

# TOWN OF ULYSSES

## PERSONNEL POLICY

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*Amended xx/xx/xxxx*

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\*Originally prepared by Public Sector HR Consultants, LLC

**TOWN OF  
ULYSSES**

**PERSONNEL POLICY**

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# Town of Ulysses PERSONNEL POLICY

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## 100 INTRODUCTION

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### 101 *Welcome Message*

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

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

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

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

### 102 *Our Heritage*

The Town of Ulysses was settled in 1790 and was named for the hero of Homer's Odyssey. The Town was incorporated in 1794 as part of a land grant payment to Revolutionary War soldiers. Ulysses is 36.84 square miles, including 32.98 square miles of land and 3.86 square miles of water. Ulysses is bounded by the Town of Covert in Seneca County to the north, the Towns of Ithaca and Enfield to the south, and Town of Hector in Schuyler County to the west. The eastern town line is Cayuga Lake. The Town's character is defined by agricultural lands and open space interspersed by pockets of residential development, a variety of small-scale commercial uses, and a well-defined village center in Trumansburg. The Village of Trumansburg was incorporated in 1872 and became the commercial and residential center of the Town of Ulysses. While much of the Town is devoted to farms, the proximity to Ithaca has brought a large number of professionals, academics and artists to the Town. There were historically a number of small "communities" within the larger Town, including: DuBois Corner, Halseyville, Jacksonville, Krums Corner, Podunk, Waterburg and Willow Creek.

### 103 *Definitions*

**Town of Ulysses** – For purposes of this Personnel policy, the Town of Ulysses may be referred to as the "Town".

**Town Board** – For purposes of this Personnel policy, "Town Board" will mean the Town Board of the Town of Ulysses.

**Elected Official** – For the purposes of this Personnel policy, "Elected Official" will mean and refer to any of the following elected officials of the Town of Ulysses:

- Town Supervisor
- Town Board Members (4)
- Town Justices (2)
- Town Clerk
- Superintendent of Highways

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

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

**Supervisor** – For purposes of this Personnel Policy, “supervisor” will mean the individual so designated by the Department Head to direct and inspect the performance of employees.

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

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

**104      *Classifications*** – (Amended 11/22/2016, 11/27/2018, 12/11/18)

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

**“Class A” Full-Time Employees** – For purposes of this Personnel Policy, the term “Class A employee” will mean an employee who is regularly scheduled to work a minimum of thirty (30) or more hours per week.

**“Class B” Employees** – For purposes of this Personnel Policy, the term “Class B employee” will mean an employee who is scheduled on a regular and on-going basis to work at least twenty (20) or more and less than thirty (30) hours per week.



**“Class C” Employees** – For purposes of this Personnel Policy, the term “Class C employee” will mean an employee who is scheduled on a regular and on-going basis to work less than twenty (20) hours per week.

**“Shared Employee”** – For the purposes of this Personnel Policy, the term “Shared Employee” will mean:

- an employee who works for the Town of Ulysses and one other municipality (either within Tompkins County or adjacent municipalities in neighboring counties), and
- an employee whose combined hours are more than 20 hours/week.

The Town may enter into agreements with other municipalities to arrange for payment/reimbursements for health insurance and dental premiums.

A “Shared Employee” will be classified under the Town of Ulysses Employee Classification system based on their combined total hours worked for both municipalities. The employee will be entitled to have the Town of Ulysses pay a proportional share of their health insurance and dental benefits based on the classification fitting the total hours worked for both municipalities. However, the total of insurance premium payments (by both municipalities) may not exceed the maximum benefit of the Town's classification.

For example,

If the Town's payment of “Class A” benefits equals 90%, the employee's benefits may not exceed 90%. If the sharing municipality offers more generous insurance coverage, the Town of Ulysses will only provide its share of a 90% benefit maximum.

An employee working 20 hours for the Town of Ulysses and 20 hours for another municipality would be considered a Class A employee in 2016. The Personnel Policy requires the Town to pay 90% of health insurance for a Class A employee. For a “Shared Employee”, the Town would pay half, or 45%, of the health insurance premium.

**Temporary Employees** – For purposes of this Personnel Policy, the term “temporary employee” will mean an employee who is employed on an interim or sporadic basis, or who is employed to work on a special, emergency, or on-call basis for a specified period, consistent with the Civil Service Law as applicable.

**Seasonal Employees** – For purposes of this Personnel Policy, the term “seasonal employee” will mean an employee who is employed to work for a given season or portion thereof.

**FLSA Non-Exempt Employees** – For purposes of this Personnel Policy, the term “FLSA non-exempt employee” will mean a covered employee who is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

**FLSA Exempt Employees** – For purposes of this Personnel Policy, “FLSA exempt employee” will mean a covered employee who qualifies for an exemption from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA), or an employee who is not covered under the FLSA.

*Town of Ulysses Personnel Policy*

**Elected Officials** – Elected Officials are a different kind of employee, since they are not hired by the Town, but rather elected to their position by the public. As a result, compensation and benefits for elected officials are different from other employees. In addition, they are “unclassified” positions, meaning that they do not have the requirements or protections associated with the New York State Civil Service Law. (See Section 200 for more information about Civil Service).

Details on compensation and eligibility for benefits for Elected Officials can be found in Section 800. Unless noted in Section 800, matters addressed in Sections 300 – 700 do not apply to Elected Officials. The following positions at the Town of Ulysses are Elected Officials:

- Town Clerk Superintendent of Highways
- Town Supervisor
- Town Board Members Town Justices

## **105      *The Purpose of this Personnel Policy***

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

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

**Plan Documents** – Some of the subjects described in this Handbook are covered in greater detail in benefit plan documents or applicable laws governing the benefit, such as New York State Retirement Law for retirement benefits. This handbook only briefly summarizes those benefits. The terms of written insurance policies, benefit plans, and applicable laws and regulations control in all cases.

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

**Questions** – Any questions regarding any topic covered in this Personnel Policy should be directed to the appropriate Department Head or the Town Supervisor’s Office.

**106      *Changes or Modifications***

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

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

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

## 200 THE CIVIL SERVICE SYSTEM

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

### 201 *The Unclassified and Classified Services*

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

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

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

### 202 *Civil Service Appointments*

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

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

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

### **203 Examinations and Promotions**

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

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

### **204 Veterans Credits**

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

## 300 EMPLOYMENT MATTERS

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### 301 *Oath of Office*

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

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

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

### 302 *Procedure for Filling Vacancies*

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

**Notification of Vacancies** – In the event there is a vacancy in a new or existing position which the Town intends to maintain, the vacancy may be advertised and/or posted and qualified individuals interviewed. The Town reserves the right to fill a position either internally or with an external candidate.

**Employment Applications** – Applicants for civil service positions must apply through and adhere to Tompkins County personnel policies. The Town relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the Town's exclusion of the individual from further consideration for employment or disqualification if the conduct is discovered after employment commences.

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

**Residency Preference** – Qualified applicants who are Town of Ulysses residents may be given priority consideration over qualified nonresidents depending on the position.

### 303 **Probationary Period**

The *Civil Service Rules for Tompkins County* provide for the following, which is applicable to employees appointed, promoted or transferred pursuant to the Civil Service laws. Additional provisions may also apply in accordance with those rules.

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

**Length of Probationary Period** – Except as otherwise provided in the *Civil Service Rules for Tompkins County*, every permanent appointment from an open-competitive list and every permanent appointment to a position in the non-competitive, exempt or labor class shall be for a probationary term of not less than eight (8) weeks nor more than fifty-two (52) weeks. The length of the probationary period may be extended in accordance with the *Civil Service Rules for Tompkins County*.

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

**Employment Status During Probationary Period** – During the probationary period (at any time after the completion of the minimum probationary period and before completion of the maximum probationary period), an employee will be subject to demotion, suspension, or discharge at the Town's sole discretion. If the performance or conduct of an employee serving a probationary period who has been promoted or transferred from a permanent appointment (as defined by civil service regulations) is not satisfactory, the employee shall be returned to the employee's former permanent position prior to the end of the probationary period.

### 304 **Performance Appraisal**

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

**Frequency** – It is recommended that employees be formally evaluated prior to completion of a probationary period and at least once each year thereafter by the employee's supervisor. Informal evaluations should occur on an as needed basis throughout the performance cycle.

**Appraisal Meeting** – The evaluator will meet with the employee to review the employee's performance appraisal report (appendix I). Both the employee and the evaluator will sign the report to confirm the appraisal took place which shall include areas of strength and training or development opportunities to improve skills or prepare for promotion.

**Deficiencies** – Should deficiencies be recorded in the performance of the employee; the employee will receive written recommendations for improvement.

**Employee Comments** – An employee's written comments, if any, will be included with the performance appraisal report.

### 305 ***Corrective Action and Discipline***

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

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

**Counseling** – Counseling employees, as opposed to initiating formal disciplinary action, may be the appropriate first step in addressing performance deficiencies or misconduct. The purpose of counseling is to inform the employee of such deficiencies or misconduct, discourage its recurrence, and inform the employee of the consequences if the behavior is repeated. When performance deficiencies are the issue, the performance standards of the job should be reviewed, along with specific examples of how the employee is not meeting those standards. Where appropriate, goals for improvement may be established, along with a time frame for achieving them. The counseling will be documented in writing and the employee will be required to acknowledge receipt by signing the memorandum. Any employee who fails to follow a supervisor's directive to sign the counseling memorandum to acknowledge receipt will be subject to disciplinary action.

**Discipline** – The purpose of disciplinary action is to impose penalties for performance deficiencies or misconduct. In **normal circumstances**, the Town endorses a policy of progressive discipline which includes, but may not be limited to, documented verbal reprimand, letters of reprimand, suspension without pay, or termination of employment, depending on the circumstances. The Town retains the right to discipline employees



without engaging in progressive discipline or prior counseling if the situation so warrants and retains the right to discipline employees in any manner it sees fit.

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

**Procedures** – Employees covered by **Civil Service Law Section 75** shall be disciplined in accordance with the procedures contained therein. (Refer to Section 306) of this Personnel Policy).

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

- Willful violation of Town's rules, policies, and procedures.
- Harassing (including sexual harassment), intimidating, coercing, threatening, assaulting, or creating a hostile environment against another employee, Elected Official, resident of the Town, supplier, visitor, or any other person, whether on or off Town premises.
- Engaging in any action that is in violation of the Town's Workplace Violence Prevention Policy.
- Possession of any weapon or dangerous instrument (including knives with over a three-inch blade, firearms, and explosives) on Town property or in Town vehicles, except for those employees who are required as a condition of employment to bear a weapon.
- Possession, use, distribution/sale, or being under the influence of alcohol or controlled substances during hours of work or while on Town property or in Town vehicles.
- Willful or deliberate abuse, destruction, defacement, or misuse of Town property or the property of another employee, Elected Official, resident of the Town, supplier, visitor, or any other person.
- Theft or unauthorized possession, use, or removal of Town property or the property of another employee, Elected Official, resident of the Town, supplier, visitor, or any other person.

- Falsification or alteration of any records or reports including but not limited to employment applications, time records, work records, medical reports, absence reports, work-related injury reports, and claims for benefits provided by the Town.
- Preparation or manipulation of another employee's time record.
- Acts of sabotage, including the work of another employee.
- Making false statements about another employee, Elected Official, resident of the Town, supplier, visitor, or any other person. This includes knowingly making false accusations against another individual as to allegations of discrimination, sexual harassment or other harassment which is in violation of Town policy or applicable law.
- Insubordination or willful refusal to comply with the lawful order or instruction of a supervisor or Department Head.
- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities.
- Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment, in such a way that jeopardizes the safety of the employee, another employee, Elected Official, resident of the Town, supplier, visitor, or any other person.
- Offensive or unprofessional behavior that is contrary to the Town's best interest, or any conduct that does not warrant public trust.
- Committing any violation of the law either on or off duty or on or off the work site that implicates the employee's fitness or ability to perform assigned job duties.
- Unauthorized expenditure of Town funds.
- Illegal gambling while on duty.
- Willful work slow-down, work stoppage, or interfering with or restricting the performance of another employee or in any other way interfering with Town operations.
- Careless or negligent use or operation of equipment, including vehicles and machinery.
- Unauthorized absences or repeated failure to give proper notice.
- Excessive tardiness and/or absences except those absences covered by state and/or federal statutes.
- Sleeping on the job, unless authorized by a Department Head or supervisor.
- Personal activity during paid work time without the express permission of the Department Head.
- Disruptive, behavior in the workplace.

- Abusive language in the workplace, including racial slurs and epithets.
- Posting, removing, or defacing of notices, signs, or other written material without prior approval.

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

### **306      *Civil Service Law Section 75***

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

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

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

**Disciplinary Procedure** – The following disciplinary procedure shall apply to employees covered by Civil Service Law Section 75:

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

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

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

**Right to Representation** – The employee may have representation by counsel at the hearing and may summon witnesses on the employee's behalf.

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

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

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

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

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

**Filing Requirements** – In the event the employee is found to be guilty, a copy of the charges, the employee's written answer, a transcript of the hearing, and the

determination will be filed in the office of the department in which the employee is employed. A copy will also be filed with the Tompkins County Personnel Department.

### **307 Code of Ethics**

**Policy Statement** – Pursuant to the provisions of Section 806 of General Municipal Law, the Town Board of the Town of Ulysses recognizes that there are rules of ethical conduct for public officials and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this resolution to promulgate these rules of ethical conduct for the officers and employees of the Town of Ulysses. The rules of ethical conduct of this resolution as adopted, shall not conflict with, but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

**Definitions** – For the purpose of the Town of Ulysses Code of Ethics, the following terms are defined:

- **Officer or Employee** – An officer or employee of the Town of Ulysses, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer firemen or civil defense volunteer, except a chief engineer or assistant chief engineer.
- **Interest** – A pecuniary or material benefit accruing to a municipal officer or employee unless the contract otherwise requires.

