

Town of Schodack



PERSONNEL POLICY AND PROCEDURE MANUAL

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Town of Schodack



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100 INTRODUCTION

101 *Welcome Message*

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

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

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

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

102 *A Message to Our Unions*

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

It is important that all employees understand the personnel policies and procedures and work rules outlined in this Personnel Policy and Procedure Manual. For union members, the collective bargaining agreement governs the terms and conditions of employment. You are encouraged to obtain a copy of your collective bargaining agreement from your union representative. Anywhere that the Agreement and this Handbook conflict, the Agreement will control. However, in certain instances where the Handbook covers an issue that is not the subject of bargaining, this Handbook will control. We have made every effort to acknowledge these situations. If you have any questions, you should contact your Department Head, union representative or the Human Resource Department.

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

103 **Definitions**

Town of Schodack– For purposes of this Personnel Policy and Procedure Manual, the Town of Schodack may be referred to as the “Town”.

Town Board – For purposes of this Personnel Policy and Procedure Manual, “Town Board” will mean the Town Board of the Town of Schodack.

Elected Official – For the purposes of this Personnel Policy and Procedure Manual, “Elected Official” will mean and refer to any of the following elected officials of the Town of Schodack:

- Town Supervisor
- Town Board Members
- Town Justices
- Town Clerk
- Receiver of Taxes

Town Supervisor – For purposes of this Personnel Policy and Procedure Manual, “Town Supervisor” will mean the Town Supervisor of the Town of Schodack. When referenced in this Personnel Policy and Procedure Manual, Town Supervisor shall also mean an individual acting with the Town Supervisor’s properly designated authority.

Department Head – For purposes of this Personnel Policy and Procedure Manual, “Department Head” will mean the person in charge of any department, agency, bureau, unit, or subdivision of the Town of Schodack. This definition will be applicable in the event such person is serving in an acting, temporary, or provisional status in the position of Department Head. This term shall also include the Town Supervisor, where an individual otherwise designated as Department Head or any other individual must report to the Town Supervisor.

Employee – For the purposes of this Personnel Policy and Procedure Manual, “employee” will mean a person employed by the Town, including, but not limited to, an appointed official, an appointed member of a board or commission, Department Head, managerial employee, confidential employee, supervisory employee, provisional employee, probationary employee, temporary employee, seasonal employee, trainee, or student intern, but not an independent contractor.

Civil Service Law – For purposes of this Personnel Policy and Procedure Manual, “Civil Service Law” shall mean the New York State Civil Service Law and shall include the *Rules for the Classified Service of Rensselaer County*.

104 ***The Purpose of this Personnel Policy and Procedure Manual***

Statement of Purpose – The purpose of this Personnel Policy and Procedure Manual is to communicate the Town's personnel policies and practices to all employees and Elected Officials. It is extremely important that each employee understand the policies that relate to rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits. **This Personnel Policy and Procedure Manual is not a contract of employment, express or implied, and should not be construed as such.** That is, employment can be terminated at any time at the will of either the employer or the employee; subject only to such requirements as may be specified pursuant to New York State Civil Service Law, Town Law, collective bargaining agreement, or any other applicable law, rule, or regulation. The provisions and policies contained in this Personnel Policy and Procedure Manual are intended to supersede any and all prior manuals, guidelines or related policies issued by the Town of Schodack.

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

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

Superseding Agreements – In the event an expressed and explicit provision set forth in a separate written agreement between the Town and an employee should conflict with any employee benefit, personnel policy, personnel procedure, or other provision set forth in this Personnel Policy and Procedure Manual, the expressed and explicit provision of that agreement will control. Otherwise, unless expressly excluded herein, this Personnel Policy and Procedure Manual will be applicable to all employees.

Collective Bargaining Agreements – In the event an expressed and explicit provision set forth in a collective bargaining agreement between the Town of Schodack and an employee organization as defined by the Public Employees' Fair Employment Act (Taylor Law) should conflict with an employee benefit, personnel policy, personnel procedure, or other provision set forth in this Personnel Policy and Procedure Manual, the expressed and explicit provision of the collective bargaining agreement will control. Otherwise, unless expressly excluded herein, this Personnel Policy and Procedure Manual will be applicable to all employees.

Police Department – For the purposes of some of the policies stated in this Personnel Policy and Procedure Manual, the Town of Schodack Police Department is a separate entity which has the authority to promulgate its own policies and procedures. If a policy stated in this Personnel Policy and Procedure Manual differs from a rule, regulation or policy established by the Police Department, the latter shall supersede.

Questions – Any questions regarding any topic covered in this Personnel Policy and Procedure Manual should be directed to the Human Resource Department.

105 *Changes or Modifications*

Rights of the Town Board – The Town Board reserves the right to interpret, change, modify or eliminate any provision contained in this Personnel Policy and Procedure Manual.

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

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

200 EMPLOYEE CLASSIFICATIONS

For purposes of this Personnel Policy and Procedure Manual, the following terms shall be defined as indicated. The definition provided for each of these terms applies only within the context of this Personnel Policy and Procedure Manual. The meaning and use of these terms or similar terms may be different in the context of Civil Service Rules or a collective bargaining agreement.

201 *FLSA Exempt Employees*

The term “FLSA exempt employee” will mean a covered employee who qualifies for an exemption from the minimum wage and overtime provisions of the Fair Labor Standards Act. This term shall also apply to any employee who is not covered by the FLSA.

202 *FLSA Non-Exempt Employees*

The term “FLSA non-exempt employee” will mean a covered employee who is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

203 *Full-Time Employees*

The term “full-time employee” will mean an employee who is regularly scheduled to work a minimum of thirty-five hours per week.

204 *Part-Time Regularly Scheduled Employees*

The term “part-time regularly scheduled employee” will mean an employee who is scheduled on a regular basis to work twenty-one or more hours per week but less than thirty-five hours per week.

205 *Part-Time Employees*

The term “part-time employee” will mean an employee who is scheduled to work less than twenty-one hours per week.

206 *Temporary Employees*

The term “temporary employee” will mean an employee who is employed on an interim or sporadic basis, or who is employed to work on a special, emergency, or on-call basis for a specified period, consistent with the Civil Service Law as applicable.

207 *Seasonal Employees*

The term “seasonal employee” will mean an employee who is employed to work for a given season.

300 THE CIVIL SERVICE SYSTEM

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

301 *The Unclassified and Classified Services*

Unclassified Service – In accordance with Civil Service Law and for purposes of this Personnel Policy and Procedure Manual, the term “Unclassified Service” will include all individuals who are Elected Officials and/or members of boards or commissions.

Classified Service – In accordance with Civil Service Law and for purposes of this Personnel Policy and Procedure Manual, the term “Classified Service” as defined by the Civil Service Law and the *Rules for the Classified Service of Rensselaer County* will include all Town employees who are subject to the *Rules for the Classified Service of Rensselaer County*. The Classified Service is divided into four jurisdictional classes:

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

302 *Civil Service Appointments*

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

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

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

303 Examinations and Promotions

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

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

304 Veterans Credits

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

400 EMPLOYMENT MATTERS

401 Oath of Office

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

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

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

402 Procedure for Filling Vacancies

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

Notification of Vacancies – In the event there is a vacancy in a new or existing position which the Town intends to maintain, the vacancy is posted in house for a period to be determined by the Town Board, then advertised at which time qualified individuals will be interviewed. The Town reserves the right to fill a position either internally or with an external candidate.

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

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

Pre-Employment Physicals – When appropriate in accordance with the requirements of a particular position, the Town may require that an applicant undergo a medical examination after receiving a conditional offer of employment, to determine fitness for duty. In doing so, the Town will comply with the provisions of the Americans with Disabilities Act (see Section 902 of this handbook.)

Residency Preference – Qualified applicants who are Town of Schodack residents will be given priority consideration over qualified nonresidents.

403 *Employment of Relatives*

Policy Statement – A member of an employee’s immediate family may be considered for employment by the Town if the applicant possesses all of the qualifications for employment. An immediate family member may not be hired, however, if the employment would create either a direct or indirect supervisory/subordinate relationship with the family member; or create either an actual conflict of interest or the appearance of a conflict of interest. These criteria will also be considered when assigning, transferring or promoting an employee.

Definition of Immediate Family – For purposes of this policy, “immediate family” includes the employee’s spouse, brother, sister, parents, children, step-children, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandchild, grandparent, grandparent-in-law, and any other member of the employee’s household in a family type relationship.

Elected Officials – This policy is not intended to supersede the appointing authority of Elected Officials and does not apply to such appointments.

Employee Relations – Employees who marry or become members of the same household may continue employment as long as there is not a direct or indirect supervisor/subordinate relationship between the employees, or an actual conflict of interest or the appearance of a conflict of interest. Should one of the above situations occur, the Town will attempt to find a suitable position with the Town to which one of the affected employees may be appointed. Such appointment must be in accordance with applicable state and local statutes, including Civil Service Law and related rules and regulations. If accommodations of this nature are not feasible, the employees will be permitted to determine which one of them will resign.

Competitive Class Positions – This policy is not intended to supersede civil service regulations pertaining to appointments made to competitive class positions. Therefore, this policy cannot be used as a basis for denying the appointment of an individual to a competitive class position even if such appointment would constitute the employment of a relative as defined by this policy.

404 *Nepotism*

Policy Statement – Town employees or officials may not authorize or use the authority or influence of their positions to secure employment for or to benefit a person closely related by blood or marriage, or another significant business relationship.

Elected Officials – This policy is not intended to supersede the appointing authority of elected officials and does not apply to such appointments.

405 **Probationary Period**

Except as otherwise provided in a collective bargaining agreement, the *Rules for the Classified Service of Rensselaer County* provide for the following, which is applicable to employees appointed, promoted or transferred pursuant to the Civil Service laws. Additional provisions may also apply in accordance with those rules.

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

Length of Probationary Period (Competitive Class) – Except as otherwise provided in the *Rules for the Classified Service of Rensselaer County*, an employee appointed from an open-competitive list must serve a probationary period of twenty-six weeks. The length of the probationary period may be extended in accordance with the *Rules for the Classified Service of Rensselaer County*.

Length of Probationary Period (Other Classes) – Except as otherwise provided in the *Rules for the Classified Service of Rensselaer County*, an employee's original appointment to a position in the exempt, non-competitive, or labor class shall be for a probationary period of twenty-six weeks. The length of the probationary period may be extended in accordance with the *Rules for the Classified Service of Rensselaer County*.

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

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

406 *New Employee Orientation*

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

407 *Performance Review*

Statement of Purpose – The purpose of a performance review is to promote communications between Department Heads and employees, encourage more effective job performance, and address concerns of either party. The review will address factors that reflect the employee's performance, such as the employee's work quality, job knowledge, initiative, attendance, teamwork, conduct, and communication skills.

Frequency – An employee will be formally evaluated prior to completion of a probationary period. Thereafter, reviews will take place on a regular recurring interval to provide the employee with positive feedback or recommendations for improvement or both, depending upon circumstances.

Written Report – When appropriate, the performance review may include a written report to ensure proper understanding of the issues addressed. Should deficiencies be recorded in the performance of the employee, the employee will receive written recommendations for improvement. The employee will be given the opportunity to include written comments on the report, which will be signed by the Supervisor and the Employee and which will become part of the employee's personnel file. The signature of the employee indicates they have read the report but does not necessarily signify agreement.

