

# TOWN OF WEBSTER



## *EMPLOYEE HANDBOOK*

Adopted By Resolution of the Town Board on April 19, 2007

Updated by Resolution of the Town Board on November 17, 2022



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# Town of Webster Employee Handbook

## Table Of Contents

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### **100 INTRODUCTION**

101	Welcome Message _____	100-1
102	A Message for Our Employees Covered by a Union Contract _____	100-1
103	Our Heritage _____	100-2
104	Definitions _____	100-3
105	The Purpose of this Employee Handbook _____	100-4
106	Changes or Modifications _____	100-5

### **200 EMPLOYEE CLASSIFICATIONS**

201	Full-Time Employees _____	200-1
202	Benefited Part-Time Employees _____	200-1
203	Part-Time Employees _____	200-1
204	Temporary Employees _____	200-1
205	Seasonal Employees _____	200-1
206	Fair Labor Standards Act (FLSA) Non-Covered Employees _____	200-1
207	Fair Labor Standards Act (FLSA) Exempt Employees _____	200-1
208	Fair Labor Standards Act (FLSA) Non-Exempt Employees _____	200-2

### **300 THE CIVIL SERVICE SYSTEM**

301	The Unclassified and Classified Services _____	300-1
302	Civil Service Appointments _____	300-1
303	Examinations and Promotions _____	300-2
304	Veterans Credits _____	300-2

### **400 EMPLOYMENT MATTERS**

401	Oath of Office _____	400-1
402	Procedure for Filling Vacancies _____	400-1
403	Background Investigations _____	400-2
404	Employment of Relatives _____	400-4
405	Nepotism _____	400-4

406	Probationary Period _____	400-5
407	New Employee Orientation _____	400-6
408	Performance Evaluation _____	400-6
409	Corrective Action and Discipline _____	400-7
410	Civil Service Law Section 75 _____	400-10
411	Code of Ethics _____	400-12
412	Personnel File _____	400-14
413	Separation from Employment _____	400-15

## **500 OPERATIONAL POLICIES**

501	Departmental Hours _____	500-1
502	Meal and Rest Breaks and Breaks for Nursing Mothers _____	500-2
503	Emergency Situations _____	500-3
504	Time Records _____	500-4
505	Travel Expense and Reimbursement Policy _____	500-5
506	Vehicle Usage _____	500-7
507	Driver License and Insurance Requirements _____	500-10
508	Supplies, Tools and Equipment, and Fuel Usage _____	500-11
509	Telephone / Mobile Phone Usage _____	500-12
512	Mobile Computing Use Policies _____	500-18
513	Procedures for Cases of Computer Abuse _____	500-21
514	Bring Your Own Device Policy _____	500-23
515	Personal Appearance _____	500-25
516	Solicitations/Distributions _____	500-25
517	Visitors _____	500-25
518	Purchasing _____	500-25
519	Maintenance of Work Area _____	500-26
520	Personal Property _____	500-27
521	Town Property _____	500-27
522	Unauthorized Work _____	500-27
523	Outside Employment _____	500-28

## **600 ABSENCE POLICIES**

601	Attendance _____	600-1
602	Jury Duty Leave _____	600-2
603	Military Leave and Military Leave of Absence _____	600-3
604	Leave for Cancer Screening _____	600-4

605	Leave for Blood and/or Bone Marrow Donations _____	600-5
606	Time Off To Vote _____	600-5
607	Family and Medical Leave Policy _____	600-6
608	Unpaid Leave of Absence _____	600-13

## **700 COMPENSATION**

701	Wage and Salary _____	700-1
702	Overtime & Compensatory Time _____	700-1
703	Pay Period and Check Distribution _____	700-2
704	Payroll Deductions _____	700-2
705	Deferred Compensation Plan _____	700-2

## **800 EMPLOYEE BENEFITS**

801	General Provisions _____	800-1
802	Holidays _____	800-2
803	Vacation Leave _____	800-3
804	Sick Leave _____	800-5
805	Personal Leave _____	800-6
806	Bereavement Leave _____	800-6
807	Disclosure of Insurance Benefits _____	800-7
808	Health / Dental Insurance _____	800-8
809	Health Insurance Buy-out _____	800-9
810	Continuation of Health Insurance Benefits (COBRA/NYS Continuation of Coverage) ____	800-10
811	Section 125 Plan _____	800-11
812	Short-Term Disability Benefits _____	800-12
813	Workers' Compensation Benefits _____	800-13
814	Unemployment Benefits _____	800-13
815	Social Security _____	800-13
816	The New York State Employees' Retirement System _____	800-14
817	Police and Fire Retirement System _____	800-14
818	Employee Assistance Program _____	800-15
819	Fitness Center Membership Discount _____	800-15

## **900 COMPLIANCE POLICIES**

901	Equal Employment Opportunity _____	900-1
902	The Americans with Disabilities Act _____	900-2

903	Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace	900-3
904	Workplace Violence Policy and Procedures	900-11
905	Drug-Free Workplace / Drug Free Awareness Program	900-15
906	Controlled Substance and Alcohol Testing	900-19
907	Smoking	900-19

## **1000 SAFETY**

1001	Workplace Safety	1000-1
------	------------------	--------

## **1100 COMMUNICATION PROCEDURES**

1101	Organizational Communications	1100-1
1102	Adverse Communications	1100-1
1103	Suggestions	1100-1
1104	Public Relations	1100-1
1105	Press Policy	1100-2
1106	Reporting of Improper Activities	1100-2

## **1200 DISPUTE RESOLUTION**

1201	Dispute Resolution Procedure	1200-1
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## **1300 EMPLOYEE ACKNOWLEDGEMENT FORM**

## **100 INTRODUCTION**

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

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

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

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

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

### **102 *A Message for Our Employees Covered by a Union Contract***

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

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

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

## 103 ***Our Heritage***

The Town of Webster is a scenic and thriving community, located in the northeast corner of Monroe County. Residents and business owners have chosen Webster as a location that offers the best of all worlds.

Webster has a rich history and heritage: the site of present-day Webster was first discovered in 1669 by French explorer Robert LaSalle. Originally part of North Penfield, land was split off to create the new town. On July 25, 1837, Daniel Webster spoke to a large gathering on the Rochester courthouse steps concerning currency regulation and the state of the economy. The individuals who were part of Daniel Webster's audience that day were so impressed by his eloquence that when they petitioned the state legislature for separate town status from Penfield, they chose to name it in his honor. On February 6, 1840, Governor William Seward announced the birth of Webster, New York.

With its natural assets and exemplary recreational facilities, Webster is rapidly becoming New York's newest *Destination for Recreation*. With 22 miles of natural shoreline along Irondequoit Bay and Lake Ontario, opportunities for swimming, boating, fishing and other water sports abound. Webster is home to 12 parks (approximately 1000 acres). Webster is also home to the Webster Arboretum, as well as Webster Park, a 550-acre county park located along the shoreline of Lake Ontario. Webster maintains an extensive network of bike and hiking trails. Through the joint efforts of the Town of Webster and the Webster Central School District, state of the art recreational facilities that can support local, regional and state athletic competition have been built.

The Town's Parks and Recreation Department offers hundreds of programs throughout the year, where thousands of youths, adults and seniors take part in an immense variety of programs. This department is located on Chiyoda Drive (off of Phillips Road), where many of the organized activities take place. The Center is also available for community members to use.

This Town of 46,000 offers a variety of housing that includes family-oriented subdivisions, historic homes central to the Village, low-maintenance patio home neighborhoods for people on the go, communities specially designed with senior citizens in mind and more rural areas geared toward a country lifestyle.

Many churches, representing a variety of religious denominations, are located throughout the Town of Webster. Several service clubs also have chapters within Webster and the surrounding areas.

The transportation system to and from Webster is highly efficient, with the State Route 104 Expressway that transverses the community. The Frederick Douglass Greater Rochester International Airport is a short 20-minute ride from Webster.

To sum up life in Webster today, Webster is "Where Life Is Worth Living!"



## 104 **Definitions**

**Town of Webster** – For purposes of this Employee Handbook, the Town of Webster may be referred to as the “Town”.

**Town Board** – For purposes of this Employee Handbook, “Town Board” will mean the Town Board of the Town of Webster.

**Elected Official** – For the purposes of this Employee Handbook, “Elected Official” will mean and refer to any of the following elected officials of the Town of Webster:

- (1) Town Supervisor
- (4) Town Board Members
- (2) Town Justices

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

**Town Board** – For purposes of this Employee Handbook, “Town Board” will mean the Town Supervisor and the four Town Board Members of the Town of Webster.

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

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

**Employee** – For the purposes of this Employee Handbook, “employee” will mean a person employed by the 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, part-time employee, provisional employee, probationary employee, temporary employee, seasonal employee, trainee or student intern, but not an independent contractor.

**Civil Service Law** – For purposes of this Employee Handbook, “Civil Service Law” shall mean the New York State Civil Service Law and shall include the *Rules of the Monroe County Civil Service Commission*. Copies of the Rules of the Monroe County Civil Service Commission, a copy of which is located on the Monroe County Website ([www.monroecounty.gov](http://www.monroecounty.gov)).

## 105 ***The Purpose of this Employee Handbook***

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

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

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

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

**Police Department** – For the purposes of some of the policies stated in this Employee Handbook, the Town of Webster Police Department, under the direction of the Town Board, has the authority to promulgate its own policies and procedures. If a policy stated in this Employee Handbook differs from a rule, regulation or policy established by the Police Department, the latter shall supersede.

**Webster Public Library** – For the purposes of some of the policies stated in this Employee Handbook, the Webster Public Library, under the direction of the Library Board of Trustees, has the authority to promulgate its own policies and procedures. If a policy stated in this Employee Handbook differs from a rule, regulation or policy established by the Library Board of Trustees, the latter shall supersede.

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

**Governmental Actions** – This Employee Handbook 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 Employee Handbook, then such statute, law or ordinance will prevail.

## **200 EMPLOYEE CLASSIFICATIONS**

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

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

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

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

For purposes of this Employee Handbook, a “benefited part-time employee” will mean an employee who is scheduled on a regular and on-going basis to work a minimum of twenty hours per week year-round.

### **203 *Part-Time Employees***

For purposes of this Employee Handbook, the term “part-time employee” will mean an employee who is scheduled on a regular and on-going basis to work less than thirty hours per week.

### **204 *Temporary Employees***

For purposes of this Employee Handbook, 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.

### **205 *Seasonal Employees***

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

### **206 *Fair Labor Standards Act (FLSA) Non-Covered Employees***

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

### **207 *Fair Labor Standards Act (FLSA) Exempt Employees***

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

## **208    *Fair Labor Standards Act (FLSA) Non-Exempt Employees***

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

## 300 THE CIVIL SERVICE SYSTEM

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

### 301 *The Unclassified and Classified Services*

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

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

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

### 302 *Civil Service Appointments*

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

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

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

### **303 Examinations and Promotions**

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

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

### **304 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 Monroe County Civil Service Commission for details concerning these credits.

## 400 EMPLOYMENT MATTERS

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### 401 *Oath of Office*

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

**Filing of Oath** – The Oath of Office is filed in the Town Clerk's Office within thirty calendar days of commencement of the term of office.

### 402 *Procedure for Filling Vacancies*

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

**Notification of Vacancies** – In the event there is a vacancy in a new or existing position which the 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** – 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 Investigations** – To ensure that individuals who join the Town are well qualified and have a strong potential to be productive and successful, the Town may check the employment references of final applicants. The Town will obtain a candidate's written authorization before conducting a background check in accordance with the Background Investigations Policy (Section 403).

**Pre-employment, Post-offer Drug Testing and Physical Exams** – Offers of employment are contingent upon the candidate successfully passing a pre-employment, post-offer drug test and/or physical exam where required for the position. The Town pays for all pre-employment, post-offer physicals and drug tests.

**Residency Preference** – Qualified applicants who are Town of Webster residents may be given priority consideration over qualified nonresidents.



## 403 **Background Investigations**

**Policy Statement** – It is the policy of the Town of Webster that applicants seeking employment with the Town will be subject to a background investigation in order to protect the security, safety and health of our employees, residents and others, while safeguarding the assets of the Town of Webster and the public trust.

**Compliance with Federal & State Laws** – The Town will comply with all applicable laws and regulations including the Fair Credit Reporting Act (FCRA) and New York Corrections Law Article 23-A to determine if a candidate is suitable for working for the Town.

**Summary** – This policy applies to all applicants who seek employment with the Town who have been given a conditional offer of employment. Background investigations may be performed throughout employment with the Town based on the position and/or upon promotion or reassignment to another position with the Town. Applicants may not begin work with the Town until the pre-employment background investigation has been completed.

**Procedure** – A background investigation may include, but is not limited to, criminal history record information (CHRI) checks (with or without fingerprinting), New York State Sex Offender Registry search, reference checks, credit history checks, driving record checks, and verification of employment history, military service, education, and other credentials establishing suitability for employment.

The Town may use a third-party agency to assist in conducting background investigations. The type of information that can be collected by the agency includes, but is not limited to, that pertaining to an individual's past employment, education, character, general reputation, personal characteristics, mode of living, credit history, criminal history, social security verification, motor vehicle records, etc.

**CHRI Checks** – The Town can make inquiries regarding CHRI during the pre-employment stage and will weigh the relevance of the information to the job duties to be performed and the risk to safety in compliance with New York Corrections Law Article 23-A. Prior convictions may be a factor in the hiring decision where there is a direct relationship between some or all of the previous criminal offenses and the specific job or position the individual is seeking or holds, and/or when hiring or continuing to employ an individual would present an unreasonable risk to the employer's property, specific individuals or the general public. Each case will be considered individually.

