

TOWN OF NORTH ELBA



PERSONNEL POLICY AND PROCEDURE MANUAL

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Town of North Elba Personnel Policy and Procedure Manual

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Effective May 10, 2016 the Town of North Elba Board approved a town-wide Drug and Alcohol Free Workplace Policy separate and apart from Section 10.10 and 10.11. Section 10.10 and 10.11 are no longer Town policy or practice. The new Drug and Alcohol Free Workplace Policy was distributed to all employees on or before June 16, 2016 or upon employment subsequent to June 16, 2016.

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1. INTRODUCTION

1.00 Acknowledgement of Receipt and Form

I _____, acknowledge that on _____ I received a copy of the Town of North Elba's Personnel Policy and Procedure Manual ("Manual"). I agree to abide by all of the rules and procedures described. I agree and understand that this Personnel Policy and Procedure Manual is not a contract of employment. The Town of North Elba may unilaterally make changes it deems appropriate with or without prior notice to me. However, I will be provided with a written copy of the changes.

1.01 Welcome Message from the Town Board

- A. The members of the Town Board of the Town of North Elba extend to you a personal welcome and congratulations on your position with the Town. As an employee of the Town you assume an extremely important role of serving the people of our community. The goal of local government, of which you are a part, is to provide professionally managed, cost effective services, which conform to the highest standards of quality.
- B. This Manual is designed to familiarize you with employment related matters. It includes basic policies and procedures that govern your employment relationship with the Town. From time to time these policies and procedures may be modified at the sole discretion of the Town. Specific questions concerning the above should be addressed to your Department Head.
- C. We hope that you will find your employment with the Town rewarding and we all look forward to working with you in serving the best interests of our citizens.

1.02 The Purpose of this Manual

The purpose of this Manual is to communicate the Town of North Elba's personnel policies and procedures to all of our employees. This Manual is not a contract of employment and should not be construed as such. It is extremely important that our employees understand the policies that relate to benefits, employment classifications, rules, regulations, compensation, personnel practices, and work standards. Terms and conditions of employment for unionized employees are contained in their collective bargaining agreement which supersedes this Manual in areas covered both by the Manual and their contract. Unionized employees are to comply with all other terms of this Manual that are not contained in their collective bargaining agreement. Do not hesitate to contact your Department Head if you have questions regarding any topic covered in this document.

1.03 Authority

The Town Board of the Town of North Elba has approved this Manual. The Town

Board by resolution may, at its sole discretion, make amendments to this Manual.

1.04 Definitions

- A. Town of North Elba – The term “Town of North Elba” shall mean and refer to the “employer”. Throughout this Manual the “Town of North Elba” will be referred to as the “Town of North Elba, the “Town”, “we” or “our”.
- B. Town Board – The term “Town Board” shall mean and refer to the “Town of North Elba Town Board”.
- C. Town Supervisor – The Town Supervisor shall mean the elected Supervisor of the Town of North Elba.
- D. Budget Officer – The Budget Officer shall prepare the annual budget and shall also serve the Town Supervisor by maintaining accounting records and preparing appropriate financial reports including the investment of idle funds. Any time that the words accounting or financial office are used they shall be synonymous with “Budget Officer” or “Budget Office”.
- E. Human Resource Coordinator - shall mean the person responsible for the administration of the Town’s personnel policies and the maintenance of the Town’s personnel records.
- F. Department Head – The term “Department Head” shall mean an elected or appointed official in charge of any department, district, or unit of government in the Town of North Elba.
- G. Elected Official - A person who is an official by virtue of an election. Elected positions of the Town of North Elba include:
- Town Assessor
 - Town Clerk/Tax Collector
 - Town Council Member
 - Town Highway Superintendent
 - Town Justice
 - Town Supervisor
- H. Employee - The word “employee” as used in this Manual shall mean full-time employee unless otherwise stated.
- I. Full-Time Employee – An employee hired on a permanent basis who works thirty-five (35) or forty (40) hours each week for the Town.
- J. Part-Time Employee – An employee who works at least twenty (20) hours each week but less than thirty-five (35) hours each week on a continuing basis.

- K. Per Diem Employee – A person available to perform work only when called upon.
- L. Permanent Employee – An employee hired to perform any regularly scheduled position for more than a twelve (12) month consecutive period of time after satisfactory completion of the required probationary period and/or appointed as a permanent employee by the Town Board.
- M. Provisional Employee – An employee appointed to a competitive position, pending results of Civil Service Testing procedures.
- N. Temporary Employee – An employee appointed to (1) an encumbered position during the absence of the permanent employee, or (2) an employee appointed for a limited period of time pursuant to Civil Service Law (maximum of eighteen (18) months), or (3) an on-call employee.
- O. Probationary Period – The probationary period shall be twenty-six (26) weeks except that for promotions from within, the probationary period shall be twelve (12) weeks.

2. ADMINISTRATIVE MATTERS

2.01 Oath of Office

All elected officials shall take the Oath of Office, which is administered prior to commencing work.

2.02 Town Departments

A. The recognized Town Departments are listed below:

<u>Department</u>	<u>Area of Responsibility</u>
Assessor	Property Assessment
Budget Office	Financial Operations
Building Planning/Zoning	Code and Safety Enforcement
Highway	Highway, Landfill, Cemetery, Airport
Human Resources	Personnel/Labor Relations Functions
Park District	Park District Property, Golf Course, Show Grounds, Toboggan Chute, Beach, Recreation Facilities
Town Clerk/Tax Collector	Town Clerk's Office, Tax Collection
Town Supervisor	Physical Plant/Gov't. Offices/Fiscal Officer
Vector Control	Black Fly Control

B. In the event that a Department Head is going to be unavailable he/she should notify the Town Supervisor in advance to insure someone is designated to oversee the operations of the department in his/her absence.

3. HUMAN RESOURCES

The Coordinator of Human Resources is responsible for the development, implementation and administration of a personnel management system, which provides for the following:

- A. Management of Personnel Functions - The Coordinator of Human Resources serves as the primary administrator of policies, procedures and directives as they pertain to matters of personnel administration and employee relations. The Coordinator reports directly to the Town Supervisor with the responsibility for keeping the Town Supervisor apprised of relevant personnel issues including, but not limited to, possible legal issues and grievances. Also he/she shall provide assistance and advice to all Town Department Heads relative to issues of personnel administration.
- B. Maintenance of Personnel Files - The Coordinator of Human Resources shall keep a confidential Town of North Elba personnel file on each employee. This file shall include, but not be limited to the following: retirement records, employment history, employment application, health records, job evaluation reports, copies of job required licenses or certificates, legal documents, such as discrimination claims and drug and alcohol testing records as well as disciplinary and grievance notices or letters of acclamation. For security purposes, this file shall be locked at all times.
- C. Review of Personnel Files - Employees wishing to view the contents of their official personnel file may do so only in the presence of the Coordinator of Human Resources or other Town official as appointed by the Town Supervisor or Town Board. Said request must be in writing naming the employee or his/her representative who wishes to examine the file. All contents of the file shall be made available to the employee except for pre-employment application letters of reference. The Town shall furnish copies of any material in the file requested by the employee or his/her representative at the usual fee for copying established by the Town Board. Any employee has the right to file a written response to any information in the personnel file, and said response shall be placed in the employee's personnel file.
- D. Issuing Public Notice - Except for promotions from within, the Human Resource Coordinator will issue public notices for all full-time job opportunities available with the Town of North Elba. Said notice(s) must be publicly announced once in the official Town newspaper at least five (5) business days prior to filling a vacant or new employment position.
- E. Applications - The Coordinator of Human Resources will do the initial screening to determine if the applicants for a position meet the minimum qualifications for the job. The Coordinator of Human Resources, along with appointed members of the Town Board as chosen by the Town Supervisor and the appropriate Department Head under whose supervision the employee shall fall, will screen the qualified applicants for selection for an interview. A copy shall be forwarded to the applicable Town Department Head, unless the posting or job announcement states otherwise. All applications shall be filled out

completely and signed by the applicant attesting to the accuracy of statement contained in the application form. Applications shall be active for a term of one (1) year from the date said application is filed. After the expiration of one year the application and supportive documents, if not renewed, may be purged from the active files.

- F. Interviews – The Coordinator of Human Resources will coordinate the interview process with the appropriate Town representatives and Department Head (Interview Team) for selection of a candidate to be recommended for approval by the Town Board.
- G. Selection of Full Time Employees - The Town Board shall appoint all non-elective Department Heads. Except for the position of Budget Officer, positions will only be filled upon the favorable recommendation of the Interview Team. The Town Supervisor has the authority to appoint the Budget Officer. No Town official has the independent authority to hire Full Time employees.
- H. Selection of Part Time/Seasonal Employees - The Department Head will conduct all interviews with appropriate recommendations to the Town Board for discussion and ultimate approval of candidates.
- I. Labor Relations - The Town Supervisor, upon approval of the Town Board, shall appoint its representative(s) for matters involving labor relations. The Town Board shall take whatever steps necessary to remain in compliance with all federal and/or state laws regarding its employees. The Coordinator of Human Resources shall have primary responsibility to ensure compliance with federal/state laws, this Policy Manual and any collective bargaining agreement(s). Labor relations functions include:
 - 1. Assisting in negotiating contracts with certified bargaining units.
 - 2. Administering negotiated labor contracts.

4. EMPLOYEE HIRING POLICIES

4.01 Statement of Policy

It is the policy of the Town of North Elba to recruit, select, advance and retain qualified employees on the basis of their knowledge, skills, and abilities.

- A. Notification - The Coordinator of Human Resources will arrange for notifying interviewed candidates of decisions of selection or non-selection after action by the Town Board.
- B. Reference Check - Prior to appointment, it will be the responsibility of the Coordinator of Human Resources to check all personal references and, when required, the current validity of licenses, certifications, background checks, etc.
- C. Equal Employment Opportunity and Affirmation Action - In making selections for appointment, all Department Heads are responsible for complying with the Town's Affirmative Action Plans.