408 **Corrective Action and Discipline**

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

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

Counseling – Counseling employees, as opposed to initiating formal disciplinary action, may be the appropriate first step in addressing performance deficiencies or misconduct. The purpose of counseling is to inform the employee of such deficiencies or misconduct, discourage its recurrence, and inform the employee of the consequences if the behavior is repeated. When performance deficiencies are the issue, the performance standards of the job should be reviewed, along with specific examples of how the employee is not meeting those standards. Where appropriate, goals for improvement may be established, along with a time frame for achieving them. The counseling will be documented in writing and the employee will be required to acknowledge receipt by signing the memorandum. The signature of the employee indicates they have read the counseling memorandum but does not necessarily signify agreement.

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

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

During the investigation process, a union employee who appears to be a potential subject of disciplinary action may undergo questioning. Such employee will have the right to representation by the employee's certified or recognized employee organization under

Civil Service Law Article 14 and will be given advanced notice of such right. In the event the employee requests representation, the employee will be allowed a reasonable period of time to obtain such representation. In the event the employee is unable to obtain such representation within a reasonable period of time, the employer will have the right to then question the employee.

Procedures – Employees covered by **Civil Service Law Section 75** shall be disciplined in accordance with the procedures contained therein. (Refer to Section 409 of this Personnel Policy and Procedure Manual). An employee who is a member of a collective bargaining unit should refer to the collective bargaining agreement on the subject of the disciplinary procedure.

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

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

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

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

409 **Civil Service Law Section 75**

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

Union Employees – An employee who is a member of a collective bargaining unit should refer to the collective bargaining agreement on the subject of the disciplinary procedure.

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

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

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

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

- **Notice of Discipline** – An employee subject to discipline will be provided with a written Notice of Discipline (NOD) which will contain all charges and specifications.

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

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

Right to Representation – The employee may have representation by counsel or by a representative of a recognized or certified employee organization at the hearing and may summon witnesses on the employee's behalf.

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

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

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

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

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

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

410 Code of Ethics

Definitions

- The term "Town employee" for the Code of Ethics shall mean any Officer or Employee of the Town of Schodack, whether paid or unpaid, whether serving full time or part time.
- The term "volunteer" shall mean any person who serves in an unpaid advisory capacity in the Town.

Rule with Respect to Conflicts of Interest - No Town employee or volunteer shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which are in conflict with the proper discharge of his/her duties in the public interest.

Standards of Conduct

- No Town employee or volunteer shall accept other employment which will impair independence of judgment in the exercise of his/her official duties.
- No Town employee or volunteer shall accept employment or engage in any business or professional activity which will require the disclosure of confidential information which has been gained by reason of his/her official position or authority.
- No Town employee or volunteer shall use or attempt to use his/her official position to secure unwarranted privileges or exemptions for himself/herself or others.
- No Town employee or volunteer shall engage in any transaction as representative or agent of the Town with any business entity in which he/she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his/her official duties.
- A Town employee or volunteer shall not by his/her conduct give reasonable basis for the impression that any person can improperly influence him/her or unduly enjoy favor in the performance of official duties, or that he/she is affected by the kinship, rank, position or influence of any party or person.
- Each Town employee or volunteer shall abstain from having personal investments in enterprises which he or she has reason to believe may be directly involved in decisions to be made or which will otherwise create substantial conflict between his/her duty in the public interest and his/her private interest.
- Each Town employee or volunteer will endeavor to pursue a course of conduct which will not raise suspicion among the public that he/she is likely to be engaged in acts that are in violation of his/her trust.
- No firm, corporation or association of which any employee is a member or 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.

Violations - In addition to any penalty contained in any other provision of law, any such Town employee who shall knowingly and intentionally violate any provisions of Chapter 27 of the Code of the Town of Schodack or sections of this policy or New York State Public Officers Law may be fined, suspended or removed from office or employment in the manner provided by law.

411 **Personnel Records**

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

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

Location of Files – All original personnel records for current employees will be kept locked in the office of the Human Resource Department and will be maintained and controlled by the Human Resource Department.

Immigration (I-9) Forms – All Immigration (I-9) Forms will be kept in a separate file apart from the employee's personnel file.

Medical Records – All employee medical records will be kept in a separate file apart from the employee's personnel file in the office of the Human Resource Department and will be maintained and controlled by the Human Resource Department. ***For security purposes, these files will be locked at all times.***

Substance Testing Records – All employee substance testing records will be kept in a separate file apart from the employee's personnel file in the office of the Human Resource Department and will be maintained and controlled by the Human Resource Department. ***For security purposes, these files will be locked at all times.***

Change in Status – An employee must immediately notify the Human Resource Department of a change of name, address, telephone number, marital status, number and age of dependents, beneficiary designations, and individuals to notify in case of emergency.

Review of Personnel Files – Access to personnel files is limited. A current employee may review the contents of the employee's own personnel file by submitting a written request to the Human Resource Department to be scheduled at a mutually convenient time. The Payroll Personnel Human Resources Coordinator or the Town Supervisor must be present when the employee inspects the file. An employee may not copy, remove, change, or place any material in the employee's personnel file.

412 Separation from Employment

Notice of Resignation (Employees) – An employee who intends to resign from employment must submit a written resignation to the Town Clerk no less than two weeks or thirty days before the date of resignation is to be effective. Upon receipt the Town Clerk will copy the Town Board, Human Resource Department, and the employee's Department Head.

Notice of Resignation (Town Officers) – A Town Officer as defined by Public Officers Law – Section 31 must resign by delivering a written notice to the Town Clerk. If no effective date is specified, the office becomes vacant immediately upon delivery of the notice to the Town Clerk. If a Town Officer wishes to resign at some future date, the Town Officer may specify a resignation date. However, if the resignation date is more than thirty days after delivery of the notice to the Town Clerk (ninety days for Justices), the resignation will become effective thirty days after such delivery (ninety days for Justices).

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

Exit Interviews – Exit interviews are conducted by the Town Supervisor or designee. The Human Resource Department will provide an interview opportunity to discuss employee benefits and COBRA eligibility. Town-owned property such as cell phones and keys are to be returned to the Town Clerks office. During the exit interview, employees are encouraged to give suggestions, concerns and constructive recommendations to the Town Supervisor.

Final Paycheck – Employees receive their final paycheck on the next regularly scheduled payday. The final paycheck includes payment for accumulated vacation benefits and compensatory time, if applicable (See Section 802 of this handbook).

500 OPERATIONAL POLICIES

501 *Departmental Hours*

Normal Hours of Operation – The normal hours of operation are established by the Town Board. An employee's Department Head will establish the employee's work schedule, which may differ from the normal hours of operation depending upon particular needs and requirements of the department. The Town Board reserves the right to approve or set, by Town Board resolution, all employee work schedules, except where otherwise prohibited by applicable State or Town Law.

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

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

Refusal to Work Additional Hours – An employee who, after investigation, is found to have refused to work additional hours as directed will be subject to appropriate disciplinary action.

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

502 *Meal Breaks and Breaks for Nursing Mothers*

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

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

Observance of Meal Breaks – In accordance with New York State regulations, an employee who works more than six hours in a given day is required to take the scheduled meal break.

Breaks for Nursing Mothers to Express Breast Milk – Employees who are nursing mothers shall be allowed to use a reasonable unpaid break (generally between twenty to thirty minutes) in addition to the employee's meal breaks to express milk for a nursing child (use of accrued paid leave credits is allowed). The Town will provide this break at least once every three hours if requested by the employee. This provision applies to nursing mothers for up to three years following childbirth. The Town will make a reasonable effort

to provide a room or location other than the restroom or toilet stall, within walking distance to the employee's workspace, or other location in close proximity to work so that nursing mothers can express in private. An employee wishing to avail herself of this break is required to give the Town advance notice, preferably prior to the employee's return to work following the birth of her child, to allow the Town an opportunity to establish a location and to schedule leave time for multiple employees, if needed.

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

503 **Emergency Situations**

Closing Procedures – In the event that extraordinary weather conditions or other emergencies develop prior to the beginning of the workday, the Town Supervisor may authorize the closing of non-emergency operations, or, if extraordinary weather conditions or other emergencies develop during a workday. In this event, at the discretion of the Town Supervisor employees will be paid for a full shift.

Payment of Wages – Pay for FLSA exempt employees will not be affected by an emergency closing. Pay for FLSA non-exempt employees will be in accordance with the provisions below:

- **During Work** – Any employee who is directed by the Town Supervisor to leave work due to an emergency closing will be paid for the remainder of the employee's normal workday at the employee's regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime.

An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

- **Prior to Reporting to Work** – If a determination is made to close operations prior to the start of a workday, the Town Supervisor will initiate notification to all affected employees. Any employee who is directed not to report to work due to an emergency closing will be paid for the employee's normal workday at the employee's regular rate of pay.

An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

- In the event an employee is required to stay, compensatory time may be awarded to an FLSA non-exempt employee.

Inclement Weather – Employees are expected to report to work and remain at work during inclement weather conditions unless otherwise notified by the Town. Employees should use their own discretion in determining whether they can commute safely to work due to inclement weather. When the Town Supervisor has not officially shut down operations, an employee who does not report to work or requests to arrive at work late or leave work early due to inclement weather must obtain authorization from his or her Department Head prior to doing so. The employee must use paid vacation, personal leave or compensatory time, if available, or take the time off without pay. If an FLSA exempt employee has no paid leave benefits available, the employee will only be docked if a full workday is taken.

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Emergency Situations provision set forth above and should refer to the applicable collective bargaining agreement.

504 Time Records

Policy Statement – Time records provide a means of accurately accounting for time worked and authorized paid leave taken by employees.

Procedures – All employees are required to complete a time record and must comply with the following procedures:

- Time records must be completed on a timely basis.
- All time worked, including the beginning and ending time, must be recorded.
- All paid and unpaid leaves of absence must be recorded.
- Employees must complete their own time record.
- The time record must be submitted to the Department Head at the time specified.
- Only a Department Head or authorized designee may adjust an employee's time record. Employees will be notified of any changes.
- The time record must be verified and signed by the Department Head or designee.

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

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

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

505 Bonding

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

506 **Expense Reimbursement**

Policy Statement – Upon proper authorization of the Town Board, an employee or Elected Official will be reimbursed for expenses associated with carrying out Town business, including, but not limited to, meals, lodging, mileage, parking, highway tolls, and training and membership fees. A voucher with all required documentation and corresponding receipts must be submitted to the Comptroller in order for the reimbursement to be processed. Reimbursements shall be made in accordance with applicable IRS regulations. Reimbursements may be taxable per IRS pub 5137. An employee is eligible for meal reimbursement when they depart for travel before 7 a.m. for breakfast and after 7 p.m. for dinner.

The Building Inspector(s) shall receive an annual clothing allowance in the amount of \$500.00 per person to cover the cost of replacing jackets, gloves, footwear, pants and shirts, etc. as it is necessary to replace them due to normal usage and wear and tear in the performance of their duties. Receipts are required for all purposes.

The police chief receives a \$400 uniform allowance. The Highway Superintendent and Transfer Station Director receive up to a \$150 allowance per calendar year for outerwear. Receipts are required for all purposes.

