

# VILLAGE OF WAPPINGERS FALLS

## EMPLOYEE HANDBOOK

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## EMPLOYEE HANDBOOK

**Adopted By Resolution of the Village Board on August 13, 2003**

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# Village of Wappingers Falls Employee Handbook

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## **100 INTRODUCTION**

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### **101 *Welcome Message***

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

This Employee Handbook is designed to familiarize you with your employment and to help ensure government compliance, foster positive employee relationships, and contribute to the overall success of the Village in delivering services to the public effectively and efficiently.

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

We trust that you will find service with the Village of Wappingers Falls rewarding both personally and professionally.

### **102 *A Message from Our Unions***

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

It is important that each member understand the personnel policies and procedures outlined in this Employee Handbook as they pertain to employee benefits and work rules. You are encouraged to obtain a copy of your collective bargaining agreement from your union representative.

We hope that your career with the Village of Wappingers Falls will be an enjoyable experience.

## 103 Definitions

**Village of Wappingers Falls** - For purposes of this Employee Handbook, the Village of Wappingers Falls may be referred to as the "Village."

**Village Board** - For purposes of this Employee Handbook, "Village Board" will mean the Village Board of the Village of Wappingers Falls.

**Elected Official** - For the purposes of this Employee Handbook, "Elected Official" will mean and refer to any of the following elected officials of the Village of Wappingers Falls:

- Mayor
- Village Trustees
- Village Justice

**Mayor** - For the purposes of this Employee Handbook, "Mayor" will mean the elected official who serves as the chief official of the Village and to whom all employees report either directly (e.g., Department Head) or indirectly through the chain of command (e.g., Laborer).

**Department Head** - For purposes of this Employee Handbook, "Department Head" will mean the person in charge of any department, agency, bureau, unit, or subdivision of the Village of Wappingers Falls. This definition will be applicable in the event such person is serving in an acting, temporary, or provisional status in the position of Department Head.

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

**Employee** - For the purposes of this Employee Handbook, "employee" will mean a person employed by the Village, including, but not limited to, an appointed official, an appointed member of a board or commission, Department Head, managerial employee, confidential employee, supervisory employee, provisional employee, probationary employee, temporary employee, seasonal employee, trainee, or student intern, but not an independent contractor.

**Civil Service Law** - For purposes of this Employee Handbook, "Civil Service Law" shall mean the New York State Civil Service Law and shall include the *Rules for the Classified Civil Service of Dutchess County*.



## 104 *The Purpose of this Employee Handbook*

**Statement of Purpose** - The purpose of this Employee Handbook is to communicate the Village's personnel policies and practices to all employees and Elected Officials. It is extremely important that each employee understand the policies that relate to rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits. **This Employee Handbook is not a contract of employment, express or implied, and should not be construed as such.** That is, employment can be terminated at any time at the will of either the employer or the employee, subject only to such procedural requirements as may be specified pursuant to New York State Civil Service Law, Village Law, or any other applicable law, rule, or regulation.

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

**Changes or Modifications** - The Village Board reserves the right to interpret, change, modify, or eliminate any provision contained in this Employee Handbook. In addition, this Employee Handbook is subject to alteration by resolutions of the Village Board, changes in Village and/or departmental rules, or changes in federal, state or local statutes, rules, or regulations. (This is not meant to be a comprehensive list). Union officials will be given the opportunity to review and provide input on such changes or modifications prior to approval of the Village Board.

**Statutes, Laws and Ordinances** - In the event a federal or state statute or a Village Law or ordinance should conflict with any provision contained in this Employee Handbook, then such statute, law or ordinance will prevail.

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

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

## **200 EMPLOYEE CLASSIFICATIONS**

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Except as otherwise provided in the collective bargaining agreement(s), for purposes of this Employee Handbook, the following terms shall be defined as follows:

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

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

An employee hired prior to June 1, 2003 who is regularly scheduled to work thirty hours per week or more, *and* is scheduled to work fifty or more weeks in a calendar year, is considered to be a "full-time employee."

Subsequent to June 1, 2003, the Village will not hire employees scheduled to work between twenty-five and thirty-five hours.

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

For purposes of this Employee Handbook, the term "part-time employee" will mean an employee who is regularly scheduled to work twenty-five hours or less per week.

### **203 Temporary Employees**

For purposes of this Employee Handbook, the term "temporary employee" will mean an employee who is employed on an interim basis or employed to work on a special or emergency basis for a specified period, consistent with the Civil Service Law as applicable.

### **204 Seasonal Employees**

For purposes of this Employee Handbook, the term "seasonal employee" will mean an employee who is employed to work for a given season.

### **205 FLSA Non-Covered Employees**

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

### **206 FLSA Exempt Employees**

For purposes of this Employee Handbook, "FLSA exempt employee" will mean a covered employee who qualifies for an exemption from the minimum wage and overtime provisions of the Fair Labor Standards Act.

### **207 FLSA Non-Exempt Employees**

For purposes of this Employee Handbook, the term "FLSA non-exempt employee" will mean a covered employee who is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

## 300 THE CIVIL SERVICE SYSTEM

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

### 301 *The Unclassified and Classified Services*

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

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

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

### 302 *Civil Service Appointments*

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

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

### **303 Examinations and Promotions**

**Examinations** - In accordance with Civil Service Law, in the event there is a vacancy in a new or existing position in the Competitive Class which the Village intends to maintain, the Village will fill the vacancy by selection from the eligible list certified by the Dutchess County Personnel Department of persons who have taken the appropriate Civil Service examination. The Dutchess County Personnel 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 Village will select one of the top three available candidates on the list to fill the position.

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

### **304 Veteran's Credits**

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

## 400 EMPLOYMENT MATTERS

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### 401 *Oath of Office*

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

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

### 402 *Procedure for Filling Vacancies*

**Statement of Compliance** - The Village of Wappingers Falls 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, Village Law, Civil Service Law, Title VII, Human Rights Law, and the Americans with Disabilities Act, and is an Equal Opportunity employer.

**Notification of Vacancies** - In the event there is a vacancy in a new or existing position which the Village intends to maintain, the vacancy will be advertised and/or posted and qualified individuals interviewed.

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

**Employment Applications** - The Village 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 Village's exclusion of the individual from further consideration for employment or disqualification if the conduct is discovered after employment commences.

**Employment Reference Checks** - To ensure that individuals who join the Village are well qualified and have a strong potential to be productive and successful, it is the policy of the Village to check the employment references of all applicants.

#### 403 **Probationary Period**

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

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

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

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

**Failure to Successfully Complete Probationary Period** - In the event the employee's performance or conduct is not satisfactory, the Village may dismiss the employee from employment at any time after the completion of the minimum probationary period and before completion of the maximum probationary period. If the performance or conduct of an employee serving a probationary period who has been promoted or transferred is not satisfactory, the employee shall be returned to the employee's former permanent position at the end of the probationary period.

#### 404 **Performance Appraisal**

Except as otherwise provided by a collective bargaining agreement, the following shall be the procedure for performing employee performance appraisals.

**Statement of Purpose** - The purpose of a performance appraisal is to evaluate employee performance. The performance appraisal will take into consideration criteria that properly reflect the employee's performance including, but not limited to, the employee's work quality, job knowledge, initiative, attendance, teamwork, conduct, and communication skills. Except as otherwise governed by a collective bargaining agreement, the employee's performance appraisal may be considered in determining a pay increase and as a factor in promotion and disciplinary action.

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

**Post-evaluation Conference** - After an evaluation, the evaluator will meet with the employee to review the employee's performance appraisal report.

**Deficiencies** - Should deficiencies be recorded in the performance of the employee, the employee will receive specific, reasonable, written recommendations for improvement.

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

## 405 *Corrective Discipline*

**Policy Statement** - It is the policy of the Village of Wappingers Falls that certain rules and regulations regarding employee behavior are necessary for the benefit and safety of all employees, the efficient operation of the Village, and the delivery of services to residents of the Village. Any conduct that interferes with operations or that discredits the Village will not be tolerated. An employee must conduct oneself in a positive manner so as to promote the best interests of the Village.

**Forms of Discipline** - Employees covered by **Civil Service Law Section 75** shall be disciplined in accordance with the provisions contained therein. (Refer to Section 406 of this Employee Handbook). The disciplinary action for **union employees** will be in accordance with the applicable collective bargaining agreement. In **normal circumstances**, the Village endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does however, retain the right to discipline employees in any manner it sees fit. When appropriate, a counseling session will precede disciplinary action. Progressive discipline will include written warnings, suspension without pay, or termination of employment, depending on the circumstances. The Village does not guarantee that one type of discipline will precede another. Furthermore, the Village reserves the right to suspend an employee while an investigation is conducted.

**Communication** - Open and candid communications with all employees is an important aspect of the Village of Wappingers Falls' on-going employee relations. When a rule, policy, or procedure is violated, the employee's Department Head, or other designated supervisor, will review the specific nature of the violation with the employee. The employee's input is extremely important to ensure that all of the facts have been considered. After such a review, corrective action is discussed with the employee and the management involved.

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

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

- Falsification of the following: any records or reports, employment applications, medical reports, time records, work-related records, absence from work, injuries on the job, claims for benefits provided by the Village;
- Intimidation, coercion, threatening, or assault of, or fighting or interfering with, other employees, Elected Officials, residents of the Village; or any other person;



- Engagement in any form of discrimination or harassment, including sexual harassment;
- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities;
- Refusal to obey instructions of a Department Head or supervisor or any other form of insubordination;
- Careless or negligent use or operation of equipment, including vehicles and machinery;
- Willful or deliberate abuse, destruction, defacement, misuse, or theft of Village property or removal of Village property without permission;
- Illegal gambling on Village property;
- Sleeping on the job, unless authorized by a Department Head or supervisor;
- Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment;
- Failure to adhere to the personal appearance/dress code policy;
- Repeated violations of Village policies, procedures or prohibited conduct;
- Leaving work area without permission, as defined by the Department Head;
- Excessive tardiness and/or absences except those absences covered by state and/or federal statutes;
- Unauthorized absences or repeated failure to give proper notice;
- Possession or use of controlled substances or alcohol while on Village property or in Village vehicles;
- Possession of illegal or unlicensed firearms or explosives on Village property or in Village vehicles; or
- Acts of sabotage.

