

# Town of East Bloomfield

# EMPLOYEE HANDBOOK

Originally Adopted By the  
Town Board on January 1, 2011

Updated and Adopted as Revised by  
the Town Board on January 11, 2021

# Table of Contents

<b>100</b>	<b>INTRODUCTION.....</b>	<b>6</b>
101	Welcome Message from the Town Supervisor .....	6
102	The Purpose of this Handbook.....	7
103	Definitions.....	7
104	Changes or Modifications.....	7
<b>200</b>	<b>EMPLOYEE CLASSIFICATIONS.....</b>	<b>8</b>
201	Full-time Employees .....	8
202	Part-time Employees .....	8
203	Temporary Employees .....	8
204	Seasonal Employees .....	8
205	Supplementary Employees .....	8
206	Fair Labor Standards Act (FLSA) Exempt Employees .....	8
207	Fair Labor Standards Act (FLSA) Non-Exempt Employees ...	8
<b>300</b>	<b>THE CIVIL SERVICE SYSTEM.....</b>	<b>8</b>
301	The Merit System Statutory Requirement .....	8
302	The Unclassified and Classified Services .....	9
303	Civil Service Appointments .....	9
304	Examinations and Promotions .....	10
305	Veteran's Credit .....	10
<b>400</b>	<b>EMPLOYMENT MATTERS .....</b>	<b>10</b>
401	Oath of Office .....	10
402	Procedures for Filling Vacancies.....	10
403	Residency Requirement.....	11
404	Driver's License .....	11
405	Probationary Period .....	12
406	Rules of Conduct .....	12
407	Code of Ethics.....	14
408	Unauthorized Work .....	15

409	<b>Disciplinary Action</b> .....	15
410	<b>Personnel File</b> .....	17
411	<b>Resignation</b> .....	18
<b>500</b>	<b>OPERATIONAL POLICIES</b> .....	<b>19</b>
501	<b>Department Hours</b> .....	19
502	<b>Emergency Closings</b> .....	20
503	<b>Meal and Rest Periods</b> .....	20
504	<b>Time Records</b> .....	21
505	<b>Bonding Insurance</b> .....	21
506	<b>Expense Reimbursement Policy</b> .....	22
507	<b>Vehicle Usage Policy</b> .....	22
508	<b>Supplies, Tools/Equipment, Cell Phones and Fuel Usage</b> ...	23
509	<b>Telephone Use Policy</b> .....	24
510	<b>Cyber Security Policy</b> .....	25
511	<b>Social Media Policy</b> .....	28
512	<b>Internet Usage Policy</b> .....	32
513	<b>Personal Appearance Policy</b> .....	33
514	<b>Maintenance of Work Area and Town Vehicles</b> .....	32
515	<b>Personal Property</b> .....	32
516	<b>Solicitations/Distributions Policy</b> .....	32
<b>600</b>	<b>ABSENCE POLICIES</b> .....	<b>33</b>
601	<b>Tardiness</b> .....	33
602	<b>Notification of Absence</b> .....	33
603	<b>Jury Duty Leave</b> .....	33
604	<b>Bereavement Leave</b> .....	34
605	<b>Military Leave and Military Leave of Absence</b> .....	35
606	<b>Family and Medical Leave Acts</b> .....	35
607	<b>Unpaid Leaves of Absence</b> .....	39
608	<b>Blood Donation Leave</b> .....	43
609	<b>Bone Marrow Donation Leave</b> .....	43
610	<b>Lactation Breaks</b> .....	43
611	<b>Witness Leave</b> .....	43

<b>612</b>	<b>Voting Leave</b> .....	<b>44</b>
<b>700</b>	<b>COMPENSATIONS</b> .....	<b>44</b>
<b>701</b>	<b>Wage and Salary</b> .....	<b>44</b>
<b>702</b>	<b>Overtime Pay</b> .....	<b>44</b>
<b>703</b>	<b>Call-In Pay</b> .....	<b>45</b>
<b>704</b>	<b>Pay Period and Check Distribution</b> .....	<b>45</b>
<b>705</b>	<b>Payroll Deductions, Statutory Deductions</b> .....	<b>46</b>
<b>706</b>	<b>Deferred Compensation Plan</b> .....	<b>46</b>
<b>800</b>	<b>EMPLOYEE BENEFITS</b> .....	<b>46</b>
<b>801</b>	<b>Holidays</b> .....	<b>46</b>
<b>802</b>	<b>Vacation Leave Policy</b> .....	<b>47</b>
<b>803</b>	<b>Sick Leave Pay Policy</b> .....	<b>48</b>
<b>804</b>	<b>Personal Leave Policy</b> .....	<b>53</b>
<b>805</b>	<b>Insurance Eligibility Coverage</b> .....	<b>54</b>
<b>806</b>	<b>Medical Plan</b> .....	<b>54</b>
<b>807</b>	<b>Prescription Drug Plan</b> .....	<b>55</b>
<b>808</b>	<b>Dental Plan</b> .....	<b>55</b>
<b>809</b>	<b>Optical Plan</b> .....	<b>55</b>
<b>810</b>	<b>Continuation of Benefits (COBRA)</b> .....	<b>55</b>
<b>811</b>	<b>Workers' Compensation Insurance</b> .....	<b>56</b>
<b>812</b>	<b>Disability Insurance</b> .....	<b>56</b>
<b>813</b>	<b>Unemployment Insurance</b> .....	<b>57</b>
<b>814</b>	<b>Social Security</b> .....	<b>57</b>
<b>815</b>	<b>The New York State Employees Retirement System</b> .....	<b>57</b>
<b>816</b>	<b>Education Assistance Policy</b> .....	<b>58</b>
<b>900</b>	<b>Town Policies</b> .....	<b>58</b>
<b>901</b>	<b>Sexual Harassment</b> .....	<b>58</b>
<b>902</b>	<b>Smoking</b> .....	<b>66</b>
<b>1000</b>	<b>SAFETY</b> .....	<b>67</b>
<b>1001</b>	<b>Safety Procedures</b> .....	<b>67</b>

1002 Hazard Communication Program.....	69
1003 Mine Safety and Health Administration (MSHA).....	70
<b>1100 COMMUNICATION PROCEDURES.....</b>	<b>71</b>
1101 Bulletin Board .....	71
1102 Adverse Correspondence .....	71
<b>1200 DISPUTE RESOLUTION .....</b>	<b>71</b>
1201 Grievance Procedure.....	71
<b>1300 ALCOHOL AND DRUG TESTING POLICY.....</b>	<b>72</b>
1301 Definitions.....	73
1302 Alcohol Testing Policy.....	73
1303 Drug Testing Policy .....	76
<b>1400 COMPLIANCE POLICIES .....</b>	<b>79</b>
1401 Equal Employment Opportunity .....	79
1402 The Americans with Disabilities Act .....	80
1403 Drug Free Workplace .....	81
1404 Violence in the Workplace .....	83
1405 Whistleblower Policy .....	84
1406 Additional Policies.....	85
<b>WHERE TO GET HELP .....</b>	<b>86</b>

# 100 INTRODUCTION

## 101 *Welcome Message from the Town Supervisor*

Welcome and congratulations on your appointment or election to a position with the Town of East Bloomfield. As an employee, you have taken on a very important role, that of serving the people of the Town of East Bloomfield. Together, our goal is to provide cost-effective, quality services to those people.

Promoting positive employee relationships and contributing to the overall success of the Town in delivering services to the public effectively and efficiently is our mission. To this end, this Employee Handbook will familiarize you with the employment policies and standards, as well as ensure compliance with government regulations.

Please keep in mind that this is only an overview of the Town's policies and procedures, employee benefits, and the Civil Service System. Specific questions concerning employment matters not covered in the Handbook should be addressed directly to your Department Head.

It is my hope that you will find your service with the Town of East Bloomfield rewarding and I look forward to working with you.

***Supervisor, Town of East Bloomfield***

## 102 *Purpose of the Employee Handbook*

**Statement of Purpose.** The purpose of this Employee Handbook is to communicate the Town's personnel policies and practices to all employees and Elected Officials. This Employee Handbook is not a contract of employment and should not be construed as such. It is extremely important that each employee understand the policies that relate to rules, regulations, procedures, practices, work standards, employment classifications, compensation and benefits.

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

## 103 *Definitions*

**Town of East Bloomfield.** The Town of East Bloomfield will be referred to as the "The Town".

**Town Board.** "Town Board" will mean and refer to the Town Board of the Town of East Bloomfield.

**Elected Official.** "Elected Official" will mean and refer to any of the following full-time and part-time elected officials of the Town of East Bloomfield:

- Town Supervisor
- Town Board Members
- Highway Superintendent
- Town Clerk
- Tax Collector
- Town Justices

**Town Supervisor.** "Town Supervisor" will mean and refer to the Town Supervisor of the Town of East Bloomfield.

**Department Head.** "Department Head" will mean and refer to the person in charge of any department, commission, board, unit, or subdivision of the Town of East Bloomfield. 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.

**Employee.** "Employee" will mean a person employed by the Town, including, but not limited to, an appointed official, Department Head, managerial employee, confidential employee, supervisory employee, provisional employee, probationary employee, temporary employee, seasonal employee, trainee, or student intern, but not an independent contractor.

## 104 *Changes or Modifications*

**Rights of the Town Board.** The Town Board reserves the right to interpret, change or modify any part of this Employee Handbook at any time.

**Governmental Actions.** This Employee Handbook is presented for informational purposes only and is subject to alteration by Town Board Resolutions, changes in Town and/or departmental rules, changes in State or local Civil Service rules, federal or state law, or local legislation, rules, or regulations. This is not meant to be a comprehensive list. Any changes in this Employee Handbook will be distributed to all employees.

## **200 EMPLOYEE CLASSIFICATIONS**

- 201 Full-time Employees.** "Full-time" employee will mean and refer to an employee who is regularly scheduled to work forty hours per week.
- 202 Part-time Employees.** "Part-time" employee will mean and refer to an employee who is regularly scheduled to work up to twenty-four hours per week.
- 203 Temporary Employees.** "Temporary" employee will mean and refer to an employee who is employed to work on a special or emergency project for a specified period.
- 204 Seasonal Employees.** "Seasonal" employee will mean and refer to an employee who is employed to work for a given season. For example: Recreation Specialist; Recreation Assistant; Motor Equipment Operator (MEO) for help in the winter.
- 205 Supplementary Employees.** "Supplementary" employee will mean and refer to an employee who is called in to work on an as needed basis.
- 206 Fair Labor Standards Act (FLSA) Exempt Employees.** "Exempt employee" will mean and refer to an employee not covered under the Fair Labor Standards Act and an employee covered under the Fair Labor Standards Act who qualifies for exemption status from the overtime and/or compensatory time provisions of the Act.
- 207 Fair Labor Standards Act (FLSA) Non-Exempt Employees.** "Non-exempt employee" will mean and refer to an employee covered under the Fair Labor Standards Act who qualifies for the overtime and/or compensatory time provisions of the Act.

## **300 THE CIVIL SERVICE SYSTEM**

The Town of East Bloomfield participates in the Civil Service System as mandated by the constitution of the State of New York. Local responsibility of the administration of the system is vested in Ontario County Human Resource Department.

- 301 The Merit System Statutory Requirement.** All appointments and promotions will be based on merit and fitness and, where applicable, competitive examination.



### 302 *The Unclassified and Classified Services*

**Unclassified Service.** In accordance with Civil Service Law and for purposes of this 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 Handbook, the term "classified service" will include all Town employees who are subject to the Civil Service Rules of Ontario County. The Classified Service is divided into four jurisdictional classes:

- **Exempt** - those positions for which competitive or non-competitive examinations or other qualification requirements are not practicable;
- **Competitive** - those positions for which it is practicable to determine merit and fitness by competitive examination.
- **Non-Competitive** - those positions 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** - those positions that require no specific minimum requirements.

### 303 *Civil Service Appointments*

**Competitive Class.** In accordance with Civil Service Law, the following types of appointments will 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 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 based on the eligible list resulting from the examination.
- **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. In accordance with Civil Service Law, a temporary appointment may be for a period of up to twelve months and may be subject to the following provisions:
  - A temporary appointment for one to three months may be made without referring to the eligible list;

- A temporary appointment for three to six months may be made by selection of any candidate on the eligible list;
- A temporary appointment for more than six months may be made if the candidate is among the top three candidates and is willing to accept a temporary position, or if a current eligible list does not exist for that particular position.

### **304 Examinations and Promotions**

**Examinations.** In accordance with Civil Service Law, in the event there is a vacancy in a new or existing position in the Competitive Class, which the Town intends to maintain, the Town will fill the vacancy by examination. Ontario County Civil Service will test and rank each candidate according to the individual's performance on the examination. The Town will select one of the top three available candidates on the list to fill the position (this is referred to as the "rule of three").

**Promotions.** The Town will offer opportunities for advancement for those employees who qualify. In the event the position is in the Competitive Class, a qualified employee must normally take a promotional examination and the above "rule 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.

### **305 Veteran's Credit**

An employee who is a veteran may be eligible to apply for veteran's credit on a Civil Service examination. Veteran's credits may be added to a passing score, but may be used only once for appointment purposes. An employee who is a veteran should contact the Ontario County Civil Service for details concerning these credits.

## **400 EMPLOYMENT MATTERS**

**401 Oath of Office.** As required by Civil Service Law, Section 62, each elected official, appointed official, and such other official and/or employee as the Town Board may require, must take the Oath of Office, which must be administered prior to commencing work and attested to by the Town Clerk within thirty (30) calendar days of commencement of office. Each official who is re-elected or re-appointed to a subsequent term must take the Oath of Office for each term.

