

# **TOWN OF YORK**

  

# **EMPLOYEE HANDBOOK**

**Adopted By Resolution of the Town Board on June 28, 2007**

**Prepared By:**  
**AMTEK Human Resource Consultants**  
**220 West Manlius Street**  
**P.O. Box 118**  
**East Syracuse, New York 13057**  
**(315) 463-0004**  
***www.amtekhr.com***

---

# TOWN OF YORK

  

# EMPLOYEE HANDBOOK



---

Prepared by:  
*AMTEK Management Services Corp.*  
220 West Manlius Street • P.O. Box 118  
East Syracuse, New York 13057  
Telephone: 315.463.0004  
[www.amtekhr.com](http://www.amtekhr.com)

Copyright © 2003 *AMTEK Management Services Corp., E. Syracuse, New York.*

This employee handbook is copyrighted material and is intended only for the internal use of the Town of York. The Town of York may copy this employee handbook for distribution to its employees. The contents of this employee handbook may not be copied or reproduced in any form or by any means for any other individual or organization without the prior written permission of *AMTEK Management Services Corp.*

# Town of York Employee Handbook

## Table Of Contents

---

---

Section, Policy Number:	Page Number in Section:
<b>100 INTRODUCTION</b>	<b>100-1</b>
101 Welcome Message	100-1
102 Definitions	100-1
103 The Purpose of this Employee Handbook	100-2
<b>200 EMPLOYEE CLASSIFICATIONS</b>	<b>200-1</b>
201 Full-Time Employees	200-1
202 Part-Time Employees	200-1
203 Temporary Employees	200-1
204 Seasonal Employees	200-1
205 FLSA Non-Covered Employees	200-1
206 FLSA Exempt Employees	200-1
207 FLSA Non-Exempt Employees	200-2
<b>300 THE CIVIL SERVICE SYSTEM</b>	<b>300-1</b>
301 The Unclassified and Classified Services	300-1
302 Civil Service Appointments	300-2
303 Examinations and Promotions	300-2
304 Veteran's Credits	300-2
<b>400 EMPLOYMENT MATTERS</b>	<b>400-1</b>
401 Oath of Office	400-1
402 Procedure for Filling Vacancies	400-1
403 Probationary Period	400-2
404 Corrective Discipline	400-3
405 Civil Service Law Section 75	400-5
406 Code of Ethics	400-8
407 Personnel File	400-10
408 Separation from Employment	400-11

<b>500</b>	<b>OPERATIONAL POLICIES</b>	<b>500-1</b>
501	Departmental Hours	500-1
502	Emergency Situations	500-1
503	Meal and Rest Breaks	500-2
504	Time Records	500-3
505	Bonding	500-4
506	Expense Reimbursement	500-4
507	Vehicle Usage	500-5
508	Driver's License	500-6
509	Supplies, Tools and Equipment, and Fuel Usage	500-6
510	Telephone / Cell Phone Usage	500-7
511	Computer Systems and Internet/On-Line Service	500-8
512	Personal Appearance	500-10
513	Solicitations/Distributions	500-10
514	Visitors	500-10
515	Purchasing	500-10
516	Maintenance of Work Area	500-11
517	Personal Property	500-12
518	Town Property	500-12
519	Unauthorized Work	500-12
520	Outside Employment	500-13
<b>600</b>	<b>ABSENCE POLICIES</b>	<b>600-1</b>
601	Attendance	600-1
602	Jury Duty Leave	600-2
603	Bereavement Leave	600-2
604	Military Leave and Military Leave of Absence	600-3
605	Family and Medical Leave Act	600-4
606	Family and Medical Leave Policy	600-5
607	Voluntary Emergency Personnel	600-9

<b>700</b>	<b>COMPENSATION</b>	<b>700-1</b>
701	Wage and Salary	700-1
702	Overtime	700-1
703	Pay Period and Check Distribution	700-2
704	Payroll Deductions	700-2
<b>800</b>	<b>EMPLOYEE BENEFITS</b>	<b>800-1</b>
801	Holidays	800-1
802	Vacation Leave	800-2
803	Sick Leave	800-3
804	Disclosure of Insurance Benefits	800-5
805	Medical Insurance	800-6
806	Medical Insurance Opt-out	800-6
807	Medical Insurance for Retirees	800-7
808	Continuation of Health Insurance Benefits (COBRA)	800-8
809	Section 125 Plan	800-9
810	Short-Term Disability Benefits	800-10
811	Workers' Compensation Benefits	800-11
812	Unemployment Benefits	800-11
813	Social Security	800-11
814	The New York State Employees' Retirement System	800-12
<b>900</b>	<b>COMPLIANCE POLICIES</b>	<b>900-1</b>
901	The Americans with Disabilities Act	900-1
902	Equal Employment Opportunity	900-2
903	Fair Treatment	900-2
904	Sexual Harassment	900-3
905	Drug-Free Workplace	900-6
906	Controlled Substance and Alcohol Testing	900-7
907	Smoking	900-7
<b>1000</b>	<b>SAFETY</b>	<b>1000-1</b>
1001	Workplace Safety	1000-1
1002	Hazard Communication Program	1000-2

<b>1100</b>	<b>COMMUNICATION PROCEDURES</b>	<b>1100-1</b>
1101	Bulletin Board	1100-1
1102	Adverse Correspondence	1100-1
1103	Suggestions	1100-1
1104	Public Relations	1100-1
<b>1200</b>	<b>EMPLOYEE CONCERNS</b>	<b>1200-1</b>
1201	Employee Concerns	1200-1
<b>1300</b>	<b>EMPLOYEE ACKNOWLEDGMENT FORM</b>	

## 100 INTRODUCTION

---

### 101 *Welcome Message*

We would like to welcome you and congratulate you on your appointment to a position with the Town of York. 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 York rewarding both personally and professionally.

### 102 *Definitions*

**Town of York** - For purposes of this Employee Handbook, the Town of York 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 York.

**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 York:

- Town Supervisor (part-time)
- Town Board Members (part-time)
- Town Justices (part-time)
- Town Clerk / Tax Collector (full-time)
- Superintendent of Highways (full-time)

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

**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 York. 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 *Livingston County Civil Service Rules*.