If the Highway Superintendent works twelve consecutive hours, not including sick leave, annual leave, personal leave, or any accrued leave time, such employee shall receive up to eleven dollars meal allowance with receipt, or five dollars without receipt. In the event that an employee is called in on a weekend or on a holiday, s (he) shall receive the above-entitled meal allowance after six hours.

Cell Phone Reimbursement – Employees that are required to be on call 24/7 to perform their job duties and do not have a Town-issued cell phone will be reimbursed to cover the cost of utilizing their personal cell phone for Town business purposes. On an annual basis the names of the positions, monthly reimbursement amount and reimbursement schedule will be determined by the Town Board.

Ownership of cell phone equipment and plan(s) is/are the employee's responsibility; employee will have the personal monthly billing sent directly to their home and be responsible for paying the bill as dictated by the service provider.

The Town is not responsible to pay for replacement or repair costs for any lost or damaged personal cell phones that are used for Town business purposes.

Expense Approval – Each employee is expected to exercise reasonable judgment when incurring charges that will be submitted for reimbursement. Prior approval from the Department Head, Town Board, and/or Town Supervisor will be required for significant or non-standard expenditures. The Town Board reserves the right to reject reimbursement requests that do not conform to the Town's procurement policy.

Mileage – An employee who is directed by the appropriate Department Head or supervisor to use the employee's own vehicle to conduct Town business will be reimbursed at the current IRS approved mileage rate.

Education and Training – Upon proper authorization of the Town Board, an employee will be reimbursed for training courses that are directly related to the employee's present job and for the following expenses – mileage at the IRS rate, tolls, meals up to the government rate and lodging at the government rate. Employees must first seek approval from their Department Head before the request is presented to the Town Board.

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

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

507 **Vehicle Usage**

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

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

- Town vehicles and related equipment must remain under the general administrative jurisdiction and direction of the Department Head to which it is assigned.
- Town vehicles may be assigned to specific Town officials and employees for specific purposes and tasks. Said vehicles may not be used for any unauthorized purpose nor to conduct personal, private, or non-Town related business.
- As a general rule, Town vehicles may not be taken home or driven for personal use unless they are designated by the Town Board as “on call” positions which may or may not be permitted to take vehicles home in order to expedite response time. “On call” positions are the Town Supervisor, Highway Superintendent, Building Inspector, and Police Chief. In accordance with IRS regulations, “commuter value” will be added as earned income to the individuals W-2 at the end of the year unless the vehicle has been designated by the Town Board as a “qualified non-personal” use vehicle in accordance with IRS regulations.
- Town vehicles must always be operated in a safe and responsible manner and in compliance with all applicable motor vehicle and traffic laws in effect. Employees are responsible for any driving infractions or fines that result from their operation of Town vehicles and must report them to their Department Head. The Town is responsible and will pay for any fines which would typically be levied against the owner of the vehicle.
- Any accident involving a Town vehicle, regardless of severity, must be reported immediately to the appropriate Department Head. The Department Head must file an accident report with the Town Clerk’s Office within twenty-four hours.
- The use of a cell phone when driving on Town business must be compliant with all applicable laws and/or regulations.
- Town vehicles may not be used to transport persons who are not officials or employees of the Town of Schodack, nor material not related to the conduct of official Town business, without direct authorization by the appropriate Department Head or the Town Board.
- Town vehicles must always be maintained in a safe and secure condition when not in use, including being locked and/or under direct observation; and all keys maintained under controlled and authorized jurisdiction of the appropriate Department Head.
- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on Town vehicles at any time, except those of a limited community service nature which have been authorized by the Town Board.

508 *Driver's License / Insurance Requirements*

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

Commercial Drivers – An employee, who operates a vehicle which requires a Commercial Driver's License (CDL), must maintain such license throughout employment. Proof of such license must be on file with the Town. In accordance with the federal Commercial Motor Vehicle Safety Act of 1986, a commercial driver must notify the Town within thirty days of a conviction of any traffic violation (except parking), no matter where or what type of vehicle the employee was driving.

Loss of Driver's License – An employee who is required to possess a driver's license or CDL license in order to perform certain job duties and responsibilities must immediately notify the appropriate Department Head in the event the license is suspended or revoked. The loss or suspension of the driver's license or CDL license may affect the employee's employment with the Town.

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

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

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

Tools and Equipment Owned by the Employee – Employees are to be permitted to bring personal tools and/or equipment to work for the purpose of working on a Town vehicle.

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

510 Telephone / Cell Phone / Other Electronic Communication Device Usage

Guidelines – Telephone, cell phone and other electronic communication device usage must adhere to the following guidelines:

- An employee must answer promptly and speak in a clear, friendly and courteous tone.
- An employee must give the name of the department or office and one's own name. If the call is not for the employee who answers, the employee must transfer the caller to the correct party or take a message recording all pertinent information.
- If the call must be placed on hold, the employee who answered the call must return to the line frequently to confirm that the call is being transferred.
- During office hours, each employee is responsible for there being at least one employee in the department or office to answer telephones. If the department or office has a limited staff, arrangements must be made with another department or office for telephone coverage or an answering device must be in operation.
- An employee may make personal telephone calls; however, such calls should be limited in duration and frequency and must not interfere with the performance of the employee's job duties.
- An employee may not make or receive personal calls on a Town provided telephone, cell phone or other communication device that will result in additional charges to the Town, except in an emergency and/or with prior approval from the Department Head. The employee must reimburse the Town for the cost of the call.
- Use of a Town issued cell phone for personal text messaging during work hours is prohibited.
- The use of a cell phone or other communication device while driving on Town business must be in compliance with all applicable laws.

Employees are permitted to carry personal cell phones or other communication devices during working hours but must adhere to the guidelines shown below. These guidelines also apply to Town-owned cell phones or other communication devices that are issued for the specific use of an employee's job duties.

- Communication devices may not be used for personal purposes during work hours unless the employee is on an authorized break, has permission from a supervisor or in the event of an emergency.
- No text messages or e-mails may be sent or received during working hours unless it is an emergency.
- Personal communication and/or electronic devices that are broken, damaged or lost during working hours will not be replaced or paid for by the Town.

Town Issued Cell Phones and Other Electronic Communication Devices – The Town has purchased mobile or cellular telephones/hand-held radios (hereinafter referred to as Town issued cell phones) for use as part of the job responsibilities and emergency response actions within the Town. The assignment of a Town-issued cell phone is based on the employee's need for immediate two-way communication as determined by the Town Board.

Guidelines for Designated Staff – The assignment of a Town issued cell phone should not be considered a benefit; rather, it is a necessary tool for conducting Town business. Town-issued cell phone usage must adhere to the following guidelines:

- The Town shall provide basic State contract cell phones unless otherwise approved on a case-by-case basis by the Town Board.
- Employees and department heads assigned a Town-issued cell phone are required to keep the telephone on and available during each designated individual's workday and any other time while involved in Town functions.
- The Police Chief, Superintendent of Highways, Working Foremen of the Highway Department, Water & Sewer Foreman/Operators, Building Inspectors/Code Enforcement Officers, Zoning Enforcement Officer, Director of Transfer Station or designee, Director of Building & Grounds, Youth Director, Town Justice and Town Supervisor will keep telephones on and available 24 hours a day.
- The following personnel will be available either by home telephone or cell phone 24 hours a day: Police Chief, Superintendent of Highways, Building Inspector(s), Water & Sewer Manager and Town Supervisor.
- The cell phone is to be used for Town business and emergency response only. Personal use of the Town cell phone is not authorized. Employees will reimburse the Town for personal telephone charges incurred. Reimbursement will occur within fifteen (15) business days of notice.
- It will be the responsibility of the individual assigned the cell phone to ensure that it remains charged and ready for use.
- The mobile telephone number assigned to the telephone shall not be publicized without authorization from the Town Board.
- The cell phone may not be given to or used by any other individual or employee without the express written consent of the department head.
- Request for reimbursement for use of a personal cell phone for Town business must be submitted with documentation, such as a monthly statement, as proof of said usage on a calendar quarterly basis. The monthly reimbursement rate shall be at the Town approved rate set annually by Town Board resolution.
- Employees in possession of Town equipment, e.g., cell phone, charger units, etc., are expected to protect the equipment from loss, damage or theft.
- An employee may be required to pay replacement or repair cost for any lost or damaged cell phone or equipment that result from said employee's negligence.

- The Town is not responsible to pay for replacement or repair costs for any lost or damaged cell phone that is not the property of the Town, is not authorized for use by the Town Board as set forth herein, and/or monthly charges are not reimbursed as set forth herein.
- Should the employee receive incoming calls during an emergency, the employee is expected to obey all State and local laws with regard to cell phone use while driving unless utilizing a hands-free unit. Employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call.
- On leaving the Town's employment, the employee agrees to return the cell phone and all of its accessories in working order.
- A Town cell phone is the property of the Town and as such may be removed from the employee's possession at any time.
- Reimbursement set by Town Board resolution.

Disciplinary Action - A Town employee who is assigned a Town issued cell phone or uses their personal cell phone is responsible for ensuring that the above guidelines are maintained. Any employee who violates this policy will be subject to disciplinary action up to and including termination of employment.

511 Use of Communication Systems and Equipment

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

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

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

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

Personal Use – Employees are prohibited from using the Town's communication systems for personal use.

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

- Any illegal activity;
- Threats or harassment;
- Slander or defamation;
- Transferring, viewing, or storage of obscene or suggestive messages or graphic images;
- Any unauthorized commercial activity;

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

Internet / Electronic Messaging Requirements

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

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

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

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

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

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

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

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

Use of Social Media

The use of public social media sites to promote Town activities requires written preapproval of the Supervisor. Approval is at the discretion of the Supervisor and may be granted upon demonstration of a business need and review and approval of service agreement terms by Town's counsel, if appropriate. Final approval by the Supervisor will define the scope of the approved activity, including, but not limited to, identifying approved users.

Unless specifically authorized by the Town, the use of Town email addresses on public social media sites is prohibited. In those instances in which users access social media sites on their own time utilizing personal resources, they must remain sensitive to expectations that they will conduct themselves in a responsible, professional, and secure manner with regard to references to the Town and Town staff. These expectations are outlined below.

Use of Social Media within the Scope of Official Duties - The Supervisor, or designee, must review and approve the content of any posting of public information, such as blog comments, tweets, video files, or streams, to social media sites on behalf of the Town. However, Supervisor approval is not required for postings to public forums for technical support, if participation in such forums is within the scope of the user's official duties, has

been previously approved by his or her supervisor, and does not include the posting of any sensitive information, including specifics of the Town's information technology infrastructure. Blanket approvals may be granted, as appropriate. Accounts used to manage the Town's social media presence are privileged accounts and must be treated as such. These accounts are for official use only and must not be used for personal use. Passwords of privileged accounts must follow Town information security standards, be unique on each site, and must not be the same as passwords used to access other Town information technology resources. Information posted online on behalf of the Town may be subject to the record retention/disposition provisions of the Arts and Cultural Affairs Law and may be subject to Freedom of Information Law (FOIL) requests.

