

# Town of Hartland Employee Handbook

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## **Section I Applicability And Definitions**

### **100-1 Applicability**

All employees of the Town of Hartland should thoroughly acquaint themselves with this Employee Handbook. Union members should also obtain a copy of their Collective Bargaining Agreement from their respective bargaining representatives. All employees will be required to adhere to the applicable provisions of this Handbook, except as provided in Section 100 - 3.

### **100-2 Definitions**

The following terms shall have the meanings set forth below:

**Town** — The Town of Hartland

**Elected Official** — Officials of the Town who are elected, i.e., Town Supervisor, Town Board Members, Town Justices, Town Clerk, Tax Collector and Superintendent of Highways etc.

**Full-time Elected Official** – Town Clerk and Superintendent of Highways

**Part-time Elected Official** – Any elected official except Town Clerk and Superintendent of Highways

**Department Head** — The person in charge of any department, agency, bureau, unit, or subdivision of the Town of Hartland. 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 include the Town Supervisor, who shall be considered the supervisor of all Department Heads and shall function as a Department Head in the absence or unavailability of a Department Head. Department Head shall include: Town Supervisor; Town Clerk; Highway Superintendent; Water Superintendent; and Assessor/ Building Inspector..

**Supervisor** — The individual designated by the Department Head to oversee the performance of employees.

**Employee** — Any person employed by the Town, including, but not limited to, an appointed official, 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.

**100-3 Collective Bargaining Agreements** — In the event an expressed and explicit provision set forth in a collective bargaining agreement between the Town of

Hartland and an employee organization as defined by the Public Employees' Fair Employment Act (Taylor Law) should conflict with an employee benefit, personnel policy, personnel procedure, or other provision set forth in this Employee Handbook, the expressed and explicit provision of the collective bargaining agreement will control. Otherwise, unless expressly excluded herein, this Employee Handbook will be applicable to all employees.

#### **100-4 The Purpose of this Employee Handbook**

**Statement of Purpose** — The purpose of this Employee Handbook is to establish the Town's personnel policies and practices to all employees and Elected Officials. It is necessary that each employee understand the policies that relate to rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits. This Employee Handbook is not a contract of employment, express or implied, and should not be construed as such. Employment can be terminated at any time at the will of either the employer or the employee, subject only to such procedural requirements as may be specified pursuant to New York State Civil Service Law, Town Law, or other applicable law, rule, or regulations. The Employee Handbook provisions shall not be construed as a creation of higher legal standard of safety or care. A violation of a Handbook provision may form the basis for disciplinary action by the Town.

**Changes or Modifications** — The Town Board reserves the right to interpret, change, modify, or eliminate any provision contained in this Employee Handbook. The provisions of this Handbook may be superseded by other actions of the Town Board.

**States, Laws and Ordinances** — In the event an applicable federal or state statute or regulation or a Town Law or ordinance conflicts with any provision contained in this Employee Handbook, then such statute, regulation, law or ordinance will prevail. Conflict shall mean to take precedence over, and shall not include laws, regulations or ordinances which, are not mandatory to the Town.

## Section II Employee Classifications/Appointments

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

### 200-1 Town Classifications

**Full-Time Employees** - An employee who is regularly scheduled to work a minimum of thirty hours per week.

**Part-Time Employees** - An employee who is regularly scheduled to work less than thirty hours per week.

**Temporary Employees** - An employee who is employed on an interim basis or employed to work on a special or emergency basis for a specified period, consistent with the Civil Service Law as applicable.

**Seasonal Employees** - An employee who is employed to work for a period not to exceed six months.

### 200-2 Civil Service Classifications

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

#### The Unclassified and Classified Services

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

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

**(1) Exempt** — those positions, other than unskilled labor positions, for which competitive or non-competitive examinations or other qualification

**D. Examinations and Promotions** — 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 Niagara County Civil Service Department of persons who have taken the appropriate Civil Service examination. The Niagara County Civil Service Department will test and rank each candidate according to the individual's performance on the examination. In accordance with Civil Service Law Section 61, the Town will select one of the top three available candidates on the list to fill the position. Some veterans may receive credit for service pursuant to civil service law. When appropriate, opportunities for promotion from current employment will be considered.

**(3) 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.

**(2) 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

**(1) 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;

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

**(4) Labor** — unskilled labor positions, except those positions which can be examined for competitively.

**(3) 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,

**(2) Competitive** — those positions for which it is practicable to determine merit and fitness by competitive examination;

requirements are not practicable (Civil Service Law, Section 41);



## Section III Employment

### 300-1 Oath of Office

**Requirement** - Each Town Officer as defined in the Town Law and the Public Officers Law, must take the Oath of Office prior to commencement of duties. The oath will be filed in the Town Clerks office, unless other filing is required by Law.

### 300-2 Vacancies/Applications

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

**Residency** — In the event there is a vacancy in a new or existing position which the Town intends to maintain, the Town will, all other qualifications being equal, give preference to applicants who are residents of the Town. Residency in the county of Niagara is a requirement of employment.

**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 dismissal if the conduct is discovered after employment commences.

**Employment Reference and Background Checks** — To ensure employees are well qualified and have a strong potential to be productive and successful, the Town reserves the right to check the employment references and appropriate background information of applicants.

### 300-3 Probationary Period

**A. Purpose of Probationary Period** — The probationary period provides the Town Board and the Department Head with an opportunity to evaluate the employee's job performance and potential for development in the position, and to determine whether the employee will become a permanent employee. Employment may be terminated at will during the probationary period. Union employees should refer to the collective bargaining agreement in reference to the probationary period.

**B. Length of Probationary Period** — Except as otherwise provided in the *Rules for the Classified Civil Service for Niagara County*, an employee appointed from an

**D. Failure to Successfully Complete Probationary Period** — The Town may dismiss the employee from employment at any time during the probationary period and before completion of the maximum probationary period. If the performance of an employee serving a probationary period who has been promoted or transferred from a different permanent position is not satisfactory, the employee shall be returned to the employee's former permanent position. Union employees should refer to the collective bargaining agreement in reference to failing to complete the probationary period.

**C. Successful Completion of Probationary Period** — An employee's appointment will become permanent once the probationary period has been successfully completed. 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.

Unless otherwise notified in writing, the probationary period shall be fifty-two weeks. The open-competitive list must serve a probationary period of fifty-two weeks. *Rules for the Classified Civil Service for Niagara County.* length of the probationary period may be extended in accordance with the *Rules*

## **Section IV      Discipline of Employees**

**400-1 Policy** — It is the policy of the Town of Hartland 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 the public. Any conduct that interferes with operations or that discredits the Town will not be tolerated. An employee must conduct oneself in a positive manner so as to promote the best interests of the Town.

**Forms of Discipline** — Employees entitled to the protection afforded by Civil Service Law Section 75 (a summary of civil service law §75 is attached in Appendix "A") shall be disciplined in accordance with the provisions and procedures contained therein. The Town retains the right to discipline employees in such manners it shall determine.

**400-2 Corrective Action Notice** — A Corrective Action Notice or a Letter of Counsel are not disciplinary actions. Such notice or letter may be issued by the Town Supervisor or the Department Head whenever deemed necessary to address a deficiency or violation of the Town's policies, work rules, or job performance. Such notice or letter is not a pre-requisite to taking disciplinary action. As a condition of employment, employees are required to sign any corrective action notice and letter of counsel to indicate that a discussion of the issue has taken place. If an employee refuses to sign the notice, the Town Supervisor will note such refusal along with the date and time. The Corrective Action Notice or Letter of Council will be filed in the employee's personnel file. Employees shall receive a copy of any corrective action notice or letter of counsel.

