



# Employee Handbook

## MISSION STATEMENT

The Town of Fine is committed to providing courteous high quality municipal services while operating a transparent and economical government.

We will continually strive to enrich the Quality of Life for the citizens of our Adirondack Town.

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EMPLOYEE HANDBOOK

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## SECTION 1

# WELCOME AND INTRODUCTION

Welcome to employment with the Town of Fine. Whether you are a new employee or have been a part of the Town of Fine workforce for an extended period of time, we look forward to a productive and successful association with you. We hope that you take pride in being a member of the Town of Fine team and help fulfill the mission of providing courteous, high quality municipal services for the citizens of this Town.

This Employee Handbook serves as a guide for employment policies, procedures, benefits, and practices. The Handbook is not intended to be comprehensive or to address all possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have questions about eligibility of a particular benefit or the applicability of a policy or practice as it relates to you, you should address your questions to your direct supervisor, the Town Supervisor, or to the Bookkeeper/HR Representative.

The Town of Fine is committed to fair, clearly stated and supportive relationships between our employees and Town Government. The Employee Handbook has been established in order to provide a guide about the personnel practices of the Town and to ensure consistency of personnel decisions. The Town Board intends to administer policies in a manner that comply with the letter and spirit of all applicable federal, state and local regulations.

The intent of this handbook is to serve as a reference for employees and departments regarding policies, procedures, and benefits. The Town Board reserves the right to interpret the information presented. Many employees are "at will employees" which means the employer may terminate the employment relationship at any time, for any reason, with or without cause or notice.

The Town of Fine reserves the right to periodically amend, revise, or rescind the policies and practices included in this Employee Handbook. This Employee Handbook supersedes and replaces any and all prior Employee Policy and Procedures Manuals. As policies and procedures are modified or supplemented from time to time, employees will be notified. The Town Clerk will maintain the most current version of the handbook and it will also be posted on the town website.

Some subjects described in this handbook are covered in more detail in other official policy documents, regulations, or laws. Please note that the terms of job classification, salaries, and benefits are unique to individuals and override any statements made in this or other documents.

The Town of Fine Board is responsible for the overall administration of personnel policies and has the authority to approve variations of those policies and procedures in response to specific conditions and factors. Day-to-day coordination of these policies and procedures will be performed by the Bookkeeper/HR Representative.

### **Modification Provision Clause**

The personnel policies described in this Handbook may be amended, modified or terminated at any time by the Town without the consent or prior knowledge of employees. Modifications will be communicated in writing to employees who are affected.



## SECTION 2

### **PERFORMING A QUALITY MISSION**

The mission statement is printed on the front cover of this Handbook.

In carrying out the mission, it is the goal and expectation that every employee delivers work and services in the highest quality, most cost effective and professional manner possible.

You are encouraged to offer suggestions and constructive comments to your direct supervisor or to the Town Supervisor/Town Board. We also encourage you to take part in any improvement, cost-reduction, or problem-solving teams. Your participation in quality service and in continuous improvement is essential to the success of the Town.

## SECTION 3

### **EMPLOYEE-AT-WILL CLAUSE**

The personnel policies in the Handbook are a guide. This Handbook is not an employment contract, expressed or implied, and should not be interpreted as such. Your employment with the Town of Fine is, subject to civil service requirements, elected official regulations, and/or at will, terminable by either you or the Town at any time, without notice, with or without cause, except as otherwise provided by law. No supervisor may authorize an employment relationship other than "at will" unless specifically granted this authority by approved Town Board Resolution or by law.

To ensure individuals are qualified, background and reference checks may be conducted on applicants who accept an offer of employment. Verification of information on the applicant's resume or application is standard.

## SECTION 4

### **EMPLOYMENT OF RELATIVES**

The Town of Fine may hire relatives of a current employee. The applicant must be the best qualified and be selected through normal interviewing or selection procedures by the hiring supervisor. A supervisor may not hire or supervise an individual if that individual and the supervisor have an on-going romantic relationship, including but not limited to marriage.



## SECTION 5:

# **EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

The Town of Fine is committed to equal employment opportunity (EEO). It is our policy to select the best-qualified person for every position without regard to race, color, religion, gender, sexual orientation, gender identity, national origin, age, ancestry, disability, genetic predisposition or carrier status, marital status, amnesty military status, or status as a covered veteran in accordance with applicable federal and state laws.

The Town of Fine complies with applicable state and local laws governing nondiscrimination in employment, including all terms and conditions of employment, advertising, recruitment, hiring, placement, rates of pay, promotion, demotion, termination, layoff, recall, transfer, leaves of absence, compensation, and selection for training.

If you have a complaint regarding discrimination or EEO, you should immediately report the matter to your direct supervisor. If the complaint involves your direct supervisor, the complaint should be directed to the Town Supervisor or to the Town Board.

The Town of Fine will investigate all complaints as quickly and confidentially as possible. Adverse action will not be taken against an employee if he or she, in good faith, reports or participates in the investigation of a violation of this policy. If you feel that you have been retaliated against for reporting a complaint or participating in an investigation, you should immediately notify the Town Board.

## **Americans with Disability Act (ADA) and the ADA Amendments Act (ADAAA)**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities.

It is the policy of the Town to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is our policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

When needed, the Town will provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential duties of the position. The Town will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to the Town. Contact the Bookkeeper/HR Representative, with any questions or requests for accommodation.



## SECTION 6

# NEW HIRES / TRAINING

### **New Employee Orientation**

The Town of Fine puts people first and wants new employees to feel well informed and comfortable with rules, policies, benefits, and how to navigate things of interest. New employees are provided this Employee Handbook and a New Employee Orientation by the Bookkeeper/HR Representative before they begin functioning in their job. As a new employee, you are responsible to fill out all pre-employment forms, benefit applications, and enrollment forms.

Necessary employment forms are completed and finalized during this orientation process. It is important that each employee gets their questions answered either during the in-person orientation or afterwards (sometimes questions arise once the meeting is finalized). Please feel free to call the Bookkeeper/HR Representative with any questions.

### **Employee Training**

On-the-job (OJT) training teaches knowledge, skills, and competencies that are needed to perform your specific job with the Town of Fine. OJT uses the actual work equipment, tools, and skills necessary for every employee to effectively perform his/her job. OJT occurs within the normal work environment that an employee is expected to perform and during the normal work hours by a supervisor or co-worker, who can already competently perform the job that he/she is teaching.

It is the responsibility of every employee to ensure that they are properly trained before performing the work on their own, especially with safety concerns. When new skills are needed because of changing requirements, projects, or tasks, additional on-the-job (OJT) training may be needed. Employees need to apply themselves, successfully learn new information, and ask appropriate questions to ensure they can competently perform the new job skills.

When being trained employees are encouraged to:

- **Ask questions of the trainer**
- **Take notes**
- **Request more training of the trainer when it is necessary**



## SECTION 7

### DEPARTING EMPLOYMENT

The separating employee should discuss departing with his/her direct supervisor and contact the Bookkeeper/HR Representative as soon as notice is given to schedule an exit strategy.

Separation of employment within this organization can occur for several different reasons:

- **End of Temporary Appointment**

For all temporary and seasonal employees, you will be informed of your last day of work. You will be instructed on the correct procedures for out processing.

- **Resignation**

Although we hope your employment with us will be a mutually rewarding experience, we understand that varying circumstances cause employees to voluntarily resign employment. When resigning, provide two weeks' notice, preferably in writing, to facilitate a smooth transition out of the organization.

- **Retirement**

Employees who wish to retire are required to notify their Department Supervisor and the Bookkeeper/HR Representative in writing at least one (1) month before the planned retirement date.

- **Job Abandonment**

Employees who fail to report to work or contact their supervisor for three (3) consecutive workdays will be considered to have abandoned the job without notice, effective at the end of their normal shift on the third day. The supervisor will notify the Bookkeeper/HR Representative at the expiration of the third day and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible to receive accrued benefits.

- **Termination**

Many employees of the Town of Fine are employed on an at-will basis, and the Town retains the right to terminate an employee at any time, subject to civil service requirements and elected official regulations.

#### **COBRA:**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) may require the town provide qualified departing employees the option of remaining in the group medical insurance plan when an employee would otherwise lose medical coverage. The departing employee is responsible for 100% of the cost of the medical insurance. Please see the Bookkeeper/HR Representative to determine if you are eligible under federal regulations.