CHRI checks will not be initiated until after a written conditional job offer is accepted by the candidate and they sign a written disclosure/authorization background investigation form.

If the results of the CHRI check indicate there are no convictions, the Department Head will be advised the applicant is suitable for hire. If there are convictions, the applicant will be instructed to submit a conviction disclosure form to Human Resources, which will consult with the Department Head and the Town Supervisor regarding the suitability of the applicant for employment.

**Reference Checks** – Applicants for employment with the Town may be asked to provide employment references for checking.

**Sex Offender Registry Search** – All applicants and employees working with children or involved in youth programs will be subject to a search of the Federal and New York State Sex Offender Registry.

**Credit History Checks** – Positions involving money handling or having authority over Town finances may be subject to credit history checks. The Town can collect credit information on applicants consistent with the guidelines set forth by the Fair Credit Reporting Act (FCRA). The Town will obtain an applicant's written authorization before obtaining a credit report and will inform the applicant of their right to request additional information on the nature of the report and the means through which such information may be obtained. The Town will provide the applicant with a summary of their rights under the FCRA. The Town will inform the applicant that the report may include information about their character, general reputation, personal characteristics, and/or mode of living.

If the results of the credit history check indicate credit issues, the Town will inform the applicant in writing that it plans on taking adverse action, provide the applicant with a Statement of Consumer Rights from the FTC before taking adverse action, provide the applicant the opportunity to review a copy of their credit report, and advise the applicant of their rights to dispute inaccurate information. Applicants will be granted reasonable time to contest the information (approximately 3-5 days).

**Driving Record Checks** – In accordance with the Town's Driver License and Insurance Requirements policy and Vehicle Usage policy any applicant for hire in a position requiring the individual to drive a Town vehicle or their personal vehicle for Town business must submit their driver license for screening through the NYS Department of Motor Vehicles' License Event Notification Service (LENS). Any individual with an unacceptable driving history shall not be employed with the Town in a position requiring driving.

**Seasonal and Temporary Employees** – Persons under the age of 18 will not be subject to background investigations because they are unable to enter into legally binding agreements in New York State, except that all persons, regardless of age, working with youth in camps will be screened against the Federal and New York State Sex Offender Registries as required by Public Health Law Section 1392-A.

**Assessment of Applicants** – Human Resources will review the background investigation results, the job application, job description, and other pertinent information to determine suitability for employment. The final approval or rescission of a conditional offer of employment based on CHRI shall be decided by the Town Supervisor.

**Privacy** – Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding regarding an employee or applicant.

## **404    *Employment of Relatives***

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

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

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

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

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

## **405    *Nepotism***

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

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

## 406 **Probationary Period**

**Union Employees** – An employee who is covered by a collective bargaining agreement is not covered by the Probationary Period provisions set forth below and should refer to said agreement.

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

**Length of Probationary Period (Competitive Class)** – Except as otherwise provided in the *Rules of the Monroe County Civil Service Commission*, an employee appointed from an open-competitive list must serve a probationary period of not less than eight (8) weeks nor more than fifty-two (52) weeks.

Except as otherwise provided in the Rules of the Monroe County Civil Service Commission, a Police Officer shall serve a probationary period of not less than twelve (12) nor more than seventy-eight (78) weeks.

The length of the probationary period may be extended in accordance with the *Rules of the Monroe County Civil Service Commission*. These rules are located on the Monroe County Website ([www.monroecounty.gov](http://www.monroecounty.gov)).

**Length of Probationary Period (Other Classes)** – Except as otherwise provided in the *Rules of the Monroe County Civil Service Commission*, an employee's original appointment to a position in the exempt, non-competitive or labor class shall be for a probationary period of not less than eight (8) nor more than fifty-two (52) weeks. The length of the probationary period may be extended in accordance with the *Rules of the Monroe County Civil Service Commission*. These rules are located on the Monroe County Website ([www.monroecounty.gov](http://www.monroecounty.gov)).

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

**Employment Status During Probationary Period** – In accordance with the Rules of the Monroe County Civil Service Commission, 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.

## **407    *New Employee Orientation***

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

## **408    *Performance Evaluation***

**Union Employees** – An employee who is covered by a collective bargaining agreement is not covered by the Performance Evaluation provisions set forth below and should refer to the applicable agreement.

**Statement of Purpose** – The purpose of a performance evaluation is to provide feedback to the employee regarding performance of job duties and other factors affecting that performance. The evaluation will take into consideration criteria that properly reflects the employee's performance including, but not limited to, work quality, job knowledge, initiative, attendance, teamwork, conduct, and communication skills. Except as otherwise governed by a collective bargaining agreement, the employee's performance evaluation may be considered in determining a pay increase and/or as a factor in promotion or disciplinary action.

**Evaluation Process** – Informal evaluations will occur on an as needed basis on an on-going basis. Evaluations should address positive aspects of the employee's performance, as well as, deficiencies. Should deficiencies be noted, the employee will receive written recommendations for improvement.

**Frequency** – Full-time and part-time employees will be formally evaluated annually on the employee's anniversary date by the employee's Department Head. Informal evaluations will occur on an as needed basis throughout the performance cycle. Newly hired full-time employees will be formally evaluated on their six-month anniversary.

**Appraisal Meeting** – The evaluator will meet with the employee to review the employee's performance appraisal report.

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

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

## 409 ***Corrective Action and Discipline***

**Policy Statement** – It is the policy of the Town of Webster 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 Webster's on-going employee relations. When a rule, policy or procedure is violated, the employee's Department Head or other designated supervisor, will review the specific nature of the violation with the employee. The employee's input is extremely important to ensure that all of the facts have been considered.

**Counseling** – Counseling employees, as opposed to initiating formal disciplinary action, may be the appropriate first step in addressing performance deficiencies or misconduct. The purpose of counseling is to inform the employee of such deficiencies or misconduct, discourage its recurrence, and inform the employee of the consequences if the behavior is repeated. When performance deficiencies are the issue, the performance standards of the job should be reviewed, along with specific examples of how the employee is not meeting those standards. Where appropriate, goals for improvement may be established, along with a timeframe 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 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 in order to gather all pertinent information and to ensure that all the facts are considered. The investigation may include, among other things, interviews with the employee and any witnesses or other involved parties, and review of documents and materials. Employees who are participants in an investigation are not allowed to disclose the content or particulars of the investigation unless otherwise authorized. All employees who are called upon to participate in an investigation are required to fully cooperate in the process and respond truthfully to all questions posed. Failure to do so will subject the employee to appropriate corrective action. The Town reserves the right to suspend an employee while an investigation is conducted.

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

**Procedures** – Employees covered by **Civil Service Law Section 75** shall be disciplined in accordance with the procedures contained therein. (Refer to Section 406 of this Employee Handbook). An employee who is a member of a collective bargaining unit shall be disciplined in accordance with the procedures contained within the applicable collective bargaining agreement.

**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 is not intended to limit the Town's right to impose discipline in other appropriate cases.

- 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, marijuana products or illegal drugs during hours of work or while on Town property or in Town vehicles.
- 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.

- Insubordination or refusal to comply with the lawful order or instruction of a 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 compromises or adversely effects the employee's fitness or ability to perform assigned job duties.
- Unauthorized expenditure of Town funds.
- Gambling while on duty.
- Work slowdown, work stoppage or interfering with or restricting the performance of another employee or in any other way interfering with Town operations.
- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities.
- Careless or negligent use or operation of equipment, including vehicles and machinery.
- Unauthorized absences or repeated failure to give proper notice.
- Excessive tardiness and/or absences except those absences covered by state and/or federal statutes.
- Leaving work area without permission, as defined by the Department Head.
- Failure to adhere to the personal appearance/dress code policy.
- Sleeping on the job, unless authorized by a Department Head or supervisor.
- Personal activity during paid work time without the expressed permission of the Department Head.
- Disruptive, loud, and boisterous behavior or horseplay in the workplace.
- Abusive language in the workplace, including racial slurs and epithets.
- Posting, removing or defacing of notices, signs, or other written material without prior approval.
- Engaging in unauthorized overtime.

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



## 410 **Civil Service Law Section 75**

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

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

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

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

- **Notice of Discipline** – An employee subject to discipline will be provided with a written Notice of Discipline (NOD) which will contain all charges and specifications.
- **Employee Answer** – The employee will have eight calendar days to respond to the charges. The employee's response must be in writing.
- **Disciplinary Hearing** – Unless there is a stipulation of settlement between the Town and the employee, the Appointing Authority will designate a hearing officer in accordance with Civil Service Law Section 75. The designation must be in writing. The hearing officer will set the time and place for the hearing. The hearing officer will make a record of the hearing which will be submitted to the Appointing Authority, with the hearing officer's recommendations, for review and decision.

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

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

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

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

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

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

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

## 411 **Code of Ethics**

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

**Definitions** – As used in this code, the following terms shall have the meanings indicated:

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

**Standards of Conduct** – Every officer or employee of the Town of Webster shall be subject to and abide by the following standards of conduct:

- **Gifts** – No municipal officer or employee shall directly or indirectly solicit any gift or accept or receive any gift exceeding or greater than, that value set forth in §805 a, Article 18 of the New York State General Municipal Law (the "Ethics in Government Act"), as amended from time to time, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence such officer or employee or could reasonably be expected to influence such officer or employee in the performance of the officer's or employee's official duties or was intended as a reward for any official action thereby.
- **Confidential information** – An officer or employee shall not disclose confidential information acquired in the course of his official duties or use such information to further personal interest.
- **Representation before one's own agency** – An officer or employee shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which the officer or employee is an officer, member or employee or of any municipal agency over which the officer or employee has jurisdiction or to which the officer or employee has the power to appoint any member, officer or employee.

- **Representation before any agency for a contingent fee** – An officer or employee shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality whereby the officer's or employee's compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- **Disclosure of interest** – To the extent that an officer or employee knows thereof, any officer or employee of the town and any member of any board or agency thereof, whether paid or unpaid, who participated in the discussion or gives an official opinion to any board or agency of the town on any legislation, administration or other action before such board or agency shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest the officer or employee has in such action.
- **Investments in conflict with official duties** – An officer or employee shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with the officer's or employee's official duties.
- **Private employment** – An officer or employee shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of the officer's or employee's official duties.
- **Future employment** – An officer or employee shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Webster in relation to any case, proceeding or application in which the officer or employee personally participated during the period of the officer's or employee's service or employment or which was under the officer's or employee's active consideration.
- **Future representation before the Town** – An officer or employee may not, after the termination of service or employment with the Town, appear before any board or agency of the Town in relation to any case, proceeding or application in which the officer or employee personally participated during the period of service or employment or which was under the officer's or employee's active consideration.

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

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

## 412 **Personnel File**

**Union Employees** – Personnel File procedures for an employee who is a member of a collective bargaining unit will be in accordance with the applicable collective bargaining agreement.

**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 Payroll Office and will be maintained and controlled by the Payroll Office.

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

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

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

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

**Review of Personnel Files** – Access to personnel files is limited. A current employee may review the contents of the employee's own personnel file by submitting a written request to the Human Resources Office 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 Human Resources Office.

## **413    *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** – At the time of separation, the Town may conduct exit interviews with the outgoing employee. These exit interviews will normally be conducted by the 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. If written notice of resignation is not received as noted above any accrued leave buy-out will not be paid.

## 500 OPERATIONAL POLICIES

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### 501 *Departmental Hours*

**Normal Hours of Operation** – Town Hall is open to the public from 8:30 AM to 4:30 PM, Monday through Friday. 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.

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

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

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

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

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

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

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

**Meal Breaks** – An employee who works more than six hours in a given day will receive an unpaid, duty-free meal break of at least thirty minutes but not more than sixty minutes. Each Department Head will establish the duration appropriate for departmental operations.

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

**Rest Breaks** – An employee will normally receive a paid, duty-free rest break of up to fifteen minutes to be taken approximately in the middle of the first half of the employee's workday and again during the middle of the second half of the workday. An employee who chooses not to take a rest break will not be entitled to leave before the normal quitting time and will not receive extra pay for the time worked.

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

**Breaks for Nursing Mothers to Express Breast Milk** – Employees who are nursing mothers shall be allowed to take breaks (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 workspace or other location in close proximity to work so that nursing mothers can express in private. An employee wishing to avail herself of this break is required to give the Town advance notice, preferably prior to the employee's return to work following the birth of her child, to allow the Town an opportunity to establish a location and to schedule leave time for multiple employees, if needed.



## **503    Emergency Situations**

**Closing Procedures** – In the event that extraordinary weather conditions or other emergencies develop prior to the beginning of the workday, the Town Supervisor may authorize the closing of non-essential 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** – Pay for FLSA non-covered or exempt employees will not be affected by an emergency closing. Pay for FLSA non-exempt employees will be in accordance with the provisions below:

- **During Work** – An employee who is directed by the Town Supervisor to leave work due to an emergency closing will be paid for the remainder of the employee's normal workday at the employee's regular rate of pay. No leave credits will be charged. Such time will not be included as time worked for the purpose of computing overtime.
- **Prior to Reporting to Work** – If a determination is made to close operations prior to the start of a workday, the Town Supervisor will initiate notification to all affected employees. A full-time or part-time employee who is directed not to report to work due to an emergency closing will be paid for the employee's normal workday at the employee's regular rate of pay. No leave credits will be charged. Such time will not be included as time worked for the purpose of computing overtime.