**400-3 Prohibited Conduct** — Any employee who violates the policies, procedures, rules, or regulations outlined in this Employee Handbook or those established by the employee's department, or engages in other misconduct will be subject to disciplinary action. Misconduct for which disciplinary action may be taken, include, but are not limited to, the following:

- A. Falsification of any records or reports including, employment applications, medical reports, time records, work-related records, absence from work, injuries on the job, claims for benefits provided by the Town;
- B. Intimidating, coercing, threatening, or assaulting, or fighting with or interfering with, other employees, Elected Officials, residents of the Town; or any other person;
- C. Engagement in any form of discrimination or harassment, including sexual harassment;
- D. Improper performance of job duties or failure to perform assigned duties and

- E. Insubordination, including, but not limited to, refusal or failure to obey instructions of a Department Head or supervisor.
- F. Careless or negligent use or operation of equipment. Improper operation of equipment; causing damage or excessive wear and tear on equipment.
- G. Willful or deliberate abuse, destruction, defacement, misuse, or theft of Town property or removal of Town property without permission;
- H. Illegal gambling on Town property;
- I. Sleeping on the job;
- J. Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment;
- K. Failure to adhere to the personal appearance/dress code policy;
- L. Violations of Town policies, procedures or engaging in prohibited conduct;
- M. Leaving work area without permission;
- N. Tardiness and/or unauthorized absences;
- O. Failure to give proper notice of absences;
- P. Possession or use of controlled substances or alcohol while on Town property or in Town vehicles, or during the course of employment;
- Q. Possession of firearms or explosives on Town property or in Town vehicles or during the course of employment, unless otherwise authorized as part of job duties; or
- R. Acts of sabotage;
- S. Being under the influence of controlled substances or alcohol while working.

responsibilities;

## **Section V Personnel File and Records**

- 500-1 Policy** - It is the policy of the Town to obtain, use, and retain employment information. 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. At the same time, it is the Town's policy to respect each employee's privacy and to comply with all State and Federal Privacy laws.
- 500-2 Content** — The personnel records maintained by the Town include, but are not limited to, Employment Applications, Report of Personnel Change Forms; copies of job-required licenses and certificates, Federal and State Withholding Tax Forms, Retirement Enrollment/Waiver Forms, Health Insurance Enrollment/Waiver Forms, disciplinary information, grievance or dispute notices, letters of acclamation, probationary reports, and Corrective Action Notices or Letters of Council, and employee evaluations.
- 500-3 Location of Files** — All original personnel records for current employees will be kept in the Town Supervisor's office and will be maintained and controlled by the Confidential Secretary to the Supervisor.
- 500-4 Immigration (1-9) Forms** — All Immigration (1-9) Forms will be kept in a separate file apart from the employee's personnel file, in the Supervisor's Office.
- 500-5 Medical Records** — All employee medical records will be kept in a separate file apart from the employee's personnel file in the Town Supervisor's office and will be maintained and controlled by the Confidential Secretary to the Supervisor..
- 500-6 Substance Testing Records** — All employee substance testing records will be kept in a separate file apart from the employee's personnel file in the Supervisor's Office and will be maintained and controlled by the Town Supervisor's Office, maintained and controlled by the Confidential Secretary to the Town Supervisor. For security purposes, these files will be locked at all times.
- 500-7 Change in Status** — An employee must immediately notify the Confidential Secretary to the Supervisor of a change of name, address, telephone number, marital status, number and age of dependents, beneficiary designations, and individuals to notify in case of emergency.
- 500-8 Employee Access** — An employee, or a representative designated by a written statement signed by the employee, may inspect and copy the contents of the employee's own personnel file. Inspections by employees must be requested in writing to the Town Supervisor and will be scheduled at a mutually convenient time. An authorized official must be present when the employee inspects the file. The

employee may not remove or place any material in the file without the approval of the Town Supervisor. Copies of records contained in an employee's personnel file may not be released to a third party without the written consent of the employee, unless federal, state or local laws require otherwise.

## **Section VI Separation from Employment**

**600-1 Notice of Resignation (Employees)** — An employee who intends to resign from employment must submit a written resignation to the employee's Department Head at least two weeks before the date of resignation is to be effective.

**600-2 Notice of Resignation (Town Officers)** — Pursuant to New York State Public Officer's Law, a Town Officer (as defined by Public Officers Law) must resign by delivering a written notice to the Town Clerk. If no effective date is specified, the office becomes vacant immediately upon delivery of the notice to the Town Clerk. If a Town Officer wishes to resign at some future date, the Town Officer may specify a resignation date. However, if the resignation date is more than thirty days after delivery of the notice to the Town Clerk (ninety days for Justices), the resignation will become effective thirty days after such delivery (ninety days for Justices).

**600-3 Notice of Resignation (Town Clerk)** — Pursuant to New York State Public Officer's Law, the Town Clerk who intends to resign must submit a written resignation to the Secretary of State.

**600-4 Exit Interviews** — Exit interviews are normally conducted by the Department Head and/or the Town Supervisor. The exit interview provides an opportunity to discuss a number of items including employee benefits, COBRA eligibility, changing of computer passwords, and return of Town property. During the exit interview, employees are encouraged to give suggestions, concerns and constructive recommendations.

**600-5 Final Paycheck** — Employees receive their final paycheck on the next regularly scheduled payday. The final paycheck includes payment for accumulated vacation benefits, if applicable.

## Section VII Work Rules and Policies

### 700-1 Departmental Hours

**A. Normal Hours of Operation** — The normal days and hours of operation are established by the Town Board. Subject to the discretion of 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 the particular needs and requirements of the department. The Town Board reserves the right to approve or modify all employee work schedules.

**B. Flex-Time** — Where it may be beneficial to a given department to have an employee begin and/or end a given workday at a time other than the regularly established department work hours, or to split work days, a Department Head may approve a flex-time schedule for designated employees. When job duties demand extra work, a department head may adjust the schedule during the same pay period. The Town Supervisor and the Town Board reserve the right to approve, modify, or reject all "flex-time" schedules.

**C. Department Head Absences** — Department Heads have duties that may require them to be absent from their offices at certain times during the day. It is the Department Head's responsibility to assign work, and services, and supervision as needed in an absence.

### 700-2 Meal Breaks

**A. Meal Breaks** — An employee who works more than six hours in a given day will receive a paid, duty-free meal break of not less than thirty minutes or more than sixty minutes, as determined by the Department Head.

**B. Scheduling of Meal Breaks** — Scheduling of meal breaks shall be approved by the Department Head in accordance with the needs and requirements of the department. Meal breaks will normally, and will not be authorized at the beginning or end of the day. Unless otherwise directed by the Department Head, an employee may leave the work-site during the meal break.

### 700-3 Emergency Situations

**A. Closing Procedures** — In the event that harsh 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 weather conditions or other emergencies develop during a workday, the Town Supervisor may direct that certain employees who perform non-essential services leave work.



**B. Closing Affect on Compensation** — Pay for salaried employees will not be affected by an emergency closing. Pay for other employees will be in accordance with the provisions below:

**(1) During Work** — A full-time employee who is directed by the Town Supervisor to leave work due to an emergency closing will be paid for the remainder of the employee's normal workday at the employee's regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime. A part-time employee who is directed to leave work due to an emergency closing will not be paid for the remainder of the employee's normal workday. Such employee may choose to make up the time at a later date during the same pay period if agreed to by the Department Head. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

**(2) Prior to Reporting to Work** — If a determination is made to close operations prior to the start of a workday, the Town Supervisor will initiate notification to all affected employees. A full-time 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. Such time will not be included as time worked for the purpose of computing overtime. A part-time employee who is directed not to report to work will not be paid for the workday. Such employee may choose to make-up the time at a later date during the same pay period if agreed to by the Department Head. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

#### **700-4 Time Records**

**A. Policy** — Other than elected officials, all employees are required to complete an individual time record showing the daily hours worked. Employees in the Highway Department must punch a time card.