## SECTION 8

### RETURN OF TOWN PROPERTY

The separating employee, or an employee that no longer requires town property for job duties, must return all Town of Fine property to their direct supervisor at the time of separation or job duty change, including pagers, cell phones, keys, tools, computers, identification cards, etc.



## SECTION 9

# WORKPLACE EXPECTATIONS

### WORKPLACE CIVILITY AND RESPECT

Employees in all jobs and departments are expected to treat each other with respect and dignity. Success, reputation, and professionalism depend on the cooperation and teamwork among all employees.

Civility is behavior that:

- **Shows respect toward another**
- **Causes another to feel valued**
- **Contributes to mutual respect, effective communication and team collaboration**
- **Welcomes new employees onto your team**
- **Includes others in work-related conversations**

### GOOD ATTENDANCE AND PUNCTUALITY

The Town of Fine provides important and valuable services to its Town's people. In order to accomplish this mission, it is imperative that every employee be present when scheduled to work. The Town has a reasonable expectation that employees will report to work on time and be prepared to work hard. The Town provides good benefits that include holidays, vacation leave, personal leave, and sick leave for full-time employees.

If you must be late for work or must be absent, notify your supervisor as early as possible. Patterns of absenteeism or tardiness may result in discipline even if the employee has not yet exhausted available paid time off.

Personal issues requiring time away from your work, such as doctor's appointments or other matters, should be scheduled during your non-working hours if possible (example: try to schedule a doctor's appointment first thing in the morning, in conjunction with lunch, or at the end of the day).

### PERSONAL APPEARANCE

It is important for all employees to present a professional image while at work by being appropriately attired. It is important that all employees act as representatives of the Town and should dress in a manner consistent with the atmosphere and decorum expected. The Town is confident that employees will use their best judgment regarding attire and appearance. The Town of Fine employees are expected to be neat, clean, well groomed, have good hygiene, safe and decent while on the job. Clothing must be consistent with the standards for a business environment and must be appropriate to the type of work being performed.

Verify with your supervisor what is and is not appropriate dress for your position. For women, low-cut tops, flip flops or other beachwear, and shorts (except in recreational programs) is typically deemed inappropriate. For men, soiled, torn, or clothing that does not adequately cover one's body is not only deemed inappropriate but may also be unsafe. The Town Board reserves the right to determine appropriateness. An employee who is inappropriately dressed for the job may be counseled or in severe cases may be sent home to change clothes.





## WORKPLACE EXPECTATIONS

### **CARE OF TOWN EQUIPMENT, TOOLS, AND PROPERTY**

During your employment at the Town of Fine, you are entrusted with Town-owned equipment, tools, vehicles, and property. You are expected to demonstrate proper care when using the Town's property and equipment. Part of the pride you have in your job is shown in the manner you treat its property.

The Town of Fine provides a complete range of equipment and tools to enable each employee to complete their assigned work. From a \$2 screwdriver to a \$1,200 laptop to a \$200,000 piece of equipment, everyone must make a concerted effort to safeguard, maintain, and properly use and store all equipment.

If you lose, break or damage any property, report it to your supervisor immediately. It is understandable that equipment may break under normal operating conditions; however, with careless handling and abuse of equipment, the user could be held responsible or be subject to discipline.

### **PERSONAL PROPERTY**

Please take care to secure your personal property to include your wallet and personal effects. The Town of Fine is not responsible for loss or damage to personal property. Valuable personal items, such as purses and all other valuables should not be left in areas where theft might occur.

### **PARKING**

You are required to park within designated areas. The Town of Fine is not responsible for loss, damage or theft of your vehicle. Therefore, we suggest you lock your vehicle.

### **PERSONAL PHONE CALLS**

It is important to keep our business telephone lines free for business-related calls. Although the occasional use of the Town telephones may be used for a personal emergency, routine personal calls should be kept to a minimum. Any employee making excessive long-distance phone calls or faxes will be responsible for reimbursing the Town for those charges.

Personal cell phone calls or texting, even on personal cell phones, should be kept to a minimum during regularly scheduled work hours. Whenever possible, make personal phone calls during assigned breaks or during lunch. Personal phone calls are generally considered disruptive to co-workers; therefore, maintain low volume during your conversation so as not to disturb or annoy others. Texting and talking on cell phones is prohibited while driving, as per New York State law.

Non-emergency phone calls should only be made when it doesn't interfere with your work or the work of your co-workers.

### **VISITORS**

Visitors are not allowed in any area of municipal offices without being accompanied by an employee. Under no circumstances will visitors be allowed in confidential, unauthorized, or potentially hazardous areas.



## WORKPLACE EXPECTATIONS

### **DRIVER'S LICENSE / DRIVING RECORD**

Employees in positions where the operation of a motor vehicle is a required duty of the position must present and maintain a valid driver's license and acceptable driving record to our insurer. Changes in your driving record, including suspension or loss of license, must be reported to your direct supervisor immediately. Violations of this policy may result in disciplinary action, up to and including termination of your employment.

### **HOUSEKEEPING**

Good work habits and a neat place to work are essential for job safety and efficiency. You are expected to keep your place of work organized and materials in good order at all times.

Report anything that needs repair or replacement to your supervisor.

### **WEAPON-FREE WORKPLACE**

Possession of or sale of weapons, firearms or explosives within Town buildings or Town equipment is prohibited. Weapons are prohibited while operating Town machinery, equipment or vehicles for work-related purposes or while engaging in Town business off premises except where expressly authorized by the Town and permitted by local laws.

This policy applies to all employees including but not limited to, those who have a valid permit to carry a firearm. Employees who are aware of violations or threats of violations are required to report the violation or threats of violations to their supervisor immediately. Violations of this policy will result in disciplinary action, up to and including termination.

### **IN AN EMERGENCY**

If there is an emergency, after contacting the appropriate emergency service organization, notify your immediate supervisor, the Town Supervisor, or another Town Official. Emergencies constitute all accidents, medical situations, bomb threats or violence, and the smell of smoke.

If an emergency results in the need to communicate information to you and the other employees outside of business hours, Town Officials will make arrangements for you to be contacted. Therefore, it is important that every employee keep their personal emergency contact information up to date. Notify your direct supervisor and the Bookkeeper/HR Representative when your personal information changes.

If events warrant an evacuation of the building, follow the instructions posted for safely exiting during the emergency. Leave the building in a quick and orderly manner and assemble at the pre-determined location and await further instructions or information.

Please direct any questions you may have about the Town emergency procedures to either the Town Supervisor or the Bookkeeper/HR Representative.



## SECTION 10

### WORKPLACE SAFETY

It is the philosophy of the town that every employee is entitled to a safe and healthy place to work. Your safety and health are one of the Town's greatest responsibilities. Each employee also has a responsibility to conduct tasks in a safe manner and comply with all local and state safety and health regulations. Safety can only be achieved through teamwork; each employee must practice safety awareness by thinking defensively, anticipating unsafe situations, and reporting unsafe conditions immediately to their supervisor or to the Safety Officer.

Please observe the following precautions:

1. **Notify your supervisor of any emergency situation. If you are injured or become sick at work, no matter how slightly, you must inform your supervisor immediately.**
2. **The use of alcohol and illegal substances during work hours is prohibited.**
3. **Use, adjust, and repair machines and equipment only if you are trained and qualified.**
4. **Know the proper lifting procedures. Get help with lifting or pushing heavy objects.**
5. **Understand your job and follow instructions. If you don't know the safe procedure, ask your supervisor.**
6. **Know the locations, contents, and use of first-aid and fire-fighting equipment.**

A violation of a safety precaution in itself is an unsafe act. A violation may lead to disciplinary action, up to and including termination.

It is the responsibility of the employee to complete an Accident Report for each safety and health infraction that occurs by an employee or that the employee witnesses. Failure to report such an infraction may result in employee disciplinary action, including termination. All accident reports are to be filed with the Bookkeeper/HR Representative.

## SECTION 11

### SMOKE FREE WORKPLACE

All Town employees, visitors, and the general public are required to abide by provisions of the NY State Clean Indoor Air Act. A smoke-free environment provides a safer and healthier work environment for all. The definition of smoking is the act of lighting, smoking, or carrying a lighted or smoldering cigar, cigarette or pipe of any kind. A smoke-free environment applies to:

- **All indoor town property**
- **Within 30 feet of any town building entrance, window, or ventilation opening**
- **All town vehicles**
- **All playgrounds**

Employees who violate the smoke-free policy will be subject to disciplinary action up to and including termination.