### **103 The Purpose of this Employee Handbook**

**Statement of Purpose** - The purpose of this Employee Handbook is to communicate the Town’s personnel policies and practices to all employees and Elected Officials. It is extremely important that each employee understand the policies that relate to rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits. **This Employee Handbook is not a contract of employment, express or implied, and should not be construed as such.** That is, 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 a Handbook provision may form the basis for administrative action by the Town and any subsequent judicial proceeding.

**Changes or Modifications** - The Town Board reserves the right to interpret, change, modify, or eliminate any provision contained in this Employee Handbook. In addition, 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.

**Collective Bargaining Agreements** - In the event an expressed and explicit provision set forth in a collective bargaining agreement between the Town of York and an employee organization as defined by the Public Employees’ Fair Employment Act (Taylor Law) 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.

## **200 EMPLOYEE CLASSIFICATIONS**

---

Employees are notified at the time of hire whether their position is classified as full-time, part-time, temporary, or seasonal. At that time, the employee will be notified of their status for overtime and Civil Service purposes. Except as otherwise provided in the collective bargaining agreement(s), for purposes of this Employee Handbook, the following terms shall be defined as follows:

### **201 *Full-Time Employees***

For purposes of this Employee Handbook, the term “full-time employee” will mean an employee who is regularly scheduled to work a minimum of 35 hours per week.

### **202 *Part-Time Employees***

For purposes of this Employee Handbook, the term “part-time employee” will mean an employee who is regularly scheduled to work less than 35 hours per week.

### **203 *Temporary Employees***

For purposes of this Employee Handbook, the term “temporary employee” will mean an employee who is employed on an interim basis or 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 *Livingston County Civil Service Rules* shall govern regarding the jurisdictional classification of positions and the appointment and promotion of personnel.

### 301 *The Unclassified and Classified Services*

**Unclassified Service** - In accordance with Civil Service Law and for purposes of this Employee Handbook, the term "Unclassified Service" will include all individuals who are Elected Officials and/or members of boards 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 *Livingston County Civil Service Rules* will include all Town employees who are subject to the *Livingston County Civil Service Rules*. The Classified Service is divided into four jurisdictional classes:

- **Exempt** - those positions, other than unskilled labor positions, for which competitive or non-competitive examinations or other qualification requirements are not practicable (Civil Service Law, Section 41);
- **Competitive** - those positions for which it is practicable to determine merit and fitness by competitive examination;
- **Non-Competitive** - those positions not in the exempt class or the labor class for which it is not practicable to determine merit and fitness by competitive examination, but rather by a review of training and experience; and,
- **Labor** – unskilled labor positions, except those positions which can be examined for competitively.

### **302 Civil Service Appointments**

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

- **Permanent** - an appointment to a vacant position in the Competitive Class from an eligible list established as a result of examination, following successful completion of a probationary term;
- **Provisional** - an appointment to a vacant position in the Competitive Class when there is not an appropriate eligible list. A provisional appointee must take an examination whenever it is scheduled. Thereafter, a permanent appointment will be made on the basis of the eligible list resulting from the examination; or
- **Temporary** - an appointment to a position in the Competitive Class for reasons including, but not limited to: emergency work projects; planned termination of the position after a limited time; to replace an employee who is on a leave of absence; to fill a position funded through a temporary grant; or to fill a position vacated by the promotion of another employee until the employee who has been promoted receives permanent status.

### **303 Examinations and Promotions**

**Examinations** - In accordance with Civil Service Law, in the event there is a vacancy in a new or existing position in the Competitive Class which the Town intends to maintain, the Town will fill the vacancy by selection from the eligible list certified by the Livingston County Civil Service Department of persons who have taken the appropriate Civil Service examination. The Livingston 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 Livingston 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.

**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 York 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, Human Rights Law, 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 that the Town intends to maintain, the vacancy will be advertised and/or posted and qualified individuals interviewed.

**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 and Background Checks** - To ensure that individuals who join the Town are well qualified and have a strong potential to be productive and successful, it is the policy of the Town to check the employment references of all applicants. Applicants will be required to complete a hold harmless statement in order for the Town to conduct appropriate background checks.

## 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 *Livingston County Civil Service Rules*, 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 *Livingston County Civil Service Rules*.

**Length of Probationary Period (Other Classes)** - Except as otherwise provided in the *Livingston County Civil Service Rules*, 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 *Livingston County Civil Service Rules*.

**Successful Completion of Probationary Period** - An employee's appointment will become permanent upon written notice that the probationary period has been successfully completed following the minimum period of service required. Or, the employee's appointment will become permanent upon the retention of the employee after completion of the maximum period of service required. **Except as otherwise provided by law or a 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.

**Union Employees** - An employee who is a member of a collective bargaining unit is not covered by the Probationary Period provisions set forth above and should refer to the applicable collective bargaining agreement.

## 404 **Corrective Discipline**

**Policy Statement** - It is the policy of the Town of York 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.

**Disciplinary Action and Review** – Employees covered by **Civil Service Law Section 75** shall be disciplined in accordance with the provisions contained therein. (Refer to Section 405 of this Employee Handbook). The disciplinary action for **union employees** will be in accordance with the applicable collective bargaining agreement. In **normal circumstances**, the Town endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does however, retain the right to discipline employees in any manner it sees fit. When appropriate, a counseling session will precede disciplinary action.

**Forms of Discipline** – Disciplinary actions include written warnings, 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 York'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.

**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;
- 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;
- Failure to adhere to the personal appearance/dress code policy;
- Repeated violations of Town policies, procedures or prohibited conduct;
- Leaving work area without permission, as defined by the Department Head;
- Excessive 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.

## 405 **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.

**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 who has completed the minimum probationary period, but has not been made permanent, 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 **confidential** or **policy influencing**;
- 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, or when the employee holds the position of private secretary, cashier or deputy of any official or department;
- 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:

- A newly hired employee who has not completed the minimum probationary period as determined by civil service rules.
- An employee holding a position by permanent appointment in the **Competitive Class** of the classified Civil Service;
- An employee holding a position in the **Non-Competitive Class** who has been employed for at least five years of continuous uninterrupted service in the non-competitive class, except when such an employee holds a position designated as confidential or policy influencing. 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.