4.02 Hiring Process Procedures

- A. The Coordinator of Human Resources shall notify the selected applicant of an offer of employment. Such notification shall include the starting salary and effective date of employment.
- B. Upon receipt of the completed notice of hiring, the Coordinator of Human Resources shall make arrangements for the selected applicant to complete the necessary pre-employment sign-up procedures. To the extent possible, employee sign-up will be completed prior to the effective date of employment.
- C. During the sign-up, the following will be accomplished:
 - 1. Employee's application will be reviewed and any necessary update of information will be made.
 - 2. Necessary pre-employment forms will be completed (withholding tax forms, beneficiary forms, health insurance application, etc.).
 - 3. Physical Examination.
 - a. A pre-employment examination may be required for permanent (full time) positions of Town employment. The Town will pay for the pre-employment physical of the selected candidate.
 - b. The Coordinator of Human Resources shall require any classified service em-

ployee to report to a physician of their choice for a pre-employment physical examination prior to the first day of employment for the Town, the cost of which shall be borne by the Town. The completed examination report shall be provided to the Town and made a part of such employee's personnel file.

- c. Employees will be required to attest to the truthfulness of statements contained in the pre-employment physical examination form. Information withheld or falsified will constitute grounds for disciplinary action, including dismissal.

D. Orientation by the Coordinator of Human Resources

1. The Coordinator of Human Resources will, after completing sign-up procedures, provide new employees with the necessary basic information to aid in their transition to Town employment.
2. This presentation will address the following subjects:
 - a. Employee compensation and employee involvement in time sheets.
 - b. The employee fringe benefits package.
 - c. The status of employment (full-time, part-time, provisional, temporary, etc.).
 - d. The purpose and duration of the probationary period, if applicable.
 - e. Town of North Elba Personnel Policy and Procedural Manual and any collective bargaining agreement, where relevant.

4.03 Probationary Period

A. Purpose - The probationary period shall be regarded as an integral part of the selection process. During the period of probation, an employee's job performance is to be closely observed to secure the most effective adjustment of a new or promoted employee to the position and to terminate or demote any employee whose performance does not satisfy prescribed work standards.

B. Duration

1. The probationary period for new employees shall be a minimum of twenty-six (26) weeks.
2. The probationary term for training positions, in which an appointee is required to serve a specified training term shall not be less than twelve (12) nor more than fifty-two (52) weeks.
3. The probationary term for positions appointed from a civil service promotional

list resulting from a departmental or interdepartmental examination shall be twelve (12) weeks.

4. Except for health insurance coverage, there shall be no entitlement to or payment of employee fringe benefits during the probationary term for new employees of the Town or for prior employees of the Town who have not been in service as an employee within the previous 30 days of the date of re-employment. Health insurance coverage for new employees will be available after eight (8) weeks of employment.

C. Permanent Status

1. The appropriate Department Head, with the prior consent of the Town Board, may appoint an employee to permanent status prior to the end of the probationary period.
2. A probationary employee whose job performance during the probationary period does not meet standards may be terminated prior to attaining permanent status in accordance with Civil Service Law.
3. Upon appointment to permanent status the employee shall be entitled to retroactive credit of all regularly provided fringe benefits.

4.04 Transfer/Change of Status

- A. A transfer means a change, without further examination, of a permanent employee from a position under the jurisdiction of one department to a similar position under the jurisdiction of another department.
- B. An employee who transfers shall serve a twelve (12) week probationary period and will return to his former department if transferee's work is not satisfactory during such probationary period. Both Department Heads and the Town Supervisor approve all transfers.
- C. If the transferring employee is entitled to fringe benefits prior to the transfer, he shall continue to receive all such benefits during the probationary term.

4.05 Separation from Employment

A. Retirement

An employee planning to retire is required to file an Application for Service Retirement not less than 30 nor more than 90 days before the date of retirement. The employee should notify the Department Head, the Coordinator of Human Resources and New York State Retirement System in writing at least thirty (30) days prior to the desired date of retirement.

B. Resignation

1. Resignation is separation of an employee from the Town service by reason of the employee's voluntary action.
2. Generally, voluntary separations require reasonable advance notice from employees. Employees are expected to give as much advance notice as possible, but not less than two weeks. Employees should provide written notification to their Department Head and the Human Resources Coordinator of their intention to resign from employment with the Town of North Elba. Employees who fail to give the requested advance notice will forfeit payment of accrued, unused vacation payments unless their Department Head and the employees mutually agree upon a lesser notice period.
3. Employees who quit will be regarded as permanently separated from employment with the Town of North Elba with no seniority or other rights except as may be provided under D below. Should such separated employees be rehired, they will be re-employed as new employees, subject to the policy on Rehire/Reinstatement.

C. Dismissal for Cause

A dismissal for cause is the determination by the Town Board to separate the employee from the employment with the Town in accordance with the provisions of Section 75 of the Civil Service Law (See Section 11).

D. Rehire / Reinstatement

Employees who leave the Town of North Elba, either voluntarily or through no fault of their own, and who make application for reemployment will be given consideration. The Town of North Elba will not re-employ those who were terminated for cause.

1. Eligibility: This policy applies to all former employees who were in good standing with the Town of North Elba at the time of their termination.
2. Definitions: Reinstatement is employment of a former employee within one (1) year of the employee's effective date of termination from the Town of North Elba. Reinstatement applies when an employee returns to full-time regular employment status in the former position or another position in the Town of North Elba.

Rehire is employment of a former employee after one (1) year of the employee's effective date of termination from the Town of North Elba.

3. Guidelines: Employees who have terminated from the Town of North Elba and are reinstated within one (1) year of the effective date of termination shall be reinstated with their hire date and benefits entitlement, based on the original date of hire.

Employees who have terminated from the Town of North Elba and are rehired after one (1) year of the effective date of termination will be considered a new hire with a new date of hire and benefits eligibility will be based on this new date of hire.

4. Procedures: When position openings occur, the Town of North Elba will consider applicants who are former employees, who have performed satisfactorily and who have terminated their employment under favorable circumstances. Each application will be considered on its own merits after a review of the applicant's record, the type of position available, and other relevant factors.

Before pursuing the recruitment and selection process with a former employee, the individual conducting the search must contact the Human Resources Department to review the position opening and have a Human Resources representative check the former employee's record. Records of former employees who were terminated involuntarily will be reviewed by Human Resources to determine the circumstances of the termination. In addition to the required two references, Department Heads are expected to contact the applicant's former Department Head (at the Town of North Elba), if available, for a reference.

A Department Head intending to reinstate a former employee to an open position, whether or not it is the same position formerly occupied by an employee, must complete all normal personnel action forms.

An employee who is reinstated within one (1) year will recover the amount of sick time accrued at the time of termination. An employee rehired after ninety days will begin with a zero balance.

E. Layoffs and Recall

The following layoff procedure shall apply to all permanent employees only. A layoff is a reduction in the workforce due to abolishment of positions necessitated by a shortage of funds or work.

1. Layoffs shall be by department and shall be in reverse order of seniority. Seniority shall be computed on the basis of continuous service since full-time employment in a permanent position with the Town.
2. Part-time or seasonal employees shall be laid off prior to full-time employees.
3. Laid off employees shall maintain recall rights to the position and department for a period of one (1) year from the date of layoff.
4. An employee who refuses to return to a position offered within seven (7) calendar days of notification shall forfeit all rights to the position and employment.
5. It shall be the responsibility of the employee on layoff to provide his/her Department

Head with a current mailing address.

6. The Coordinator of Human Resources shall notify the employee by certified mail, return receipt requested at the current mailing address when a recall is to take place.

F. Exit Interview

An exit interview may be conducted with all employees who terminate employment with the Town of North Elba. Employee clearance forms will be completed ascertaining the amount of vacation pay, if any, and arrangement for final wage or benefit payments will be finalized. The Town Supervisor or Department Head along with an appointed exit interview committee shall conduct the exit interview to provide information regarding the employee's perception of employment conditions.

5. EMPLOYEE MATTERS

5.01 Relevant Personal Data

Employees are responsible for keeping the information in their personnel files up to date. Change in name, address, telephone number, personal status, number and age of dependents, beneficiary designations, and individuals to notify in case of emergency are very important for insurance, retirement and tax purposes, and must be reported immediately. Please notify your Department Head and the Coordinator of Human Resources when changes occur in any of these or other matters.

5.02 Driver's Licenses

Any employee who is required to drive either a Town owned vehicle or his 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. In addition, employees who operate vehicles requiring Commercial Driver's License (C.D.L.) must maintain this license throughout employment.

5.03 The Americans with Disabilities Act (ADA)

The Town of North Elba will not discriminate against qualified individuals with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. It is the Town's policy to hire, promote, and maintain terms, conditions and privileges or employment in a manner that does not discriminate on the basis of a qualified individual's disability.

5.04 Fair Treatment Policy

- A. It is our policy to treat all employees with fairness, respect and dignity. We will not tolerate harassment or discrimination of any kind in the workplace.
- B. If you believe you have encountered any kind of harassment or discrimination in the workplace, please advise your Department Head immediately. If you are unable to report this matter to your Department Head, take your complaint directly to the Town Supervisor or the Coordinator of Human Resources. All complaints will be investigated discreetly and promptly. Your employment will not be affected by bringing this matter to our attention.

5.05 Equal Employment Opportunity

- A. The Town of North Elba is an Equal Opportunity Employer. The Town does not discriminate on the basis of race, color, sex, religion, age national origin, marital status, disability, sexual orientation, or veteran status.

B. This policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, transfer, leave of absence, compensation and training. Discrimination based on any of the above groups is strictly prohibited. Any employee who engages in such conduct is subject to appropriate disciplinary action in accordance with Civil Service Law (Section 75).

5.06 ~~Sexual Harassment~~

6. OPERATIONAL POLICIES

6.01 Departmental Hours

- A. The following chart indicates the normal operation hours of each of the Town of North Elba departments. The particular work schedule in each department may vary, depending upon the particular needs and requirements of the department.

<u>Department</u>	<u>Days</u>	<u>Hours</u>	<u>Special</u>
Assessor	Mon-Fri	8am-5pm	Closed 1pm to 2pm
Budget Office/ Human Resources	Mon-Fri	8am-5pm	Closed 12pm to 1pm
Building Planning/Zoning	Mon-Fri	9am-5pm	Closed 12pm to 1pm
Highway Office	Mon-Fri	8am-4:30pm	Closed 12pm to 12:30pm
Transfer Station	Mon-Sat	8am-4:15pm	Closed Thurs. & Sun.
Park District Admin.	Mon-Fri	8am-5pm	Closed 12pm to 1pm
Park District Maint.	Mon-Fri	7am-3:30pm	
Town Clerk	Mon-Fri	9am-5pm	
Town Court	Mon-Fri	7pm – Adjourn	
Town Justice	Mon-Fri	8am-3pm	
Town Supervisor	Mon-Fri	8am-5pm	

- B. It is important to recognize that departmental hours are for the benefit of our residents. Department Heads must use their best efforts to comply with posted operational hours and have their departments open with qualified employee coverage.