## SECTION 12

# VIOLENCE & BULLYING FREE WORKPLACE

All employees must be treated with respect and courtesy at all times. Employees are expected to refrain from conduct that may be dangerous to others. Conduct that threatens, intimidates, or coerces another employee will not be tolerated. The purpose of this policy is to minimize the potential risk of personal injuries to employees at work and to reduce the possibility of damage to Town of Fine property.

If you encounter either directly or indirectly any threats of violence, you must report it immediately to your supervisor, the Town supervisor, or the Bookkeeper/HR Representative. Do not engage in either physical or verbal confrontation with the potentially violent individual. All reports of work-related threats will be kept confidential to the extent possible and will be investigated and documented. The Town of Fine will not retaliate against employees making good-faith reports.

In order to maintain safety and the integrity of its investigation, the Town of Fine may suspend the employee suspected of workplace violence or threats of violence, either with or without pay, pending investigation. Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

### BULLYING-FREE WORKPLACE

Bullying is defined as ***“repeated inappropriate behavior whether verbal, physical, direct or indirect, or otherwise, conducted by one or more persons against others, at the place of work and/or in the course of employment.”***

Such behavior violates the values that all employees must be treated with respect and courtesy at all times.

The Town of Fine will not tolerate bullying behavior of its employees and management. Anyone found in violation of this policy will be disciplined up to and including termination. Bullying may be intentional or unintentional. As with sexual harassment, the same rules apply; it is the effect of the behavior upon the individual that is of utmost important. The alleged bully must stop their behavior or be subject to discipline up to and including termination.

- **Verbal bullying:**  
Slandering, ridiculing, or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- **Physical bullying:**  
Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person's work area or property.
- **Gesture bullying:**  
Non-verbal threatening gestures or glances that convey threatening messages.
- **Exclusion:**  
Socially or physically excluding or disregarding a person in work-related activities.

## SECTION 13

### NON-HARASSMENT

The Town is committed to a work environment where all individuals are treated with respect and dignity. Each person has the right to work in a professional atmosphere that prohibits unlawful discriminatory practices, including harassment. The Town expects that all relationships among people employed by the Town will be professional and free of bias, prejudice, and harassment.

**Harassment of any kind is strictly prohibited.**

Under this policy, harassing conduct is anything verbal, written, or physical that denigrates or shows hostility or aversion toward an individual because of any discriminator listed above under SECTION 5, (EEO), Paragraph 1.

**Harassing conduct includes:**

Slurs, negative stereotyping, threatening remarks or behavior, intimidation, hostile acts, bullying, deprecating jokes, sexual harassment, or graphic material that denigrates or shows hostility or aversion towards an individual or group. Harassment may be perpetrated via phone calls, text messages, emails, tweets, blogs, social networking/media, placed on the wall, or by other means.

## SECTION 14

### SEXUAL HARASSMENT POLICY

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

**Policy:**

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

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



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

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

#### **What Is "Sexual Harassment"?**

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

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

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



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

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

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

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

#### **Examples of sexual harassment**

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

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



- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.
  -

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

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

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

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

#### **Retaliation**

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

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

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

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





### **Reporting Sexual Harassment**

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

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

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

### **Supervisory Responsibilities**

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

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

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

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

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

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

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



#### EMPLOYEE HANDBOOK

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

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

### **Legal Protections And External Remedies**

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

Aside from the internal process at The Town of Fine, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

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

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

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



#### EMPLOYEE HANDBOOK

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

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

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

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

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

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

### **Civil Rights Act of 1964**

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

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

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

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

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on



#### EMPLOYEE HANDBOOK

Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

### **Contact the Local Police Department**

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

## **SECTION 15**

### **WORK DAY/ WORK WEEK / PAYROLL**

Full-time employees typically work an eight (8)-hour workday, Monday thru Friday, with a ½ hour paid lunch period. Your direct supervisor will set your actual work schedule.

#### **OVERTIME COMPENSATION**

- a. For overtime, employees will be compensated at 1½ times their normal pay or 1½ times in compensatory time for time worked over 40-hours in one week. Approved paid leave is calculated as regular time worked.
- b. Refer to Call-In Pay: {SECTION 16}
- c. Salaried employees are not eligible for overtime pay.
- d. Overtime can only be paid and incurred at the request of the Town through the employee's supervisor. It is never at the employee's discretion. Supervisors shall ensure that no unauthorized overtime hours are worked.

#### **COMPENSATORY TIME**

- a. Whenever possible, your supervisor will give hourly employees the choice of either being paid overtime or taking compensatory time off for extra hours worked. Converting overtime to comp time is explicitly an employee option.
- b. Use of compensatory time off must be approved by the employee's direct supervisor.
- c. Compensatory time must be used in the year it is earned; it may not be carried over from one year to the next.

#### **TIMESHEETS**

Non-salary employees other than those working in the Highway and Water Departments will complete a timesheet and submit it to their immediate supervisor for approval and signature. For employees working in the Highway and Water Departments, the supervisor maintains and submits the timesheets for their employees.

#### **PAYROLL**

Payroll is accomplished by the CPA firm that the town has contracted with, who completes payroll bi-weekly. You should receive specific information as it relates to your job about payroll during your New Employee Orientation.



## **PAYROLL DEDUCTIONS**

The Town of Fine makes certain deductions from your paycheck each pay period. These deductions typically include Federal and State taxes and social security (FICA) taxes. Depending on the benefits you choose, there may be additional deductions. All deductions and the amount of each deduction will be listed on your pay stub. You will receive a W-2 Form, Wage and Tax Statement, by the end of January each year where all pay and deductions are listed. Other deductions may include but are not limited to:

<b>Medical Insurance</b>	<b>NYS Retirement</b>	<b>Life Insurance</b>
<b>Checking or Savings account – Direct Deposit</b>		<b>NYS loan payback</b>
<b>Disability Insurance</b>	<b>Deferred compensation</b>	<b>Child Support</b>

You have the option of receiving your pay in a payroll check or directly deposited into your bank account. Direct Deposit forms may be acquired from the Bookkeeper/HR Representative.

## **CALL-IN**

Highway Department employees are expected to report for work within 30 minutes of a call-in for winter maintenance. (edited 11/23/15)

## **SECTION 16**

### **CALL-IN PAY**

Highway Department employees are the employees who are most commonly called in to work outside of their regularly scheduled work hours. Highway Department employees, being hourly, will receive a minimum of three (3) hours pay when responding to a Call-In, unless it falls within the three (3) hours proceeding or if it is an extension of their regular hours, at which time it will be treated as overtime.

Salaried employees will also respond to Call-In duty especially when there are emergencies or unforeseen circumstances.



## SECTION 17

# HOLIDAYS

The Town recognizes the importance of rest and recuperation (leisure time) in achieving greater productivity and, therefore, the Town provides paid holidays each year.

Full-time employees receive (10) paid holidays per year. Municipal Offices are closed to observe these holidays.

**New Year's Day**

**Presidents' Day\*\***

**Memorial Day**

**Independence Day** (4<sup>th</sup> of July)

**Labor Day**

**Columbus Day**

**Veterans Day**

**Thanksgiving Day**

**Day after Thanksgiving\***

**Christmas Day**

\*The Day after Thanksgiving is given in lieu of Martin Luther King's Birthday.

\*\*Presidents' Day is taken on that day by all employees except the Highway Department which take that holiday to extend the Independence Day Holiday, at the discretion of the Highway Superintendent.

- a. If a holiday falls on Saturday, it will be observed on the preceding Friday. If a holiday falls on Sunday, it will be observed on the following Monday.
- b. Highway employees required to work on holidays will be paid holiday pay (regular daily compensation rate) plus 1½ times their regular rate for the time worked.
- c. Employees normally scheduled to work on a holiday (ex: Star Lake Water, Wanakena Sewer, Golf Course employees) are not paid extra for the holiday. These employees receive their normal rate of pay because the duties of the position require them to work a holiday schedule.

## SECTION 18

### VACATION LEAVE

The Town provides vacation time for full-time employees to promote rest and relaxation away from work.

Vacation must be scheduled and approved by the employee's direct supervisor.

Vacation Schedule:

<u>Years of Service</u>	<u>Annual Vacation</u>	<u>Example:</u>
01-02	1 week	Employee begins employment 6/20/2012
03-07	2 weeks	6/20/2012 thru 12/31/12 = first calendar year, pro-rated
08-12	3 weeks	1/1/2013 = 1 yr of service - one week vacation available
13-17	4 weeks	1/1/2014 = 2 yrs of service -one week vacation available
18-24	5 weeks	1/1/2015 = 3 yrs of service -two weeks' vacation available
25+	6 weeks	

\*Each vacation week is equivalent to the employee's regularly scheduled work hours for one week.