**Questioning Rights for Union Employees** – During the investigation process, a union employee 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.

**Disciplinary Procedure** – Except as otherwise provided by a collective bargaining agreement, the following disciplinary procedure shall apply to employees covered by Civil Service Law Section 75

- **Notice of Discipline** – An employee subject to discipline will be provided with a written Notice of Discipline (NOD) which will contain all charges and specifications.
- **Employee Answer** - The employee will have eight calendar days to respond to the charges. The employee's response must be in writing.
- **Disciplinary Hearing** - Unless there is a stipulation of settlement between the Town and the employee, the 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 or by a representative of a recognized or certified employee organization 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 Livingston County Civil Service Department.

## 406 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 which 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 York's Code of Ethics, the following terms shall have the meanings indicated:

- **Municipal Officer or Employee** - will mean and refer to an officer or employee of the Town of York, 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, except a chief and the assistant chief.
- **Interest** - will mean and refer to a pecuniary or material benefit accruing to a municipal officer or employee, unless the context otherwise requires.
- **Application** – Every municipal officer and employee shall be subject to and abide by the standards of conduct set forth herein.

**Standards of Conduct** – Every municipal officer and employee:

- **Gifts** - Shall 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 the gift was intended to influence the officer or employee, or could reasonably be expected to influence him, in the performance of official duties or was intended as a reward for any official action on his part;
- **Confidential information** - Shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest;
- **Representation before one's own agency** – Shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.
- **Representation before any agency for a contingent fee** – Shall 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 his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time or fees based upon the reasonable value of the services rendered.

- **Disclosure of interest in legislation** - To the extent that he knows thereof, a member of the Town Board and any officer or employee of the Town of York, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation;
- **Investments which conflict with official duties** - Shall 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** - Shall 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 his official duties;
- **Future employment** – Shall not, after the termination of services or employment with such municipality, appear before any board of agency of the Town of York in relation to any case, proceeding or application in which he personally participate during the period of his service or employment or which was under his active consideration;
- **Exceptions** – Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Town of York or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.
- **Notice** – The Supervisor of the Town of York, shall cause a copy of this local law to be distributed to every municipal officer and employee of the Town within ten (10) days after the effective date thereof. Every officer and employee elected or appointed thereafter shall be furnished a copy prior to entering upon the duties of his office or employment.
- **Penalty** - In addition to any penalty contained in any other provision of law, hereby made applicable, any person who shall knowingly and intentionally violate any of the provisions of this local law may be fined, suspended or removed from office, in the manner provided by law therefore.

## 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, I-9 forms, 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, counseling memoranda, letters of acclamation, and probationary reports.

**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 Town Supervisor.

**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 Town Supervisor. ***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 Highway Superintendent's office and will be maintained and controlled by the Highway Superintendent. ***For security purposes, these files will be locked at all times.***

**Change in Status** - An employee must immediately notify the Town Supervisor 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 inspect and copy the contents of the employee's own personnel file. Inspections by employees must be requested 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 remove or place any material 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.

## **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. All resignations shall be filed in the Town Clerk's Office.

**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. A copy of the resignation should also be submitted to the Town Board.

**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.

**Compressed Workweek** - With the approval of the Town Supervisor, a Department Head may schedule a full-time employee to work four ten-hour days. The employee's "compressed workweek" will normally be either Monday through Thursday or Tuesday through Friday.

**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.

**Union Employees** – The work schedules of employees covered by a collective bargaining agreement shall be governed by the applicable collective bargaining agreement.

### 502 *Emergency Situations*

**Closing Procedures** - In the event that extraordinary weather conditions or other emergencies develop prior to the beginning of the workday, the Town Supervisor may authorize the closing of non-emergency operations, or, if extraordinary weather conditions or other emergencies develop during a workday, the Town Supervisor may direct that certain employees who perform non-essential services leave work.

**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 salaried 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. Any non-salaried or part-time employees directed to leave work due to an emergency closing will not be paid for the remainder of the employee's normal workday. Such employee may choose to make up the time at a later date if agreed to by the Department Head. 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 salaried 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. Any non-salaried or part-time employees directed not to report to work will not be paid for the workday. Such employee may choose to make-up the time at a later date if agreed to by the Department Head. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

### **503 Meal and Rest Breaks**

**Meal Breaks** - An employee who works more than six hours in a given day will receive an unpaid, duty-free meal break of thirty minutes.

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

**Rest Breaks** - A full-time employee will normally receive one paid, duty-free rest break of up to fifteen minutes to be taken approximately in the middle of the first half of the employee's workday.

In the event an employee works beyond the employee's normal workday, the employee will normally receive an additional paid, duty-free rest break of up to fifteen minutes to be taken approximately in the middle of each four hours of work that is not interrupted by a meal break. An employee who chooses not to take a rest break will not be entitled to leave before the normal quitting time and will not receive extra pay for the time worked.

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

**Union Employees** - An employee who is a member of a collective bargaining unit is not covered by the Meal and Rest Breaks provisions set forth above and should refer to the applicable collective bargaining agreement.

## **504 Time Records**

**Policy Statement** - All **FLSA non-exempt employees** are required to complete an individual time record showing the daily hours worked. A **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.

**Procedures** - An employee required to complete a time record 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;
- The time record must be submitted to the Department Head at the time specified;
- The time record must be verified and signed by the Department Head.

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

**Unauthorized Arrival and Departure Times** - 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. All required documentation and corresponding receipts must be submitted to the Town Supervisor 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 mileage rate established by the Town Board at the annual organizational meeting or the applicable collective bargaining agreement, as the case may be.

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

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

**Union Employees** - An employee who is a member of a collective bargaining unit is not covered by the Education and Training and Required Membership Fees provisions set forth above and should refer to the applicable collective bargaining agreement.