6.02 Flex Time

- A. Flextime is governed by the mutual needs and consent of the Department Head and the employee. Flextime generally consists of core-time, during which the department is open and available to the public, and flexible time, when the employee may request the hours of starting and finishing work.
- B. All flextime schedules must be approved by the Department Head and authorized by the Town Board.

6.03 Emergency Closings

During periods of inclement weather and other emergencies, the Town Supervisor may direct that certain departments (other than the Highway Department) that perform non-essential services, close. In such instances, employees who are directed to leave their particular facility will be compensated at their normal rate of pay for the day and will not be required to charge this absence to any accrued paid leave allowances. The Town Supervisor shall make all such decisions regarding building closures. In the event closings are for more than one day, employees may use accrued personal or vacation time for the days closed.

6.04 Breaks

- A. Generally, employees may be allowed a paid break period of up to fifteen (15) minutes in the morning and fifteen (15) minutes in the afternoon. The Department Head in accordance with the needs and requirements of each department must approve break periods.
- B. Anytime that an employee or Department Head is on break and/or outside the facility, arrangements should be made with the Town Clerk, Deputy Town Clerk or Human Resources Office to cover the phones and take messages or the appropriate unattended department.
- C. No smoking permitted within the confines of Town buildings as stipulated by the N.Y.S. Health regulations.
- D. Full-time (hourly) employees are allowed either a thirty- (30) minute, or a one (1) hour unpaid lunch break depending on the employees' regularly scheduled work hours.
- E. All lunch breaks must be over by 2:00 p.m.

6.05 Time Records

- A. All hourly employees are required to complete a time record in order to receive payment for time worked and/or authorized paid leave taken in a given week. The following guidelines have been established for employees required to complete a time record:
 - 1. All paid and unpaid absences must be recorded.
 - 2. Time records must be approved and signed by the Department Head. A verified copy must be forwarded to the Budget Office by 12:00pm on Friday for benefits and payroll computation.
 - 3. Falsifying or altering your time sheet, or the time sheet of another employee, or completing a time sheet for another employee is strictly prohibited and can lead to disciplinary action up to and including dismissal in accordance with the Civil Service

Law (Section 75).

- B. Any errors in time records should be brought to the attention of your Department Head immediately who will make and initial the correction.
- C. Unless prior approval has been obtained from the Department Head or other authorized Town official, 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 or specified duties for the Town during such intervals.
- D. In extenuating circumstances where employees are not able to complete their own time records, the Department Head or other authorized Town official is authorized to complete the time sheet on behalf of the employee.

6.06 Office Closings

Town Offices will remain open during regular work hours unless an emergency situation should arise. No department should schedule vacation time whereby the department is left unattended or closed for any period of time without Town Board Approval.

7. ABSENCE POLICIES

7.01 Tardiness

Employees are expected to report to work on time each day. Tardiness can create a hardship for other employees as well as for the public we serve. Because of this, chronic tardiness is not acceptable and is cause for disciplinary action, up to and including dismissal, in accordance with the Civil Service Law (Section 75)(see Disciplinary Action chapter of this Manual). If you are going to be late, you have the responsibility to notify your immediate supervisor thirty (30) minutes before your scheduled starting time.

7.02 Notification of Absence

- A. Employees are required to call their immediate supervisor each day of absence and indicate the reason for such absence, except in the following instances:
 - 1. The absence was pre-authorized.
 - 2. The absence is pre-authorized extended one with a projected return date.
- B. Employees who leave their assignment during the workday are required to notify their immediate supervisor prior to leaving.
- C. If employees know in advance that they will be absent, they must notify their immediate supervisor who can approve reasonable absence requests.

7.03 Military Leave

- A. The Town recognizes the importance of the Military Reserve and National Guard, and will permit full-time employees the use of military leave for active duty for up to thirty (30) calendar days in a calendar year. The Town will grant such leave with pay. Military leave beyond the thirty (30) calendar days in a calendar year will be without pay. Accumulated vacation time can be used for any time in excess of the thirty- (30) calendar days.
- B. A copy of the orders sent by the military unit must be immediately provided to the Town when it is received by the employee in order for the employee to receive pay.
- C. The Town complies with all government regulations concerning employees who enlist in the military or who are called for active duty.

7.04 Fire and Ambulance Leave

Employees requesting release time to fight fires or serve on the ambulance may be given time off with pay at the discretion of the Department Head.

7.05 Jury and Court Attendance

- A. A full-time Town employee called to perform their civic responsibility shall be entitled to full pay and benefits during the period of service minus payments made to the employee for jury service. All full-time employees will be allowed to retain any moneys received for mileage and/or meals.
- B. Part-time employees as well as temporary or seasonal help will be entitled to full pay minus payments made to the employee for jury service. All part-time employees will be allowed to retain any moneys received for mileage and/or meals.
- C. An employee subpoenaed as a witness, which involves testimony relating to the employee's regular duties shall be granted leave with pay, without deduction from any accumulated leave time and any witness fee may be retained by the employee.
- D. Any other Court appearance except as noted above shall be without pay unless the employee uses personal leave or vacation credits.
- E. Employees released early from jury duty are expected to return to work if two or more hours remain in the workday. In these instances, employees are allotted time to return home and prepare themselves for work.

7.06 Disability Leave

- A. Any employee incapable of performing his/her regular duties because of a disability may utilize accumulated sick leave and vacation credits during such absence.
- B. Disability leave shall be considered to commence on the date when the employee is no longer capable of performing his/her regular duties and shall end on the date that the employee can resume the performance of his/her regular duties.
- C. The employee may be requested or required to verify the above dates by a statement from his/her physician.

7.07 Unpaid Leave of Absence

- A. Any employee who desires a leave of absence without pay must make a request to the Town Board in writing for such leave and the reason therefore.
- B. A leave of absence without pay may be granted, but will be for a specific period of time, not to exceed one (1) year.
- C. A leave of absence without pay for employees' illness or disability will be granted by the Town Board only upon satisfactory proof of illness or disability.

- D. The granting or denial of any unpaid leave of absence shall be at the discretion of the Town Board and shall be binding and final on all parties. No grievance can be brought forward if there is denial of a leave of absence.
- E. Leaves of absence shall not be granted to an employee who accepts employment by an employer other than the Town.

8. COMPENSATION

8.01 Pay Period

All employees shall be paid on a bi-weekly (2 weeks) payroll cycle with paychecks being distributed to employees on Thursdays. If a holiday falls on a Thursday, the paycheck will be distributed on the preceding business day.

8.02 Hiring Rate of Pay

- A. The minimum salary established for a position is the normal appointment rate for new employees; however, the Town reserves the right to hire above the starting rate based upon training or prior experience with another employer. A verification of pay rate form shall be filled out and placed in the employee's personnel file.
- B. In the event there are no applicants available who meet the minimum training and experience for the position, the Department Head may request appointment of a selected applicant as a trainee. In such case, the employee may be hired at a rate of from 10% to 20% below the minimum salary until such time as minimum experience requirements are met; normally a period of 12 weeks. Trainees are not entitled to any fringe benefits.

8.03 Payroll Deductions

In compliance with government regulations, the Town of North Elba deducts the required portion of each employee's pay for Federal and State Income Tax and Social Security Tax. No other deductions will be made except upon the approval of the Town. Any Town approved authorized deductions by the employee, such as: insurance premiums, retirement contributions or other employee-authorized deductions will be noted with the paycheck. This will also apply to any Court ordered garnishes.

8.04 Employee Travel Authorization

Employees of the Town of North Elba may be required to travel to fulfill their official duties or to attend seminars or other professional and/or educational activities benefiting the Town. The Town will reimburse employees, within these established guidelines, for all necessary and actual travel expenses incurred during travel on official Town business.

Pre-authorization for travel on Town business, as well as attendance of any Town Official(s) or employee(s) at any conference, convention, or school conducted for the betterment of North Elba must be pre-approved by resolution of the Town Board unless unusual conditions prohibit such resolution being enacted in a timely manner. Should such a situation occur, the Town Supervisor shall have authority to grant the required approval and report it to the Town Board at its next regular meeting.

A Travel Pre-authorization Form must be filled out by the Town official(s) or employee (s), even if travel expenses will not be charged to the Town. This ensures that:

- A. Travel plans have been authorized by the appropriate departmental approving authority and the Town Board;
- B. Funds are available;
- C. The travel has a legitimate business purpose; in the best interest of the Town. Usually, time spent for meetings, training sessions, and/or conferences is considered compensable time. The following three conditions must be met for meetings and/or training sessions to be considered non-compensable time:
 - 1. Attendance is outside the employee's regular working hours
 - 2. Attendance is voluntary
 - 3. The program, lecture or meeting is not directly related to the employee's job

If the training session teaches the employee a new job or new job skill and the other three conditions are met, the time is considered non-compensable unless approved in advance by the employee's supervisor and the Town Board.

8.05 Travel Expense Reimbursements

Pre-authorized expenditures by Town employees, elected officials or department heads shall be reimbursed by voucher upon submission in proper form and with corresponding receipts to the Town Budget Officer.

All expense vouchers shall describe and document the place where, the time when, the reason for and the amount of the expenditure.

Only the actual and necessary expenses essential to the ordinary comforts of a traveler in the performance of official duties of the Town will be reimbursed.

Transportation by common carrier:

- A. Travel by Air – Air travel should be scheduled only in those instances where it is clearly in the Town's interests to do so. When traveling by air the traveler shall secure the lowest cost coach accommodations.
- B. Taxicab charges are allowable expenses when circumstances require.

Transportation by personally owned vehicle:

- A. The official use of personally owned cars shall be restricted to such cases where it is

to the advantage of the Town. Employees who are authorized to use their vehicle by the Department Head or the Town Supervisor shall be reimbursed at the mileage rate established by the Town Board.

- B. Charges: (1) Parking charges – meter; day and overnight charges. When an employee is in an official travel status necessary parking charges will be allowed. Parking meter charges will be allowed when the rate and place incurred is listed. Receipts are required for day parking and overnight parking; such receipts shall be attached to reimbursement vouchers. (2) Charges for accessories, repairs, depreciation, antifreeze, towage and other similar expenditures will not be allowed.
- C. Thruway Tolls: In addition to the mileage rate, reimbursement will be allowed for tolls actually paid. If the duties of an employee are such that a savings can be affected by the purchase of a permit, upon prior approval by the Town Supervisor, the cost for such permit shall be reimbursed by the Town.
- D. Transportation by Rental Car - If a satisfactory justification for the use of a rented automobile is presented the cost thereof is reimbursable. The appropriate receipt and the justification must be submitted with travel voucher.