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

- A. Gifts** – He/she shall not directly or indirectly (through family members), solicit any gift; or accept or receive any gifts having an annual cumulative value greater than seventy-five dollars and that \$75 referred to is the limit of all permissible gifts to an affected employee or public official regardless of number of such gifts. The gifts could be in the form of money, services, loan travel, entertainment, hospitality, promise or any other form, under circumstance in which it could reasonably be inferred that the gift was intended to influence him/her or could reasonably be expected to influence him/her, in the performance of his/her official duties or was intended as a reward for any official action on his/her part.
- B. Confidential Information** – He/she shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests.
- C. Representation Before One's Own Agency** – He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member, or employee or of any municipal agency over which he has

jurisdiction or to which he has the power to appoint any member, officer or employee.

- D. Representation Before Any Agency for a Contingent Fee** – He/she shall not receive, or enter into any agreement, express or implied for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- E. Disclosure of Interest in Legislation** – To the extent that he/she knows. Thereof, a member of the Town Board and any officer or employee of the Town of Ulysses, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.
- F. Investments in Conflict with Official Duties** – He/she shall not invest or hold any investment directly or indirectly in any financial, business, commercial or private transaction, which creates a conflict with his official duties.
- G. Appearance of Impropriety** – A public official or employee must avoid circumstances that compromise his/her ability to make decisions solely in the public interest or create an appearance of impropriety.
- H. Recusal** – A public official or employee must recuse himself when faced with the above conflicts. Recusal means that the official may not deliberate, vote, or participate in any way in such matter. The official should disclose his or her conflict and remove him or herself from the board.
- I. Town Property** – No employee or public official shall use town property or assets for personal purposes or profit or to benefit a private party. Use of town property or assets restricted to the conduct of official business and for the benefit of all residents.
- J. Nepotism** – Spouses and other family members may not serve in positions creating a conflict of interest, the appearance of a conflict or consolidation of power in one board.
- K. Private Employment** – He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or services creates a conflict with or impairs the proper discharge of his official duties.
- L. Future Employment** – He/she shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Ulysses in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

**M. Subordinates** – No public official shall solicit political contributions from subordinates.

**N. Incompatible Positions** – A public official is prohibited from [a] holding positions when one is subordinate to the other; and [b] holding positions when the duties of the positions conflict.

**Acknowledgement of Ethics Policy** – Each employee, elected official, or appointed official to the Planning or Zoning Appeals Boards shall be required to understand, acknowledge receipt of, and commit to follow the Code of Ethics by signing the *Code of Ethics Memorandum* (Appendix B) prior to commencing work for the Town.

**Ethics Training** – Periodically the Town will offer training on the Code of Ethics. All new employees, newly elected officials, or newly appointed members of the Planning or Zoning Appeals Boards are required to take the training when offered.

**Right to File Claims** – Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claims, account, demand or suit against the Town of Ulysses, or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

**Penalties** – Any Town of Ulysses employee or public official may submit in writing alleged ethical issues or concerns to the Tompkins County Ethics Board for review and investigation. Infractions of the Code of Ethics that are confirmed by such investigation will be referred to the Town Board for action.

## 308 **Personnel Records**

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

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

**Location of Files** – All original personnel records for current employees will be kept in the Records Room of the Town Hall and will be maintained and controlled by the Bookkeeper.

**Medical Records** – Any employee medical records in the Town’s possession that are in Town Hall will be kept in a separate file apart from the employee’s personnel file in the Records Room of the Town Hall and will be maintained and controlled by the Bookkeeper. ***For security purposes, these files will be locked at all times.***

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

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

**Review of Personnel Files** – Access to personnel files is limited. A current employee may review the contents of the employee’s own personnel file by submitting a written request to the Bookkeeper and will be scheduled at a mutually convenient time. An authorized official must be present when the employee inspects the file. An employee may not copy, remove, or place any material in the employee’s personnel file without the approval of the Bookkeeper.

### **309      *Separation from Employment***

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

**Completion of Notice Period** – When a resignation notice is provided by an employee, the Town reserves the right to waive some or all of the notice period.

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

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

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



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

## 400 OPERATIONAL POLICIES

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### 401 **Departmental Hours** *(Amended 11/22/2016, 1/23/2018)*

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

**Town Hall** – The Town Hall hours of operation are set by resolution of the Town Board at the organizational meeting based on input from each Department Head. Town Hall operational hours are subject to change per resolution by the Town Board.

**Flex-Time** – 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 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.

**Work from home** – For those positions where an employee is not required to be available to the public, an employee may arrange with the Department Head to work from home provided doing so will result in efficient and uninterrupted use of the employee's time and that the employee is available by phone or computer during the agreed upon times.

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

**Overtime** – A Department Head may require an employee to work additional hours beyond the employee's normal workday and workweek. An employee must receive prior approval from the employee's Department Head before working additional hours. (See Section 602)

**Call-in Time-** A Department Head may call an employee into work from home during non-shift hours for emergencies. (See Section 603)

**Compensatory Time** – Employees and Department heads can offer Compensatory Time Off instead of Overtime for Class A, B, and C employees. (See Section 602).

## 402 ***Meal and Rest Breaks and Breaks for Nursing Mothers***

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

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

**Observance of Meal Breaks** – In accordance with New York State regulations, an employee who works more than six hours in a given day is required to take a minimum of thirty minute, duty-free, meal break. An employee is not allowed to work through the meal break to make up lost work time or to leave work early. In addition, the meal break may not be taken at the end of an employee's workday in order to leave work before the normal quitting time.

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

**Approval of Rest Breaks** – Rest breaks must be approved by the employee's Department Head in accordance with the needs and requirements of the department.

**Breaks for Nursing Mothers to Express Breast Milk** – Employees who are nursing mothers shall be allowed to use a reasonable break period (generally between twenty to thirty minutes) in addition to the employee's meal and rest breaks to express milk for a nursing child. The Town will provide this break at least once every three hours if requested by the employee. This provision applies to nursing mothers for up to three years following childbirth. The Town will make a reasonable effort to provide a room or location other than the restroom or toilet stall, within walking distance to the employee's work space, or other location in close proximity to work so that nursing mothers can express in private. An employee wishing to avail herself of this break is required to give the Town advance notice, preferably prior to the employee's return to work following the birth of her child, to allow the Town an opportunity to establish a location and to schedule leave time for multiple employees, if needed.

## 403      **Emergency Situations**

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

**Payment of Wages** – Employee's pay will not be affected by an emergency closing.

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

## 404      **Time Records**

**Policy Statement** – *(amended 4/22/14, 12/11/18)*

All employees shall turn in a time card by the end of the last day of the pay period. Salaried employees shall do the same stating time used for vacation, sick time, holiday, compensatory time or other time off to maintain accurate records of benefit time used. No pay or benefits will be issued without the presence of a time card with two signatures: the employee and the employee's supervisor. Electronic approval by the employee's supervisor is also allowed.

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

- Time records must be completed by the close of each workday;
- All time worked, including the beginning and ending time, must be recorded;
- All paid and unpaid leaves of absence must be recorded;
- Employees must complete their own time record or punch their own time card;
- The time record must be submitted to the Department Head at the time specified;
- The time record must be verified and signed by the Department Head;

Department Heads must submit completed time records to the Bookkeeper no later than 10:00 am on Monday morning of each pay week, unless modified by the Bookkeeper due to holidays. In the case of a modified date, the Bookkeeper will

either notify hourly employees directly or work with the Town Clerk to make notification.

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

**Unauthorized “Flex-Time”** – Unless prior approval has been obtained from the Department Head, arriving early or leaving late for the employee’s own convenience is not to be included in working time, provided that the employee performed no duties for the Town during such intervals.

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

#### **405      *Bonding***

**Insurance** – The Town will provide bonding insurance for an eligible employee, elected or appointed official who is required to act in a fiduciary capacity.

#### **406      *Expense Reimbursement***

**Policy Statement** – Upon proper authorization of the Town Board, an employee or Elected Official will be reimbursed for expenses associated with carrying out Town business, including, but not limited to meals, lodging, mileage, parking, highway tolls, and training and membership fees. A voucher with all required documentation and corresponding receipts must be submitted to the Bookkeeper in order for the reimbursement to be processed.

**Expense Approval** – Each employee is expected to exercise reasonable judgment when incurring charges that will be submitted for reimbursement. Prior approval from the Department Head and/or Town Board will be required for significant or non-standard expenditures. The Town Board reserves the right to reject reimbursement requests that are deemed unreasonable or inappropriate.

**Mileage** – Employees or Elected Officials who are not provided with a Town vehicle may submit mileage for reimbursement for travel done on behalf of the Town. The mileage rate is set annually by resolution of the Town Board at its Organizational Meeting. Employees who are provided with a vehicle may not be reimbursed for mileage unless approved by their Department Head or the Town Supervisor.

**Education and Training** – Upon proper authorization of the Town Board, an employee or board member will be reimbursed for training courses that are directly related to the employee’s present job. Employees or Board members must first seek approval from

their Department Head or Town Supervisor and the request may not exceed the amount budgeted for that fiscal year without approval from the Town Supervisor.

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

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

**Bus Pass** – The Town encourages use of public transportation. A Bus Pass Benefit is available to all Town of Ulysses employees who travel regularly to and from work at any town office (town hall or highway barn) primarily during the regularly scheduled hours of the TCAT bus service. An employee who purchases a bus pass will be reimbursed for 50% of the cost of the bus pass by the Town. Proof of purchase must be provided to the Bookkeeper in order for reimbursement to be issued.

#### **407      *Vehicle Usage***

**Policy Statement** – All vehicles and related equipment of the Town of Ulysses are owned and maintained for the purpose of conducting official business of the Town.

**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 are generally assigned to specific Departments for specific purposes and tasks. Said vehicles may occasionally be used by other employees or elected officials of the Town, provided approval by the Head of the Department that is responsible for the vehicle has been received. Town vehicles should generally not be used for any unauthorized purpose nor 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 motor vehicle and traffic laws in effect. Employees are responsible for any driving infractions or fines that result from their operation of Town vehicles, and must report them to their Department Head. The Town is responsible and will pay for any fines which would typically be levied against the owner of the vehicle.
- Any accident involving a Town vehicle, regardless of severity, must be reported immediately to the Town Supervisor and Highway Superintendent. If the accident is reported to the Highway Superintendent, the Highway Superintendent must file an accident report with the Town Supervisor's Office within twenty-four hours.
- The use of a cell phone when driving on Town business must be compliant with all applicable laws and/or regulations.

- Town vehicles may not be used to transport persons who are not officials or employees of the Town of Ulysses, nor material not related to the conduct of official Town business, without direct authorization by the appropriate Department Head or the Town Supervisor.
- Town vehicles must always be maintained in a safe and secure condition. Maintenance and NYS inspections for each vehicle are the responsibility of Department that primarily uses the vehicle. Keys are controlled by the appropriate Department Head.
- Departments with assigned vehicles should estimate when the vehicle will need to be replaced. Reserve funds for replacement should be reviewed annually by the Department Head and the Town Supervisor.

#### **408      *Driver's License / Insurance Requirements***

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

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

**Loss of Driver's License** – An employee who is required to possess a driver's license or CDL license in order to perform certain job duties and responsibilities must immediately notify the appropriate Department Head in the event the license is suspended or revoked. The loss or suspension of the driver's license or CDL license may affect the employee's employment with the Town. The Town will utilize the NYS Department of Motor Vehicles' "License Event Notification Service" (LENS) to monitor activity that may negatively impact an employee's ability to maintain a required license.

**Insurability Standards** – It shall be solely the responsibility of a Town employee to meet or exceed all insurability standards, as established from time to time by the Town Board or the Town's insurance carrier, which are required for the use or operation of a Town vehicle. Any Town employee who has any of the following during the most recent three-year period will be deemed to have violated the insurability standard and will not be allowed to operate any Town vehicles:

- Conviction of DWI / DWAI
- Conviction of Reckless Driving
- Suspended or Revoked Driver's License

- Conviction of Speeding 25 MPH or more above the speed limit
- Conviction of a Drug or Alcohol offense which would materially affect one's ability to operate a vehicle
- Conviction of Hit and Run/Leaving the scene of an accident
- Conviction of Two or more at-fault accidents
- Conviction of Three or more moving violations in the past three years

Failure to maintain acceptable insurability standards may affect the employee's employment status with the Town.

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

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

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

#### **410        *Telephone / Cell Phone / Electronic Device Usage***

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

- An employee must give the name of the department or office and one's own name. If the call is not for the employee who answers, the employee must transfer the caller to the correct party or take a message recording all pertinent information.
- An employee may make personal telephone calls, however, such calls should be limited in duration and frequency and must not interfere with the performance of the employee's job duties.
- Use of a cell phone for personal text messaging during work hours should be kept to a minimum.
- The use of Town issued cell phones may be monitored to ensure no excessive or inappropriate use occurs.
- The usage of a cell phone while driving on Town business must be in compliance with all applicable laws.

**Personal Cell Phone / Electronic Device Usage** – Employees are permitted to carry personal cell phones during working hours but must adhere to the guidelines shown below. These guidelines do not apply to Town-owned cell phones that are issued for the specific use of an employee's job duties. Where the term cell phone is used in these guidelines, it shall be considered to include all types of portable electronic devices (e.g. iPads, Kindles, MP3 players, netbooks, etc.)



- Cell phones should not be used for personal purposes during work hours except on a limited basis.
- Use of a cell phone for personal text messaging during work hours is permissible only on a limited basis for family matters; texting must not interfere with the performance of the employee's job duties.
- No web browsing, music, movies, or all other uses of cell phones will be allowed during working hours.

## **411      *Communications***

**Policy Statement** – The purpose of the section is to provide the framework for employee communications whether direct, by phone, or electronic.

### **General Communications:**

The following are prohibited communications by Town employees, appointed and elected officials.