### **402 Procedures for Filling Vacancies**

**Statement of Compliance.** The Town of East Bloomfield complies with all applicable federal, state, and local laws, rules, and regulations throughout

the employee selection process, including, but not limited to, Public Officers Law, Civil Service Law, Equal Employment Opportunity, and the Americans with Disability Act.

**Notification of Vacancy.** In the event there is a vacancy in a new or existing position that the Town intends to maintain, the vacancy will be advertised and/or posted and qualified individuals interviewed by the Department Head, the Personnel Committee Chair and his designee from the Town Board for Full Time positions or the Department Head for Part Time positions.

**Appointment to Vacancies.** In accordance with State Highway Law §140(4), the Highway Superintendent shall have the authority to hire individuals to fill vacancies in the Highway Department; the Town Clerk shall have the authority to appoint the Deputy Town Clerk in the Town Clerk's office; and the Town Supervisor shall have the authority to hire individuals to fill all other vacancies. Appointments by the Town Supervisor and the Town Clerk shall be subject to Town Board confirmation.

**403 Residency Requirement.** In the event there is a vacancy in a new or existing position that the Town intends to maintain the Town will give preference to qualified applicants who are residents of the Town. If a qualified applicant is not found in the Town, the vacancy may be filled with a resident of Ontario County or further, if necessary, to an adjoining County.

**404 Driver's License**

**Requirement.** An employee who is required to drive either a Town-owned vehicle or the employee's own personal vehicle to conduct business on behalf of the Town must possess a valid New York State driver's license at the time of appointment and must maintain it throughout employment. The license must be presented at initial employment to be copied and maintained in the employee's personnel file.

**Commercial Driver's License.** An employee who operates a vehicle that requires a Commercial Driver's License (CDL) must maintain such license throughout employment.

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

#### 405 **Probationary Period**

**Purpose of Probationary Period.** The probationary period is intended 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 *Ontario County Civil Service Rules*, an employee's appointment from an open- competitive list shall be for a probationary period of not less than eight weeks or more than fifty-two weeks.

**Length of Probationary Period (Other Classes).** Except as otherwise provided in the *Ontario County Civil Service Rules*, an employee's original appointment to a position in the exempt, non-competitive, or labor class shall be for a probationary period of not less than eight weeks or more than fifty-two weeks.

**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 probationary period of eight weeks of service. Or, the employee's appointment will become permanent upon the retention of the employee after completion of the maximum probationary period of fifty-two weeks of service.

**Failure to Successfully Complete Probationary Period.** In the event the employee's performance or conduct is not satisfactory, the Town *may* dismiss the employee from employment or return the employee to the employee's previous position in Town service, as the case may be, at any time after the completion of the minimum probationary period of eight weeks of service and on or before completion of the maximum probationary period of fifty-two weeks of service.

#### 406 **Rules of Conduct**

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

**Specifications.** Any employee who, after investigation, is found to have violated the policies, procedures, rules, or regulations outlined in the Employee Handbook or is found to have engaged in any of the following job-related actions will be subject to appropriate disciplinary action in accordance with Civil Service Law (Section 75). (This is not intended to be a comprehensive list.)

- Falsification of any records or reports, pertaining to employment application, medical reports, production records, time records, shipping and receiving records, absence from work, injuries on the job, claims for benefits provided by the Town.
- Intimidation, coercion, threatening, or assault of, or fighting or interfering with other employees, Elected Officials, residents of the Town or any other person.
- Engagement in any form of harassment, including sexual harassment.
- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities.
- Refusal to obey instructions from a Department Head or any other form of insubordination.
- Careless or negligent use of operation of equipment, including vehicles and machinery.
- Willful or deliberate abuse, destruction, defacement, misuse, or theft of Town property or removal of Town property.
- Gambling on Town property.
- Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment.
- Failure to adhere to the personal appearance/dress code policy.
- Repeated violations of Town policies, procedures or rules of conduct.
- Leaving work area without permission, as defined by the Department Head.
- Excessive tardiness and/or absences.
- Unauthorized absences or repeated failure to give proper notice.
- Possession or use of controlled substances or alcohol while on Town property or in Town vehicles.
- Possession of illegal or unlicensed firearms or explosives on Town property or in Town vehicles.
- Acts of sabotage or espionage.
- Refer also to the MSHA section for violations of activities associated with gravel pit mining duties.

## 407 Code of Ethics

**Statement of Policy.** Pursuant to the provisions of Section 806 of the General Municipal Law, the Town board recognizes that there are rules of ethical conduct for Elected Officials and employees, which must be observed to maintain a high degree of moral conduct and public confidence. Therefore, the Town Board has adopted rules of ethical conduct. These rules are in addition to Article 18 of the General Municipal Law and any other law pertaining to ethical conduct or interest in contracts.

**Definition of Municipal Officer or Employee.** For the purposes of the Town's Code of Ethics, "officer or employee" will mean and refer to an officer or employee of the Town of East Bloomfield, whether paid or unpaid, including members of an administrative board, commission or other agency thereof. No person will be deemed to be a municipal officer or employee solely due to being a volunteer firefighter or civil defense volunteer.

**Standards of Conduct.** An officer or employee is subject to, and must abide by the following standards of conduct:

- **Gifts.** An officer or employee may not directly or indirectly solicit any gift or accept or receive any gift having a value of fifty dollars (\$50.00) or more, whether in the form of services, travel, entertainment, hospitality, thing or promise of another form, under circumstances in which it could reasonably be inferred that such gift was intended to influence the officer or employee, or could reasonably be expected to influence the officer or employee, in the performance of official duties or was intended as a reward for any official action on the officer's or employee's part. An officer or employee may accept NO gifts of cash of any amount.
- **Business before the Town or one's own department.** An officer or employee may not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the Town or one's own department 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.
- **Representation before the Town for a contingent fee.** An officer or employee may not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of the Town, 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 provision will not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- **Investments which conflict with official duties.** An officer or employee may not invest or hold any investment, directly or indirectly in any financial, business commercial, or other private transaction which creates a conflict with official duties.

- **Private employment.** An officer or employee may not engage in, solicit, negotiate for, or promise to accept private employment, or render services for private interest, when such employment or service creates a conflict with or impairs the proper discharge of official duties.
- **Confidential information.** An officer or employee may not disclose confidential information acquired in the course of official duties or use such information to further personal interest.
- **Future employment.** No officer or employee, within two years from the termination of services or employment with the Town, may accept employment which will involve contact with the Town in which such employment takes advantage by one's prior conduct and relationship with the Town.
- **Future representation before the town.** An officer or employee may not, after the termination of service or employment with the Town, appear before any board or agency of the town in relation to any case, proceeding or application in which the officer or employee personally participated during the period of service or employment or which was under the officer's or employee's active consideration.

#### **408 *Unauthorized Work***

**Performing Unauthorized Work.** An employee may not perform work for any other entity during hours employee is working for the Town.

**Disciplinary Action.** Any employee who, after investigation is found to have performed unauthorized work, claims that Town work was done when such is not the case, or performed any act of fraud or deceit will be subject to appropriate disciplinary action in accordance with Civil Service Law (Section 75).

#### **409 *Disciplinary Action***

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

**Eligible Employees.** In accordance with Civil Service Law, the following employees are covered under Section 75:

- An employee holding a position by permanent appointment in the **Competitive Class**.
- An employee holding a position in the **Non-Competitive Class** who has been employed for at least five years of continuous uninterrupted service, except when such an employee holds a position designated as management/confidential. Even though the employee has completed the required probationary period and has received

permanent appointment or employment in the non-competitive class, the employee is not covered under Section 75 until the employee has completed five years of continuous service.

- An employee holding a position by permanent appointment or employment in the Exempt, Competitive, Non-Competitive, or Labor Class who is a qualified veteran or qualified volunteer firefighter, 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.

**Employees Not Covered by Section 75.** An employee not covered by Section 75 may be disciplined, including termination, without a Section 75 hearing. The following employees are not covered under Section 75:

- Any employee in the **Unclassified Service** (such as Elected Officials and members of boards and commissions).
- A newly hired employee serving a required probationary period, even if the employee is veteran or exempt volunteer firefighter status.
- An employee holding a position in the **Non-Competitive Class** who has less than 5 years of continuous uninterrupted service.
- An employee in the **Non-Competitive Class** who holds a position designated as **management/confidential**.
- An employee holding a position in the **Exempt Class**, unless the employee is an eligible veteran or volunteer firefighter who has successfully completed the required probationary period.
- An employee holding a position in the **Labor Class** unless the employee is an eligible veteran or volunteer firefighter who has successfully completed the required probationary period.
- An employee holding a position by provisional appointment.
- A temporary, seasonal or supplementary employee.

**Notice of Discipline.** The Employee's Department Head will provide the employee with a written Notice of Discipline (NOD), which will contain all charges and specifications.

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

**Disciplinary Hearing.** Unless there is a stipulation of settlement between the Town and the employee, the Town Supervisor 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 Town Supervisor, with the hearing officer's recommendations, for review and decision.

**Right to Representation.** The employee may have representation by counsel 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
- Termination from Town employment.

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

**Limitations.** Notwithstanding any other provision of law, no removal or disciplinary proceedings will be commenced more than eighteen months after the occurrence of the alleged incompetence or misconduct. Such limitation will not apply where the incompetence or misconduct 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 Ontario County Civil Service.

#### **410 Personnel File**

**Statement of Purpose.** 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.** It is the policy of the Town to balance its need to obtain, use, and retain employment information with a concern for each employee's privacy. To this end, the Town will endeavor to maintain only that personal information necessary for the conduct of the Town's business or required by federal, state, or local law, including, but not limited to, employment applications, Report of Personnel Change Forms, copies of job-required licenses and certificates, Federal and State Withholding Tax Forms, Immigration Form I-9, Retirement Enrollment/Waiver Forms, Health and Dental Insurance Enrollment Waiver Forms, performance appraisals, disciplinary and grievance notices, letters of acclamation and probationary reports.

**Location of Files.** All personnel records for current employees will be kept in the Bookkeeping/Payroll Department and will be maintained and controlled by the Supervisor and the Bookkeeper/Payroll Clerk.

**Employee Medical Records.** All employee medical records will be kept in a separate locked file apart from the employee's personnel file and will be maintained and controlled by the Supervisor and the Bookkeeper/Payroll Clerk apart from the employee's personnel file. These files must be locked at all times.

**Substance Testing Records.** All employee substance-testing records will be kept in a separate locked file in the Bookkeeping/Payroll Department and will be maintained and controlled by the Supervisor and the Bookkeeper/Payroll Clerk apart from the employee's personnel file. These files must be locked at all times.

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

**Employee Access.** An employee may review and copy the contents of the employee's own personnel file. The employee must make an appointment with the Bookkeeper/Payroll Clerk. 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 Bookkeeper/Payroll 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.

#### **411 Resignation**

**Notice of Resignation.** Unless otherwise specified in New York State Law, an employee who intends to resign from employment must submit a written resignation to the Town Supervisor and the employee's Department Head at least two weeks before the date of resignation is to be effective.

**Notice of Resignation (Department Head and Elected Official).** A Department Head or Elected Official who intends to resign must submit a written resignation to the Town Clerk at least thirty calendar days before the date of resignation is to be effective.

**Notice of Resignation (Town Clerk).** The Town Clerk who intends to resign must submit a written resignation to the State Comptroller at least thirty calendar days before the date of resignation is to be effective. A copy of the written resignation must be submitted to the Town Board.

## **500 OPERATIONAL POLICIES**

### **501 *Department Hours***

**Normal Hours of Operation.** Unless otherwise specified in state or local law, the Town Board and/or Town Supervisor, with the Department Head where appropriate, will establish the beginning and ending times of normal operation; however, the Town Clerk will have the authority to establish the hours for the Town Clerk's office. An employee's Department Head will establish the employee's scheduled hours of work, which may differ from the normal hours of operation depending upon the particular needs and requirements of the department.

**Workweek.** Unless otherwise specified in state or local law, the Town Board and/or Town Supervisor will establish the days the Town will conduct business and/or perform services. An employee's Department Head will establish the employee's scheduled days of work. Regardless of scheduled hours, a work week will consist of 40 hours.

**Compressed Workweek.** With the approval of the Town Board, a Department Head may schedule a full-time employee to work four (4) ten-hour days. The employee's "compressed workweek" will normally be either Monday through Thursday or Tuesday through Friday

**Flextime.** An employee may begin and/or end a given workday at a time requested by the employee and approved by the Department Head. Such "flex-time" must normally be during the time which the department is open and available to the public. The employee's use of "flex-time" will be governed by the mutual needs and consent of the Department Head and the employee. The Town Supervisor and the Town Board reserve the right to approve all "flex-time" schedules.

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

**Refusal to Work Additional Hours.** An employee who, after investigation, is found to have refused to work additional hours as directed will be subject to appropriate disciplinary action in accordance with Civil Service Law (Section 75).

## **502 *Emergency Closings***

**Determination.** During periods of extraordinary weather conditions or other emergencies, the Town Supervisor may direct that certain employees who perform non-essential services may leave work.

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

## **503 *Meal and Rest Periods***

**Meal Period.** An employee who works more than six hours in a given day will receive an unpaid, duty-free meal period not to exceed one hour.

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

**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 on 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 period. 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.

**Overtime Rest Breaks.** An employee in the Highway Department who begins work for snow removal at least two hours before the beginning of the normal workday will receive a paid, duty-free rest break of up to thirty minutes for the purpose of eating breakfast. The employee may normally leave the work-site during the breakfast break.