- Full-time employees will be advanced on the vacation schedule January 1 of the year of their anniversary date. (see example)
- When a holiday falls within a vacation period, no charge to vacation leave will be deducted for that day.
- Vacation time may not be carried over from one year to the next. No payment is made in lieu of time off for vacation. Employees will not be compensated for any unused vacation leave upon retirement or end of employment.
- In the case of death of an employee, the Town will pay the value of the decedent's unused vacation time to the employee's beneficiaries as designated on the employee's group life insurance card.
- First-year employees will receive pro-rated vacation leave at the rate of 3.33 hr/month during the first calendar year of employment.

## SECTION 19

### PERSONAL LEAVE

Full-time employees will accrue twenty-four (24) hours of personal leave each year and may accumulate up to forty-eight (48) hours.

- Request for personal leave must be made prior to the time the employee is expected to report for work. All approval for leave must be approved by your direct supervisor. Supervisors will do their best to honor such requests to the fullest extent possible based on Town business and schedules.
- Employees will not be compensated for any unused personal leave upon retirement or end of employment.
- First year employees will accrue pro-rated personal leave at a rate of 2 hours/month during the first calendar year of employment.

## SECTION 20

### SICK LEAVE

The Town of Fine provides its employees with sick time in order to minimize the economic hardship that may result from an unexpected short-term illness or injury. Full-time employees accrue forty-eight (48) sick leave hours per year and can roll over up to twenty-four (24) hours per year with no cumulative limit. These sick leave hours may start to be carried over as of January 1, 2013.

- a. Sick leave will be granted to an employee for the following reasons:
  - **Personal illness**
  - **Bodily injury**
  - **Exposure to contagious diseases**
  - **Attendance upon members of the immediate family whose illness requires the care of said employee**
- b. When you find it necessary to be absent for sick leave, it is your responsibility to notify your supervisor before your scheduled arrival time. You must re-notify your supervisor for each day of absence unless you are hospitalized, institutionally confined, or have a doctor's excuse for a long-term illness. Provide the doctor's excuse to confirm the prescribed recuperation time. Your supervisor has the authority to require a doctor's excuse upon 3 or more days of sick leave.
- c. It is your responsibility to try to schedule doctor's appointments at a time that is least disruptive to the work schedule. For example: try to schedule doctor's appointments for early morning, late afternoon, or in conjunction with your lunch period.
- d. If you leave ill or must leave because of a family member's illness, you are responsible to make sure that priority projects/work are either completed or arrangements are made with a direct supervisor or co-worker before you depart.
- e. Abuse of sick leave is an infraction that may lead to counseling, discipline, and eventual termination. Therefore, it is important that you never abuse sick leave and take it for anything other than the reasons listed above.
- f. Employees will not be compensated for any unused sick leave hours upon retirement or end of employment.
- g. When a holiday falls within a sick leave period, no sick leave will be deducted for the holiday.
- h. First-year employees will accrue sick leave at a rate of 4-hours per month during the first calendar year of employment.

## SECTION 21

### RETURN TO WORK AFTER SERIOUS INJURY OR ILLNESS

As a joint protection to employees and to the Town, employees who have been absent from work because of serious illness or injury may be required to obtain a doctor's release specifically stating that the employee is capable of performing his or her normal duties or assignments. A serious injury or illness is defined as one which may limit the employee's future performance of regular duties or assignments.





## SECTION 22

### BEREAVEMENT LEAVE

Bereavement leave of five (5) days shall be granted as follows:    **Spouse**                      **Child**                      **Parent**

Bereavement leave of three (3) days shall be granted as follows:    **Sibling**                      **Grandparent**           **Grandchildren**

The above terms also apply to **in-laws** and **step** relationships.

## SECTION 23

### MILITARY LEAVE/MILITARY SPOUSE LEAVE

If you are a member of the Uniformed Services (Navy, Army, Marines, Air Force), you will be granted leave for Military service, training, or related obligations in accordance with federal and state law. You may use vacation leave or else revert to a leave-without-pay status during your absence. At the conclusion of the military service, and depending on the length of time and certain conditions, you will generally have the right to return to the same position you would have held had you remained continuously in your position.

An employee who is a spouse of a member of the uniformed services who has been deployed for an extended period of time may take 10 days of unpaid leave upon their return. Vacation leave may be taken at the employees' option.

## SECTION 24

### JURY AND WITNESS DUTY LEAVE

Employees are encouraged to fulfill their civic responsibilities and are granted time off to serve on jury duty or to appear as a witness in a criminal proceeding in accordance with federal and state regulations. NY Penal Regulation prohibits the Town from taking any adverse action against an employee who has been a victim of a crime and must take time off to appear in court as a witness, to consult with a district attorney, or to obtain an order of protection.

**NOTIFICATION** – If you receive notice to report for jury duty or a subpoena to testify as a witness, submit a copy of the notice/subpoena to your supervisor. The Town may request that you seek to have the jury duty rescheduled.

**COMPENSATION** – When summoned to jury or witness duty, a Town employee will receive his or her full day's pay. In order to receive regular payment from the Town, you must provide written verification from the court noting the date(s) and time(s) served as a juror or witness. If you are excused from court, you must report to work for your scheduled work hours.



## SECTION 25

### **MATERNITY LEAVE**

Employees are eligible for maternity leave subject to the provisions of the Family Medical Leave Act (FMLA). Please review the Section on Family Medical Leave Action (FMLA) for more information.

## SECTION 26

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

Upon hire, The Town of Fine provides new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act (FMLA). The function of FMLA is to provide employees with a general description of their FMLA rights. In the event of any conflict between the Town's policy and the applicable law, employees will be afforded all rights required by the law.

Information covered under FMLA: Employment status, benefits during leave, employee status after leave, intermittent leave/reduced work schedule, certification for a serious health condition, certification for a family member's serious health condition, certification of qualifying military family leave, and recertification.

To qualify as FLMA leave under this policy, you must be taking leave for examples listed below:

- The birth of a child and in order to care for that child.
- The placement of a child for adoption or foster care and to care for a newly placed child.
- To care for a spouse, child or parent with a serious health condition (described below).
- The serious health condition of the employee.
- Qualifying exigency leave for families of members of the Armed Services, National Guard, or Reserves when the covered military member is called to Active Duty.
- Military caregiver leave (also known as service member leave) to care for an injured Service member.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or as a condition that requires continuing care by a licensed health care provider.

FLMA covers illness of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a serious condition is a chronic or long-term health condition that results in a period of 3 consecutive days of incapacity with the first visit to the health care provider within 7 days of the onset of the incapacity and a second visit within 30 days of the incapacity.

To request FMLA leave, contact the Bookkeeper/HR Representative with verbal or written notice of the need for the leave. If possible (when the leave is foreseeable), provide at least 30 day's notice. When not foreseeable, follow the required procedures for requesting leave.

## SECTION 27

### UNPAID LEAVE OF ABSENCE

A leave of absence without pay, not to exceed one year, may only be granted to a full-time, permanent employee under extenuating circumstances that must be fully explained and justified. A written request for a leave of absence must be submitted to the Highway Superintendent or Town Supervisor/Town Board, as applicable, four weeks prior to the requested start date. The request must state the reason for the requested leave and the anticipated duration of the leave.

The unpaid leave of absence will **NOT** be granted for the following:

- 1) The employee to accept other employment**
- 2) Additional days which exceed the original requested and approved period.**

Thirty days prior to the expiration of an employee's leave, the employee is required to provide written notification to the Highway Superintendent or Town Supervisor/Town Board, as applicable, of their intention to return to work. During the leave of absence without pay, there is no accrual of vacation leave, sick leave, personal leave, retirement credit, etc.

Any unpaid leave of absence will be scrutinized and must be approved by either the Highway Superintendent or by the Town Board, as applicable.

#### BLOOD DONOR

An employee may be granted up to 3 hours of unpaid leave of absence in any 12 month period to donate blood. The Town will also grant unpaid leave to an employee who seeks to undergo a medical procedure to donate bone marrow. The combined leave will be determined by a physician, but should not exceed 24 work hours.

In lieu of taking unpaid leave, an employee may take either vacation leave or personal leave as long as the employee has enough accrued leave to cover the procedure(s).