- Disclosing confidential or proprietary information pertaining to matters of the Town that is not otherwise deemed accessible to the general public under the Freedom of Information Law (Public Officers Law Article 6, §§84-90).
- Matters which will imperil the public safety if disclosed.
- Promoting or endorsing any illegal activities.
- Threatening, promoting, or endorsing violence.
- Directing comments, or sharing images that are discriminatory or insensitive to any individual or group based on race, religion, gender, disability, sexual orientation, national origin, or any other characteristic protected by law.
- Knowingly making false or misleading statements about the Town, or its employees, services, or Elected Officials.
- Communications must be done in a professional manner;
- Communications must not be threatening, insulting, obscene, abusive, derogatory, or promote violence;
- Communications must not include content that constitutes workplace harassment including sexual harassment;
- Representing that an opinion or statement is the policy or view of the Town, or of any individual acting in their capacity as a Town employee or official, or otherwise on behalf of the Town, when that is not the case.

### **Electronic Communications (Internet/Social Networking/Emails/Texts/Blogs/etc):**

**Types of Electronic Communications** – Electronic communications (e-communications) include email, texts, blogs, and social media, both inside and outside of the workplace. Social Media in general refers to internet based applications that allow for the creation and exchange of user generated content. Examples of Social Media include, but are not limited to: Facebook, Twitter, MySpace, LinkedIn, Flickr, Imgur, YouTube, web blogs, and web based wikis whereby users can add, modify, or delete its content via a web browser.

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

**Proper Usage** – In addition to the prohibitions set forth in Section 411 under *General Communications* above, any activities prohibited for any other general computer user are also prohibited with respect to Internet / e-mails/social networks/blogs. Employees are expected to communicate in a manner that will reflect positively on both themselves and the Town. Additionally, it is the responsibility of the employee to adhere to the following requirements. This list is meant to be illustrative, and not exhaustive.

- Communications may not be used to transmit chain letters;
- Employees are responsible for saving any e-messages in accordance to the Freedom of Information Law.
- Communications must not involve personal sales or solicitation or be associated with any for-profit outside business activity;
- Passwords should not be given to anyone other than the employee's Department Head or supervisor;
- Internet must not be used for the propagation of computer viruses;
- Internet must not be used for personal recreational activities (e.g. online games);
- Participation in non-business Internet chat groups, blogging or instant messaging is prohibited;
- As a security precaution, a workstation must not be left signed onto E-mail or the Internet while unattended for a long period of time (or overnight). Each employee must log off the network when not in use and power down at the end of the day;
- Employees should be aware that deletion of any E-mail message or file does not truly eliminate that message or file from the system. All E-mail messages are stored on a central back-up system in the normal course of data management;
- Employees should ensure that no personal correspondence appears to be an official communication of the Town; and
- Employees should avoid using the Town's address for transmitting or receiving personal mail or use the Town's e-mail address for transmitting or receiving personal e-messages.
- No Posting, uploading, or sharing images that have been taken while performing duties as an agent of the Town unless directly pertinent to Town business and such posting, uploading, or sharing of images is authorized in advance by the appropriate Department Head.
- No Posting anything in the name of the Town or in a manner that could reasonably be attributed to the Town without prior written authorization from the applicable Department Head.
- No Using the name of the Town or a Town e-mail address in conjunction with a personal blog or Social Media account.
- An employee's Social Media usage must comply with Town policies pertaining to but not limited to Non-Discrimination and Harassment, Confidentiality, Violence in the Workplace, and Substance Abuse. Any harassment, bullying, discrimination, or retaliation that would not be permissible in the workplace is not permissible between

co-workers online, even if it is done after hours, outside of the workplace, using computers or communication systems that are not Town-owned.

Notwithstanding the above, nothing in this policy is meant to imply any restriction or diminishment of an employee's right to appropriately engage in protected concerted activity under law.

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

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

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

**Usage of Social Media During Working Hours** – Unless the use of electronic communications is pertinent to Town business or authorized by a Department Head, employees are prohibited from using Social Media during working hours. This applies regardless of whether or not such usage occurs on Town-owned computers or communication equipment or a device personally owned by the employee.

**Usage of Social Media During Meal and Rest Breaks** – Employees are responsible for exercising good judgment when using Town-owned computers or communication equipment to access Social Media sites while on a meal and rest break. The Town's right to monitor communication systems and equipment also applies to the use of Social Media if employees are using Town computers or communications systems.

#### **412**      ***Personal Appearance*** (Amended 11/22/2016, 8/14/18)

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

**Standards** – An employee must maintain a personal appearance in a manner that reflects a good image to the public. Acceptable personal appearance is an ongoing requirement of employment with the Town.

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

**Clothing Allowance** –the Town will provide a monetary clothing allowance for Class A, and B employees of the Highway Department. Those eligible can receive reimbursement consistent with the amount allowed by the Collective Bargaining Agreement for clothing needed for Town purposes. Clothing and shoes need to comply with safety regulations governing each position. Employees and the Highway

Superintendent should submit receipts to the Bookkeeper for reimbursement. Balances do not carry from one year to the next.

#### **413        *Solicitations/Distributions***

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

#### **414        *Disclosure of Information***

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

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

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

#### **415        *Purchasing / Credit Cards***

**Policy Statement** – The Town has established an official procurement policy that must be followed without exception. No employee shall make purchases for the Town, or use the Town’s name to make purchases, or use a Town credit card or gas card, unless in adherence to the procedures set forth in the Town’s procurement policy.

#### **416        *Maintenance of Work Area***

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

#### **417      *Personal Property***

**Policy Statement** – An employee is expected to exercise reasonable care to safeguard personal items brought to work. 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.

#### **418      *Outside Employment***

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

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

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

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



## 500 ABSENCE POLICIES

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### 501 **Attendance** *(Amended 1/23/2018)*

**Tardiness** – An employee must be ready and able to work at the time the employee is scheduled to begin work based on the work day set by their department head. In the event an employee is unable to report to work at the scheduled time, the employee must notify the employee's Department Head prior to the employee's scheduled starting time. The reason for tardiness and the expected time of arrival must be indicated to the Department Head.

**Scheduled Absences** – Requests for scheduled time off, such as the use of vacation leave and personal leave, must be approved by the Department Head in advance. All requests for time off are subject to approval by the employee's Department Head on a case-by-case basis. Refer to Section 802, Vacation Leave, and Section 704, Personal Leave, for further details.

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

**Unscheduled Absences** – An employee who is unable to report to work must personally make every effort to contact the employee's Department Head prior to the employee's scheduled starting time. If at all possible, the employee must speak directly with the Department Head, indicating the reason for the absence and when the employee expects to return to work. Asking another person to call in on the employee's behalf is not permitted. Notification requirements are waived in cases of emergency.

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

**Early Departure** – In the event an employee must leave work during the workday, the employee must either seek permission from the employee's Department Head prior to leaving or record the time left on the time card.

**Documentation of Absences** – An employee may be required to provide appropriate documentation in justification of some absences, such as disability benefits or some medical leaves (see other sections). Documentation may include medical verification.

**502      *Jury Duty Leave (Amended 1/23/2018)***

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

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

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

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

**Accrual of Benefits** – The Town will continue to provide health insurance benefits for an eligible employee during the jury leave. Vacation leave, sick leave and holiday benefits will continue to accrue during jury duty leave. Hours worked for jury duty are considered "hours worked" for purposes of overtime.

**503      *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 Ulysses recognizes the importance of the Military Reserve and National Guard, and will permit any employee the use of military leave to perform ordered military duty or required training. The Town will grant such leave with pay for up to twenty-two workdays or thirty calendar days in a calendar year, whichever is greater. Such military leave beyond the twenty-two workdays or thirty calendar days in a calendar year will be unpaid, however accumulated vacation leave may, at the employee's option, be used at any time during the leave. In accordance with applicable New York State law, the employee may keep all pay received for military service.

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



#### **504      *Leave for Designated Cancer Screening (Amended 1/23/2018)***

**Policy** – The Town of Ulysses complies with New York State Civil Service Law which entitles all Town employees to paid leave to undertake screening for breast cancer (under §159-b) and prostate cancer (under §159-c) or colonoscopy. This leave will not be charged against any available sick, vacation, personal, compensatory or other leave accruals. This does not preclude an employee’s option to use other available paid leave for this same purpose.

**Allowance** – An employee will be allowed four hours of paid leave per year for the purpose of undergoing a screening procedure for breast cancer, and four hours of paid leave per year for the purpose of undergoing a screening procedure for prostate cancer (male employees only) and 4 hours for a colonoscopy as recommended by a physician. Such paid leave will be accrued as of January 1 each year. If the employee does not exercise his/her rights to the leave, those hours are not carried forward to the next year. The allowed leave time may include the travel time to and from the appointment and any subsequent follow up consultation visits. In addition, the allowed leave may be staggered throughout the year until the maximum allowance has been reached. Leave for cancer screening is not considered “hours worked” for the purposes of overtime.

**Scheduling** – An employee must receive prior approval from the employee’s Department Head to take leave for this purpose. The request for leave should be submitted to the Department Head in writing a minimum of two days in advance. The Department Head will have total discretion in the approval of this leave, but will not unreasonably deny such request.

**Documentation Requirements** – If an employee applies for paid leave for a cancer screening procedure under this policy, documentation must be provided to the Department Head from the health care provider verifying that the absence from the workplace was for cancer screening. If an employee uses any other available leave for a cancer screening procedure, the provisions of the applicable leave policy (e.g. sick, personal, vacation, compensatory) will apply; there is no requirement in such a case to provide specific documentation regarding cancer screening.

#### **505      *Leave for Blood Donations (Amended 1/23/2018)***

**Policy** –The Town of Ulysses complies with New York State Labor Law Section §202-j which entitles Town employees who work an average of twenty hours or more per week to a leave of absence for the purpose of making a blood donation. This leave of absence will not be charged against any available sick, vacation, personal, or other leave accruals. The leave allowed under this policy is unpaid, however, this does not preclude an employee’s option to use available paid leave for this same purpose.

**Allowance** – An eligible employee will be allowed a leave of absence of up to three hours per year under this policy. Such leave will be accrued as of January 1 each year. If the employee does not exercise his/her rights to this leave, those hours are not carried forward to the next year. The allowed leave may include the travel time to and from the appointment. Leave for blood donation is not considered as “hours worked” for the purposes of overtime.

**Scheduling** – An employee must receive prior approval from the employee’s Department Head to take leave for this purpose. The request for leave should be submitted to the Department Head in writing a minimum of two days in advance. The Department Head will have total discretion in the approval of this leave, but will not unreasonably deny such request.

**506      *Bereavement Leave*** (Amended 1/23/2018)

**Eligibility** – In the event of a death of a Class “A” or “B” employee’s immediate family member, the employee may take a paid leave for up to three consecutive days from the employee’s regularly scheduled work. Such leave will not be subtracted from any of the employee’s leave credits. A Class “C”, temporary, or seasonal employee is not eligible for paid bereavement leave but may be allowed to take time-off without pay provided the employee has prior approval from the Department Head. Leave for bereavement is not considered “hours worked” for the purposes of overtime.

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

- Spouse
- Parent
- Mother-in-law
- Daughter-in-law
- Grandparent
- Step-parent
- The employee's domestic partner or the child, parent or other relative (categorized above) of the domestic partner
- Child
- Sibling
- Father-in-law
- Son-in-law
- Grandchild
- Step-child

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

**507      *Trumansburg Volunteer Firefighters/Emergency Responders*** (Amended 1/23/2018)

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

**Documentation Requirements** – The employee must account for all time spent responding to emergency calls on the employee’s time sheet, including the time the employee left and returned to the worksite. The employee may be required to submit verification of the employee’s attendance at such call.

**Responding to Calls During Paid Leave** – If the employee is on a paid leave from the Town (i.e. vacation, holiday, sick, personal, etc.) and the employee responds to a call, the employee will not receive additional compensation from the Town and the employee’s appropriate leave time will still be charged. Leave for emergency responders is not considered as “hours worked” for the purposes of overtime.

## **508      *Family and Medical Leave Policy (Amended 11/27/18, 12/11/18)***

**Policy Statement** – The federal FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

It is the policy of the Town of Ulysses to grant full-time employees a job-protected leave of absence under FMLA rules without pay for a period of up to **twelve weeks** within a calendar year, under certain circumstances due to medical conditions of either the employee or the employees’ family member (as defined below). If and when any employee meets the eligibility requirements under the *Family and Medical Leave Act (FMLA)*, the provisions of the FMLA shall cover the initial time off (up to 12 weeks, or whatever the federal law requires). If after leave is exhausted under FMLA, or the NYS Paid Family Leave Act, the employee can demonstrate continued need, they may apply for an unpaid *Medical Leave of Absence Extension* due to medical conditions of either the employee or the employee’s family member (as defined below in FMLA). For more information: <https://www.dol.gov/whd/fmla/>

**Granting of Leave of Absence** – The granting and duration of each unpaid leave of absence will be determined by the Town Board in accordance with applicable federal and state laws, including Civil Service Law Sections 71, 72 and 73, and the *Civil Service Rules for Tompkins County*.

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

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

In addition to leave provided under this policy, employees may be eligible for a leave of absence pursuant to Civil Service Law Section 71. Section 71 provides that covered employees shall be entitled to a leave of absence for at least one cumulative year (unless found to be permanently disabled) when disabled due to an occupational injury or disease as defined in the Workers’ Compensation Law. Civil Service Law Section 71 also provides for leave of at least two years when the

absence is a result of an assault sustained by an employee during the course of employment. This leave runs concurrently with leave approved under the FMLA. Employees should consult with the Town Supervisor's office for further details regarding this provision.

- **Parental Leave of Absence** – Female employees, when not disabled by pregnancy or childbirth (see above), and male employees may be granted an unpaid parental leave of absence to care for a child upon birth or upon placement for adoption or foster care. The purpose of this parental leave is to allow parents of a new-born child or newly adopted child to care for and bond with the child. Therefore, the Town reserves the option to demand supporting documentation from a non-custodial parent who requests parenting leave before parental leave is approved. Forms of supporting documentation may include a certification from the custodial parent or a copy of a court-order of child custody. See also section 710B *Paid Family Leave*.
- **Family Care Leave of Absence** – Employees may be granted a family care leave of absence for the purpose of caring for a child, spouse or parent who has a serious health condition. See details under section 710B: *Paid Family Leave*
- **Medical Leave of Absence Extension** – If the employee's medical condition extends beyond the 12 weeks of FMLA, an employee may apply for a maximum 12 week extension of the *Leave of Absence*. The same conditions, notifications and rules that govern FMLA will apply to this extension of Medical Leave of Absence. As with FMLA requirements, health insurance will be continued.