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

#### **504 Time Records**

**Procedures.** An employee must comply with the following procedures regarding the completion of time records:

- All time worked, including the beginning and ending time, must be recorded.
- All paid and unpaid leaves of absence must be recorded.
- The time sheet must be signed by the employee.
- The time sheet must be verified and signed by the Department Head.
- The time sheet of a Department Head, must be verified and signed by the Deputy Town Supervisor
- The time sheet must be submitted to the Payroll Clerk (except Highway Dept. employees must submit time sheets to the Highway Superintendent) by 9:00 a.m. on the Monday before the Thursday biweekly payroll date. In the event Monday is a designated holiday, the time sheet must be submitted by 9:00 a.m. on Tuesday.

**Correction of Errors.** An employee must immediately bring errors in time sheets 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 or specified duties for the Town during such intervals.

**Falsification of Time Sheets.** An employee who, after investigation, is found to have falsified or altered a time sheet, or the time sheet of another employee, or completed a time sheet for another employee will be subject to appropriate disciplinary action in accordance with Civil Service Law (Section 75). In extenuating circumstances where an employee is not able to complete the employee's own time sheet, the Department Head may complete the time sheet on behalf of the employee.

#### **505 Bonding Insurance**

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

## 506 **Expense Reimbursement Policy**

**Eligible Expenses** Upon proper authorization and approval of the Town Board, an employee or Elected Official will be reimbursed for expenses associated with carrying out Town business, including, but not limited to, meals, lodging, parking and highway tolls. An employee or Elected Official attending a luncheon or dinner as an official representative of the Town will be reimbursed for expenses incurred, upon presentation of an itemized claim. All required documentation and corresponding receipts must be submitted to the Bookkeeper for the reimbursement to be processed.

**Mileage.** An employee must use a Town vehicle if one is available. An employee who is directed by the appropriate Department Head to use the employee's own vehicle to conduct Town business will be reimbursed at the mileage rate established by the Town Board, usually the rate set by the IRS. All required documentation and corresponding receipts must be submitted to the Bookkeeper for the reimbursement to be processed.

**Required Training.** Upon proper authorization and prior approval of the Town Board, an employee will be reimbursed for required training. All required documentation and corresponding receipts must be submitted to the Bookkeeper for the reimbursement to be processed.

**Required Membership Fees.** Upon proper authorization and approval of the Town Board, an employee required to hold membership in a professional organization, as part of the employee's job will be reimbursed for any required dues and/or fees. All required documentation and corresponding receipts must be submitted to the Bookkeeper for the reimbursement to be processed.

**Required Steel Toed Boots/Shoes.** Upon proper authorization and approval of the Town Board, an employee required to wear steel toed boots/shoes, as part of the employee's job, will receive \$100 reimbursement from the Town. An employee is allowed one \$100 reimbursement per year. All required documentation and corresponding receipts must be submitted to the Bookkeeper for the reimbursement to be processed.

**Personal Cell Phone Usage.** Upon proper authorization and approval of the Town Board, an employee or elected official required to use their personal cell phone, as part of their job, will receive a \$50.00 per month stipend from the Town.

## 507 **Vehicle Usage Policy**

**Statement.** All vehicles and related equipment owned or leased by the Town of East Bloomfield and maintained for the purpose of conducting

official business of the Town are subject to this policy. Said vehicles and equipment may not be used for personal, private gain of any official or employee, or for any other purpose which is not in the interest of the general public.

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

- Town vehicles and related equipment must remain under the general administrative jurisdiction and direction of the Department Head to which it is assigned.
- Town vehicles must be assigned to specific Town officials and employees for specific purposes and tasks. Said vehicles may not be used for any unauthorized purpose or to conduct personal, private, or non-Town related business.
- Town vehicles must always be operated in a safe and responsible manner and in compliance with all applicable traffic laws in effect (including seat belt usage law). In the event of an accident, regardless of severity, the applicable Department Head must file an accident report within twenty-four hours with the Town Supervisor's Office and if required in accordance with Section 1302 of the Employee Handbook, the employee will submit to a drug test.
- Town vehicles must always be maintained in a safe and secure condition when not in use, including locked and/or under direct observation; and all keys maintained under controlled and authorized jurisdiction of the appropriate Department Head.
- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on Town vehicles at any time, except those of a limited community service nature, which have been authorized by the Town Board.

**Discipline.** Violations of this policy must be reported within twenty-four hours to the Town Supervisor's Office. Any employee who, after investigation, is found to have violated this vehicle usage policy will be subject to appropriate disciplinary action in accordance with Section 409 of this Employee Handbook.

## **508 *Supplies, Tools/Equipment, Cell Phones and Fuel Usage***

**Supplies.** All Town owned supplies must be used efficiently and not wasted. An employee may not use any Town supplies, such as postage, paper, or office supplies for personal use.

**Tools and Equipment.** The Town will supply an employee with the tools and equipment necessary to perform the employee's job duties. It is the responsibility of the employee to use these items wisely, and maintain them in good working condition. The employee must repair or replace any tool or

piece of equipment lost or damaged by the employee as a result of negligence or intentional misuse. Any and all tools and equipment provided to the employee are property of the Town and must be returned to the Town immediately upon termination of employment.

**Cell Phones.** Cell phones may be provided to certain Town employees as needed to perform their job duties and must be returned to the Town in good working order upon termination of employment (see “Tools and Equipment” above). At the time of employment and upon termination, if an employee is provided a cell phone, the employee will be required to sign an Employee Acknowledgment Form, indicating receipt or return of such cell phone, which form will state that the cell phone is in good working order. Cell phone usage for personal matters during working hours should be limited to very brief emergency calls only.

**Copiers.** An employee may use a photocopy machine at no cost. However, the employee must pay the Town ten cents for each copy over five, per instance.

**Fuel.** An employee may not use gasoline, fuel oil, or motor oil from the Town's fuel pump or Town Garage for personal use or for any other vehicle not owned by the Town.

**Discipline.** Violations of these policies must be reported within twenty-four hours to the Town Supervisor's Office. Any employee who, after investigation, is found to have violated these policies will be subject to appropriate disciplinary action in accordance with Section 409 of this Employee Handbook.

## **509 Telephone Use Policy**

It is important to maintain good relations with the residents of the Town. When conducting Town business on the telephone, an employee must abide by 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. If the call is not for the employee who answers, the employee must transfer the caller to the correct party or take a written message.
- 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.



- An employee may not make or take personal calls, except to check briefly on family matters.
- An employee may not make personal long-distance calls.

## **510 Cyber Security Policy**

The more we rely on technology to collect, store and manage information, the more vulnerable we become to severe security breaches. For this reason, the Town has implemented a number of security measures and also prepared instructions that may help mitigate security risks. Both provisions are outlined in this policy.

This policy applies to all Town employees, contractors, volunteers and anyone who has permanent or temporary access to our systems and hardware.

### **Policy elements:**

Confidential data. Confidential data is secret and valuable. Common examples are:

- Unpublished financial information
- Data of employees/residents/vendors

All employees are obliged to protect this data. In this policy, we will give Town employees instructions on how to avoid security breaches.

### **Protect personal and company devices**

When employees use their digital devices to access Town emails or accounts, they introduce security risk to our data. We advise Town employees to keep both their personal and company-issued computer, tablet and cell phone secure. They can do this if they:

- Keep all devices password protected.
- Choose and upgrade a complete antivirus software.
- Ensure they do not leave their devices exposed or unattended.
- Install security updates of browsers and systems monthly or as soon as updates are available.
- Log into Town accounts and systems through secure and private networks only.

We also advise Town employees to avoid accessing internal systems and accounts from other people's devices or lending their own devices to others.

When new hires receive Town-issued equipment they will receive instructions for:

- *Password setup*
- *Installation of antivirus/ anti-malware software*

They should follow instructions to protect their devices and refer to the Town's IT Specialist and IT Committee if they have any questions.

### **Keep emails safe**

Emails often host scams and malicious software (e.g. worms.) To avoid virus infection or data theft, we instruct employees to:

- Avoid opening attachments and clicking on links when the content is not adequately explained (e.g. "watch this video, it's amazing.")
- Be suspicious of clickbait titles (e.g. offering prizes, advice.)
- Check email and names of people they received a message from to ensure they are legitimate.
- Look for inconsistencies or giveaways (e.g. grammar mistakes, capital letters, excessive number of exclamation marks.)

If an employee isn't sure that an email, they received is safe, they can refer to our IT Specialist.

### **Manage passwords properly**

Password leaks are dangerous since they can compromise our entire infrastructure. Not only should passwords be secure so they won't be easily hacked, but they should also remain secret. For this reason, we advise our employees to:

- Choose passwords with at least eight characters (including capital and lower-case letters, numbers and symbols) and avoid information that can be easily guessed (e.g. birthdays.)
- Remember passwords instead of writing them down. If employees need to write their passwords, they are obliged to keep the paper or digital document confidential and destroy it when their work is done.
- Exchange credentials only when absolutely necessary. When exchanging them in-person isn't possible, employees should prefer the phone instead of email, and only if they personally recognize the person they are talking to.

### **Transfer data securely**

Transferring data introduces security risk. Employees must:

- Avoid transferring sensitive data (e.g. resident's information, employee records, non-published financial data) to other devices or accounts unless

absolutely necessary. When mass transfer of such data is needed, we request employees to ask our IT Specialist for help.

- Share confidential data over the Town network/ system and not over public Wi-Fi or private connection.
- Ensure that the recipients of the data are properly authorized people or organizations and have adequate security policies.
- Report scams, privacy breaches and hacking attempts

The Town's IT Specialist/ Network Engineers (ex. Integrated Systems) need to know about scams, breaches and malware so they can better protect our infrastructure. For this reason, we advise our employees to report perceived attacks, suspicious emails or phishing attempts as soon as possible to our specialists. The Town's IT Specialists/ Network Engineers must investigate promptly, resolve the issue and send an alert when necessary.

The Town's IT Specialist/Network Engineers are responsible for advising employees on how to detect scam emails. We encourage our employees to reach out with any questions or concerns.

### **Additional measures**

To reduce the likelihood of security breaches, we also instruct our employees to:

- Turn off their screens and lock their devices when leaving their desks.
- Report stolen or damaged equipment as soon as possible to IT Department.
- Change all account passwords at once when a device is stolen.
- Report a perceived threat or possible security weakness in Town systems.
- Refrain from downloading suspicious, unauthorized or illegal software on their Town equipment.
- Avoid accessing suspicious websites.
- If a breach is suspected, immediately turnoff computer and unhook from network.

The Town's IT Specialists/ Network Engineers should:

- Install firewalls, anti-malware software and access authentication systems.
- Arrange for security training to all employees.
- Inform employees regularly about new scam emails or viruses and ways to combat them.
- Investigate security breaches thoroughly.
- Follow this policies provisions as other employees do.

The Town will have all physical and digital shields to protect information.

## **Remote Access**

Employees using remote access must follow this policy's instructions too. If an employee is accessing our Town's accounts and systems from a distance, they are obliged to follow all data encryption, protection standards and settings, and ensure their private network is secure.

We encourage them to seek advice from our IT Specialist/Network Engineers.

## **Disciplinary Action**

Any employee who, after investigation, is found to have violated this policy will be subject to appropriate disciplinary action in accordance with Section 409 of this Employee Handbook.

## **Take security seriously**

Everyone, from our Town residents to our employees, contractors and volunteers, should feel that their data is safe. The only way to gain their trust is to proactively protect our systems and databases. We can all contribute to this by being vigilant and keeping cyber security top of mind.

## **511 Social Media Policy**

The Town's **social media policy** provides a framework for using social media. Social media is a place where people exchange information, opinions and experiences to learn, develop and have fun. Whether you're handling a Town account or using one of your own, you should remain productive and avoid damaging the Town in any way. This policy provides practical advice to avoid issues that might arise by careless use of social media in the workplace.

It is expected that all Town employees follow this policy.

Also, by "social media", we refer to a variety of online communities like blogs, social networks, chat rooms and forums – not just platforms like Facebook or Twitter.

This policy is built around two different elements: one - using personal social media at work and two - representing our Town through social media.

### **Using personal social media**

The Town allows employees to access their personal accounts at work. But expect you to act responsibly and ensure your productivity isn't affected.

Whether you're using your accounts for business or personal purposes, you may easily get sidetracked by the vast amount of available content. So, please restrict your use to a few minutes per work day.

We ask you to be careful when posting on social media, too. You can't be restricted on what you post there, but the Town expects you to adhere to our confidentiality policies at all times. We also caution you to avoid violating our anti-harassment policies or posting something that might make your collaboration with your colleagues more difficult (e.g. hate speech against groups where colleagues belong to). In general:

We advise our employees to:

- **Ensure others know that your personal account or statements don't represent the Town.** You shouldn't state or imply that your personal opinions and content are authorized or endorsed by the Town. We advise using a disclaimer such as "opinions are my own" to avoid misunderstandings.
- **Avoid any defamatory, offensive or derogatory content.** It may be considered as a violation of our Town's anti-harassment policy, if directed towards other employees or Town residents.

### **Representing the Town**

Some employees represent the Town by handling the Town's social media accounts or speak on our Town's behalf. When you're sitting behind the Town's social media account, we expect you to act carefully and responsibly to protect the Town's image and reputation. You should:

- **Be respectful, polite and patient**, when engaging in conversations on the Town's behalf. You should be extra careful when making declarations or promises to residents.
- **Avoid speaking on matters outside your field of expertise** when possible. Everyone should be careful not to answer questions or make statements that fall under somebody else's responsibility.
- **Inform the Town Supervisor and or Town Board** when you're about to share any major-impact content.
- **Avoid deleting or ignoring comments** for no reason. The Town should listen and reply to criticism.
- **Never post discriminatory, offensive or libelous** content and commentary.
- **Correct or remove** any misleading or false content as quickly as possible.