#### TIME OFF TO VOTE

All employees are encouraged to perform their civic duty by voting at public elections. It is important that you make every effort to vote before work, during your lunch break, or after work. If you need time off to vote, the town will comply with all state laws regarding your right to time off to vote during work hours.

If you need time off to vote, inform your supervisor at least two days before Election Day. Approved time off may be taken as vacation leave, personal leave, or leave without pay. Be prepared to show your voter's receipt to your supervisor on the first workday after the election.



SECTION 28

**MEDICAL, DENTAL AND LIFE INSURANCE**

Employees may be eligible for medical, dental, and life insurances through the Town on the first day of the month following their hire date.

- a. All part-time employees are eligible to participate in the Town's medical and dental programs, and will be responsible for paying 100% of the associated premiums. Part-time employees are not eligible for life insurance.
- b. For all participating full-time employees hired prior to December 31, 2011, the Town will contribute 90% of the premium for the medical insurance for the employee, spouse and dependents, 100% of the premium for life insurance for the employee, and 100% of the premium for the dental insurance for the employee, spouse and dependents.
- c. For all participating full-time employees hired after January 1, 2012, the Town will contribute 85% of the premium for the medical insurance for the employee, spouse and dependents, 100% of the premium for life insurance for the employee, and 100% of the premium for the dental insurance for the employee, spouse and dependents.
- d. Domestic partners are eligible for medical insurance with the employee paying 100% of the premium.

Eligible employees electing to opt out of the Town Medical Insurance Program must provide proof of alternative coverage.

**DISABILITY:** If an employee becomes disabled and unable to work, the Town will pay the same rate as described above: 90% or 85%, as applicable, of medical insurance and 100% of dental insurance and life insurance for the employee and dependents for a term of one (1) year.

- a. After the first year the employee will have the option of retaining individual (if the employee does not qualify for Medicare benefits) and dependent insurance coverage as long as the employee pays 100% of the premium.
- b. If an employee becomes disabled and is unable to work due to an occupational injury or disease, as defined in the worker's compensation law, the town will pay 90% or 85%, as applicable, of the medical insurance premium for the employee and dependents for a term of one (1) year and 90% or 85% as applicable, of the premium for medical insurance on the employee only for an additional one (1) year term. The employee will have the option at the end of the first year to pay 100% of the premium for medical insurance for his dependents.

**RETIREMENT BENEFITS:**

Refer to Retirement: {SECTION 29}

**COBRA BENEFITS:**

Refer to Departing Employment: {SECTION 7}

## SECTION 29

### RETIREMENT

#### **New York State Retirement System:**

As a condition of employment, employees receiving a permanent appointment to a full-time position must join the New York State Employee Retirement System. Membership in the retirement plan will begin on the first day of employment. Other employees must either enroll in the NYS Employee Retirement System or sign a waiver declining enrollment. (See form in back of handbook)

#### **Retiree Insurance Coverage:**

The Town will make medical and dental insurance available for employees who retire from the Town, at, or after the age of 55, and who have also worked for at least 20 consecutive years for the Town. The following shall also apply:

- a. A retiree opting to continue to participate in the medical insurance program will have a premium contribution equal to the percentage rate that is in place at the time of their retirement for a single person plan. If a retiree wishes to continue to participate in anything other than a single person plan, the retiree will be responsible for 100% of the difference in the insurance premiums. The option to continue to participate in the medical insurance program will remain in effect until the employee becomes eligible for Medicare.
- b. At the time of retirement, a retiree may opt to continue to participate in the Dental Insurance program by assuming responsibility for 100% of the premiums.
- c. Failure of a retiree to pay any of the insurance premium contributions for 2 or more consecutive months may result in immediate termination of coverage.
- d. The Town Board reserves the right to change the contribution rates paid by retirees at any time.

#### **NYS Retirement System Reporting:**

- a. Highway employees – Eight (8) hours is considered one full day worked.
- b. All other employees' (including elected officials): - Six (6) hours is considered one full day worked.

## SECTION 30

### NYS DISABILITY INSURANCE

Disability Insurance covers all Town employees unless the employee is in high school or is an elected official. Town employees covered by NYS Disability Insurance are allowed to continue drawing their pay from the Town if they have available paid leave (sick, personal, compensatory, or vacation). The Town then takes direct reimbursement from the Disability Insurance Company and the employee may buy back some of the time they used by taking their current hourly rate of pay and dividing it into the amount of the reimbursement check.

If the employee has no time off left or runs out of paid leave, then they must start drawing their disability payments directly from the insurance company, with the Town paying the employer's share of Social Security and Medicare on payments as required by law. Employees may not draw pay from both sources at the same time; they can only draw one or the other.

Refer to Return to Work after Serious Injury or Illness: {SECTION 21}



## SECTION 31

# WORKERS COMPENSATION INSURANCE

An employee, who because of occupational injury or disease as defined in the Workers' Compensation Law, absents himself from work and files a claim, therefore, shall be allowed to use accumulated sick leave credits. Sick leave credit shall be charged in accordance with sick leave policy.

**Workers' compensation** benefits for wages or salary compensation to which the employee is entitled for any period for which he has been paid sick leave credit under this section shall be assigned by the employee to the Town as reimbursement for wages paid. The Town, upon such assignment, shall then restore to the employee the sick leave credits in an amount equal to the amount of compensation pay received by the Town. This provision will also apply to disability insurance claims.

An employee who is unable to work because of an occupational injury or disease as defined in the Workers' Compensation Law or due to a regular disability will receive all regular benefits, vacation time, personal leave, and sick leave for a period of one (1) year. Employment will be considered terminated after one (1) year of absence. Absence is cumulative for a two (2) year period.

### Worker's Compensation Insurance

On-the-job injuries are covered by the St. Lawrence County Workers' Compensation Insurance Policy. If you are injured on the job, no matter how slightly, report the incident immediately to your supervisor and/or to the Human Resources (HR) representative. You will be asked to complete paperwork describing your incident. Rapid and accurate communication of an incident is an essential part of the Workers Compensation Program.

Workers compensation is designed to protect Town employees and firefighters. This means it pays benefits to employees and firefighters by directly paying for medical services rather than you paying costs out of pocket. Consistent with NY State laws, failure to report an injury within a reasonable period of time could jeopardize your claim. Eligibility is as follows:

**Employees and Firefighters** must notify their supervisor or chief immediately of an accident on the job which requires medical attention or results in time off from the job (even if there is no medical attention or time off). Failure to do so may jeopardize a claim for workers' compensation benefits.

**Supervisors or Chiefs** must notify the County's Self-Insurance Office **within 48 hours** after they become aware of an on-the-job (in-the-line-of-duty) injury or illness. Use the C-2 Form for employees and the VF-2 Form for volunteer firefighters. Mail (or fax) the form immediately to:

**St. Lawrence County, Central Services Dept, 48 Court Street, Canton, NY 13617-1194**

The County's Self-Insurance Office, in turn, will notify the Workers' Compensation Board within 10 days of the injury. Employees wages will continue (or a portion of them will continue) and their medical benefits will be paid to cover injuries or illness that may arise during the course of the employment.



## WORKER'S COMPENSATION INSURANCE

### **WAITING PERIOD:**

No benefits will be paid if the employee is out of work for 7 days or less, including weekends. If the employee is off work for at least 14 days, the 7-day waiting period will be picked up and benefits paid from day 1. Medical service providers will be paid with no waiting period.

### **PRESCRIPTIONS:**

The pharmacy filling a prescription as a result of the Worker's Compensation claim will bill the St. Lawrence County Self-Insurance office directly for reimbursement. If the pharmacy does not accept compensation, the employee must pay the pharmacy and then send the bill to the St. Lawrence County Self-Insurance Office for reimbursement (be sure to keep a copy for your own records).

### **HEARING:**

The Workers' Compensation Board will schedule a hearing before an administrative law judge. The judge formally confirms the award, makes the award, or disallows the award according to the Workers' Compensation status and relevant case law. The administrative law judge's determinations may be appealed by the employee/firefighter, employer, or St. Lawrence County.

### **CLOSING the CASE:**

Ultimately, the administrative law judge will "close" a case when all apparent issues have been resolved. The closing of the case is done for administrative purposes only. If the employee/firefighter requires medical treatment or loss time at a later date because of the work-related injury, the case may be reopened and benefits paid as appropriate.