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

**(1)** Time records must be completed by the close of each workday;

**(2)** All time worked, including the beginning and ending time, must be recorded;

**(3)** All paid and unpaid leaves of absence must be recorded;

**(4)** Employees must complete their own time record or punch their own time card. In 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, and shall note on the time record the reason for such completion.

(5) The time record must be submitted to the Department Head for verification and signature prior to submission to the Confidential Secretary to the Supervisor.

**700-5 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.

**700-6 Unauthorized "Flex-Time"** — Unless prior approval has been obtained from the Department Head, arriving early or leaving late for the employee's own convenience is not to be included in working time, provided that the employee performed no pre-approved authorized duties for the Town during such intervals.

**700-7 Falsification of Time Records** — An employee who, 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.

**700-8 Expense Reimbursement**

**A. General** — Upon proper authorization of the Town Board, an employee or Elected Official will be reimbursed for expenses associated with carrying out Town business, including, but not limited to, meals, lodging, mileage, parking, highway tolls, and training and membership fees. A properly completed voucher, along with all required documentation and corresponding receipts must be submitted to the Town Clerk or Town Supervisor's Confidential Secretary in order for the reimbursement to be processed.

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

**C. Mileage** — An employee who is directed by the appropriate Department Head or supervisor to use the employee's own vehicle to conduct Town business will be reimbursed at the mileage rate established by the Town Board.

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

**E. Required Membership Fees** — Upon proper authorization of the Town Board, an employee may hold membership in a professional organization and will be reimbursed for any required dues and/or fees related to employment with the Town.

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

## Section VIII Vehicle Usage and Licensing

**800-1 General** — All vehicles and related equipment of the Town of Hartland are owned or leased 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.

**800-2 Rules** — The following rules shall be adhered to:

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

B. Town vehicles are 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. The Town Board shall determine which Employees or officials may use Town Vehicles for travel between work and home;

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

D. Except in the conduct of Town business, Town vehicles may not be used to transport persons who are not officials or employees of the Town of Hartland. Material not related to the conduct of Town business shall not be in Town vehicles;

E. Town vehicles shall be maintained in a safe and secure condition when not in use. Vehicles shall be locked when not in use. Keys to vehicles shall be controlled by the appropriate Department Head;

F. Except the authorized Town insignia or decal, no advertisements, signs, bumper stickers or other markings shall be displayed on Town vehicles at any time.

**800-3 Requirement of License** — 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.

**800-4 Commercial Drivers** — An employee who operates a vehicle which requires a Commercial Driver's License (CDL), must maintain such license throughout employment. In accordance with the federal Commercial Motor Vehicle Safety Act of 1986, a commercial driver must notify the Town within thirty days of a conviction of any traffic violation (except parking), no matter where or what type of vehicle the employee was driving.

**800-5 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. Failure to report loss or suspension may result in disciplinary action.

E. An employee may not make personal calls on a Town provided telephone or cell phone that will result in additional charges to the Town, except in an

D. An employee may make necessary local personal telephone calls, however, such calls shall be limited in duration, not to exceed four minutes in length, and must not interfere with the performance of the employee's job duties. Any personal calls except during break times in excess of two per day will be considered excessive. Additional personal calls for family or personal matters may be made only on approval of the Department Head, for good and necessary reasons. Personal calls may, at the discretion of the Department Head, be limited to break times only;

C. If the call must be placed on hold, the employee who answered the call will return to the line frequently to confirm that the call is being transferred;

B. An employee shall 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, or transfer the call to the correct party's voice mail;

A. An employee shall answer promptly and speak in a clear, friendly and courteous tone;

Proper phone etiquette is required at all times. Excessive personal phone usage is not allowed. Telephone and cell phone usage must adhere to the following guidelines:

**900-4 Telephone / Cell Phone Usage**

**900-3 Fuel** — An employee may not use gasoline, fuel oil, or motor oil purchased by the Town for personal use.

**900-2 Tools and Equipment** — An employee may not use Town-owned tools or equipment, including, but not limited to, fax machines, copiers and computer equipment for personal use or any other use which is not within Town authorized scope of employment. An employee may not use Town facilities for personal use unless such use is in accordance with usage open to the public at large.

**900-1 Supplies** — All Town owned supplies shall 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.

**Section IX Supplies, Tools and Equipment and Fuel Usage**

emergency and/or with prior approval from the Department Head. The employee must reimburse the Town for the cost of the call.

- F. Employees cell phone use may not exceed that set forth in "D" above. Department heads may prohibit cell phone usage or limit its use to break time only.
- G. Texting and e-mailing on cell phones shall not exceed that allowed in "D" above.
- H. Mobile devices shall be distributed to elected officials and employees as directed by a resolution of the Town Board.

**900-5 Computer Systems** — All computer systems, hardware, software, and files, including e-mails and memory are the property of the Town of Hartland. Personal computers or notepads are prohibited from the work place.

**900-6 Authority** — Department Heads have the authority to inspect the contents of any computer equipment, data/files, or electronic mail ("e-mail") of their subordinates at any time. In addition, the data/files of Department Heads and supervisors may be inspected by the Town Supervisor or his designee at any time.

**900-7 Usage** — All computer systems, hardware, and software provided to an employee are provided for the purpose of aiding that employee in the performance of the employee's job functions. All hardware and software used is to be supplied by the Town of Hartland. 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. The Town may restrict internet access and block websites.

**900-8 Prohibited Uses** — In addition to the guidelines set forth above, the following uses of Town-owned computers and equipment are prohibited. This list is meant to be illustrative, and not exhaustive.

- A. Any illegal activity;
- B. Usage for any private or personal purposes, including e-mails;
- C. Threats or harassment;
- D. Slander or defamation;
- E. Transferring of obscene or suggestive messages or graphical images;

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

**C. Copyright** — Employees shall comply with all copyright laws.

**B. Reliability** — The Town of Hartland is not responsible for loss or damage to a user's data or for the reliability of information that is obtained via the Internet/online service. Also, this information must be used in accordance with applicable copyright laws.

**A. Internet Etiquette** — Employees shall communicate in a manner that will reflect positively on both themselves and the Town of Hartland.

**900-9 Internet On-Line Service** - Internet/on-line service is provided to employees who have demonstrate a work-related reason to have access. Usage is subject to control by the employee's Department Head or supervisor.

- F.** Any non-work related commercial activity; Commercial activity is limited to designated terminals. If a user is unsure whether a terminal is available for commercial use, the employee should ask the Department Head; Accessing or attempting to access the data/files of another person, unless authorized, except by supervisory personnel;
- G.** Accessing or attempting to access the data/files of another person, unless authorized, except by supervisory personnel;
- H.** Using or aiding in the unauthorized use of another person's password;
- I.** Harming or destroying data/files (other than editing or deleting information in the in the normal course of one's job duties);
- J.** Use of non-business software;
- K.** Use of entertainment software, such as games and puzzles;
- L.** Installation or use of any hardware or software, not owned by the Town;
- M.** Installation or use of Town-owned hardware or software for any use that is not Town related business;
- N.** Installation or use of any unauthorized or unlicensed hardware or software;
- O.** Installation of any software containing viruses;
- P.** Accessing of unauthorized internet sites.