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

#### 406 **Civil Service Law Section 75**

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

**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, unless provided otherwise by the applicable collective bargaining agreement:

- Any employee in the **Unclassified Service** (such as Elected Officials and members of boards and commissions);
- A **newly hired employee** serving a required probationary period who has completed the minimum probationary period, but has not been made permanent, even if the employee is a veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law;
- An employee holding a position in the **Non-Competitive Class** who has less than five years of continuous uninterrupted service, unless the employee is an eligible veteran, as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, who has successfully completed the required probationary period;
- An employee holding a position in the **Non-Competitive Class** designated as **confidential** or **policy influencing**;
- An employee holding a position in the **Exempt Class**, unless the employee is an eligible veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, who has successfully completed the required probationary period, or when the employee holds the position of private secretary, cashier or deputy of any office or department;
- An employee holding a position in the **Labor Class** unless the employee is an eligible veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, who has successfully completed the required probationary period;
- An employee holding a position by **provisional appointment**; and
- A **Temporary** or **Seasonal** employee.

**Covered Employees** - In accordance with Civil Service Law, the following employees are generally covered under Section 75, unless provided otherwise by the applicable collective bargaining agreement:

- A newly hired employee who has not completed the minimum probationary period as determined by civil service rules.
- An employee holding a position by permanent appointment in the **Competitive Class** of the classified Civil Service;
- An employee holding a position in the **Non-Competitive Class** who has been employed for at least five years of continuous uninterrupted service in the non-competitive class, except when such an employee holds a position designated as confidential or policy influencing. Even though the employee has completed the required probationary period and has received permanent appointment or employment in the non-competitive class, the employee is not covered under Section 75 until the employee has completed five years of continuous service in the non-competitive class;
- An employee holding a position by permanent appointment or employment in the Exempt, Competitive, Non-Competitive, or Labor Class who is a qualified veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, except when such an employee holds the position of private secretary, cashier, or deputy of any official or department. Specifically, the employee must have been honorably discharged or released under honorable circumstances from the armed forces of the United States having served therein as such member in time of war as defined in Section 85 of the New York State Civil Service Law, or the employee must be an exempt volunteer firefighter as defined in the General Municipal Law.

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

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

- **Notice of Discipline** – An employee subject to discipline will be provided with a written Notice of Discipline (NOD) which will contain all charges and specifications.
- **Employee Answer** - The employee will have eight calendar days to respond to the charges. The employee's response must be in writing.
- **Appeal to the Board** - Outside of the provisions of Section 75, the Village is providing this additional step. At the option of the employee, the employee's answer, above, may include a request submitted to the Mayor to meet with the Board of Trustees to appeal the disciplinary action. If a meeting is requested, the Board will set the time and place for the meeting to be held within fifteen business days of the request being received by the Mayor.

- **Disciplinary Hearing** - Unless there is a stipulation of settlement between the Village 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 Village 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 Dutchess County Personnel Department.

## 407 Code of Ethics

**Policy Statement** - Pursuant to the provisions of §806 of the General Municipal Law, the Board of Trustees of the Village of Wappingers Falls recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the Village of Wappingers Falls, and these rules shall serve as a guide for official conduct of said officers and employees.

The rules of ethical conduct of this chapter, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

**Definitions** - As used in this chapter, the following terms shall have the meanings indicated:

**INTEREST** – A pecuniary or material benefit accruing to a municipal officer or employee, unless the context otherwise requires.

**MUNICIPAL OFFICER OR EMPLOYEE** – An officer or employee of the Village of Wappingers Falls, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a "municipal officer or employee" solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

**Standards of Conduct** - Every officer or employee of the Village of Wappingers Falls shall be subject to and abide by the following standards of conduct:

- A. **Gifts.** An officer or employee shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of twenty-five dollars (\$25.) or more, whether in the form of money, services, loans, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence the officer or employee or could reasonably be expected to influence the officer or employee in the performance of the officer's or employee's official duties or was intended as a reward for any official action on the officer's or employee's part.
- B. **Confidential information.** The officer or employee shall not disclose confidential information acquired by the officer or employee in the course of the officer's or employee's official duties or use such information to further the officer's or employee's personal interest.
- C. **Representation before one's own agency.** The officer or employee shall not receive or enter into any agreement, express or implied for compensation for services to be rendered in relation to any matter before any municipal agency of which the officer or employee is an officer, member or employee or of any municipal agency over which the officer or employee has jurisdiction or to which the officer or employee has the power to appoint any member, officer or employee.

- D. Representation before any agency for a contingent fee. The officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relations to any matter before any agency of the officer's or employee's municipality whereby the officer's or employee's compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- E. Disclosure of interest in legislation. To the extent that the officer or employee knows thereof, a member of the Board of Trustees and any officer or employee of the Village of Wappingers Falls, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Trustees on any legislation before such board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest the officer or employee has in such legislation.
- F. Investments in conflict with official duties. The officer or employee shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with the officer's or employee's official duties.
- G. Future employment. The officer or employee shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Village of Wappingers Falls in relation to any case, proceeding or application in which the officer or employee personally participated during the period of the officer's or employee's service or employment or which was under the officer's or employee's active consideration.

**Claims Against The Village** - Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suite against the Village of Wappingers Falls or any agency thereof on behalf of the officer or employee or any member of the officer's or employee's family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

**Distribution of Code of Ethics** - Each officer and employee elected or appointed shall be furnished a copy before entering upon the duties of office or employment. Failure to distribute any copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with this chapter, nor the enforcement of its provisions.

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

## 408 Personnel File

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

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

**Location of Files** - All original personnel records for current employees will be kept in the Village Clerk's office and will be maintained and controlled by the Village Clerk.

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

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

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

**Change in Status** - An employee must immediately notify the Village Clerk of a change of name, address, telephone number, marital status, number and age of dependents, beneficiary designations, and individuals to notify in case of emergency.

**Employee Access** - An employee may inspect and copy the contents of the employee's own personnel file. Inspections by employees must be requested in writing to the Village Clerk 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 Village Clerk. 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.

## **409 Separation from Employment**

**Notice of Resignation (Employees)** - An employee who intends to resign from employment must submit a written resignation to the employee's Department Head at least two weeks before the date of resignation is to be effective. All resignations shall be filed in the Village Clerk's Office.

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

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

**Exit Interviews** - Exit interviews are normally conducted by the Village Clerk. The exit interview provides an opportunity to discuss a number of items including employee benefits, COBRA eligibility, changing of computer passwords, and return of Village property. During the exit interview, employees are encouraged to give suggestions, concerns and constructive recommendations.

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



## 500 OPERATIONAL POLICIES

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### 501 Departmental Hours and Employee Work Schedules

Department	Normal Hours of Operation of the Department
Village Hall	8:30 a.m. to 4:00 p.m.
Planning & Zoning	9:00 a.m. to 4:30 p.m.
Highway/Water Plant	7:00 a.m. to 3:30 p.m.
Water Billing	8:00 a.m. to 4:30 p.m.
Justice Court	9:00 a.m. to 4:30 p.m., plus court nights
Police	24 Hours Per Day, 7 Days Per Week

**Employee Work Schedules** – 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 Village Board reserves the right to approve all employee work schedules, except where otherwise prohibited by applicable State or Village Law.

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

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

## **502 Meal and Rest Breaks**

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

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

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

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

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

## 503 **Emergency Situations**

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

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

- **During Work** - A full-time or part-time employee who is directed by the Mayor to leave work due to an emergency closing will be paid for the remainder of the employee's normal workday at the employee's regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime. A seasonal or temporary employee who is directed to leave work due to an emergency closing will not be paid for the remainder of the employee's normal workday. Such employee may choose to make up the time at a later date if agreed to by the Department Head. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.
- **Prior to Reporting to Work** – If a determination is made to close operations prior to the start of a workday, the Mayor will initiate notification to all affected employees. A full-time or part-time employee who is directed not to report to work due to an emergency closing will be paid for the employee's normal workday at the employee's regular rate of pay. A seasonal or temporary employee who is directed not to report to work will not be paid for the workday. Such employee may choose to make-up the time at a later date if agreed to by the Department Head. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

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

## **504 Time Records**

**Policy Statement** - All employees are required to **punch a time card** to record the daily hours worked.

**Procedures** - Employees are required to comply with the following procedures:

- Employees must punch their own time card;
- The time card must be verified and signed by the Department Head;
- Time cards are to be submitted to the Village Clerk's Office by 4:30 p.m. each Monday.
- All paid and unpaid leaves of absence must be recorded in the appropriate area on the time card;

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

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

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

## **505 Bonding**

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

## 506 *Expense Reimbursement*

**Policy Statement** - Upon proper authorization of the Village Board, an employee or Elected Official will be reimbursed for reasonable expenses (as determined by the Village Board) associated with carrying out Village business, including, but not limited to, meals, lodging, mileage, parking, highway tolls, and training and membership fees. A voucher, along with all required documentation and corresponding receipts, must be submitted to the Village Clerk's Office in order for the reimbursement to be processed.

**Mileage** - An employee who is directed by the appropriate Department Head or supervisor to use the employee's own vehicle to conduct Village business will be reimbursed at the Federal IRS mileage rate.

**Education and Training** - Upon proper authorization of the Village 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 Village Board.

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

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

## 507 **Vehicle Usage**

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

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

- Village vehicles and related equipment must remain under the general administrative jurisdiction and direction of the Department Head to which it is assigned;
- Village vehicles must be assigned to specific Village 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-Village related business;
- Village vehicles must always be operated in a safe and responsible manner, and in compliance with all applicable motor vehicle and traffic laws in effect. Employees are responsible for any driving infractions or fines that result from their operation of Village vehicles, and must report them to their Department Head. In the event of an accident, regardless of severity, an accident report must be filed with the Village Clerk's Office, by the applicable Department Head within twenty-four hours;
- Village vehicles may not be used to transport persons who are not officials or employees of the Village of Wappingers Falls, nor material not related to the conduct of official Village business, without direct authorization by the appropriate Department Head or the Village Board;
- Village vehicles must always be maintained in a safe and secure condition when not in use, including being locked and/or under direct observation; and all keys maintained under controlled and authorized jurisdiction of the appropriate Department Head;
- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on Village vehicles at any time, except those of a limited community service nature which have been authorized by the Village Board.
- Employees using personal vehicles for personal official Village business must submit a copy of the employee's driver's license and proper insurance coverage to the Village Clerk
- No Village signage may be displayed on personal vehicles unless authorized by the Village Board.