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

- **Serious Health Condition** shall mean and refer to an illness, injury, impairment, or physical or mental condition that involves in-patient care in a hospital, hospice, or residential medical care facility, or any subsequent treatment in connection with such in-patient care; or continuing treatment by a health care provider, including, but not limited to:
  - \* A period of incapacity of more than three consecutive calendar days and any subsequent treatment or period of incapacity that also involves continuing treatment by a health care provider;
  - \* A period of incapacity due to pregnancy or prenatal care;
  - \* A period of incapacity or treatment for such incapacity due to a chronic serious health condition;
  - \* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
  - \* A period of absence to receive multiple treatments, including any period of recovery, by a health care provider, or by a provider of health care services under orders of or on referral by a health care provider, for restorative surgery after an accident or other injury or for a condition that would likely result in a

period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

- **Health Care Provider** shall 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** shall mean and refer to:
  - \* **Spouse** – husband or wife as defined or recognized under State law for purpose of marriage; or committed domestic partners who are those who are financially and emotionally interdependent in a manner commonly presumed of spouses.
  - \* **Parent** – biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a child as defined directly below. This term does not include an employee's parents "in law".
  - \* **Child** – biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis*, who is either under age eighteen, or age eighteen or older and "incapable of self-care because of a mental or physical disability". Persons who are "*in loco parentis*" include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

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

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

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

- The date the medical condition began;

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

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

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

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

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

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

**Use of Accrued Paid Leave Credits** – An employee taking leave for the **birth, adoption or foster placement of a child or to care for a spouse, child or parent with a serious health condition** may use all vacation leave credits in addition to 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 and vacation leave credits, which will be included in the maximum twelve weeks of leave. However, in the event that the paid leave credits available are greater than the maximum twelve-week period, an employee may use paid leave credits to extend the leave of absence beyond the twelve-week period, **up to a maximum of one year**. If, after the completion of the one-year leave of absence, the employee is medically unable to return to work (as determined by a health care provider) and the employee has leave credits remaining, the Town Board may authorize an extension of the employee's leave of absence until such benefits are exhausted. However, **job reinstatement** beyond the one-year leave of absence **is not automatic** and will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *Civil Service Rules for Tompkins County*.

- **Accrual of Paid Leave Credits** – An employee will continue to accrue vacation and sick leave and receive holiday pay during the portion of the leave that is paid. **Paid leave is defined as leave during which the employee continues to use**

**accumulated paid vacation and sick leave.** After all such paid leave is exhausted, the remaining leave of absence is unpaid. An employee will not earn paid vacation or sick leave or receive holiday pay for any holidays that may occur during an unpaid leave of absence.

- **Medical Insurance** – During the period of authorized leave under this policy an employee's eligibility status for medical insurance coverage will not change. All employee contributions (if any) must be paid on a timely basis in order to maintain the continuous coverage of benefits. Contributions will be at the same level as if the employee was working. Coverage will cease if payments are not made within a thirty-calendar day grace period of the due date. Premium payments or policy coverage are subject to change. In the event the employee fails to return to work after the authorized leave of absence period has expired, provisions of COBRA (see Section 709) will apply. In addition, the Town may recover the premium that it paid for maintaining the coverage during any period of the unpaid leave except for the following circumstances:
  - \* The continuation, recurrence, or onset of a serious health condition of the employee or the employee's eligible family member with proper medical certification; or,
  - \* Circumstances beyond the employee's control, such as: parent chooses to stay home with a newborn child who has a serious health condition; employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's work-site; the employee is laid off while on leave.

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

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

- **Extension of Unpaid Leave of Absence** – An employee who wants an extension of the leave previously requested must notify the town at least two business days from the date the change occurred which necessitates the change in leave time. The Town Board reserves the right to approve or deny all leave extensions or authorize the Supervisor to do so.

**Statement of Compliance** – The Town of Ulysses complies with the provisions of the Family and Medical Leave Act (FMLA). Information about FMLA is posted on the notice board in Town Hall.

**509**      **Leave to Vote** *(Amended 11/22/2016, 1/23/2018)*

An employee is allowed up to 2 hours of paid leave to vote in local, state, or federal elections. Leave to vote is not considered as “hours worked” for the purposes of overtime.

**510**      **Leave of Absence for Personal Reasons** *(Added 1/8/2019)*

An employee may request a leave of absence (LOA) from work without pay for personal reasons. The leave is subject to approval by the Town Board (or by the Town Supervisor if the Town Board makes that designation) in consultation with the employee’s direct supervisor. The Town may deny a request for unpaid leave for personal reasons if the operations of the Town would be adversely affected by the leave.

The town will only maintain payment of its share of the health insurance benefits for class A or B employees if the employee’s average number of hours for the year, including the Leave of Absence will not drop below the required number of hours worked per week to qualify for health insurance (30 hrs/week in 2018). The employee will still be responsible for paying the employee’s share of health and dental insurance during the leave of absence. If the employee’s average hours/week drop below that required to maintain health and dental insurance, the Town will no longer pay for those benefits.

Vacation and sick time credit will not accumulate during the unpaid leave of absence. An employee on unpaid leave of absence may not claim any bereavement pay or holiday pay.



## 600 COMPENSATION

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### 601 *Wage and Salary*

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

**Merit Increases** – An employee may receive a merit pay increase or bonus based upon the employee’s past performance. The merit increase will be granted at the discretion of the Town Board and will be based on a written performance review by the Department Head.

**Cost of Living Increases** – An employee, or employees may receive pay increases based upon an increase in the cost of living. The cost of living increase will be granted at the full discretion of the Town Board.

### 602 **Overtime/Compensatory Time** (Amended 4/28/15, 12/8/15, 12/14/15, 11/22/16, 1/23/18)

**Authorization** – A Department Head may require an employee to work additional hours beyond the employee’s normal workday and workweek set by the department head. An employee must receive prior approval from the employee’s Department Head or supervisor before working additional hours above the standard work day or work week if claiming overtime or compensatory time.

**Record-keeping** - Recordkeeping of compensatory time begins each year on January 1. An employee must use all compensatory leave credits within the calendar year in which they are earned. Records of compensatory time will be kept by the employee on a town time sheet showing a running total of hours accumulated and hours used. Compensatory time is calculated based on the sum of hours worked in a 2-week pay period. Each time sheet must be approved by the employee’s supervisor, and submitted to the Town Supervisor’s office to be filed. It is the responsibility of the Department Head to ensure that no employee exceeds taking off more hours than the compensatory time limit.

**Compensation time cap** - Employees may accrue up to, but not more than, a maximum of ten standard work days of compensatory time annually.

**Work Day** – For purposes of this policy, a “work day” shall be defined as the total number of paid hours an employee is scheduled to work in a workweek (as defined by the Department Head), divided by five, rounded up to the nearest half hour. For example: A work day for an employee who is paid for a 35 hour workweek shall be considered to be 7.0 hours; a work day for an employee who is paid for a 32 hour workweek shall be considered to be 6.5 hours. Employees may work a flexible schedule with permission of the Department Head.

For Example: If an employee’s regular work week is 40 hours, their work day would be 8 hours and the maximum amount of comp time they would be allowed to accrue would be 80 hours per calendar year.

## **Compensation Time and Overtime in adherence to Federal Labor Standards Act Classifications**

**FLSA Non-Covered and Exempt Employees** – In accordance with the Fair Labor Standards Act, FLSA non-covered and exempt employees will not be paid for overtime but may receive “compensatory time” for hours worked in excess of the employee’s normal pay period for Class A, B, and C employees.

Exempt employees will receive compensatory time at their regular hourly pay for hours worked over their standard work week.

**FLSA Non-Exempt Employees (Employees working 40 hours per week)** – In accordance with the Fair Labor Standards Act, an FLSA non-exempt employee will be paid one and one-half times the employee’s regular hourly rate of pay for all authorized time worked over forty hours in a given workweek.

Additionally, non-exempt employees will be paid one and one-half times the employee’s regular hourly rate of pay for all authorized time worked over eight hours in a given work day. Overtime hours shall be calculated both on daily and weekly basis however those hours shall not be duplicated; i.e hours determined to be overtime for a given day will not also be used toward the calculation of overtime based on a max of 40 hours in the work week. *See Section 700 for details as to how leave time is factored into overtime.*

A non-exempt employee may wish to receive compensatory time off in lieu of overtime pay. The option to grant compensatory time is at the discretion of the employee’s Department Head.

When a non-exempt employee chooses to receive compensatory time off and it is approved, the employee will be credited with the equivalent of one and one-half hours for all authorized time worked that would qualify as overtime as defined above. An employee may accumulate up to ten standard work days in compensatory time credits. An employee must use all compensatory leave credits within the calendar year in which they are earned.

Example: a non-exempt worker works a 10-hour day. The employee is paid at the normal rate of pay for 8 hours. The 2 hours of overtime would have been paid at 1.5 times the normal rate of pay. It can be taken as compensatory time off at 1.5 times the hours worked overtime, or for this example, 3 hours of time off.

### **FLSA Non-Exempt Employees (Employees Working <40 Hours per week)** –

The above policy for non-exempt employees working 40 hours per week applies for non-exempt employees working <40 hours per week except for the following:

Non-exempt employees working a standard work week of less than forty hours will be compensated for time worked over their standard number of work week hours at their regular rate of pay or can receive one hour of compensatory time for every hour worked up to forty hours in a given work week if the additional work was approved by the department head.

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Compensatory time for non-exempt employees working less than 40 hours is prorated for Class B, and C employees. For example, an employee working thirty hours per week is eligible to accumulate and use 10 six hour days of compensatory time annually. For each extra hour worked over the employee's normal work hours, the employee can take an equal amount of compensatory time up to 40 hours.

**Overtime:** See section 401.

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

### **603**      **Call-In Pay** (*Amended 2/13/18, 11/27/18*)

Call-in time is defined as when a non-exempt employee is not at work and they are asked to come into work outside normal work day hours. Normal work day hours are set by the department head (Highway Superintendent) and can vary seasonally. Normal work day hours are set annually by the Highway Superintendent at the Organizational Meeting. Call-in time starts when an employee is contacted by their Supervisor. The employee then has 30 minutes to report to work. Staying late to work overtime is not considered call-in time.

Hours worked as call-in hours (including travel time) are considered hours worked for the purposes of calculating overtime.

Call-in time will be paid at 1.5 times the employee's regular rate of pay, except if they are worked on a holiday (see Holiday Pay section).

Employees called in to work outside their regular work day for hours that do not abut their normal work day will be guaranteed a minimum of 3.5 hours of pay at 1.5 times their normal rate of pay unless the call-in occurs on a holiday (see Holiday Pay section).

Examples:

Example 1: Defining Call-In time:

The normal work day is from 7:00 a.m. to 3:30 p.m.

An employee is called in (contacted by the Highway Superintendent) to work at 4:30 a.m., reports to work at 5:00 am and works until 3:30 p.m.

The 2.5 hours from 4:30 to 7:00 am is call-in time.

Or if the employee works a normal work day, leaves work at 3:30 pm and then is contacted by their supervisor at 7:00pm, reports to work at 7:30 pm and works to 9:00 p.m., the time from 7:00 to 9:00 is call-in time. The guaranteed minimum of 3.5 hours would apply in this situation and the employee would be paid for 3.5 hours of call-in time at 1.5 times the employee's regular rate of pay.

For examples of how call-in pay is calculated, refer to Appendix P.

**Eligibility** – Non-exempt Class A, B, C, Temporary and Seasonal employees are eligible for Call-In Pay in accordance with this policy.

Should an employee fall under a classification covered by the currently in-force Labor Agreement (Union Contract), then the Call-In Pay provisions of that Agreement will supersede and apply to those employees.

#### **604      *Pay Period and Check Distribution***

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

**Payday** – Under normal circumstances, paychecks will be issued no later than Thursday. In the event the payday is a designated holiday, paychecks will be distributed on the following workday.

**Distribution** – The Bookkeeper will deliver paychecks to the Department Heads and the Town Clerk for further distribution to employees.

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

**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 Bookkeeper.

#### **605      *Payroll Deductions***

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

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

#### **606      *Deferred Compensation Plan***

**Summary** – The Town of Ulysses has established a Deferred Compensation Plan whereby a portion of an employee's salary may be voluntarily withheld and invested. The money saved is paid out to the employee at a later date, generally during retirement years. Neither the deferred amount nor earnings on investments are subject to current Federal and State Income Taxes. Taxes become payable when the deferred

income plus earnings are distributed to the employee, presumably at retirement when the tax bracket may be lower. A description of the plan may be obtained from the Bookkeeper.

## 700 EMPLOYEE BENEFITS

*The Ulysses Town Board may, at its discretion and by resolution, negotiate, and grant a new employee a different benefits package at the time of hire based on their prior experience in a similar position. The resolution granting such benefits shall specify how further benefits will accrue. (Added 6/20/18)*

### 701 **Holidays** (Amended 11/22/16, 1/23/18)

**Designated Holidays** – The Town of Ulysses currently observes the following holidays:

1. New Year's Day	7. Indigenous Peoples Day
2. Martin Luther King Day	8. Veterans Day
3. Presidents' Day	9. Thanksgiving Day
4. Memorial Day	10. Day after Thanksgiving
5. Juneteenth	11. ½ Day Christmas Eve
6. Independence Day	12. Christmas Day
7. Labor Day	*Floating Holiday

*\*Class A and B employees are credited with one floating holiday each January 1 which must be used during that calendar year. A newly hired Class A or B employee will be granted a floating holiday for use during the first calendar year of employment only if the employee's date of hire is prior to July 1. An employee must receive prior approval from the employee's Department Head to take the floating holiday.*

**Eligibility** – Class A and B employees are eligible for holiday pay at the employee's regular rate of pay. Class C employees paid on a salary basis will receive their regular pay during a pay period in which a holiday occurs. Holiday pay will be based upon the employee's scheduled hours on the day the holiday occurs.