**Effect on Paid Leave** – An employee that had time off with pay during the period of emergency closure will not have leave credits charged for the amount of time covered by that closure. Exceptions: 1) When an employee is on any approved paid leave (i.e. sick, vacation, bereavement, etc.) the day before and the day after the emergency closure, the employee will still be charged for leave during that period; 2) When an employee is on a worker's compensation leave or some other form of leave of absence, the employee shall not receive any further consideration.

**Inclement Weather** – Employees are expected to report to work and remain at work during inclement weather conditions unless otherwise notified by the Town. Employees should use their own discretion in determining whether they can commute safely to work due to inclement weather. When the Town Supervisor has not officially shut down operations, an employee who does not report to work or requests to arrive at work late or leave work early due to inclement weather must obtain prior authorization from his or her Department Head prior to doing so. The employee must use paid vacation or personal leave, 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.

## **504 Time Records**

**Policy Statement** – All employees are required to complete an individual time record showing the daily hours worked and any leave time taken. The time record will either be in the form of a written timecard or a time clock punch card.

**Procedures** – The following procedures must be followed by FLSA non-exempt employees with respect to time records:

- All time worked must be recorded;
- All paid and unpaid leaves of absence must be recorded;
- Employees must complete, and keep current, their own time record or punch 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 are responsible for submitting completed payroll warrants and time records to the Payroll Office no later the end of the day on Friday prior to a payday.

**FLSA Exempt Employees** – An FLSA exempt class employee is not required to complete a time record, as described above. An FLSA exempt class employee must complete a time record indicating all paid leave used during the pay period.

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

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

## 505 **Travel Expense and Reimbursement Policy**

**Policy Statement** – Upon proper authorization of the Town Supervisor and/or 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. All required documentation and corresponding receipts must be submitted to the employee's Department Head for approval using the Business Expense Reimbursement Form. The Department Head will submit the paperwork to the Accounts Payable Clerk in order for the reimbursement to be processed.

**Cost Control** – Every effort should be made to minimize necessary expenses. This would include utilizing the most cost-effective means of travel, (e.g. plane, train, automobile), group or government rates for lodging, researching and purchasing the lowest available airfares, etc. A tax exemption certificate may be obtained from the Finance Department when applicable to be used for payment of hotel bills or other pertinent expenses.

**Mileage** – An employee who is directed by the appropriate Department Head or supervisor to use the employee's own vehicle to conduct Town business will be reimbursed at the mileage rate established by the Town Board at the annual organizational meeting or the applicable collective bargaining agreement, as the case may be.

**Meals** – An employee who is directed by the appropriate Department Head or supervisor to attend an event (i.e. seminar, meeting, etc.) may be reimbursed for actual meal expenses up to the maximum rate established by the Town Board at the annual organizational meeting or the applicable bargaining agreement, as the case may be.

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

**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.

**Retirement Seminars** – Attendance by any Town of Webster employee to a New York State retirement seminar shall be at the expense of the employee's own time off and is not compensated by the Town.

Employees may attend such seminars, if the employee's Department Head approves the time off in advance. Employees may take this time off without pay; or be compensated by using personal, compensatory or vacation time.

**Conventions, Conferences, Training & Seminars** – Reimbursement for expenses for attendance is covered under Section 77-b (3) of the General Municipal Law; which states *"All actual and necessary registration fees, all actual and necessary expenses of travel, meals, and lodging, and all necessary tuitions fees incurred in connection with attendance at a conference shall be a charge against the municipality and the amount thereof shall be audited, allowed, and paid in the same manner as are other claims against such municipality."*

The Town Board has authorized the following procedure:

- 1.) Each Department Head should include in his/her annual budget, a list of the conferences that he/she plans to attend, along with the anticipated cost.
- 2.) The Board will review and approve these expenditures as part of the budget authorization process.
- 3.) If during the course of the year some change is to be made, that is, if an employee wants to attend a conference not anticipated at budget time, the employee will be required to make the request through the normal process of Board approval.
- 4.) The Town Board will include, in the resolutions at the Organizational Meeting, a resolution allowing the Town Supervisor to authorize attendance at approved conferences in the Department's budget.
- 5.) Upon registration for an approved conference, the Department Head or employee shall attach registration information to the payment voucher.
- 6.) Conference attendees may be requested by the Town Board to provide an evaluation or summary of the event. In the event that the employee and/or Town Board feels this conference was not of value, it should not be scheduled in future years.

**Travel for Town Business** – All reimbursement vouchers for expenses should be completed and signed by the Department Head, and submitted to the Finance Department for review. Itemized receipts are required to be attached.

**Airline Fares** – The lowest available airfare should be used whenever possible.

**Food Costs** – Town reimbursement expenditures for food should not exceed \$75.00 per day in New York City or \$55.00 per day in any other city. This is for food and gratuity only and does not include cost for alcoholic beverages. Reimbursement expenditure amounts are not entitlements. You will be reimbursed for all receipted costs up to the maximum amount. Itemized receipts are required for reimbursements (not a charge slip total).

**Hotel Bills** – For all NYS meetings, each participant will request a tax exemption certificate from the Finance Department; which should be used for the payment of hotel bills.

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

## 506 **Vehicle Usage**

**Policy Statement** – It is the purpose of this policy to specify requirements regarding the proper use of Town-owned vehicles and equipment that are driven by employees during their tour of duty. The intent of this policy is to notify each operator of the vehicle of his or her responsibilities that are inherent with the assignment of a Town-owned vehicle. The Town Board may authorize exceptions to this policy.

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

- Town-owned vehicles are to be operated only by employees possessing a proper driver license as prescribed by N.Y.S. laws.
- All Town-owned vehicles shall have the Town-designated decal affixed to each side of the vehicle. The only exception will be the designated unmarked police vehicles. The operators of the vehicle are responsible to check for such decals before operation. Any Town vehicle without such decal designation shall not be driven for any purpose. The decals shall be of the permanent type and not held on by magnetic strips.
- All operators of Town-owned vehicles shall operate the vehicle in a safe and lawful manner. These operators shall operate the vehicle in accordance with N.Y.S. traffic laws. All operators shall notify their Department Head of any change in status of their driver license.

The operator is responsible for any fines or levies when operating a Town vehicle. An employee with a record of unsafe driving, as determined by the Town Board, may have driving privileges for Town-owned vehicles restricted or rescinded.

- The use of a mobile phone when driving on Town business must be compliant with all applicable laws and/or regulations.
- Smoking is prohibited in Town vehicles.
- The operator of a Town vehicle that is involved in a motor vehicle or property damage accident, regardless of the seriousness of the incident, shall immediately notify the police agency that has jurisdiction in the area and his/her department head. It shall be the responsibility of the department head to immediately notify the Town Supervisor and the Town insurance carrier of all such incidents.

**WARNING:** If an accident occurs while the employee is using a Town vehicle in violation of a section of this Vehicle Usage Policy, such employee may be personally liable for any damage to property or injury to any person occurring as a result of such use of the vehicle. Should the Town of Webster be obligated to make any payments as a result of an employee-misconduct accident or be made a party to any lawsuit as a result of such accident, the employee may be required to indemnify the Town of Webster for any such payment the Town will be obligated to make as a result of such accident and such employee may be made a party to any lawsuit resulting from such accident.

- All vehicles that are not on 24-hour or commuter use assignment shall be securely locked at the end of each workday and left at the employee's office/work location nights and weekends.

- If an employee is called out during non-working hours and is paid overtime and/or compensatory time and has sufficient time to respond to his/her normal place of work to pick up a Town-owned vehicle for any non-emergency situation, assignment to such employee of a Town vehicle on a commuter use basis shall not be justified.

**Vehicle Assignments** – At the written request of the Department Head and approval of the Town-Board, a vehicle may be assigned to an employee on either a 24-hour assignment or a commuter use assignment. A Department Head may also assign a pool or lot vehicle to an employee. This type of assignment shall not need prior Town Board approval. The requirements and regulations governing each type of assignment are as follows:

**24-Hour Assignment:** Authorizes an individual employee to utilize a vehicle for Town business. Vehicles may only be assigned for 24-hour use when the employee and vehicle meet one or more of the following requirements:

1. The employee's job requires that he/she be on 24-hour crisis call; or
2. The employee is only able to respond to the crisis with the use of a specially equipped Town vehicle.

All vehicles assigned on 24-hour or commuter use assignment shall be left after work and on weekends at the employee's place of residence. Commuter use and 24 hour usage assigned vehicles should be left at the work place for vacation or any extended absence in order to be utilized by other employees during the absence as determined by the Department Head. Vacation or extended absence periods shall be defined as personal leave, military leave, vacation or sickness of more than two days.

The vehicle may only be used for personal business within Monroe County and the counties contiguous to Monroe County.

Personal guests limited to spouse and children may be transported in the vehicle at any time. However, the on-call Police Department Investigator, Animal Control Officer and Fire Marshal shall not be permitted such personal guests in their respective vehicles, except in the event of an emergency.

**Commuter Use Assignment:** Authorizes an individual employee to utilize a Town vehicle for Town business and transportation between his/her home and worksite. If the employee is outside his/her normal work site when the lunch period begins, the vehicle may be used to stop for lunch at a nearby restaurant. Additionally, the vehicle may be used for one stop to or from work for personal reasons provided that the stop lays directly between the work site and his/her residence. There shall be no other personal use of the vehicle. Vehicles may only be assigned on a commuter use assignment when the employee and vehicle meet one or more of the following requirements:

1. The employee experiences frequent "call-ins" to respond to an emergency situation based on the technical skills or supervisory status of the employee. Response to an incident after the emergency or hazardous situation has been controlled does not necessarily meet the definition of an emergency situation;
2. The vehicle carries radio and other specialized equipment frequently needed to respond to emergencies; or
3. The employee's job requires frequent beginning and ending; or
4. Work tour at different sites other than one specific location where the Department Head can document significant benefits to the Town of Webster.

Personal guests limited to spouse and children may be transported in the vehicle at any time.

**Pool or Lot Vehicles:** Authorizes one or a group of employees within one or more departments to use the vehicle during working hours for Town business only. The vehicle will not be used for commuting purposes. No personal guests shall be transported in the vehicle at any time. The vehicle may be used during lunch hour by the assigned individual for the purpose of stopping at a nearby restaurant, if that individual is outside of his or her normal work site when the lunch period begins.

Classifications as approved by the Town Board are as follows:

<b><u>Department</u></b>	<b><u>24-Hour Assignment</u></b>	<b><u>Commuter Use</u></b>
Highway	Superintendent	Road Foremen (2)
		Labor Foreman
Sewer	Deputy Commissioner of Public Works	
Police	Chief of Police	
	Captain	
	Lieutenant	
	Investigators (2)	
Parks and Recreation	Director of Parks and Recreation	
Community Development	Fire Marshall (2)	Code Compliance Coordinator
Engineering	Town Engineer	

**Violations** – Any alleged misuse of Town-owned vehicles identified through citizen complaints or any alleged violations of this policy, shall be brought to the Department Head's attention. All complaints must be in writing. If, after investigation, it is determined that a violation of this policy has occurred the employee will be subject to disciplinary action up to and including termination.

## **507    *Driver License and 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 license. Proof of such license must be on file with the Town.

**Commercial Drivers** – An employee who operates a vehicle which requires a Commercial Driver 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 License** – An employee who is required to possess a driver 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 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 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;
- Conviction of failure to stop for stopped school bus;
- Less than three years driving experience.

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



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

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

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

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

## **509 Telephone / Mobile Phone Usage**

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

- An employee must answer promptly and speak in a clear, friendly and courteous tone;
- An employee must give the name of the department or office and one's own name. If the call is not for the employee who answers, the employee must transfer the caller to the correct party or take a message recording all pertinent information;
- If the call must be placed on hold, the employee who answered the call must return to the line frequently to confirm that the call is being transferred;
- During office hours, each Department Head is responsible for there being at least one employee in the department or office to answer telephones. If the department or office has a limited staff, arrangements must be made with another department or office for telephone coverage or an answering device must be in operation;
- An employee may make personal telephone calls, however, such calls should be limited in duration and frequency and must not interfere with the performance of the employee's job duties;
- An employee may not make or receive personal calls on a Town provided telephone or mobile phone that will result in additional charges to the Town, except in an emergency and/or with prior approval from the Department Head. The employee must reimburse the Town for the cost of the call.
- The use of Town issued mobile phones is monitored to ensure no excessive or inappropriate use occurs.
- The use of a mobile phone while driving on Town business must be in compliance with all applicable laws.

**Personal Mobile phone / Electronic Device Usage** – Employees are permitted to carry personal mobile phones during working hours but must adhere to the guidelines shown below. These guidelines do not apply to Town-owned mobile phones that are issued for the specific use of an employee's job duties. Where the term mobile 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.)

- Mobile phones may not be used for personal purposes during work hours except on a limited basis as outlined above, unless the employee is on an authorized break or has permission from a supervisor.
- Use of a mobile phone for personal text messaging during work hours is permissible only on a limited basis; texting must not interfere with the performance of the employee's job duties.
- Personal mobile phones that are broken, damaged or lost during working hours will not be replaced or paid for by the Town.

## **510 Use of Communication Systems and Equipment**

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

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

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

As a security precaution, a workstation must not be left signed on while unattended for a long period of time (or overnight).

Each user must log off the network when not in use and power down at the end of the day.

Sharing of Usernames, passwords and any other form of credentials or authorization information is strictly prohibited.

Providing remote access or connectivity to any Town computing device or system is strictly prohibited, unless necessary for an employee to perform their job function or duties. In such cases all access must be continuously monitored by the employee. The employee providing the access is responsible for all actions of the third party during the duration of the access.

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

**Personal Use** – Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Any non-business use should be incidental and occasional and must conform to all standards set forth in this policy. Any personal use that interferes with the performance of an employee's work or burdens or compromises the effectiveness of the Town's network and equipment is strictly prohibited.