## **508 Driver's License**

**Requirement** - An employee who is required to drive either a Village-owned vehicle or the employee's own personal vehicle to conduct business on behalf of the Village, must possess at the time of appointment, and must maintain throughout employment, a valid New York State driver's license.

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

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

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

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

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

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

## **510 Telephone / Cell Phone Usage**

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

- An employee must answer promptly and speak in a clear, friendly and courteous tone;
- An employee must give the name of the department or office and one's own name. If the call is not for the employee who answers, the employee must transfer the caller to the correct party or take a message recording all pertinent information;
- If the call must be placed on hold, the employee who answered the call must return to the line frequently to confirm that the call is being transferred;
- During office hours, each employee is responsible for there being at least one employee in the department or office to answer telephones. If the department or office has a limited staff, arrangements must be made with another department or office for telephone coverage or an answering device must be in operation;
- Collect calls may not be accepted without the approval of the Department Head or supervisor;
- An employee may make personal telephone calls, however, such calls should be limited in duration and frequency and must not interfere with the performance of the employee's job duties;
- An employee may not make or receive personal calls on a Village provided telephone or cell phone that will result in additional charges to the Village, except in an emergency and/or with prior approval from the Department Head. The employee must reimburse the Village for the cost of the call.



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

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

### **Computer Systems**

**Property** – All computer systems, hardware, software, and files are the property of the Village of Wappingers Falls.

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

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

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

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

### Internet/On-Line Service

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

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

**Prohibited Uses** - In addition to the prohibitions set forth in the above paragraphs, any activities prohibited for any other general computer user are also prohibited with respect to Internet/on-line service usage.

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

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

**Procedure** – Anyone with information as to a violation of this policy is to report said information to the employee's Department Head. Once the employee's Department Head is informed of the violation, a formal process, consistent with this Employee Handbook, applicable collective bargaining agreement and/or applicable law, will begin.

## **512 Personal Appearance**

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

**Standards** - An employee must maintain a personal appearance in a manner that reflects a good image to the public. Acceptable personal appearance is an ongoing requirement of employment with the Village. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Employees should not wear suggestive attire, athletic clothing, jeans, shorts, tank tops, novelty buttons, and similar items of casual attire since this clothing does not present a businesslike appearance. This list is not all-inclusive.

In addition, employees who have regular contact with the public are not allowed to have visible tattoos and/or body piercing (other than earlobes). At the discretion of management, an employee may be required to fully cover a large tattoo.

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

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

Employees violating this policy may be subject to disciplinary action.

## **513 Solicitations/Distributions**

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

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

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

## **514 Visitors**

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

Employees violating this policy may be subject to disciplinary action.

## **515 Purchasing**

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

## **516 Maintenance of Work Area**

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

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

- Place coats, boots, umbrellas and other items of clothing in designated areas so that work areas are not unnecessarily cluttered;
- Consume food or beverages only in designated areas so that work areas are kept free of food and related litter;
- Report any existing or potential workplace hazards and safety violations to the Department Head;
- Abide by the smoking restrictions established by Village policy and outlined in this Employee Handbook;
- Clean and store all tools and equipment and properly store any items, papers or confidential information in a manner prescribed by the Department Head.

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

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

### **517 Personal Property**

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

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

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

### **518 Village Property**

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

- Equipment, including Protective Equipment
- Identification Badges
- Keys
- Uniforms
- Books or other Reference Materials, including this Employee Handbook

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

### **519 Unauthorized Work**

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

## 520 *Outside Employment*

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

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

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

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

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

## 600 ABSENCE POLICIES

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### 601 Attendance

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

**Tardiness** - An employee must be ready and able to work at the time the employee is scheduled to begin work. In the event an employee is unable to report to work at the scheduled time, the employee must notify the employee's Department Head within the first half hour of the employee's scheduled starting time. The reason for tardiness and the expected time of arrival must be indicated to the Department Head. The notification must be made personally to the Department Head. If the Department Head is not available, the employee should contact the Village Clerk, Mayor, or another supervisor in the line of command. Leaving a message on an answering device or with a co-worker is not permitted. Notification requirements may be waived in cases of emergency.

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

**Scheduled Absences** - An employee should schedule personal appointments either before or after the employee's scheduled workday or on scheduled days off whenever possible. Requests for scheduled time off, including the use of personal leave (Section 804), must be submitted in writing to the employee's supervisor at least one workday in advance. The reason for the absence must be indicated. Vacation requests must be submitted in accordance with the vacation leave policy (Section 802). All requests for time off are subject to approval by the employee's Department Head on a case-by-case basis.

**Unscheduled Absences** - An employee who is unable to report to work must personally contact the employee's Department Head within the first half hour of the employee's scheduled starting time. The employee must speak directly with the Department Head, indicating the reason for the absence and when the employee expects to return to work. Asking another person to call in on the employee's behalf is not permitted. If the Department Head is not available, the employee should contact the Village Clerk, Mayor, or another supervisor in the line of command. Leaving a message on an answering device or with a co-worker is not permitted. Leaving a message on an answering device or with a co-worker is not permitted. Notification requirements may be waived in cases of emergency.

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

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

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

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

## **602 Jury Duty Leave**

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

**Jury Leave** - In the event a full-time employee is required to perform jury duty on a day the employee is scheduled to work, the employee will receive paid jury duty leave. Such leave will not be subtracted from any of the employee's leave credits. A part-time, temporary or seasonal employee shall receive paid jury duty leave if the employee is scheduled to work for the Village on the day the jury duty is served. An employee is obligated to notify the Commissioner of Jurors that the Village is paying the employee's full pay during jury duty. An employee can collect and keep any mileage expense reimbursement that may be issued by the court system for performing jury duty.

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

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

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



### **603 Military Leave and Military Leave of Absence**

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

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

### **604 Bereavement Leave**

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

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

- Spouse
- Parent
- Mother-in-law
- Daughter-in-law
- Sister-in-law
- Grandparent
- Child
- Sibling
- Father-in-law
- Son-in-law
- Brother-in-law

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

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

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

**Statement of Compliance** - The Village of Wappingers Falls complies with the provisions of the Family and Medical Leave Act (FMLA). **The Village of Wappingers Falls currently does not employ fifty or more employees who work twenty or more calendar workweeks per year. Therefore, Village employees are not presently eligible for leave under FMLA.** If at some point the Village of Wappingers Falls should employ fifty or more employees for twenty or more calendar workweeks in the current or preceding year, eligible employees will be afforded leave in compliance with FMLA.

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

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

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

Eligible employees will be afforded leave under **FMLA** under the following circumstances:

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

**Return to Work** - At the conclusion of the leave, the employee, provided that the employee returns to work immediately following such leave, will be restored to the position he or she held when the leave began, or an equivalent position with equivalent benefits, pay and working conditions.

## 606 *Family and Medical Leave Policy*

**Policy Statement** - It is the policy of the Village of Wappingers Falls to grant a full-time employee a leave of absence without pay for a period of up to twelve weeks, under certain circumstances. If and when any employee meets the eligibility requirements under the *Family and Medical Leave Act*, the provisions of that Act will then take precedence over this policy.

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

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

- **Sick Leave of Absence** - Employees who are unable to work because of a serious health condition or disability may be granted a sick leave of absence. This type of leave covers disabilities caused by pregnancy, childbirth, or other related medical conditions. The Village requires certification of an employee's need for sick leave, both before the leave begins and on a periodic basis thereafter, by the employee's health care provider.

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

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

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

- The employee must have completed at least one year of full-time, continuous service during the previous twelve months prior to the date leave commences.
- Spouses who both work for the Village of Wappingers Falls are allowed a combined maximum of twelve workweeks of leave for the birth or care of a newborn child, adoption or foster care of a child and to care for such newly placed child, or the serious health condition of a child, spouse or parent, during any twelve month period.

**Definitions** - For the purpose of this policy, the following definitions will apply:

- **Serious Health Condition** will mean and refer to an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider, including, but not limited to:
  - \* A period of incapacity of more than three consecutive calendar days and any subsequent treatment or period of incapacity that also involves continuing treatment by a health care provider;
  - \* A period of incapacity due to pregnancy or prenatal care;
  - \* A period of incapacity or treatment for such incapacity due to a chronic serious health condition;
  - \* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
  - \* A period of absence to receive multiple treatments, including any period of recovery, by a health care provider, or by a provider of health care services under orders of or on referral by a health care provider, for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.
- **Health Care Provider** will mean and refer to a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or any other person defined in the FMLA regulations capable of providing health care services.
- **Family Member** will mean and refer to:
  - \* **Spouse** - husband or wife as defined or recognized under State law for purpose of marriage;
  - \* **Parent** - biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a son or daughter as defined in directly below. This term does not include an employee's parents "in law."
  - \* **Child** - biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis*, who is either under age eighteen, or age eighteen or older and "incapable of self-care because of a mental or physical disability". Persons who are "*in loco parentis*" include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

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

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

**Medical Certification** – The employee must produce a medical certification issued by a health care provider which supports the need for a leave under this policy. When required, the employee must provide a copy before the leave begins, or if the leave was unforeseeable, fifteen calendar days from the date the certification was requested. Failure to submit medical certification may jeopardize the employee's eligibility for an unpaid leave of absence and/or the ability to return to work. The medical certification must include:

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

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

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

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

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

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

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

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

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

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

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

## 700 COMPENSATION

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### 701 *Wage and Salary*

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

**Merit Increases** - An employee may receive a pay increase based upon the employee's past performance. The merit increase will be granted at the discretion of the Village Board.

**Longevity Bonus** - After a full-time employee has completed the number of years of service listed below, the employee may receive the corresponding bonus, provided the employee has not received an unsatisfactory evaluation. The bonus will be at the discretion of the Village Board.