## 507 *Vehicle Usage*

**Policy Statement** - All vehicles and related equipment of the Town of York 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 must always be operated in a safe and responsible manner, and in compliance with all applicable motor vehicle and traffic laws in effect. Employees are responsible for any driving infractions or fines that result from their operation of Town vehicles, and must report them to 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 York, nor material not related to the conduct of official Town business, without direct authorization by the appropriate Department Head or the Town Board;
- Town vehicles must always be maintained in a safe and secure condition when not in use, including being locked and/or under direct observation; and all keys maintained under controlled and authorized jurisdiction of the appropriate Department Head;
- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on Town vehicles at any time, except those of a limited community service nature which have been authorized by the Town Board.

## **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. Proof of such license must be on file with the Town.

**Commercial Drivers** - An employee who operates a vehicle that 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** - All Town owned supplies must be used efficiently and not wasted. An employee may not use any Town supplies including, but not limited to, postage, paper, or office supplies for personal use.

**Tools and Equipment** - The employee must repair or replace any Town-owned tool or piece of equipment lost or damaged by the employee as a result of negligence or intentional misuse. An employee may not use any Town-owned tool or piece of equipment, including, but not limited to, fax machines, copiers and computer equipment for personal use. An employee may not use Town facilities, Town-owned tools or equipment to work on vehicles or trailers not owned by the Town.

**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. When no emergency exists, calls should be made while on meal or break periods;
- An employee may not make or receive personal calls on a Town provided telephone or cell phone that will result in additional charges to the Town, except in an emergency and/or with prior approval from the Department Head. The employee must reimburse the Town for the cost of the call.

**Abuse of Equipment** – Employees who lose, intentionally damage or abuse Town-provided cell phones will be required to reimburse the Town for the cost of replacement or repair and may be subject to disciplinary action up to, and including, termination.

## 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 York.

**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 York. 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;
- Any unauthorized commercial activity; Commercial activity is limited to designated terminals. If a user is unsure whether a terminal is available for commercial use, the employee should ask the Department Head;
- Accessing or attempting to access the data/files of another person;
- Using or aiding in the unauthorized use of another person’s password;
- Harming or destroying data/files (other than editing or deleting information in the normal course of one’s job duties);
- Use of non-business software;
- Use of entertainment software, such as games and puzzles;
- Installation or use of any hardware or software, not owned by the Town;
- Installation or use of Town-owned hardware or software for any use that is not Town related business;
- Installation or use of any unauthorized or unlicensed hardware or software;
- Installation of any software containing viruses.

## **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 York.

**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 York 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 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, shorts, tank tops, 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 and/or as provided in a collective bargaining agreement. If such is the case, the employee must comply with all requirements.

## **513 Solicitations/Distributions**

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

**During Working Hours** - An employee may distribute literature or solicit other employees for charitable or community-oriented causes during working hours with prior approval from the appropriate Department Head 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.

## **514 Visitors**

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

## **515 Purchasing**

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

## **516 Maintenance of Work Area**

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

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

- Place coats, boots, umbrellas and other items of clothing in designated areas so that work areas are not unnecessarily cluttered;
- Report any existing or potential workplace hazards and safety violations to the Department Head;
- Abide by the smoking restrictions established by New York State regulations and Town policy as 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.

## **517 Personal Property**

**Policy Statement** - It is the policy of the Town to ask each employee to refrain from bringing unnecessary or inappropriate personal property to work. The Town recognizes that an employee may need to bring certain items to work. However, employees should take care to ensure that personal property brought to the workplace does not disrupt work or pose a safety risk to other employees.

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

## **518 Town Property**

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

- Equipment, including Protective Equipment
- Identification Badges
- Keys
- Uniforms
- 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 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.

## 520 **Outside Employment**

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

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

- An employee will be judged by the same performance standards and will be subject to the Town's scheduling demands, regardless of any existing outside work requirements;
- If the Town determines that an employee's outside work interferes with the performance or the ability to meet the requirements of the Town as they are modified from time to time, the employee may be required to terminate the outside employment if the employee wishes to remain employed by the Town;
- No Town equipment, supplies, or other material may be used by an employee on other than Town work 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.

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

**Union Employees** – In addition to the above guidelines, an employee who is a member of a collective bargaining unit may be subject to rules and/or guidelines regarding outside employment as set forth in the collective bargaining agreement or rules of the department to which the employee is assigned.

## 600 ABSENCE POLICIES

---

### 601 Attendance

Except as otherwise provided by a collective bargaining agreement, the following procedure shall apply regarding absence from work:

**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 before the employee's scheduled starting time. The reason for tardiness and the expected time of arrival must be indicated to the Department Head.

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

**Scheduled Absences** - An employee should schedule personal appointments either before or after the employee's scheduled workday or on scheduled days off whenever possible. Requests for scheduled time off must be submitted in accordance with the applicable policy. The reason for the absence must be indicated. All requests for time off are subject to approval by the employee's Department Head on a case-by-case basis.

**Unscheduled Absences** - An employee who is unable to report to work must personally contact the employee's Department Head before the employee's scheduled starting time. The employee must attempt to speak directly with the Department Head, indicating the reason for the absence and when the employee expects to return to work. If the Department Head is not available, then a message may be left on the departmental answering machine, if available. Asking another person to call in on the employee's behalf is not permitted. Notification requirements may be waived in cases of emergency.

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

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

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

**Documentation of Absences** - An employee who has frequent absences may be required to provide documentation of the reason for any future absences.

## 602 **Jury Duty Leave**

Except as otherwise provided by a collective bargaining agreement, the following procedure shall apply regarding jury duty:

**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 their regular daily rate of pay minus any stipends paid by the jury system. Such leave will not be subtracted from any of the employee's leave credits.

A part-time, temporary or seasonal employee shall receive their regular daily rate of pay minus any stipends paid by the jury system if the employee is scheduled to work for the Town on the day the jury duty is served. 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. Employee's must also submit proof of service from the jury duty system in order to receive payment.