**E. Violations** — Anyone with information as to a violation of this policy shall report said information to the employee's Department Head who shall report it to the Town Supervisor.

**Section X Work Regulations**

**1000-1 Personal Appearance** - An employee shall 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. Employees should not wear suggestive attire, athletic clothing, novelty buttons, or similar items.

**1000-2 Safety Clothing and Equipment**— An employee is required to wear safety clothing and equipment as required for the job being performed or as directed by the Department Head.

**1000-3 Uniforms** — An employee may be required to wear a uniform as directed by the Department Head. If such is the case, the employee must comply with all requirements.

**1000-4 Solicitation/Distribution**

**A. Non-Employees** — Except as provided by the Taylor Law or Collective Bargaining Agreement, solicitation and distribution on its premises by non-employees is prohibited and to permit solicitation and distribution by employees only as outlined below. Any activities protected by the Taylor Law are hereby excluded from this provision.

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

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

**1000-5 Visitors** - Employees are not allowed visitors during working hours, except for emergency situations. Visitors are allowed for brief visits during an employee's meal break as long as such visit does not interfere with Town operations or interrupt other employees who are still working.

**1000-6 Purchasing Policy** - It is the policy of the Town to authorize certain individuals to make purchases on behalf of the Town. No employee shall make purchases for the Town, or use the Town's name to make purchases, unless so authorized by the Department Head, subject to Town Supervisor and Town Board oversight. No purchases shall be made in violation of the Town's procurement policy. Use of Town credit cards shall be limited to authorized personnel and shall

be in accordance with policies implemented by the Supervisor or Town Board.

**1000-7 Work Area** — Work areas must be kept safe, clean and orderly at all times. Employees are responsible for maintaining their work area in a clean, safe and orderly fashion. Department Heads and Supervisors shall be responsible to assuring compliance. The following are to be observed:

- A. Place coats, boots, umbrellas and other items of clothing in designated areas so that work areas are not unnecessarily cluttered;
- B. Report any existing or potential workplace hazards and safety violations to the Department Head;
- C. Clean and store all tools and equipment and properly store any items, papers or confidential information in a manner prescribed by the Department Head.
- D. Keep aisles, floors and walls are free from debris and other unnecessary items;
- E. Maintain the facilities and equipment in a clean and orderly fashion;
- F. Remove items from the workplace that are not needed for the flow of business or the enhancement of employee comfort;
- G. Ensure the proper disposal of all trash and waste.

**1000-8 Personal Property** — Employees shall 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, personal property brought to the workplace shall not disrupt work or pose a safety risk to other employees. Department Heads may prohibit specific items of personal property.

**1000-9 Personal Liability** — 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.

**1000-10 Security Inspections** — Desks, lockers and other storage areas may be provided for the convenience of employees but remain the sole property of the Town. Such storage areas, as well as any articles found within them, or elsewhere in the workplace, can be inspected by the Supervisor or Department Heads at anytime, with or without notice.

**1000-11 Town Property** — An employee will be responsible for items issued by the Town which is in the employee's possession and/or control, such as, but not limited to equipment, badges, keys, uniforms, manuals and other Town property. All Town property must be returned to the Town before the employee's last day of work.

**1000-12 Outside Employment** - An employee may engage in outside work as long as such outside work does not interfere with the employee's performance, cause an actual or potential conflict of interest, compromise the interests of the Town, and is done when the employee is off duty. No Town equipment, supplies, or other material may be used by an employee except in performance of Town work.

## Section XI Absence

- 1100-1 Tardiness** — An employee must be ready and able to work at the time the employee is scheduled to begin work. In the event an employee is unable to report to work at the scheduled time, the employee must notify the employee's Department Head prior to the employee's scheduled starting time. Such notification does not excuse tardiness.
- 1100-2 Early Departure** — If an employee must leave work during the workday, the employee must obtain permission from the employee's Department Head prior to leaving. If permission is not obtained, the departure will be unexcused absence without pay and will be subject to discipline.
- 1100-3 Jury Duty Leave** - Unless otherwise provided by a collective bargaining agreement, the following procedure shall apply regarding jury duty:
- A. Full-time** — In the event a full-time employee is required to perform jury duty on a day the employee is scheduled to work, the employee will receive paid jury duty leave. Such leave will not be subtracted from any of the employee's leave credits.
  - B. Part-time** - A part-time, temporary or seasonal employee shall receive paid jury duty leave if the employee is scheduled to work for the Town on the day the jury duty is served.
  - C.** An employee is obligated to notify the Commissioner of Jurors that the Town is paying the employee's full pay during jury duty. An employee can collect and keep any mileage expense reimbursement that may be issued by the court system for performing jury duty.
  - D. 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.
  - E. 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.
  - F. 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.
- 1100-4 Military Leave and Military Leave of Absence** — Military leave and military leave of absence shall be governed by New York State and Federal Law.

**1100-5 Bereavement Leave**

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

**B. Definition of Immediate Family** — For purpose of bereavement leave, "immediate family member" will mean the following: Spouse; Child; Parent; Sibling; Mother-in-law; Father-in-law; Daughter-in-law; Son-in-law; Grandparent or Grandchild, or person residing in the household.

**C. Extended Bereavement Leave** — With authorization from the employee's Department Head, an employee may use vacation leave and/or personal leave to extend a bereavement leave.

**1100-6 Leave of Absence** — A full-time employee may request a leave of absence without pay for a period not to exceed six months. The request must be made in writing to the employee's Department Head, and must state the reason for the requested leave and its duration. The request may be approved or denied at the sole discretion of the Town Board. A leave of absence without pay will not result in a loss of benefits accrued by the employee prior to the commencement of such leave. In no other respect, however, shall an employee be eligible for benefits during the period of an unpaid leave of absence. An employee wishing to continue medical insurance coverage during the unpaid leave of absence must remit payment of the full premium to the Town at least one week prior to the commencement of the month during which coverage is to be provided. Failure to report to work at the end of the leave will be considered a voluntary resignation.

## **Section XII Payment of Wages and Salary**

- 1200-1 Rate of Pay** — An employee's rate of pay will be established by the Town Board.
- 1200-2 Merit Increases** — An employee may receive, but is not entitled to, a pay increase based upon the employee's past performance. The merit increase will be granted at the discretion of the Town Board.
- 1200-3 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 or supervisor before working additional hours. An employee is not entitled to overtime pay for additional hours worked without proper authorization. The Town Supervisor shall direct Department Heads regarding overtime, as he shall determine.
- 1200-4 Overtime Pay** — An hourly 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.
- 1200-5 Credit for Paid Leave** — Personal leave, vacation leave, sick leave, bereavement leave, jury duty leave, military leave and holidays will be included as time worked for the purpose of computing overtime.
- 1200-6 Union Employees** — An employee who is a member of a collective bargaining unit should refer to the applicable collective bargaining agreement for compensation matters.
- 1200-7 Payroll Period** — Normally, employees are paid on a bi-weekly basis. Certain employees may be paid on a different schedule as established by the Town Board.
- 1200-8 Payday** — Under normal circumstances, paychecks will be issued on a every other Thursday. In the event the payday is a designated holiday, paychecks will be distributed on the previous workday.
- 1200-9 Distribution** — The Confidential Secretary to the Supervisor will deliver paychecks to the Department Heads for further distribution to employees.
- 1200-10 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 Confidential Secretary to the Supervisor.