### **Disciplinary Action**

Any employee who, after investigation, is found to have violated this policy will be subject to appropriate disciplinary action in accordance with Section 409 of this Employee Handbook.

## **512 Internet Usage Policy**

Our Town internet usage policy outlines the Town's guidelines for using the Town's internet connection, network and equipment. We want to avoid inappropriate or illegal internet use that creates risks for our Town's legality and reputation.

This Town internet usage policy applies to all Town employees, contractors and volunteers who access our network and computers.

### **What is appropriate employee internet usage?**

Our employees are advised to use the Town's internet connection for the following reasons:

- To complete their job duties.
- To seek out information that they can use to improve their work.
- To access their social media accounts, while conforming to the Town's Social Media Policy.

We don't want to restrict our employees' access to websites of their choice, but we expect our employees to exercise good judgement and remain productive at work while using the internet.

Any use of our network and connection must follow our [Town Cyber Security Policy](#).

Employees should:

- Keep their passwords secret at all times.
- Log into their Town accounts only from safe devices.
- Use strong passwords to log into work-related websites and services.

### **What is inappropriate employee internet usage?**

Our employees mustn't use our network to:

- Download or upload obscene, offensive or illegal material.
- Send confidential information to unauthorized recipients.
- Invade another person's privacy and sensitive information.
- Download or upload movies, music and other copyrighted material and software.
- Visit potentially dangerous websites that can compromise the safety of our network and computers.
- Perform unauthorized or illegal actions, like hacking, fraud, buying/selling illegal goods and more.

We also advise our employees to be careful when downloading and opening/executing files and software. If they're unsure if a file is safe, they should ask the Town's IT Specialist.

The Town may install anti-virus and disk encryption software on our Town's computers. Employees may not deactivate or configure settings and firewalls without managerial approval.

We will not assume any responsibility if employee devices are infected by malicious software, or if their personal data is compromised as a result of inappropriate employee use.

### **Company-issued equipment**

We expect our employees to respect and protect the Town's equipment. "Town equipment" in this computer usage policy for employees includes Town-issued phones, laptops, tablets and any other electronic equipment, belonging to the Town.

We advise our employees to lock their offices when there not at work to protect their equipment. Our employees are responsible for their equipment whenever taken out of their offices.

### **Email**

Our employees can use their Town email accounts for work-related purposes. Employees shouldn't use their Town email to:

- Register to illegal, unsafe, disreputable or suspect websites and services.
- Send obscene, offensive or discriminatory messages and content.
- Send unauthorized advertisements or solicitation emails.

The Town has the right to monitor Town emails. We also have the right to monitor websites employees visit on Town computers.

### **Disciplinary Action**

Any employee who, after investigation, is found to have violated this policy will be subject to appropriate disciplinary action in accordance with Section 409 of this Employee Handbook.

## **513 *Personal Appearance Policy***

**Statement.** The personal appearance and dress of employees are important in creating a favorable image supportive of public confidence.

**General Rule.** Employees' personal appearance and hygiene are important both to Employees and the Town. Employees are expected to maintain a good personal appearance and to give consideration to neatness and

cleanliness. Employees should always dress in a manner befitting the job, with due consideration to the needs of the Town, other Employees and safety.

**Clothing Requirements.** An Employee's clothing should always be in keeping with customary acceptable attire for the workplace and meeting with the public. For safety purposes, all Highway personnel are required to wear steel-toed boots/shoes as part of their dress attire. See Section 506 regarding Expense Reimbursement Policy.

Clothing that is not allowed to be worn by Employees while working includes, but is not limited to, the following:

- tattered jeans or shorts
- shirts with language or graphics that are vulgar, sexually explicit, or may otherwise be offensive
- attire that is revealing or provocative
- see-through blouses or shirts
- sports bras, halter tops, or similar attire
- clothing that allows bare midriffs

**Accommodation.** In the event that the above policy causes religious concerns or concerns based upon any other legally protected class, please contact the Supervisor to discuss an appropriate religious accommodation. The Town Supervisor and/or Department Head will have the authority to determine what is appropriate and what is not.

**Disciplinary Action.** Any employee who, after investigation, is found to have violated this policy may be sent home, without pay, to change into proper attire and will be subject to appropriate disciplinary action in accordance with Section 409 of this Employee Handbook.

#### **514 Maintenance of Work Area and Town Vehicles**

**Work Area.** An employee will be responsible for maintaining one's work area and, if applicable, in a neat and orderly manner at all times.

**Town Vehicle.** An employee who is assigned a Town vehicle will be responsible for maintaining the vehicle in a neat and orderly manner at all times and must wash the vehicle at least once each week.

#### **515 Personal Property**

The Town will not repair, replace, or reimburse an employee for the damage or loss of the employee's personal property. An employee bringing personal property to the workplace does so at one's own risk.



## **516 *Solicitations/Distributions Policy***

**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 Periods and Rest Breaks.** An employee may distribute literature and solicit other employees during meal periods and rest breaks provided it does not interfere with the normal operations of the department or office.

## **600 ABSENCE POLICIES**

### **601 *Tardiness***

**Notification of Tardiness.** An employee must be ready and able to work at the time the employee is scheduled to begin work. In the event an employee is unable to report to work at the scheduled time, the employee must notify the employee's Department Head before the employee's scheduled starting time.

**Disciplinary Action.** Tardiness may be cause for appropriate disciplinary action in accordance with Section 409 of this Employee Handbook.

### **602 *Notification of Absence***

**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. If absence was pre-authorized, this requirement will be waived.

**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 whenever possible.

**Inclement Weather.** In the event extraordinary weather conditions develop before the employee is to report to work and appropriate public announcement has been made to close roads; an employee must attempt to receive prior approval not to travel into work from the employee's Department Head. If the absence is approved, all hours of absence for a FLSA non-exempt employee may be charged to the employee's personal leave or vacation leave credits at the employee's option. (Refer to Section 502 – Emergency Closing.)

### **603 *Jury Duty Leave***

**Leave of Absence.** 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 a paid leave of absence. Such leave will not be subtracted from any of the employee's leave credits.

**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 return to work.

## **604 Bereavement Leave**

### **Immediate Family**

- In the event of a death of a full-time employee's immediate family member, the employee may take a paid leave of absence for up to two consecutive days from the employee's regularly scheduled work. Such leave will not be subtracted from any of the employee's leave credits.
- A part-time, temporary, season or supplementary 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 or Step Parent
- Parent in Law or Step Parent in Law
- Grandparent or Step Grandparent
- Sibling
- Child or Step Child
- Daughter in Law or Son in Law
- Grandchild or Step Grandchild

**Extended Bereavement Leave.** An employee may use vacation leave credits and/or personal leave credits to extend bereavement leave. The request must be submitted in writing to the employee's Department Head. The Department Head will have total discretion in the approval of an employee's extended bereavement leave.

## 605 *Military Leave and Military Leave of Absence*

**Military Leave (New York State Law).** This section refers only to a paid leave for military service under New York State Law and does not affect an employee's entitlement to leave needed for military service under federal statute. The Town of East Bloomfield recognizes the importance of the Military Reserve and National Guard, and will permit any employee the use of military leave to participate in annual encampment or training duty. The Town will grant such leave with pay for up to twenty-two workdays or thirty calendar days in a calendar year whichever is greater. Such military leave beyond the twenty-two workdays or thirty calendar days in a calendar year will be unpaid, however accumulated vacation or compensatory time 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 uniformed services of the United States. The employee's accumulated vacation or compensatory time may, at the employee's option, be used at any time during such leave of absence.

**Military Leave of Absence (Town of East Bloomfield Policy).** All Town employees who are activated shall be paid a supplemental salary, the difference between their military pay and their regular Town salary until such time as their military pay equals or exceeds their normal Town salary for the duration of such activation, not to exceed one year. Further, such employees will continue to receive all existing benefits for the duration of such activation, regardless of length of time.

**Family Military Leave.** Employees who work an average of at least 20 hours per week and are spouses of military members generally are entitled to up to 10 days of unpaid leave during any period when the spouse in the military is on leave from active duty. Prior notice is requested for staffing reasons. Employees will not be retaliated against for exercising their rights under this policy.

## 606 *Family and Medical Leave Acts*

### **FEDERAL FAMILY AND MEDICAL LEAVE ACT (FMLA)**

**State of Compliance.** The Town of East Bloomfield complies with the provisions of the Family and Medical Leave Act (FMLA).

**Summary.** FMLA entitles an eligible employee to a maximum of twelve workweeks (defined by the employee's normal work week) of job-protected, unpaid leave based on a rolling twelve-month period measured forward

from the first date the leave is used

**Eligibility.** To be eligible, an employee must be employed at a work-site where fifty or more employees are employed within a seventy-five-mile radius of each work location, for each working day during each of twenty or more calendar workweeks per year.

***The Town of East Bloomfield does not currently employ fifty or more employees who work twenty or more calendar workweeks per year. Therefore, employees are not presently eligible for leave under FMLA.***

In the event the Town of East Bloomfield employs fifty or more employees for twenty or more calendar workweeks in a current or preceding year, an eligible employee will receive an unpaid leave of absence under the following circumstances:

- The inability of the employee to perform one or more of the essential functions of the employee's job due to the employee's own serious health condition.
- 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, child, or parent who has a serious health condition.

**Return to Duty.** 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 the equivalent benefits, pay, and working conditions, provided the employee returns to work immediately following such leave.

## **NEW YORK STATE PAID FAMILY LEAVE ACT (NYSPFL)**

**NYSPFL benefits are financed solely through employee contributions via payroll deductions.**

### **Eligibility Requirements**

Employees who have a regular work schedule of 20 or more hours per week and have been employed at least 26 consecutive weeks prior to the date Paid Family Leave (PFL) begins (or who have a regular work schedule of less than 20 hours per week and have worked at least 175 days to the date PFL begins) are eligible for PFL. An employee has the option to file a waiver of PFL and therefore not be subject to deductions when his or her regular employment is: 20 or more hours

per week but the employee will not work 26 consecutive weeks; or fewer than 20 hours per week and the employee will not work 175 days in a 52-consecutive week period.

### **Entitlement**

PFL is available to eligible employees for up to ten (10) weeks (***increases to 12 weeks on or after January 1, 2021***) within any 52-consecutive week period.

PFL is available for any of the following reasons:

- to participate in providing care, including physical or psychological care, for the employee's family member (child, spouse, domestic partner, parent, parent-in-law, grandchild or grandparent) with a serious health condition; or
- to bond with the employee's child during the first 12 months after the child's birth, adoption or foster care placement; or
- for qualifying exigencies, as interpreted by the Family and Medical Leave Act (FMLA), arising out of the fact that the employee's spouse, domestic partner, child or parent is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States.

The 52-consecutive week period is determined retroactively with respect to each day for which PFL benefits are currently being claimed.

The weekly monetary benefit will be 50% of the employee's average weekly wage or 55% of the state average weekly wage, whichever is less (*increases to 60% on or after January 1, 2020 and 67% or after January 1, 2021*).

The Town and an employee may agree to allow the employee to supplement PFL benefits up to their full salary with paid time off, to the maximum extent permitted by applicable law.

***An employee who is eligible for both statutory short-term disability benefits and PFL during the same period of 52 consecutive calendar weeks may not receive more than 26 total weeks of disability and PFL benefits during that period of time. Statutory short-term disability benefits and PFL benefits may not be used concurrently.***

### **Definition of a Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or residential health care facility; or continuing treatment or continuing supervision by a health care provider. Subject to certain conditions, the continuing treatment or continuing supervision requirement may be met by a period of incapacity of more than three (3) consecutive full days during which a family member is unable to work, attend school, perform regular daily activities or is otherwise incapacitated due to illness, injury, impairment or physical or mental conditions, and any subsequent treatment or period of incapacity relating to the same condition, that also involves treatment two (2) or more times by a health care provider; or treatment on at least one (1) occasion by a health care provider, which results in a regimen of

continuing treatment under the supervision of the health care provider. The continuing treatment or continuing supervision requirement also may be met by any period during which a family member is unable to work, attend school, perform regular daily activities or is otherwise incapacitated due to a chronic serious health condition or an illness, injury, impairment, or physical or mental condition for which treatment may not be effective. A chronic serious health condition is one which requires periodic visits for treatment by a health care provider; continues over an extended period of time (including recurring episodes of a single underlying condition); and may cause episodic rather than a continuing period of incapacity. Examples of such episodic incapacity include but are not limited to asthma, diabetes and epilepsy. Other conditions may meet the definition of continuing treatment.

### **Use of Leave**

An employee does not need to use this leave entitlement in one (1) block. Leave can be taken intermittently in daily increments. Leave taken on an intermittent basis will not result in a reduction of the total amount of leave to which an employee is entitled beyond the amount of leave actually taken.

### **Employee Responsibilities**

An employee must provide 30 days' advance notice before the date leave is to begin if the qualifying event is foreseeable. When 30 days' notice is not practicable for reasons such as lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, the employee must provide notice as soon as practicable and generally must comply with the Town's normal call-in procedures. Failure by the employee to give 30 days' advance notice of a foreseeable event may result in partial denial of the employee's benefits for a period of up to 30 days from the date notice is provided.

Employees must provide sufficient information to make the Town aware of the qualifying event and the anticipated timing and duration of the leave. Employees must specifically identify the type of family leave requested. Employees also must provide medical certifications and periodic recertification or other supporting documentation or certifications supporting the need for leave. An employee requesting PFL must submit the following forms, which can be obtained from the Town Bookkeeper, to the Town's insurance carrier:

1. a completed Request for Paid Family Leave or PFL-1 form
2. Bonding Certification: PFL-2 Form plus documentation;
3. Health Care Provider Certification: PFL-4 Form plus Personal Health Information (PHI) Release (PFL-3 Form); or
4. Military Qualifying Event: PFL-5 Form plus documentation. These documents are available from Human Resources or Department Head.