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

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

## 603 **Bereavement Leave**

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

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

- Spouse
- Parent
- Mother-in-law
- Daughter-in-law
- Child
- Sibling
- Father-in-law
- Son-in-law
- Grandchild

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

**Funeral Leave (Extended Family)** - In the event of a death of a full-time employee's extended family as defined below, the employee may take a paid leave of absence for one day from the employee's regularly scheduled work to attend the funeral.

Extended family members include aunts, uncles, and grandparents of the employee and employee's spouse. Such leave will not be subtracted from any of the employee's leave credits.

**Union Employees** - An employee who is a member of a collective bargaining unit is not covered by the Bereavement Leave provisions set forth above and should refer to the applicable collective bargaining agreement.

#### **604 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 York 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.

## 605 **Family and Medical Leave Act**

**Statement of Compliance** - The Town of York complies with the provisions of the Family and Medical Leave Act (FMLA).

**The Town of York 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 York 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.

Eligible employees 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, son, daughter or parent who has a serious health condition; and
- Because of the employee's own serious health condition which makes the employee unable to perform one or more of the essential functions of his or her 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 he or she 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 York to grant a full-time employee a leave of absence without pay for a period of up to twelve weeks, under certain circumstances. If and when any employee meets the eligibility requirements under the *Family and Medical Leave Act*, the provisions of that Act will then take precedence over this policy.

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

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

- **Sick Leave of Absence** - Employees who are unable to work because of a serious health condition or disability may be granted a sick leave of absence. This type of leave 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, employees may be eligible for a leave of absence pursuant to Civil Service Law Section 71. Section 71 provides that **covered** employees shall be entitled to a leave of absence for at least one cumulative year (unless found to be permanently disabled) when disabled due to an occupational injury or disease as defined in the Workers' Compensation Law. This leave runs concurrently with the designated Family and Medical Leave. Employee should consult with their Department Head for further details regarding this provision.

- **Parental Leave of Absence** - Female employees, when not disabled by pregnancy or childbirth (see above), and male employees may be granted a parental leave of absence to care for a child upon birth or upon placement for adoption or foster care.
- **Family Care Leave of Absence** - Employees may be granted a family care leave of absence for the purpose of caring for a child, spouse or parent who has a serious health condition. The Town requires certification of the family member's serious health condition, both before the leave begins and on a periodic basis, by the family member's health care provider.

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

- The employee must have completed at least one year of full-time, continuous service during the previous twelve months prior to the date leave commences.
- Spouses who both work for the Town of York 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 FMLA regulations capable of providing health care services.
  
- **Family Member** will mean and refer to:
  - \* **Spouse** - husband or wife as defined or recognized under State law for purpose of marriage;
  - \* **Parent** - biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a son or daughter as defined 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 thirty days' notice of foreseeable leave with no reasonable excuse for the delay may result in the delay of the employee taking the leave until thirty days from the date of notice. When the need for leave is unforeseeable, verbal notice to the employer will be sufficient.

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

**Medical Certification** – The employee must produce a medical certification issued by a health care provider which supports the need for a leave under this policy. When required, the employee must provide a copy before the leave begins, or if the leave was unforeseeable, 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 York 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 York.

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

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

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

- **Accrual of Paid Leave Credits** - An employee will continue to accrue vacation and sick leave and receive holiday pay during the portion of the leave that is paid. **Paid leave is defined as leave during which the employee continues to use accumulated paid vacation and sick leave.** After all such paid leave is exhausted, the remaining leave of absence is unpaid. An employee will not earn paid vacation or sick leave or receive holiday pay for any holidays that may occur during an unpaid leave of absence.
- **Medical Insurance** - During the period of authorized paid or unpaid FMLA designated leave of absence, an employee's eligibility status for medical insurance coverage will not change. All employee contributions (if any) must be paid on a timely basis in order to maintain the continuous coverage of benefits. Contributions will be at the same level as if the employee was working. Coverage will cease if payments are not made within a thirty-calendar day grace period of the due date. Premium payments or policy coverage are subject to change. In the event the employee fails to return to work after the authorized leave of absence period has expired, the Town may recover the premium that it paid for maintaining the coverage during any period of the unpaid leave except for the following circumstances:
  - \* The continuation, recurrence, or onset of a serious health condition of the employee or the employee's eligible family member with proper medical certification; or,
  - \* Circumstances beyond the employee's control, such as: parent chooses to stay home with a newborn child who has a serious health condition; employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's work-site; the employee is laid off while on leave.

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

- **Job Restoration** - At the conclusion of the leave of absence, (except for leaves beyond a one-year period) the employee, provided that the employee returns to work immediately following such leave, will be restored to the position the employee held when the leave began, or an equivalent position with equivalent benefits, pay and working conditions. For an authorized leave of absence beyond the one-year period, job restoration will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *Livingston County Civil Service Rules*.
- **Medical Statement** - Before resuming employment, an employee must submit a statement from the employee's health care provider indicating that the employee is able to return to work either with or without restrictions. Failure to return to work when required may be considered a voluntary termination.
- **Early Return** - An employee who intends to return to work earlier than anticipated must notify the Department Head at least five business days prior to the date the employee is able to return. The Department Head shall in turn notify the Town Supervisor.
- **Extension of Unpaid Leave of Absence** - An employee who wants an extension of the leave previously requested must notify the employee's Department Head at least two business days from the date the change occurred which necessitates the change in leave time. The Town Board reserves the right to approve all leave extensions.

## **607 Voluntary Emergency Personnel**

**Summary** – Employees of the Town who serve as fire, medical or other emergency response personnel as a volunteer are authorized to respond to emergency calls during work hours. There is no set limit on the annual number of hours that may be used for this service. However, employees are expected to exercise good judgment with regard to the necessity of the call-out and return to work requirements.

**Notification and Return** - Employees who do respond to emergency calls are expected to notify their supervisor prior to leaving and to return to their normal work schedule promptly after discharge of the emergency duties.

**Compensation** - Employees who respond to emergency calls will remain in paid status during the time away from their position while performing emergency service duties.

## 700 COMPENSATION

---

### 701 *Wage and Salary*

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

**Union Employees** - An employee who is a member of a collective bargaining unit is not covered by the Wage and Salary provisions set forth above and should refer to the applicable collective bargaining agreement.