For employees hired prior to June 1, 2003, the longevity bonus will be paid on an annual basis as specified in the chart below. The bonus will be paid on the employee's anniversary date of employment.

For employees hired on or after June 1, 2003, the longevity bonus will be paid on a one-time basis (not an annual basis) as specified in the chart below. The bonus will be paid on the employee's anniversary date of employment only in the anniversary year specified in the chart.

<b>Consecutive Years of Service Completed:</b>	<b>Annual Longevity Bonus (Hired Before 6/1/03)</b>	<b>One-Time Longevity Bonus (Hired On or After 6/1/03)</b>
5 years	\$500 per year (5 thru 9)	\$500 on 5 <sup>th</sup> anniversary
10 years	\$1000 per year (10 thru 14)	\$1000 on 10 <sup>th</sup> anniversary
15 years	\$1,500 per year (15 & above)	\$1,500 on 15 <sup>th</sup> anniversary

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



702 **Overtime Hours and Compensatory Time**

**Authorization** - A Department Head may require an employee to work additional hours beyond the employee's normal workday and workweek. An employee must receive prior approval from the employee's Department Head or supervisor before working additional hours. An employee is not entitled to overtime compensation for additional hours worked without proper authorization.

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

**FLSA Non-Exempt Employees** - In accordance with the Fair Labor Standards Act, an FLSA non-exempt employee will be compensated at the rate of one and one-half times the employee's regular hourly rate of pay for all authorized time worked over forty hours in a given workweek.

**Credit for Paid Leave** - Personal leave, sick leave, vacation leave, and holidays will be included as time worked for the purpose of computing overtime. Bereavement leave, jury duty leave, and military leave will not be included as time worked for the purpose of computing overtime.

**Compensatory Time** - An FLSA non-exempt employee will receive compensatory time (in lieu of pay) for time worked over the employee's normal work hours in a given workweek. The employee will be credited with one hour of compensatory time for each hour of time worked over the employee's normal workweek but less than forty hours in a given workweek. The employee will be credited with the equivalent of one and one-half hours for each hour worked over forty in a given workweek.

An employee may accumulate up to forty hours in compensatory time credits. An employee must use all compensatory leave credits within two months from when they are earned, at a time mutually agreed upon by the Department Head and the employee. The timeframe in which the employee must utilize the compensatory time may be extended under special circumstances as authorized by the Mayor.

**Employees will not receive pay for overtime unless under special circumstances as authorized by the Mayor.**

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

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

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

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

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

**Distribution** - The Village Clerk will deliver paychecks to the Department Heads for further distribution to employees.

**Authorized Check Release** - The Department Head will not release a paycheck to anyone other than the employee unless the employee has submitted a signed, written authorization with the Village Clerk.

### 704 **Payroll Deductions**

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

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

### 705 **Deferred Compensation Plan**

**Summary** - The Village of Wappingers Falls has established a Deferred Compensation Plan whereby a portion of an employee's salary may be voluntarily withheld and invested. The money saved is paid out to the employee at a later date, generally during retirement years. Neither the deferred amount nor earnings on investments are subject to current Federal and State Income Taxes. Taxes become payable when the deferred income plus earnings are distributed to the employee, presumably at retirement when the tax bracket may be lower. A description of the plan may be obtained from the Village Clerk.

## 800 EMPLOYEE BENEFITS

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### 801 *Holidays*

**Designated Holidays** - The Village of Wappingers Falls will observe the following holidays:

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

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

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

**Holiday Pay Requirement** – Unless otherwise authorized, an FLSA non-exempt employee must work the employee's scheduled workday before and the employee's scheduled workday after a designated holiday in order to receive holiday pay.

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

**802 Vacation Leave**

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

**Allowance** - A newly hired employee will be credited with one day of vacation leave for each month of continuous service completed (up to a maximum of ten days) until reaching the first June 1 following the date of hire. Each June 1, an employee will be credited with annual vacation leave in accordance with the schedule below:

<b>Continuous Service Completed:</b>	<b>Annual Vacation Leave:</b>
Up to five years	Ten days
Five to nineteen years	Fifteen days
Twenty or more years	Twenty days

**Continuous Service** - Continuous Service shall mean uninterrupted service. An authorized leave of absence without pay, or a resignation followed by reinstatement within one year following such resignation, shall not constitute an interruption of continuous service. 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.

**Use of Vacation Leave** - A newly hired employee must successfully complete the probationary period before vacation leave may be taken. Vacation leave may be taken only after it has been credited. Vacation Leave is based on the average number of hours an employee is normally scheduled to work each week. Vacation leave credits may not be used in increments of less than one-half day. The employee will be credited in advance on June 1 for the vacation leave to be earned during the coming year.

**Scheduling** -An employee must receive prior approval from the employee's Department Head to take vacation leave. The Department Head will have total discretion in the approval of vacation leave. If a conflict arises between employees regarding use of vacation time, the employee with seniority will receive first consideration. A vacation request form must be filled out, signed by both the employee and the Department Head, and filed with the Village Clerk before an employee is allowed to take vacation leave. Such form will be filed in the employee's personnel file by the Village Clerk.

**Vacation Carry-over** - An employee may not carry over unused vacation leave credits into the subsequent fiscal year. Any vacation leave credits that remain unused at the end of the fiscal year shall be cancelled. However, depending upon individual circumstances, the Mayor, in conjunction with the Chair of the Personnel Committee, may authorize carry-over of up to ten days. Such carry-over must be utilized by the end of July of the subsequent fiscal year at a time mutually agreed upon by the Department Head and the employee. Vacation leave will not be paid out in cash at any time, except as provide under "Separation of Employment," below.

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

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

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

## 803 Sick Leave

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

**Allowance** - Employees will be credited with one day of sick leave for each month of continuous service completed. Sick leave will be credited on the first day of the month subsequent to each full month of service. Sick leave 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.

**Notification of Sick Leave** - In the event an employee must take sick leave, the employee must notify the Department Head within the first half hour of the employee's scheduled reporting time. The notification must be made personally to the Department Head. If the Department Head is not available, the employee should contact the Village Clerk, Mayor or another supervisor in the line of command. Leaving a message on an answering device or with a co-worker is not permitted. Unless an extended sick leave absence has been authorized, the employee must notify the employee's Department Head each day of the absence. These procedures must be followed to receive paid sick leave.

**Proper Use of Sick Leave** - Sick leave is provided to protect an employee against financial hardship during an illness or injury. An employee may use sick leave credits for personal illness or injury that inhibits the employee's work. Sick leave may only be taken after it has been credited.

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

**Accumulation** - An employee may accumulate unused sick leave credits for each fiscal year to a maximum of one hundred twenty days. This provision regarding sick leave is to protect a long-term employee who has not used sick leave time to be financially protected during a long illness.

An employee hired prior to June 1, 2003 who has accumulated more than one hundred twenty days of sick leave credit as of June 1, 2003 may retain the current accumulated amount to a maximum of one hundred sixty-five days. As the employee utilizes the credits above one hundred twenty days, the available sick leave credits will be depleted toward the one hundred twenty day limit.

Such an employee may **not** add any sick leave credit to the accumulated sick leave credits if the amount is one hundred twenty days or higher (i.e., an employee who has one hundred twenty days or more of accumulated sick leave credit may **not, under any circumstance**, accumulate additional days until the accumulated amount is reduced to below one hundred twenty days).

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

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

**Retirement Credit** - The Village Board provides Section 41 (j) of the Retirement and Social Security Law which allows credit for a portion of accumulated sick leave at the time of retirement.

**Separation of Employment** - An employee whose employment with the Village is terminated for any reason, including retirement, will not receive cash payment for unused sick leave. In cases of the death of an employee, the Village will pay the employee's designated beneficiary for one-half of any eligible unused sick leave as is available to the employee as per Accumulation above.

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

## 804 **Personal Leave**

**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.

**Allowance** - A full-time employee will be credited with three days of paid personal leave on an annual basis. The employee will be credited on June 1 of each year. An employee may take personal leave only after it has been credited.

**New Employee** - A new employee will be credited with three days of paid personal leave after the completion of one year of continuous service. Thereafter, the employee will be credited with three days of paid personal leave on each subsequent June 1.

**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 personal emergencies. 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. Personal leave credits may not be used in increments of less than one-half day.

**Scheduling** - An employee must receive prior approval from the employee's Department Head to take personal leave. The Department Head will have total discretion in the approval of personal leave.

**Accumulation** - An employee may not accumulate personal leave credits. Any personal leave credits remaining unused at close of business on the May 31 will be canceled.

**Separation of Employment** - An employee whose employment with the Village is terminated for any reason, including retirement, will not receive cash payment for unused personal leave.

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



## **805 Disclosure of Insurance Benefits**

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

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

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

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

**Waiver of Benefits** - An employee who is eligible to participate in any of the available insurance plans but who elects not to participate must sign an appropriate waiver of enrollment form.

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

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

**Beneficiary** – Under some of the Village'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.

**806 Medical Insurance**

**Eligibility** - The Village will make available medical insurance coverage to full-time employees and their eligible family members. Part-time employees and elected officials may participate in the medical insurance plan, but must pay the full cost of the premium plus a nominal fee. A temporary or seasonal employee is not eligible for coverage under the medical insurance plan.

**When Coverage Begins** - Coverage will begin on the first day of the month following the successful completion of the probationary period, provided all eligibility requirements of the insurance plan are met.

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

**Premium Payment** – For employees hired prior to June 1, 2003, Village and employee contributions for individual and dependent medical insurance coverage will be in accordance with the chart below:

Coverage	Village Contribution	Employee Contribution
Employee	100% of insurance cost for employee	0% of insurance cost for employee
Dependents	90% of additional insurance cost for covering dependents	10% of additional insurance cost for covering dependents

For employees hired on or after June 1, 2003, Village and employee contributions for individual and dependent medical insurance coverage will be in accordance with the chart below:

Coverage	Village Contribution	Employee Contribution
Employee	100% of insurance cost for employee	0% of insurance cost for employee
Dependents	80% of additional insurance cost for covering dependents	20% of additional insurance cost for covering dependents

**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 Village Board. The Village Board will provide a two-month written notice of such change.