## **Job Benefits and Protection**

During any PFL taken pursuant to this policy, the Town will maintain coverage under any existing group health insurance benefits plan as if the employee had continued to work. The employee must make arrangements with your Department Head prior to taking leave to pay their portion of any applicable health insurance premiums each month.

The Town's obligation to maintain health insurance coverage ceases if an employee's premium payment is more than 30 days late. If an employee's payment is more than 15 days late, the Town will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date.

Any employee who exercises his or her right to PFL will, upon the expiration of that leave, be entitled to be restored to the position held by the employee when the leave commenced, or to a comparable position with comparable benefits, pay and other terms and conditions of employment. The taking of leave covered by PFL will not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

### **Leave Concurrent with FMLA**

The Town will require an employee who is entitled to leave under both the Family & Medical Leave Act (FMLA) and PFL, to take PFL concurrently with any leave taken pursuant to the FMLA. When the total hours taken for FMLA in less than full-day increments reach the number of hours in an employee's usual workday, the Town may deduct one (1) day of PFL from an employee's annual available PFL.

If employees have any questions regarding this policy, they should contact Human Resources or their Department Head.

## **607 Unpaid Leaves of Absence**

**Policy.** While the Town of East Bloomfield complies with the provisions of the Family and Medical Leave Act, which will take precedence if and when an employee meets the FMLA eligibility requirements, an employee may receive an unpaid leave of absence for a period of up to twelve weeks under the following special circumstances (this is not meant to be a comprehensive list):

- **Serious Illness.** Inability of the employee to perform one or more of the essential functions of the employee's job due to the employee's own serious health condition or disability, including, but not limited to, pregnancy, childbirth, or other related medical conditions. The employee must produce certification from the employee's health care provider, both before the leave begins and on a periodic basis thereafter, of the employee's need for such leave.
- **Parental Responsibilities.** Upon the birth of the employee's child to

care for the newborn child or upon the placement of a child with the employee for adoption or foster care to care for the newly placed child.

- **Serious Family Illness or Disability.** To care for the employee's spouse, child, or parent who has a serious health condition. The employee must produce 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.

**Extensions.** An employee may, under special circumstances, receive an extension of an unpaid leave of absence beyond the twelve weeks. The extension must be approved by the Town Board in consultation with the employee's Department Head.

**Eligibility.** A full-time employee must have completed at least one-year of full-time continuous service during the previous fifty-two weeks prior to the date leave commences. The Town Board will have total discretion in the approval of an employee's unpaid leave of absence. The duration of an unpaid leave of absence will be determined by the Town Board in consultation with the employee's Department Head and in compliance with all applicable laws and the Civil Service Rules of Ontario County.

**Definitions.** For the purpose of the Town's unpaid leave of absence policy, the following definitions will apply:

- **Unpaid Leave of Absence**

- A period of incapacity of more than three consecutive calendar days 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.
- 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 (in place of a parent) 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 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.** Unless there are unusual circumstances, such as a sudden serious illness, the employee must give notice, in writing, to the Town Supervisor at least thirty (30) calendar days prior to the commencement date of the unpaid leave of absence.

**Status Reports.** The employee must continuously update the appropriate Department Head as to the employee's status as it relates to eligibility. The Department Head will forward such request to the Town Supervisor for review.

**Medical Certification.** The employee must produce a medical certification issued by a health care provider, which supports the need for an unpaid leave of absence. When required, the employee must provide a copy before the leave begins, or if the leave was unforeseeable, fifteen (15) calendar days from the date the leave was requested. Failure to submit a 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.
- An assertion that the employee is unable to perform the employee's essential job functions or that the employee is needed to care for a family member for a specified period of time.

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

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

**Benefits During an Unpaid Leave of Absence.** For the purpose of the Town's unpaid leave of absence policy, the following will apply:

- **Use of Accrued Paid Leave Credits.** An employee must first use all vacation and personal leave credits and, if applicable, accrued compensatory time, which will be included in the maximum twelve weeks of leave. For leaves taken due to the employee's own serious health condition, the employee must first use all sick leave credits, which will be included in the maximum twelve weeks of leave. This provision does not apply to Worker's Compensation.
- **Accrual of Paid Leave Credits While on Unpaid Leave.** An employee will not accumulate vacation leave, personal leave, or sick leave while on an unpaid leave of absence. An employee will not receive holiday pay for any holidays that may occur while on an unpaid leave of absence.
- **Medical Insurance.** During the unpaid leave of absence, an employee will remain eligible for medical insurance coverage. All employee contributions 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 unpaid leave of absence period has expired, the Town may recover the premium that the Town paid for maintaining the coverage during any period of the unpaid leave.

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

**Return to Work.** For the purpose of the Town's unpaid leave of absence policy, the following conditions for returning to work will apply:

- **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 employee's Department Head at least five business days prior to the date the employee is able to return.
- **Extension of Unpaid Leave of Absence.** An employee who wants an extension of the leave previously requested must notify the Town Supervisor at least two business days from the date the change occurred which necessitates the change in leave time.

#### **608 *Blood Donation Leave***

Employees who work an average of at least 20 hours per week are eligible for up to three hours of unpaid leave in any 12-month period for donating blood. Employees must provide advance-notice of at least three working days of their intention to avail themselves of this leave, except in emergency situations. Employees may use accrued paid time off for this purpose.

#### **609 *Bone Marrow Donation Leave***

Employees who work 20 or more hours per week are entitled to up to 24 hours of unpaid leave for the purposes of donating bone marrow. Verification of donation and the length of necessary leave may be required by the Town. Reasonable notice of leave must be provided. Employees may use accrued paid time off for this purpose.

#### **610 *Lactation Breaks***

Employees who are nursing are provided with break time to express breast milk for up to three years after the birth of a child. Employees will not be discriminated against or retaliated against for exercising their rights under this policy and reasonable efforts will be made to provide a private room or location in close proximity to the work area for this purpose.

#### **611 *Witness Leave***

An employee called to serve as a witness in a judicial proceeding must notify his/her supervisor as soon as possible. Employees will not be compensated for time away from work to participate in a court case, but may use available vacation and personal time to cover the period of absence. Employees that appear in court to testify as a witness or victim, or to consult with a district attorney or obtain an order of protection, will not be disciplined or discharged for their absence.

## **612 Voting Leave**

Employees who are eligible to vote in an election may request up to two hours with pay to vote, unless "sufficient time" exists outside of working hours, i.e. three (3) consecutive nonworking hours while polls are open. Employees must notify the Town of their intention to vote at least two (2) but not more than ten (10) working days prior to Election Day.

## **700 COMPENSATIONS**

### **701 Wage and Salary**

**The Town Board will establish an employee's rate of pay.**

**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 Town Board.

### **702 Overtime Pay**

**Authorization.** A FLSA non-exempt employee, a Deputy Clerk, or the Bookkeeper to the Supervisor or the Secretary to the Supervisor must receive prior approval from the employee's Department Head before working beyond the employee's normal workday or workweek.

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

**Non-Exempt Employees.** A non-exempt employee will be paid one and one-half times the employee's regular hourly rate of pay for all authorized time worked over forty hours in a given workweek. In the event a non-exempt employee is scheduled to work a "compressed workweek," the employee will be paid one and one-half times the employee's regular hourly rate of pay for all authorized time worked over forty hours in a given workweek.

**Compensatory Time.** A non-exempt employee will have the option of receiving "compensatory time" in lieu of paid overtime. When a non-exempt employee chooses to receive compensatory time, the employee will be credited with the equivalent of one and one-half hours for all authorized time worked over forty hours in a given workweek. In the event a non-exempt employee is scheduled to work a "compressed workweek," the employee will be credited with the equivalent of one and one-half hours for all authorized time worked over forty hours in a given workweek.

**Accumulation and Use of Compensatory Time Credits.** An employee may accumulate up to forty hours in compensatory time credits. An employee cannot accrue more than forty hours in compensatory time credits in a single calendar year. Overtime hours in that situation will be paid as normal overtime pay. The employee must use the compensatory leave credits within the calendar year in which they are earned or receive cash payment, subject to all Federal and State taxes, for such time at the end of the calendar year. All requests for compensatory time use must be approved by the Department Head.

**Credits for Paid Leave.** Personal leave, vacation leave, and holidays will be included as time worked for the purpose of computing overtime. Sick leave, bereavement leave, jury duty leave and all military leave will not be included as time worked for the purpose of computing overtime.

### **703 Call-In Pay**

In the event an employee is called in to work prior to the employee's regular starting time, or after the employee's regular quitting time and the employee has left the work-site, the employee will be paid for two hours, should the duration of the work be less than two hours.

### **704 Pay Period and Check Distribution**

**Payroll Period.** The payroll period will begin on Sunday at 12:01 A.M. and end fourteen calendar days later on Saturday at 12:00 midnight. An employee's paycheck will be based on the amount earned during the preceding payroll period. Certain part-time employees may be paid annually as established by the Town Board.

**Pay Date.** Paychecks will be issued on the Thursday following the end of the payroll period. In the event the pay date is a designated holiday, paychecks will be distributed on the previous day.

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

**Direct Deposit.** It is strongly recommended that an employee's paycheck be deposited directly into the employee's account at the designated financial institution. The employee must submit a signed, written authorization for direct deposit to the Payroll Clerk.

**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 Payroll Clerk.

## **705 Payroll Deductions**

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

**Voluntary Deductions.** Payroll deductions will be made from an employee's paycheck when authorized by the employee and approved by the Town Board. Such deductions will be noted on the paycheck.

**706 Deferred Compensation Plan.** The Town of East Bloomfield offers a Deferred Compensation Plan through the Bank of New York. Contact the Payroll Clerk for more information or to participate.

## **800 EMPLOYEE BENEFITS**

### **801 Holidays**

**Designated Holidays.** The Town will observe the following holidays along with any other days so designated by the Town Board:

- New Year's Day
- Martin Luther King Day (Highway Employees work this holiday)
- Presidents Day (Highway Employees work this holiday)
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans' Day
- Thanksgiving Day
- Christmas Day
- Town Hall staff receive two (2) Floating Holidays per year (8 hrs. per day)
- Town Highway Department staff receive four (4) Floating Holidays per year, according to the normal compressed work week (10 hrs. per day).

**Holiday Occurs on Days Off.** In the event a designated holiday occurs on a day for which a full-time employee was not scheduled to work, holiday for such employee will be observed either on the preceding scheduled day of work or on the succeeding day of work. For example, normally if a holiday occurs on a Saturday, the employee would observe the holiday on the preceding Friday; however, during a compressed workweek, if the holiday occurs on either a Friday or Saturday, the employee would observe the holiday on the preceding Thursday.

**Holiday Pay.** A full-time employee who does not work on a designated holiday will be paid for the day at the employee's regular daily rate of pay. A part-time, temporary, seasonal, or supplementary employee is not eligible for Holiday Pay, unless approval has been received from the Town Board.

**Holiday Pay Eligibility.** 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. For example, if the designated holiday is a Monday and the employee is scheduled to work the previous Friday and the following Tuesday, the FLSA non-exempt employee must actually work that Friday and Tuesday to receive Holiday Pay for the Monday, unless the employee is on a scheduled paid vacation.

**Required to Work on a Holiday.** A full-time employee who performs work on a designated holiday will be paid one and one-half times the employee's regular rate of pay for all hours worked in addition to Holiday Pay. A part-time, temporary, seasonal, or supplementary employee who works on a designated holiday will be paid at the employee's regular rate of pay.

## 802 ***Vacation Leave Policy***

**Allowance.** A full-time employee will be credited with paid vacation leave in accordance with the following vacation schedule. An employee may take vacation leave only after it has been credited. The employee will be credited on the first day of January of each year for the leave earned in the previous year.

<u>Service</u>	<u>Vacation Leave</u>
1 Year to 9 Years	80 Hrs. (two weeks)
10 Years to 15 Years	120 Hrs. (three weeks)
16 Years	128 Hrs. (three weeks, one day)
17 Years	136 Hrs. (three weeks, two days)
18 Years	144 Hrs. (three weeks, three days)
19 Years	152 Hrs. (three weeks, four days)
20 Years Plus	160 Hrs. (four weeks)

**New Employees.** An employee hired after the first day of January in any given year will be credited with one week's paid vacation leave upon completion of 6 months service. Such employee will be credited on the first anniversary date of employment with two weeks, which must be used prior to the beginning of the following calendar year.

**Part-Time, Temporary, Seasonal, or Supplementary Employees.** A part-time, temporary, seasonal, or supplementary 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.

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

**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.

**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 vacations leave credits will not be charged for that day.

**Vacation Carry Over.** An employee may not carry over any vacation from year to year, except in extenuating circumstances as approved by the Town Board. Any vacation time not used during the year it was accrued will be lost.

### **803 Sick Leave Pay Policy**

**Eligibility.** All full time, hourly employees are eligible to accrue and use sick leave credits.

**Allowance.** All eligible employees will be credited with three hours for each pay period except for the last pay period, which will be five hours, for a total of 80 hours per year. The maximum sick leave credit an eligible employee may accumulate over his or her career is 1040 hours. Any eligible employee hired prior to January 1, 2011, may retain any sick leave credits over 1040 accumulated through December 31, 2010.

**Employees Hired Prior to January 1, 2011.** An employee hired prior to January 1, 2011 with accrued sick leave credits more than 1040 may use those sick credits as defined under Use of Sick Leave Credits, below. Once sick leave credits fall below 1040, they will again begin to accrue, but not more than 1040 hours.