**Holiday Pay** – Class A and B employees are eligible for holiday pay at the employee's regular rate of pay prorated for part time employees for each of the designated holidays shown above.

**Holiday Day** – For purposes of this policy, a "holiday day" shall be defined as the total number of paid hours an employee normally works on the day of the week the holiday is observed.

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

**Called in to Work on a Holiday** – Class A, B and C FLSA non-exempt employees who are required to work on a designated holiday will receive holiday pay (as defined above) plus wages at double the employee's regular rate of pay for actual hours worked or as a guaranteed minimum of three (3.5) hours at double the regular rate of pay. A Class C, temporary, or seasonal employee who works on a designated holiday will be paid at the employee's regular rate of pay.

Employees called in on a holiday will be compensated for travel time at double the employee's rate of pay for 30 minutes of time total. Travel time is not considered part of hours worked when calculating overtime.

**702**      **Vacation Leave** (Amended 4/22/14, 12/8/15, 11/22/16, 1/23/18, 4/10/18, 12/11/18)

**Eligibility** – Class A and B employees are eligible for paid vacation leave in accordance with this policy. Class C, temporary and seasonal employees are 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.

**Work Day** – For purposes of this vacation leave policy, a “work day” shall be defined as the total number of paid hours an employee is scheduled to work in a workweek (as defined by their department head), divided by five, rounded up to the nearest half hour. For example: A work day for an employee who is paid for a 35-hour workweek shall be considered to be 7.0 hours; a work day for an employee who is paid for a 32-hour workweek shall be considered to be 6.5 hours. Employees may work a flexible schedule with permission of the Department Head.

**Allowance** – Class A, B and C employees will be credited with paid vacation leave in accordance with the vacation schedule below on an accrual basis. An employee may take vacation leave only after it has been accrued. Vacation leave accrual will be recalculated on the employee's anniversary date of hire. Vacation leave hours are considered as “hours worked” and are included when calculating overtime pay for the day or the week.

<b>Years of Service:</b>	<b>Vacation Leave</b>
0- ≤1 year	See “New Employees”
≥1- ≤2 years	10 work days
≥2- ≤3 years	12 work days
≥3- ≤4 years	13 work days
≥4- ≤5 years	14 work days
≥5- ≤6 years	15 work days
≥6- ≤7 years	16 work days
≥7- ≤8 years	17 work days
≥8- ≤9 years	18 work days
≥9- ≤10 years	19 work days
≥10- ≤20 years	20 work days
Over 20 years	25 work days

**New Employees** – A newly hired Class A and B employee will accrue one half day of vacation leave for every month of employment, up to a maximum of six days.

**Continuous Service** – Service periods shown above refer to “Continuous Service”, which shall mean uninterrupted service. An authorized leave of absence without pay, or a resignation followed by reinstatement within one year following such resignation, shall not constitute an interruption of continuous service. However, the duration of the absence from work without pay will be excluded from the computation of length of continuous service. Vacation is earned only for monthly pay periods during which an

employee is in full pay status for at least fifteen working days during such monthly pay period.

**Scheduling** – An employee must receive prior approval from the employee’s Department Head to take vacation leave. Vacation leave credits may not be used in increments of less than one hour. The Department Head will have total discretion in the approval of vacation leave.

**Accumulation** – An employee may accumulate vacation leave credits up to a maximum of two times the employee’s applicable yearly accumulation. For example, an eligible employee with five years of service may accumulate a maximum of thirty days 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 vacation leave credits will not be charged for that day.

**Separation of Employment** – An employee who resigns, retires or is laid off will receive cash payment for unused vacation leave to which the employee is properly entitled at the employee’s then current rate of pay. To be eligible to receive this payment, an employee who is to resign or retire must give written notice at least two weeks in advance of the last day of employment as well as have maintained a bi-weekly timesheet with their supervisor’s signature. In the event an employee leaves employment due to disciplinary action, the employee will not receive a settlement for unused vacation leave. In cases of death of an employee, the Town will pay the employee’s estate for any unused vacation leave.

### **703 Sick Leave** (Amended 4/22/14, 12/8/15, 11/22/16, 1/23/18, 4/10/18, 12/11/18)

(also see Section 508 – family and medical leave policy)

**Eligibility** – Class A and B employees are eligible for paid sick leave in accordance with this policy. Class C, temporary, and seasonal employees and other elected official are not eligible for paid sick leave.

**Work Day** – For purposes of this sick leave policy, a “work day” shall be defined as the total number of paid hours an employee is scheduled to work in a workweek, divided by five, rounded up to the nearest half hour. For example: A work day for an employee who is paid for a thirty-five-hour workweek shall be considered to be seven hours; a work day for an employee who is paid for a thirty-two-hour workweek shall be considered to be six and a half hours.

**Allowance** – An eligible employee will be credited with the equivalent of one work day of paid sick leave each month. An employee may take sick leave only after it has been credited. The employee will be credited upon the last posting of the last payroll of the month in which the sick leave has been earned. Sick leave hours are considered time worked and are included when calculating overtime pay for the day or the week.

**New Employee** – A newly hired employee will begin to accumulate sick leave upon hire. Sick leave credits are eligible to be used only after they have been earned.



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

**Proper Use of Sick Leave** – Sick leave is provided to protect an employee against financial hardship during an illness, injury, or medical procedure. An employee may use sick leave credits for a personal illness, injury, or medical/dental appointment that inhibits the employee's ability to work. Sick leave credits may not be used in increments of less than 1/2 hour. An employee may take sick leave only after it has been credited.

**Family Sick Leave** – An employee may use up to five days of sick leave credits annually for family illness or injury if the employee must provide direct care to an immediate family member. Such leave will be subtracted from the employee's accumulated sick leave credits. For purpose of family sick leave, "immediate family member" will mean the employee's parent, spouse/domestic partner or child, including step-child and foster child. See also Section 508.

**Accumulation** – An employee may accumulate sick leave credits to a maximum of one hundred and twenty work days. It is important to recognize that paid sick leave can provide income protection and continued medical insurance coverage in the event the employee is unable to work for a long period of time due to illness or injury. Therefore, each employee should take care to manage the use of sick leave to ensure adequate time is available should such a need arise. Sick leave is tracked and reported on each employee's paycheck based on an employees approved time sheet. Elected officials may use sick leave credits while in office but do not accumulate sick leave that can be used once they are out of office.

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

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

**Separation of Employment** – An employee whose employment with the Town is terminated due to a resignation, death or disciplinary discharge will not receive cash payment for unused sick leave. An employee who retires from the Town (i.e. has applied for and been granted a bona-fide retirement benefit from the New York State Employees' Retirement System) may apply the dollar value of up to one hundred and twenty days of accumulated sick leave (based upon the employee's rate of pay on the date of retirement) towards the cost of the retired employee's portion of the health insurance premium and when Medicare eligible, this would apply to the Medicare supplemental. To be eligible to receive this payment, the retiree must give written

notice at least two weeks in advance of the last day of employment as well as have maintained a bi-weekly timesheet with their supervisor's signature.

#### **704      *Personal Leave (Amended 1/23/2018)***

**Eligibility** – Class A and B employees are eligible for paid personal leave in accordance with this policy. Class C, temporary, or seasonal employees are not eligible for paid personal leave.

**Work Day** – For purposes of this personal leave policy, a “work day” shall be defined as the total number of paid hours an employee is scheduled to work in a workweek, divided by five, rounded up to the nearest quarter hour. For example: A work day for an employee who is paid for a 35-hour workweek shall be considered to be 7.0 hours; a work day for an employee who is paid for a 32-hour workweek shall be considered to be 6.5 hours.

**Allowance** – An eligible employee will be credited with three work days of paid personal leave on an annual basis. The employee will be credited each year on their anniversary date. An employee may take personal leave only after it has been credited. Personal leave hours are considered time worked and are included when calculating overtime pay for the day or the week.

**New Employee** – A new employee will be credited with three work days of paid personal leave after the completion of six months of continuous service or completion of their probationary time, whichever is less, as specified in Section 303 *Length of Probationary Period*. Thereafter, the employee will be credited with three work days of paid personal leave on each subsequent anniversary date.

**Proper Use of Personal Leave** – An employee may use personal leave credits to conduct personal business which cannot be conducted outside of normal working hours, non-emergency medical and dental appointments, and for personal reasons. Personal leave credits may not be used in increments of less than one hour.

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

**Accumulation** – An employee may not accumulate personal leave credits. Any personal leave credits remaining unused as of the employee's anniversary date will not roll forward.

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

#### **705      *Disclosure of Insurance Benefits***

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

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

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

**Changes in Benefits** – Any benefit offered by the Town to employees is subject to change or discontinuance by resolution of the Town Board.

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

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

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

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

**706      *Medical & Vision Insurance*** (Amended 4/22/14, 12/8/15, 11/22/16, 11/27/18, 12/11/18)

**Eligibility** – The Town will make available medical insurance coverage to each Class A and B employee and their eligible family members. Class C, temporary or seasonal employees are not eligible for this benefit.

**Vision Insurance** – The Town medical insurance includes vision coverage.

**When Coverage Begins** – Coverage will begin on the employee's first day of employment, provided all eligibility requirements of the insurance plan are met.

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

**Premium Payment** – The amount of the insurance premium an employee is required to contribute is as follows

### Premium Reimbursement Payments

**Table 706 A**

<u>Employee Class</u> (Hours/week)	<u>Rate of Contribution</u>	
	<u>Town</u>	<u>Employee</u>
A (30 or more)	90%	10%
B (20 or more, <30 )	50%	50%

**Pre-Tax Insurance Premiums** – The employee's contribution towards the health insurance premium will be paid with pre-tax dollars. Deductions are taken from the employee's paycheck before federal, state, and social security taxes are calculated. This reduces the employee's taxable income and increases net take-home pay.

**Coverage for Active Employees and Dependents When Medicare Eligible** – Permanent Employees as well as dependent(s) who are eligible for Medicare must enroll in both Medicare Part A and Part B during the open enrollment period each year. The individual employee is responsible for Medicare enrollment. The Town will pay for Medicare Supplemental Insurance to help cover expenses not covered by Medicare Parts A and B for eligible active employees and their dependents at the rate specified in table 706A. Medicare recipients are not charged for Part A.

**Medicare Part B:** The Town will reimburse Medicare eligible active Employees, , or their dependents, for their Medicare Part B premiums according to the percentages specified in table 706A.

**Medicare Supplemental:** The Town Board will annually approve the Medicare Supplemental Plan to be sponsored by the Town. An Employee, or their dependent, can elect to use an alternate supplemental plan. In such a case, the Town will provide reimbursement based on Table 706A. The Employee or their dependent must provide proof of payment on a quarterly basis in order to receive the reimbursement.

If the Employee, or their dependent chooses a plan that is more expensive than the approved plan, the Town is not responsible for reimbursement for anything but the equivalent dollar value they would be eligible for under the approved plan. If the Employee or their dependent chooses a plan that is less expensive than the approved

plan, the Town will only reimburse the percentage specified in table 706A of that less expensive plan.

**For Dependents who are not Medicare eligible:**

Should the employee be eligible for Medicare, but their dependent is not, the Town will pay for the dependent's insurance policy based on the percentage specified in table 706A.

**707 Medical Insurance for Retirees** (Amended 4/22/14, 12/8/15, 12/14/15, 11/27/18, 12/11/18)

**Definition of Retirement** – Retirement is defined as the day when the employee begins to collect retirement from the New York State Local Retirement System.

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

**Coverage for Medicare Eligible Retirees-** Town provides Medicare Supplemental Insurance at the percentage rates listed in the table below. Per insurance company requirements, the retiree and/or eligible dependent must enroll in both Medicare part A and part B to be eligible for this coverage. Coverage includes prescriptions for employee and Medicare eligible spouse. The retiree is required to pay his or her share of the Medicare Supplemental insurance (based on the table 707 A on the next page) on a quarterly basis. Medicare recipients do not pay for Part A. The Town will not pay for Part B, even if the employee was enrolled in Medicare as an active employee.

**Eligibility and Premium Payments**– To be eligible for coverage, the retired employee must meet the requirements set forth in the table below. Coverage for retirees less than 65 years of age includes dependents who were covered under insurance before retirement. Employees must register for Medicare as their primary insurance at age 65. If an employee is eligible for Medicare and their dependents are not, dependents that were on the employee's insurance plan at the time of retirement are eligible for the insurance provided through the Town at the same level of coverage the employee is entitled to. An employee who leaves employment due to disciplinary action is not eligible for medical insurance or prescription drug coverage for retirees. These eligibility requirements are subject to change by resolution of the Town Board. Current retirees are eligible to continue to receive the benefits that were in force when they retired from the Town.

**Medicare Supplemental Plan**

The Town Board will annually approve the Medicare Supplemental Plan to be used. If the retiree elects to use a different plan, the Town will provide a reimbursement equivalent to the dollar value the retiree is eligible for based on the Town Board approved plan. The retiree must provide proof of payment on a quarterly basis in order to receive the reimbursement. If the retiree chooses a plan that is more expensive than the approved plan, the Town is not responsible for reimbursement for anything but the

equivalent dollar value the retiree is eligible for. If the retiree chooses a plan that is less expensive than the approved plan, the Town will only reimburse the amount of that less expensive plan.

**Changes in Premium Contributions and Plan** – The Town Board understands that part of retirement planning is based on the contribution the town will make to health insurance costs and will take this into consideration if any changes to this policy should be necessary.