Guidelines for Personal Use of Social Media - Staff should be sensitive to the fact that information posted on social media sites clearly reflects on the individual and may also reflect on the individual's professional life. Consequently, staff should use discretion when posting information on these sites and be conscious of the potential perceptions of and responses to the information. It is important to remember that once information is posted on a social media site, it can be captured and used in ways not originally intended. It is nearly impossible to retract, as it often lives on in copies, archives, backups, and memory cache.

Users should respect the privacy of Town staff and not post any identifying information of any Town staff without permission (including, but not limited to, names, addresses, photos, videos, email addresses, and phone numbers). When you choose to post comments on social media sites, you are legally responsible for those comments.

If a personal email, posting, or other electronic message could be construed to be an official communication, a disclaimer is strongly recommended. A disclaimer might be: "The views and opinions expressed are those of the author and do not necessarily reflect those of the Town of Schodack."

Users should not use their personal social media accounts for Town official business, unless specifically authorized by the Town. Users are strongly discouraged from using the same passwords in their personal use of social media sites as those used for work, in order to prevent unauthorized access to Town resources in the event that the password is compromised.

Working from Home

All remote connections to the Town's network must be encrypted. Consistent with the Town's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary town information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

512 *Personal Appearance*

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

Standards – An employee must maintain a personal appearance in a manner that reflects a good image to the public. Acceptable personal appearance is an ongoing requirement of employment with the Town. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Department Heads will determine and enforce what is appropriate in each department.

Reasonable Accommodation of Religious Beliefs – The Town recognizes the importance of individually held religious beliefs to persons within its workforce. As such, the Town will reasonably accommodate an employee's religious beliefs in terms of workplace attire and personal appearance unless the accommodation creates an undue hardship. Accommodation of religious beliefs in terms of attire may be difficult in light of safety issues for staff members. Those requesting a workplace attire accommodation based on religious beliefs should speak with their supervisor.

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

Uniforms – An employee may be required to wear a uniform as directed by the Department Head and/or as provided in a collective bargaining agreement. If such is the case, the employee must comply with all requirements.

513 *Identification Cards*

Policy Statement – The Town-issued photo ID badge shall contain the employee's picture, name, and employee ID number. All on-duty Town employees will be required to wear their ID badge. This badge will be worn face forward, in full view, on or over the outermost garment, at or above the waist, at all times. Town employees who are off-duty, but who are entering into an area within a Town building or facility in which the public doesn't normally have access must wear their photo ID badge in accordance with this policy.

Each department will be responsible for ensuring that badges are worn as required. Upon approval by the Town Supervisor or his/her designee, individual departments may exempt their employees from wearing their ID badge while out in the field if those employees are required to wear a uniform that clearly identifies them as a Town employee. These employees, however, are required to carry their photo ID badge while in the field in order to provide further identification. Violations of this policy may result in disciplinary action, up to and including termination.

Badges will be issued to new Town employees within a reasonable amount of time after the start of their employment. Lost or stolen badges shall be reported immediately. There will be no charge for an initial permanent replacement badge however; there will be a replacement fee for subsequent permanent replacement badges set by the Town Board.

If an employee forgets his or her ID badge, the employee shall notify his or her supervisor.

Upon termination or separation of service from the Town, employees will be required to return their ID badges to the Town.

514 *Solicitations/Distributions*

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

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

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

515 *Disclosure of Information*

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

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

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

516 *Visitors*

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

517 Purchasing

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

518 Maintenance of Work Area

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

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

- Place coats, boots, umbrellas and other items of clothing in designated areas so that work areas are not unnecessarily cluttered;
- Consume food or beverages only in designated areas as appropriate;
- Report any existing or potential workplace hazards and safety violations to the Department Head;
- Abide by the smoking policy as specified in this Personnel Policy and Procedure Manual;
- Clean and store all tools and equipment and properly store any items, papers or confidential information in a manner prescribed by the Department Head.

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

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

519 *Personal Property*

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

Personal Liability – An employee is expected to exercise reasonable care to safeguard personal items brought to work. Except as otherwise provided by a collective bargaining agreement, the Town will not repair, replace, or reimburse an employee for the damage or loss of the employee's personal property. An employee bringing personal property to the workplace does so at one's own risk.

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

520 *Town Property*

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

- Equipment, including Protective Equipment
- Identification Badges
- Keys
- Uniforms
- Communication Devices
- Laptop computers and peripherals
- Books or other Reference Materials, including this Personnel Policy and Procedure Manual

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

521 *Unauthorized Work*

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

522 **Outside Employment**

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

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

- An employee will be judged by the same performance standards and will be subject to the Town's scheduling demands, regardless of any existing outside work requirements.
- Employees who engage in outside employment are required to notify their Department Head and the Town Board as to the time of day of the outside job. If the Town determines that an employee's outside work interferes with the performance or the ability to meet the requirements of the Town as they are modified from time to time, the employee may be required to terminate the outside employment if the employee wishes to remain employed by the Town.
- No Town equipment, supplies, or other material may be used by an employee on other than Town work.
- Outside employment that does or may constitute a conflict of interest is prohibited. An employee may not receive any income or material gain from individuals outside of the Town for materials produced or services rendered while performing the employee's Town job.
- An employee may not work on outside employment during any period which the employee is regularly scheduled to work for and is paid by the Town.
- A Town employee who engages in outside work must notify the person for whom the work is being performed that such work is being done on the employee's own time and that the employee is not representing the Town while performing such work.

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

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

600 ABSENCE POLICIES

601 Attendance

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

Tardiness – An employee must be ready and able to work at the time the employee is scheduled to begin work. In the event an employee is unable to report to work at the scheduled time, the employee must notify the employee's Department Head at least thirty minutes before the employee's scheduled starting time or as soon thereafter as possible. The reason for tardiness and the expected time of arrival must be indicated to the Department Head.

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

Scheduled Absences – Requests for scheduled time off, such as the use of vacation leave and personal leave, must be approved by the Department Head in advance. All requests for time off are subject to approval by the employee's Department Head on a case-by-case basis. Refer to Section 802, Vacation Leave, and Section 805, Personal Leave, for further details.

Unscheduled Absences – An employee who is unable to report to work must personally contact the employee's Department Head or their designee at least thirty minutes before the employee's scheduled starting time or as soon thereafter as possible. The employee must speak directly with the Department Head or his/her designee, indicating the reason for the absence and when the employee expects to return to work. In the event the Department Head or his/her designee is unavailable, the employee is to contact the Town Supervisor or the Town Clerk within the same time period. Asking another person to call in on the employee's behalf is not permitted. Leaving a message on an answering device or with a co-worker is not permitted. Notification requirements may be waived in cases of emergency.

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

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

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

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

602 **Jury Duty Leave**

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

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

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

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

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

603 Military Leave and Military Leave of Absence

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

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

Leave For Military Spouses (New York State Law) – In accordance with NYS Labor Law §202-i, the Town will grant an unpaid leave of absence of up to ten days to an employee (who works an average of twenty hours per week) whose spouse is a member of the armed forces of the United States, National Guard, or reserves who has been deployed during a period of military conflict, to a combat theater or combat zone of operations. This leave shall only be used when the employee's spouse is on leave from such deployment. This does not preclude the employee's option to use available paid leave upon approval of the employee's Department Head.

604 Leave for Cancer Screening

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

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

Scheduling – An employee must receive prior approval from the employee's Department Head to take leave for this purpose. Administration of the allowance will be the responsibility of the Department Head or designee.

Documentation Requirements – If an employee applies for paid leave for a cancer screening procedure under this policy, documentation must be provided to the Department Head from the health care provider verifying that the absence from the workplace was for cancer screening. If an employee uses any other available leave for a cancer screening

procedure, the provisions of the applicable leave policy (e.g. sick, personal, vacation, compensatory) will apply; there is no requirement in such a case to provide specific documentation regarding cancer screening.

605 *Leave for Blood Donations*

Policy –The Town of Schodack complies with New York State Labor Law Section §202-j which entitles Town employees who work an average of twenty hours or more per week to a leave of absence for the purpose of making a blood donation. This leave of absence will not be charged against any available sick, vacation, personal, compensatory or other leave accruals.

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

Scheduling – An employee must receive prior approval from the employee's Department Head to take leave for this purpose. Administration of the allowance will be the responsibility of the Department Head or designee.

606 **Bereavement Leave**

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

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

- Spouse
- Parent
- Mother-in-law
- Daughter-in-law
- Grandparent
- Grandparent-in-law
- Individual living in the employee's immediate household
- Sister-in-law
- Brother-in-law
- The employee's same sex committed partner* or the child, parent or other relative (categorized above) of the committed partner
- Child
- Sibling
- Father-in-law
- Son-in-law
- Grandchild

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

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

Funeral Leave (Extended Family) – In the event of a death of a full-time employee or part-time regularly scheduled employee's family member who is a relative not included in the definition of immediate family, the employee may take a paid leave of absence for one day from the employee's regularly scheduled work to attend the services. Such leave will not be subtracted from any of the employee's leave credits.

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

607 *Ambulance / Fire Emergency Service Personnel Release Policy*

Except as otherwise provided by a collective bargaining agreement, the following policy shall apply regarding those employees who are volunteer firefighters or emergency responders:

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

Documentation Requirements – An employee who wishes to be considered for Ambulance/Fire Release program must be an active member of a Volunteer Ambulance/Volunteer Fire Company that serves within the Town of Schodack and must indicate in writing their desire to participate in the program. The employee must account for all time spent responding to emergency calls on the employee's time sheet, including the time the employee left and returned to the worksite. The employee must notify his/her supervisor or designee of the times they leave and return to the worksite. The employee may be required to submit verification of the employee's attendance at such call.

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

700 COMPENSATION

701 *Wage and Salary*

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

Longevity Recognition – A full-time or part time employee, who works 21 hours a week or more for 12 consecutive months and has completed the number of years listed below, may receive the corresponding longevity payment or a prorated portion. The amount is subject to review annually by the Town Board.

Years of Continuous Service*	Longevity Compensation
5 to 9 years	\$550.00
10 to 14 years	\$700.00
15 to 19 years	\$850.00
20 to 24 years	\$1,000.00
25 to 29 years	\$1,150.00
30 or more years	\$1,300.00

Longevity Compensation Example – When a full-time employee completes 5 years of continuous service, they receive a longevity payment of \$450. When a full-time employee completes 10 years of continuous service, they receive a longevity payment of \$600.

***Continuous Service** – A leave of absence without pay or a resignation followed by reemployment with the Town within twelve months shall not be considered an interruption of continuous service. If the leave of absence or resignation is more than twelve months followed by reemployment the employee must work 5+ years for the Town for previous service time to count towards benefits.

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

702 *Overtime*

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

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

FLSA Non-Exempt Employees – In accordance with the Fair Labor Standards Act, an FLSA non-exempt employee will be paid one and one-half times the employee's regular hourly rate of pay for all authorized time worked over forty hours in a given workweek. An employee who normally works a thirty-five-hour workweek will be paid for additional hours worked up to forty hours at the employee's regular rate of pay.

Compensatory Time – With pre-authorization from the Department Head, a non-exempt employee will have the option of receiving “compensatory time” in lieu of paid overtime. When a non-exempt employee chooses to receive compensatory time, the employee will be credited with the equivalent of one and one-half hours for all authorized time worked over forty hours in a given workweek.