Meals and Lodging Requirements:

- A. Original receipts for hotel, motel, etc., are required.
- B. Reimbursement for all meals per day shall not exceed the maximum reimbursement of \$43.00. (In high cost areas such as New York City, add \$12.00).
- C. Lodging accommodations on official Town business are exempt from payment of such taxes.

Telephone Charges - Claims for reimbursement for long distance calls must be documented. Information such as name of party called, place called, date of call and statement of official business should be noted on the voucher.

Other Expense Reimbursement Information:

- A. Claims for reimbursement of expenditures made for Town purposes or charges incidental to travel shall be supported by explanation and itemized receipt.
- B. Non-reimbursement expenses: Expenditures for laundry, valet service, theater tickets, and entertainment are personal charges and will not be allowed.
- C. Advances on expenses for the benefit of the Town will be given if approved by the Town Board.
- D. Lack of Receipts - Employees or other representatives of the Town will not be reimbursed for expenditures in the event that receipts are not obtained or presented to the Budget Officer.
- E. In the event of a dispute or should questions arise regarding such payment the Budget Officer shall direct the ultimate decision-making process to the Town Board.

8.06 Credit Card Policy

Credit cards may be used for the purchase of necessary items for Town business such as gas, reservations for necessary travel, office supplies or equipment and meals. Receipts will be obtained and attached to all bills for payment, credit cards may not be used for personal purchases or cash advances.

The following individuals are recognized as authorized users of Town credit cards:

Town Supervisor
Budget Officer

Detailed receipts associated with the use of any card will be turned into the Budget Officer within seven(7) days.

8.07 Overtime Policy & Procedure

- A. In general, it is expected that work will be done within normal working hours and overtime is discouraged. Employees will not work more than eight (8) hours in a single workday or more than forty (40) hours in a single workweek without proper authorization. Flexible scheduling and shift work will be used to cover services within regularly scheduled hours. Department Heads are responsible for organizing and scheduling work in such a manner as to preclude overtime situations, whenever possible.
- B. From time to time it may become necessary for a Department Head to require an employee or employees to work overtime hours in a week, in order to complete work by a deadline, to compensate for a temporary reduction in staff, or for other operational reasons. Employees should be provided with reasonable advance notice by their Depart-

ment Heads of the need for such overtime work. Overtime should be assigned and distributed among all eligible employees. Scheduled overtime that is subsequently canceled and not worked will not entitle the employee to any overtime compensation. Only overtime actually worked is compensated.

- C. Use of sick time may not be counted toward overtime.
- D. If overtime is required, the prior authorization of the employee's Department Head is required. Failure to receive authorization for overtime may result in disciplinary action and non-payment of the time.
- E. In an emergency situation, if the employee's Department Head cannot be reached for approval, overtime may be worked without prior authorization. However, the situation must be recognized as justifiable by the employee's Department Head and hence may be subsequently approved.
- F. In order to document the approval and reason for overtime, an Overtime Request Form must be completed by the employee and signed by the employee's Departmental Head no later than the next regular business day. In addition, the Overtime Request Form must be submitted immediately upon completion to the Budget Officer.

8.08 Emergency Call Back Pay

There is a two-hour pay minimum guaranteed for employees asked to return to work for an emergency. This amount is paid even if after fifteen minutes the employee is no longer needed. However, if the employee work two hours or more, the employee is paid for the time actually worked.

8.09 Uniform Expenses

Employees in the Highway, Landfill, Building Maintenance and Park District departments shall be provided uniforms at the Town's expense.

8.10 Grade Plan

- A. The Human Resources Department will periodically conduct, or participate in local, state and regional surveys to review salaries and benefits provided Town employees.

The Grade Plan and Scoring Criteria is a working document and will be reviewed annually by the Town Board.

- B. Definitions

1. Annual Increases – Annual increases, if any, shall be determined solely by the Board. Any annual increases shall be applied to an employee's base rate of pay. If an

Annual Increase would otherwise result in the employee's base pay exceeding the maximum rate for the grade, then the employee's base rate shall become the maximum rate for the Grade.

2. Base Pay – shall mean employee's rate of pay excluding longevity. An employee's base pay shall be at least the minimum rate for the Grade and, unless otherwise expressly provided in this Manual, shall not exceed the maximum rate for the grade to which s/he is assigned.
3. Cost of Living Adjustment – Cost of Living Adjustments shall be considered for those employees whose base pay has reached the maximum for his/her grade. The amount of the Cost of Living Adjustment shall be determined solely by the Board.
4. Demotion – shall mean those instances where, by virtue of a change in position, an employee's Grade is lowered (i.e. Grade 4 to a Grade 3) without interruption of his employment status with the Town. In such instances, the employee's base rate of pay shall remain the same even is said base pay is above the maximum rate for the Grade but shall not be subject to any further increases.
5. Hiring Rate – shall be the minimum pay for each grade. All employees shall be hired at the minimum rate for the grade where the position has been allocated.
6. Longevity - Longevity pay is provided to Town of North Elba employees on the following schedule:

Starting with the first pay period in December following the employee's anniversary date as listed below (based on full time appointment):

<u>Completed Years of Service</u>	<u>Longevity Pay Amount</u>
Years: 5, 6, 7, 8, 9	\$200.00/year
Years: 10, 11, 12, 13, 14	\$500.00/year
Years: 15, 16, 17, 18, 19	\$1,000.00/year
Years: 20, 21, 22, 23, 24	\$1,500.00/year

Department Heads and Elected and Appointed Officials are not eligible for longevity payments.

7. Maximum Pay – shall be the maximum base rate an employee can have as identified by the Grade. Once an employee's base rate has reached the maximum pay for the grade, s/he shall no longer be eligible for annual increases but rather shall be eligible for Cost of Living Adjustments.
8. Promotion – shall mean those instances where, by virtue of a change in position as a result of impressive work performance, an employee's Grade is increased (i.e. Grade 4 to a Grade 5) without interruption of his/her employment status with the Town. In such cases, the employee shall be given a 3.5% increase unless said increase will result in the employee's new rate being less than the starting rate for his/her in Grade whereby the employee's new rate of pay shall be the starting rate of his/her new grade.

9. Re-grading – shall mean those instances whereby the Board has changed the grade of a position. Wage adjustments, if any, shall be subject to the rules of re-titling.
10. Re-titling – shall mean those instances whereby the employer takes corrective action to ensure that the employee’s civil service title encompasses the work the employee currently performs. If a re-title results in a change of grade that would otherwise amount to a demotion, then the employee’s pay shall be governed by the rules for demotion. If the re-title results in an increase in grade level and the employee’s current base pay is within the range of the new grade, his/her pay shall not change as a result of the re-title. If the re-title results in an increase in grade level and the employee’s current base pay is less than the minimum for the range of the new grade, his/her base pay shall be increased to the minimum for the new grade.

8.11 Scoring Criteria

A. Qualifications

1. A score of 1 would reflect that there are no real qualifications necessary to be eligible to fill the position.
2. A score of 2 would reflect minimal qualifications for eligibility. For example, one year of experience with no educational background required.
3. A score of 3 would amount to more than minimal qualifications for eligibility. For example, training and/or at least two years of experience would result in a score of 3.
4. A score of 4 would require minimal education degree (high school) and at least two years’ experience on the job and/or appropriate training to fill the position.
5. A score of 5 would require the same amount of qualifications as for a score of 4 and: (1) some sort of specialized skill to perform the function of the job; or (2) additional educational requirements (i.e. college degree or other specialized educational requirement).

B. Skills

1. A score of 1 would reflect that there are no specialized skills or only minimal knowledge is necessary to perform the essential job function.
2. A score of 2 would reflect working knowledge/or good knowledge of skills necessary to perform the job.
3. A score of 3 would require a thorough knowledge of a trade skill (i.e. carpentry, automotive mechanics, plumbing, etc.) necessary to perform essential job function.

4. A score of 4 would require: (1) at least a good/working knowledge of skills necessary to perform job function and supervisory skills if job requires supervisory function; or (2) working knowledge skills which require complex reasoning (i.e. accounting methods, knowledge of specialized computer programs, etc.)
5. A score of 5 would require: (1) at least a thorough knowledge of skills necessary to perform job function and supervisory skills if job requires supervisory function.

C. Jobs (Work Activities)

1. A score of 1 would reflect minimal difficulty regarding job activities.
2. A score of 2 would reflect at least a minimal expectation of independent responsibility associated with the job as opposed to merely following orders or performance of work that would be considered semi-skilled.
3. A score of 3 require performance of a specialized skill or skilled trade and/or minimal supervisory responsibilities.
4. A score of 4 would require significant responsibility associated with the performance of a specialized skill or moderate supervisory responsibilities.
5. A score of 5 would require significant responsibility associated with the performance of a specialized skill, which also requires exercising independent judgment and decision-making regarding the effective operation of a person's Department or substantial supervisory responsibilities.
6. Additional points are provided as follows: Labor Class (0); Non-competitive Class (2), Competitive Class (3).

9. EMPLOYEE BENEFITS

9.01 Policy Statement

- A. The Town of North Elba offers permanent (full-time) employees a comprehensive benefit package.
- B. Temporary/seasonal or other part-time employees do not receive the comprehensive benefit package referenced above, however, they are provided with limited benefits, such as social security, retirement, and worker compensation.
- C. The Town of North Elba offers elected officials the option of retirement, medical insurance and dental insurance benefits.

9.02 Holidays (full-time)

- A. All permanent (full-time) employees are eligible for the following paid holidays

- New Year's Day
- Martin Luther King Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- General Election Day
- Veterans' Day
- Thanksgiving Day
- Christmas Day
- Employee's Birthday

- B. All other employees are not entitled to receive paid holidays.
- C. The Town Board may make adjustments to the Holiday schedule each year at its annual board meeting.

9.03 Holiday Observance

- A. When a holiday falls on a Saturday, the day of observance shall be on the previous Friday. When the holiday falls on a Sunday, the day of observance shall be on the following Monday.
- B. If any of the above holidays fall on an employee's scheduled day off, the employee shall receive another day off which will be mutually agreed upon by the employee and his/her Department Head.