Table 707A

Time Period and Eligibility		Town/ Employee Share of Insurance Premium			
		For Non-Medicare Eligible (<65)		For Medicare Eligible* (65+)	
		% Town pays	% Employees	%Town pays	% Employee
<b>Employees with a retirement date between Jan. 2015 – Dec. 2019:</b>					
At age 60 with 30 years of service. Classification:	A	90	10	90	10
	B	50	50	50	50
At age 60 with 25 years of service. Classification:	A	85	15	85	15
	B	50	50	50	50
At age 60 with 20 years of service. Classification:	A	80	20	80	20
	B	50	50	50	50
<b>Employees with a retirement date after January 1, 2020:</b>					
		% Town pays	% Employees	%Town pays	% Employee
At age 60 with 30 years of service. Classification:	A	70	30	50	50
	B	50	50	40	60
At age 60 with 25 years of service. Classification:	A	60	40	50	50
	B	45	55	40	60
At age 60 with 20 years of service. Classification:	A	50	50	50	50
	B	40	60	40	60

\* Town provides Supplemental Insurance including prescription coverage for employee and Medicare eligible spouse.

## 708 **Dental Coverage** (Amended 12/11/18)

**Eligibility** – The Town currently offers a dental plan to active Class A and B employees; retired Class A and B employees; and dependents of active and retired employees. Class C employees, Temporary employees, and Seasonal employees are not eligible for this benefit.

**When Coverage Begins** – Coverage will begin on the first day of the month following the completion of one month of employment or term, provided the employee meets all eligibility requirements of the plans.

**Employee Premium Contribution** – The Town will pay 50% of the premium for an individual or family dental or vision plan for an active or retired Class A or B employee as well as eligible dependents. Any required premium payments may be deducted made on a pre-tax basis in accordance with Section 125 of the Internal Revenue Code.

**Changes in Premium Contributions** – The amount of the insurance premium an employee is required to contribute is subject to change by resolution of the Town Board. The Town Board will provide a 12-month written notice of such change.

## 709 **Continuation of Health Insurance Benefits (COBRA/NYS Continuation Coverage)**

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

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

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

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

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

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

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

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

## **710      *Short-Term Disability Benefits***

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

**Summary** - The Town currently offers a short-term disability plan for non-job-related injuries or illnesses that meets the minimum requirements of New York State Disability Insurance. The insurance company makes the determination of whether an employee is eligible for short-term disability benefits. Disability payments will be in accordance with the terms of the policy. The duration of disability benefits is dependent upon a physician's certification and consistent with the terms of the policy and may continue up to a maximum of twenty-six weeks. An employee generally receives 50% of the employee's average weekly wages based on the previous eight weeks of employment, up to a maximum of \$510 per week. There is no coverage for medical care.

**Waiting Period** – There is a 7-day waiting period for which no benefits are paid. Benefits start on the eighth consecutive day of disability.

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

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

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

**Reporting of Illness or Injury** – The employee must submit a written report of the illness or injury on the proper application form (Appendix J) to the employee's Department Head and the Town Supervisor as soon as possible upon becoming aware of the need to apply for short-term disability benefits. The Bookkeeper will provide the employee with the necessary forms. Proper medical certification will be required and must be submitted with the application form.

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

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

#### **710A Long Term Disability (beginning 1/1/22)**

**Eligibility** - Class A and B employees are currently provided with short-term disability coverage in accordance with this policy. A Class C, temporary, or seasonal employee is not eligible for paid long-term disability coverage. This benefit is to supplement loss of time from work due to a qualified non-job related illness or injury.

**Summary** - The Town currently offers a long-term disability plan for non-job-related injuries or illnesses. The insurance company makes the determination of whether an employee is eligible for long-term disability benefits. Disability payments will be in accordance with the terms of the policy. The duration of disability benefits is dependent upon a physician's certification and consistent with the terms of the policy and may continue until the covered individual is eligible to receive social security benefits. The insurance company will make the determination of continued eligibility.

**Benefit amount** - The amount of benefits available to an eligible employee is 60% of monthly earnings up to a maximum of \$3,000. The benefit amount is the monthly payment an employee can receive after their claim is approved.

**Waiting Period** – There is no waiting period for which no benefits are paid. Benefits start on the eighth consecutive day of disability.

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**Elimination period** - The elimination period of 180 days is the period of time that must pass after a covered employee becomes disabled before they can begin receiving benefits.

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

**Disability Payments** – Disability payments will be in accordance with the terms of the policy. The duration of disability benefits is dependent upon a physician’s certification and consistent with the terms of the policy. Full details regarding the policy currently in effect are available from the Bookkeeper.

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

**Reporting of Illness or Injury** – The employee must submit a written report of the illness or injury on the proper application form (Appendix J) to the employee’s Department Head and the Town Supervisor as soon as possible upon becoming aware of the need to apply for disability benefits. The Bookkeeper will provide the employee with the necessary forms. Proper medical certification will be required and must be submitted with the application form.

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

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

### **710B      *Paid Family Leave (Added 8/14/18)***

**Summary** - Effective January 1, 2018, the New York State Paid Family Leave (PFL) law provides eligible employees with partially paid, job-protected leave in certain qualifying circumstances. As a municipality, The Town is exempt from mandatory PFL but has opted-in to the program. The insurance carrier makes the determination of whether an employee is eligible for PFL benefits and payments will be in accordance with the terms of the policy. The duration of benefits is prescribed by the law. For additional information visit the New York State Paid Family Leave website: [paidfamilyleave.ny.gov](http://paidfamilyleave.ny.gov)

**Eligibility** - Class A and B employees are currently entitled to participate in PFL coverage in accordance with this policy and are eligible for benefits after 26 consecutive weeks of employment.

Class C, temporary, and seasonal employees are not eligible for PFL coverage.

The use of scheduled vacation time, PTO, sick, holidays or other time away from work that has been approved, or other periods where the employee is away from work but is still considered to be active, count as continuous weeks of employment or days worked

for purposes of eligibility. Absences during which the employee is receiving disability benefits are not counted as continuous weeks of employment or days worked for purposes of meeting the work criteria for PFL eligibility.

Once qualified for PFL, an employee will remain eligible (even if their standard hours are reduced) until their employment with the Town ends. If an employee separates from the Town and is rehired, then the employee must again satisfy the criteria listed above before becoming re-eligible.

**Qualifying Events** - PFL is available under the following qualifying circumstances as further set forth in the PFL law:

1. To bond with a new child (biological, adopted, or foster child) within the first 12 months after birth, adoption or placement
2. To provide physical or psychological care to a close relative with a serious health condition. A serious health condition, as further set forth in the PFL law, 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. Continuing treatment means a period of more than three 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: (a) treatment two or more times by a health care provider; or (b) treatment on at least one occasion by a health care provider, which results in a regimen of continuing treatment under the supervision of the health care provider. Under the PFL law a close relative includes spouse, domestic partner, child or step-child, parent or stepparent, parent-in-law, grandparent or grandchild.
3. To address a qualifying circumstance when the employee's child, spouse, parent, or domestic partner is called to covered active military service in the United States armed forces. A qualifying circumstance is interpreted consistent with the federal Family Medical Leave Act (e.g. attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, and attending post-deployment re-integration briefings.)

PFL is not available for the employee's own health condition or qualifying military event.

**Coordination of Benefits** - PFL can be taken by employees who are eligible for time off under the provisions of the Town's Family and Medical Leave Policy (FMLP) or Federal Family and Medical Leave Act (FMLA) if applicable. PFL will run concurrently with designated FMLP/FMLA leave when the reason for leave qualifies under both PFL and FMLP/FMLA. The eligible employee must then apply for both PFL and FMLP/FMLA.

Employees may take leave in continuous or intermittent full-day increments. Eligible employees must make reasonable efforts to schedule intermittent leave as not to unduly disrupt the Town's operations. Employees may not designate partial days as leave under PFL.

Employees may not receive short-term disability and PFL benefits at the same time, but may use them consecutively if applicable. Employees may not take more than 26 combined weeks of short-term disability and PFL in a 52-week period.

PFL is not available for the employee's own health condition and therefore employees may not use PFL benefits at the same time as they are receiving Workers' Compensation benefits and are not working.

The Town is not required to provide the same PFL to two or more employees at the same time to care for the same family member.

**Amount and Duration of Benefits** - PFL payments will be in accordance with the terms of the policy. The duration of leave and pay benefit is prescribed by the law and is summarized as below:

<b>Beginning On</b>	<b>Number of weeks of PFL an eligible employee will be entitled to receive during any 52-week calendar period</b>	<b>Percent an employee will receive of his/her average weekly wage or New York State Average Weekly Wage, whichever is less</b>
1/1/18	8 weeks	50%
1/1/19	10 weeks	55%
1/1/20	10 weeks	60%
1/1/21 and thereafter	12 weeks	67%

For details or additional information visit the New York State Paid Family Leave website: [paidfamilyleave.ny.gov](http://paidfamilyleave.ny.gov)

**Use of Accrued Leave Credits** - Employees are not required to exhaust accrued, unused leave time when taking PFL, unless the PFL leave runs concurrent with FMLP/FMLA, see Family and Medical Leave policy section.

For PFL that is not also eligible for FMLP/FMLA then an employee may choose to draw from their accrued leave credits in conjunction with PFL payments to equal, but not exceed, the employee's full regular rate of pay.

If the employee chooses to charge part of their PFL to unused accrued leave time, the accruals will be used to supplement pay by making up the difference between the percent of pay received as a PFL benefit (see table above) and the full regular rate of pay.

Employees may elect to supplement PFL benefits, up to their full regular salary or wages, by using any form of accrued paid time off/leave (e.g. vacation, personal leave), consistent with the relevant policies, while they are on leave under PFL. Leave must be used in full-day increments and will be deducted from the employee's absence balance. Using accrued time will not extend the maximum duration of the leave.

Use of paid time off/leave accruals is intended to cover only the portion of the employee's regular salary that is not covered by the PFL benefit. However, in the event that an employee has already received payment under a leave policy and then a benefit is granted under PFL for the same time period, the employer may request that the payment of any PFL benefits due the employee be remitted directly to the Town.

Special note regarding accrued sick leave credits - Generally an employee would not be able to use accrued sick leave to supplement PFL benefit as PFL coverage is not available for the employee's own health condition. See Sick Leave section for details regarding limited use of sick leave credits for a family member's illness allowed under the policy.

**Accrual of Paid Leave Credits** - An employee will not earn vacation, sick or personal leave credits or receive holiday pay for any holiday that may occur during a PFL absence that is not supplemented by accumulated paid leave credits, unless otherwise required by law. However, if during a given pay period an employee either works or uses eligible paid time off/leave credits, accruals will occur during that pay period consistent with paid time off leave policies.

**Employee Responsibilities** - To apply for PFL, an employee must provide the Town with at least 30 days' advance notice from the requested leave date. Foreseeable qualifying events include, for example, an expected birth, placement for adoption or foster care; planned medical treatment for a serious health condition of a family member; or other known military exigency. Where such notice is not possible, the employee must provide notice as soon as practicable and must notify their supervisor per normal notification (call-in) procedures.

When an employee becomes aware of a qualifying event less than 30 days in advance, it should be practicable for the employee to provide notice of the need for leave either the same day or the next business day. When an employee takes intermittent PFL (which may only be taken in full day increments) the employee must provide a schedule of the days to be taken under PFL, or if this is not possible, notice as soon as practicable before each day of intermittent leave.

An employee shall provide notice sufficient to make the Town aware of the qualifying event and the anticipated timing and duration of the requested leave. The employee shall identify the type of family leave when providing notice.

#### Employee's Steps to Request Leave

1. Obtain required forms. Forms are available at Town Hall, from the insurance carrier, or at the website: [paidfamilyleave.ny.gov](http://paidfamilyleave.ny.gov)
2. Complete and submit forms. Employee fills out the Request for Paid Family Leave (Form PFL-1), see instructions on the cover sheet, and submits it to the Town Bookkeeper.
3. The Town will complete the Employer section of the form and then return it to the employee within three (3) business days.

4. Additional documents or forms may be required depending on the type of leave as described at the website: [paidfamilyleave.ny.gov/paid-family-leave-forms#employee-forms](http://paidfamilyleave.ny.gov/paid-family-leave-forms#employee-forms)

5. Employee then submits forms and supporting documents directly to the insurance carrier. The carrier must pay or deny the request within 18 calendar days of receiving the completed form and all required documentation.

### **Employee Protections**

Job Protection and Return to Work - Employees returning from PFL leave will be reinstated to the employees' position of employment held when the applicable leave commenced, or to a comparable position with comparable employment benefits, pay and other terms and conditions of employment. The Town may hire a temporary replacement during the employees' leave period.

Health Insurance Benefits - While on PFL, an employee's health insurance coverage will be maintained in the same manner as during the employee's active employment status. Employee is responsible for paying their share of health insurance premiums while on leave. If the premiums are raised or lowered during PFL, the employee is required to pay the new premium rates. In some instances, the Town may recover premiums it paid to maintain health coverage for an employee who fails to return to work from PFL.

The Town's obligation to maintain health insurance coverage ceases under PFL if an employee's premium payment during the period of leave is more than 30 calendar days late. The Town will provide written notice to the employee at least 15 days before the coverage is to cease, that coverage will end on a specified date at least 15 days after the date of the letter unless payment has been received by that date.

**Premium Payment** - Under the law PFL is funded through employee payroll contributions unless the employer elects to pay the premiums on behalf of the employees. As of 2018, the Town has elected to pay the full premium for PFL coverage for each eligible employee.

The Town reserves the right to revise this decision as allowed per law and upon any required notice.

**Other Terms & Conditions** - The policies and guidelines stated in this policy shall be subject to such other terms and conditions as are provided in the New York State Paid Family Leave Benefits Law, their respective implementing regulations, and any other applicable federal, state, and local leave laws, and the PFL certificate of insurance or governing plan documents.

## **711 Workers' Compensation Benefits**

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

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

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

**Reporting of Injury** – The employee must report any accidental injury arising out of and in the course of employment to the Department Head immediately after the occurrence of the injury. The Department Head will notify the Town Supervisor who will complete and submit the required forms. The employee must also complete an "Employee Claim Form C-3" and submit it directly to the Workers' Compensation Board. The Town Supervisor will provide the employee with the necessary form.