**New Employees.** A newly hired employee will not be entitled to sick leave credits until completing six months of continuous employment. Upon completion of the first year, the employee would be entitled to 40 hours of paid sick leave.

**Part-time, Temporary, Seasonal, or Supplementary Employees.** A part-time, temporary, seasonal or supplementary employee is not eligible for paid sick leave but may be allowed to take time off without pay for illness, provided the employee notifies the Department Head.

**Accrual During Leaves of Absence.** An employee will be credited with sick



leave credits while on a paid leave of absence, but not while on an unpaid leave of absence.

**Accrual During Illness.** Sick leave credits will not accrue during any period where an employee is ill and using previously accrued sick leave credits to provide for pay benefits.

**Use of Sick Leave Credits.** Sick leave is provided to protect an employee from financial hardship during an illness or injury. Sick leave is an insurance benefit against financial loss, not a leave benefit to which the employee is automatically entitled. An employee may use sick leave credits for personal illness or injury that inhibits the employee's work or for medical and dental appointments, which cannot be scheduled during non-work hours. Sick leave credits will not accrue, once the 1040-hour retirement service has been accumulated.

Employees hired prior to January 1, 2011 having sick leave credits more than 1040 hours may use them as described in the paragraph above. However, once the sick leave credits over 1040 have been used, they may not be re-accrued.

Any employee who becomes ill and uses sick credits which reduce the accumulated total to below 1040 will again begin to accrue sick leave credits on his or her return to work until the maximum 1040 credits has been re-accrued.

**Family Sick Leave.** An employee may use sick leave for family illness or injury only if the employee must provide direct care to an immediate family member. The employee may use up to forty (40) hours of sick leave credits for family sick leave which will be subtracted from the employee's accumulated sick leave credits. In the event the employee must be absent from work beyond the forty (40) hours, the employee may apply for leave under Section 607 of this Handbook

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

- Spouse
- Parent or Step Parent
- Parent in Law or Step Parent in Law
- Grandparent or Step Grandparent
- Sibling
- Child or Step Child
- Daughter in Law or Son in Law
- Grandchild or Step Grandchild

**Reporting of Absence.** In the event an employee must take sick leave, the

employee must notify the Department Head before the employee's scheduled reporting time and disclose the cause of the absence. This procedure must be followed to receive sick leave pay.

**Return to Work.** Before resuming employment after an extended illness or injury, 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.

**Medical Verification.** The Town will require medical verification of any employee's absence if the Town perceives the employee is abusing sick leave, or has used an excess amount of sick leave, or when an employee is absent for more than three (3) consecutive workdays due to an illness or injury. An employee who fails to produce such documentation or falsifies or alters such documentation will be subject to appropriate disciplinary action in accordance with Section 409 of this Employee Handbook.

**Abuse of Sick Leave.** An employee who, after investigation, is found to have demonstrated a pattern of sick leave abuse or to have used an excess amount of sick leave will be subject to appropriate disciplinary action in accordance with Section 409 of this Employee Handbook.

**Retirement Credit.** The Town Board has elected to provide 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. The Town has specified that an eligible employee may accumulate and carry over up to 1040 hours maximum. At retirement, accumulated sick leave credits up to the 1040 hours will be passed to the NYS Retirement Plan (ERS) to increase length of service.

**Termination of Employment.** An employee who resigns, is laid off, or is terminated will not receive cash payment of unused sick leave credits. If the employee is a member of the NYS Retirement Plan (ERS) and has unused sick leave credits, they will be credited to the ERS to increase service.

### **Sick Leave Donation Program**

**Intent.** The intent of the Sick Leave Donation Program is to provide a means to assist employees who, because of long-term personal illness or injury or other unforeseen circumstances have exhausted their sick leave, vacation time, comp time and any other accruals and would otherwise be subject to a severe loss of income during a continuing absence from work.

The program is not intended to provide supplemental income which would result in compensation levels exceeding normal wages for employees who have other sources of substitute income, such as that provided by disability insurance programs.

## **Eligibility to Donate**

In order to donate sick time, an employee must meet the following eligibility criteria:

1. The employee must be employed by the Town of East Bloomfield; and
2. The employee must have a minimum balance of at least eighty (80) hours of sick time after making a donation to the sick leave program.
3. An employee may donate a total of eighty (80) hours every six (6) months as long as the individual donor has a sick leave balance of at least eighty (80) hours after making the donation.
4. Donations must be made in full-day units (10 hours/4-day work week or 8 hours/5-day work week).
5. An employee who has submitted his/her resignation or retirement or who has received notice of termination of employment can only donate eighty (80) hours of sick time.

## **Eligibility to receive Donations**

In order to receive donated sick leave credits, an employee must meet the following eligibility criteria:

1. The employee must be a full-time employee or otherwise eligible to earn leave credits.
2. The employee must have completed at least one cumulative year of service
3. The employee must be absent due to a non-occupational personal illness or disability for which medical documentation, satisfactory to management, is submitted as required.
4. The employee must be expected to be absent for at least one full week following the exhaustion of sick time, vacation time, comp time and any other accruals.
5. The number of days that a recipient accepts cannot be used to extend employment beyond the point it would otherwise end by operation of law, rule or regulation.
6. There is no minimum number of donors from whom an eligible employee may accept donations.
7. The eligibility for an employee to receive sick leave credits shall be approved by the East Bloomfield Town Board.

## **Use of Donated Sick Leave Credits:**

1. Donated credits may be used only after exhaustion of all sick time, vacation time, comp time and any other accrued time of the recipient.

2. When an employee requests to use donated sick leave credits after exhaustion of sick time, vacation time, comp time and any other accruals, the donated sick leave credits must be in full-day units based on his/her work schedule.
3. Donated sick leave credits are only available for periods of continuous absence which are expected to continue for at least one full week following exhaustion of leave accruals. However, in certain cases of intermittent absence in connection with catastrophic illness, the East Bloomfield Town Board may waive the one full week continuous absence requirement. The East Bloomfield Town Board may also take in to account reoccurrence of illness and disability in determining an employee's eligibility.
4. The Town's Payroll Clerk shall be responsible for keeping track of donated sick leave credits as well as the amount of sick leave credits used.

#### **Status of Recipients:**

1. Recipient employees are deemed to be on leave without pay status for attendance and leave purposes while receiving donated sick leave credits. They do not earn biweekly leave accruals or observe holidays.
2. In some cases, donations may be received on an intermittent basis. For example, in the first payroll period of participation in the program, the employee may receive donations for four days, in the second payroll period, two days and so on.
3. While receiving donated sick leave credits, the employee continues to have health insurance premiums, retirement contributions and other payroll deductions withheld from his or her paycheck so long as the paycheck is of an amount sufficient to cover these deductions.
4. Employees using donated sick leave credits continue to receive retirement service credits for days in pay status.

#### **Solicitations:**

The Town of East Bloomfield may not solicit donations on the employee's behalf. While the Town is expected to cooperate with those soliciting on an employee's behalf with respect to responding to inquiries concerning employee's eligibility to participate in the program, the Town may not release any medical information.

#### **Processing Donations:**

1. To request sick leave credits, the employee must submit a catastrophic leave application and the physician statement to the Town's Supervisor. The physician statement must include a statement of the employee's inability to work, the diagnosis and the prognosis including the anticipated date of return.

2. The Supervisor will inform other employees of the request for assistance. The only information released will be the employee's name and number of hours needed.
3. To donate sick leave credits, the Donor must submit a donation form to the Town's Supervisor. The Supervisor will verify with the Payroll Clerk the donor's eligibility to donate sick leave credits.
4. Donations shall only be made at the time of an authorized request for assistance. Donations will be transferred to the recipient employee as sick leave.
5. The Town's Supervisor with the assistance of the Town's Payroll Clerk will be responsible for reviewing eligibility of recipient and donor employees. After verifying eligibility, the Supervisor will present the application and donation form to the East Bloomfield Town Board for approval.
6. If the recipient employee is separated from service or returns to work and no additional absences are anticipated, the Town should return unused days to any donor whose donation was not fully utilized. Notification of returned credits should be in writing.

#### **804 Personal Leave Policy**

**Allowance.** A full-time employee will be credited with twenty-four (24) hours of paid personal leave each year. The employee will be credited on the first day of January of each year.

**New Employees.** An employee hired after the first day of January in any given year will be credited with paid personal leave prorated by the number of months remaining to be worked in the first calendar year of employment. Thereafter, the employee will be credited with twenty-four hours of paid personal leave days on each subsequent January 1<sup>st</sup>.

**Part-time, Temporary, Seasonal, or Supplementary Employees.** A part-time, temporary, seasonal, or supplementary employee is not eligible for paid personal leave but may be allowed to take time-off without pay provided the employee has prior approval from the Department Head.

**Accumulation.** An employee may not accumulate personal leave credits. Any personal leave credits remaining unused at the close of business on the last day of the calendar year will be cancelled.

**Use of Personal Leave Credits.** An employee may use personal leave credits to conduct personal business, which cannot be conducted outside of normal working hours and for personal emergencies.

**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.

## **805 Insurance Eligibility Coverage**

**Coverage.** The Town of East Bloomfield will make available medical, prescription drug, dental and optical insurance benefits based upon an employee's employment status.

**Eligibility.** Each Elected Official, full-time employee and part-time employee may elect to participate in the available medical, prescription drug, dental, and optical insurance plans. A temporary, seasonal, or supplementary employee may not participate in these plans.

## **806 Medical Plan**

**Medical Insurance Coverage.** The Town will make available major medical, hospital and surgical insurance to each eligible employee and the employee's eligible family. Coverage will begin on the employee's first day of employment, provided the employee meets all eligibility requirements of the insurance plan. The Town of East Bloomfield may, at its discretion, change the medical insurance coverage plan at any time with appropriate notice and training of affected staff.

### **Premium Payment:**

#### *Full-time Elected Officials and Full-time Employees.*

The amount of the premium an employee or Elected Official is required to contribute is established by the Town Board during the budget process each year and included as part of the adopted budget. This may be stated as a specific dollar amount or as a percentage of the premium cost. Factors such as date of hire or commencement of office and type of coverage may be considered when determining the required contribution.

#### *Part-Time Elected Officials and Part Time Employees.*

Part-time elected officials and part-time employees, who wish to participate in the medical plan, are responsible for 100% of the full premium.

**Changes in Premium Contributions** – The amount of the insurance premium a full-time employee or full-time Elected Official is required to contribute is subject to change by Resolution of the Town Board.

**Enrollment Information.** The Town's Bookkeeper will provide the employee with the enrollment forms and assist with the administrative and operational aspects of the medical insurance program. Enrollment in a medical insurance plan is not automatic. The employee must complete the necessary enrollment forms and return them on time.

**Keeping Coverage Up-To-Date.** An employee must immediately notify the Town Bookkeeper in the event any of the following conditions occur:

- Change in Family Unit, such as;
- Marriage or divorce
- Acquiring a dependent
- No longer having eligible dependents
- Losing dependent eligibility
- Wanting no longer to provide coverage for a dependent
- Death of Spouse
- Change in Status, such as:
- Taking a leave of absence without pay
- Obtaining coverage under spouse's plan
- Becoming eligible for Medicare within the next four months
- Other Changes, such as:
- Wanting to cancel coverage
- Changing an address or telephone number

#### **807 Prescription Drug Plan**

The Town may make available prescription drug riders through the health insurance plans. The Town may, at its discretion, change carriers and/or offer an alternative prescription drug plan.

#### **808 Dental Plan**

The Town may make available a dental insurance plan. The employee is responsible for 100% of the full premium, which amount will be deducted from the employee's pay. The Town may, at its discretion, change carriers and/or offer an alternative dental plan.

#### **809 Optical Plan**

The Town may make available a vision plan rider through the health insurance plans. Only those employees, including Elected Officials, who are enrolled in a health insurance plan, will receive such coverage. The Town may, at its discretion, change carriers and/or offer an alternative optical plan.

#### **810 Continuation of Benefits (COBRA)**

**Summary.** The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) offers employees and "qualified beneficiaries" the right to continue existing health insurance coverage, completely at their own expense, under certain qualifying conditions when an employee leaves the employ of the Town.

**Information.** Employees interested in the COBRA program should contact the Town Bookkeeper for information.

### **811 Workers' Compensation Insurance**

**Coverage.** The Town will make available Workers' Compensation benefits, including payment of medical costs and replacement of lost wages up to the regulated maximum to each eligible employee who suffers a job-related injury. Coverage will begin on the employee's first day of employment, provided the employee meets all eligibility requirements.

**Reporting of Injury.** The employee must submit a written report of the injury to the employee's Department Head immediately and within twenty-four hours of the occurrence in order to ensure prompt coverage of the claim. The Department Head will provide the employee with the necessary forms. In the event the employee is unable to complete the forms due to the injury or illness; the Department Head will complete and submit the required forms on behalf of the employee.

**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.

### **812 Disability Insurance**

**Coverage.** The Town will make available short-term disability insurance benefits to each eligible employee. This benefit is to supplement loss of time from work due to a qualified non-job-related illness or injury. Coverage will begin on the employee's first day of employment, provided the employee meets all eligibility requirements.

**Plan.** The Town may, at its discretion, change carriers and/or offer an alternative disability plan. A description of the plan may be obtained from the Town Supervisor's office.

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

**Supplemental Disability Insurance.** The Town has available an additional disability insurance plan through the AFLAC Company. The employee is responsible for 100% of the full premium, which will be deducted from the employee's regular pay.

**Reporting of Injury.** The employee must submit a written report of the injury, on the proper form, to the employee's Department Head immediately and within twenty-four hours of the occurrence. If all qualifying conditions are met, insurance benefits will begin on the eighth consecutive day of disability, in accordance with the New York State Disability Benefits Law. The Department Head will provide the employee with the necessary forms.