The longevity payment will be made in December of each year and an employee's eligibility will be based on years of service as of December 31st of that year. This payment is in addition to the compensation and/or salary to which the employee is otherwise entitled, and will be treated as part of the employee's gross income and will be subject to the appropriate withholding for income and payroll tax purposes. Union Employees are not eligible for payment under this section and should consult their collective bargaining agreement.

- At least 10 years but less than 15 years - \$400
- At least 15 years but less than 20 years - \$500
- At least 20 years but less than 25 years - \$700
- At least 25 years but less than 30 years - \$800
- At least 30 years but less than 35 years - \$900
- At least 35 years but less than 40 years - \$1,000
- 40 years or more - \$1,100

seasonal employees) shall be eligible to receive a longevity payment based on years of service as follows:  
**1200-14 Longevity Payments** – All full-time employees (but not temporary or

**1200-13 Deferred Compensation Plan** — The Town of Hartland has established a Deferred Compensation Plan whereby a portion of an employee's salary may be voluntarily withheld and invested. A description of the plan may be obtained from the Confidential Secretary to the Supervisor.

**B. 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.

**A. 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.

**1200-12 Deductions from Pay**

**1200-11 Authorized Check Release** — The Department Head will not release a paycheck to anyone other than the employee unless the employee has submitted a signed, authorization with the Confidential Secretary to the Supervisor.



## **Section XIII Benefits**

### **1300-1 Holidays**

**A. Designated Holidays** — The Town of Hartland will observe the following holidays:

- New Year's Day
- Presidents' Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans' Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day
- Optional Holiday

**B. Eligibility** — A full-time or part-time employee is eligible for holiday pay at the employee's regular rate of pay. A temporary or seasonal employee is not eligible for holiday pay. A part-time employee shall not be eligible for holiday pay if the holiday does not fall on their regularly scheduled workday (ie. Part-time employee regularly works Thursdays and Fridays and Christmas falls on a Monday. The part-time employee is not entitled to holiday pay for Christmas).

**C. Holiday Observance** — In the event a designated holiday occurs on a Saturday, the holiday will be observed on the preceding Friday. In the event that Christmas Day falls on a Saturday, Christmas Eve will be observed on Thursday and Christmas Day will be observed on Friday. In the event a designated holiday occurs on a Sunday, the holiday will be observed on the following Monday. In the event a designated holiday occurs on a Monday and the Town Board has established that a full or part-time employee is not regularly scheduled to work on said Monday, then the holiday will be observed as directed by the Town Supervisor.

**D. Holiday Pay Requirement** — Employees shall not be paid for holiday leave unless they work the last day prior to the holiday leave and the first day after such holiday leave, unless such absence is approved by the Department Head.

### **1300-2 Vacation Leave**

**A. Eligibility** — Full-time and part time employees are eligible for paid vacation leave in accordance with this policy. A 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.

**B. Allowance**

1) Full-time employees -- A full-time employee will be credited with paid vacation leave in accordance with the vacation schedule below. Vacation leave is counted in units of hours. An employee may take vacation leave only after it has been credited. The employee will be credited on the anniversary date of employment for the vacation leave earned during the previous year.

After Completion Of:	Vacation Leave
One year of continuous service:	40 working hours
Two years of continuous service:	80 working hours
Seven years of continuous service:	120 working hours
Ten years of continuous service:	160 working hours
Fifteen years of continuous service	160 working hours plus 8 working hours for each year of service after fifteen years with a maximum of 200 working hours.

2) Part-time employees – A part-time employee shall not be eligible for vacation leave until the completion of one year of continuous service. Part-time employees will be credited eight (8) hours paid vacation for every two hundred (200) hours worked. An employee may take vacation leave only after it has been credited.

**C. Continuous Service** — Continuous Service shall mean uninterrupted service. An authorized leave of absence without pay, or a resignation followed by reinstatement within one year following such resignation, shall not constitute an interruption of continuous service. Vacation is earned only for monthly pay periods during which an employee is in full pay status for at least fifteen working days during such monthly pay period.

**D. Scheduling** — An employee must receive prior approval from the employee's Department Head to take vacation leave. Vacation leave credits may not be used in increments of less than one-half day. Vacation requests will generally be prioritized according to the date received and seniority, however, the Department Head will have total discretion in the approval of vacation leave to assure adequate work force levels at all times.

**E. Accumulation** — An employee may carry-over up to 5 days of vacation leave into the next calendar year. All other vacation leave must be used by December 31<sup>st</sup> of the year or it will be forfeited. There will be no "pay-out" of unused vacation time.

**F. 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.

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

**H. Union Employees** — An employee who is a member of a collective bargaining unit should refer to the applicable collective bargaining agreement for vacation leave.

### **1300-3 Sick Leave**

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

**B. Allowance** —

(1) A full-time employee will be credited with one (1) day of paid sick leave each month. The employee will be credited on the last day of the month in which the sick leave has been earned. An employee may take sick leave only after it has been credited.

(2) Employees will be paid without charge to sick time, or personal leave time, a full days pay if they attend a doctor's appointment after 2:00pm in the afternoon. A doctor's statement of illness or visit will be provided in order for any employee to receive a full days pay without reduction. (The foregoing shall not apply in excess of four times a year).

**C. 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.

- D. Notification of Sick Leave** — In the event an employee must take sick leave, the employee must notify the Department Head at least one-half hour before the employee's scheduled reporting time. The notification must be made personally to the Department Head, unless the Department Head authorizes the use of an answering device for this purpose. Unless an extended sick leave absence has been authorized, the employee must notify the employee's Department Head each day of the absence. These procedures must be followed to receive paid sick leave.
- E. Proper Use of Sick Leave** — Sick leave is provided to protect an employee against financial hardship during an illness or injury. An employee may only use sick leave credits for personal illness or injury that inhibits the employee's work. Sick leave credits may not be used in increments of less than one-half day. However, a department head may permit an employee to use sick time credits in one hour segments under rare circumstances.
- F. Medical/Dental Appointments** — An employee is given an allowance of up to two hours to attend a medical or dental appointment without any charge to paid leave credits up to four times a year. Absence for such purpose in excess of two hours shall be charged to earned sick leave or personal leave in one-half day units. Leave for a medical or dental appointment is at the discretion of the Department Head. Each employee shall present a signed slip from the doctor or dentist when returning to work. This provision applies only for an employee's appointment, and is not to be used to accompany other family members to a doctor or dentist.
- G. Accumulation** — An employee may accumulate unlimited sick leave credits.
- H. Medical Verification** — The Town may require medical verification of an employee's absence if the Town perceives the employee is abusing sick leave, or has used an excess amount of sick leave, or when an employee is absent for more than three consecutive workdays due to an illness or injury.
- I. Abuse of Sick Leave** — An employee who abuses the use of sick leave or falsifies supporting documentation, will be subject to disciplinary action.
- J. Separation of Employment** — An employee whose employment with the Town is terminated due to a disciplinary discharge will receive cash payment for unused sick leave. An employee who retires from the Town (i.e. has applied for and been granted a bona-fide retirement benefit from the New York State Employees' Retirement System) will receive cash payment for up to eight hundred thirty two (832) hours of accumulated sick leave or convert said time toward the purchase of health care insurance at retirement. Any sick leave credits earned over eight hundred thirty two (832) hours by the employee may only be used towards the purchase of health care insurance for the employee, spouse and/or eligible dependents.

**K. Union Employees** — An employee who is a member of a collective bargaining unit should refer to the applicable collective bargaining agreement.

#### **1300-4 Personal Leave**

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

**B. Allowance** — A full-time employee will be credited with twenty four (24) hours of paid personal leave on an annual basis. The employee will be credited on January 1 of each year. An employee may take personal leave only after it has been credited. Also, an employee will be afforded four (4) hours for the annual Town picnic.