Accumulation - An employee may accumulate up to thirty-five hours in compensatory time credits. In the event an employee accrues more than thirty-five hours compensatory time credits, the employee must use the excess compensatory leave credits within the calendar year in which they are earned. An employee may elect to carry thirty-five hours of compensatory time to the next calendar year.

Credit for Paid Leave – All benefit hours are considered working hours for purposes of computing hours worked for overtime.

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

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

703 *Call Back Pay*

Compensation – In the event an FLSA non-exempt employee is called in to work outside of the employee’s regularly scheduled work shift, the employee shall be credited for pay purposes with the greater of either three hours’ time, or the time actually worked. FLSA non-exempt employees called in to work on a major holiday will receive pay at 1.5 times their regular rate of pay for each hour worked in addition to holiday pay, if applicable (See Section 801 for Holiday Pay eligibility).

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

704 *Pay Period and Check Distribution*

Payroll Period – Payroll periods are bi-weekly or quarterly. Employees will be notified by their Department Heads which day of the week paychecks will be issued. In the event the payday is a designated holiday, paychecks will be distributed on the previous workday.

Distribution – The Comptroller’s Office will deliver paychecks to the employee or to the Department Heads or their authorized designee for further distribution to employees.

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

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

705 *Payroll Deductions*

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

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

706 *Deferred Compensation Plan*

Summary – The Town of Schodack has elected to participate in the NYS Deferred Compensation Plan whereby a portion of an employee's salary may be voluntarily withheld and invested. The money saved is paid out to the employee at a later date, generally during retirement years. Neither the deferred amount nor earnings on investments are subject to current Federal and State Income Taxes. Taxes become payable when the deferred income plus earnings are distributed to the employee, presumably at retirement when the tax bracket may be lower. Plan information may be obtained from the Human Resource Department.

800 EMPLOYEE BENEFITS

801 *Holidays*

Designated Holidays – The Town of Schodack will observe the following holidays:

1. New Year's Day	7. Columbus Day
2. Martin Luther King Day	8. Veterans' Day
3. Presidents' Day	9. Thanksgiving Day
4. Memorial Day	10. Day after Thanksgiving
5. Independence Day	11. Christmas Day
6. Labor Day	12. Floating Christmas Holiday

Eligibility – A full-time employee or a part-time regularly scheduled employee is eligible for holiday pay at the employee's regular rate of pay. A part-time, temporary, or seasonal employee is not eligible for holiday pay. (Part-time employees paid on a salary basis will receive their regular pay during a pay period in which a holiday occurs.) Holiday pay will be based upon the employee's scheduled hours on the day the holiday occurs. An employee whose scheduled day falls on a holiday will be credited with whatever the time he/she is scheduled to work on that day.

Holiday Observance – In the event a designated holiday occurs on a Saturday, the holiday will be observed on the preceding Friday. In the event a designated holiday occurs on a Sunday, the holiday will be observed on the following Monday, unless otherwise determined by the Town Board.

If one of the above referenced holidays falls on a Monday or if the Town Board requires the Transfer Station to be open on a designated holiday, the Director of the Transfer Station will receive a floating holiday.

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

802 Vacation Leave

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

Allowance – A full-time employee will be credited with paid vacation leave in accordance with the vacation schedule below. A part-time regularly scheduled employee will be credited with paid vacation leave in accordance with the vacation schedule prorated by the actual number of hours worked in the preceding calendar year, rounded to the nearest quarter of an hour, with thirty-five hours or forty hours, as applicable to the position title, equal to 100%. An employee may take vacation leave only after it has been credited, except after the completion of six months of service, subject to Department Head approval, an employee may be advanced up to five days of the leave that will be credited on the January 1st after the date of hire. Please refer to the section titled Separation of Employment for additional information.

New Employees Hired During the Month of:	Vacation Days credited on January 1st of the following year of employment Start date
January/February	10
March	9
April	8
May	7
June	6
July	5
August	4
September	3
October	2
November	1
December	0

After completion of Continuous Service of Anniversary Date:	Vacation Leave credited on January 1st:	Additional Vacation Leave on Anniversary Date:
1 year	10 days	0 days
2 years	11 days	1 days
3 years	12 days	1 days
4 years	13 days	1 days
5 years	14 days	1 days
6 years	15 days	1 days
7 years	16 days	1 days
8 years	17 days	1 days
9 years	18 days	1 days
10 years	19 days	1 days
11 years	20 days	0 days

Employees are credited vacation in days; however, the days are tracked in equivalent hours for record keeping purposes.

Continuous Service - Continuous Service shall mean uninterrupted service. An authorized leave of absence without pay shall not constitute an interruption of continuous service.

Scheduling – An employee must receive prior approval from the employee's Department Head to take vacation leave. Scheduling of vacation days is based on seniority and service needed. Department Heads will develop a schedule procedure for respective departments. Vacation leave credits may not be used in increments of less than one-quarter hour.

Carry-over – An employee may carry-over a maximum of forty days of vacation leave credits from year to year. At the same time, an employee is entitled to continue to be credited with vacation leave in accordance with the vacation schedule above, thereby allowing credits in excess of forty days during the calendar year. Any unused vacation leave credits in excess of forty days that remains at the end of the calendar year shall be forfeited.

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

Separation of Employment – An employee who resigns, retires or is laid off will receive cash payment for unused credited vacation leave, but not to exceed 40 days, to which the employee is properly entitled at the employee's then current rate of pay. To be eligible to receive this payment, an employee who is to resign or retire must give written notice at least two weeks in advance to the Town Clerk of the last day of employment. If employment is terminated and the vacation balance is in the negative, the employee agrees to reimburse the Town for the cost of the vacation advance. In cases of death of an employee, the Town will pay an employee's designated beneficiary for any unused credited vacation leave, but not to exceed forty days at the employee's then current rate of pay at the time of death. General note: The negative vacation balance could be created by the allowance of the advance after 6 mos. of service.

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

803 Sick Leave

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

Allowance – A full-time employee will be credited with one half day of paid sick leave per pay period, not to exceed 13 days in a year. A part-time regularly scheduled employee will be credited with paid sick leave in accordance with this sick leave allowance prorated by the actual number of hours the employee works in a workweek, rounded to the nearest quarter hour, with thirty-five hours or 40 hours, as applicable to position title, equal to 100%.

Accrual During Leaves of Absence – An employee will be credited with sick leave credits while on a paid leave of absence, but not while on an unpaid leave of absence.

Notification of Sick Leave – In the event an employee must take sick leave, the employee must notify the Department Head at least thirty minutes before the employee's scheduled reporting time. The notification must be made personally to the Department Head, unless the Department Head authorizes the use of an answering device for this purpose or another means of notification. Unless an extended sick leave absence has been authorized, the employee must notify the employee's Department Head each day of the absence. These procedures must be followed to receive paid sick leave.

Proper Use of Sick Leave – Sick leave is provided to protect an employee against financial hardship during an illness, injury, or medical reason. An employee may use sick leave credits for a personal illness, injury, or medical reason. An employee may take sick leave only after it has been credited. Sick leave credits may not be used in increments of less than one quarter hour. Sick leave may not be used in lieu of vacation and/or personal time.

Family Sick Leave – An employee may use up to three days of sick leave credits annually for family illness, injury or medical reason if the employee must provide direct care to an immediate family member. If an employee has the sick time credits and needs to use more sick time after the three days to care for their immediate family, it must be approved by their supervisor. For purpose of family sick leave, "immediate family member" will mean the employee's parent, spouse or child, including stepchild and foster child.

Accumulation – An employee may accumulate sick leave credits to a maximum of 140 days.

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

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

Sick Leave Credits Upon Retirement – The Town Board has elected to provide §41(j) of the NYS Retirement and Social Security Law and allows credit for accumulated sick leave that remains unused at the time of retirement. To be eligible, an employee must retire directly from covered employment or within one year of leaving covered employment. The additional service credit is determined by dividing the total unused, unpaid sick leave days by 260. For example: 65 unpaid sick leave days ÷ 260 = .25 years or 3 months additional service credit.

A retiring employee may request that unused sick leave credits, or a portion of unused sick leave credits, be applied to the balance attributable to the individual or family portion of health insurance coverage, up to one hundred forty (140) days. In addition, the retiree may also request accumulated sick leave to be used to increase the employee's service credit at retirement under §41(j). An employee must meet the retirement eligibility as defined in Section 808.

Separation of Employment – An employee whose employment with the Town is terminated for any reason, including retirement, will not receive cash payment for unused sick leave.

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

Catastrophic Sick Donations – An employee may donate sick leave credits to this fund by written designation to be used by designated employees who have exhausted all their accrued paid time off. This program is totally funded by employee contributions of sick leave. Such contributions will be deducted from the donating employee's accumulated sick leave upon completion of a designation form which can be obtained from the Human Resource Department. Any donated sick time remaining will be returned to the donors' accounts proportional to initial hours donated, 30 days after the designated employee returns to work.

804 **Family and Medical Leave Policy**

Statement of Compliance – The Town of Schodack complies with the provisions of the Family and Medical Leave Act (FMLA) and Civil Service Law when administering leaves under this policy.

Summary – FMLA entitles an eligible employee to a maximum of twelve workweeks (defined by the employee's normal workweek) of job-protected, unpaid leave in any twelve-month period for certain family and medical reasons. The twelve-month period is calculated as the twelve-month period measured forward from the date of the employee's first FMLA leave usage. The FMLA also provides an eligible employee with up to twenty-six weeks of *Military Caregiver Leave* to care for a covered service member (limited to a single twelve-month period). At the conclusion of a leave of absence under the FMLA, the employee will be restored to the position the employee held when the leave began or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment, provided the employee returns to work immediately following such leave.

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

- The employee must have worked for the Town for at least twelve months before the leave request (these need not be consecutive);
- The employee must have worked for the Town for at least 1,250 hours during the previous twelve months prior to the date the leave commences; and
- The employee must work at or report to a worksite which has fifty or more employees or is within seventy-five miles of worksites that taken together have a total of fifty or more employees.
- Spouses who both work for the Town are allowed a combined maximum of twelve workweeks of leave for the birth or care of a newborn child, adoption or foster care of a child and to care for such newly placed child, or the serious health condition of a parent, during any twelve month period.

Types of FMLA Leave - Eligible employees will be afforded up to twelve workweeks of unpaid leave under **FMLA** under the following circumstances:

- Upon the birth of the employee's child and to care for the newborn child;
- Upon the placement of a child with the employee for adoption or foster care and to care for the newly placed child;
- To care for the employee's spouse, son, daughter or parent who has a serious health condition;
- Because of the employee's own serious health condition which makes the employee unable to perform one or more of the essential functions of his or her job; and
- Because of any qualifying exigency (refer to Qualifying Exigency Leave below) arising out of the fact that the employee's spouse, son, daughter or parent is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

Military Caregiver Leave - Eligible employees will be afforded up to twenty-six weeks of leave to care for the employee's spouse, son, daughter, parent, or nearest blood relative who is a recovering service member. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active duty that may render the person unable to perform the duties of the member's office, grade, rank or rating. This leave shall only be available during a single twelve-month period. During this single twelve-month period, the employee shall be entitled to a combined total of twenty-six workweeks of caregiver leave described in this section and the **Types of FMLA Leave** section described above. Nothing in this paragraph shall be construed to limit the availability of FMLA leave provided under the **Types of FMLA Leave** section above. For the purposes of this type of leave, "nearest blood relative" shall include the following in order of priority: a relative who has been granted legal custody of the covered service member, brothers, sisters, grandparents, aunts, uncles and first cousins, or a specific blood relative who has been designated as a service member's caregiver. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members are considered to be next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously.