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

## **807 Medical Insurance Buy-out**

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

**Amount of Buy-out** - An employee who is eligible for the medical insurance buy-out will receive 25% of the cost of the insurance being waived.

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

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

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

## **808 Medical Insurance for Retirees**

**Coverage** - The Village will make available medical insurance coverage to an eligible full-time employee who retires from the Village. Coverage is also available for eligible dependents if they were covered under the Village's medical insurance plan at the employee's date of retirement. In the event the retiree predeceases the dependents, the dependents may continue medical insurance coverage provided they pay the full cost of the premium plus a nominal fee. Coverage of a dependent at the time of divorce or legal separation is in accordance with plan documents and COBRA requirements.

**Eligibility** - To be eligible for coverage, an employee retiring must have the same age and full-time service that makes the employee eligible for a full pension, without reductions of any type. For the purpose of receiving medical insurance, such full-time service must be **continuous service performed with the Village**. In addition, the employee must have applied for and been granted a bona-fide retirement benefit from the New York State Employees' Retirement System.

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

**Premium Payment** – For an employee retiring prior to June 1, 2004, the Village will pay the full premium for the individual retiree and for eligible dependents covered under the Village's medical insurance plan at the employee's date of retirement. For example, if a retiree marries or adopts a child after retirement, medical insurance coverage for such dependents will not be provided by the Village.

For an employee retiring on or after June 1, 2004, the Village will pay the full premium for the individual retiree and 90% for eligible dependents covered under the Village's medical insurance plan at the employee's date of retirement for a period of two (2) years after the date of retirement. After two (2) years, the Village will pay the amount equal to the cost at the end of that two (2) year period for insurance coverage for the retiree; insurance costs for **such eligible dependents and increases in insurance costs for the employee** above that amount will be paid by the retiree.

**Medical Insurance Buy-out** – A retired employee may receive a cash buy-out in lieu of receiving medical insurance benefits in a manner similar to Section 807. A retired employee who is eligible for the medical insurance buy-out will receive 25% of the cost of the insurance being waived. Documentation of comparable insurance coverage is not required.

**Changes in Premium Contributions** – The amount of the insurance premium a retiree or retiree's spouse is required to contribute is subject to change by resolution of the Village Board. The Village Board will provide a two-month written notice of such change.

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

809 **Dental, Vision, Legal and Hearing Aid Insurance**

**Eligibility** - The Village will make available dental, vision, legal and hearing aid plans to each full-time employee. A part-time, temporary or seasonal employee is not eligible for this plan.

**When Coverage Begins** - Coverage for a full-time employee will begin on the first day of the month following the successful completion of the probationary period, provided all eligibility requirements of the applicable plan are met.

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

**Premium Payment** - The Village will pay the full premium for either individual or family coverage, as appropriate, for both the dental plan and vision plan.

For an employee hired prior to June 1, 2003, the Village will pay 80% of the costs of the premiums for the employee and any dependents.

For an employee hired on or after June 1, 2003, the Village will pay 75% of the costs of the premiums for the employee and any dependents.

**Insurance Buy-out** - A full-time employee may receive a cash buy-out in lieu of receiving dental, vision, legal and hearing aid insurance benefits in a manner similar to Section 807. An employee who is eligible for the insurance buy-out will receive 25% of the cost of the insurance plan(s) being waived. Documentation of comparable insurance coverage is not required.

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

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

810 **Continuation of Health Insurance Benefits (COBRA)**

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

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

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

- An **eighteen-month** continuation will be available to a qualified beneficiary in the event of the covered employee's (or elected official's) termination of employment for any reason except gross misconduct, or the covered employee's loss of eligibility to participate due to reduced work hours.
- A **twenty-nine month** continuation will be available to a qualified beneficiary in the event that the qualified beneficiary is disabled, per a determination under the Social Security Act, or becomes disabled within the first sixty days of COBRA coverage. The qualified beneficiary must provide the plan administrator with notice of the disability within sixty days of the determination of the disability by Social Security and before the end of the original eighteen-month COBRA coverage period. The qualified beneficiary must notify the plan administrator of a determination by Social Security that the individual is no longer disabled within thirty calendar days of such determination.
- A **thirty-six month** continuation will be available to a qualified beneficiary in the event of any one of the following:
  - \* Death of a covered employee or elected official;
  - \* Divorce or legal separation from a covered employee or elected official;
  - \* A covered dependent child's loss of eligibility to participate in the insurance plan due to the covered employee or elected official becoming covered by Medicare as a result of total disability or choosing Medicare in place of the insurance plan at age sixty-five; or
  - \* A covered dependent ceases to be a "dependent child" under the health insurance plan.

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

**Change in Beneficiary Status** - An employee or elected official must notify the Village 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 Village will not be responsible for any loss of coverage resulting from failure by the employee or elected official to give notification of such an event.

**Enrollment Information** - The Village Clerk 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 Village Clerk within the time indicated.** If the required forms or premium payments are not received at the time specified, medical insurance coverage will cease.

## **811 Short-Term Disability Benefits**

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

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

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

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

**Reporting of Illness or Injury** - The employee must submit a written report of the illness or injury on the proper application form to the employee's Department Head and the Village Clerk within twenty-four hours of the occurrence. The Village Clerk will provide the employee with the necessary forms. Proper medical certification will be required and must be submitted with the application form.

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

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

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



## **812 Workers' Compensation Benefits**

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

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

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

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

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

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

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

## **813 Unemployment Benefits**

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

## **814 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 Village.

## **815 The New York State Employees' Retirement System**

**Summary** - The Village 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.

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

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

**Optional Membership** - An employee 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 Village Clerk. If the employee elects to join the retirement System, the employee must complete the application form and return it to the Village Clerk.

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

## **816 Police and Fire Retirement System**

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

## 900 COMPLIANCE POLICIES

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### 901 *The Americans with Disabilities Act*

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

**Reasonable Accommodation** - Reasonable accommodation is available to all qualified employees and applicants with disabilities, unless it imposes an undue hardship on the Village and/or operations of a program.

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

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

**Application of Policy** – This policy is for Village 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 Village administrative action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

## **902 Equal Employment Opportunity**

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

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

**Application of Policy** - This policy is for Village 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 Village administrative action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

## **903 Fair Treatment**

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

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

## 904 **Sexual Harassment**

**Policy Statement** – It is the policy of the Village of Wappingers Falls to promote a productive work environment. As with discrimination involving race, color, national origin, religion, disability, age, marital status, or military status, the Village of Wappingers Falls prohibits sex discrimination, including sexual harassment of its employees in any form. No form of harassment will be tolerated. The Village will take all steps necessary to prevent and stop the occurrence of sexual harassment in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting and resolving promptly, complaints of sexual harassment without any risk of repercussion to a complaining employee for filing a complaint of sexual harassment in good faith.

**Applicability of Policy** - This policy applies to all Village 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 Village. Depending on the extent of the Village's exercise of control, this policy may be applied to the conduct of non-Village employees with respect to sexual harassment of Village employees in the workplace.

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

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

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

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

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

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

**Reporting of Sexual Harassment** - Employees are encouraged to report incidents of sexual harassment to their immediate supervisor as soon as possible after their occurrence. If the employee's immediate supervisor is believed to be involved in the incident, the report should be made directly to the employee's Department Head. If the employee's Department Head is believed to be involved in the incident, the report should be made directly to the Mayor or any member of the Village 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 Mayor or any member of the Village Board. Employees who work second and third shifts are encouraged to contact their supervisor, Department Head or the Mayor at home if these individuals do not work during the employee's shift.

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

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

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

**Employee Rights** - Nothing in this policy should be construed as in any way limiting employees' rights to use the Dispute Resolution Procedure as described in this Employee Handbook or the Grievance Procedure contained in the collective bargaining agreement.

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

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

## **905 Drug-Free Workplace**

**Statement of Compliance** - The Federal Drug-Free Workplace Act of 1988 is applicable to all recipients of Federal grants. In order to receive federal funds, the Village 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 Village hereby complies with the requirements of the Drug-Free Workplace Act by adopting the following policy and drug-free awareness program:

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

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

**Employee Responsibilities** - As a condition of the Village 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.

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

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

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

1. Declining Performance

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

2. Increased Costs

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

3. Absenteeism and Tardiness

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

4. Damaged Relationships

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



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

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

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

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

## **907 *Smoking***

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

## 1000 SAFETY

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### 1001 Workplace Safety

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

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

**Safety Program** - The Village's safety program includes, but is not limited to, the following:

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

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

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

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

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

## **1002 Hazard Communication Program**

**Statement of Compliance** - The Village of Wappingers Falls 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 Village considers Hazard Communication and the prevention of workplace injuries and illnesses to be of prime importance.

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

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

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

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

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

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

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

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

## **1100 COMMUNICATION PROCEDURES**

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### **1101 Bulletin Board**

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

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

### **1102 Adverse Correspondence**

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

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

### **1103 Suggestions**

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

### **1104 Public Relations**

**Policy Statement** - The courteous, professional treatment of members of the public by all employees helps to build confidence among the taxpayers we serve. We ask that all employees make every effort to represent the Village in a polite and professional manner.

## 1200 DISPUTE RESOLUTION

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### *1201 Dispute Resolution Procedure*

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

**Definition of Dispute** - For the purpose of this Employee Handbook, a "dispute" will mean a claimed violation, misinterpretation or inequitable application of any of the provisions of this Employee Handbook. In addition, the term "dispute" shall not apply to any matter as to which the Village is without authority to act. Examples of matters that may be considered appropriate disputes under this policy include:

- A belief that Village policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee;
- Treatment considered unfair by an employee, such as coercion, reprisal, harassment, or intimidation;
- Alleged discrimination because of race, color, sex, age, religion, national origin, marital status, or disability; and
- Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, salary, or seniority.

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

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

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

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

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

The Village Board will set the time and place for the hearing. All decisions rendered by the Village Board will be final and binding.