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

- Any illegal activity;
- Threats or harassment;
- Slander or defamation;
- Transferring, viewing, displaying, storing, distributing, editing, archiving or recording of any discriminatory message, image or material or any obscene, graphic or suggestive message, image or material;
- Activity that is in violation of any provisions set forth elsewhere in this Employee Handbook;
- Any unauthorized commercial activity;
- Accessing or attempting to access the data/files of another person, unless otherwise authorized as necessary in the course of performing Town business;
- Using or aiding in the unauthorized use of another person's password;
- Harming or destroying data/files (other than editing or deleting information in the normal course of one's job duties);
- Use of non-business software;
- Gambling;
- Use of entertainment software, such as games and puzzles;
- Installation or use of any hardware or software, not authorized by the Town;
- Installation or use of Town-owned hardware or software for any use that is not Town related business or authorized by a supervisor or Department Head;
- Installation or use of any unauthorized or unlicensed hardware or software; and
- Installation of any software containing viruses.

### **Internet / Electronic Messaging Requirements**

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

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

- E-messaging must be used in a professional manner;
- Messages must not be threatening, insulting, obscene, abusive or derogatory;
- Messages must not include content that constitutes workplace harassment including sexual harassment;

- E-messaging may not be used to transmit chain letters;
- Employees are responsible for saving any e-messages that they want to keep permanently;
- E-messages must not involve personal sales or solicitation or be associated with any for-profit outside business activity;
- E-messages must not involve personal not-for-profit solicitations;
- E-messages must not potentially embarrass the Town;
- Passwords must not be given to anyone;
- 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;
- Employee Internet usage and e-messaging may be subject to filtering and may be monitored;
- Employees should be aware that deletion of any E-message or file may not truly eliminate that message or file from the system. All E-mail messages are stored on a central back-up system in the normal course of data management;
- Employees should ensure that no personal correspondence appears to be an official communication of the Town; and
- Employees may not use the Town's address for transmitting or receiving personal mail or use the Town's e-mail address for transmitting or receiving personal e-messages.

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

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

**Reporting of Violations** – Anyone with information as to a violation of this policy is to report said information to the employee's Department Head. Once the employee's Department Head is informed of the violation, a formal process, consistent with this Employee Handbook 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.

**Policy Statement** – The purpose of the policy is to provide the framework for employee usage of 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, Tumblr, LinkedIn, Instagram, Pinterest, Flickr, Snapchat, YouTube, web blogs, and web based wikis whereby users can add, modify or delete its content via a web browser.

**Usage During Working Hours** – Unless the use of Social Media 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 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.

**Posting Content on Social Media (regardless of point of access)** – The following uses of Social Media are prohibited. These terms pertain to content posted from computers or communication systems that are not Town owned, as well as those that are Town property.

This list is meant to be illustrative, and not exhaustive.

- 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.
- Posting, uploading or sharing images that have been taken while performing duties as an agent of the Town or while wearing Town uniforms – the only exception to this rule is when it is directly pertinent to Town business and such posting, uploading or sharing of images is authorized in advance by the appropriate Department Head.
- 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.
- 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.
- 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 designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment. Nor is it meant to imply any restriction or diminishment of an employee's right to appropriately engage in protected concerted activity under law, including but not limited to NLRA Section 7 protected communications on non-work time. Town employees have the right to engage in or refrain from such activities as they choose.

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

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

## 512 **Mobile Computing Use Policies**

**Policy Statement** – Mobile computing systems provided by the Town of Webster are intended to support the operations and services provided to the residents of the Town of Webster. All mobile computer users should be aware that they have access to valuable and sensitive resources, and that their mobile computing practices can adversely affect others.

### **Definitions**

**Computing Facility** – Includes any personal computer, computing or communications facility, and mobile devices.

**Mobile Devices** – Any computing device that is not constrained by its physical location and can contain or access any Town data or information.

**Account** – Means any account number, access code, user id or authorization code for a computer or communications facility, together with its associated passwords and files.

**User** – Means any person using Town computing facilities.

**System Administrator** – Means any person who has the authority to grant authorization to use computing facilities.

1. Users are ultimately responsible for any and all use of their mobile devices. Consequently:
  - a. Users should maintain secure passwords.
  - b. Users should take precautions against others obtaining unauthorized access of mobile devices.
  - c. Users should not willingly divulge passwords and other access control information for their mobile devices.
  - d. Users must not use or attempt to use computing facilities or accounts to which they have not been granted explicit access or permission from an appropriate system administrator.
  - c. All mobile devices shall be kept in environmentally safe location. (i.e. not kept in motor vehicles overnight, not left outside unattended, etc.)
2. Users must use their mobile computing devices only for the purposes for which they were authorized. (If personal mobile devices are being used, then the user must request authorization from their Department Head.

Specifically, mobile devices must not be:

- a. Used for private consulting or for any form of direct personal financial gain.
  - b. Sold to any other person.
  - c. Provided as a resource to other persons for unauthorized purpose.
  - d. Access data or information stored on other computing facilities without the permission of the owner or custodian of that information.
3. Users must respect all copyrights and licenses associated with Town computing facilities. Terms and conditions in software licenses can vary considerably. The Town of Webster is taking every precaution to legally adhere to the license agreements for all necessary business-related user software. Users must not use mobile devices to:
  - a. Access and use software belonging to or licensed to other users or the Town of Webster without proper authorization to do so.
  - b. Move or copy programs, subroutines and any other forms of software from one



- computing system to another without proper authorization.
  - c. Distribute, sell or otherwise make available software or information.
  - d. Install or use any unauthorized program, subroutine or software that has not been approved by the Director of Information Technology and/or the Technology Committee.
  - e. The Director of Information Technology and/or appropriate system administrator has the right to remove, uninstall or delete any and all unapproved programs, subroutines or software from any and all computing facilities.
4. Users must not attempt to subvert restrictions associated with their mobile devices.
  5. Users must not use mobile devices to send or receive obscene, vulgar or harassing information.
  6. Users may physically connect mobile devices to the Internet from locations other than the Town of Webster's computing facilities, (such as through an Internet service provider (ISP) at your home.)

The Information Technology Department may not provide Internet access to users from outside the computing facilities nor configure your device to work with other internet providers.

It is the mobile user's responsibility to verify and make certain that connections to the Internet that are outside of the Town of Webster's computing facilities are safe and secure. The Town of Webster and the Information Technology Department will not be held responsible for any and all damages or data loss that is caused by utilizing mobile devices on insecure Internet connections that are outside of the Town's control.

All Town Computer policies will still apply to your mobile device.

7. Users must not use their mobile devices for games. No games are permitted to be resident on any Town of Webster-owned computers, played off the Internet or from disks, nor in any other way played with on Town of Webster computers.
8. Users must not use mobile devices to violate any Town of Webster policies. All policy violations are subject to the Procedures for Computer Abuse and any and all subsequent procedures outlined by the Town of Webster policies, Contracts, and civil service law.
9. Users must not use mobile devices to violate any local, state or federal laws. Any and all laws that are violated will be subject to the Procedures for Cases of Computer Abuse. All information and necessary computing resources will be handed over to the proper law enforcement authorities.
10. Users must safeguard data and their mobile devices by taking advantage of security mechanisms built into systems. System startup passwords are required to help protect data if the Mobile Computer is lost or stolen. Users should protect sensitive data with passwords. Users are encouraged to upload files to the network as soon as possible for safe keeping and backups.

Even though the Information Technology Department attempts to provide a safe and secure mobile environment, they will not guarantee the integrity or safety of any and all data that is stored on a mobile device or other secure locations.

11. Users are personally responsible for the replacement and/or repair of mobile devices

that are lost or damaged due to neglect.

12. Users are responsible for protecting their computer equipment from theft, loss and breakage. Missing, stolen or broken equipment should be reported to The Director of Information Technology and/or appropriate system administrator as soon as is practical after discovery.

System administrators attempt to provide and preserve security of files, account numbers, passwords, programs, and devices. It is possible that security can be breached through action or causes beyond their control. Any and all security breaches which include the loss of a mobile computing device must be reported so that the severity of the information loss can be evaluated to help determine what security measures, if any, must be enacted.

If a mobile device is stolen, please contact the Police to file a report. Once the report is filed, please give this to the Director of Information Technology, so that any insurance claims can be filed and any other contractual agreements can be resolved.

13. All Town-related information and data shall be deemed confidential and privileged and shall not be disseminated without express authorization from management.

Computer users should be aware that they have access to valuable and sensitive resources, and that their mobile computing practices can adversely affect others. Users should not share or give out any information pertaining to Town business. Mobile users should also be aware of their surroundings, and take every precaution from unauthorized viewing, capturing or copying of their data stored on their mobile devices.

14. The Information Technology Department/Management can revoke the privilege of using mobile devices at any given time for any period of time.

Due to information theft, loss, policy violations or reasons beyond the control of the Town of Webster and the Information Technology Department it may be deemed necessary to recall any or all Town owned devices and suspend/eliminate any or all mobile device use.

If a device is not returned within one business day of the request, disciplinary actions can be taken, and all computing facility access for the offending user(s) will be restricted.

15. All violations of these policies must be reported directly to the Director of Information Technology and/or appropriate system administrator or member of management.

Management will report these violations to the Director of Information Technology. The Technology department will then investigate all cases of violation of these policies in accordance with the Procedures for Computer Abuse.

## **513    *Procedures for Cases of Computer Abuse***

**Policy Statement** – This section describes the procedures to be taken when users are named in a complaint of alleged computer abuse or are found to be in violation of the Town of Webster Computer User Code of Conduct. Such cases will be referred to the appropriate Town officer, committee or governing body, as follows:

- Cases of abuse of Town employees should be reported to your department head, a system administrator or the Director of Information Technology.
- Cases of abuse from non-employees should be reported directly to a system administrator or the Director of Information Technology.
- Cases of abuse from outside agencies or services should be reported directly to a system administrator or the Director of Information Technology.

**Investigations** – An investigation will occur in serious cases of alleged violations, including but not limited to the following:

- Major damage to Town property has occurred or is likely to occur (which includes the loss or corruption of data.)
- The integrity of the Town network and computing infrastructure has been threatened or jeopardized.
- An individual's personal safety has been threatened.
- A Town policy or local, state, and/or federal law has been broken.
- It is felt that there is substantial risk to the Town.

**Actions** – The Director of Information Technology is authorized to enact certain preventative measures, which would include a restriction in or a complete suspension of access to computing facilities and services. In extreme cases of alleged violations, the Director of Information Technology or system administrator may be forced to impose such sanctions as an immediate preventative measure until such time that an investigation has been completed and the appropriate disciplinary body or person(s) has reviewed the case.

**Violations** – The process for dealing with an alleged violation of the Computer User Policy is as follows:

1. A first violation will result in an electronic warning, issued by the system administrator, to cease the alleged violation. A meeting may be set up to review the alleged violation, allowing the individual(s) an opportunity to respond, and to discuss the warning.
2. A second violation will result in a written warning from the Director of Information Technology and/or the appropriate Department Head. At that point, the alleged violation is considered to have become a disciplinary matter, and will be referred to the appropriate disciplinary body or process, as stipulated by the procedures set forth in this Employee Handbook, appropriate collective bargaining agreement, and/or Civil Service law. Restriction in access to resources may result. Any restrictions will remain in effect until the disciplinary matter is concluded.
3. Third and subsequent violations will result in a complete suspension of access to computing resources. Such sanctions will remain in effect until an investigation of the alleged violation has been completed, and the appropriate disciplinary body has considered the case. Opportunities for review and discussion of the alleged violation will be subject to the provisions of this Employee Handbook, any appropriate collective bargaining agreement, and/or civil service law.

The Town reserves the right to bypass any of the above steps and 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.

**Complaint Procedures** – The following describes the procedures to be taken when individuals (internal or external to the Town) believe that a user of computing facilities at the Town has violated the Town of Webster Computer User Policy:

- The person lodging the complaint shall forward to the Information Technology Department, in writing, details of the violation, including user information, date(s), description of the violation, etc.
- The Information Technology Department will respond to the person lodging the complaint, in writing, within ten (10) working days, as to the state of the complaint.
- The Information Technology Department may either dismiss the complaint outright to follow the Procedures for Cases of Computer Abuse.
- Should the Information Technology Department dismiss the complaint outright, the complainant may elect to appeal the decision by appealing to the Town Supervisor or Town Board.
- The Information Technology Department will report on all complaints and actions to the Town Supervisor or Town Board, who reserve the right to recommend further actions.

## 514 ***Bring Your Own Device Policy***

**Policy Statement** – This policy is intended to protect the security and integrity of Town of Webster's data and technology infrastructure. Limited exceptions to the policy may occur due to variations in devices, platforms, and use. Town of Webster employees must agree to the terms and conditions set forth in this policy to be able to connect their devices to the organization's network and/or services. Use can be revoked. The Town of Webster reserves the right to take appropriate disciplinary action up to and including termination for noncompliance with this policy.

### **Acceptable Use:**

- The organization defines acceptable business use as activities that directly or indirectly support the Town of Webster.
- The organization defines acceptable personal use on organization time as reasonable and limited personal communication.
- Employees can be blocked from accessing certain websites during work hours/while connected to the organization network at the discretion of the organization.
- Devices' camera and/or video capabilities are not disabled while on-site, but the Town reserves the right to disable or refuse the use of these capabilities.
- Access may not be used at any time to:
  - Store or transmit proprietary, private, sensitive, etc. information.
  - Harass others
  - Engage in outside business activities that conflicts with the interests of the Town of Webster.
  - Violate any Town of Webster Policy or procedure.
- Employees may use their personal device to access only the resources permitted to perform their job duties.
- The employee is always expected to use his or her devices in an ethical and legal manner and adhere to the organization's acceptable use policies.
- Employees should not use their personal device or their access granted by the Town of Webster, to engage in any violation of the Town's Use of Communication Systems and Equipment Policy, Social Media Policy or Mobile Computing Use Policy.