### 702 *Overtime*

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

**Credit for Paid Leave** – Any paid leave time will be included as time worked for the purpose of computing overtime. Time spent responding to emergencies as a volunteer firefighter is not included as time worked for the purpose of computing overtime.

**Union Employees** - An employee who is a member of a collective bargaining unit shall receive overtime compensation in accordance with the provisions of the FLSA and is also subject to the overtime provision of the applicable collective bargaining agreement.

### **703 Pay Period and Check Distribution**

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

**Payday** - Under normal circumstances, paychecks will be issued on a Thursday. In the event the payday is a designated holiday, paychecks will normally be distributed on the previous workday.

**Distribution** – Department Heads may pick up their paycheck at the Town Hall offices. The Town Supervisor, or designee, will provide 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 Town Supervisor.

**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.

### **704 Payroll Deductions**

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

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

## 800 EMPLOYEE BENEFITS

---

### 801 *Holidays*

**Eligibility** – A full-time employee is eligible for holiday pay at the employee's regular rate of pay. A part-time, temporary, or seasonal employee is not eligible for holiday pay.

**Designated Holidays** - The Town of York will observe the following holidays:

- New Year's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Election Day
- Thanksgiving Day
- Christmas Day

**Floating Holidays** – Full-time employees are also eligible for two floating holidays annually. Floating holidays are scheduled by mutual agreement with the employee and employee's supervisor.

**Holiday Observance** - In the event a designated holiday occurs on a Saturday, the holiday will be observed on the preceding Friday. In the event a designated holiday occurs on a Sunday, the holiday will be observed on the following Monday.

**Holiday Pay Requirement** – Unless otherwise authorized, 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.

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

**Union Employees** - An employee who is a member of a collective bargaining unit is not covered by the Holidays provisions set forth above and should refer to the applicable collective bargaining agreement.

## 802 **Vacation Leave**

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

**Allowance** - A full-time employee will be credited with paid vacation leave in accordance with the vacation schedule below. Vacation Leave is based on the average number of hours an employee is normally scheduled to work each week. An employee may take vacation leave only after it has been credited. The employee will be credited on January 1 for the vacation leave earned during the previous year.

**New Employees** – A newly hired full-time employee will receive one day per each month of service up to a maximum of five days of vacation leave. Vacation leave may not be used until completion of 90 days of employment. The following January 1, the employee will be credited with ten days of vacation leave. After that date, the employee will follow the schedule below.

<b>After Completion Of:</b>	<b>Vacation Leave</b>
1 – 4 Years	10 Days
5 – 10 Years	15 Days
11+ Years	15 Days plus 1 additional day for each year above 10 years of service up to a maximum of 25 Days.

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

**Vacation Advance** – Vacation days credited on January 1 are considered as an advance for use during the upcoming calendar year. In the event that an employee leaves, then any vacation days used in advance will be deducted from the employee's final paycheck. For example, if an employee has used 10 vacation leave days and leaves on June 30<sup>th</sup>, then the employee's final paycheck will be reduced by the equivalent of 5 days pay.

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

**Carry Over** - An employee may not carry over vacation leave credits to the following year.

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

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

**Union Employees** - An employee who is a member of a collective bargaining unit is not covered by the Vacation Leave provisions set forth immediately above and should refer to the applicable collective bargaining agreement.

### **803 Sick Leave**

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

**Allowance** - A full-time employee will be credited with one day of paid sick leave each month. An employee may take sick leave only after it has been credited. The employee will be credited on the first day of the month after the sick leave has been earned.

**New Employee** - A newly hired 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 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.

**Notification of Sick Leave** - In the event an employee must take sick leave, the employee must notify the Department Head in accordance with Policy 601. Unless an extended sick leave absence has been authorized, the employee must notify the employee's Department Head each day of the absence. These procedures must be followed to receive paid sick leave.

**Proper 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 personal illness or injury that inhibits the employee's work. Sick leave credits may not be used in increments of less than one hour.

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

**Accumulation** - An employee may accumulate sick leave credits to a maximum of 190 days.

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

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

**Separation of Employment** - An employee whose employment with the Town is terminated due to a resignation, lay-off, or disciplinary discharge will not receive cash payment for unused sick leave. An employee who retires from the Town (i.e. has applied for and been granted a bona-fide retirement benefit from the New York State Employees' Retirement System) will receive cash payment for up to 190 days of accumulated sick leave. Cash payments will be equivalent to 50% of the employee's regular daily wage rate. In cases of the death of an employee, the Town will pay the employee's designated beneficiary for any unused sick leave days.

**Union Employees** - An employee who is a member of a collective bargaining unit is not covered by the Sick Leave provisions set forth immediately above, **except** for Proper Use of Sick Leave, Medical Verification, and Abuse of Sick Leave, and should refer to the applicable collective bargaining agreement.

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

**Plan Documents** - Benefits are administered according to applicable government regulation, benefit plan documents, insurance carrier master policy, or Town policy. Should there be a discrepancy between the information presented in this Employee Handbook and the benefit plan document, the Town Board has the discretionary authority to determine eligibility for benefits and to interpret the plan's terms. The Town Board is responsible for compliance with all applicable laws and regulations. The Town Board may, at its discretion, change carriers and/or offer alternative insurance plans 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 to non-union employees or Elected Officials is subject to change by resolution of the Town Board. Changes in benefits for union 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 Town Supervisor will provide the employee with the enrollment forms and assist with the administrative and operational aspects of the various insurance plans. Enrollment in a benefit plan is not automatic. Employees must complete the appropriate enrollment forms and applicable payroll deduction authorizations in order to receive benefits.

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

**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.

## **805 Medical Insurance**

**Eligibility** - The Town will make available medical insurance coverage to each full-time employee and full-time Elected Official. Coverage will extend to family members, subject to established requirements. A part-time, temporary, or seasonal employee is not eligible for medical insurance coverage. Employees not eligible for Town-sponsored coverage may elect to enroll in the plan provided the employee pays the full premium cost.