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

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

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

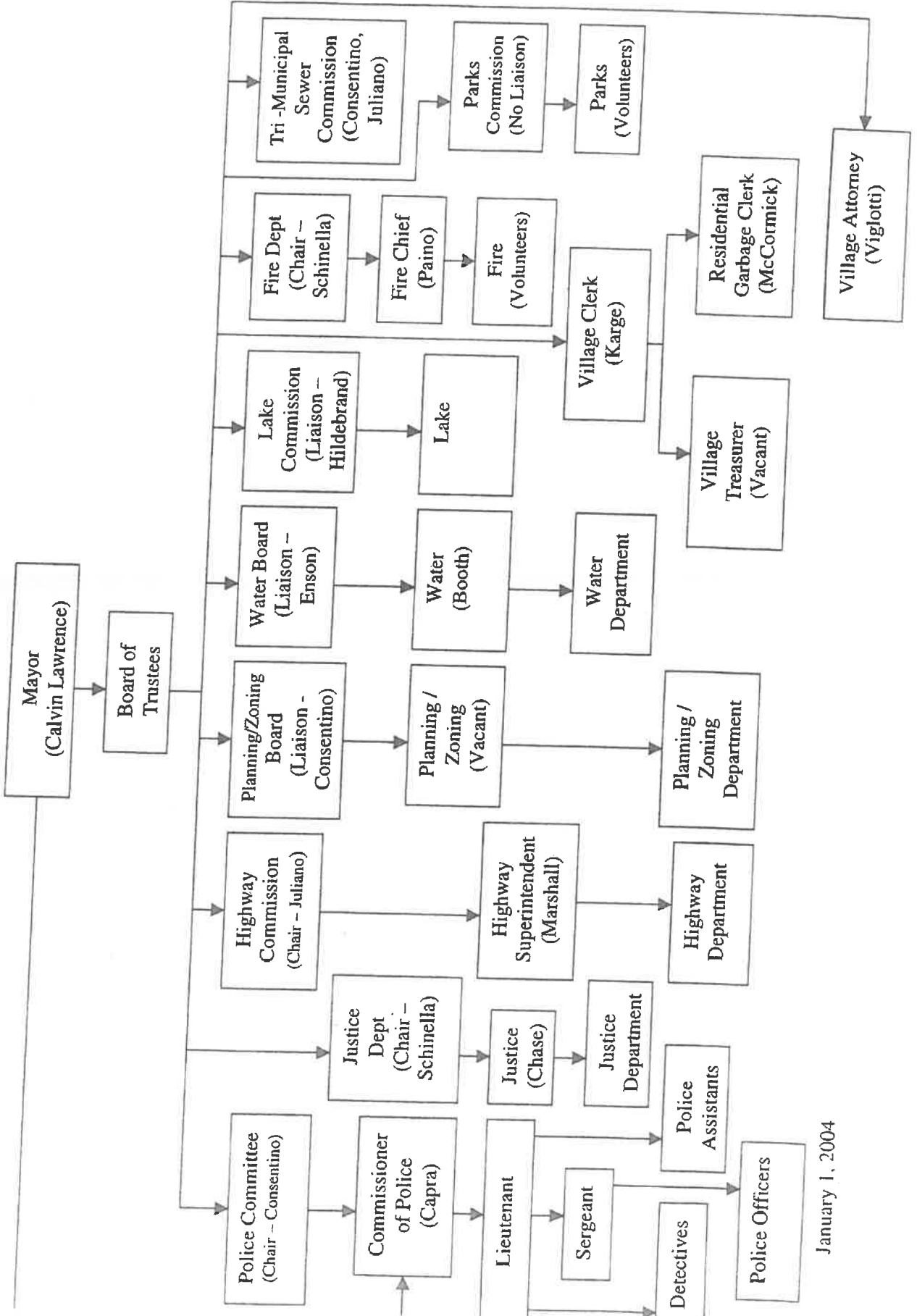
**Refusal to Proceed with Dispute** - The Village Board may, at its discretion, refuse to proceed with any dispute it determines is improper or baseless under this policy.

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



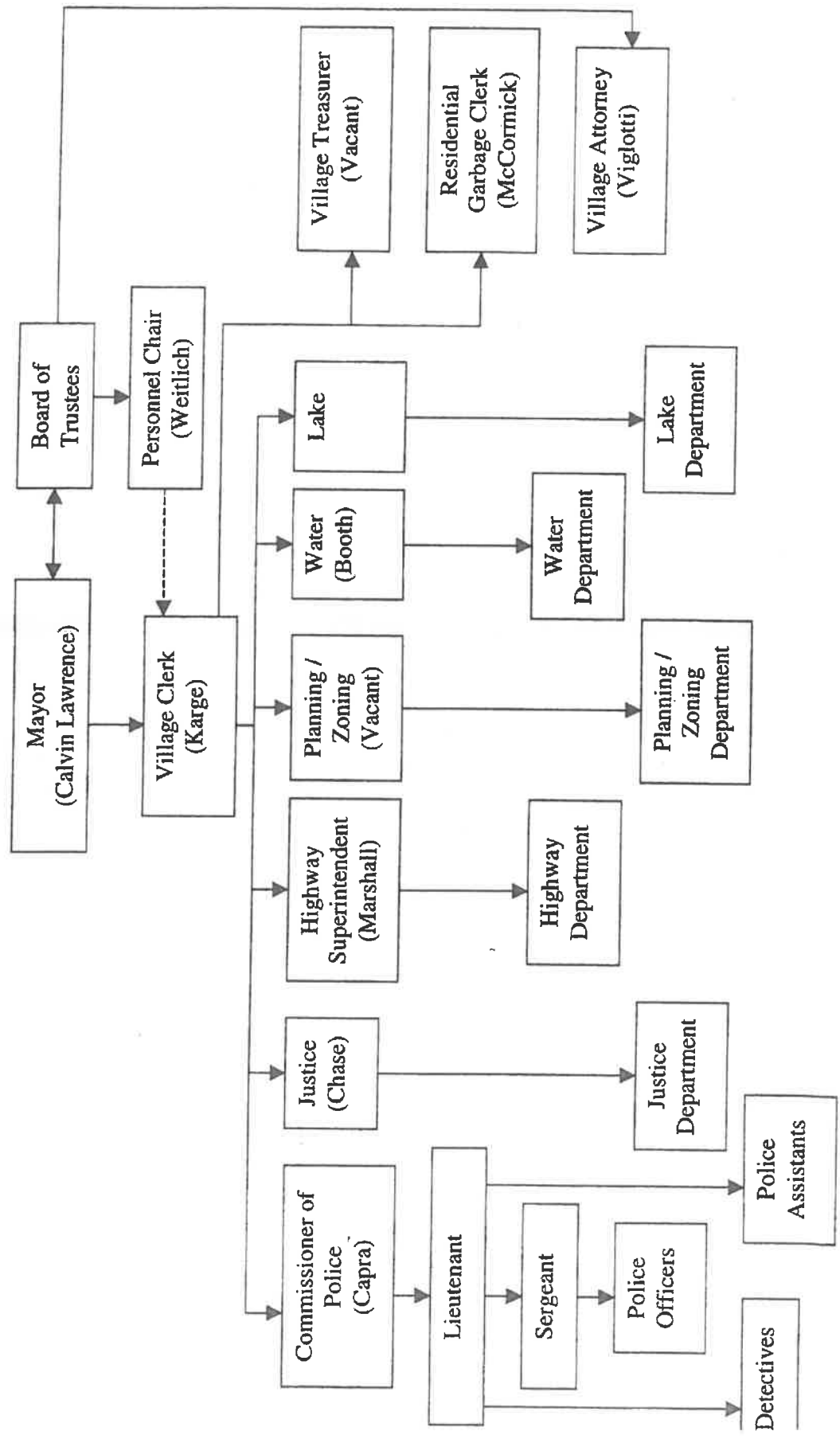


Village of Wappingers Falls  
Organizational Chart  
**MANAGEMENT VIEW**



January 1, 2004

Village of Wappingers Falls  
Organizational Chart  
**PERSONNEL ADMINISTRATION VIEW**



January 1, 2004

## Emergency Conditions

Effective September 1, 2015

In the event of local emergency conditions, such as bad weather, management will make appropriate decisions about office closure.

When the Red Cross is officially open, each employee is expected to make reasonable efforts to report to work in inclement weather situations. If weather or traveling conditions delay or prevent an employee from reporting to work, he or she must notify his or her supervisor as soon as possible. If an employee is unable to report for work due to weather or traveling conditions when the Red Cross is not officially closed, the employee will use a day of accumulated PTO or, if he or she has no such accumulated paid time off benefits, the employee will not be paid for the day unless otherwise required by applicable law.

If an early closing is declared during a workday all employees who arrived at work may be compensated for their normal workday, regardless of the number of hours actually worked. Employees who do not report to work will be expected to use a day of accumulated paid time off benefits, or, if they have no such accumulated paid time off benefits, they will not be paid for the day unless otherwise required by applicable law.

When management announces an office closure due to emergency conditions, non-essential personnel are not required to report to work. If the Red Cross is officially closed, non-essential employees will not be required to use accumulated paid time off benefits, but may receive their regular rate of pay for their standard work hours for that day. Certain designated essential personnel will be required to come to or remain at work regardless of conditions.

Teleworkers are expected to continue to work at their remote work location unless emergency conditions preclude them from doing so. Teleworkers who are unable to continue to work should notify their supervisors immediately of the situation.

If an employee is taking paid time off or is out of the office on business during office closures, the employee will not be given credit for full or partial days of closure.

# General Policies & Procedures

## Progressive Discipline

Effective September 1, 2015

The Red Cross has adopted rules and standards to ensure productive, harmonious operations. Although Red Cross employees are employed at-will, the best interest of the Red Cross lies in ensuring fair treatment of all employees and in making certain that discipline is prompt, fair, and uniform.

The Red Cross endorses a philosophy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve whenever practical or reasonable. Employees' performance and conduct is evaluated on an ongoing basis, with feedback provided when necessary. Informal discussions may be used to ensure that employees know and follow rules and standards. These discussions should focus on clarifying expectations, providing appropriate training and development and coaching employees.