**C. New Employee** — A new employee will be credited with twenty-four (24) hours of paid personal leave. Thereafter, the employee will be credited with three days of paid personal leave on each subsequent January 1.

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

**E. Notification of Personal Leave** — An employee must receive prior approval from the employee's Department Head to take personal leave. A request for personal leave must be made at least twenty-four hours in advance. The Department Head will have discretion in the approval of personal leave.

**F. Accumulation** — Any personal leave credits remaining unused at close of business on the last day of the calendar year may be accrued as sick time pursuant to the limitations contained in Section 1300.

**G. 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.

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

## Section XIV Insurance Benefits

1400-1 General

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

**A. Plan Administrator** — The Town Clerk or a designee of the Supervisor serves as the Administrator of the Town's benefits plans. The Administrator is responsible for all communications and disclosures concerning insurance benefits and is available to answer questions concerning the benefit plans. A description of each of the plans may be obtained from the Confidential Secretary to the Supervisor.

**B. Plan Documents** — Benefits are administered according to applicable government regulation, benefit plan documents, insurance carrier master policy, or Town policy, which shall govern over any information contained in the Employee Handbook. The Town Board may, at its discretion, change carriers and/or offer alternative insurance plans. Union members should refer to Collective Bargaining Agreements.

**C. Changes in Benefits** — Subject to explicit provisions of the Collective Bargaining Agreement for Union Employees, any benefit offered by the Town is subject to change or elimination by resolution of the Town Board.

**D. 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.

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

**F. 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 Confidential Secretary to the Supervisor in the event that the employee has a change in marital or family status that may affect coverage, such as marriage, divorce, legal separation, death of a spouse or dependent, acquiring or losing a dependent, changes in address.

**G. 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.

## **1400-2 Medical Insurance**

**A. Eligibility** — The Town makes available medical insurance coverage to each full-time employee and full-time Elected Official and their eligible family members. At the discretion of the Town Board, a part-time employee may be permitted to participate in the medical insurance plan offered by the Town, provided such employee pays the full cost of the premium. A temporary or seasonal employee is not eligible for medical insurance coverage.

**B. Plan** — The medical insurance coverage plan provided may change from time to time. Also, amounts of co-insurance and deductibles may vary. The Plan Administrator will notify employees of such changes.

**C. When Coverage Begins** — So long as coverage is available, an employee may be covered beginning on the employee's first day of employment or for full-time Elected Officials, the first day of office, provided all eligibility requirements of the insurance plan are met. An employee who chooses not to enroll upon hire will be ineligible to enroll until reaching the first anniversary date of employment.

**D. Premium Payment (Full-Time Employees)** — The Town will pay the full premium for individual or family medical insurance coverage, as the case may be, for each eligible full-time employee who was hired prior to December 31, 2004. For an eligible employee hired on or after January 1, 2005, the employee shall pay ten percent (10%) of the premium by payroll deduction for either single or family coverage. If two employees are married to each other and have dependent children, the Town shall provide family coverage to only one employee. If two employees are married to each other and do not have dependent children, the Town reserves the right to provide two single plans, provided that it is less expensive than one family plan. When one plus one coverage becomes available, the Town has the right to apply said coverage to employees meeting the eligibility requirements.

**E. Premium Payment (Full-Time Elected Officials)** — The Town will pay the full premium for individual or family medical insurance coverage, as the case may be, for each eligible full-time Elected Official, beginning on the first day of office.

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

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

An employee or Elected Official who commences employment or service after July 1, 2020 will receive a waiver payment consisting of twenty percent (20%) of the cost of the applicable type of coverage for which the employee is eligible.

The percentage for any employee or Elected Official whose employment or service commenced prior to January 1, 2014, and who remained continuously employed or in office, will continue to be fifty percent (50%).

**B. Amount of Buy-out** — An employee or Elected Official who commences employment or service after January 1, 2014, and who is eligible and opts for the medical insurance buy-out will receive a waiver payment consisting of cash payment of thirty-three percent (33%) of the cost of the applicable type of coverage for which the employee is eligible. In lieu of a buy-out, and so long as the Town offers a flexible benefit account, an employee or Elected Official may elect to receive reimbursement from the flexible benefits plan for actual medical expenses up to thirty-three percent (33%) of the cost of the applicable type of coverage for which the employee is eligible.

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

**1400-3 Medical Insurance Buy-out**

**H. 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.

**G. Ban on Duplicate Enrollment** — If both spouses are employed by the Town, the Town will provide only one family plan. This policy prohibits enrollments at Town expense if an employee or the employee's spouse/dependent(s) are eligible for and elect coverage by any other group health insurance plan.



**D. Reinstatement** — In the event the employee loses coverage under the alternate insurance plan, the employee may resume coverage under a medical insurance plan made available through the Town. Coverage will become effective in accordance with the provisions specified in the plan documents, provided that the employee meets all eligibility requirements of the insurance plan. Upon reinstatement the amount of the waiver benefit will be prorated, and if applicable the employee must refund any portion of a payment received for a period in which the Town will subsequently provide coverage.

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

#### **1400-4 Medical Insurance for Retirees**

**A. Coverage** — The Town will make available medical insurance coverage to an eligible full-time employee or full-time Elected Official who retires from the Town provided they pay the full cost of the premium. Coverage is also available for eligible dependents if they were covered under the Town's medical insurance plan at the employee's date of retirement provided they pay the full cost of the premium. In the event the retiree predeceases the dependents, the dependents may continue medical insurance coverage provided they pay the full cost of the premium. Coverage of a dependent at the time of divorce or legal separation is in accordance with plan documents and COBRA requirements. However, any earned sick leave credits (minus any eligible cash buy out amount taken by the retiree at the time of retirement) may be used as a credit towards the payment of these aforementioned premiums.

The type of coverage provided shall be the same coverage provided to other employees of the Town, as amended from time to time.

**B. 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. A retiree who was a member of a Collective Bargaining unit during the term of his/her employment is not covered by the medical insurance for employees provisions and should refer to applicable Collective Bargaining Agreements.

**C. Town Contribution to Employees' Deferred Compensation Accounts-** The Town of Hartland will contribute the equivalent of forty (40) hours of pay at MEO2 rates beginning at the end of the 2021 calendar year.

**B. Reporting of Illness or Injury** - The employee must submit a written report of the illness or injury on the proper application form to the employee's Department Head and the Confidential Secretary to the Supervisor within twenty-four hours of

**A. Eligibility** - As required by law, a full-time or part-time employee is provided with disability coverage through the required New York State Disability Benefits Policy. A 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. Fully details of the policy currently in effect is available from the Confidential Secretary to the Supervisor.

**1400-7 Short-Term Disability Benefits**

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

**1400-6 Continuation of Health Insurance Benefits (COBRA)**

**F. Union Employees** - An employee who is a member of a collective bargaining unit, except for Teamsters Local 264, is not covered by the Dental and Eye Plan provisions set forth immediately above and should refer to the applicable collective bargaining agreement.

**C. Premium Payment (Full-Time Employees and Full-Time Elected Officials) and Coverage - Dental and Eye insurance premiums and coverage for full-time employees and full-time elected officials shall parallel any coverage provided to and premiums paid by union employees under the most current Collecting Bargaining Agreement with Teamsters Local 264. -**

**B. When Coverage Begins** - Coverage is available beginning on the employee's first day of employment or for full-time Elected Officials, the first day of office, provided all eligibility requirements of the insurance plan are met. An employee who chooses not to enroll upon hire will be ineligible to enroll until reaching the first anniversary date of employment.