Qualifying Exigency Leave – Eligible employees who have a covered family member serving in either the National Guard or the Reserves are provided with up to 12 work weeks of FMLA job-protected leave for "any qualifying exigency" that arises while the covered family member is on active duty or called to active duty status in support of a contingency operation. The regulations identify eight categories for which an eligible employee may use FMLA leave under this qualifying exigency provision:

- *Short-notice deployment*: a covered military member is notified of an impending call or order to active duty 7 or less days before deployment;
- *Military events and related activities*: (a) to attend any official ceremony, program, or event sponsored by the military that is related to active duty; or (b) to attend family support or assistance programs or informational briefings sponsored by the military;
- *Childcare and school activities*: (a) to arrange for childcare when active duty necessitates a change in childcare arrangements; (b) to provide childcare on an urgent basis when the urgency arises from active duty status; (c) to enroll in a new school or daycare because of active duty; or (d) to attend meetings at a school or daycare for a child of a covered service member due to circumstances arising from active duty;
- *Financial and legal arrangements*: (a) to make or update financial arrangements to address a covered military member's absence while on active duty; or (b) to act as a covered military member's representative before a federal, state, or local agency to obtain or arrange military service benefits while a covered service member is on active duty;
- *Counseling*: to attend counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of a covered service member if the need for counseling arises from active duty or the call to active duty;
- *Rest and recuperation*: to spend up to 5 days of leave with a covered military member who is on short-term, temporary, rest and recuperation leave;

- **Post-deployment activities:** (a) to attend arrival ceremonies, reintegration briefings and events, and other official ceremonies sponsored by the military for a period of 90 days after the termination of active duty status; or (b) to address issues that arise from the death of a covered military member while on active duty status; or
- **Additional activities:** a catch-all designed to address any other event that may arise out of active duty or a call to active duty status, provided that such leave is agreed upon by the employer and employee.

Definitions – The following terms are fully defined in the Federal Regulations on the Family and Medical Leave Act, 29 CFR Part 825. For the purpose of this policy, the following definitions will apply:

- **Serious Health Condition** will mean an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility including any period of incapacity (as contained in the Federal Regulations), or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider, including, but not limited to:
 - * A period of incapacity of more than three consecutive, full calendar days and any subsequent treatment or period of incapacity that also involves continuing treatment by a health care provider;
 - * A period of incapacity due to pregnancy or prenatal care;
 - * A period of incapacity or treatment for such incapacity due to a chronic serious health condition. A “chronic serious health condition” requires periodic visits to a health care provider for treatment. The term “periodic visit” constitutes 2 or more appointments with a health care provider over the course of one year;
 - * A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
 - * A period of absence to receive multiple treatments, including any period of recovery, by a health care provider, or by a provider of health care services under orders of or on referral by a health care provider, for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.
- **Health Care Provider** will mean and refer to a Doctor of Medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or any other person defined in the FMLA regulations capable of providing health care services.
- **Family Member** will mean and refer to:
 - * **Spouse** – husband or wife as defined or recognized under State law for purpose of marriage;
 - * **Parent** – biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a son or daughter as defined in directly below. This term does not include an employee’s parents “in law”;

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

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

Extension of Original Leave Request – In the event the employee needs to extend the duration of the leave beyond the time frame originally approved, the employee must submit a new Family and Medical Leave Request Form seeking approval for the extension.

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

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

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

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

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

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

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

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

- **Use of Accrued Paid Leave Credits** – An employee taking leave for the **birth, adoption or foster placement of a child, to care for a spouse, child or parent with a serious health condition or military caregiver leave** must first use all available vacation leave credits and up to three days of accrued sick leave credits during the authorized FMLA leave. Use of these leave credits does not extend the maximum allowable period specified by FMLA regulations.

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

- **Accrual of Paid Leave Credits** – An employee will continue to accrue vacation and sick leave and receive holiday pay during the portion of the leave that is paid. **Paid leave is defined as leave during which the employee continues to use accumulated paid vacation and sick leave.** After all such paid leave is exhausted; the remaining leave of absence is unpaid. An employee will not earn paid vacation or sick leave or receive holiday pay for any holidays that may occur during an unpaid leave of absence.
- **Medical Insurance** – During the period of authorized FMLA designated leave, an employee's eligibility status for medical insurance coverage will not change. (In the event the employee has accumulated paid leave credits that extend beyond the twelve-workweek period, the employee should refer to Sections 814 – Short Term Disability and Section 815 – Workers Compensation regarding additional medical insurance coverage provisions.) All employee contributions (if any) must be paid on a timely basis in order to maintain the continuous coverage of benefits. Contributions will be at the same level as if the employee was working. Coverage will cease if payments are not made within a thirty-calendar day grace period of the due date. Premium payments or policy coverage are subject to change. In the event the employee fails to return to work after the authorized leave of absence period has expired, provisions of COBRA (see Section 811) will apply. In addition, the Town may recover the premium that it paid for maintaining the coverage during any period of the unpaid leave except for the following circumstances:

- * The continuation, recurrence, or onset of a serious health condition of the employee or the employee's eligible family member with proper medical certification; or,
- * Circumstances beyond the employee's control, such as: parent chooses to stay home with a newborn child who has a serious health condition; employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's work-site; the employee is laid off while on leave.

Workers' Compensation and Short-Term Disability Benefits – Leaves taken under the Workers' Compensation Law or the Town's Short-Term Disability Policy may invoke the FMLA if the employee meets the eligibility criteria outlined in the eligibility section and the Town designates such leave as FMLA leave and properly notifies the employee of such designation. In accordance with the FMLA, if an employee has elected to receive workers' compensation benefits or short-term disability benefits, the Town cannot require the employee to use paid leave credits during this period of leave, however, the employee may choose to do so to supplement those benefits to equal but not exceed their normal rate of pay. If the workers' compensation leave or short-term disability leave has been properly designated as FMLA leave by the Town, it can be counted against the employee's FMLA leave.

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

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

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

805 **Personal Leave**

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

Allowance – A full-time employee will be credited with four days of paid personal leave on an annual basis. A part-time regularly scheduled employee will be credited with paid personal leave prorated by the actual number of hours worked in the preceding calendar year rounded to the nearest quarter of an hour, with thirty-five hours or forty hours, as applicable to position title, equal to 100%. An employee may take personal leave only after it has been credited.

New Employee – A new employee will be credited with a prorated amount of personal leave upon hire, based upon the amount of full months remaining in the calendar year. A new part-time regularly scheduled employee will be credited with paid personal leave prorated by the proposed/budgeted schedule for the year. The employee will be credited on January 1 of each year. An employee may take personal leave only after it has been credited.

Scheduling – An employee must receive prior approval from the employee's Department Head to take personal leave. The Department Head will have total discretion in the approval of personal leave. Personal leave credits may not be used in increments of less than one-quarter hour. Personal leave is meant to enable employees to address matters that cannot be taken care of outside of normal work hours. Personal leave is not for recreation, vacation or other employment.

Accumulation – Any personal leave credits remaining unused at close of the calendar year will be forfeited.

Separation of Employment – An employee whose employment with the Town is terminated for any reason, including retirement, will not receive cash payment for unused personal leave. In cases of death of an employee, the Town will pay an employee's designated beneficiary for any unused personal leave.

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Personal Leave provisions set forth immediately above, **except** for Scheduling, and should refer to the applicable collective bargaining agreement.

806 *Disclosure of Insurance Benefits*

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

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

Plan Documents – Benefits are administered according to applicable government regulation, benefit plan documents, insurance carrier master policy, or Town policy. Should there be a discrepancy between the information presented in this Personnel Policy and Procedure Manual and the benefit plan document, the Town Board has the discretionary authority to determine eligibility for benefits and to interpret the plan's terms. The Town Board is responsible for compliance with all applicable laws and regulations. The Town Board may, at its discretion, change carriers and/or offer alternative insurance plans for non-union employees. Changes in carriers and/or plans for union employees shall be in accordance with collective bargaining negotiations and/or procedures.

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

Waiver of Benefits – An employee who is eligible to participate in any of the available insurance plans but who elects not to participate must sign an appropriate waiver of enrollment form. Any full-time or part-time regularly scheduled employee not seeking health insurance coverage with the Town can elect to receive a "cash benefit" in the annual amount of \$2,000.00 or prorated amount, paid with the quarterly payroll. The employee must annually elect the cash benefit in writing which would be submitted to the Town Supervisor on or before December 1st of each year for the election to be effective January 1st of the subsequent fiscal year. No election of the cash benefit will be valid unless accompanied by proof of health insurance coverage.

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

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

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

807 **Medical Insurance**

Eligibility – The Town currently offers medical insurance coverage to each full-time or part-time regularly scheduled employee, each Elected Official, and their eligible family members. A part-time, temporary, or seasonal employee is not eligible for medical insurance coverage.

When Coverage Begins – Coverage will begin on the 1st of the month following the employee's first day of employment or for Elected Officials with reservations, the first day of office, provided all eligibility requirements of the insurance plan are met.

When Coverage Ends – Coverage ends on the last day of the month in which the employee separates from employment or the Elected Official ends elected service. Coverage may continue for such eligible employees and Elected Officials in accordance with COBRA regulations. Coverage will continue for eligible retirees in accordance with Town policy and plan documents.

Premium Payment – For those employees hired by the Town on or before December 31, 2000, the Town will pay full cost of individual coverage plus 75% of additional family or two-person coverage for the Plan approved by the Town Board for the relevant time period. Said employees shall be responsible for all amounts in excess of the Town's contribution.

For current employees hired by the Town on or after January 1, 2001, the Town will pay 75% of the cost of individual coverage ***plus 75% of additional family or two-person coverage*** for the Plan approved by the Town Board for the relevant time period. Said employees shall be responsible for all amounts in excess of the Town's contribution.

The Town Supervisor and the Town Council are eligible for the Town's Medical and Hospitalization Plan approved by the Town Board for the relevant time period for either individual, family or two-person coverage, provided that the Town Council members are responsible for 100% of the cost of said coverage under the Plan, and that the Town Supervisor shall be responsible for the same percentages of the cost of coverage as all non-union Town employees.

Pre-Tax Insurance Premiums – The employee's contribution towards the health insurance premium will be paid with pre-tax dollars. Deductions are taken from the employee's paycheck before federal, state, and social security taxes are calculated. This reduces the employee's taxable income and increases net take-home pay. If an employee would like the employee's contribution towards the health insurance premium to be paid with after-tax dollars, then the employee must make that election in writing by December 1st of each year to be effective January 1st of the subsequent fiscal year. Please refer to the Town's Flexible Benefits Plan Document for further information on pre-tax payments.

Changes in Premium Contributions – The amount of the insurance premium an employee, Town Supervisor or Elected Official is required to contribute is subject to change by resolution of the Town Board. The Town Board will provide a written notice of such change within one month or as soon as available.