In some cases, formal discipline is necessary. Progressive discipline steps may include, but are not limited to, verbal warnings, written warnings, performance improvement plans (PIP) and termination of employment. The Red Cross retains the right to administer discipline in any manner it deems suitable under the circumstances and any of the steps listed above may be skipped as the Red Cross feels appropriate. Termination of employment may also occur at any time without any progressive disciplinary steps having been taken, as the Progressive Discipline policy does not alter the employees' at-will employment status.

## Work Rules

Effective September 1, 2015

Violation of the work rules may result in discipline which may include termination of employment. Behaviors that constitute an infraction of the work rules (though not limited to this list) include the following:

- Release of confidential donor, patient, or client information without authorization;
- Falsification of ARC records;
- Falsification of employment application or time records;
- Violation of the ARC Code of Conduct;
- Willfully allowing a "conflict of interest", such as financial, personal or otherwise;
- Unsatisfactory conduct;
- Theft or inappropriate removal or possession of property;
- Misuse of the e-time system;
- Violation of the drug and alcohol policy;
- Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace, while on duty or while operating employer owned vehicles or equipment;
- Fighting or threatening violence in the workplace;
- Negligence or improper conduct leading to damage of employer owned or customer owned property;
- Boisterous or disruptive activity in the workplace;
- Insubordination to a lawful management directive;

- Violation of safety or health rules;
- Smoking in prohibited areas;
- Sexual or other unlawful or unwelcome harassment;
- Possession of dangerous or unauthorized materials, such as explosives or firearms in the workplace;
- Excessive absenteeism or any absence without notice;
- Failure to adhere to the dress code;
- Refusal to do assigned work;
- Participating in a deliberate slowdown of work or in a strike or work stoppage that violates the no-strike clause of an applicable union contract;
- Excessive tardiness;
- Dishonesty.
- Conduct which interferes with business operations, discredits the organization, or is offensive to customers or coworkers.

The observance of these rules, which are subject to the terms of any applicable collective bargaining agreement, will help to ensure that our workplace remains a safe and desirable place to work.

### Attendance

Effective September 1, 2015

All employees are expected to assume diligent responsibility for their attendance and promptness. Employees who are unable to come to work or who will be late must notify their supervisors as soon as possible but no later than one (1) hour after their scheduled start time. Some units or departments may require earlier notification so that other staffing arrangements can be made; employees at those units will be notified of their requirements. An employee who reports to work after the scheduled start time will be considered tardy and may be subject to disciplinary action. An employee who does not report to work for three (3) consecutive workdays without contacting his or her supervisor may be considered to have abandoned the position and voluntarily resigned from employment.

If an employee is absent due to illness for three (3) consecutive workdays, a statement from the employee's health care provider may be required before the employee will be permitted to return to work. In addition, the Red Cross reserves the right to request a health care provider's statement for days missed at any time based on inconsistent attendance patterns. Absenteeism or tardiness that is unexcused or excessive may be grounds for disciplinary action, up to and including termination of employment.

Additional information about any location's specific attendance policies can be obtained from your supervisor or your Human Resources representative.

### Dress Code

Effective September 1, 2015

Appropriately dressed employees add to the overall credibility of the Red Cross and convey a sense of confidence to the public. Employees are expected to dress appropriately based on their job requirements. Questions should be referred to management or Human Resources. Additional information about any location's specific dress code policies can be obtained from your supervisor or your Human Resources representative.

## Inspections

Effective September 1, 2015

The Red Cross reserves the right to require employees, while on Red Cross property, or on clients' property, to agree to the inspection of their person, personal possessions and property, personal vehicles parked on Red Cross or client property, and work areas. This includes lockers, vehicles, desks, cabinets, work stations, packages, handbags, briefcases and other personal possessions or places of concealment, as well as personal mail sent to the Red Cross or to its clients. Employees are expected to cooperate in the conduct of any search or inspection.

## Smoking, Tobacco Use, and e-Cigarettes

Effective September 1, 2015

The Red Cross provides a smoke, nicotine and tobacco-free work environment. Smoking and the use of all tobacco products, including e-cigarettes, inside all Red Cross facilities, including owned and leased vehicles and private offices, is prohibited. Smoking may be permitted in exterior designated smoking areas only. Smokers have a special obligation to keep outside smoking areas free of litter and to dispose of all smoking materials in proper receptacles. Compliance with this policy is mandatory for all employees and persons visiting the Red Cross, with no exceptions. Employees who violate this policy are subject to disciplinary action. Any disputes involving smoking/tobacco use and any questions or concerns about this policy may be brought to supervisors or Human Resources. Employees will not be subject to retaliation for reporting violations of this policy in good faith.

## Red Cross Communication and Computer Systems

Effective September 1, 2015

All communication and computer systems are Red Cross property and are to be used for business purposes. These Red Cross communication and computer systems include, but are not limited to, computers and related hardware and software, computer networks, email, telephone, Internet, fax, voicemail, bulletin boards, and interoffice mail. Personal use should not interfere with operations or performance and not violate any company policy or applicable law. Employees should have no expectation of privacy regarding their personal use of any Red Cross communication systems, and their communications and systems use may be audited by authorized management at any time without notice.

Employees must be mindful that their association with the Red Cross will be visible to any recipient of an electronic communication, and assure that their communications are consistent with the Red Cross mission and accepted community standards.

The Red Cross's policies including, but not limited to, those prohibiting harassment, in their entirety, apply to the use of the Red Cross's communication and computer systems. Prohibited uses of Red Cross communication and computer systems include, but are not limited to:

1. Developing, accessing or distributing material which:
  - Harasses others, or contains stereotypes, epithets or slurs based on an individual's protected

status;

- Contains pornography, profanity, violent or sexually explicit images, messages, or cartoons;
2. Personal mass e-mail distribution ("spamming") and unauthorized computer access ("hacking").
  3. Distributing sensitive, proprietary, confidential, or private information of the Red Cross without appropriate authorization in violation of the Red Cross's confidential information policies.
  4. Using a hand-held cellular telephone or other hand-held electronic device while driving a vehicle on Red Cross business.

Red Cross communication and computer systems may not be used in situations that violate federal, state or local law including, but not limited to, those related to copyrights and software piracy.

The Red Cross may store electronic communications for a period of time after the communication is created. From time to time, copies of communications may be deleted.

The Red Cross may access its computers, telephones, voicemail and email systems and obtain the communications within the systems, including past voice mail and e-mail messages, without notice to users of the system, in the ordinary course of business when the Red Cross deems it appropriate to do so. Further, the Red Cross may review Internet usage. The reasons for which the Red Cross may obtain such access include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that the Red Cross operations continue appropriately during an employee's absence.

All employees, upon request, must inform management of any private access codes or passwords.

No employee may access, or attempt to obtain access to, another employee's communication or computer systems without appropriate authorization.

Employees may not install or remove software on the Red Cross's computer systems without prior management approval. Personal computers and other electronic devices (cell phones, pdas, etc.) may not be connected directly to the Red Cross's computer systems without prior management approval.

Violation of this policy may result in disciplinary action, up to and including termination of employment.

### Social Networking

Effective September 1, 2015

The Red Cross respects the right of any employee to maintain a blog or website or to participate in social networking on or through websites or services such as Twitter, Facebook, or similar sites/services. However, to protect the Red Cross's interests and ensure employees focus on their job duties, employees must adhere to the following rules:

1. Blogging and other social networking activities are personal business and should be done on the employees' own time unless specifically assigned to perform an online activity related to the Red Cross.

2. If an employee mentions the Red Cross and also expresses either a political opinion or an opinion regarding the Red Cross's actions, the employee must include a disclaimer specifically stating that the views expressed are the employee's alone and do not necessarily represent those of the Red Cross. This is necessary to preserve the Red Cross's goodwill in the community.
3. If voicing personal opinion, employees should ensure that they have researched and checked their facts prior to posting.
4. All rules regarding confidential and proprietary business information apply in full to blogs, websites and social networking on or through websites or services such as Twitter, Facebook, and similar sites/services. Any information that cannot be disclosed through a conversation, a note or an e-mail also cannot be disclosed in a blog, website or social networking on or through websites or services such as Twitter, Facebook, or similar sites/services. It is acceptable to discuss general details and to use non-identifying pseudonyms as long as the information provided does not violate any non-disclosure agreements that may be in place with the individual/group or make it easy for someone to identify him/her/them. Employees must ensure that they have permission to post any copyrighted or confidential information and be careful about posting or linking to items that may contain viruses.
5. Employees should be respectful of their potential readers and colleagues. Refrain from using discriminatory comments, or making maliciously false statements when commenting about the Red Cross, superiors, co-workers or competitors of Red Cross.
6. Employees may not use the Red Cross's logos or trademarks for commercial purposes.
7. Any conduct which is impermissible under the law if expressed in any other form or forum is impermissible if expressed through a blog, website, or social networking on or through websites or services such as, Twitter, Facebook, or similar sites/services. For example, posted material that is discriminatory, obscene, defamatory, libelous or threatening is forbidden.

All other Red Cross policies apply equally to employee blogging. Employees should review this Handbook for further guidance.

The Red Cross encourages all employees to keep in mind the speed and manner in which information posted on a blog, website, or social networking on or through websites or services such as, Twitter, Facebook, or similar sites/services can be relayed and often misunderstood by readers. Employees must use their best judgment. Employees should contact management or Human Resources with questions. When in doubt, don't post! Employees who violate the terms of this policy are subject to disciplinary action, up to and including termination of their employment. In enforcing this policy, the Red Cross reserves the right to monitor social media activities of employees, whether or not such activities are conducted with Red Cross resources, to the extent permitted and in accordance with applicable law.

Nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment.

### Non-Solicitation/Distribution of Literature

Effective September 1, 2015



Soliciting fellow employees in the workplace regarding personal activities, organizations or causes, and distribution of literature may have the potential to result in unnecessary apprehension and pressures for fellow colleagues.

In order to maintain a proper business environment and prevent interference with work, solicitation by an employee of another employee is prohibited while either the person doing the soliciting or the person being solicited is on working time.

Distribution of advertising material, handbills, literature or printed materials of any kind, is not permitted in the workplace during working time or in working areas of the Red Cross at all times. Working time includes the time during which any of the employees involved are actually scheduled to work, but does not include scheduled rest periods, meal breaks and other specified times when employees are not expected to be working.