**A. Eligibility** - The Town will make available a dental plan to each full-time employee and full-time Elected Official. At the discretion of the Town Board, a part-time employee may be permitted to participate in the dental insurance plan offered by the Town, provided such employee pays the full cost of the premium. A temporary or seasonal employee is not eligible for this plan.

**1400-5 Dental and Eye Plans**

the occurrence or as soon as the employee is able to make such report. The Confidential Secretary to the Supervisor will provide the employee with the necessary forms. Proper medical certification will be required.

**C. Use of Sick Leave Credits** - An employee may draw from the employee's sick leave credits in conjunction with disability payments to equal, but not exceed, the employee's regular daily rate of pay. If the employee uses sick leave, the disability payments will come to the Town; and the employee will be credited back sick days prorated by the amount the Town receives.

**D. Union Employees** - An employee who is a member of a collective bargaining unit and should refer to the applicable collective bargaining agreement.

#### **1400-8 Workers' Compensation Benefits**

**Coverage** - The Town will make available Workers' Compensation benefits as required by law. The Supervisor's Confidential Secretary handles all worker's compensation claims, after reporting to the Department Head.

#### **1400-9 Unemployment Benefits**

The Town participates in required New York State Unemployment Program.

#### **1400-10 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.

**Section XV The New York State Employees' Retirement System**

**1500-1 Summary** - The Town will make available the New York State Employees' Retirement System pension plan to each eligible employee. An employee is eligible for service retirement benefits after five years of creditable public sector service. In the event an employee leaves after five years of service but prior to retirement age, such employee may receive a benefit at retirement age related to those years as a public sector employee.

**1500-2 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:

- A. The employee works less than thirty hours per week; or
- B. The annual compensation for the position is less than the State's minimum wage multiplied by 2,000 hours; or
- C. Duration of employment for less than one year or employment on less than a 12 month per year basis; or
- D. The position is either provisional or temporary under Civil Service Law.

**1500-3 Optional Membership** - An employee who is not mandated to join may join the retirement system. Such employee will be informed, in writing, that the employee may join the Retirement System and will acknowledge receipt of such notice by signing a copy thereof and returning it to the Confidential Secretary to the Supervisor. If the employee elects to join the retirement System, the employee must complete the application form and return it to the Confidential Secretary to the Supervisor.

**1500-4 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.

## Section XVI Statutory Provisions

**1600-1 The Americans with Disabilities Act** - It is the policy of the Town of Hartland to fully comply with the provisions and spirit of the Americans with Disabilities Act and ensure equal employment opportunity for all qualified persons with disabilities. All employment practices, such as recruitment, hiring, promotion, demotion, layoff and return from layoff, compensation, job assignments, job classifications, paid or unpaid leave, fringe benefits, training, employer-sponsored activities, including recreational or social programs, will be conducted so as not to discriminate unlawfully against persons with disabilities. This also extends to prohibit discrimination based on a person's relationship or association with a disabled individual. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) along with work assignments, classifications, seniority, leave, and all other forms of employment compensation or advantage.

**A. 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.

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

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

**D. 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, which may include disciplinary action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

**1600-2 Equal Employment Opportunity** - The Town of Hartland is an Equal

Opportunity Employer. The Town complies with all Federal and State Laws relating to Equal Employment Opportunity. The Town does not discriminate on the basis of race, religion, color, sex, age, national origin, disability, marital status, military or veteran status, arrest or non-relevant criminal records, genetic predisposition or carrier status, or sexual orientation. Discrimination based on any of the above is strictly prohibited. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, compensation, promotion, transfer, training, leave of absence, and termination.

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

**B. 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, which may include disciplinary action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

**1600-3 Family and Medical Leave Act**

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

**1600-4 Fair Treatment** - It is the policy of the Town to promote a productive work

environment in which all employees are treated with fairness, respect, and dignity. The Town will not tolerate harassment or discrimination of any kind in the workplace. An employee should immediately report any kind of harassment or discrimination in the workplace to the employee's Department Head. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported, in writing, to the Town Supervisor or any member of the Town Board. All complaints of discrimination will be investigated discreetly and promptly. An employee who reports harassment or discrimination in the workplace will not suffer adverse employment consequences as a result of making the complaint.

**1600-5 Sexual Harassment** - It is the policy of the Town of Hartland to promote a productive work environment. As with discrimination involving race, color,

national origin, religion, disability, age, marital status, or military status, the Town of Hartland prohibits sex discrimination, including sexual harassment of its employees in any form. No form of harassment will be tolerated. The Town will take all steps necessary to prevent and stop the occurrence of sexual harassment in the workplace. If any provision of this section conflicts with State or Federal Law or Regulations, such Laws or Regulations shall prevail. The accompanying complaint procedure is intended to provide an effective mechanism for reporting and resolving promptly, complaints of sexual harassment without any risk of repercussion to a complaining employee for filing a complaint of sexual harassment in good faith.

**A. Applicability of Policy** – This policy applies to all Town employees and Elected Officials regardless of supervisory level, whether employed full or part-time, temporary or seasonal, whether elected or appointed and regardless of compensation level, and all personnel in a contractual relationship with the Town.

**B. Supervisory Responsibility** – Department Heads and supervisory personnel are responsible for ensuring a work environment free from unsolicited, unwelcome and intimidating sexual overtures. Supervisors must take immediate and appropriate corrective action, when instances of sexual harassment come to their attention, to assure compliance with this policy, and shall report such instances immediately to the Town Supervisor.

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

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; -OR-
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, such as promotion, transfer, or termination, affecting such individual; -OR-
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

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

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

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

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

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

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

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

**E. Reporting of Sexual Harassment** — Employees are encouraged to report incidents of sexual harassment to their immediate Department Head as soon as possible after their occurrence. If the employee's Department Head is believed to be involved in the incident, the report should be made directly to the Town Supervisor or any member of the Town Board. An employee may elect to report such an incident directly to the Town Supervisor or any member of the Town Board. Employees who believe they have been sexually harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their immediate supervisor, Department Head, the Town Supervisor or any member of the Town Board. Employees who work second and third shifts are encouraged to contact their supervisor, Department Head or the Town Supervisor at home if these individuals do not work during the employee's shift.

**F. Confidentiality** — Complaints of harassment will be handled and investigated promptly and in as impartial and confidential a manner as possible.

**G. Investigation of Complaint** — Investigation of a complaint will be conducted by the complainant's Department Head or the Town Supervisor and will normally include conferring with the parties involved and any named or apparent witnesses.



The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident(s) occurred. In those instances when a Department Head or Town Supervisor requests assistance, or when the Department Head or Town Supervisor is named in the complaint or involved in the incident, the Town Board will appoint an individual to conduct the investigation.

**H. Employee Defense** — Any employee charged with sexual harassment will be afforded a full and fair opportunity to offer and present information in the employee's defense. Such information will be confidential to the extent possible.

**I. Employee Rights** — Nothing in this policy should be construed as in any way limiting employees' rights to use the Grievance Procedure contained in the collective bargaining agreement.

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

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

**1600-6 Drug-Free Workplace** – It is the policy of the Town of Hartland that unlawful possession or use of drugs is prohibited in the workplace, and violation of this policy will result in disciplinary action as defined in this bid book. Further, the Town hereby adopts the Federal Drug-Free work place requirements as set forth in this section.

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

**B. Statement** — The unlawful manufacture, distribution, dispensation, possession, or use of an illegal controlled substance as defined in the Act, is prohibited on the job or at the workplace.