### **PRE-EXISTING DISABILITY:**

If any individual has a pre-existing disability when they are employed and then are later hurt on the job, the Town may be responsible for benefits for 2 years only. After 2 years, the "Special Fund" of the Workers' Compensation Board may reimburse for the benefits. The intent of the law is that there is no loss of benefit to the individual; however, the determination must be made who will pay the benefits.

After 7 years from the date of injury and 3 years from last payment of benefits, the "Special Fund" of the Workers' Compensation Board may cover benefit costs, and pay the claimant and medical providers directly.

### **DOCUMENTATION:**

In order for St. Lawrence County to utilize the law, cases must be carefully documented. Pre-employment physicals are the first step of proper documentation. In addition, the supervisor must inform the County immediately (St. Lawrence County Self-Insurance Workers Compensation Plan) when they become aware that an employee has any pre-existing or permanent disability.



## WORKER'S COMPENSATION INSURANCE

### **PROCEDURES and ADMINISTRATION:**

#### **Reporting -**

As mentioned before, immediate reporting of all incidents or accidents is essential. Of equal importance is the accuracy of the report. Supervisors/Chiefs should take care to explain the circumstances of an accident and injury fully on the C-2 or VF-2 Forms. Sometimes a discussion with witnesses may be appropriate.

Answers to questions 13, 17 and 18 on the C-2 and 13, 20 and 21 on the VF-2 should include use of the terms "allegedly" in **EVERY CASE**. This provides the County with an opportunity to modify its position should new or additional information become known at a later date. If these terms are not used, then the answers to the questions are recorded as facts which can be disputed or changed at a later date.

Complete all blanks throughout the form. Rather than leaving anything blank on the form, use the word "unknown" or "NA" for "not applicable" when appropriate.

It is necessary to include the employee's wage rate and whether or not the employee/firefighter is losing time from work due to the work-related accident or illness. In situations which do not include lost time or medical treatment, a report is still made to the St. Lawrence County Self-Insurance Office, but the Workers' Compensation Board does not have to be notified immediately.

#### **Return to Work -**

It is the supervisor/chief's responsibility to notify the St. Lawrence County Self-Insurance Office on Form C-11 when an employee/firefighter returns to work after losing time.

Employees are required to provide the supervisor with a "return to work statement" from a physician before being permitted to return to work. This is for the protection of the employee and the Town. Supervisors, at their discretion, may allow an employee to work under doctor ordered restrictions. Supervisors will heed the restrictions noted on the doctor's statement (e.g.: no lifting, stay off feet, light duty) and request clarification as needed. The same rules apply to the Fire Department. Fire Chiefs must see the doctor's statement before permitting a firefighter to return to duty.

#### **Business Trips -**

It is recommended that for business trips (for employees/firefighter) that a trip declaration be filed with the supervisor/chief before departing. The declaration may be a handwritten and signed note stating the date of the trip, mode of travel (car, plane, etc.) and reason for the business trip.

#### **Help -**

The St. Lawrence County Office of Self-Insurance (315-379-2210) will be pleased to answer questions about Workers' Compensation reporting and claim's processing.



## SECTION 32

# DISCIPLINARY ACTION

Your performance is important to the Town of Fine. In an effort to improve employee performance, every employee's expectation should be that their direct supervisor will monitor and review performance on an ongoing basis.

Whenever your direct supervisor believes that an employee's performance is less than satisfactory and could be improved, the following steps will occur:

**VERBAL COUNSELING** - As the first step in correcting unacceptable performance or behavior, the supervisor/superintendent will review job requirements to ensure that the employee fully understands them. The supervisor/superintendent will review the severity of the issue(s) or problem(s), review the employee's personnel file, and all of the circumstances surrounding the situation. A written warning, probation, or possible termination could result if the problem is not resolved. Every employee is given an opportunity to articulate their understanding of the seriousness of the issue as well as the corrective action necessary. For future reference, the supervisor/superintendent will immediately document that verbal counseling has occurred.

**WRITTEN COUNSELING** - If unacceptable performance or behavior continues, the next step is a written warning. Certain circumstances, such as violation of a widely-known policy or a safety infraction, may justify a written warning without first giving a verbal counseling. The written counseling defines the problem and how it must be corrected. The seriousness of the problem is again emphasized, and the written warning will indicate that probation or termination (or both) may result if there is not satisfactory improvement. Written counseling becomes part of the employee's personnel file, although a reasonable period of time (typically 2 years minimum), the supervisor/superintendent may request that the written warning be removed.

**PROBATION** - If the problem has not been resolved through verbal and/or written counseling, the individual should be placed on probation. Probation is a serious action in which the employee is advised that termination will occur if improvement of performance or conduct is not achieved within the probationary period. The Town Board and the supervisor/superintendent, after review of the employee's corrective counseling documentation, will determine the length of probation. Typically, the probation period will be at least two weeks and no longer than 60 days. A written probationary notice is prepared by the supervisor/superintendent and given to the employee.

The letter should include a statement of the following:

- The specific unsatisfactory situation
- A review of oral and/or written warnings
- The length of the probation
- The specific behavior modification or acceptable level of performance
- Suggestions for improvement
- A scheduled counseling session(s) during the probationary period
- A statement that further action, including termination, may result if behavior modification does not improve during probation. "Further action" may include, but is not limited to reassignment, reduction in pay, and/or reduction in grade.



## DISCIPLINARY ACTION

The supervisor/superintendent will personally meet with the employee to discuss the probationary letter and answer any questions. The employee should acknowledge receipt by signing the letter. If the employee refuses to sign, the supervisor/superintendent will sign and date the letter to attest that it was delivered to the employee. The probationary letter becomes a permanent part of the employee's personnel file.

In order to conduct a counseling meeting(s), the supervisor will meet with the employee to review the employee's progress in correcting the problem which led to the probation. Written meeting summaries should be prepared with copies provided to the employee and the supervisor.

At the completion of the probationary period, the Town Board and the supervisor/superintendent will meet to determine whether the employee has achieved the required level of correction in order to either:

- |  |           |
|--|-----------|
| <b>1) Remove the employee from probation</b> | <b>or</b> |
| <b>2) Extend the period of probation</b>     | <b>or</b> |
| <b>3) Take further action</b>                |           |

The employee is to be advised in writing of the decision. If probation is successfully completed, the employee will be informed that any future recurrence may result in further disciplinary action.

**SUSPENSION** - A two or three day suspension without pay may be justified when circumstances require an investigation of a serious incident in which the employee was allegedly involved. A suspension may also be warranted when employee safety, welfare, or morale is adversely affected and if probation is not imposed.

In addition, and with prior approval of the Town Board, suspension without pay for up to three consecutive working days may be imposed for misconduct or violation of safety rules, fighting, or consuming alcohol/drugs on the job. These examples do not limit the town's use of suspension (with or without pay) for other circumstances. In implementing a suspension, a written counseling report will document the circumstances justifying the suspension. This written report will become part of the employee's personnel file.

**INVOLUNTARY TERMINATION** - The involuntary termination notice is prepared by the supervisor/superintendent with concurrence by the Town Board. Involuntary termination is reserved for those major violations that cannot be tolerated and cannot be resolved by corrective counseling.



## DISCIPLINARY ACTION

The following definitions and classifications of violations, for which corrective counseling, performance improvement, or other disciplinary action may be taken, are merely illustrative and not limited to these examples. A particular violation may be considered major or minor, depending on the facts or circumstances.

**MINOR VIOLATIONS** – Minor violations are defined as less serious violations that have effect on the continuity, efficiency of work, safety, and harmony within the Town. They typically lead to corrective counseling unless repeated, or when unrelated incidents occur, in rapid succession. Here are some examples of minor violations:

- **Excessive tardiness**
- **Unsatisfactory job performance**
- **Defacing Town property**
- **Interfering with another employee's job performance**
- **Excessive absenteeism**
- **Failure to observe working hours:** starting time, quitting time, rest and meal periods
- **Performing unauthorized personal work on Town time**
- **Failure to notify the Supervisor/Superintendent of intended absence either before or within one hour after the start of a shift**
- **Unauthorized use of the Town equipment for personal business**

**MAJOR VIOLATIONS** - These more serious violations include deliberate or willful infraction of Town rules and may preclude continued employment of an employee. Here are some examples of major violations:

- **Fighting on Town premises**
- **Repeated occurrences of minor violations, depending upon the severity of the violation/circumstances**
- **Any act which might endanger the safety or lives of others**
- **Deliberately stealing, destroying, abusing, or damaging town property, tools, or equipment, or the property of another employee or visitor**
- **Disclosure of confidential Town information**
- **Willfully disregarding Town policies or procedures**
- **Willfully falsifying Town records**
- **Failing to report to work without excuse or approval of direct supervisor for three consecutive days.**



## SECTION 33

# DRUG AND ALCOHOL FREE WORKPLACE

### I. PURPOSE

Town of Fine has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees and to the security of our equipment and facilities. For these reasons, Town of Fine is committed to the elimination of drug and/or alcohol use and abuse in the workplace.