- C. When a holiday falls during an employee's vacation, he/she shall not be charged a vacation day for such day.
- D. In the event an employee is directed to work on any of the listed holidays, the employee shall be given another day off, which will be mutually agreed upon by the employee and his/her Department Head provided it shall be taken within 20 days from the date of the holiday or, at the employee's option, he/she shall receive double time for the time worked if the employee chooses not to take another day off.
- E. If an observed holiday occurs while an employee is on authorized paid sick leave the employee will receive pay at their straight time base rate and will not be charged sick leave for that day.
- F. An employee on a leave of absence without pay will not receive holiday pay.
- G. If the employee's birthday is the same date as one of the above listed holiday dates, or occurs on a scheduled day off, or occurs during his/her vacation, the employee shall receive another day off within twenty (20) business days thereafter, which date will be mutually agreed to by the employee and his/her immediate supervisor.

9.04 Vacation Policy

- A. Vacation time is granted to all permanent full-time employees based upon length of continuous service. If there is a break in service longer than one year, eligibility for vacation will be based on the employee's current hire date.
- B. All permanent (full-time) employees continuously employed by the Town of North Elba on a full-time salary basis shall receive vacation time in accordance with the schedule listed below.

Vacation Schedule I – (Employees employed prior to 1/1/94)

<u>After completion of:</u>	<u>Vacation (Days)</u>
1 year of service	10
4 years of service	18
8 years of service	20

Vacation Schedule II – (Employees employed on or after 1/1/94)

<u>After completion of:</u>	<u>Vacation (Days)</u>
1 year of service	5
2 years of service	10
8 years of service	12
10 years of service	15
15 years of service	18
20 years of service	20

- C. Vacation time is allotted on the employee's anniversary date of hire, and should be used during the year in which it is allotted. Vacation time may not be accumulated over the maximum allowance of thirty (30) days.
- D. Exceptions may be made in instances where the employee was unable to take vacation due to operational reasons as determined by the Department Head.
- E. Any employee on who resigns or retires shall be entitled to be paid for any accumulated vacation provided said employee gives at least two (2) weeks prior written notice the Department Head. Employees terminated pursuant to Section 75 of the Civil Service Law shall not be entitled to payment under this section.
- F. All vacation leave must be approved in advance by the Department Head.
- G. In addition to the above, employees shall be entitled to three (3) days for personal reasons with no reason given.
- H. Vacation Cash-out Option

After the completion of at least ten (10) years of service, an employee has the option to cash in vacation hours in excess of 35 or 40 hours (5 days) provided the employee has used one week of vacation within one (1) year after it has been credited. Vacation time used or that is to be cashed in shall be at the hourly rate it was earned and must be taken or cashed in within twelve (12) months after the date it was credited.

9.05 Sick Leave Policy

- A. The Town provides sick leave benefits for eligible permanent (full-time) employees. Each permanent full-time employee shall earn one and one-half (1 ½) sick days per month to a maximum of one hundred eighty-five (185) days. Employees may use sick leave by reason of sickness or disability to himself/herself, or by reason of illness or disability of a member of his/her immediate household.
- B. The Town of North Elba provides paid sick leave as a benefit to eligible full time employees. The primary purpose of paid sick leave is to reduce the chance of potential financial hardship that can occur when an employee becomes unable to work because of illness or injury. The following options are offered with the understanding that it is the employee's responsibility to use good judgment when consuming sick time for any other reason other than being unable to work due to injury or illness.

NOTE: These optional sick leave benefits are not accumulative and must be used within the calendar year they are earned.

1. Sick Leave Utilization

- a. Employees with sixty (60) or more sick days on the books shall be allowed to

take up to two and one-half (2 ½) days as paid time off provided that said employee used five (5) or less sick days in the preceding year. It is understood that said time will be deducted from the employee's accrued sick time.

- b. Employees with one hundred twenty (120) or more sick days on the books shall be allowed to take up to five (5) days as paid time off provided that said employee used five (5) or less sick days in the preceding year. It is understood that said time will be deducted from the employee's accrued sick time.

2. Use of Sick Leave

- a. Sick leave must be earned before its use may be authorized.
- b. An employee unable to report to work due to illness shall notify his immediate supervisor before his scheduled reporting time. The employee should give the anticipated period of absence due to illness.
- c. Employees absent from work for more than five (5) consecutive work days due to illness or disability shall submit to the Department Head a physician's certificate for such absence unless the employee is confined to a hospital for such period.
- d. The Department Head may require an examination by a physician of the Town's choice after any absence. If the examination is required by the Department Head, the Town will pay for such examination. Failure to attend such examination may result in disciplinary action.
- e. Employees who are taken sick or injured while on vacation may charge such time to sick leave effective from the time the employee sees a doctor through the period of disability covered by the doctor's statement.
- f. Any false representation made by the employee in connection with a claim for sick leave benefits shall be deemed just cause for discipline.

- C. Sick Leave at Time of Retirement - If an employee retires from Town services, he/she can elect to be credited with additional service time up to one hundred sixty five (165) days of accumulated sick leave pursuant to Section 41j of the Social Security and Retirement Law of the State of New York. In the alternative, if an employee has accumulated more than twenty (20) days of sick leave at retirement, he may elect to receive a lump sum payment for not more than 20 days, the balance may be credited as additional service time.

9.06 Leave Donation Program

- A. The intent of the leave donation program is to provide a means to assist employees who, because of personal illness or disability, have exhausted their leave benefits and would

otherwise be subject to a serious loss of income during continuing absence from work.

- B. Any employee with appropriate number of accumulated sick leave credits may make such a donation to a fellow employee recipient provided that the balance of the donor's leave credits does not drop below a balance of 10 days.
- C. This program can be utilized only when it affects one's absence from work due to illness or disability. Employees should contact the Human Resource Coordinator for necessary forms. All leave donation credits are subject to the approval of the Human Resource Coordinator.

9.07. Bereavement Leave

- A. Employees will be permitted to use a maximum of three (3) consecutive calendar days (not necessarily work days), commencing the calendar day after a death in the immediate family without loss of pay or deduction from any accumulated credits.
- B. The immediate family shall include the following: father, mother, sister, brother, child, spouse, mother-in-law and father-in-law of present marriage.
- C. Employees will be permitted to use two (2) workdays for a death to the employees' grandmother or grandfather without loss of pay or deduction from any accumulated credits.

9.08. Federal Family and Medical Leave Act of 1993 Benefit

All permanent full-time employees having worked at least 1250 hours for the Town during the previous 12 months are eligible for the benefits provided by the Federal Family and Medical Leave Act of 1993, subject to its restrictions, limitations and conditions, all of which are incorporated herein by reference and made a part hereof. Application for benefits under such Federal law shall be submitted to the Human Resource Coordinator.

9.09. Health and Dental Insurance Fringe Benefit Programs

- A. Any permanent employee who works 30 hours or more on a weekly basis is eligible for health, dental and vision insurance through the Town of North Elba. The Town Supervisor as a recognized full-time elected official may secure such insurance from the County of Essex, if available, and therefore shall not be eligible to participate in any Town health insurance plans.
- B. For all permanent employees whose employment commenced prior to January 1, 1991, the Town shall pay 100% of the cost of all premiums for existing health insurance fringe benefit programs
- C. For all full-time elected officials first taking office on or after January 1, 1991 and thereafter continuing in any Town office by reelection, and all permanent employees whose employment commenced on or after January 1, 1991, the Town shall pay 77% and the

elected official or permanent employee shall pay 23% of all such premium costs.

D. Health Savings Account

Employees who are covered by the Town of North Elba's health insurance coverage ("town plan") at the beginning of the plan year (January 1) will receive funding to be deposited in the employee's health savings account by the Town of North Elba no later than five business days following January 1st.

The amount of the deposit is determined by the level of employee's coverage under the town plan. The Town of North Elba will match the employee's deductible for the level of coverage elected during open enrollment for the upcoming year.

Example 1: During open enrollment Joe elected single coverage under a silver plan that had a deductible of \$2,500 and out of pocket maximum of \$6,550. The Town funded Joe's health savings account with \$2,500.

Example 2: During open enrollment Sarah elected family coverage under a gold plan that had a deductible of \$2,800 and out of pocket maximum of \$5,600. The Town funded Sarah's health savings account with \$2,800.

Any amount deposited in an employee's health insurance plan in a calendar year automatically makes the employee ineligible for any health insurance buyout in the same calendar year.

(The Town Board reserves the right to review and change the amounts listed above on an annual basis during the budget process for the subsequent year.)

- E. For full time elected officials first taking office on or after January 1, 1991, and for any permanent employee who qualifies for retirement and meets the eligibility requirements established by the Town while in the service of the Town, upon and during retirement the Town shall pay the same percentage of all premium costs for the health fringe benefit programs then provided by the Town to permanent employees.

To be eligible for health insurance benefits upon retirement, the elected official or employee **must**:

1. Be a full-time, permanent employee, or full-time elected/appointed official, of the Town of North Elba.
2. Be eligible for, and activate his/her retirement benefits provided by the New York State Retirement system, upon retiring from the Town.
3. Have coverage through a plan approved by the Town at the time of retirement and be eligible for continuation of said plan upon retirement.
4. Not have health insurance through any other source except Medicare.
5. Not be eligible for coverage through a spouse or domestic partner.
6. Have coverage through a plan approved by the Town at the time of retirement and be eligible for continuation of said plan upon retirement.

For employees who meet the above requirements, the Town will pay its portion of premium costs based upon the following:

Eligibility Number of 80:

Employees may receive retirement health insurance benefits from the Town if their years of credited service, plus their age equals 80 or higher. Employees will continue to pay the same percentage amount they were paying at the time of their retirement.

Examples:

- Age 65 and 15 consecutive years of service = 80
- Age 62 and 18 consecutive years of service = 80
- Age 55 and 25 consecutive years of service = 80

Upon reaching age 65, the retiree's primary coverage shall be Medicare with the one of Town's health insurance plans as secondary coverage.

The Town will only allow continued family or two-person coverage for eligible dependents that were covered at the time of retirement up until the retiree becomes Medicare eligible at which time the retiree will only be eligible to have two-person or single coverage (the retiree will be responsible for any and all premium rates for dependents added after the time of retirement).

The Town Board reserves the right to amend, alter or modify this policy at any time; however, if an employee retires while this policy is in effect, said benefits shall not thereafter be changed for that employee.