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

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

## **712      *Unemployment Benefits***

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

## **713      *Social Security***

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

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

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

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



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

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

**Waiver of Enrollment** – An employee or Elected Official who is not mandated to join the Retirement System, and who chooses not to join, must complete a waiver of enrollment form (Appendix G).

## **800 ELECTED OFFICIALS**

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### **801 Introduction**

As noted in Section 104, Elected Officials are treated differently the other employees due to the nature of their employment. Listed below are sections of the personnel manual between 300 and 700 that apply to Elected Officials in the same fashion as other employees:

- Section 301 – Oath of Office
- Section 307 – Code of Ethics
- Section 308 – Personnel Records
- Section 309 – Separation from Employment
- Section 405 – Bonding
- Section 406 – Expense Reimbursement
- Section 407 – Vehicle Usage
- Section 408 – Driver’s License/Insurance Requirements
- Section 411 – Communications
- Section 414 – Disclosure of Information
- Section 415 – Purchasing/Credit Cards
- Section 605 – Payroll Deductions
- Section 606 – Deferred Compensation Plan
- Section 705 – Disclosure of Insurance Benefits
- Section 709 – COBRA (for Benefit Eligible Elected Officials – see 806)
- Section 713 – Social Security
- Section 714 – NYS Retirement System

### **802 Compensation**

Compensation for Elected Officials is established by the Town Board on an annual basis. Elected Officials are salaried, exempt employees, who are expected to meet the fiduciary responsibilities of their elected positions.

### **803 Employment Status and Record of Attendance**

Since compensation for Elected Officials is not necessarily tied to the number of hours they work, they are required to keep a Record of Attendance for a minimum of three months at the start of each elected term. This record will determine the number of days per month (and hours per week) that each elected individual works. This record is used for retirement system reporting and determining employment status for the purpose of determining eligibility for certain benefits. Elected officials working at least 30 hours per week are considered full-time, all others are considered part-time. For Elected Officials who perform duties that are the primary livelihood of the Elected Official and are similar to that of a Class A employee, the Town will offer health benefits similar to that of a class A employee. Elected Officials who do not wish to join the retirement system, or establish full-time status are not required to complete a Record of Attendance.

**804      *Pay Period and Check Distribution***

Town Board members are paid monthly, on the last bi-weekly pay date of the month. All other Elected Officials are paid on a bi-weekly basis. Check are issued on Thursday following each pay period, with an option of direct deposit available to all employees.

**805      *Leave Time***

Elected Officials do not accrue leave time as do other employees. They are expected to meet the fiduciary duties of their position, regardless of the number of hours they work. It is understood, however, that Elected Officials will take time away from work as needed for vacation, illness, bereavement, and other personal needs. Elected officials should communicate to the Town Supervisor and Town Clerk if they expect to be absent from their regular duties.

**806      *Medical and Dental Insurance***

The Town offers Medical and Dental Insurance to full-time Elected Officials at the same rate of sharing as other full time employees (90% Town share/10% employee share for Medical and 50% Town share/50% employee share for Dental). All other provisions applicable to other full time employees for Medical and Dental coverage will apply to full-time Elected Officials.

**807      *Retiree Medical and Dental Insurance***

Full-time Elected Officials who are covered under the Town's Medical and Dental insurance policies at the time of retirement, have at least 20 years of continuous full-time service, and are at least 60 years of age, will be entitled to retiree benefits for Medical and Dental insurance consistent with that of other full-time eligible employees.

**808      *Long Term Disability Insurance***

Full-time Elected Officials may be covered by long term disability insurance as outlined in Section 710A. In order to be eligible for this coverage, they must sign off on the Elected Official Acknowledgement of Long Term Disability Coverage (Appendix U). In signing this form, they will (a) acknowledge that long term disability insurance payments will provide them 60% of their scheduled wages for the duration of their long term disability; and (b) that the Town's obligation to pay compensation to the Elected Official during the existence of a qualifying long term disability shall be no more than 40% of their scheduled wages. The Town's obligation to make such payments shall end upon the conclusion of the elected term for any reason.

## 900 COMPLIANCE POLICIES

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### 901 *Equal Employment Opportunity*

**Policy Statement** – The Town of Ulysses 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 information, predisposition or carrier status, sexual orientation, domestic violence victim status, or any other protected class or status. Likewise, the Town prohibits employees, Elected Officials, vendors, suppliers, visitors, customers, and any other non-employee from discriminating against Town employees based on these protected groups. Discrimination based on any of the above is strictly prohibited. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, compensation, promotion, transfer, training, leave of absence, and termination.

**Notification of Policy Violations** – An employee should immediately report any perceived violation of this policy to the employee's Department Head. 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, or to the Tompkins County Human Rights Department. All complaints of discrimination will be investigated discreetly and promptly. This procedure is not intended to restrict an individual's rights to make a complaint to a federal or state agency. An employee who reports discrimination will not suffer adverse employment consequences as a result of making the complaint.

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

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

**902      *The Americans with Disabilities Act***

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

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

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

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

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

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

**903 Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace** (Amended 3/26/19)

**Purpose** – The Town of Ulysses believes in the dignity of the individual and recognizes the rights of all people to equal employment opportunities in the workplace. In this regard, the Town of Ulysses, (hereinafter “Municipality”), is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without being subject to harassment or discrimination in the workplace. It is our Municipality’s policy to provide an employment environment free from harassment and discrimination based on race, color, gender, religion, religious creed, sex, familial or marital status, age, national origin or ancestry, physical or mental disability, genetic information/predisposition or carrier status, military or veteran status, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender, pregnancy (including childbirth and related medical conditions, and including medical conditions related to lactation), citizenship, domestic violence victim status or any other characteristic protected by applicable federal, state or local law.

**Scope of Policy** – This Policy applies to all Municipality employees and all personnel in a contractual or other business relationship with the Municipality including, for example, applicants, temporary or leased employees, interns (whether paid or unpaid), independent contractors, vendors, consultants, volunteers or visitors. In the remainder of this Policy, the term “employees” refers to this collective group. This Policy applies with equal force on Municipality property as well as Municipality-sponsored events, programs, and activities that take place off Municipality premises.

**Policy Objectives** By adopting and publishing this Policy, it is the intention of the Municipality’s governing body to:

- (1) Notify employees about the types of conduct that constitute harassment and discrimination prohibited by this Policy;
- (2) Inform employees about the complaint procedures established by the Municipality that enable any employee who believes they are the victim of harassment or discrimination to submit a complaint which will be investigated by the Municipality;
- (3) Clearly advise all supervisory staff, managers, and employees that harassment and discrimination is strictly prohibited; and
- (4) Notify all employees that the Municipality has appointed Compliance Officers who are specifically designated to receive complaints and ensure compliance with this Policy.

NOTE: The names and office location of each Compliance Officer designated to receive and investigate complaints are listed below in Section 11 of this Policy. Any change in the designated Compliance Officers shall be distributed in writing to all current employees and shall be posted.

## Definitions:

### A. **“Prohibited Discrimination of Employees”**

Prohibited discrimination of employees can take the form of any adverse employment action against an employee, by either a Municipality employee or official or a third party engaged in activities sponsored by the Municipality which is based upon the employee’s protected characteristic. Prohibited discrimination of employees also includes harassment based on a protected characteristic even where there is no tangible impact upon the employee’s employment opportunities and/or employment benefits. The phrase “prohibited discrimination” as used in this Policy includes all forms of prohibited discrimination and harassment based on a protected characteristic, including “Sexual Harassment” as defined below.

### B. **“Harassment”**

Harassment is strictly prohibited and includes, but is not limited to, conduct that is unwelcome and has the purpose or effect of unreasonably interfering with a person’s work performance, or creating an intimidating, hostile or offensive working environment. Such harassment of employees is prohibited by this Policy if it is based on a protected characteristic or directed at an individual because of a protected characteristic. In this regard, individuals subject to this Policy should be mindful that conduct or behavior that is acceptable, amusing or inoffensive to some individuals may be viewed as unwelcome, abusive or offensive to others.

### C. **“Sexual Harassment”**

Sexual harassment is strictly prohibited. It 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:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
- (2) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual (e.g., promotion, transfer, demotion, termination); or
- (3) Such gender-based conduct has the purpose or effect of unreasonably interfering with an individual’s work performance, or of creating an intimidating, hostile or offensive working environment, even if the reporting individual is not the intended target of the sexual harassment.

The foregoing includes offensive comments, jokes, innuendoes or other statements of a sexual or gender-based nature as well as favoritism between

a supervisor and subordinate based on an intimate/sexual relationship or desire for the same.

- **Who can be the 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.

#### **D. “Prohibited Behavior and Examples of Harassment, including Sexual Harassment”**

Specific forms of behavior the Municipality considers harassment or sexual harassment are set forth below. Every conceivable example cannot be delineated herein, and thus the descriptions below should not be interpreted in any way as being all-inclusive.

- **Verbal:** Abusive verbal language including jokes, comments, teasing or threats related to an employee’s protected characteristic, sexual activity and/or body parts whether or not said in that person’s presence including, but not limited to: sexual innuendos; slurs; suggestive, derogatory, or insulting comments or sounds; whistling; jokes; propositions; threats; comments on a person’s appearance that make the person feel uncomfortable because of his or her protected characteristic; sex stereotyping, continuing to ask someone for dates or to meet after work after the person has made it clear that he or she does not want to go; comments about an employee’s anatomy or protected characteristic that are unwelcome, unreasonably interfere with an employee’s work performance, or create an intimidating, hostile or offensive work environment; or unwelcome advances or demands based on someone’s protected characteristic.

- **Nonverbal:** Abusive written language showing or displaying pornographic or sexually explicit objects or pictures; graphic commentaries based on a protected characteristic; derogatory cartoons or caricatures; luring or obscene gestures; staring at a person’s body in a sexually suggestive manner; gestures or motions based on a protected characteristic; sending material through the Municipality e-mail system or other electronic communication devices (e.g. voice mail) or using the Municipality’s mail, computers or cell phones to view material that is demeaning or derogatory based on one’s protected characteristic.



- **Physical:** Unwelcome physical conduct, including but not limited to hitting, pushing, shoving, slapping, petting, pinching, grabbing, holding, hugging, kissing, tickling, massaging, displaying private body parts, coerced sexual intercourse, rape or assault or attempts to commit these assaults, persistent brushing up against a person's body, unnecessary touching and flashing or other unwelcome physical conduct.

- **Other:** Hostile actions taken against an individual because of an individual's sex, sexual orientation, gender identity and the status of being transgender or because of any other protected characteristic, 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; or name-calling.

Any employee who feels discriminated against or harassed should report that conduct so that any violation of this Policy can be corrected promptly. Any harassing conduct, even if a single incident, can be addressed under this Policy.

## Policy

The Municipality prohibits harassment and discrimination based on any characteristic protected by applicable law and will not tolerate any form of unlawful discrimination or harassment. The Municipality will take all steps necessary to prevent and stop the occurrence of unlawful discrimination and/or harassment, including sexual harassment, in the workplace.

All employees, including but not limited to, Municipality officials and supervisory personnel, are responsible for ensuring a work environment free from prohibited harassment and discrimination. All employees will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of harassment or discrimination. Employees are encouraged to report violations to a supervisor, manager, or one of the Compliance Officers listed in *Section 11* of this Policy in accordance with the Complaint Procedure set forth in this Policy. Officials, managers and supervisors must take immediate and appropriate corrective action when suspected instances of prohibited harassment and/or discrimination come to their attention to assure compliance with this Policy as well as report the suspected misconduct to the Municipality's designated Compliance Officers. Furthermore, if any employee believes that any member of management has violated this policy or has not properly responded to and/or handled a report or concerns about discrimination or harassment, the employee should immediately contact one of the Municipality's designated Compliance Officers.

Each employee is assured pursuant to *Section 6* of this Policy, that retaliation against an individual who makes a complaint or report under this Policy is absolutely prohibited and constitutes, in and of itself, a violation of this Policy. Employees who engage in retaliation against any employee for making a good faith complaint of harassment or discrimination, or for opposing in good faith any practices forbidden by applicable anti-discrimination laws or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws, shall be subject to discipline, up to and including termination of employment. Any employee who believes he/she has been retaliated against in violation of this policy should report

violations to one of the Compliance Officers listed in *Section 11* of this Policy in accordance with the Complaint Procedure set forth in this Policy.

Any questions regarding the scope or application of this Policy should be directed to one of the Compliance Officers listed in *Section 11* of this Policy.

## **Policy enforcement**

### **A. Complaint Procedure for Employees:**

#### **1. Notification Procedure**

Prompt reporting of complaints or concerns is encouraged so that timely and constructive action can be taken before relationships become strained. Reporting of all perceived incidents of prohibited discrimination and/or harassment is encouraged and essential, regardless of the offender's identity or position. An employee or other individual who feels aggrieved because of harassment or discrimination shall contact his or her supervisor or a Compliance Officer listed in *Section 11* of this Policy, or another administrator. Likewise, anyone who witnesses or becomes aware of instances of harassment or discrimination should report such behavior to his or her supervisor or a Compliance Officer listed in *Section 11* of this Policy, or another administrator.

#### **2. Making a Complaint**

Complaints are accepted orally and in writing. All employees are encouraged to use the Municipality's "Complaint of Alleged Discrimination" form. A copy of this form is attached to this Policy. Additional complaint forms can be obtained from a Compliance Officer, with no questions asked, or from the Municipality's website. Because an accurate record of the allegedly objectionable behavior is necessary to resolve a complaint of prohibited discrimination or harassment, the Municipality encourages employees to place complaints in writing, even if originally made orally. If an employee has any questions or difficulty filling out the complaint form, she/he can obtain assistance from any one of the Compliance Officers or the supervisor to which he/she complained. All complaints should include: the name of the complaining party, the name of the alleged offender(s), date(s) of the incident(s), description of the incident(s), names of witnesses to the incident(s) and the signature of the complaining party.

Once the complaining party has completed and dated a complaint, with or without the assistance of one of the Municipality's Compliance Officers or a supervisor, the written complaint, or oral complaint as the case may be, should be promptly forwarded to one of the Municipality's Compliance Officers.