**When Coverage Begins** - Coverage will begin on the employee's first day of employment or for Elected Official's, the first day of office, provided all eligibility requirements of the insurance plan are met.

**Premium Payment** – For employees hired or elected prior to January 1, 2000, the Town will pay 100% of the premium for individual or family coverage. For employees hired or elected on or after January 1, 2000, the Town will pay 75% of the premium for individual or family medical insurance coverage. Employees are responsible for the remaining premium expense.

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

**Union Employees** - An employee who is a member of a collective bargaining unit is not covered by the Medical Insurance provisions set forth immediately above and should refer to the applicable collective bargaining agreement.

## **806 Medical Insurance Opt-out**

**Eligibility** – An employee who is otherwise eligible for medical insurance coverage made available through the Town may receive a cash buy-out in lieu of receiving medical insurance benefits. To be eligible for the medical insurance buy-out, the employee must provide documentation of comparable medical health insurance coverage in a manner and form to be determined by the Town and sign an appropriate waiver of health insurance coverage and waiver of liability to the Town.

**Amount of Buy-out** - An employee who is eligible for the medical insurance buy-out will receive 50% of the premium cost of an individual plan.

**Method and Form of Payment** - Payment of the buy-out will be made January of the year. This payment is in addition to the compensation and/or salary to which the employee is otherwise entitled, and will be treated as part of the employee's gross income and will be subject to the appropriate withholding for income and payroll tax purposes.

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

**Union Employees** - An employee who is a member of a collective bargaining unit is not covered by the Medical Insurance Buy-out provisions set forth immediately above and should refer to the applicable collective bargaining agreement.

## **807 Medical Insurance for Retirees**

**Coverage** - The Town will make available medical insurance coverage to an eligible full-time employee or Elected Official who retires from the Town. Coverage is also available for eligible dependents if they were covered under the Town's medical insurance plan at the employee's date of retirement. In the event the retiree predeceases the dependents, the dependents may continue medical insurance coverage provided they pay the full cost of the premium. 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 must be age fifty-five or older, and must have at least fifteen years of continuous service with the Town. In addition, the employee or Elected Official must have applied for and been granted a bona-fide retirement benefit from the New York State Employees' Retirement System.

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

**Premium Payment** - The Town will contribute towards the cost of the premium as follows:

Years of Service	Town Premium Share	Maximum Town Premium Contribution
15 – 19	60%	3 Years
20 – 24	70%	4 Years
25+	80%	5 Years

**Changes in Premium 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.

**Union Employees** - An employee who is a member of a collective bargaining unit is not covered by the Medical Insurance for Retirees provisions set forth immediately above and should refer to the applicable collective bargaining agreement.

## 808 **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 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** – COBRA is administered through the Teamsters Health and Welfare Fund. The Town Supervisor or designee will provide the employee or elected official with the enrollment forms. **Enrollment is not automatic. The employee or elected official must complete the necessary enrollment forms and return all COBRA forms to the Teamsters Health and Welfare Fund within the time indicated.** If the required forms or premium payments are not received at the time specified, medical insurance coverage will cease.

## **809 Section 125 Plan**

**Summary** – The Town of York offers eligible employees the opportunity to participate in a Town-sponsored Section 125 plan. The benefit of participating in the Section 125 plan is that an employee's contributions to the plan are deducted 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. The options offered under this plan are shown below.

**Eligibility** - A full-time employee or Elected Official is eligible to participate in this plan. A part-time, temporary or seasonal employee may not participate in this plan.

**Pre-Tax Insurance Premiums** - An employee may elect to pay the employee portion of the medical insurance premiums with pre-tax dollars.

## **810 Short-Term Disability Benefits**

**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. This benefit is to supplement loss of time from work due to a qualified non-job related illness or injury.

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

**Disability Payments** – 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. There may be a waiting period before an employee can become eligible for disability payments. Full details regarding the policy currently in effect are available from the Town Supervisor.

**Premium Payment** - The Town will pay the full premium for disability coverage for each eligible employee.

**Reporting of Illness or Injury** - The employee must submit a written report of the illness or injury on the proper application form to the employee's Department Head and the Town Supervisor within twenty-four hours of the occurrence. The Town Supervisor will provide the employee with the necessary forms. 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 disability payments to equal, but not exceed, the employee's regular daily rate of pay.

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

**Union Employees** - An employee who is a member of a collective bargaining unit is not covered by the Short-Term Disability Benefits provision set forth immediately above, and should refer to the applicable collective bargaining agreement.

## **811 Workers' Compensation Benefits**

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

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

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

**Reporting of Injury** - The employee must report any accidental injury arising out of and in the course of employment to the Department Head immediately after the occurrence of the injury. The Department Head will complete the required forms and submit them to the Town Clerk.

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

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

**Union Employees** - An employee who is a member of a collective bargaining unit is not covered by the Use of Sick Leave Credits provision set forth immediately above, and should refer to the applicable collective bargaining agreement.

## **812 Unemployment Benefits**

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

## **813 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.

## 814 **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 Town Clerk. If the employee or Elected Official elects to join the retirement System, the employee or Elected Official must complete the application form and return it to the Town Clerk.

**Waiver of Enrollment** - An employee who is not mandated to join the retirement system, and who chooses not to join, must complete a waiver of enrollment form.

## 900 COMPLIANCE POLICIES

---

### 901 *The Americans with Disabilities Act*

**Policy Statement** – It is the policy of the Town of York 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.

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

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

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

## **902 Equal Employment Opportunity**

**Policy Statement** - The Town of York is an Equal Opportunity Employer. The Town does not discriminate on the basis of race, religion, color, sex, age, national origin, disability, marital status, military status, genetic predisposition or carrier status, or sexual orientation. Discrimination based on any of the above is strictly prohibited. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, compensation, promotion, transfer, training, leave of absence, and termination.

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

**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** - It is the policy of the Town to promote a productive work environment in which all employees are treated with fairness, respect, and dignity. The Town will not tolerate harassment or discrimination of any kind in the workplace.