### **Devices and Support:**

- The Information Technology Department cannot guarantee that all devices can access the Town of Webster's data and infrastructure.
- Most connectivity issues are supported by IT; employees should contact the device manufacturer or their carrier for operating system or hardware-related issues.
- The IT department and Department Head must be made aware of and approve any personal or mobile device that are going to be used, before they can access the Town's network, services, data, etc.
- The Town of Webster reserves the right to install all applications or devices that may be required to manage and/or protect the Town of Webster's interests on your personal device.

**Reimbursement** – The Town of Webster will not reimburse the employee for the cost of a personal device or any plan charges, fees or costs. The employee assumes full liability for all risks including, but not limited to, the partial or complete loss of organization and personal

data due to an operating system crash, errors, bugs, viruses, malware, and/or other software or hardware failures or programming errors that render the device unusable.

**Security** – To prevent unauthorized access, devices must be password protected using the features of the device and a strong password or PIN is required to access the organization network.

- The device must lock itself with a password or PIN if it's idle for five minutes.
- Rooted (Android) or jailbroken (iOS) devices are strictly forbidden from being used for work purposes.
- Devices belonging to employees that are for personal use are not allowed to access the Town of Webster's private network without the knowledge of the Department Head and the Information Technology department.
- Employees' access to organization data is limited based on user profiles defined by the Information Technology Department and automatically enforced.
- The employee's device may be remotely wiped (including personal data) if:
  - The device is lost;
  - The employee terminates his or her employment;
  - The Information Technology Department detects a data or policy breach, a virus or similar threat to the security of the organization's data and technology infrastructure;
  - If any other situation arises that the Town deems necessary to protect the organization.
- The Town of Webster reserves the right to disconnect personal devices or disable services on personal devices without notification.
- Where applicable, the Town of Webster reserves the right to enforce security policies and controls on any personal device that has access to or may contain Town of Webster data or information.
- Lost or stolen personal devices used to conduct Town business must be reported to the Information Technology Department immediately.
- Upon notification, known work related mobile apps and data may be wiped from the personal device. If the device is not recovered within 72 hours of loss, the personal device may be wiped and reset to factory defaults.
- After the personal device has been wiped and reset, employees are then responsible for notifying their mobile carrier.

**Risk and Liability** – The employee assumes full liability for all risks including, but not limited to, the partial or complete loss of organization and personal data due to an operating system crash, errors, bugs, viruses, malware, and/or other software or hardware failures or programming errors that render the device unusable. The Information Technology Department will not be responsible for the loss of the employee's personal data.

## **515    *Personal Appearance***

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

**Standards** – An employee must maintain a personal appearance in a manner that reflects a good image to the public. Acceptable personal appearance is an ongoing requirement of employment with the Town. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Employees should not wear attire that is inappropriate for the work environment.

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

**Uniforms / Standard Clothing** – An employee may be required to wear a uniform or standard Town issued clothing as directed by the Department Head and/or as provided in a collective bargaining agreement. If such is the case, the employee must comply with all requirements. Attire should conform to the dress code for the duties being performed (e.g. Lifeguard).

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

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

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

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

## **517    *Visitors***

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

## **518    *Purchasing***

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

## **519 Maintenance of Work Area**

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

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

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

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

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



## **520    *Personal Property***

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

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

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

## **521    *Town Property***

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

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

**Return of Property** – Except as otherwise provided by a collective bargaining agreement, all Town property must be returned to the Town before the employee's last day of work. Upon the return of the issued items, the employer will sign a receipt of items received and give the employee a copy to serve as their receipt of items returned.

## **522    *Unauthorized Work***

**Policy Statement** – An employee may not perform work for any entity other than the Town during the employee's authorized work hours or claim that Town work was done when such is not the case.

## **523    *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;
- If the Town determines that an employee's outside work interferes with the performance or the ability to meet the requirements of the Town as they are modified from time to time the employee may be required to terminate the outside employment if the employee wishes to remain employed by the Town;
- No Town equipment, supplies or other material may be used by an employee on other than Town work for monetary gain;
- Outside employment that does or may constitute a conflict of interest is prohibited. An employee may not receive any income or material gain from individuals outside of the Town for materials produced or services rendered while performing the employee's Town job;
- 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.

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

## 600 ABSENCE POLICIES

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### 601 *Attendance*

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

**Tardiness** – An employee must be ready and able to work at the time the employee is scheduled to begin work. In the event an employee is unable to report to work at the scheduled time, the employee must personally 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 given. Leaving a message on an answering device is permitted only if it is not otherwise possible to contact the Department Head, unless otherwise stated by departmental policy.

**Unscheduled Absences** – An employee who is unable to report to work must personally notify the employee's Department Head prior to the employee's scheduled starting time. The employee must speak directly with the Department Head, indicating the reason for the absence and when the employee expects to return to work. Asking another person to call in on the employee's behalf is not permitted. Leaving a message on an answering device is permitted only if it is not otherwise possible to contact the Department Head, unless otherwise stated by departmental policy. Notification requirements may be waived in cases of emergency.

**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.

**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.

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

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

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

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

## 602 **Jury Duty Leave**

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

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

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

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

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

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

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

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

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

## **604    *Leave for Cancer Screening***

**Policy** – The Town of Webster complies with New York State Civil Service Law which entitles all Town employees up to four hours of paid leave to undertake screening for cancer. This excused 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 available paid leave for this same purpose.

**Allowance** – An employee will be allowed four hours of paid leave per calendar year for the purpose of undergoing a screening procedure for cancer. The paid leave may include the travel time to and from the appointment and any subsequent follow up consultation visits. In addition, the paid leave may be staggered throughout the year until the maximum allowance has been reached.

**Scheduling** – An employee must receive prior approval from the employee's Department Head to take paid leave for this purpose. The request for excused 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 uses 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.

## **605    *Leave for Blood and/or Bone Marrow Donations***

**Policy Statement** – The Town of Webster complies with New York State Labor Law §§202-a and 202-j which entitle Town employees who work an average of twenty hours or more per week to time off from work to donate blood and/or to undergo a medical procedure to donate bone marrow. This leave of absence will not be charged against any available sick, vacation, personal, compensatory 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 these purposes.

**Blood Donation Allowance** – An employee may take unpaid leave 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. The Town may require the employee to provide proof of blood donation.

**Bone Marrow Donation Allowance** – An employee may take unpaid leave in order to donate bone marrow as well as to recover from the procedure and for resulting medical care. The employee's physician will determine the amount of leave required by the employee. However, the leave may not exceed 24 work hours unless additional leave is agreed to by the Town. There is no limitation on how frequently an employee may take such leave. The Town may require the employee to provide proof of bone marrow donation.

**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.

## **606    *Time Off To Vote***

**Policy Statement** – The Town of Webster complies with the provisions of Election Law, Section 3-110 and encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule.

**Procedures** – If an employee does not have sufficient time outside of their scheduled working hours to vote they may, without loss of pay for up to two hours, take off working time to vote.

If an employee has four consecutive hours either between the opening of the polls and the beginning of their working shift or between the end of their working shift and the closing of the polls, they shall be deemed to have sufficient time to vote.

An employee is required provide notification as to the need for working time off to vote and must request this time off from their Department Head at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled in a manner which causes the least disruption to departmental operations. This time off shall be allowed either at the beginning or end of the employee's work schedule, as determined by the Department Head.

## 607 **Family and Medical Leave Policy**

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

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

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

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

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

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



has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

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

**Qualifying Exigency Leave** – Eligible employees who work for the Town may take up to 12 workweeks of unpaid, job-protected leave in a 12-month period for a "qualifying exigency" arising out of the foreign deployment of the employee's spouse, son, daughter or parent. FMLA leave for this purpose is called qualifying exigency leave. Qualifying exigencies may arise when the employee's spouse, son, daughter or parent who is a member of the Armed Forces (including the National Guard and Reserves) and who is on covered active duty or has been notified of an impending call or order to covered active duty. (Covered active duty is further defined in Department of Labor regulations.) For purposes of qualifying exigency leave, an employee's son or daughter on covered active duty refers to a child of any age.

The Department of Labor has identified nine broad categories of qualifying exigencies. If the military member is on covered active duty, the employee may take FMLA leave for the following qualifying exigencies:

- Issues arising from the military member's short notice deployment (i.e., deployment within seven or less days of notice). For a period of up to seven days from the day the military member receives notice of deployment, an employee may take qualifying exigency leave to address any issue that arises from the short-notice deployment.
- Attending military events and related activities, such as official ceremonies, programs, events and informational briefings or family support or assistance programs sponsored by the military, military service organizations or the American Red Cross that are related to the member's deployment.
- Certain childcare and related activities arising from the military member's covered active duty, including arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling in or transferring a child to a new school or day care facility. Note: The employee taking FMLA qualifying exigency leave does not need to be related to the military member's child. However, (1) the military member must be the parent, spouse, son or daughter of the employee taking FMLA leave, and (2) the child must be the child of the military member (including a child to whom the military member stands in loco parentis).

- Certain activities arising from the military member's covered active duty related to care of the military member's parent who is incapable of self-care, such as arranging for alternative care, providing care on a non-routine, urgent, immediate need basis, admitting or transferring a parent to a new care facility, and attending certain meetings with staff at a care facility, such as meetings with hospice or social service providers. Note: The employee taking FMLA qualifying exigency leave does not need to be related to the military member's parent. However, (1) the military member must be the parent, spouse, son or daughter of the employee taking FMLA leave, and (2) the parent must be the parent of the military member (including an individual who stood in loco parentis to the military member when the member was a child).
- Making or updating financial and legal arrangements to address a military member's absence while on covered active duty, including preparing and executing financial and healthcare powers of attorney, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS) or obtaining military identification cards.
- Attending counseling for the employee, the military member or the child of the military member when the need for that counseling arises from the covered active duty of the military member and is provided by someone other than a health care provider.
- Taking up to 15 calendar days of leave to spend time with a military member who is on short-term, temporary Rest and Recuperation leave during deployment. The employee's leave for this reason must be taken while the military member is on Rest and Recuperation leave.
- Certain post-deployment activities within 90 days of the end of the military member's covered active duty, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military, and addressing issues arising from the death of a military member, including attending the funeral.
- Any other event that the employee and employer agree is a qualifying exigency.

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

- **Serious Health Condition** will mean an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility including any period of incapacity (as contained in the Federal Regulations) or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider, including, but not limited to:
  - \* A period of incapacity of more than three consecutive, full calendar days and any subsequent treatment or period of incapacity that also involves continuing treatment by a health care provider;
  - \* A period of incapacity due to pregnancy or prenatal care;
  - \* A period of incapacity or treatment for such incapacity due to a chronic serious health condition. A "chronic serious health condition" requires periodic visits to a health care

provider for treatment. The term “periodic visit” constitutes 2 or more appointments with a health care provider over the course of one year;

- \* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
  - \* A period of absence to receive multiple treatments, including any period of recovery, by a health care provider or by a provider of health care services under orders of or on referral by a health care provider, for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.
- **Health Care Provider** will mean and refer to a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or any other person defined in the FMLA regulations capable of providing health care services.
  - **Family Member** will mean and refer to:
    - \* **Spouse** – means husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either: (1) was entered into in a State that recognizes such marriages; or (2) if entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.
    - \* **Parent** – biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a child as defined in directly below. This term does not include an employee’s parents “in law”.
    - \* **Child** – biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis*, who is either under age eighteen, or age eighteen or older and “incapable of self-care (as defined in the Federal Regulations) because of a mental or physical disability”. Persons who are “in loco parentis” include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

**Notification Requirements** – If the need for leave is foreseeable, the employee must give notice to the Department Head at least thirty calendar days prior to the commencement date of the unpaid leave. This notice may be written or verbal, however, additional medical certification may be required for final approval of the absence as qualifying under the FMLA. The failure of an employee to give thirty days’ notice of foreseeable leave with no reasonable excuse for the delay may result in the delay of the employee taking the FMLA leave until thirty days from the date of notice. When the need for leave is unforeseeable, notification must be provided as soon as possible and practical.

**Extension of Original Leave Request** – In the event the employee needs to extend the duration of the leave beyond the time frame originally approved, the must submit a written request seeking approval for the extension.

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

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

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

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

For leaves taken due to the **employee's own serious health condition**, the employee must first use all vacation and sick leave credits, which will be included in the maximum twelve-workweek period. However, in the event that the paid leave credits are greater than the maximum twelve-workweek period, an employee may use paid leave credits to extend the leave of absence beyond the twelve-workweek period, up to a maximum of

one year. If, after the completion of the one-year leave of absence, the employee is medically unable to return to work (as determined by a health care provider) and the employee has leave credits remaining, the Town Board may authorize an extension of the employee's leave of absence until such benefits are exhausted. However, job reinstatement beyond the one-year leave of absence is not automatic and will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *Rules of the Monroe County Civil Service Commission*.

**Accrual of Paid Leave Credits** – An employee will continue to accrue vacation and sick leave and receive holiday pay during the portion of the leave that is paid. Paid leave is defined as leave during which the employee continues to use accumulated paid vacation and sick leave. After all such paid leave is exhausted, the remaining leave of absence is unpaid. An employee will not earn paid vacation or sick leave or receive holiday pay for any holidays that may occur during an unpaid leave of absence.