Complainants are expected to cooperate with the Municipality's investigation procedures by providing all relevant information relating to the complaint, as are other supervisory and non-supervisory employees having relevant or related knowledge or information.

### **3. Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected harassment or discrimination, observe what may be harassing behavior, or have any reason to suspect that harassment is occurring, are required to report such suspected harassment or discrimination to one of the Municipality's Compliance Officers.

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

Supervisors and managers will also be subjected to discipline for engaging in any retaliation.

#### **B. Time for Reporting a Complaint**

Prompt reporting of all complaints is strongly encouraged. All employees should be aware that appropriate resolution of complaints and effective remedial action oftentimes is possible only when complaints are promptly filed.

#### **C. Confidentiality and Privacy**

The Municipality shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, and other laws and regulations regarding employees. To the extent complaints made under this Policy implicate criminal conduct, the Municipality may be required by law to contact and cooperate with the appropriate law enforcement authorities.

#### **D. Acknowledgement of Complaint**

Upon receipt of an oral or written complaint, the Compliance Officer should endeavor to contact promptly the complainant to confirm that the complaint has been received. If the complainant does not receive such confirmation promptly, she/he is encouraged to contact a Compliance Officer or his/her supervisor or the supervisor to whom the complaint was made to ensure its receipt. The purpose of this acknowledgment procedure is to ensure that all complaints are received by authorized individuals, carefully processed and promptly investigated.

### **Investigation procedures**

#### **A. Timing of Investigations**

The Municipality will promptly investigate all allegations of discrimination and harassment prohibited by this Policy. The Municipality will also attempt to complete investigations under this Policy promptly. The length of the investigation will depend upon the complexity and particular circumstances of each complaint.

#### **B. Method of Investigation**

Investigations will provide all parties due process, and reach reasonable conclusions based on the evidence collected. Investigations will be conducted by Municipality Compliance Officers, Municipality's legal counsel, and/or other impartial persons designated by the Municipality. The primary purposes of all investigations under this Policy will be to determine:

- Did the conduct complained of occur;
- Did the conduct complained of violate this Policy; and
- What remedial measures or preventative steps, if any, shall be taken.

Investigations will necessarily vary from case to case and may typically include the following: fact-finding interviews, including of the accuser and the accused; document request, review and preservation; depositions; and observations or other reasonable methods. Municipality investigators should pursue reasonable steps to investigate each complaint in a thorough and comprehensive manner. Any notes, memoranda, or other records created by Municipality employee or agent conducting an investigation under this Policy shall be deemed confidential and privileged to the extent allowed by law.

Investigators will typically 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 remedial actions.

**C. Notification to Complainant Party and the Accused Party**

The results of the investigation shall be communicated in writing to both the person filing the complaint and the accused party.

**D. Remedial Measures**

This Policy is intended to prevent all forms of unlawful discrimination and harassment and put an end to any prohibited discrimination that is found to have occurred. While disciplinary action may be appropriate in certain instances, punitive measures are not the exclusive means for responding to prohibited discrimination or harassment. During the pendency of any investigation being conducted pursuant to this Policy, remedial measures may be taken if appropriate and necessary.

Any individual who is found to have engaged in prohibited discrimination or harassment or conduct which may be prohibited by this Policy may receive education, training, counseling, warnings, discipline, or other measures designed to prevent future violations of this Policy. Disciplinary action may include: warnings, suspension, or discharge from employment or such disciplinary action as may be permitted by applicable collective bargaining agreements and law. Any third party found to have engaged in discrimination or harassment of an employee may be barred from Municipality property.

**Prohibition Against Retaliation and Abuse of the Policy**

Unlawful retaliation can be any action that could discourage an employee from coming forward to make a complaint or support a discrimination or harassment claim. Adverse action need not be job-related or occur in the workplace to constitute retaliation (e.g.,

threats of physical violence outside of work hours).

Retaliation against anyone for making a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws is strictly prohibited by this Policy and by law.

Even if the alleged harassment or discrimination does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if he/she 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 or discrimination.

Complaints of retaliation should be brought directly to a Compliance Officer. Such complaints will be promptly investigated. If retaliation is found, the person retaliating will be subject to corrective action up to and including termination from employment, or in the case of a non-employee, an appropriate remedy up to and including termination of the business relationship.

### **Appeals**

Any complainant or accused party who wishes to appeal the conclusion which the Municipality reached in investigating a complaint filed under this Policy, may do so within ten (10) calendar days of receipt of the appealing party's notification of the investigation outcome. Untimely submissions shall not receive consideration. Such appeal must be made in writing to the Municipality's governing body. The appealing party shall be entitled to present evidence in writing as to why the conclusion was flawed, improper, or otherwise not supported by the evidence. The Municipality's consideration and review of any such appeal shall be conducted confidentially in executive session. Following a review of that evidence, as well as the information obtained in the investigation process and conclusions derived therefrom, the Municipality's governing body, or its designee, shall render a decision. That decision shall be final. The appealing party shall be notified of the decision in writing.

Nothing set forth in the Appeal Process above shall be construed to, in any way, confer upon either the complainant(s) or the person(s) accused of violating this Policy any right to appeal the Municipality's determination as to appropriate disciplinary and/or corrective action to be taken on meritorious complaints. In this regard, the Municipality at all times retains sole discretion to determine the appropriate disciplinary and/or corrective action to be taken with regard to a meritorious complaint.

### **Record keeping**

The Municipality shall maintain a written record of all complaints of discrimination and/or harassment for a period of at least three years. The Municipality shall also document the steps taken with regard to investigations, as well as conclusions reached and remedial action taken, if any. The Municipality shall also maintain these documents for, at a minimum, three years.

The Municipality's records regarding alleged discrimination and harassment shall be maintained separate and apart from personnel records in a secure and confidential location.

### **Legal protections and external remedies**

Discrimination and harassment based on protected characteristics, including sexual harassment, are not only prohibited by the Municipality but are also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Municipality, employees may also choose to pursue legal remedies with the governmental entities referenced in the following laws. 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.

- A. State Human Rights Law (HRL)** - The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment and harassment based on other protected characteristics set forth in this Policy, 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 at 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, including sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Municipality does not extend your time to file with DHR or in court. The one year or three years is counted from the 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 or other illegal harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual or other illegal 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 (in sex discrimination and sexual harassment cases only) 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.

**B. 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 discrimination or 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, 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.

**C. Local protections** - Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

#### **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 your local police department.

#### **Questions**

Any questions by employees of the Municipality about this Policy or potential harassment or discrimination should be brought to the attention of one of the Municipality's Compliance Officers. The names, addresses, and telephone numbers of the Municipality's Compliance Officers are listed in *Section 11* of this Policy.

#### **Compliance Officers**

Carissa Parlato, Town Clerk  
10 Elm St.  
Trumansburg, NY  
[clerk@ulysses.ny.us](mailto:clerk@ulysses.ny.us)  
(607)387-5767 ext. 221

*Town of Ulysses Personnel Policy*

Richard Goldman  
5664 Pine Ridge Road  
Trumansburg NY 14886  
[Goldman@ulysses.ny.us](mailto:Goldman@ulysses.ny.us)  
(607)387-6067

### **Effective Date and Policy Dissemination**

The effective date of this Policy shall be 3/26/19. The Town of Ulysses shall ensure that this Policy is adequately disseminated and made available to all employees of the Municipality. This Policy shall be distributed at the beginning of each year. In addition, copies of this Policy and Complaint Form shall be maintained in the office of each Compliance Officer as well as the Municipality's Policy Book that is available in the Town Clerk's office.

## **904 Violence in the Workplace**

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

**Workplace Violence Prevention Program** – In accordance with the New York State Workplace Violence Prevention Act (NYS Labor Law §27-b), the Town of Ulysses has developed a Workplace Violence Prevention Program. As a part of this program, the Town conducted a comprehensive risk evaluation of the entire workplace and will conduct annual reviews to identify risk factors that may increase the likelihood of workplace violence and implement appropriate measures to minimize or eliminate these hazards. In order to achieve this goal, the Town encourages the participation and cooperation of employees and their authorized employee representative(s).

**Prohibited Conduct** – The Town has zero tolerance for violence of any kind in the workplace, including but not limited to, physical assault (e.g., hitting, pushing), threatening, intimidating, or aggressive behavior, or verbal abuse or harassment. In addition, employees and visitors are prohibited from possessing firearms or weapons (e.g., guns, knives, explosives, and other items with the intention to inflict harm) in the workplace, even if licensed to carry the weapon. The only exceptions are law enforcement and authorized security personnel. An employee who has knowledge that a coworker or visitor possesses a weapon on Town property must report this to a Department Head or Town Supervisor immediately.

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

**Reporting Requirements** – Any incident of workplace violence or imminent danger must be promptly reported to a Department Head, Town Board Member, or the Town Supervisor.



**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.

The Town of Ulysses' **Workplace Violence Prevention Contact Person** is the **Town Supervisor**.

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

**Policy Statement** – It is the policy of the Town of Ulysses 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 Ulysses' Drug-Free Workplace Policy pertains to all individuals who are employed by the Town of Ulysses.

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

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

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

**Non-Discrimination Policy** – The Town of Ulysses 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 or the Town Supervisor to discuss the situation before problems begin to surface in the workplace. Any disclosures made by an employee will be treated as strictly confidential to the greatest extent practicable. The employee's decision to seek assistance will not be used as the basis for disciplinary action nor used against the employee in any disciplinary proceeding.

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

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

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

### **Dangers of Drug Abuse in the Workplace**

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

1. Declining Performance
  - poor concentration
  - confusion in following directions
  - noticeable change in the quality of work
  - inability to meet deadlines
  - errors in judgment affecting the health and safety of others
  - customer complaints and injuries
2. Increased Costs
  - five times the average sick and accident benefits
  - higher job turnover, replacement and training costs
  - greater workers' compensation and health insurance payments
  - 3 to 5 times more on-the-job accidents
  - unemployment claims
3. Absenteeism and Tardiness

- double the normal rate
  - repeatedly being late for work and often leaving early
  - extended lunch hours
  - frequent illness and accidents both on and off the job
4. Damaged Relationships
- emotional outbursts, over-reaction to criticism, mood swings, complaints from co-workers, associates and the public often leading to damaged relations

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

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

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

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

## **907 *Smoking***

**Policy Statement** – In accordance with the NYS Clean Indoor Air Act, it is the policy of the Town to prohibit smoking in the workplace, which includes all Town buildings and all Town vehicles. In addition, the Town prohibits the use of tobacco products in any form from all Town owned properties including all indoor and outdoor spaces and vehicles owned by, or under the jurisdiction of, the Town of Ulysses.

## 1000 SAFETY

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### 1001 *Workplace Safety*

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

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

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

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

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

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

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

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

## **1002 Hazard Communication Program**

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

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

- **Chemical Inventory** – The Town must maintain an inventory of all known chemicals in use. An employee may obtain the chemical inventory from the employee's supervisor or Department Head.
- **Container Labels** – All chemicals on a 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 shall obtain a copy of the Material Safety Data Sheet (MSDS) and a standard chemical reference from the employee's Department Head.

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

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

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

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

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

## 1100 COMMUNICATION PROCEDURES

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### 1101 *Organizational Communications*

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

**Methods of Communication** – Information will be communicated to employees in a variety of ways, including general and departmental meetings, e-mail distributions, memos and other written correspondence, notices distributed with paychecks, and posting of information. Employees should check bulletin boards frequently to keep informed on changes in employment matters and other items of interest. All material to be posted on bulletin boards, including memos and announcements, must have the prior approval of the appropriate Department Head.

### 1102 *Adverse Communications*

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

### 1103 *Suggestions*

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

### 1104 *Public Relations*

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

## 1105 *Reporting of Improper Activities*

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

**Retaliation** – Under Section 75-B of New York State Civil Service Law, New York State Public Sector Whistleblower Law, an employee, who in good faith, discloses to a governmental body information regarding a violation of law, a substantial and specific danger to the public health or safety, or an improper governmental action which the employee reasonably believes to be true, shall be protected from any adverse personnel action including, but not limited to: termination, disciplinary action, or changes in compensation.



## 1200 DISPUTE RESOLUTION

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### 1201 *Dispute Resolution Procedure*

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

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

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

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

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

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

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

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

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

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

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

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

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

## **1300 FORMS APPENDIX**

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- A. PERSONNEL POLICY ACKNOWLEDGEMENT FORM**
- B. CODE OF ETHICS ACKNOWLEDGEMENT**
- C. SUBSTANCE ABUSE AND ALCOHOL TESTING ACKNOWLEDGEMENT**
- D. HEALTH INSURANCE PREMIUM ELECTION FORM**
- E. CLOTHING ALLOWANCE REIMBURSEMENT FORM**
- F. LEAVE OF ABSENCE REQUEST FORM**
- G. NEW YORK STATE RETIREMENT SYSTEM –  
NOTICE OF ELIGIBILITY / WAIVER OF ENROLLMENT**
- H. NEW YORK STATE RETIREMENT SYSTEM – APPLICATION**
- I. PERFORMANCE REVIEW FORM**
- J. INJURY OR ILLNESS INCIDENT REPORT (FORM SH 900.2)**
- K. EMPLOYER’S REPORT OF INJURY FORM (C-2)**
- L. HOLD HARMLESS AND RELEASE FORM FOR BACKGROUND CHECKS**
- M. TIME SHEET**
- N. MILEAGE EXPENSE FORM**
- O. TRAVEL EXPENSE FORM**
- P. CALULATING CALL-IN TIME**
- Q. HARASSMENT & DISCRIMINATION POLICY ACKNOWLEDGEMENT**
- R. HARASSMENT & DISCRIMINATION COMPLAINT FORM**
- S. HEALTH INSURANCE POLICY CHANGE REQUEST FORM**
- T. AFFIDAVIT OF DOMESTIC PARTNERSHIP**
- U. ELECTED OFFICIAL AKNOWLEDGEMENT OF LONG TERM DISABILITY COVERAGE**