone appointed by the Town Supervisor. In the event the Town Supervisor is named in the complaint or is involved in the incident, the Town Board will appoint an individual to conduct the investigation. All complaints will be investigated discreetly and promptly. An investigation generally involves talking with the parties involved as well as any witnesses. All employees are required to cooperate in an investigation.

Confidentiality - Complaints will be handled and investigated 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 Town employment who is not directly involved in the investigation of the complaint unless otherwise required by law. An employee's confidentiality will be protected to the greatest extent possible, consistent with conducting a full investigation. However, the Town cannot guarantee complete confidentiality.

Retaliation – The Town of Shandaken will not retaliate, intimidate, coerce, threaten, discriminate, or otherwise take any adverse employment action against an employee who files a complaint or who participates in an investigation. Likewise, the Town prohibits an employee from retaliating against a coworker or non-employee for filing a complaint and/or participating in an investigation.

Policy Violations - Any employee who violates the Town's ADA, Equal Employment Opportunity, or Diversity and Fair Treatment, or Sexual Harassment policy or who retaliates against a coworker or non-employee will be subject to disciplinary action, up to and including termination.

Remedial Action - Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, as determined by management.

906 *Drug-Free Workplace*

Statement of Compliance - 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 the following policy and drug-free awareness program:

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

Implementation of Policy – This policy will be distributed to all employees and officials of the Town.

Sanctions - The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is strictly prohibited in all workplaces and work-sites. 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 dismissal from employment.

Employee Responsibilities - As a condition of the Town receiving Federal grant monies, each employee must abide by this policy and notify the 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 Shandaken 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 the drug abuse in the workplace.

Dangers of Drug Abuse in the Workplace - An employee with chemical dependence problems has a major negative impact on productivity, staff moral, and labor/management relations. The employee's chemical dependence 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

907 *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.

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 an ambulance; 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 Department Head who will in turn notify the Bookkeeper. The Bookkeeper must 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 Department Head who will in turn notify the Bookkeeper. The Bookkeeper must complete a *Supervisor's Report of Incident Form*.

- The Bookkeeper must 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 Shandaken 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 supervisor or 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 Bulletin Board

Summary - Bulletin boards are located throughout Town buildings for communicating information to employees. An employee should check the bulletin boards frequently to keep informed on changes in employment matters and other items of interest.

Posting of Material – Except as otherwise provided by the collective bargaining agreement, all material to be posted on bulletin boards, including memos and announcements, must have the prior approval of the appropriate Department Head.

1102 Adverse Correspondence

Written Communication - An employee who receives a memo, fax message, letter, telegram, legal notice, e-mail, summons, or other form of communication of a negative nature must immediately forward the document to the appropriate Department Head.

Verbal Communication - An employee who receives a verbal complaint from a Town resident of unfair treatment or expressions of anger or dissatisfaction must immediately notify the appropriate Department Head, who will in turn immediately notify the Town Supervisor.

1103 Suggestions

Policy Statement - Giving and receiving feedback is encouraged in order to promote a positive, productive, and cooperative atmosphere. Employees should notify their supervisor or Department Head of any suggestions which may be valuable to the Town's productivity and success. All suggestions will be carefully reviewed and 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 taxpayers we serve. We ask that all employees make every effort to represent the Town in a polite and professional manner.

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. The Town will attempt to resolve 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 expressed provisions of this Employee Handbook. The term "dispute" shall not apply to any matter as to which the Town is without authority to act. In addition, examples of matters that may be considered appropriate disputes under this policy include:

- Treatment considered unfair by an employee, such as coercion, reprisal, harassment, or intimidation;
- Alleged discrimination because of race, color, sex, age, religion, national origin, marital status, or disability; and
- Improper or unfair administration of employee benefits or conditions of employment such as compensation, work schedules, and paid leave.

Step One - An employee who claims to have a dispute may present the dispute to the employee's Department Head. The dispute must be submitted in writing within thirty calendar days from knowledge of the occurrence, or when the employee should have had knowledge.

The dispute must 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, a statement of facts, times, dates, and the remedy sought.

Within seven calendar days after receiving the dispute, the employee's Department Head will meet with the aggrieved employee. Within seven calendar days after the meeting, the employee's Department Head will issue a written response to the dispute, which shall be given to the employee and the Town Supervisor. The response will be placed in the employee's personnel file.

Step Two - In the event the employee is not satisfied with the response to the dispute 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 appeal must be submitted, in writing, within seven calendar days from receiving the Step One response, or when the Step One response should have been received; or if Step One is not utilized for the above reason, within thirty calendar days from knowledge of the occurrence, or when the employee should have had knowledge.

Within seven calendar days after receiving the dispute, the Town Supervisor will meet with the aggrieved employee. The Town Supervisor will investigate the matter and, within seven calendar days issue a written response to the dispute, which shall be given to the employee and placed in the employee's personnel file.

Step Three - In the event the employee is not satisfied with the response to the dispute at Step Two, the employee may submit the matter to the Town Board by filing a Request for Hearing with the Town Clerk.

The Request for Hearing must be submitted, in writing, within seven calendar days from receiving the Step Three 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. The conduct of the hearing will be under the exclusive jurisdiction and control of the Town Board. 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 – An employee 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.

Union-Represented Employees – *An employee who is a member of the CSEA collective bargaining unit should refer to the collective bargaining agreement to determine if the employee's dispute may be subject to the grievance procedure contained in the collective bargaining agreement.*