- F. Dental insurance is available to all active eligible employees of the Town of North Elba at the same respective employee contribution costs as the health insurance. The dental insurance benefit is only available to active employees and employees enrolled in the COBRA plan. The dental insurance is not available to employees who retire on or after February 1, 2006.
- G. Vision insurance is available to all active eligible employees of the Town of North Elba at 100% employee contribution. The vision insurance benefit is only available to active employees. The vision insurance is not available to employees who retire.
- H. Full Health Insurance Buy-out

Employees who are covered under health insurance not provided by the Town of North Elba may opt out of the Town of North Elba's health insurance coverage ("town plan") on an annual basis.

During the open enrollment period for health insurance coverage (December of each year), every employee is given the opportunity to opt out of the town plan for the subsequent calendar year.

When an employee opts out of the town plan and provides proof of insurance coverage for the subsequent calendar year, the employee becomes eligible for the health insurance buyout.

The health insurance buyout is paid in December of the calendar year in which the employee is not covered under the town plan.

The amount of the buyout is dependent on three factors:

1. The level of health insurance (i.e., single, employee & spouse, employee & child, or family), that was opted out
2. The number of months during the calendar year the employee was not on the town plan.
3. The amount of contribution the Town of North Elba provided to the employee's health savings account in January of the calendar year. If the Town of North Elba contributed to a health savings account in January of the calendar year, an employee is **not** eligible for a health insurance buyout in the same calendar year.

If an employee opts out of the town plan for an entire calendar year, the buyout amounts for the level of coverage opted out of is as follows: *(The Town Board reserves the right to review and change the amounts listed below on an annual basis during the budget process for the subsequent year.)*

Single coverage	\$1,600
Employee & Spouse, Employee & Children coverage	\$3,600
Family coverage	\$4,200

Example 1. Employee Joe was hired by the Town of North Elba in December 2015. Employee Joe attended the mandatory open enrollment meeting for calendar year 2016 in December 2015. Employee Joe is married and has two children. Employee Joe's spouse is currently providing health insurance for Employee Joe's family. Employee Joe decides to opt out of the town plan in December 2015. Employee Joe brings proof of insurance coverage to the Town of North Elba's Human Resource Coordinator and signs a form requesting the buyout to be paid in December 2016. Because Employee Joe is opting out of the town plan for the 2016 calendar year, Employee Joe will receive \$4,200.00 as a health insurance buyout.

Example 2. Employee Max was hired by the Town of North Elba in 2015. During the mandatory open enrollment meeting in December 2015, Max decides to enroll in the town plan for single coverage for the calendar year 2016. In January 2016, the Town deposited

\$2,200.00 in a health savings account owned by Employee Max. On July 1, 2016 Employee Max decides to drop the Town coverage because he got married and his spouse is able to provide coverage for Max through her employer's policy. Employee Max is opting out of Employee & Spouse coverage for half of the year. Because Employee Max received the \$2,200 deposit in January of 2016 he is ineligible for the health insurance buyout in 2016.

Example 3. Employee Bev has been covered under her spouse's plan for several years. In March 2016, Employee Bev's spouse lost his employer's health insurance coverage. Employee Bev enrolls herself and her spouse in the town plan effective April 1, 2016. Employee Bev will receive a deposit of \$4,400 in her health savings account for the remainder of 2016. Employee Bev will also forfeit her health insurance buyout for 2016.

9.10 Workers' Compensation

- A. Statement Of Policy - The Town shall provide Workers' Compensation Benefits to all eligible employees of the Town pursuant to the Workers' Compensation Law of the State of New York.
- B. Procedure:
 - 1. Any employee injured while on duty as an employee of the Town is required to file an accident report with the appropriate Department Head within twenty-four hours of the accident or as soon thereafter as possible. Failure of the employee to comply with this section shall preclude an employee from holding the Town liable for the injury.
 - 2. The Department Head must make a report of the incident before the end of the workday and submit such report to the Human Resource Coordinator.
 - 3. The Department Head and the Human Resource Coordinator shall be responsible for completing Form C-2 or C-25 (no loss time) and forward it immediately to the Administrator of the Self Insurance Plan within two (2) days of the incident.
 - 4. An employee claiming workers' compensation is responsible for notifying the attending physician that such is the case. Each physician who renders treatment to the employee must complete the proper medical forms. All forms with bills attached must be forwarded to the Administrator of the Self Insurance Plan for processing.
 - 5. Accumulated sick leave may be used at the employee's option. In such cases, the Town will notify Workers Comp to insure the reimbursement for approved days lost due to the injury or illness is paid to the Town. At the request of the employee, his/her sick time may be replenished based on the amount of the reimbursement received by the Town from Workers' Comp. subtracted from the gross amount received from the use of sick days. For example, if the employee's gross earnings from using sick leave equals \$3,000.00 and the Town received back from Workers' comp. \$2,000.00, the employee could buy back \$2,000 worth of sick time. Let's also assume that the person was out 15 days which translates to \$200.00/ day. Under this scenario, the employee could buy back 10 days (10 * 200.00).

9.11 Short Term Disability

- A. The Town's short-term disability plan provides partial pay (one-half of weekly wages up to a maximum benefit of \$170.00 per week) for employees who are unable to work due to non-work related illness, injury, or disability, after an absence of more than 7 days. Benefits begin on the 8th consecutive day of disability and continue for related absences up to a maximum of 26 weeks for any one period of disability during a term of 52 consecutive weeks. To be eligible, an employee must have four (4) consecutive weeks of covered employment.

- B. Should an employee have accrued sick time available to use, s/he must access the accrued sick time during the period of disability. In such cases, the disability benefit will be paid directly to the Town, however, the employee will be credited sick leave hours based on the total disability benefit compensation divided by the employee's hourly rate at the time of the disability.
- C. Should the employee not have accrued sick time available to use while out on Short Term Disability, then s/he shall receive payments directly from the insurance company.
- D. The employee must provide medical certification of the disability that includes the starting and expected ending date of the disability. This certification must be submitted to Human Resources within 7 days after becoming disabled. The employee may also be required to provide continuing proof of his/her disability as requested by the Town.
- E. Employees will not be able to return to work without submitting to Human Resources a note from a physician or licensed health care professional authorizing the employee's return.

9.12 Other Benefits

- A. The Town offers supplemental insurance through AFLAC. Payment for these benefits is the responsibility of the employee and may be made through voluntary deductions from an employee's check. Please contact the Human Resource Coordinator for additional information related to the plans offered via AFLAC.
- B. The Town offers employees a supplemental retirement plan through the New York State Deferred Compensation Program. Employees may contribute at various levels on a pay period basis subject to the limits of the IRS code. The Town does not match contributions.
- C. The Town also offers employees the option of Direct Deposit. Direct Deposit allows the employee to deposit his/her check directly into his/her bank/savings account electronically rather than receiving a check. The employee's bank must allow Direct Deposit in order to participate. Employees opting for Direct Deposit will receive a pay stub rather than a regular paycheck. Please contact the Personnel Office for enrollment forms.

9.13 Retirement Benefits

The Town participates in the New York State and Local Retirement Systems. As such, all full-time employees must join the Retirement System upon full-time employment. Anybody employed on less than a full-time basis may join the Retirement System, but is not required to do so. In addition, employees who have served in the military or have worked for another public sector employer in New York State may be eligible for additional service credit.

To contribute into the Retirement System. Generally speaking, a newly hired employee who joins the Retirement System must contribute 3% of his salary into the Retirement System for the first 10 years of his/her employment.

Applications and additional information related to the Retirement System can be obtained from the Personnel Office. Please note that all applications for the Retirement System must be notarized.

10. WORK POLICIES AND CODE OF CONDUCT

10.01 Personal Conduct

- A. All Town officials (elected or appointed) and Town employees are expected to remain constantly aware of their responsibility to the public and the fact that they are representatives of the Town. Their appearance and conduct at the workplace is expected to be such that will present a positive public image of the Town as well as showing respect and cooperation among and between Town officials and Town employees in carrying out their responsibilities on behalf of the Town and the public for whom they serve. Certain behavior is prohibited such as the use of profanity and vulgar language in the workplace either by Town officials or Town employees while performing Town duties and/or functions within the Town Hall. Disagreements among Town officials and/or Town employees should be dealt with in a civil manner without the necessity of shouting or otherwise berating or insulting one another. Failure to comply with these basic rules of conduct may result in removal from the workplace and/or disciplinary action where appropriate.

- B. Employees are expected to maintain an adequate knowledge of the operations of their Department so that, if placed in a position of contact with the public, they may give an accurate description of the functions of that Department. All employees are required to be courteous in their relationship with the public and should, whenever possible, give helpful and accurate information. If a question is asked about which the employee has no knowledge, he should refer it to a superior rather than give the inquiring individual incompetent, inaccurate or misleading information. Employees are expected to remain at their appointed workstation or place of duty on a regular basis throughout the workday, or as required by their immediate supervisor. Employees shall visit departments other than those in which they are employed only on official business. Upon completion of such visit, the employees shall report back to his supervisor for further assignments. The above section is by no means an exhaustive statement of official policy in regards to all aspects of personal conduct. Other provisions in this Manual relating to certain types of prohibited conduct should also be consulted, as the situation requires.

10.02 Dress Code

While it is not the Town's intention to dictate the personal wardrobe of its workforce, the appearance and dress of employees is important in creating a favorable image supportive of the public confidence. In general, employees are encouraged to maintain their personal appearance in a manner which will reflect a good image to the public. In addition, all safety clothing must be worn by those employees required to do so by their Department Head.

10.03 Vehicle Use

- A. This policy applies to all employees who use a Town vehicle to conduct business on be-

half of the Town.