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

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

808 Medical Insurance for Retirees

Coverage – The Town currently offers medical insurance coverage to an eligible employee who retires from the Town. Coverage is also currently available for eligible dependents (includes spouse) if they were covered under the Town's medical insurance plan at the employee's date of retirement. In the event the retiree predeceases the dependents, the dependents may continue medical insurance coverage provided they continue paying the percentage of the premium they were paying. Coverage of a dependent at the time of divorce or legal separation is in accordance with plan documents and COBRA requirements.

Premium Payment – In retirement, for those employees hired by the Town on or before January 1, 1999, with 10 or more years of service, the Town will continue to pay full costs of individual coverage plus 75% of additional two-person or family coverage for the Plan approved by the Town Board for the relevant time period.

In retirement, for those employees hired by the Town on or after January 2, 1999, with 20 or more years of service, the Town will pay full cost of individual coverage plus 75% of additional family or two-person coverage for the Plan approved by the Town Board for the relevant time period.

In retirement, for current employees hired by the Town on or after January 1, 2001 and who retire on or after May 1, 2021, with 20 or more years of service, the Town will pay 75% of the cost of individual coverage plus 75% of additional family or two-person coverage for the Plan approved by the Town Board for the relevant time period. Said employees shall be responsible for all amounts in excess of the Town's contribution.

Grace Period – There will be a 30-day grace period for payment. After 30 days a written notice from the Town to the retiree will be sent out; 15 days after the written notice for nonpayment is mailed the insurance will be canceled if premium is not paid in full.

Plan – The Town will make available the same medical insurance plans offered to then current employees. The Town Board may, at its discretion, make available comparable medical insurance plans, change the plans at any time, including, but not limited to, type of coverage, retiree contributions, and type of carrier with employee agreement. Coverage under a medical insurance plan made available through the Town will continue until the retiree or eligible spouse, as the case may be, meets the eligibility criteria for Medicare coverage, at which time primary coverage will be provided by Medicare. At that time, the retiree and eligible spouse may be required to change medical insurance plans offered by the Town in order to maintain supplemental coverage.

Changes in Eligibility and/or Premium Contributions – Eligibility requirements and the amount of the insurance premium a retiree or retiree's spouse is required to contribute is subject to change by resolution of the Town Board. Town Board will provide a two month notice of such change or as soon as available.

Medicare Part B Reimbursement – The Town will reimburse an eligible retiree and the retiree's spouse for the cost of the Medicare Part B premium. It will be distributed on a

quarterly basis per the applicable plan. Such reimbursement will cease for both the retiree and the retiree's spouse upon the death of the retiree. Reimbursement will also cease for a spouse upon legal separation or divorce.

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

809 Continuation of Health Insurance Benefits (COBRA/NYS Continuation Coverage)

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

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

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

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

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

- Termination of the covered employee’s (or Elected Official’s) employment for any reason except gross misconduct, or the covered employee’s loss of eligibility to participate due to reduced work hours.
- When a covered employee is on a leave of absence due to military service obligations.
- Death of a covered employee or Elected Official.
- Divorce or legal separation from a covered employee or Elected Official.
- A covered dependent ceases to be a “dependent child” under the health insurance plan.
- A covered dependent child’s loss of eligibility to participate in the insurance plan due to the covered employee or Elected Official becoming covered by Medicare as a result of total disability or choosing Medicare in place of the insurance plan at age sixty-five.

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

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

810 *Optional Insurance*

Summary – The Town may make available optional life, dental, optical, short-term disability, cancer, accidental, or other forms of insurance. The full cost of such insurance shall be borne by the employee, the premiums of which may be voluntarily withheld from the employee's salary. Please contact the Human Resource Department for further information on optional insurance plans.

811 *Section 125 Plan (Flexible Benefits Plan)*

Summary – The Town of Schodack offers eligible employees the opportunity to participate in a Town-sponsored Section 125 plan. The benefit of participating in the Section 125 plan is that an employee's contributions to the plan are deducted from the employee's paycheck before federal, state, and social security taxes are calculated. This reduces the employee's taxable income and increases net take-home pay. The options offered under this plan are shown below.

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

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

812 Short-Term Disability Benefits

Eligibility – A full-time or part-time regularly scheduled employee is currently provided with short-term disability coverage in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid short-term disability coverage. This benefit is to supplement loss of time from work due to a qualified non-job-related illness or injury.

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

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

Disability Payments – Disability payments will be in accordance with the terms of the policy. The duration of disability benefits is dependent upon a physician's certification and consistent with the terms of the policy. There may be a waiting period before an employee can become eligible for disability payments. Full details regarding the policy currently in effect are available from Human Resource Department.

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

Reporting of Illness or Injury – The employee or his representative must report illness or injury to the employee's Department Head and the Human Resource Department within twenty-four hours of occurrence. A written report must be submitted as soon as the employee is able. The Human Resource Department will provide the employee with the necessary forms. Proper medical certification will be required and must be submitted with the application form.

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

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

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

813 Workers' Compensation Benefits

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

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

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

Reporting of Injury – The employee must report any accidental injury arising out of and in the course of employment to the Department Head immediately after the occurrence of the injury. The Department Head will submit a completed accident form to the Human Resources Department. The Human Resources Department will then complete the form and submit it directly to the Towns Workers Compensation Administrator.

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

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

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

814 Unemployment Benefits

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

815 Social Security

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

816 *The New York State Employees' Retirement System*

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

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

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

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

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

817 *Police and Fire Retirement System*

Summary – The Police and Fire Retirement System covers all sworn personnel in the Police Department. All full-time and part-time police officers must become members of the Police and Fire Retirement System effective on the first day of employment, unless otherwise excepted in accordance with the provisions of that plan. (See Union Contract.)

818 *Death Benefit*

Summary – The Town will pay the cost of the funeral and funeral expenses for an employee, if the employee died while working, an amount not to exceed \$10,000. The Town agrees to provide each employee, if a member of the NYS Retirement system, the Guaranteed Ordinary Death Benefit program as set forth in applicable New York State statute. Unused compensatory time, unpaid overtime, accrued and unused holiday and vacation pay shall be paid to the employee's surviving spouse or lawful estate within thirty (30) days of the termination of employment due to death of the employee.

900 COMPLIANCE POLICIES

901 *Equal Employment Opportunity*

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

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

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

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

902 *The Americans with Disabilities Act*

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

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

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

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

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

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

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

Policy Statement – It is the policy of the Town of Schodack to promote a productive work environment and to prohibit conduct by any Elected Official or employee (as defined in Section 103 of the Employee Handbook) that disrupts or interferes with another's work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with this goal, the Town is committed to educate Elected Officials and employees in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to provide an effective means of eliminating such discrimination and harassment from the workplace. In short, the Town does not tolerate any form of discrimination or harassment, including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such activity in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and harassment, including sexual harassment, without any risk of repercussion to any individual covered by this policy who, in good faith, files such complaint.

Applicability of Policy – This policy applies to all Elected Officials, Appointed Members of Boards and Commissions, employees, supervisors, and Department Heads, whether employed full or part-time, temporary or seasonal, paid or unpaid interns, volunteers, independent contractors and those employed by companies contracting to provide services in the workplace. Depending on the extent of the Town's exercise of control, this policy may be applied to the conduct of non-Town employees with respect to harassment of Town employees in the workplace.

Prohibited harassment (including sexual harassment) is not limited to the physical workplace itself. It can occur while Elected Officials, employees or other individuals covered by this policy are traveling for Town business or at Town sponsored events or parties. Calls, texts, emails, and social media usage by employees or other individuals covered by this policy can constitute workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Prohibited Activity – No Elected Official, employee or other individuals covered by this policy shall engage in any of the following:

- **Harassment**: Unwanted, unreasonable verbal or physical conduct directed toward or affecting another person that disturbs, frightens, insults, threatens, intimidates, demeans, or offends that other person, that continues or is repeated after a request to cease, and that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities. Harassment includes offensive or inappropriate images or written materials or electronic communications (e.g. letters, e-mail, text messages, or graffiti) as well as bias-based harassment and sexual harassment (see below).
- **Bias-Based Harassment**: Harassment that denigrates, offends or shows hostility or aversion toward an individual on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic

violence victim status, or any other protected status. Bias-based harassment includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written, electronic, or graphic material that denigrates, ridicules, objectifies, or shows hostility, aversion or contempt toward an individual or group and that is placed on walls, bulletin boards, lockers or elsewhere on or in the Town's premises, vehicles, or equipment, or is circulated in the workplace, including through electronic means.

- **Discrimination:** The Town of Schodack is an Equal Opportunity Employer. The Town does not unlawfully discriminate on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Unlawful discrimination based on membership in these categories is prohibited by applicable federal, state, or local laws. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, assignments, compensation, promotion, transfer, training, leave of absence, and termination.

Definition of Sexual Harassment – This policy places special attention on the prohibition of sexual harassment in the workplace.

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other

terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

Any individual covered under this policy who feels harassed should report such behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of Sexual Harassment - The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Prohibition Against Retaliation – Unlawful retaliation can be any action that could discourage an employee or other individual covered under this policy from coming forward to make or support a claim of discrimination or harassment, including sexual harassment. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Unlawful retaliation against any employee or other individual covered under this policy who has engaged in “protected activity” is strictly prohibited by this policy as well as (where applicable) federal, state, and local law. Protected activity occurs when a person has:

- made a complaint of harassment or discrimination, either internally or with any anti-discrimination agency;
- opposed harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or management of harassment or discrimination;
- reported that another employee has been subjected to harassment or discrimination;
- encouraged a fellow employee to report harassment or discrimination;
- participated in a workplace investigation regarding harassment or discrimination;
- testified or assisted in a proceeding involving harassment or discrimination under the Human Rights Law or other anti-discrimination laws.

Even if the alleged discrimination or harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of discrimination or harassment.

Reporting of Discrimination and Harassment (including Sexual Harassment) –

Reports of alleged discrimination and/or harassment (including sexual harassment) or retaliation may be made verbally or in writing. A form for the submission of a written complaint is attached to this policy and individuals are encouraged to use this form. If an individual chooses to submit a verbal complaint, such complaint will be recorded by the receiver of this complaint on this form. Employees are encouraged to report incidents of discrimination, harassment (including sexual harassment), or retaliation to their Department Head and/or the Town Supervisor as soon as possible after their occurrence. If the employee's Department Head is believed to be involved in the incident, or if the employee is not comfortable in addressing the incident with the Department Head, the report should be made directly to the Town Supervisor. If the Town Supervisor is believed to be involved in the incident or the employee is not comfortable reporting the incident to the Town Supervisor, the employee should report the incident to the Town Clerk or the Human Resource Department. Employees who believe they have been discriminated against or harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their immediate supervisor, their Department Head, the Town Supervisor, the Town Clerk or the Human Resource Manager. Employees who work during off-hours are encouraged to contact their supervisor, their Department Head, the Town Supervisor, or any member of the Town Board at home if these individuals do not work during the employee's shift. Non-employees are encouraged to report incidents of alleged discrimination and harassment (including sexual harassment) to either the Department Head of the department where services are being provided, the Town Supervisor, the Town Clerk or the Human Resource Manager.