This policy outlines practices and procedure to prevent and correct instances of identified alcohol and/or drug use in the workplace. This includes establishing a drug and alcohol testing program to help prevent accidents and injuries resulting from the misuse of alcohol and drugs by employees in safety sensitive positions in compliance with the Department of Transportation Regulations codified at 49 CFR Part 40, and 49 CFR Part 382, and pursuant to The Omnibus Transportation Employee Testing Act of 1991, enacted October 28, 1991.

### II. APPLICABILITY

This policy applies to all Town Employees. Certain provisions of this policy apply only to specific positions, as specified below.

### III. OBJECTIVES

To establish rules and procedures to deter all illegal drug use, and deter on-duty, pre-duty and post-accident alcohol use, as well as on-duty alcohol impairment stemming from pre-duty use, for all Covered Employees who perform safety-sensitive functions;

To detect and eliminate the possibility that Town employees will perform safety-sensitive functions after testing positive for alcohol or drugs;

To comply with applicable federal and state laws, including the Omnibus Transportation Employee Testing Act of 1991;

To provide reasonable measures for the early detection of personnel not fit to perform activities within the scope of this policy;

To maintain a workplace free of drugs and alcohol; and

To inform employees through education, in service training and other appropriate forums, about illegal drugs, and alcohol abuse, their use, possession, distribution, and the effects of such substances.



EMPLOYEE HANDBOOK

## DRUG & ALCOHOL POLICY

### **IV. DEFINITIONS**

As used in this policy, the following words shall have the following meanings:

1. **ALCOHOL:** the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular alcohol, including methyl and isopropyl alcohol.
2. **ALCOHOL USE:** the consumption of any beverage, mixture, or preparation, including any medication containing alcohol.
3. **BREATH ALCOHOL TECHNICIAN (BAT):** an individual who operates an evidential breath-testing device and instructs and assists individuals in the alcohol testing process.
4. **BAC OR ALCOHOL CONCENTRATION:** breath alcohol concentration (BAC) or alcohol concentration is the amount of alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath indicated by an evidential breath test.
5. **COMMERCIAL MOTOR VEHICLE:** a motor vehicle or a combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
  - (a) Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
  - (b) Has a gross vehicle weight rating of 26,001 or more pounds; or
  - (c) Is designed to transport 16 or more passengers, including the driver; or
  - (d) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which requires the motor vehicle to be placarded under the Hazardous Material Regulations. (49 CFR Part 172, subpart F)
6. **CONFIRMATION TEST:** in drug testing, a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of a screening test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates amphetamines, and phencyclidine. In alcohol testing, a second test following a screening test with a result of .02 or greater, that provides quantitative data of alcohol concentration.
7. **COVERED EMPLOYEE:** Town employees who operate commercial motor vehicles or conduct safety-sensitive functions, as defined herein, and applicants for employment with the Town who are applying for positions as drivers of commercial motor vehicles (for the purpose of pre-duty testing only) or safety sensitive positions.
8. **DRUG AND ALCOHOL CONTRACTOR:** The Drug and Alcohol Contractor shall be the Jefferson-Lewis BOCES Health and Safety Coordinator, Mr. John Warneck who shall be located at 20104 NYS Rte. 3, Watertown, NY, 14601, and may be reached at 788-0400.
9. **EVIDENTIAL BREATH TESTING DEVICE (EBT):** A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTA's Conforming Product's List of Evidential Breath Measurement Devices.



## DRUG & ALCOHOL POLICY

### DEFINITIONS con't

10. **MEDICAL REVIEW OFFICER (MRO):** A licensed physician responsible for receiving laboratory results generated by the Town's drug test program, who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result together with his or her medical history and any other relevant biomedical information.
11. **REFUSE TO SUBMIT (TO AN ALCOHOL OR DRUG TEST):** Means that a Covered Employee (1) fails to provide adequate breath for alcohol testing as required by 49 CFR part 40, without a valid medical explanation, after he or she has received a notice of the requirement for the breath testing in accordance with the DOT regulations, (2) fails to provide an adequate urine sample for drug testing as required by 49 CFR part 40, without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement for urine testing in accordance with the provisions of the DOT regulations, (3) engages in conduct that clearly obstructs the testing process, (4) otherwise refuses to submit, will be classified as having refused to submit to an alcohol or drug test. A refusal to submit to either an alcohol or drug test will carry the same consequences as a failure of a required test.
12. **SCREENING TEST:** In alcohol testing, means an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in his or her system. In drug testing, immunoassay procedures to eliminate "negative" urine specimens from further consideration.
13. **SAFETY-SENSITIVE FUNCTIONS:** Any of these on-duty functions (partly promulgated at 49 CFR 395.2 On-duty time) as listed below:
  - (a) All time at a carrier or shipper plant, terminal, facility, or other property, waiting to be dispatched, unless the employee had been relieved from duty by the Town.
  - (b) All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSR's), or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
  - (c) All time spent at the driving controls of a commercial motor vehicle in operation.
  - (d) All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth).
  - (e) All time spent loading or unloading a commercial motor vehicle, supervisor, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
  - (f) All time-spent performing the employee's requirements associated with an accident promulgated at 49 CFR 392.40 and 392.41.
  - (g) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
  - (h) All time spent at the driving controls of any motorized equipment, including, but not limited to, all-terrain vehicles, lawn mowers, etc.
  - (i) All time spent operating equipment or handling chemicals used in the delivery of clean drinking water.
14. **SAFETY SENSITIVE POSITION:** any position of employment with the Town that requires the performance of safety sensitive functions, as defined herein.



## DRUG & ALCOHOL POLICY

DEFINITIONS con't

15. **SUBSTANCE ABUSE PROFESSIONAL:** a substance abuse professional means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drugs-related disorders.
16. **NORMAL WORKDAY:** a normal workday will be considered as 4:00a.m.-3:00p.m. Monday-Friday.

### **V. GENERAL REQUIREMENTS**

Employees shall report to work fit for duty and free of any adverse effects of illegal/prescription drugs or alcohol. Employees are prohibited from reporting to work or working while using illegal or unauthorized controlled substances.

The Town of Fine Drug and Alcohol Policy complies with applicable Federal and State laws to include the Omnibus Transportation Employee Testing Act of 1991, DOT Regs codified at 49-CFR Part 40, and 49 CFR Part 382, and Drug-Free Workplace Act of 1988. In accordance with the latter, employees must notify the HR representative of any criminal drug statute conviction for a violation occurring within the workplace within five days of such conviction.

Employment and continued employment is conditioned upon full compliance with the Drug and Alcohol Free Workplace Policy. Any violation of this policy may result in disciplinary action, up to and including discharge. Any employee who violates this policy is subject to termination, but may be permitted in lieu of termination, at the Town's discretion, to participate in and successfully complete an appropriate treatment, counseling, or rehabilitation program as recommended by a substance-abuse professional or EAP professional.

### **VI. PROHIBITED CONDUCT**

1. No employee who is working, operating a Town vehicle, or conducting related work duties on behalf of the Town of Fine, shall:
  - a. Use, possess, buy, sell, manufacture, or dispensing an illegal drug (to include possession of drug paraphernalia);
  - b. Be under the influence of alcohol or an illegal drug; or
  - c. Be under the influence of any substance that impairs the employee's ability to work safely.
2. No Covered Employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of .04 or greater. The Town shall not permit a Covered Employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that an employee has an alcohol concentration of .04 or greater.
3. A Covered Employee shall not be on duty or operate a commercial motor vehicle while the Covered Employee possesses alcohol.