- **Medical Insurance** – During the period of authorized FMLA designated leave, an employee's eligibility status for medical insurance coverage will not change. (In the event the employee has accumulated paid leave credits that extend beyond the twelve-workweek period, the employee should refer to Sections 812 – Short Term Disability and 813 – Workers Compensation regarding additional medical insurance coverage provisions.) All employee contributions (if any) must be paid on a timely basis in order to maintain the continuous coverage of benefits. Contributions will be at the same level as if the employee was working. Coverage will cease if payments are not made within a thirty-calendar day grace period of the due date. Premium payments or policy coverage are subject to change. In the event the employee fails to return to work after the designated period of FMLA leave has been exhausted, the employee may continue coverage with responsibility for payment of the full premium amount under COBRA (see Section 810) provisions. 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 worksite; the employee is laid off while on leave.

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

In addition to leave provided under the Family and Medical Leave Act, employees may be eligible for a leave of absence pursuant to Civil Service Law Section 71. Section 71 provides

that **covered** employees shall be entitled to a leave of absence for at least one cumulative year (unless found to be permanently disabled) when disabled due to an occupational injury or disease as defined in the Workers' Compensation Law. This leave runs concurrently with the designated Family and Medical Leave. Employees should consult with the Human Resources Office for further details regarding this provision.

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

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

## **608    *Unpaid Leave of Absence***

Except as otherwise provided by a collective bargaining agreement, the following procedure shall apply regarding an unpaid leave of absence:

**Policy Statement** – Subject to the approval of the Town Supervisor or designee, an unpaid leave of absence other than under the Family and Medical Leave Policy may be available to an employee for personal reasons including, but not limited to, family responsibilities and education.

**Request for Unpaid Leave** – The employee must submit a request and the reasons for the leave, in writing, to the Town Supervisor or designee at least thirty calendar days prior to planned commencement of the requested leave. Shorter notification may be permitted in cases of emergency. The Town Supervisor has sole discretion in approving such leave.

**Conditions of Leave** – The Town Supervisor will specify the duration of an unpaid leave of absence and may impose such other terms, conditions and restrictions on the employee as deemed appropriate. The maximum duration of an unpaid leave of absence may not exceed one year.

**Continuation of Benefits** – An employee on an approved unpaid leave of absence may continue to be eligible for medical insurance coverage in accordance with COBRA

Disability benefits and accruals for leave benefits shall be suspended.

**Return to Work** – An employee who fails to return from an unpaid leave of absence at the scheduled expiration date without giving proper notice or receiving proper authorization shall be conclusively presumed to have voluntarily resigned from employment.

**Change in Status** – If the reason for the unpaid leave of absence changes, the employee must return to work.

## 700 COMPENSATION

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### 701 *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 pay increase based upon the employee's past performance. The merit increase will be granted at the discretion of the Town Board.

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

### 702 *Overtime & Compensatory Time*

**Union Employees** – An employee who is a member of a collective bargaining unit shall receive overtime compensation in accordance with the provisions of the applicable collective bargaining agreement.

**Authorization** – A Department Head may require an FLSA non-exempt employee to work additional hours beyond the employee's normal workday and workweek. Such employee must receive prior approval from the employee's Department Head or supervisor before working additional hours. An employee who engages in unauthorized overtime work will be subject to appropriate corrective action.

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

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

**Credit for Paid Leave** – Paid leave time except for vacations and holidays shall not be considered as time worked for the computation of overtime and compensatory time.

**Compensatory Time** – With pre-authorization from the Department Head, a non-exempt employee will have the option of receiving "compensatory time" in lieu of paid overtime. When a non-exempt employee chooses to receive compensatory time, the employee will be credited with the equivalent of one and one-half hours for all authorized time actually worked over forty hours in a given workweek. An employee may accumulate up to forty hours of compensatory time credits. In the event an employee accrues more than forty hours of compensatory time credits, the employee must either use the excess compensatory leave credits within the pay-period in which it is earned or take paid overtime. An employee must use all compensatory leave credits within the calendar year in which they are earned or receive cash payment at the end of the calendar year at the employee's then current rate of pay. An employee whose employment with the Town is terminated will receive cash payment for any unused compensatory credits to which the employee is properly entitled at the employee's then current rate of pay.



**Use of Compensatory Time-Off** – An employee must receive prior approval from the employee's Department Head to take compensatory time-off. The Department Head will have total discretion in the approval of this time-off.

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

**Payroll Period** – The payroll period generally extends from Saturday to Friday (exceptions may apply). An employee's paycheck will be based on the amount earned during the preceding payroll period.

**Payday** – Normally, employees are paid on a bi-weekly basis. Paychecks will be issued on a Friday. In the event the payday is a designated holiday, paychecks will be distributed on the previous workday. Certain employees may be paid on a different schedule as established by the Town Board.

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

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

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

### **704    *Payroll Deductions***

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

**Voluntary Deductions** – Payroll deductions provided through the 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.

### **705    *Deferred Compensation Plan***

**Summary** – The Town of Webster 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 Payroll Office.

## 800 EMPLOYEE BENEFITS

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### 801 General Provisions

**Union Employees** – Details regarding benefits for any employee who is a member of a collective bargaining unit are set forth the applicable collective bargaining agreement.

**Non-Union Employees** – The Town of Webster provides benefits for eligible non-union employees based upon a variety of factors, including job title and employee classification (full-time, part-time, temporary, seasonal). In many instances, a non-union employee will be provided with the same benefits afforded union employees in the unit with which the non-union employee is most closely aligned. As referenced in this Section, the term “Corresponding Collective Bargaining Agreement” will be used to designate which agreement applies to which job titles, as specified in the chart below:

<b>Job Title:</b>	<b>Corresponding Collective Bargaining Agreement:</b>
Police Chief & Police Captain	Webster 1000 Club Agreement and General Municipal Law 207-c
All Other Full-Time Non-Union Employees	CSEA White Collar Agreement

**Special Conditions** – The Town may authorize special conditions with respect to a benefit or benefits applicable to an individual non-union employee. In such case, an administrative memo that details the special conditions will be issued and placed in the employee's personnel file. Per Resolution No. 291 approved by the Webster Town Board on September 21, 2006, all full-time non-union employees hired after October 1, 2006, will pay 25% of their health care premiums, except for the Police Chief and Police Captain who will receive health insurance in accordance with the corresponding Collective Bargaining Agreement.

## 802 **Holidays**

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

**Eligibility** – A full-time employee is eligible for holiday pay at the employee's regular rate of pay. A benefited part-time employee is eligible for holiday pay if the employee is scheduled to work on a day upon which a holiday falls; such pay will be based upon the number of hours the employee would have normally worked on that day. A non-benefited part-time, seasonal or temporary employee is not eligible for holiday pay. No employee will be eligible for holiday pay prior to completion of thirty calendar days of employment.

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

**Designated Holidays** – The Town Board will establish the schedule of holidays to be observed for each year at the annual organizational meeting. Exception: The Highway Superintendent will follow the holiday policy set forth in the CSEA Blue Collar Agreement.

**Assigned to Work on a Holiday** – A full-time FLSA non-exempt employee who is required to work on an actual holiday will receive holiday pay plus wages at two and one-half times the employee's regular rate of pay. A full-time FLSA non-exempt employee who is required to work on a designated holiday will receive holiday pay plus wages at one and one-half times the employee's regular rate of pay. A benefited part-time employee who works on a designated holiday will receive their regular rate of pay for hours worked plus holiday pay. A non-benefited part-time, temporary or seasonal employee who works on a designated holiday will be paid at the employee's regular rate of pay.

## 803 **Vacation Leave**

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

**Eligibility and Allowances** – A full-time employee is eligible for paid vacation leave in accordance with the provisions of the corresponding collective bargaining agreement. Benefited part-time employees are eligible for paid vacation leave as provided below. Non-benefited part-time employees and temporary or 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.

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

**Carry-over** – An employee is expected to utilize vacation leave within the calendar year in which it is granted. Upon prior approval of the Department Head, an employee may carry-over vacation leave credits to a maximum of ten days.

**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.

**Sickness During Scheduled Vacation** – In the event an employee becomes ill or injured prior to the first day of scheduled vacation leave, the employee may defer the vacation leave and instead use sick leave to cover the time of absence due to illness or injury. If an employee becomes ill or injured during a scheduled vacation leave, the time must still be charged as vacation leave.

**Credit for Prior Service** – If a permanent full-time employee leaves the Town's employ and is subsequently reemployed within one year of separation, the previous service will be included for purposes of determining service credits. For employees hired from another New York Public employer within one year of separation, the previous service will be included for purposes of determining service credits.

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

### **VACATION LEAVE FOR QUALIFIED PART-TIME EMPLOYEES**

To be eligible for paid vacation leave, a benefited part-time employee must be employed to work a minimum of 20 hours per week year-round. Vacation leave for benefited part-time employees will follow the below provisions:

- Benefited Part-Timer employees become eligible for Vacation Leave upon completing one (1) year of service.
- After their first anniversary date of hire, vacation will be awarded annually on January 1st.
- The annual vacation leave allowance will be equivalent to the employee's scheduled work week hour, i.e., part-time employees whose scheduled workweek is 20 hours will annually receive 20 hours vacation leave per year.
- After completion of six (6) years of service the employee will be eligible for an additional week of paid vacation leave each year.
- Vacation Leave cannot be accrued and carried over from year to year unless approved in advance by the Department Head.
- When leaving employment of the Town, any accrued vacation leave that is not used will be paid, provided the employee has given and worked a minimum two (2) week notice period.
- All vacation time must be approved by the Department Head.

## 804 Sick Leave

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

**Eligibility and Allowances** – A full-time employee is eligible for paid sick leave in accordance with the provisions of the corresponding collective bargaining agreement. A part-time (benefited or non-benefited), temporary or seasonal employee is not eligible for paid sick leave.

**Notification of Sick Leave** – In the event an employee must take sick leave, the employee must notify the Department Head prior to 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 procedure that inhibits the employee's work.

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

**Accumulation** – Accumulation of sick leave credits is unlimited.

**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 Employee Handbook shall apply.

**Separation of Employment** – An employee whose employment with the Town is terminated due to a resignation, lay-off 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) will be eligible for retirement credit as shown below.

**Retirement Credit** – The Town Board has elected to provide Section 41(j) of the NYS Retirement and Social Security Law and allows credit for unused accumulated sick leave at the time of retirement.

## **805    *Personal Leave***

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

**Eligibility and Allowances** – A full-time employee is eligible for paid personal leave in accordance with the provisions of the corresponding collective bargaining agreement. A part-time (benefited or non-benefited), temporary or seasonal employee is not eligible for paid personal leave.

**Proper Use of Personal Leave** – An employee may use personal leave credits to conduct personal business which cannot be conducted outside of normal working hours, non-emergency medical and dental appointments, and for personal emergencies.

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

**Accumulation** – An employee may not accumulate personal leave credits. Any personal leave credits remaining unused at close of business on the last day of the payroll year will be added to the employee's accumulated sick leave.

**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.

## **806    *Bereavement Leave***

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

**Eligibility and Allowances** – A full-time employee is eligible for paid bereavement leave in accordance with the provisions of the corresponding collective bargaining agreement. A part-time (benefited or non-benefited), 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.

**Extended Bereavement Leave** – With authorization from the employee's Department Head, an employee may use vacation leave credits, compensatory time 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.

**Death in Family During Scheduled Vacation** – If a death in the employee's immediate family occurs while that employee is on a vacation leave, the employee may apply to have up to four days of vacation leave restored. The days to be considered for restoration shall include only scheduled vacation days, excluding weekends and holidays, starting with the date of death and ending with the date of the funeral. Any employee wishing to use this policy provision should apply to the appropriate Department Head. Approval will be at the discretion of the Department Head after consultation with the Town Supervisor.

## **807    *Disclosure of Insurance Benefits***

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

**Plan Administrator** – The Director of Finance 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 Finance Department.

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

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

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

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

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

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



**Union Employees** – An employee who is a member of a collective bargaining unit is not covered by the Health / Dental Insurance provisions set forth below and should refer to the applicable collective bargaining agreement.

**Eligibility** – The Town currently offers health / dental insurance coverage to each full-time employee, full-time Elected Official, and their eligible family members in accordance with the provisions detailed in the corresponding collective bargaining agreement. A part-time, temporary or seasonal employee is not eligible for health / dental insurance coverage.

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

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

**Plan and Premium Payment** – Per Resolution No. 146 approved by the Webster Town Board on May 1, 2008, enrollment for all full-time non-union employees will be limited to the High Deductible Health Plan. The amount of the insurance premium an employee or Elected Official is required to contribute is established by resolution of the Town Board. Factors such as full or part time status, date of hire or commencement of office, and type of coverage (single, double, family) are considered when determining the required contribution. Contribution amounts are subject to change by resolution of the Town Board. Full details are available from the Human Resources Office.

**Health Insurance for Retirees** – As determined from time to time by the Town Board, a full-time employee who retires from service with the Town may be provided with continuing health insurance coverage in accordance with the provisions detailed in the corresponding collective bargaining agreement.

**Changes in Plan and Premium Contributions** – The amount of the insurance premium an employee, Elected Official or retiree is required to contribute is subject to change by resolution of the Town Board. The type of plan or plans that may be offered are subject to change by resolution of the Town Board. The provision or availability of health/dental insurance coverage is not guaranteed and will be subject to change by resolution of the Town Board.