- B. Vehicles which have been purchased by the Town of North Elba are intended for use by Town employees in the performance of their official duties, are not to be used for personal transportation. In situations where the performance of official duties requires that the employee be on call and available at all times other than the normal work day, it may be financially advantageous and in the best interest of the Town to allow the employee to use a Town vehicle for travel between their official domicile and their job site to ensure a rapid response in emergency situations.
- C. In situations where an employee is required to use a Town vehicle for travel between their official domicile and their job site the Town will consider the associated costs as compensation and withhold all appropriate taxes according to the federal and state tax code.
 - 1. Vehicles purchased by the Town are intended for use by Town employees in the performance of their official duties and are not intended to be used for personal transportation.
 - 2. All Town vehicles will be clearly identified as such and will display the Town name or seal on the front doors.
 - 3. In situations where an employees' official duties require them to be on call and available at times other than the normal work day, employees may be allowed, by Town Board Resolution, to use a Town vehicle for travel between their official domicile and their job site in order to ensure a rapid response in emergency situations.
 - 4. The Town Supervisor will identify on an annual basis all Town employees who are authorized to drive Town vehicles.
 - 5. The Town Supervisor will identify on an annual basis those Town employees authorized the use of Town vehicles for travel between their official domicile and their job sites. This list will include:
 - a. The name of the authorized employee, and
 - b. Those job responsibilities, which require the employee to have a Town vehicle available at times other than the normal workday.
 - 6. The list of authorized employees will be maintained in the Town Supervisor's office and will be available for public inspection during normal business hours.
 - 7. Employees who are authorized to use a Town vehicle for travel between their official domicile and their job sites will:

- a. Annually sign a statement indicating that they understand the Town's policy on the use of Town vehicles for personal transportation.
 - b. Maintain a daily log detailing their use of the vehicle for traveling to and from their domicile.
 - c. Submit to the Personnel Officer a copy of their daily log for each calendar month to allow for the calculation and withholding of the appropriate taxes.
8. The Town will maintain copies of the daily logs submitted by each employee and will report to the Town Supervisor on an annual basis:
- a. Aggregate use by each authorized employee.
 - b. Amounts withhold from employee compensation to meet the federal and state tax code.
9. While operating a Town vehicle, Town employees will:
- a. Possess a valid operator's license.
 - b. Obey all vehicular traffic laws.
 - c. Require all passengers to be properly secured through the use of seat belts.
 - d. Refrain from any use or activity which could be construed as political in nature.
 - e. Refrain from the consumption of all alcoholic beverages.
 - f. Operate the vehicle in a safe and courteous manner.
- D. Use of Town Vehicles – Emergency Calls - When Town vehicles are used to respond to Volunteer Fire Departments calls or Emergency Squad calls for assistance, the employee operating the Town vehicle shall not use and shall not install or add to the vehicle, lights, flashing lights, and/or sirens or other devices commonly not present on the vehicle or authorized as part of its use as a Town vehicle.

10.04 Supplies, Tools, Equipment, and Fuel Usage Policies

- A. Supplies - In order to insure the proper use of taxpayers' money, all Town owned supplies must be used efficiently and not wasted. Employees are not permitted personal use of any Town supplies, such as postage, paper and other office supplies, gasoline and motor oil.
- B. Tools and Equipment - The Town supplies employees with the tools and/or equipment necessary to perform their job duties. It is the responsibility of the employee to use these items wisely. Any tool or piece of equipment lost or damaged by the employee as a result of negligence or intentional misuse will be the employee's responsibility to have replaced or repaired. Employees are not allowed to take any tool or equipment for per-

sonal use. Work on private vehicles using the Town Garage, tools and equipment is strictly prohibited.

- C. Fuel - The Town owns a fuel pump which provides fuel for those vehicles authorized for the use of Town business. Employees are prohibited from dispensing fuel for their personal use.
- D. Violations of the above policy will result in disciplinary action, up to and including dismissal, in accordance with Civil Service Law (Section 75).

10.05 Telephone Use

During office hours, be sure someone is always in your office to answer the telephone. If your department has a limited staff, make arrangements with another department for telephone coverage or make sure an answering device is in operation.

In order to achieve our goal of effective public service, it is important to maintain good relations with the residents of our community. Remember these people are not only taxpayers, but are also our employers. When conducting Town business on the telephone, be sure to follow these brief guidelines:

1. Answer promptly, speaking in a clear, friendly and courteous tone
2. Identify your office and your self. If a call is not for you, be sure to transfer the caller to the correct party.
3. If you must hold a call, return to the line frequently so the caller will not think she/he has been forgotten.
4. Personal long distance calls are strictly prohibited.
5. Employees are prohibited from accepting collect calls without the approval of the Department Head or Supervisor.
6. Employees are limited in the personal use of Town telephones and personal cell phones except in the case of emergencies, or to check briefly on family matters.
7. Town cell phones should be used for Town business only.

10.06 Unauthorized Work

Employees are expected to perform work only for the Town during the work shift. Any employee who performs unauthorized work, claims that Town work has been done when such is not the case, or performs any act of fraud or deceit, will be subject to disciplinary action, up to and including dismissal, in accordance with the Civil Service Law

(Section 75).

10.07 Code of Conduct

The intent of this Code is to prohibit any public official or employee from having interests, from engaging in business activities, and from incurring any obligations, which is in substantial conflict with the proper discharge of his or her duties in the public interest. Violation of these principles can be cause for dismissal from employment with the Town.

- A. Nepotism - No Town employee or elected official shall appoint, employ, promote, advance, or recommend a relative to any position over which he has supervisory control unless full disclosure is made to the Department Head or the Town Board. Any individual who is related to the employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepsister, half brother or half sister, or person residing in the same household shall be considered a “relative” for the purpose of this section.
- B. Conflicts of Interest - No Town employee or elected official shall have any direct interest, financial or otherwise, in any business or transaction or professional activity or incur any obligation of any outside organization which is in substantial conflict with the proper discharge of his duties in the public interest of the Town of North Elba.
- C. All employees should also take note that New York State’s General Municipal Law, Article 18, sets forth relevant conflict of interest laws which apply to all Town employees, the provisions of which are incorporated herein and made a part of this Manual.
- D. Standards of Employment
 1. No Town employee shall accept other employment, which will impair his independence of judgment in the exercise of his official duties.
 2. No Town employee shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.
 3. No Town employee shall use or attempt to use his official position to secure unwarranted privileged or exemptions for himself or others.
 4. No Town employee shall engage in any transaction as representative or agent of the Town with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.
 5. A Town employee shall not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the per-

formance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.

6. Each Town employee shall abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.
7. Each Town employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in act that are in violation of his public trust.
8. No Town employee employed on a full-time basis, nor any firm or association of which such employee is a member, nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee, shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the Town of North Elba.
9. Each Town employee shall, to the extent that he is cognizant thereof, disclose any interest he may have in legislation or other official matters pending before the Town Board.
10. No Town employee shall accept any substantive monetary payment or gratuity which might influence his decisions, work performance, or official duties to the benefit of some other person, entity or organization.
11. No employee shall permit or engage in sexual harassment.
12. In addition to any penalty contained in any other provision of law, any Town employee knowingly and intentionally violates any of the provisions of this Code may be fined, suspended or removed from office or employment in the manner provided by law.
13. Exceptions to the above include the following:
 - a. The acceptance of meals of nominal value on infrequent occasions in the ordinary course of business meetings.
 - b. The acceptance of loans from banks, or other financial institutions on normal terms to finance proper and usual activities, e.g. home mortgage, automobile purchase, etc.
 - c. The acceptance of unsolicited promotional goods such as pens, pencils, notepads and calendars as long as such materials do not exceed a retail value of \$25.00.

10.08 Political Activity

A. No employee shall:

1. Use his authority to interfere with an election or to influence another employee's vote.
2. Use Town property to promote a political candidate or post political signs or propaganda on Town property.
3. Coerce another employee to contribute money for political purposes.
4. "Command and advise" another employee as to where he/she might purchase goods and services or interfere in any other way with his/her personal rights or the personal rights of others.

B. Any employee may hold a public office which does not involve an interest, or conflict that interferes with his regular employment, or is in violation of the Hatch Act.

C. Employees shall otherwise be permitted to participate in all aspects of political activity as long as such participation is conducted during off duty hours and does not conflict or interfere with job performance.

10.09 Outside Employment

A. No employee shall accept outside employment or engage in any private business if such outside employment or private business interferes with normal conduct of his regular Town position. Any employee accepting outside employment shall make arrangement with his outside employer to be relieved from his duties should he be called for an emergency by the Town. Any employee accepting such employment shall agree to respond to any emergency should his/her Department Head determine it necessary.

B. All employees who sustain injuries while performing outside employment duties are to report them to their Department Head prior to the next regularly scheduled workday.

11. DISCIPLINARY ACTION

11.01 Statement of Policy

It is policy of the Town of North Elba to provide a well-defined system of discipline which sets forth standards of conduct and guidelines for disciplinary actions and which will be applied to all employees equitably, without bias or prejudice.

11.02 Employee's Responsibility

- A. In order to continue operating in a safe, orderly and efficient manner, certain rules are necessary. Rules are guides for the employees on how to conduct themselves and what employees' responsibilities are while working for the employer. Employees who fail to abide by these established rules will be subject to corrective discipline or discharge.
- B. Corrective discipline may range from an oral or written warning for a minor offense or omission to discharge for more serious or repeated infractions.

11.03 Department Head's Responsibility

- A. It is the responsibility of the Department Head to maintain proper standards of work and conduct. These standards are based on common sense and good business practices. Disciplinary action may be necessary to carry out the Department Head's responsibilities.
- B. Each Department Head should:
 - 1. Take into consideration the seriousness of the offense.
 - 2. Consider how often the person has broken the rules in the recent past.
 - 3. Obtain all the facts. Be sure who did what, where it happened, when it occurred, why it happened as it did, who witnessed it, and secure written documentation of the occurrence.
 - 4. Give a clear explanation of the offense to the offender.
 - 5. Give patient and thorough instructions on how to do the work correctly or about proper conduct.
 - 6. Consistently interpret the Town's and Department's policies. A Department Head should not ignore several violations and then suddenly enforce the work rules to the detriment of an individual employee.

11.04 General Provisions

- A. Any Town employee may be disciplined in accordance with existing law.
- B. The need for disciplinary action may arise as result of different kinds of action on the part of the employee, such as, but not limited to:
1. Failure to perform his or her job in a satisfactory manner or, unsatisfactory performance of one or more of the requirements of his or her job.
 2. Infractions of rules, regulations, policies or procedures as established by the Town or the department.
 3. Offenses or misconduct, which violate general rules of behavior or are specifically prohibited by law.
 4. The following types of infractions, offenses or misconduct represent typical reasons for disciplinary action and are not meant to be the only permissible reasons for disciplinary action:
 - Absence without calling pursuant to proper procedure.
 - Disregard or violation of safety rules.
 - Distracting other employees.
 - Failure to report an injury.
 - Failure to keep work area tidy.
 - Failure to follow instructions.
 - Gambling while on duty.
 - Late for work without valid reason; being late for work even with a valid reason may also be cause for disciplinary action, if excessive.
 - Leaving work without permission.
 - Incompetence or inefficiency in performance of assigned duties.
 - Use of another employee's equipment without permission.
 - Involvement in an accident chargeable to an employee while operating a Town vehicle or equipment. Negligence on the part of the employee should be the determining fact as to whether or not disciplinary action is appropriate.
 - Operating a Town vehicle or equipment without a proper valid driver's or chauffeur's license.
 - Extension of lunch period or break periods.
 - Abuse of sick leave privileges.
 - Conduct unbecoming a Town Employee.
 - Failure to report an accident.
 - Insubordination.
 - Leaving a job without permission.
 - Possession, or drinking of alcoholic beverages or use of drugs on the job.
 - Reporting to work when intoxicated or under the influence of drugs.