**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.

### **813 *Unemployment Insurance***

The Town will make available unemployment insurance benefits to each employee ruled eligible for benefits by the State Department of Labor and who has served the appropriate waiting period.

### **814 *Social Security***

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. The Town matches employee contributions to Social Security (FICA).

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

**Summary.** The Town will make available the New York State Employee Retirement System pension plan to each eligible 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 any of the following conditions exists:

- The employee works less than 30 hours per week
- The annual compensation for the position is less than the State's minimum wage multiplied by 2,000 hours
- The employee is employed in a position which will be terminated within one year of its commencement
- The position is either provisional or temporary under Civil Service Law
- The position is held on a less than 12-month per year basis.

**Optional Membership.** An employee, who is not mandated to join, may join the retirement system. Such employee must complete an application form, which can be obtained from the Town Bookkeeper. An employee, who is not mandated to join and chooses not to join, must complete a waiver of enrollment form, which will be retained in the employee's personnel file.

## **816 Education Assistance Policy**

**Eligible Expenses.** Upon proper authorization and approval of the Town Board, a full-time employee who has completed at least one year of continuous employment will be reimbursed for books and tuition for an amount up to four hundred dollars (\$400.00) per calendar year. Each course of study must be career related and be pre-approved by the Town Board. To receive reimbursement for a given course, the employee must successfully pass the course.

**Employment Commitment.** An employee who receives reimbursement for education must sign an agreement to work for the Town for at least twelve (12) calendar months and in the event the employee voluntarily leaves employment prior to completing the twelve (12) months, must repay the Town for any reimbursement that they have received for education.

## **900 Town Policies**

### **901 Sexual Harassment**

**Introduction.** The Town of East Bloomfield is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Town of East Bloomfield's commitment to a discrimination-free work environment. Sexual harassment is against the law<sup>1</sup> and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the Town of East Bloomfield. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

#### **Policy.**

1. The Town of East Bloomfield's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the Town of East Bloomfield. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual

---

<sup>1</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Town of East Bloomfield will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Town of East Bloomfield who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees<sup>2</sup> working in the workplace who believe they have been subject to such retaliation should inform their immediate supervisor/department head or the Town Supervisor. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Town of East Bloomfield to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including department heads and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. The Town of East Bloomfield will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The Town of East Bloomfield will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including department heads and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Town of East Bloomfield will provide all employees a complaint form for employees to report harassment and file complaints.
7. Department heads and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Town Supervisor.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

---

<sup>2</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

## **What Is “Sexual Harassment”?**

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

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

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

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

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

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

## **Examples of sexual harassment**

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

- Physical acts of a sexual nature, such as:

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

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

## **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

## **Retaliation**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

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

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

## **Reporting Sexual Harassment**

**Preventing sexual harassment is everyone’s responsibility.** The Town of East Bloomfield cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor/department head or Town Supervisor. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor/department head or Town Supervisor.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint can be obtained from the Town Supervisor's office, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

All supervisors and department heads who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Town Supervisor.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and department heads will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and department heads will also be subject to discipline for engaging in any retaliation.

### **Complaint and Investigation of Sexual Harassment**

**All** complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Town of East Bloomfield will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Town Supervisor will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

### **Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the Town of East Bloomfield but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Town of East Bloomfield, employees may also choose to pursue legal remedies with the following governmental entities.



While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

### **State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., “Unlawful Discriminatory Practices” which includes sexual harassment, applies to all employers in New York State, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Town of East Bloomfield does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney’s fees and civil fines.

DHR’s main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR’s regional offices across New York State.

## **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

## **Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

## **902 Smoking**

### **Prohibited acts.**

- a. Smoking is prohibited in all indoor places of employment of town employees under jurisdiction and control of the Town of East Bloomfield, except in areas specifically designated for smoking.
- b. No person shall carry a lighted cigarette, cigar, pipe or e-cigarette or other smoking and/or tobacco product in any hallway, passage or other common area while walking through such area.
- c. Smoking is prohibited in all vehicles owned by the Town of East Bloomfield.

## **Smoking areas.**

- a. Smoking areas will be designated by the Town Board for employees who wish to smoke. Such areas will be clearly marked by a sign "Smoking Permitted."
- b. The Superintendent of Highways shall determine the usage and specific area for use of tobacco products in the highway garage or other building in which town highway employees' work.

**Smoking outside of designated areas prohibited.** Any employees or persons found smoking outside of designated smoking areas will be considered in violation and may be subject to the penalty prescribed by the State Commissioner of Health.

**Concerns and complaints.** Employees are encouraged to present any concerns to their Department Head and may register any complaint to the county enforcement officer.

## **1000 SAFETY**

The Town has committed itself to the Safety Procedures defined in the Ontario County Safety Manual. Review of this manual is required *by* all personnel to minimize risk of accident or injury. The Town is covered by the Ontario County Self Insured Workmen's Compensation program and any accidents or injuries to Town of East Bloomfield personnel contribute directly to the rate of premium the Town pays to the County.

### **1001 Safety Procedures**

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

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

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

- Providing mechanical and physical safeguards to the maximum extent possible

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

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

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

**Accident Reporting Procedures.** In the event an accident occurs in the workplace, the following procedures will apply:

- When a lost work time accident occurs and/or medical care is provided, the employee's Department Head must complete an Employer's Report of Injury Form (C-2) F. This form must be submitted to the Department Head immediately but no later than twenty-four hours of the accident.
- 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's supervisor must complete a Supervisor's Report of Incident Form. This form must be submitted to the Town Supervisor, immediately but no later than twenty-four hours of the accident.
- The Department Head must keep a log of the injury or illness for five years following the end of the calendar year to which it relates. A copy of this log, which includes totals and information for the year, must be posted in each department or areas where notices to employees are customarily posted.

## 1002 Hazard Communication Program

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

This portion of the Town's comprehensive safety program has been prepared to comply with the requirement of Title 29 of the Code of Federal Regulations 1926.59. It is intended to ensure that all information necessary for the safe use, handling and storage of hazardous chemicals be made available to employees.

**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 Department Head must maintain an inventory of all known chemicals in use. An employee may obtain the chemical inventory from the employee's Department Head.
- **Container Labels.** All chemicals on a work-site must be stored in the original or approved containers with the proper label attached. The Department Head must ensure that each container is labeled with the identity of the hazardous chemical contained and any appropriate hazard warnings. The Town will rely on manufacturer applied labels whenever possible. A container that is not labeled or on which the manufacturer's label has been removed must be properly labeled. A container not properly labeled must be given to the Department Head for labeling or proper disposal.
- **Dispensing Chemicals.** An employee may dispense chemicals from original containers only in small quantities intended for immediate use. Any chemical leftover must be returned to the original container or to the Department Head for proper handling. No unmarked containers of any size are to be left in the work area unattended.
- **Material Safety Data Sheets (MSDS).** An employee working with a Hazardous Chemical may 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
- 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 and employee must routinely wear protective devices, such as gloves, as directed by the Department Head. An employee may obtain required Personal Protective Equipment (PPE) from the employee's Department Head. An employee who is required to wear special safety equipment as directed by the Department Head must comply with the Department Head's request. An employee who does not follow the supervisor's instruction will be subject to appropriate disciplinary action in accordance with Civil Service Law (Section 75).

**Emergency Response.** Any incident of overexposure or spill of a hazardous chemical/substance must immediately be reported to the employee's Department Head. The Department Head must ensure 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.

### **1003 *Mine Safety and Health Administration (MSHA)***

**Town of East Bloomfield Gravel Pit.** The Town of East Bloomfield owns and operates a gravel pit (mine), located at the Highway Department. The Town of East Bloomfield is committed to providing a healthy and safe working environment for their employees.

**Compliance with Mine Safety and Health Administration (MSHA).** Town employees working in the gravel pit shall be subject to the Mine Safety and Health Administration (MSHA) training regulations, which are on file at the Town highway building and under the control of the Town Highway Superintendent. Town Highway employees will also be subject to Title 30, US Department of Labor 30CFR 62.10, which is on file at the Town highway building and under the control of the Town Highway Superintendent.

**Failure to Follow MSHA Regulations.** Penalties ranging from a verbal warning to suspension without pay to termination will be assessed against employees who fail to follow the MSHA regulations. Documentation of all offenses will be maintained permanently in the Employee's Personnel File.

## **1100 COMMUNICATION PROCEDURES**

### **1101 *Bulletin Board***

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

**Posting of Material.** All materials 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, summon, or other form of communication of a negative nature must immediately forward the document to the appropriate Department Head.

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

## **1200 DISPUTE RESOLUTION**

### **1201 *Grievance Procedure***

**Dispute Resolution.** The Town Board has established a set of procedures to provide for the orderly resolution of differences in a fair and equitable manner at the earliest possible stage and to promote a harmonious and cooperative relationship between employees, Department Heads and members of the Town Board, which will enhance the overall operation of the Town.

**Definition of Grievance.** A grievance shall mean a claimed violation, misinterpretation or inequitable application of the provisions of this Employee Handbook.

**Initiation of Grievance (Step One).** An employee who claims to have a grievance may present the grievance to the employee's Department Head. The grievance must be submitted in writing within seven (7) calendar days following knowledge of the event(s) which caused the grievance or when the employee should have had knowledge. Within seven (7) calendar days after receiving the grievance, the Department Head will meet with the

employee to discuss and attempt to resolve the matter. Within seven (7) calendar days from the meeting, the Department Head will issue a written response, which will be given to the Town Supervisor and the employee.

**Appeal to Town Supervisor (Step Two).** In the event the employee is not satisfied with the response at Step One, the employee may submit the matter to the Town Supervisor. The grievance must be submitted in writing, within seven (7) calendar days from receiving the Step One response, or when the response should have been received. At this step, the grievance will specify the nature of the grievance, including the provision of the Employee Handbook that was allegedly violated and a statement of facts, times, dates, and the remedy sought. Within seven (7) calendar days after receiving the grievance, the Town Supervisor will investigate the matter and issue a written response, which will be given to the employee.

**Appeal to Town Board (Step Three).** In the event the employee is not satisfied with the response at Step Two, the employee may submit the matter to the Town Board by filing a Request for Hearing with the Town Clerk. The Request for Hearing must be submitted in writing within seven (7) calendar days from receiving the Step Two response, or when the response should have been received. The Town Board will set the time and place for the hearing. All decisions rendered by the Town Board will be final and binding.

**Right to Representation.** The employee will not be allowed representation by counsel at the hearing or have the right to summon witnesses.

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

## **1300 ALCOHOL AND DRUG TESTING POLICY**

**Statement of Compliance** – the Town Board has adopted a Substance Testing Policy that is in compliance with the “Omnibus Transportation Employee Testing Act of 1991, Controlled Substances and Alcohol Use and Testing” as outlined by the Department of Transportation in 49 CFR Parts 40, 382, and 391 of the Code of Federal Regulations. The purpose of this policy is to reduce accidents resulting from an employee’s use of controlled substances and alcohol, thus reducing fatalities, injuries and property damage.

**Covered Employees** – the Town’s Substance Testing Policy applies to all employees who drive commercial motor vehicles requiring a commercial driver’s license to operate. The Substance Testing Policy defines many important details of the program, such as testing implementation, prohibitions and consequences, procedures, costs and disciplinary action.



**Acknowledgement Form** – a covered employee will receive a written copy of the Employee Handbook which includes the Substance Testing Policy and must sign an Employee Handbook Acknowledgement Form. This form will be placed in the employee’s personnel file.

### **1301 Definitions**

**Alcohol** – the intoxicating agent in beverage alcohol, or ethyl, methyl, or isopropyl alcohol.

**CDL** – Commercial Driver’s License

**Controlled Substance** – marijuana, cocaine, amphetamines, phencyclidine, or opiates

**Drug** – controlled substance

**MRO** – Medical Review Officer, a licensed physician who reviews and interprets laboratory results relative to a drug-testing program.

**NHTSA** – National Highway Traffic Safety Administration

**Test Refusal** – employees are prohibited from conduct that obstructs the testing process. Employees that engage in such conduct shall be considered to have refused to test.

**Safety Sensitive Function** – all time for which your employer is compensating you (paid time) that you may be required to operate a vehicle for which a CDL license is required, regardless of whether or not you are actually assigned to operate a CDL required vehicle. (This is considered to be time waiting to be dispatched.)

**US DOT FHWA** – United States Department of Transportation Federal Highway Administration.

### **1302 Alcohol Testing Policy**

#### **Prohibitions**

Performance of safety sensitive functions is prohibited under the following conditions:

- Reporting for duty or remaining on duty requiring the performance of safe sensitive functions with a breath alcohol concentration of 0.02 percent or greater as indicated by an alcohol breath test.
- Using or possessing alcohol while on duty to operate vehicles covered by this policy.

- Reporting to work within four (4) hours after using alcohol.
- No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident or until a post-accident test is administered, whichever comes first.

### **Required Tests**

**Post-accident** – alcohol breath tests will be conducted under the following conditions:

- All fatal accidents
- The driver is issued a citation for a moving traffic violation

Alcohol breath test will be conducted within eight (8) hours of the accident.

Employees are expected to remain available for testing. Failure to do so constitutes a refusal to test.

For purposes of this rule, an accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality or an injury requiring medical treatment away from the scene.

### **Reasonable Suspicion**

Reasonable suspicion testing will be conducted when a trained supervisor observes behavior, speech, odor, or appearance that is characteristic of alcohol misuse. If a breath test cannot be administered, the driver must be removed from performing safety sensitive duties for at least 24 hours.

### **Random Testing**

The annual percentage rate of alcohol testing will be 25%. Tests will be conducted on an unannounced basis, spread reasonably throughout the calendar year, and administered just before, during or just after performance of a safety sensitive function.