Supervisory Responsibility – Supervisory personnel must make every effort to ensure a work environment that is free from discrimination and harassment, including sexual harassment. Any Department Head or supervisor who receives a complaint or information about suspected prohibited activity (as outlined above), observes behavior that may constitute prohibited activity, or for any reason suspects that prohibited activity is

occurring, is required to report such suspected prohibited activity to the Town Supervisor, or any member of the Town Board.

In addition to being subject to corrective action or discipline if they engaged in prohibited activity themselves, supervisory personnel will be subject to discipline for failing to report suspected prohibited activity or otherwise knowingly allowing prohibited activity to continue. Supervisory personnel will also be subject to corrective action or discipline for engaging in any form of retaliation prohibited by this policy.

Investigation of Complaint – The Town Supervisor, in consultation with the Town Board, will determine the appropriate individual(s) to conduct the investigation. All complaints pursuant to this policy, whether reported in verbal or written form, will be investigated promptly, thoroughly, and in as impartial a manner as possible. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. All employees are required to cooperate in an investigation, if so directed. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation. All relevant materials, including all electronic communications, documents, emails or phone records that are relevant to the allegations will also be considered. A written report will be prepared documenting the results of the investigation. The individual who reported the complaint and the individual about whom the complaint was made will be notified of the final determination.

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

Corrective Action and Discipline – Any employee who is found to have violated any aspect of this policy will be subject to corrective or disciplinary action, up to and including termination of employment, as provided by Town operating procedures, including Civil Service Law Section 75, or a collective bargaining agreement. Any Elected Official who violates this policy will be subject to remedial action as provided for and/or allowed under NYS Public Officers Law, as well as any other applicable statutes. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, to the extent that the Town is empowered to take such action.

Legal Protections and External Remedies – Nothing in this policy should be construed as in any way limiting employees' rights to file a formal complaint with the appropriate state or federal agencies responsible for administering anti-discrimination laws. Complainants should be aware that time restrictions may apply and need to be considered. Aside from the Town's internal process, employees may also choose to pursue legal remedies with the following governmental entities at any time.

New York State Division of Human Rights (DHR)

The Human Rights Law (HRL) applies to employers in New York State with regard to harassment and protects employees and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state

court under the HRL, within three years of the alleged discrimination. An individual may not file with DHR if they have already filed an HRL complaint in state court. Filing an internal complaint with the Town does not extend the time limits to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment. An attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate the complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring the Town to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

Contact the Schodack Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sexual acts, the conduct may constitute a crime. Contact the Schodack Police department.

TOWN OF SCHODACK

COMPLAINT FORM

DISCRIMINATION AND HARASSMENT (INCLUDING SEXUAL HARASSMENT)

This form is to be used to document any complaint of alleged discrimination and/or harassment, including sexual harassment, as outlined in the policy. Once you complete this form, please submit it to the appropriate individual as outlined in the policy. If you are more comfortable reporting the allegations verbally or in another manner, refer to your policy for guidance. Once you submit this complaint, the Town will commence an investigation pursuant to its policy.

Name of Complainant:	Department:
Name(s) of individual engaging in alleged discrimination and/or harassment including sexual harassment:	Department:
Describe the specific incident of discrimination and/or harassment alleged. Describe each incident separately, including dates, times and locations. If you cannot remember exact dates, times or locations, provide approximations. Use additional pages if necessary.	

Are there others who may have witnessed this alleged discrimination and/or harassment? If so, provide their name(s).

Are there others who may have experienced similar alleged discrimination and/or harassment by the individual named above? If so, provide their name(s).

Did you tell anyone about your experience after the alleged incident(s)? If yes, provide their name(s).

Did you speak to the individual named in this report about the alleged discrimination and/or harassment? If yes, what was his or her response?

Complainant Signature*: _____

Date: _____

Print Name: _____

Job Title: _____

*I understand that the Town of Schodack prohibits any individual from retaliating against me for filing a complaint and that I am to report such retaliation pursuant to the Town's policy.

Signature of Person Receiving Complaint: _____

Date: _____

Print Name: _____

Job Title: _____

904 ***Violence in the Workplace***

Policy Statement – The Town of Schodack is committed to providing its employees with a work environment that is safe, secure, and free from violence. The Town also considers the safety of its residents, vendors, contractors, and the general public (collectively referred to as “visitors”) to be of paramount importance and strives to provide them the same type of protections while on Town property.

Workplace Violence Prevention Program – In accordance with the New York State Workplace Violence Prevention Act, the Town of Schodack has developed a Workplace Violence Prevention Program. As a part of this program, the Town conducted a comprehensive risk evaluation of the entire workplace and will conduct annual reviews to identify risk factors that may increase the likelihood of workplace violence and implement appropriate measures to minimize or eliminate these hazards. In order to achieve this goal, the Town encourages the participation and cooperation of employees and their authorized employee representative(s). A copy of the program is available from the Town Supervisor’s Office.

Prohibited Conduct – The Town will not tolerate ANY acts of violence in the workplace, including but not limited to, physical assault (e.g., hitting, pushing), threatening, intimidating, or aggressive behavior, or verbal abuse or harassment. Employees are prohibited from possessing firearms or weapons (e.g., guns, knives (except for pocket knives used in the normal course of the employee’s job), explosives, and other items with the potential to inflict harm) in the workplace, even if the employee is licensed to carry the weapon. The only exceptions are law enforcement and security personnel. An employee who has knowledge that a coworker or visitor possesses a weapon on Town property must report this to a Department Head or immediate supervisor immediately.

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

Reporting Requirements – Any incident of workplace violence or imminent danger must be promptly reported to the Department Head or immediate supervisor as outlined in Section 5 of the Workplace Violence Prevention Program manual.

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

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

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

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

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

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

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

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

Non-Discrimination Policy – The Town of Schodack will not discriminate against an applicant or employee because of past substance abuse provided it can be demonstrated that the applicant/employee has received appropriate treatment and tests negative for controlled substance use. It is the current use of alcohol and controlled substances that will not be tolerated in the workplace.

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

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

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

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

Dangers of Drug Abuse in the Workplace

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

1. Declining Performance

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

2. Increased Costs

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

3. Absenteeism and Tardiness

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

4. Damaged Relationships

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

906 *Controlled Substance and Alcohol Testing*

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

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

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

907 *Smoking*

Policy Statement – In accordance with the NYS Clean Indoor Air Act, it is the policy of the Town to prohibit smoking in the workplace, which includes all Town buildings and all Town vehicles.

1000 SAFETY

1001 Workplace Safety

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

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

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

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

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

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

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

- When an accident occurs, which results either in the loss of an employee's work time or in the provision of medical care to an employee, the employee must immediately notify the Department Head who will in turn notify the Human Resource Department. The Human Resource Department must complete an *Employer's Report of Injury Form (C-2)* and submit according to operating procedures.
- When an accident occurs, which does not result in the loss of an employee's work time, or in the provision of medical care to the employee, the employee must immediately notify the Department Head who will in turn notify the Human Resource Department. The Human Resource Department will maintain appropriate documentation of the incident.
- The Human Resource Department will keep a log of the injury or illness for five years following the end of the calendar year to which it relates. A copy of this log, which includes totals and information for the year, must be posted in each department or areas where notices to employees are customarily posted.

1002 Hazard Communication Program

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

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

- **Chemical Inventory** – The Town must maintain an inventory of all known chemicals in use. An employee may obtain the chemical inventory from the employee's supervisor or Department Head.
- **Container Labels** – All chemicals on a worksite must be stored in the original or approved containers with the proper label attached. The Department Head must ensure that each container is labeled with the identity of the hazardous chemical contained and any appropriate hazard warnings. The Town will rely on manufacturer applied labels whenever possible. A container that is not labeled or on which the manufacturer's label has been removed, must be properly labeled. A container not properly labeled must be given to the Department Head for labeling or proper disposal.
- **Dispensing Chemicals** – An employee may dispense chemicals from original containers only in small quantities intended for immediate use. Any chemical leftover must be returned to the original container or to the Department Head for proper handling. No unmarked containers of any size are to be left in the work area unattended.

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

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

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

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

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

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

1100 COMMUNICATION PROCEDURES

1101 Organizational Communications

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

Methods of Communication – Information will be communicated to employees in a variety of ways, including general and departmental meetings, memos and other written correspondence, notices distributed with paychecks, and posting of information. Employees should check bulletin boards frequently to keep informed on changes in employment matters and other items of interest. Except as otherwise provided by a collective bargaining agreement, all material to be posted on bulletin boards, including memos and announcements, must have the prior approval of the appropriate Department Head.

1102 Adverse Communications

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

1103 Suggestions

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

1104 Public Relations

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

Public Appearances - A Town employee may on occasion be asked to speak or appear in an official capacity as a representative of the Town before various groups or organizations (e.g. Chamber of Commerce, Rotary Club, schools, neighborhood groups, etc.). The employee must obtain prior approval from the Town Supervisor or his/her designee before agreeing to do so.

1105 Media Relations

Policy Statement – No employee of the Town of Schodack will make contact with ANY news media, provide any information on any topic, give a written response, or conduct an interview without first notifying the Town Supervisor first. The only exceptions of this will be the Chief of Police and members of the Police Department in the conducting of any incident that the Schodack Police Department is assisting, lead agency, criminal activity, arrest, etc. as well as our Public Information Officer providing their requested/required duties.

1106 Reporting of Improper Activities

Policy Statement – Any employee who witnesses or becomes aware of an inappropriate action, improper financial circumstance, inappropriate use of Town funds or property, safety issue, or other matter that appears to be improper, should immediately make his or her Department Head or supervisor, the Town Supervisor, or any Town Board member aware of the issue. When an imminent and serious danger to public health or safety exists, an employee may see fit to immediately report violations to law enforcement or other applicable governing body. Even if you are in doubt about what you witnessed or were made aware of you should report the matter.

Retaliation – Under Section 75-B of New York State Civil Service Law, New York State Public Sector Whistleblower Law, an employee, who in good faith, discloses to a governmental body information regarding a violation of law, a substantial and specific danger to the public health or safety, or an improper governmental action which the employee reasonably believes to be true, shall be protected from any adverse personnel action including, but not limited to: termination, disciplinary action, or changes in compensation. Any Town employee or officer who commits or condones any form of retaliation against anyone who in good faith reports alleged misconduct will be subject to discipline up to, and including, termination.

1200 DISPUTE RESOLUTION

1201 Dispute Resolution Procedure

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

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

- A belief that Town policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee;
- Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, salary, or seniority.

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

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

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

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

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

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

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

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

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

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

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

1300 EMPLOYEE ACKNOWLEDGEMENT FORM

Place in employee's personnel file.

TOWN OF SCHODACK

PERSONNEL POLICY AND PROCEDURE MANUAL

ACKNOWLEDGMENT

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

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

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

I agree to abide by the personnel policies, procedures, rules and regulations outlined in the Personnel Policy and Procedure Manual.

I understand that the Personnel Policy and Procedure Manual and the changes contained herein are intended to supersede all prior manuals and guidelines issued by the Town of Schodack, and may be changed from time to time, by the Town of Schodack.

Employee name (please print)

Employee Signature

Date of Signature