## **809    *Health Insurance Buy-out***

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

**Eligibility** – A full-time employee or Town Supervisor who is eligible for family health insurance coverage made available through the Town may receive a cash buy-out in lieu of receiving health insurance benefits. To be eligible for the health insurance buy-out, the employee or Town Supervisor must provide documentation of comparable health insurance coverage in a manner and form to be determined by the Town and sign an appropriate waiver of health insurance coverage and waiver of liability to the Town. This buy-out provision is not available to employees who receive individual health insurance coverage.

**Amount of Buy-out** – The amount of the buy-out will coincide with that which is offered through the appropriate corresponding collective bargaining agreement or as determined from time to time by resolution of the Town Board.

**Method and Form of Payment** – Payment of the buy-out will be made in twenty-six equal installments over a twelve-month period which will commence at the time health insurance coverage is waived. This payment is in addition to the compensation and/or salary to which the employee is otherwise entitled, and will be treated as part of the employee's gross income and will be subject to the appropriate withholding for income and payroll tax purposes.

**Reinstatement** – In the event the employee loses coverage under the alternate insurance plan, the employee may resume coverage under a medical insurance plan made available through the Town. The employee will also have the right to reinstate health insurance coverage during the annual open enrollment period. Coverage will become effective in accordance with the provisions specified in the plan documents, provided that the employee meets all eligibility requirements of the insurance plan.

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

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

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

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

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

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

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

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

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

## **811    *Section 125 Plan***

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

**Eligibility** – A full-time employee or Elected Official is eligible to participate in this plan. A part-time, temporary or seasonal employee may not participate in this plan.

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

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

## **812 Short-Term Disability Benefits**

**Eligibility** – A full-time employee or a benefited part-time employee is eligible for Town short-term disability benefits in accordance with this policy. A temporary or seasonal employee is not eligible for paid short-term disability benefits. The Town of Webster does not provide New York State Statutory Disability Insurance (SDI) or New York State Paid Family Leave (PFL). The Town Short-Term Disability Benefit provides partial pay and is intended to supplement loss of time from work due to a qualified non-job-related illness or injury.

**When Coverage Begins** – Coverage will begin on the employee's first day of employment, provided the employee meets all eligibility requirements. Disability benefits run concurrently with Family Medical Leave Act (FMLA) leave.

**Disability Payments** – Disability payments will be 50% of a full-time employee's average weekly wage for the prior 8-week period. For part time employees, payments will be a minimum of \$20 and a maximum of \$170 per week. Benefits payable for less than one week will be prorated by the employee's normal workdays per week. The duration of disability benefits is dependent upon a physician's certification but will not be more than 26 weeks during any disability period or during any consecutive 52-week period. There is a seven-day waiting period before an employee can become eligible for disability payments. If concurrent coverage is available under another disability plan, the Town's Short-Term Disability Benefits will be reduced accordingly.

**Self-insured Benefit** – The Town provides Short-Term Disability Benefits on a self-insured basis. The employee will not be required to contribute to the cost of the benefit.

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

**Use of Leave Credits** – All sick leave and vacation leave credits must be exhausted prior to commencement of any Short-Term Disability Benefits. Leave credits do not continue to accrue while collecting disability benefits.

**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 Employee Handbook.

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

## **813 Workers' Compensation Benefits**

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

**207-c Benefits** – Police Officers may be covered for certain workers' compensation benefits pursuant to Section 207-c of the General Municipal Law.

**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. Within twenty-four hours, the employee, immediate supervisor and/or Department Head, must complete an Employer's Report of Injury Form (C-2F) and submit it to the Payroll Office with any supporting medical documentation (if applicable.)

**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 Employee Handbook.

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

## **814 Unemployment Benefits**

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

## **815 Social Security**

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

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

**Summary** – The Town will make available the New York State Employees' Retirement System pension plan to each eligible employee and Elected Official.

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

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

**Optional Membership** – An employee 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 Finance Department. If the employee or Elected Official elects to join the Retirement System, the employee or Elected Official must complete the application form and return it to the Finance Department.

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

## **817    *Police and Fire Retirement System***

**Summary** – The Police and Fire Retirement System covers all sworn personnel in the Police Department. It is mandatory for all full-time and part-time police officers to become members of the Police and Fire Retirement System effective on the first day of employment.

## **818 Employee Assistance Program**

**Summary** – The Town will provide an Employee Assistance Program (EAP) for all Town employees, Elected Officials, and their family members. This program offers counseling services and is designed to help employees and their families deal with a variety of problems through professional consultation on a confidential basis.

**How to Access the Program** – An employee may contact the Employee Assistance Program for further information. The program is administered by the following:

<p style="text-align: center;"><b>eni (EAP)</b> <b>1.800.364.4748</b> <b>Or:</b> <b>hello@eniweb.com</b></p>
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## **819 Fitness Center Membership Discount**

**Summary** – Whereas the Town is committed to the wellness of its employees, and in conjunction with the Wellness Program, the Town will make available for all eligible Town employees, elected and appointed officials discounted membership in the Town of Webster Fitness Center. The discount and the rates are not guaranteed and are subject to change or elimination by resolution of the Town Board.

**Eligibility** – The Town will make the fitness membership discount available to full-time employees, benefited part-time employees and any Elected Official of the Town and any member of a Board appointed by the Town Board. Temporary or seasonal employees are not eligible for this discount.

**When Discount Begins** – The discount will begin the first of the month following date of employment.

**Membership Fees** – At this time, the Town will offer a free individual monthly membership for eligible employees only. Employees may pay 50% of any other level of membership (i.e., family, senior).

**Changes in Membership Fees** – Fitness rates are subject to change by resolution of the Town Board. The discount is solely for membership in the Town owned fitness facility.

**Method and Form of Payment** – Payment of membership fees shall be made directly to the Parks & Recreation Department.



## 900 COMPLIANCE POLICIES

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### 901 *Equal Employment Opportunity*

**Policy Statement** – The Town of Webster is an Equal Opportunity Employer. The Town does not unlawfully discriminate on the basis of sex, (including gender identity or expression and the status of being transgender), sexual orientation, race, color, national origin, citizenship, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or genetic predisposition or carrier status, 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. 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.

**Policy Statement** – It is the policy of the Town of Webster 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 Webster intends to base employment decisions on principles of equal employment opportunity and nondiscrimination, as defined by law.

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

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

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

**Policy Statement** – It is the policy of the Town of Webster to promote a productive work environment and to prohibit conduct by any Elected Official or employee (as defined in Section 104 of the Employee Handbook) that disrupts or interferes with another's work performance or that creates an intimidating, offensive or hostile work environment. In keeping with this goal, the Town is committed to educate Elected Officials and employees in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to provide an effective means of eliminating such discrimination and harassment from the workplace. In short, the Town does not tolerate any form of discrimination or harassment, including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such activity in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and harassment, including sexual harassment, without any risk of repercussion to any individual covered by this policy who, in good faith, files such complaint.

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

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

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

- **Harassment**: Unwanted, unreasonable verbal or physical conduct directed toward or affecting another person that disturbs, frightens, insults, threatens, intimidates, demeans or offends that other person, that continues or is repeated after a request to cease, and that: 1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities. Harassment includes offensive or inappropriate images or written materials or electronic communications (e.g. letters, e-mail, text messages, or graffiti) as well as bias-based harassment and sexual harassment (see below).
- **Bias-Based Harassment**: Harassment that denigrates, offends or shows hostility or aversion toward an individual on the basis of sex, (including gender identity or expression and the status of being transgender), sexual orientation, race, color, national origin, citizenship, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status or any other protected status. Bias-based harassment includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written, electronic or graphic material that denigrates, ridicules, objectifies or shows hostility, aversion or contempt toward an

individual or group and that is placed on walls, bulletin boards, lockers or elsewhere on or in the Town's premises, vehicles, or equipment or is circulated in the workplace, including through electronic means.

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

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

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

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions or privileges of employment. Harassment need not be severe or pervasive to be unlawful and can be any harassing conduct that consists of more than petty slights or trivial inconveniences. Sexual harassment includes unwelcome conduct which is either of a sexual nature or which is directed at an individual because of that individual's sex when:

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

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

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

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

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

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

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

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

- Made a complaint of harassment or discrimination, either internally or with any anti-discrimination agency;
- Opposed harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or management of harassment or discrimination;
- Reported that another employee has been subjected to harassment or discrimination;
- Encouraged a fellow employee to report harassment or discrimination;

- Participated in a workplace investigation regarding harassment or discrimination;
- Testified or assisted in a proceeding involving harassment or discrimination under the Human Rights Law or other anti-discrimination laws.

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

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

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

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

**Investigation of Complaint** – The Town Supervisor, in consultation with the Town Board, will determine the appropriate individual(s) to conduct the investigation. All complaints pursuant to this policy, whether reported in verbal or written form, will be investigated promptly, thoroughly, and in as impartial a manner as possible. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. All employees are required to cooperate in an investigation, if so directed. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation. All relevant materials, including all electronic communications,

documents, emails or phone records that are relevant to the allegations will also be considered. A written report will be prepared documenting the results of the investigation. The individual who reported the complaint and the individual about whom the complaint was made will be notified of the final determination.

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

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

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

#### New York State Division of Human Rights (DHR)

The Human Rights Law (HRL) applies to employers in New York State with regard to harassment and protects employees and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court. Complaints with DHR may be filed any time within three years of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with DHR if they have already filed an HRL complaint in state court. Filing an internal complaint with the Town does not extend the time limits to file with DHR or in court. The three years is counted from date of the most recent incident of harassment. An attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate the complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring the Town to take action to stop the harassment or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](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.

### United States Equal Employment Opportunity Commission (EEOC)

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

### Local Protections

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

### Contact the Local Police Department

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



**TOWN OF WEBSTER**  
**COMPLAINT FORM**  
**DISCRIMINATION AND HARASSMENT (INCLUDING SEXUAL HARASSMENT)**

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

Name of Complainant:	Department:
Name(s) of individual engaging in alleged discrimination and/or harassment including sexual harassment:	Department:
Describe the specific incident of discrimination and/or harassment alleged. Describe each incident separately, including dates, times and locations. If you cannot remember exact dates, times or locations, provide approximations. Use additional pages if necessary.	
Are there others who may have witnessed this alleged discrimination and/or harassment? If so, provide their name(s).	

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

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

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

Complainant Signature\*: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

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

Signature of Person Receiving Complaint: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

## **904    *Workplace Violence Policy and Procedures***

The Town of Webster has a long-standing commitment to promoting a safe and secure work environment that promotes the achievement of its mission of serving the public. All employees of the Town of Webster are expected to maintain a working environment free from violence, threats of harassment, violence, intimidation or coercion. While these behaviors are not prevalent at the Town of Webster, no organization is immune.

The purpose of this policy is to address the issue of potential workplace violence in the Town of Webster, prevent workplace violence from occurring to the fullest extent possible, and set forth procedures to follow when such violence has occurred.

**Policy** – The Town of Webster prohibits workplace violence. Violence, threats of violence, intimidation, harassment, coercion or other threatening behavior towards people or property will not be tolerated. Complaints involving workplace violence will not be ignored and will be given the serious attention they deserve. Individuals who violate this policy may be removed from the Town of Webster property and are subject to disciplinary and/or personnel action up to and including termination, consistent with the Town of Webster policies, rules and collective bargaining agreements, and/or referral to law enforcement authorities for criminal prosecution. Complaints of sexual harassment are covered under the Town of Webster's policy against sexual harassment.

The Town of Webster, at the request of an employee or at its own discretion, may prohibit members of the public, including family members, from seeing an employee on the Town of Webster property unless necessary to transact the Town of Webster-related business. This policy particularly applies in cases where the employee suspects that an act of violence will result from an encounter with said individual(s).

**Scope** – All employees, members of the public, vendors, contractors, consultants, and others who do business with the Town of Webster, whether in the Town of Webster facility or off-site location where the Town of Webster business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with the Town of Webster, such as former employees, and visitors. When employees have complaints about other employees, they should contact their supervisor.

**Definitions** – Workplace violence is any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's legal rights of movement or expression or disrupts the workplace, the work environment or the Town of Webster's ability to provide services to the public. Examples of workplace violence include, but are not limited to

1. Disruptive behavior intended to disturb, interfere with or prevent normal work activities (such as yelling, using profanity, verbally abusing others or waving arms and fists).
2. Intentional physical contact for the purpose of causing harm (such as slapping, stabbing, punching, striking, shoving or other physical attack).
3. Menacing or threatening behavior (such as throwing objects, pounding on a desk or door, damaging property, stalking or otherwise acting aggressively or threaten) where a reasonable person would interrupt such behavior as constituting evidence of intent to cause harm to individuals or property.
4. Possessing firearms, imitation firearms, knives or other dangerous weapons, instruments or materials. No one in Town of Webster buildings or on Town property, shall have in their possession a firearm or other dangerous weapon, instrument or material that can be used

to inflict bodily harm on an individual or damage to the Town of Webster property without specific written authorization from the Town Supervisor (or designee) or Chief of Police (or designee) regardless of whether the individual possesses a valid permit to carry the firearm or weapon.

### **Reporting of Incidents**

#### **1. General Reporting Responsibilities**

Incidents of workplace violence, threats of workplace violence or observations of workplace violence are not be ignored by any member of the Town of Webster. Workplace violence should promptly be reported to the appropriate Town of Webster official (see below). Additionally, employees are encouraged to report behavior that they reasonably believe poses a potential for workplace violence as defined above. It is important that all members of the Town of Webster take this responsibility seriously to effectively maintain a safe working and learning environment.

#### **2. Imminent or Actual Violence**

Any person experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call their supervisor immediately or call 911.