### **Return to Duty**

Return to duty testing will be conducted when an individual who has violated the prohibited alcohol conduct standards intends to return to a position performing safety-sensitive duties. An alcohol test with resulting concentration of 0.00% will be required prior to reassignment to the safety sensitive position. Once the individual returns to duty, at least six (6) unannounced follow up tests will be conducted during the twelve (12) month period following the return to duty date. There is no obligation on the part of the employer to allow the employee back to work.

## **Test Refusal**

Refusal to undergo any of the tests outlined above will be treated the same as a positive test.

## **Process for Random Selection**

Drivers will be randomly selected for testing from a pool of drivers and the testing dates and times will be unannounced and with unpredictable frequency throughout the year.

## **Process for Alcohol Testing**

Alcohol screening will be conducted using evidential breath testing devices (EBT). An initial screening test will first be administered, with any resulting alcohol concentration of less than 0.02% considered as a negative test. A confirmation test will be required for alcohol concentration of greater than 0.02%. A confirmation test result of greater than 0.04% will be considered to be a positive test.

An initial test reading of 0.02% or greater, with a confirmation reading of less than 0.04% will result in the suspension of the individual from safety sensitive duties until the start of the individual's next regularly scheduled shift but not less than a period of 24 hours following the test.

## **Consequences of Alcohol Misuse**

Employees of the Town of East Bloomfield who are required to have a CDL (hereinafter referred to as CDL employees) and who engage in prohibited alcohol misuse in accordance with the testing procedures outline above, will be immediately removed from safety sensitive functions with no obligation on the part of the employer for reassignment to a non-safety sensitive position. CDL employees who have engaged in alcohol misuse will be referred to a substance abuse professional for evaluation, assistance and potential treatment. The Town will not be responsible for the cost involved when substance abuse treatment is required. CDL employees will not be permitted to return to a safety sensitive position until all treatment recommendations have been complied with and the individual has been released to return to safety sensitive duties by the substance abuse professional. During the period of treatment, the employee will be eligible to discharge accumulated sick, personal and/or vacation leave.

CDL employees noted above will be subject to The Return to Work Testing Requirements and Follow-up Testing Requirements outlined in 1302 above.

CDL employees may be subject to disciplinary action up to and including termination in accordance with applicable Civil Service Law. Employees will be allowed one opportunity for treatment and counseling under this policy. Subsequent positive tests following return to duty will result in disciplinary action proposing termination. Employees terminated under this policy will be ineligible for rehire.

## **Confidentiality of Records**

All driver alcohol-testing records are confidential and test results will only be released to the Town of East Bloomfield and the substance abuse professional. Any other release of information will only be allowed with the driver's consent.

All dated records and notifications for verified positive test results will be maintained for a period of five (5) years.

All dated records and notifications for negative test results will be maintained for a period of one (1) year.

The records of any breath alcohol test results are maintained under strict confidentiality and will not be released without the specific written authorization of the tested individual. Results will be released however, to Federal, State, or local officials with regulatory authority over the controlled substances program.

## **1303 Drug Testing Policy**

### **Prohibitions**

No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions when the driver used any controlled substances. The only exception is when use is under physician's order and does not impair the individual's ability to operate a commercial motor vehicle.

### **Unauthorized Controlled Substance**

All urine specimens will be analyzed for the following controlled substances.

- Marijuana
- Cocaine
- Amphetamines
- Opiates (including heroin)
- Phencyclidine (PCP)

### **Required Tests**

**Pre-employment** – For CDL employees, a drug test must be conducted after an offer of employment has been extended (conditional offer) but before the individual actually performs safety sensitive functions for the first time. If the individual fails the controlled substances test, including the confirmation test, the offer of employment will be withdrawn. This section also applies to current employees transferring to safety sensitive positions.

The individual will not be considered for employment, or transfer in the case of current employees, with the Town of East Bloomfield for a period of one (1) year.

**Post-Accident** – controlled substances tests will be conducted under the following conditions:

- All fatal accidents
- The driver is issued a citation for a moving traffic violation

Controlled substances tests must be conducted within thirty-two (32) hours of the accident.

Employees are expected to remain available for testing. Failure to do so constitutes a refusal to test. Mandatory disciplinary action will be taken for any positive test.

For purposes of this section, an accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury requiring medical treatment away from the scene, or a vehicle is to be towed from the scene.

### **Reasonable Suspicion**

Reasonable suspicion testing will be conducted when a trained supervisor observes behavior, speech, odor, or appearance that is characteristic of controlled substance misuse. Belief that the driver has violated controlled substances prohibitions must be based upon specific and articulable observations.

### **Random Testing**

The annual percentage rate of controlled substances testing will be 50%. Tests will be conducted on an unannounced basis, spread reasonably throughout the calendar year, and administered just before, during or just after performance of safety sensitive functions. Drivers selected for random controlled substances tests will proceed immediately to the testing site upon notification of being selected.

### **Return to Duty**

Return to duty testing will be conducted when an individual who violated the prohibited controlled substances standards intends to return to a position performing safety sensitive duties. A controlled substances test with a verified negative result will be required prior to reassignment to the safety sensitive position. A driver cannot be returned to safety sensitive duties until an evaluation has been completed by a substance abuse professional, and the rehabilitation recommendations complied with. During the period of treatment, the employee will be eligible to discharge accumulated sick, personal, and/or vacation leave. Once the individual returns to duty, at least six (6) unannounced follow-up tests will be conducted during the twelve (12) month period following the return to duty date. There is no obligation on the part of the employer to allow the employee back to work.

## **Test Refusal**

Refusal to undergo any of the tests outlined above will be treated the same as a positive test.

## **Process for Random Selection**

Drivers will be randomly selected for testing from a pool of drivers and the testing dates and times will be unannounced with unpredictable frequency throughout the year. On-duty drivers selected for controlled substances testing must report for testing regardless of whether or not they are assigned to safety sensitive functions on the day they are selected. Once notified of selection, testing the driver must proceed directly to a collection site for testing.

## **Process for Controlled Substances Testing**

Drug testing is conducted by analyzing the urine specimen of drivers. Once provided in a location that affords privacy, specimens will be sealed and labeled to ensure an appropriate chain of custody, proper identification and integrity of the specimen.

Urine specimens will be divided into 2 containers, i.e. “primary” and “split” specimens. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the driver has 72 hours to request the split specimen be sent to another certified laboratory for analysis. Drivers requesting the confirmation test will be required to pay the full cost of this second option.

All drug tests will be reviewed and interpreted by a physician, i.e. medical review office (MRO), before they are reported to the Town of East Bloomfield. The test will be evaluated in the light of all relevant information obtained, including the driver’s statement and documentation as to any currently prescribed medication currently being taken.

## **Consequences of Positive Drug Test**

Employees of the Town of East Bloomfield, who are required to have a CDL (hereinafter referred to as CDL employees) and who have engaged in controlled substances misuse will be immediately removed from the safety sensitive function with no obligation of the part of the employer for reassignment to a non-safety sensitive position. CDL employees who have engaged in controlled substances misuse will be referred to a substance abuse professional for evaluation, assistance, and potential treatment. The Town will not be responsible for costs involved when substance abuse treatment is required. CDL employees will not be permitted to return to a safety sensitive position unless and until all treatment recommendations have been complied with and the driver has been released to return to safety sensitive duties by the substance abuse professional. During the period of treatment, the employee will be eligible to

discharge accumulated sick, personal and/or vacation leave. CDL employees will be subject to the Return To Work Testing Requirements outlined in above.

CDL employees may be subject to disciplinary action up to and including termination in accordance with applicable Civil Service Law. Employees will be allowed one opportunity for treatment and counseling under this policy. The Town is not liable for payment for a substance abuse professional or treatment. Subsequent positive tests following return to duty will result in disciplinary action proposing termination. Employees terminated under this policy will be ineligible for rehire.

### **Confidentiality of Records**

All driver drug-testing records are confidential and the test results will only be released to the Town of East Bloomfield and the substance abuse professional. Any other release of information will only be allowed with the driver's consent.

All dated records and notifications for verified positive controlled substances test will be maintained for a period of five (5) years.

All dated records and notification for negative controlled substance test results will be maintained for a period of one (1) year.

The records on any controlled substances test results are maintained under strict confidentiality and will not be released without the specific, written, authorization of the tested individual. Results will be released, however, to Federal, State, and local officials with regulatory authority over the controlled substances program.

## **1400 COMPLIANCE POLICIES**

### ***1401 Equal Employment Opportunity***

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

**Notification of Policy Violations** – An employee should immediately report any perceived violation of this policy to the employee's Department Head. In the

event the employee is unable to discuss this matter with the Department Head, the complaint should be reported in writing to the Town Supervisor or any member of the Town Board. All complaints of discrimination will be investigated discreetly and promptly. An employee who reports discrimination will not suffer adverse employment consequences as a result of making the complaint.

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

## **1402 *The Americans with Disabilities Act***

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

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

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

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



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

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

### **1403 Drug-Free Workplace**

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

**Coverage.** The Town of East Bloomfield’s Drug-Free Workplace Policy pertains to all individuals who are employed by the Town of East Bloomfield.

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

**Use of Prescription and Over-the-Counter Drugs.** Prescription drugs must be in the possession of the individual to whom the prescription was written, taken in the dosage prescribed, and maintained in their original containers. Employees in public safety or safety- sensitive positions must inform their Department Heads of any prescription or legal, nonprescription (i.e., over-the-counter) drugs they are currently taking that could in any way affect or impair the employee's ability to

perform the job safely. The legal use of prescribed and over-the-counter drugs is permitted on the job only if it does not impair an employee's ability to perform the job safely and if it does not affect the safety or wellbeing of other individuals in the workplace.

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

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

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

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

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

1. Declining Performance
  - poor concentration
  - confusion in following directions
  - noticeable change in the quality of work
  - inability to meet deadlines • errors in judgment affecting the health and safety of others
  - customer complaints and injuries
2. Increased Costs
  - five times the average sick and accident benefits

- higher job turnover, replacement and training costs
  - greater workers' compensation and health insurance payments
  - 3 to 5 times more on-the-job accidents
  - unemployment claims
3. Absenteeism and Tardiness
- double the normal rate
  - repeatedly being late for work and often leaving early
  - extended lunch hours
  - frequent illness and accidents both on and off the job
4. Damaged Relationships
- emotional outbursts, over-reaction to criticism, mood swings, complaints from coworkers, associates and the public often leading to damaged relations

#### **1404 Violence in the Workplace**

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

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

**Prohibited Conduct.** The Town will not tolerate ANY acts of violence in the workplace, including but not limited to, physical assault (e.g., hitting, pushing), threatening, intimidating, or aggressive behavior, or verbal abuse or harassment. Employees are prohibited from possessing firearms or weapons (e.g., guns, knives (except for pocket knives used in the normal course of the employee’s job), explosives, and other items with the potential to inflict harm) in the

workplace, even if the employee is licensed to carry the weapon. The only exceptions are law enforcement and security personnel. An employee who has knowledge that a coworker or visitor possesses a weapon in a Town building or in a Town owned vehicle must report this to a Department Head immediately. For the purpose of this program, the workplace is defined as any location away from an employee's home, either permanent or temporary, where the employee performs any work related duty in the course of employment. This includes, but is not limited to, Town- owned buildings and surrounding perimeters, parking lots, work sites, clients' homes, and traveling to and from work assignments.

**Reporting Requirements.** Any incident of workplace violence or imminent danger must be promptly reported to the Department Head as outlined under "*Employees Responsibilities*" in the Workplace Violence Prevention Program manual.

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

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

#### **1405 Whistleblower Policy**

The Town of East Bloomfield is committed to compliance with all applicable Federal, State and local laws and regulations governing the various activities in which Town government participates. Accordingly, the Town encourages anyone with knowledge of facts indicating possible illegal conduct, fraud, waste or abuse in Town programs to immediately report such information to appropriate Town officials.

All Town employees and officers have an affirmative duty and responsibility to promptly report any known or suspected misconduct in Town operations. An "open-door policy" will be maintained at all levels of management to encourage employees to report problems and concerns. Reports may be made to Town Department heads and/or Town Supervisor. Reports may be made anonymously.

The Town will not take retaliatory action against any person who in good faith reports known or suspected misconduct as described above. Any Town employee or officer who commits or condones any form of retaliation against anyone who in good faith reports alleged misconduct will be subject to discipline up to, and including, termination.

The Town will conduct regular monitoring procedures as part of its efforts to ensure compliance with applicable laws and regulations.

**1406 *Additional policies.***

Additional policies relating to the operation of the Town of East Bloomfield and its compliance with State and Federal laws are maintained in the Safety Manual or Town Policy Manual, available in the Supervisor's Office. The manuals and the content may be reviewed by any employee at any time when the office is open. Each of these policies is reviewed by the Town Board annually to ensure its accuracy. Each policy will be readopted at the organizational meeting every January as proscribed by NYS Law.

## **WHERE TO GET HELP**

**ONTARIO COUNTY SUBSTANCE ABUSE SERVICES**  
3907 County Road #46 Canandaigua, New York 14424  
585-396-4190

**Action Helpline**  
1-800-234-0420

**Al-Anon**  
1-800-356-9996

**Alcoholics Anonymous**  
1-315-789-5955

**American Council on Alcoholism Hotline**  
1-800-527-5344

**Cocaine Hotline**  
1-800-262-2463

**Finger Lakes Addiction Counseling and Referral Agency**  
1-315-781-0771  
1-315-462-9466

**Lifeline**  
1-800-333-0542

**National Institute on Drug Abuse Hotline**  
1-800-843-4971