**Notification of Policy Violations** - An employee should immediately report any kind of harassment or discrimination in the workplace to the employee's Department Head. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported, in writing, to the Town Supervisor or any member of the Town Board. All complaints of discrimination will be investigated discreetly and promptly. An employee who reports harassment or discrimination in the workplace will not suffer adverse employment consequences as a result of making the complaint.

## 904 **Sexual Harassment**

**Policy Statement** – It is the policy of the Town of York to promote a productive work environment. As with discrimination involving race, color, national origin, religion, disability, age, marital status, or military status, the Town of York prohibits sex discrimination, including sexual harassment of its employees in any form. No form of harassment will be tolerated. The Town will take all steps necessary to prevent and stop the occurrence of sexual harassment in the workplace. The accompanying complaint procedure 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 supervisory personnel are responsible for ensuring a work environment free from unsolicited, unwelcome and intimidating sexual overtures. Supervisors must take immediate and appropriate corrective action, when instances of sexual harassment come to their attention, to assure compliance with this policy.

**Definition of Sexual Harassment** - Sexual advances that are not welcome, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term 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, such as promotion, transfer, or termination, affecting such individual; -OR-
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

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

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

- Verbal harassment of a sexual nature related to an employee's gender, including sexual innuendoes, slurs, sexual slurs, suggestive, derogatory, insulting or lewd comments or sounds, whistling, jokes of a sexual nature, sexual propositions and/or threats.
- Sexually oriented comments about an employee's body that are unwelcome and/or unreasonably interfere with an employee's work performance or create an intimidating, hostile, or offensive working environment.
- Any sexual advance that is unwelcome or any demand for sexual favors.
- Sexually suggestive written, recorded or electronically transmitted material, showing or displaying pornographic or sexually explicit objects or pictures, graphic commentaries, leering or obscene gestures in the workplace such that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment.
- Physical contact of any kind, which is not welcome, including touching, grabbing, hugging, fondling, jostling, petting, pinching, coerced sexual intercourse or sexual relations, assault or intentional brushing up against a person's body.

**Reporting of Sexual Harassment** - Employees are encouraged to report incidents of sexual harassment to their immediate supervisor as soon as possible after their occurrence. If the employee's immediate supervisor is believed to be involved in the incident, the report should be made directly to the employee's Department Head. If the employee's Department Head is believed to be involved in the incident, the report should be made directly to the Town Supervisor or any member of the Town Board. Employees who believe they have been sexually harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their immediate supervisor, Department Head, the Town Supervisor or any member of the Town Board.

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

**Investigation of Complaint** – Generally, investigation of a complaint will be conducted by the complainant's Department Head or immediate supervisor and will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident(s) occurred. In those instances when a Department Head or supervisor requests or requires assistance, or when the Department Head or supervisor is named in the complaint or involved in the incident, the Town Board will appoint an individual to conduct the investigation.

**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 or the Grievance Procedure contained in the collective bargaining agreement.

**Disciplinary Action** - Any employee or official who is found to have committed an act of sexual harassment will be subject to disciplinary action, up to and including termination of employment, as provided by Town operating procedures.

**Prohibition Against Retaliation** - Intimidation, coercion, threats, reprisal or discrimination against any employee who in good faith brings a written or verbal sexual harassment complaint or who assists or aids in the investigation of such a complaint is prohibited. Any employee who participates in the procedure may do so without fear of retaliation. Retaliation against any employee who has filed a sex discrimination or sexual harassment complaint is illegal and may result in disciplinary action.

## 905 ***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 York 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 York 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** - Employees with chemical dependence problems have a major negative impact on productivity, staff moral, and labor/management relations. Their hidden illness is responsible for:

### 1. Declining Performance

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

## 2. Increased Costs

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

## 3. Absenteeism and Tardiness

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

## 4. Damaged Relationships

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

### **906 *Controlled Substance and Alcohol Testing***

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

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

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

### **907 *Smoking***

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

## 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 Town Supervisor. The Department Head 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 Town Supervisor. The Department Head must complete a *Supervisor's Report of Incident Form*.
- The Secretary to the Town Supervisor 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 York 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 EMPLOYEE CONCERNS

---

### 1201 *Employee Concerns*

**Policy Statement** – The Town believes that open communication between employees and management is essential to a productive and successful work environment. An employee can be assured that addressing any work-related questions, concerns, or complaints will not result in retaliation, recrimination, or any other action that could affect the employee's job security or potential advancement. An employee is encouraged to bring any questions or concerns to the attention of the Department Head or supervisor as most problems can be, and are, resolved as a matter of day-to-day supervision. The Department Head shall review the employee's concerns, conduct an investigation, if appropriate, and provide a verbal or written response to the employee. Employees may also bring any questions or concerns to the Town Supervisor or Personnel Committee.

**Responses** - In normal circumstances, responses will be provided in a fair and prompt manner.

**Final Decisions** - Final decisions on disputes will not be precedent-setting or binding on future disputes.

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

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

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

# 1300 EMPLOYEE ACKNOWLEDGMENT FORM

---

Detach and place in employee's personnel file.

<p style="text-align: center;"><b>TOWN OF YORK</b></p> <p style="text-align: center;"><b>EMPLOYEE HANDBOOK ACKNOWLEDGMENT</b></p>
---

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

I understand that the Employee Handbook is not meant to create a contract of employment, nor should it be construed as creating a contract of employment and that the Town Board of the Town of York reserves the right to interpret, change or modify any section of the Employee Handbook at any time.

I understand that, if I am covered by a collective bargaining agreement between the Town of York and an employee organization as defined by the Public Employees' Fair Employment Act, in the event an expressed and explicit provision set forth in a collective bargaining agreement should conflict with an employee benefit, personnel policy, personnel procedure, or other provision set forth in the Employee Handbook, the expressed and explicit provision of the collective bargaining agreement will control. Otherwise, unless expressly excluded herein, the Employee Handbook is applicable to all employees.

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

I understand that the Employee Handbook and the changes contained herein are intended to supersede all prior manuals and guidelines issued by the Town of York.

\_\_\_\_\_  
Employee name (please print)

\_\_\_\_\_  
Department Head Name (please print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Date of Signature