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

**D. Sanctions** — The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is strictly prohibited in all workplaces and work-sites. An employee who is found to have violated this prohibition may be referred for counseling or rehabilitation and satisfactory treatment and will be subject to criminal, civil and disciplinary penalties, up to and including dismissal from employment

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

**F. Town Responsibilities** — The Town will notify any 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.

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

**H. Dangers of Drug Abuse in the Workplace** - Employees with chemical dependence problems have a major negative impact on productivity, staff moral, and labor/management relations. Their hidden illness is responsible for

1. Declining Performance

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

2. Increased Costs

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

- unemployment claims

### 3. Absenteeism and Tardiness

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

### 4. Damaged Relationships

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

## I. **Controlled Substance and Alcohol Testing**

1. 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.

2. 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.

3. 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.

4. The Town reserves the right to require any employee to submit to controlled substance and alcohol testing.

**1600-7 Smoking** — It is the policy of the Town to prohibit smoking in all Town buildings and all Town vehicles. Smoking is also prohibited within ten feet of entrances to Town buildings.

## Section XVII Safety

### 1700-1 Workplace Safety - Prevention of injury and illness in the workplace

requires the cooperation of all employees in all safety and health matters. Accidents can be prevented through use of reasonable precautions and the practice of safe working habits. It is the policy of the Town to provide a safe workplace and to take actions to reduce the number of workplace injuries and illnesses.

**A. 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.

The Town may adopt and implement from time to time safety procedures, including, but not limited to, the following:

1. Providing maximum mechanical and physical safeguards;
2. 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;
3. Training all employees in safety and health practices;

4. Providing necessary personal protective equipment and instructions for its use and care;
5. Developing and enforcing safety and health rules and requiring that employees cooperate with these rules as a condition of employment;
6. Investigating, promptly and thoroughly, every accident to find the cause and correct the problem to prevent future occurrences;

### 1700-2 Accident or Sudden Illness Plan - The Town provides first aid kits and fire extinguishers throughout buildings and facilities. In the event of an accident or a sudden event of serious illness threatening life or physical well-being, an employee must immediately stop work and take the following steps:

1. Eliminate the immediate cause of the accident;

2. Provide aid to the injured person and summon for assistance;

3. Call the Department Head immediately;

4. If the accident appears serious, call 911 ambulance; and
5. Take steps to prevent additional accidents.

**1700-3 Accident Reporting Procedures** — In the event an accident occurs in the workplace or in the course of employment, the following procedures will apply:

1. 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 Confidential Secretary to the Supervisor. The Confidential Secretary to the Supervisor must complete an *Employer's Report of Injury Form (C-2)* and submit according to operating procedures.
2. 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 Confidential Secretary to the Supervisor. The Confidential Secretary to the Supervisor must complete a *Supervisor's Report of Incident Form*.
3. The Confidential Secretary to the Supervisor must keep a record of the injury or illness for five years following the end of the calendar year to which it relates.

**1700-4 Compliance with Laws** — The Town of Hartland 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. Employees working with hazardous chemicals shall abide by all regulations and rules as provided by the Department Head.

**Section XVIII COMMUNICATIONS**

**1800-1 Bulletin Boards**

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

**B. Posting of Material** — Except as otherwise provided by the Taylor Laws, all material to be posted on bulletin boards, including memos and announcements, must have the prior approval of the appropriate Department Head.

## APPENDIX "A"

### 1. **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. The provisions set forth herein are a summary. If any provision of Section 75 as amended from time to time is inconsistent with this Appendix, the provisions of Section 75 shall prevail.

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

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

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

**Questioning Rights** - An employee covered under Section 75 who at the time of questioning appears to be a potential subject of disciplinary action, 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

**Section 75 Hearing** - An employee who is covered under the New York State Civil Service Law Section 75 will not be subjected to any disciplinary penalty except for incompetence or misconduct shown after a hearing upon stated charges, pursuant to that law.

**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.

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.

- An employee holding a position in the **Non-Competitive Class** who has been employed for at least five years of continuous uninterrupted service in the non-competitive class, except when such an employee holds a position designated as management/confidential. Even though the employee has completed the required probationary period and has received permanent appointment or employment in the non-competitive class, the employee is not covered under Section 75 until the employee has completed five years of continuous service in the non-competitive class;
- An employee holding a position by permanent appointment in the **Competitive Class** of the classified Civil Service;

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

- A **Temporary or Seasonal** employee.
- An employee holding a position by **provisional appointment**; and



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.

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

**Employee Answer** – The employee will have eight calendar days to respond to the charges. The employee's response must be in writing.

**Disciplinary Hearing** – Unless there is a stipulation of settlement between the Town and the employee, the Appointing Authority will designate a hearing officer in accordance with Civil Service Law Section 75. The designation must be in writing. The hearing officer will set the time and place for the hearing. The hearing officer will make a record of the hearing which will be submitted to the Appointing Authority, with the hearing officer's recommendations, for review and decision.

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

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

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

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

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

**Limitations** — Notwithstanding any other provision of law, no removal or

disciplinary proceeding will be commenced more than eighteen months after the occurrence of the alleged incompetence or misconduct complained of and described in the charges. Such limitation will not apply where the incompetence or misconduct complained of and described in the charges would, if proved in a court of appropriate jurisdiction, constitute a crime.

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

## APPENDIX "B"

This is a brief overview of Cobra coverage. Eligibility and coverage rules are subject to change. On-line information is available from the United State Department of Labor at [www.dol.gov](http://www.dol.gov).

### 1. 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.

**Qualifying Events** – If a qualified beneficiary loses coverage under a group health plan as a result of a “qualifying event,” the qualified beneficiary is entitled by COBRA to the continuation of group health insurance coverage at the qualified beneficiary’s own expense and for a limited time as described below. The COBRA requirements do not put any limit on the number of times a qualified beneficiary may be entitled to COBRA continuation coverage. COBRA coverage is in effect for a period of up to eighteen, twenty-nine, or thirty-six months, depending upon any of the following qualifying events:

- An **eighteen month** continuation will be available to a qualified beneficiary in the event of the covered employee’s (or elected official’s) termination of employment for any reason except gross misconduct, or the covered employee’s loss of eligibility to participate due to reduced work hours.
- A **twenty-four** month continuation will be available when a covered employee is on a leave of absence due to military service obligations.
- A **twenty-nine** month continuation will be available to a qualified beneficiary in the event that the qualified beneficiary is disabled, per a determination under the Social Security Act, or becomes disabled within the first sixty days of COBRA coverage. The qualified beneficiary must provide the plan administrator with notice of the disability within sixty days of the determination of the disability by Social Security and before the end of the original eighteen-month COBRA coverage period. The qualified beneficiary must notify the plan administrator of a determination by Social Security that the individual is no longer disabled within thirty calendar days of such determination.
- A **thirty-six** month continuation will be available to a qualified beneficiary in the

## EMPLOYEE ACKNOWLEDGEMENT FORM

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

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

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

- 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; or
  - Divorce or legal separation from a covered employee or elected official;
  - Death of a covered employee or elected official;
- event of any one of the following:

A copy of this form will be signed by each employee and placed in employee's personnel file.

## TOWN OF HARTLAND

### EMPLOYEE HANDBOOK ACKNOWLEDGMENT

I hereby acknowledge that I have received a copy of the ***Town of Hartland Employee Handbook as amended January 8, 2015*** outlining the rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits of the Town of Hartland. I further acknowledge that I have read, or will read, the contents of the Employee Handbook and will contact my Department Head or the Town Supervisor if I have any questions.

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

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

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

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

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

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

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

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

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

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

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