#### **3. Acts of Violence Not Involving Weapons or Injuries to Persons**

Any person who is the subject of a suspected violation of this policy involving violence without weapons or personal injury or is a witness to such suspended violation, should report the incident to his or her supervisor, or in lieu thereof, to their respective Chief of Police (or designee). The Chief of Police will work with the Supervisor (or designee) or the Office of Human Resources on an appropriate response.

#### **4. Commission of a Crime**

All individuals who believe a crime has been committed against them have the right, and are encouraged to report the incident to the appropriate law enforcement agency.

#### **5. False Reports**

Employees of the Town of Webster who make false and malicious complaints of workplace violence, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action and/or referral to civil authorities as appropriate.

#### **6. Incident Reports**

The Town of Webster will report incidents of workplace violence consistent with the Town of Webster Policies for Incident Reporting.

## **Responsibilities**

### **1. Town Supervisor**

The Town Supervisor (or designee) shall be responsible for the implementation of this policy. The responsibility includes dissemination of this policy to all Town of Webster employees, ensuring appropriate investigation and follow-up of all alleged incidents of workplace violence, and ensuring that all administrators, managers, and supervisors are aware of their responsibilities under this policy through internal communications and training.

### **2. Chief of Police**

The Chief of Police is responsible for responding to, intervening, and documenting all incidents of violence in the workplace. The Chief of Police will immediately log all incidents of workplace violence and will notify the respective supervisor of an incident with his/her employee or notify the Town of Webster of an incident. All officers should be knowledgeable of when law enforcement action may be appropriate. Human Resources will maintain an internal tracking system of all threats and incidents of violence.

Officers will be trained in workplace violence awareness and prevention, non-violent crisis intervention, conflict management, and dispute resolution.

Officers will work closely with Human Resources when the possibility of workplace violence is heightened, as well as on the appropriate response to workplace violence incidents consistent with the Town of Webster policies, rules, procedures and applicable labor agreements, including appropriate disciplinary action up to and including termination.

When informed, the Chief of Police will maintain a record of any Orders of Protection for employees. The Chief of Police will provide escort service to employees within its geographical confines, when sufficient personnel are available. Such services are to be extended at the discretion of the Chief of Police.

### **3. Supervisor/Department Head**

Each Department Head or other person with supervisory responsibility (hereinafter "supervisor") is responsible within his/her area of jurisdiction for the implementation of this policy. Supervisors must report to Human Resources/Chief of Police any complaint of workplace violence made to him/her and any other incidents of workplace violence of which he/she becomes aware of reasonably believes to exist. Supervisors are expected to inform their immediate supervisor promptly about any complaints, acts or threats of violence even if the situation has been addressed and resolved. After having reported such complaint or incident to the Human Resources/Chief of Police and immediate supervisor, the supervisor should keep it confidential and not disclose it further, except as necessary during the investigation process and/or subsequent proceedings.

Supervisors are required to contact the Human Resources/Chief of Police Office immediately in the event of imminent or actual violence involving weapons or potential physical injuries.

#### 4. Employees

Employees must report workplace violence, as defined above, to their Department Head or supervisor. Recurring or persistent workplace violence that an employee reasonably believes is not being addressed satisfactorily or violence that is or has been, engaged in by the employee's Department Head or supervisor should be brought to the attention of the Human Resources/Chief of Police.

Employees who have obtained Orders of Protection are expected to notify their supervisors and the Human Resources/Chief of Police of any orders that list the Town of Webster locations as protected areas.

Victims of domestic violence who believe the violence may extend into the workplace or employees who believe that domestic or other personal matters may result in their being subject to violence extending into the workplace, are encouraged to notify their supervisor or the Human Resources/Chief of Police. Confidentiality will be maintained to the extent possible.

Upon hiring, and annually thereafter, all employees will receive copies of this policy. Additionally, the policy will be posted throughout the Town of Webster work sites and be placed on the Town of Webster website, as appropriate.

#### 5. Town Supervisor (or designee) or the Office of Human Resources

The Town Supervisor (or designee) or the Office of Human Resources is responsible for assisting the Chief of Police (or designee) and supervisors in responding to workplace violence; facilitating appropriate responses to reported incidents of workplace violence; notifying the Chief of Police (or designee) of workplace violence incidents reported to that office; and consulting with, as necessary, counseling services to secure professional intervention.

The Town Supervisor's Office (or designee) or Office of Human Resources is responsible for providing new employees with a copy of the Workplace Violence Policy and Procedures and ensuring that employees receive appropriate training. The Town Supervisor's Office (or designee) or the Office of Human Resources will also be responsible for annually disseminating this policy to all employees as well as posting the policy throughout Town work sites and on the Town's website, as appropriate.

**Education** – Supervisors are responsible for the dissemination and enforcement of this policy as described herein, as well as for providing opportunities for training in the prevention and awareness of workplace violence. Additionally, annual training will be provided.

**Confidentiality** – The Town of Webster shall maintain the confidentiality of investigations of workplace violence to the extent possible. The Town of Webster will act on the basis of anonymous complaints where it has a reasonable basis to believe that there has been a violation of this policy and that the safety and wellbeing of employees of the Town of Webster would be served by such action.

**Retaliation** – Retaliation against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence or who has been involved in reporting, investigating or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to disciplinary action, up to and including termination.

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

**Policy Statement** – It is the policy of the Town of Webster 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 Webster's Drug-Free Workplace Policy pertains to all employees and all applicants for employment of the Town.

**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, marijuana product, 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, marijuana product(s), 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 Webster 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. The use of alcohol and controlled substances will not be tolerated in the workplace.

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

**Pre-employment Testing** – Candidates who have received a written conditional offer of employment may be required to undergo testing for commonly abused controlled substances in accordance with this policy. The Town pays for all pre-employment, post-offer drug tests. Refusal to submit to testing will result in disqualification of further employment consideration.

**Reasonable Suspicion Testing** – Employees are subject to testing based on, but not limited to, observations of apparent workplace use, possession or impairment by at least two members of management. Human Resources, the Department Head or the Town Supervisor should be consulted before sending an employee for testing. Management must use the reasonable suspicion observation checklist to document specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of drugs or alcohol. Examples include, but are not limited to:

- Odors (smell of alcohol, body odor or urine).
- Movements (unsteady, fidgety, dizzy).
- Eyes (dilated, constricted or watery eyes, or involuntary eye movements).
- Face (flushed, sweating, confused or blank look).
- Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).
- Emotions (argumentative, agitated, irritable, drowsy).
- Actions (yawning, twitching).
- Inactions (sleeping, unconscious, no reaction to questions).

When reasonable suspicion testing is warranted, both management and HR will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within two hours. Refusal by an employee will be treated as a positive test result and could result in discipline, up to and including termination.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management must transport the employee or arrange for a cab and arrange for the employee to be transported home.

**Post-accident Testing** – Employees are subject to testing when they cause or contribute to accidents that seriously damage a Town-owned vehicle, machinery, equipment, property or that result in an injury to themselves or another employee or member of the public requiring offsite medical attention. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle (including a tractor, dump truck, forklift, pickup truck, loader, excavator, overhead crane, aerial/man-lift or other heavy equipment) is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place within two hours following the accident, if not sooner. Refusal by an employee will be treated as a positive test result and could result in discipline, up to and including termination.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management must transport the employee or arrange for a cab and arrange for the employee to be transported home.

**Collection and Testing Procedures** – All testing will be conducted by an independent testing facility, which will follow testing standards in accordance with law. Testing will be conducted on a urine sample provided by the candidate under procedures established by the testing facility to ensure privacy of the employee, while protecting against tampering/alteration of the test results.

Applicants must advise the testing facility of all prescription drugs taken in the past month before the test and be prepared to show proof of such prescriptions to testing personnel. Collected specimens will be tested by a certified laboratory for evidence of Cocaine (COC), Opiates (OPI), Amphetamines (AMP, mAMP, MET), 6-Monoacetylmorphine (6-AM), Phencyclidine (PCP), Barbiturates (BAR), Benzodiazepines (BZO), Methadone (MTD), Oxycodone (OXY), Buprenorphine (BUP), Ecstasy (MDMA), chemical derivatives of these substances or other illegal drugs where indicated. The laboratory will screen all specimens and confirm all positive



screens. There must be a chain of custody from the time specimens are collected through testing and storage.

The laboratory will transmit all positive drug test results to a medical review officer (MRO) retained by the Town who will offer individuals with positive results a reasonable opportunity to rebut or explain the results. Individuals with positive test results may also ask the MRO to have their split specimen sent to another certified laboratory to be tested at the applicant's or employee's own expense. Such requests must be made within 72 hours of notice of test results. If the second facility fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as passing the test. In no event should a positive test result be communicated to the Town until such time that the MRO has confirmed the test to be positive.

Employees subject to alcohol testing will be transported to a Town-designated facility and directed to provide breath specimens. Breath specimens will be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If an employee's breath alcohol concentration is .04 or more, a second breath specimen will be tested approximately 20 minutes later. The results of the second test will be determinative. Alcohol tests may, however, be a breath, blood or saliva test, at the Town's discretion. For purposes of this policy, test results generated by law enforcement or medical providers may be considered by the company as work rule violations.

**Consequences** – Applicants who refuse to submit to a drug test, who fail to follow testing facility procedures or who fail to show up for a drug test within the prescribed time period will no longer be considered for employment, and any offer of employment will be rescinded.

Employees who test positive, who fail to cooperate in required tests, who use, possess, buy, sell, manufacture or dispense an illegal drug or otherwise violate this policy will be subject to discipline up to and including termination. If the employee refuses to be tested, yet the Town believes he or she is impaired, under no circumstances will the employee be allowed to drive himself or herself home.

Employees will be paid for time spent in alcohol or drug testing and then suspended pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test; this meeting will include a member of management, a union representative (if requested), and HR. Should the results prove to be negative, the employee will receive back pay for the times/days of suspension.

**Re-application and Rehire** – Individuals who are rehabilitated drug users or engaged in a supervised drug rehabilitation program and are no longer using drugs may be protected under the Americans with Disabilities Act. Therefore, the Town will consider the applications of candidates who formerly tested positive for drugs if candidates can show evidence of rehabilitation and compliance with this policy.

**Privacy** – Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO will be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding regarding an employee or applicant.

**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 Webster 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 license to operate.

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

## **907    *Smoking***

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

## 1000 SAFETY

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### **1001 Workplace Safety**

**Policy Statement** – It is the policy of the Town to reduce the number of workplace injuries and illnesses to an absolute minimum. The Town maintains that the safety of its employees and the general public is a matter of the highest priority. In all assignments and actions, the health and safety of all should be the utmost consideration. Department Heads and supervisors will make safety an issue of continuing focus, equal to or of greater importance than all other operational considerations. The Town's safety program is established to emphasize that effective loss prevention is an integral part of management procedures designed to fully utilize the Town of Webster's capital and personnel. Although profit is not the goal of municipal operations, the same efficiency is desired to ensure maximum use of each tax dollar available.

**Safety Manual** – Please refer to the Town of Webster Safety Manual for full details on the Town safety programs. A copy may be found in each department and at the main level Reception Desk.

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

### **1102 *Adverse Communications***

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

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

### **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 implemented if feasible.

### **1104 *Public Relations***

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

## **1105 Press Policy**

**Policy Statement** – All requests for information directed to a Town employee from the media (e.g. television, radio, newspaper) regarding any aspect of Town affairs must be referred to the employee's Department Head. The Department Head should use cautionary judgment in responding and notify the Town Supervisor's Office of the request. If the request is concerned with something of a sensitive nature, the Town Supervisor or Town Attorney should be notified prior to the release of any statement or information. Department Heads may refer all such requests to the Town Supervisor's Office or the Town Attorney with notification to the Town Supervisor.

All press releases, publications, articles and any other documents for release to the media or the public must be approved in advance by Department Heads and copied in advance to the Town Supervisor's Office.

## **1106 Reporting of Improper Activities**

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

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

## 1200 DISPUTE RESOLUTION

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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 Employee Handbook, a “dispute” will mean a claimed violation, misinterpretation or inequitable application of any of the provisions of this Employee Handbook. In addition, the term “dispute” shall not apply to any matter as to which the 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 immediate supervisor. The dispute must be submitted, in writing, within seven working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge. The dispute will specify the date of submission, the name of the aggrieved employee, the date the dispute arose, the nature of the dispute, the provision of the Employee Handbook that was allegedly violated and a statement of facts, times, dates, and the remedy sought.

Within seven working days after receiving the dispute, the employee’s immediate supervisor 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 immediate supervisor, the employee may submit the matter to the employee’s Department Head. 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. The Department Head will forward a copy of the dispute to the Town Supervisor.

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

**Step Three** – In the event the employee is not satisfied with the response at Step Two, the employee may submit the matter to the Town Supervisor. The dispute must be submitted, in writing, within seven working days from receiving the Step Two response or when the response should have been received.

Within seven working days after receiving the dispute, the Town Supervisor or designee will investigate the matter and issue a written response which will be given to the employee.

**Step Four** – In the event the employee is not satisfied with the response at Step Three, the employee may submit the matter to the Town Board by filing a Request for Hearing with the Town Clerk. The Request for Hearing must be submitted, in writing, within seven working days from receiving the Step Three 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.

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



## 1300 EMPLOYEE ACKNOWLEDGEMENT FORM

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Detach and place in employee's personnel file.

### TOWN OF WEBSTER

### EMPLOYEE HANDBOOK ACKNOWLEDGMENT

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

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

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

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

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

I understand that, as stated in Section 521 of this Employee Handbook, that all property issued by the Town of Webster must be returned to the Town before my last day of employment.

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

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

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