Employees also are prohibited from engaging in solicitation and distribution to customers or working employees at any time in customer service areas during the times such areas are open to customers.

The following examples may help address grey areas regarding this policy:

1. It is appropriate to post a notice in the break room indicating you or a family member is selling cookies with a sign-up sheet.
2. It is appropriate to sign people up to sponsor you for a marathon while in the cafeteria.
3. It is not appropriate to sell cosmetic products out of your cube.
4. It is not appropriate to send out a mass email to your entire department indicating you are selling wrapping paper for an outside organization.

Solicitation or distribution by non-employees is prohibited in the workplace at all times. Any requests from outside persons or organizations to sell merchandise, solicit contributions, distribute literature, arrange displays or utilize Red Cross facilities are to be referred to Red Cross management.

Red Cross may authorize a limited number of charitable fund raising events on behalf of other organizations. Employee participation is welcome but entirely voluntary.

### Media Inquiries

Effective September 1, 2015

The American public relies on the Red Cross as a symbol of trust and as a powerful voice in providing lifesaving information. The Red Cross will provide a response to media inquiries as soon as possible, generally within twenty four (24) hours of receipt. Individuals designated to speak on the organization's behalf are determined by management. Only those individuals determined by management are authorized to provide statements or comments on behalf of the Red Cross. If an employee receives a request for a statement or comment on behalf of the Red Cross, the employee should contact his or her manager or Human Resources.

It is imperative that the Red Cross speak with one voice when dealing with national media, like CNN or ABC News, that reach far beyond local coverage areas. Selected employees from the Communication and

Marketing Department at Red Cross national headquarters are charged with handling national media calls and requests for interviews with national news media. Communication and Marketing management will route national media calls to the available spokespersons.

### Representing Red Cross

Effective September 1, 2015

Employees are authorized to act as representatives of the organization only as specifically indicated within their position/job descriptions or as authorized by the Communications Department and/or CEO. Prior to any action or statement by you on behalf of the Red Cross, which might significantly affect or obligate the Red Cross, employees must seek prior approval from the Communications department and/or CEO. These may include but are not limited to the following kinds of actions or statements: public statements to the press (unless it is clear that the employee is not speaking on behalf of the Red Cross), engagement in collaborations or joint initiatives (such as ventures between the Red Cross and potential business partners) or any agreements involving contractual or other financial obligations.

### Recording Devices in the Workplace

Effective September 1, 2015

The Red Cross prohibits employee use of cameras, camera phones, tape recorders or other recording devices in the workplace to protect the privacy of our donors, volunteers and sponsors, to secure compliance with applicable federal, state and local wiretapping, eavesdropping and privacy laws, and to safeguard trade secrets and other confidential internal business information, such as information regarding systems, processes, products, know-how and technology. Authorization may be granted by the local CEO when a specific business purpose will be served by the possession or use of such a device. Employees should regard this policy as an explicit statement that the Red Cross does not consent to recording or photographing of any meetings or discussions, except as discussed above.

From time to time the Red Cross may tape, record, photograph, videotape, or otherwise monitor conversations or other communications between employees and/or between employees and non-employees for legitimate business purposes, such as customer service training, to monitor the integrity of the blood supply, to ensure proper disposal of hazardous materials, to ensure compliance with procedural requirements and/or applicable regulations, and to ensure high quality customer service. Generally, employees will be notified when such taping or recording occurs, in accordance with applicable laws. Under certain circumstances, however, notice may not be given, such as when the Red Cross is conducting an investigation into allegedly unlawful or unethical activities.

Violations of this policy may result in disciplinary action, up to and including termination of employment.

### Separation from Employment

Effective September 1, 2015

Voluntary separation occurs when an employee resigns or retires. Employees are encouraged to provide at least two (2) weeks' notice (four (4) weeks for exempt staff) of intent to resign in a written resignation letter stating the reason for leaving and the intended last day of work. Cooperation with this notice request will be

appreciated. On occasion, the Red Cross may determine that the employee need not report to work during the notice period; in this event, the employee will still be paid for the time of the notice period defined above (but no more, regardless of any further notice provided by the employee).

An employee who does not report to work for three (3) consecutive workdays without contacting the Red Cross may be considered to have abandoned the position and voluntarily resigned from employment.

Involuntary separation occurs when an employee is discharged, is the subject of a reduction in force, or when the employee's position comes to an end.

Typically, an employee's termination date will be the last day worked; however, for employees in an unpaid leave status, suspended pending completion of an investigation, or similar situations, the termination date will be the date the Red Cross decides to end the employment relationship.

At management's discretion, PTO may be approved to be taken prior to termination for employees who have given notice of intent to terminate their employment, but may not be used to extend time on Red Cross payroll beyond the last day of employment. Final paychecks are processed in accordance with applicable federal, state, and local law, less any amounts owed to the Red Cross, and will include payment for time worked and any unused, accumulated paid time off benefits to the extent permitted and in accordance with applicable law.

On or before the employee's last day of work, an exit interview may be scheduled, at which time all Red Cross property must be returned. This includes Red Cross-authorized credit cards (including but not limited to Visa, rental car, car service, telephone) and other Red Cross property (including, but not limited to, equipment, supplies, policy manuals, organization manuals, business documents, papers, files, proprietary information, computers and accessories, portable telephones, procurement cards, access cards, identification badges and keys).

Employees who are participants in the Retirement System, plan to retire, and wish to apply for Retirement System benefits must notify management of the intent to retire and must also contact the Red Cross Benefit Service Center to begin the commencement process. The process may begin no earlier than ninety (90) days before and no later than the 15th of the month before the first day of the month that an employee wishes to start retirement benefit payments. The completed authorization must be received by the Red Cross Benefits Service Center prior to the first day of the month an employee wishes to start retirement system benefit payments to ensure that payments are not delayed or that the retirement process becomes invalid.

### Severance Pay

Effective September 1, 2015

For the sole purpose of providing a safety net for employees who may be faced with a period of unemployment, the Red Cross may provide severance pay to regular full-time and part-time employees regularly scheduled to work a minimum of twenty (20) hours a week who (1) are involuntarily terminated due to a reduction in force or position elimination when no comparable assignment is provided and (2) sign a Severance Agreement and General Release in a form provided by the Red Cross. Severance packages will not be negotiated as a condition of employment or included in any written or verbal contracts under any circumstances.

Employees eligible for severance will receive a minimum of twenty one (21) calendar days' written notice of the reduction in force or elimination of their position.

Additional information about specific requirements and benefits under the severance plan can be obtained from Human Resources. The full summary plan description for the Severance Pay Program can be found on the Exchange.

### Re-Employment

Effective September 1, 2015

Individuals who voluntarily leave employment or were released due to a reduction in force and whose employment records were satisfactory prior to release may be eligible for rehire. However, previous employment, regardless of Red Cross unit of affiliation, is not a guarantee of rehire. For instance, rehire is not permitted in cases of job abandonment, and may not be permitted for employees who were involuntarily terminated for performance reasons.

Employees who are rehired within a time period of twelve (12) months or less will accrue paid time off benefits and severance, if applicable, based upon the current rate applicable to the years of paid service. Prior years of paid service must have been in a leave-earning employment category to be credited upon rehire. Non-exempt employees whose prior service was less than time required to earn paid time off benefits will accrue paid time off at the current rate applicable to new hires. Any employee rehired with a break in service greater than twelve (12) months will accrue paid time off benefits and be eligible for severance at the current rate applicable to new hires.

# ACKNOWLEDGMENT OF RECEIPT OF EMPLOYEE HANDBOOK

This Employee Handbook is an important document intended to help you become acquainted with the Red Cross. This document contains management guidelines only; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because the Red Cross's operations may change, the contents of this Handbook may be changed at any time, with or without notice, in an individual case or generally, at the sole discretion of management.

Please read the following statements and sign below to indicate your receipt and acknowledgment of this Employee Handbook.

**I understand that the policies, rules and benefits described in this handbook are subject to change at the sole discretion of the Red Cross at any time.**

**I further understand that my employment is terminable at will, either by myself or the Red Cross, regardless of the length of my employment or the granting of benefits of any kind.**

**I understand that no contract of employment other than "at will" has been expressed or implied, and that no representative of the Red Cross other than the Chief Human Resources Officer is authorized to provide any employee or employees with an employment contract or special arrangement concerning terms or conditions of employment and that any such agreement must be in writing and signed by the Chief Human Resources Officer.**

**I understand that my signature below indicates that I have read and understand the above statements and that I have received and read a copy of the Red Cross's Employee Handbook.**

Employee's Printed Name: \_\_\_\_\_ Position: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The signed original copy of this receipt should be given to management. It will be filed in your personnel file.

# ACKNOWLEDGMENT OF RECEIPT OF EMPLOYEE HANDBOOK

## Union Represented Staff

This Employee Handbook is an important document intended to help you become acquainted with the Red Cross. This document contains management guidelines only; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because the Red Cross 's operations may change, subject to any limitations pursuant to any applicable collective bargaining agreement, the contents of this Handbook may be changed at any time, with or without notice, in an individual case or generally, at the sole discretion of management.

Please read the following statements and sign below to indicate your receipt and acknowledgment of this Employee Handbook.

**I understand that, subject to any limitations pursuant to any applicable collective bargaining agreement, the policies, rules and benefits described in this Handbook are subject to change at the sole discretion of the Red Cross at any time.**

**I further understand that, subject to any limitations pursuant to any applicable collective bargaining agreement, my employment is terminable at will, either by myself or the Red Cross; regardless of the length of my employment or the granting of benefits of any kind.**

**Subject to any limitations pursuant to any applicable collective bargaining agreement, I understand that no contract of employment other than "at will" has been expressed or implied, and that no representative of the Red Cross other than the Chief Human Resources officer is authorized to provide any employee or employees with an employment contract or special arrangement concerning terms or conditions of employment and that any such agreement must be in writing and signed by the Chief Human Resources Officer.**

Employee's Printed Name: \_\_\_\_\_ Position: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The signed original copy of this receipt should be given to management. It will be filed in your personnel file.