- Giving false information or refusing to give testimony in connection with an investigation regarding the scope of the employee's job.
- Sleeping on the job.
- Threatening co-worker or supervisor.
- Unauthorized use or unsafe operation of Town property, equipment or vehicle.
- Use of abusive language to an employee, co-worker, supervisor or public.
- Abuse of Town vehicle or equipment.
- Conviction and imprisonment for a felony or a first-degree misdemeanor directly related to the position held.
- Excessive accidents resulting in injury to self, others or damage to Town equipment.
- Falsifying application or concealing information during screening and processing.
- Falsifying attendance or leave records.
- Failure to be available for a reasonable amount of overtime assignments.
- Fighting on the job or engaging in any intentional act which may inflict bodily harm to anyone.

11.05 Disciplinary Procedures

- A. Employees covered under Section 75 of the Civil Service Law (CSL) who are subject to disciplinary action have the right to representation and shall be given a written advanced notice of that right. If the employee requests representation, the Town shall allow the employee a reasonable period of time to obtain such representation. If the employee is unable to obtain such representation within a reasonable period of time, the Town has the right to then question the employee.
- B. The charges approved by the Town Board shall be communicated in writing to the employee by the Town Supervisor. The charges must state the reason for the proposed disciplinary action.
- C. The employee shall be allowed eight (8) days to respond in writing to the charges if served personally or eleven (11) days if served via mail.
- D. A hearing shall be held on the charges. The Town Board shall designate a hearing officer in writing to conduct the hearing in its place. Such individual shall be vested with all the powers of the hearing officer and shall make a record of the hearing. This record, together with recommendations, shall be forwarded to the Town Board for its review and decision.
- E. The employee is entitled to representation by either counsel or other such representative at the hearing.
- F. The burden of proving incompetence or misconduct shall be upon the charging party.

11.06 Suspension Without Pay Pending Determination of Charges

Pending the hearing, the employee may be suspended without pay for a period not to exceed thirty (30) days unless the hearing is delayed due to a request for such a delay by the employee or his/her representative.

11.07 Adjudication

- A. If the employee is found to be guilty of the charges, the penalty may consist of one of the following:
 - 1. A reprimand,
 - 2. A fine to be deducted from the employee's pay,
 - 3. A suspension without pay,
 - 4. Demotion in grade and title, or
 - 5. Dismissal from Town employment.
- B. If the employee is found to be guilty, a copy of the charges, the employee's written answer thereto, a transcript of the hearing, and the determination shall be filed with the Essex County Personnel Department.
- C. If the employee is found to be not guilty, he/she shall be restored to his/her position with full pay for the period of suspension, less the amount of any unemployment insurance benefits that he/she may have received during such period.
- D. Notwithstanding any other provision of law, no removal or disciplinary proceeding shall be commenced more than eighteen (18) months after the occurrence of the alleged incompetence or misconduct complained of and described in the charges provided, however, that such limitation shall 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.

12. COMPUTER/INTERNET POLICY

- A. The Town provides certain employees access to the vast information resources of the Internet with the intention of increasing productivity. While the facility has the potential to help you do your job faster or smarter, there is justifiable concern that it can also be misused. Such misuse can waste time and potentially violate laws, ordinances, or other Town policies. This Internet usage policy is designed to help you understand the expectations for the use of these resources.
- B. The underlying philosophy of this policy is that Internet access from the Town is for business related purposes including communicating with vendors, suppliers, colleagues, researching relevant topics and obtaining useful business information. In addition, all existing laws and Town policies apply to your conduct on the Internet, especially those that deal with protection, privacy, and misuse of Town resources, sexual harassment, data security, and confidentiality.
- C. The best way to determine if use of the Internet is appropriate is to ask, "If I were doing this same activity in some other way (e.g. telephone, library, in person, by hand), would this activity be considered inappropriate?" There are a few pertinent observations. The use of the Internet does not cause incremental expense to the Town, so the use of the Internet in and of itself does not constitute abuse any more than using the telephone for local calls. What is being done is what is important, and there are two key tenants:
 - 1. Don't do anything with Town Internet access resources that would otherwise be considered illegal or grossly inappropriate.
 - 2. Downloading erotica, playing games, sending non-Town business mass mailings, and running a private business are inappropriate.
- D. Don't waste Town time. There are plenty of fascinating sites to explore, but Town time is to be spent conducting Town business.
- E. The display of any kind of obscene images or obscene documents on any Town computing resource is a violation of existing Town policy on sexual harassment. In addition, obscene material may not be intentionally archived, stored, distributed, edited, or recorded using Town network, printing, or computing resources.
- F. No employee may use Town facilities knowingly to download or distribute pirated software or data. Any software or files downloaded via the Internet may be used only in ways that are consistent with their licenses or copyrights.
- G. No employee may use the Town's internet facilities to deliberately propagate any virus, worm, Trojan horse, trapdoor, or back-door program code or knowingly disable or overload any computer system, network, or to circumvent any system intended to protect the privacy or security of another user.

- H. The Town Internet facilities and computing resources must not be used to knowingly violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, city, province, or local jurisdiction in any material way.
- I. Each Town employee using the Town's Internet facility shall identify themselves honestly, accurately, and completely when corresponding or participating in interactive activities, and shall not send unsolicited mass electronic mail.
- J. Employees should not have any expectation of privacy as to his or her Internet usage. It is possible to monitor Internet usage patterns and the Town may inspect any and all files stored on Town resources to the extent necessary to ensure compliance.
- K. The Town's Internet system constitutes public facilities and may not be used to support or oppose political candidates or ballot measures.
- L. Employees should not have any expectation of privacy when using the Town's Internet facilities. E-mail messages and other correspondence may be accessed for the Freedom of information Act and/or criminal investigations.
- M. Any user violating these provisions or applicable local, state, and federal laws is subject to immediate loss of Internet privileges, additional Town disciplinary actions, and/or criminal prosecution.

13. WORKPLACE VIOLENCE

- A. The Town is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the Town has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.
- B. All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the Town without proper authorization.
- C. Conduct that threatens, intimidates, or coerces another employee or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.
- D. All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor, Department Head or the Town Supervisor. This includes threats by employees, as well as threats by customers, vendors, solicitors, or members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.
- E. All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, contact the Police Department immediately.
- F. The Town will promptly and thoroughly investigate all reports of threats of (actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the Town may suspend employees either with or without pay, pending investigation.
- G. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment or expulsion from the Town.
- H. The Town encourages employees to bring their disputes or differences with others to the attention of their supervisors, Department Heads or the Town Supervisor before the situation escalates into violence. The Town is eager to assist in the resolution of said disputes and/or differences.

14. GRIEVANCE PROCEDURE

14.01 STATEMENT OF POLICY

It is the intent of the Town that all grievances be resolved informally or at the earliest possible stage of this grievance procedure. However, the Town recognizes that there needs to be a procedure available to employees without any fear of discrimination because of its use. Informal settlements at any stage shall bind the immediate parties to the settlement but shall not necessarily serve as precedent in other grievances.

14.02 DEFINITIONS

- A. A “grievance” is a claim by any employee or group of employees based upon an alleged violation of the Town policies.
- B. An “employee” is a person currently employed by the Town on a full-time basis or on a regular part-time basis.
- C. An “aggrieved party” is the employee or group of employees who submit a grievance to the Town.
- D. A “day” as used here shall be deemed to mean a work-day.

14.03 SUBMISSION OF GRIEVANCES

- A. Before submission of a written grievance, the aggrieved party should attempt to resolve it informally with his/her immediate supervisor.
- B. Each grievance shall be submitted in writing on a form approved by the Town and shall identify the aggrieved party, the provision of this Policy Manual involved in the grievance, the time when and the place where the alleged events or conditions constituting the grievance existed and if known, the identity of the person responsible for causing such events or conditions and a general statement of the grievance and redress sought by the aggrieved party.
- C. A grievance shall be deemed waived unless it is submitted in writing within fifteen (15) days after the aggrieved party knew of or should have known of the events or conditions on which it is based.
- D. An employee or group of employees may submit grievances which affect them personally and shall submit such grievance(s) to their immediate supervisor.

14.04 STEPS

- A. The immediate supervisor shall respond in writing to each grievance received. If an aggrieved party is not satisfied with the response, or if no response is received within seven (7) days after the submission of a grievance, such aggrieved party may submit a copy of the grievance to the Town Supervisor, no later than seven (7) days thereafter.

- B. The Town Supervisor shall, upon request, confer with the aggrieved parties with respect to the grievance and shall deliver to the aggrieved parties a written statement of his/her position with respect to it not later than ten (10) days after it is received by him/her. If the aggrieved party is not satisfied with the response, or if no response is received within the ten (10) days period, the aggrieved may submit the grievance in writing to the Town Board for its review. Within ten (10) days thereafter the Town Board will issue its decision in writing to the aggrieved party. Said decision shall be final.

14.05 STATEMENT OF GRIEVANCE FORM

Town of North Elba
STATEMENT OF GRIEVANCE

Grievance No: _____

Date: _____

Stage: _____

Aggrieved Party: _____

Position: _____

Nature of Grievance (identify where the Town Policy is alleged to have been violated including when, where and by whom): _____

Redress Sought: _____

Grievant

Date: _____

15. CONCLUSION

In general, we have mentioned benefits, procedures and responsibilities. Now, we need to emphasize again the most important component, that is, the taxpayers and residents of the Town of North Elba. In order to retain the confidence of those we serve, we want to assure that our excellent reputation continues by always giving the best service.

Thank you for taking the time to review this Manual. You are encouraged to contact your Department Head if you have any questions, suggestions, or concerns regarding your employment with us.