EMPLOYEE HANDBOOK

## DRUG & ALCOHOL POLICY

### PROHIBITED CONDUCT con't

4. A Covered Employee shall not use alcohol while performing safety-sensitive functions. The Town shall not permit an employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that an employee is using alcohol while performing safety-sensitive functions.
5. No Covered Employee shall perform safety-sensitive functions within six (6) hours after using alcohol. The Town shall not permit an employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that employee has used alcohol within six (6) hours.<sup>3</sup>
6. A Covered Employee required to take a post-accident alcohol test shall not use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever is first.
7. A Covered Employee shall not report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee is using drugs, except when the use is pursuant to the instructions of a physician who has advised the employee that the drug does not affect the employee's ability to safely operate a commercial motor vehicle. The Town shall not permit a Covered Employee to report for duty or remain on duty requiring the performance of safety-sensitive functions if the Town has actual knowledge that the employee is using drugs, except when the use is pursuant to the instructions of a physician who has advised the employee that the drug does not affect the employee's ability to safely operate a commercial motor vehicle.
8. Independent of the requirements of the Omnibus Transportation Employee Testing Act of 1991 and the regulations promulgated there under, the Covered Employee must notify the Town that he/she is using controlled substances pursuant to the instructions of the physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial vehicle.

## **VII. TESTING REQUIREMENTS**

There are several occasions when an individual will be subject to drug and alcohol tests pursuant to this policy. Testing provisions of this policy apply to all Highway Department employees, all Star Lake Water District employees, and all Golf Course grounds employees. Prior to the administration of the following tests, the Town or its testing agent will notify the employee that the test is required under the Code of Federal Regulations. The testing occasions shall include:

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<sup>3</sup> New York Vehicle and Traffic Law section 509-(1)(a) provides that "No person shall consume a drug, controlled substance, or an intoxicating liquor, regardless of its alcoholic content, or be under the influence of an intoxicating liquor or drug, within six hours before going on duty or operating, or having physical control of a bus" This policy does not allow covered drivers to consume alcoholic beverages in violation of the requirements of New York Law, which are stricter than the DOT regulations in this particular instance and should not be construed to authorize such conduct.





## DRUG & ALCOHOL POLICY

### TESTING REQUIREMENTS con't

#### 1. PRE-DUTY TESTING

Pre-duty testing is testing, for alcohol and drugs, that the Town will administer after a conditional offer of employment has been extended and prior to any Covered Employee's performance of a safety-sensitive function. Independent of the requirements of the Omnibus Transportation Employee Testing Act of 1991 and the regulation promulgated thereunder, if the pre-duty alcohol test reveals an alcohol concentration of .02 or greater or a positive drug test, it will result in the revocation of the conditional offer of employment. The Town may, in its sole discretion, forego pre-duty testing where the exceptions promulgated at DOT 49 CFR 382.301 (b) or (c), relating to drug and alcohol testing of Covered Employees by their previous employers, are satisfied.

#### 2. REASONABLE SUSPICION TESTING

Reasonable suspicion testing is alcohol and drug testing that the Town will conduct when it has reasonable suspicion to believe that a Covered Employee has engaged in conduct prohibited by this policy ("Reasonable Suspicion"). Reasonable suspicion testing will not be conducted based upon the suspicion that a Covered Employee has violated the provision of this policy prohibiting Covered Employees from being on-duty or operating commercial motor vehicles while the employee possesses unmanifested alcohol. Reasonable suspicion must be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of a Covered Employee by the Highway Superintendent or Town Supervisor.

The Town shall not administer a reasonable suspicion alcohol test more than eight (8) hours following a determination that Reasonable Suspicion exists. Notwithstanding the absence of a reasonable suspicion alcohol test, the Town will not permit any Covered Employee to report for duty or remain on duty requiring the performance of a safety-sensitive function while the employee is under the influence of, or impaired by, alcohol as shown by the behavioral, speech, and performance indicators of alcohol misuse, until an alcohol test is administered and the employee's alcohol concentration measures less than .02 or 24 hours have elapsed following a determination that Reasonable Suspicion exists.

A written record shall be made of observations leading to Reasonable Suspicion, signed by the supervisor or person who made the observations, within twenty-four (24) hours of the observed behavior or before the results of drug tests are released, whichever is earlier.

Covered Employees are subject to reasonable suspicion alcohol testing as follows: Immediately prior to performing safety-sensitive functions, while performing safety-sensitive functions, or immediately following the performance of safety-sensitive functions. Reasonable suspicion drug testing may be conducted at any time the Covered Employee is on duty for the Town.



## DRUG & ALCOHOL POLICY

### TESTING REQUIREMENTS con't

#### 3. RANDOM TESTING

Random testing is unannounced testing for alcohol and drugs administered in a statistically random manner throughout the year to Covered Employees of the Town in ratios as required by the DOT regulation, so that all Covered Employees have an equal probability of selection each time a random test is administered.

Covered Employees are subject to random alcohol testing as follows: immediately prior to performing safety-sensitive functions, or while performing safety-sensitive functions, or immediately following the performance of safety-sensitive functions. Random drug testing may be conducted at any time the Covered Employee is on duty for the Town. Any driver who is selected for testing must be tested within that quarter unless the driver is on long-term absence due to layoff, illness, injury, or vacation. If a driver is in an off-duty status, the employer will not alert the driver until the driver returns to work, as long as the driver returns to work by the end of the quarter, then they must be called in for the test, the only valid exceptions are listed above.

#### 4. POST-ACCIDENT TESTING

A post-accident test is a test for alcohol and drugs administered following an accident involving a commercial motor vehicle to each surviving Covered Employee:

- (i) who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life;
- (ii) who receives a citation under state or local law for a moving violation arising from the accident;
- (iii) if the accident resulted in one or more motor vehicles incurring substantial structural damages as a result of the accident;
- (iv) if the accident resulted in bodily injury to a person who as a result of the injury immediately receives medical treatment away from the scene of the accident.

The Town will not administer a post-accident alcohol test more than eight hours following the accident and will not administer a post-accident drug test more than 32 hours following the accident. A Covered Employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the Town to have refused to submit to testing. This shall not be construed to require the delay of necessary medical attention for injured individuals following an accident or to prohibit a Covered Employee from leaving the scene of an accident for the period necessary to obtain necessary emergency medical care.

The results of a breath or blood test for the use of alcohol or a urine test for the use of drugs, conducted by federal, state or local officials having independent authority for the test, shall be considered to meet the requirements of the policy concerning post-accident testing, provided such tests conform to applicable federal, state or local requirements and that the results of the test are obtained by the Town.



## DRUG & ALCOHOL POLICY

### TESTING REQUIREMENTS con't

#### 5. RETURN TO DUTY TESTING

Return to duty testing is alcohol and drug testing conducted after a Covered Employee has engaged in prohibited conduct under this policy, completed counseling prescribed by a substance abuse professional, if any, and prior to his return to the performance of a safety-sensitive function. Before a Covered Employee may return to the performance of safety-sensitive functions, he/she must undergo return to duty testing with an alcohol test result indicating an alcohol concentration of less than .02 and/or a drug test indicating a verified negative result for illegal drugs.

#### 6. FOLLOW-UP TESTING

Follow-up tests are given following a determination by the Substance Abuse Professional (SAP) that an employee is in need of assistance in resolving problems associated with misuses of alcohol and/or drugs. This is an unannounced test, given at least six (6) times within twelve (12) months with the actual frequency and number of tests determined by the substance abuse professional (SAP), but in no event may the follow-up testing continue for a period beyond 60 months from the Covered Employee's return to duty. The substance abuse professional may terminate the requirements of follow-up testing at any time after the first six (6) tests have been administered if (s)he determines that follow-up testing is no longer necessary.

Covered Employees are subject to follow-up alcohol testing as follows: immediately prior to performing safety-sensitive functions, or while performing safety-sensitive functions, or immediately following the performance of safety-sensitive functions. Follow-up drug testing may be conducted at any time the Covered Employee is on duty for the Town.

#### 7. REFUSAL TO SUBMIT TO TESTING

A Covered Employee shall not refuse to submit to a post-accident alcohol or drug test required under this policy, a random alcohol or drug test required under this policy, a reasonable suspicion alcohol or drug test required under this policy, or a follow-up alcohol or drug test required under this policy. The Town will not permit any Covered Employee to perform safety-sensitive functions subsequent to a refusal to submit to a test required under the policy until the individual is evaluated by a substance abuse professional and completes a substance abuse program designed by the substance abuse professional, if any, and undergoes a return to duty alcohol test revealing an alcohol concentration of less than .02 and a drug test with a verified negative result. In other words, a refusal to submit to testing is the equivalent of an alcohol test revealing an alcohol concentration of .04 or greater or a drug test with a positive result. A refusal to be tested shall be defined as a refusal by an employee to complete and sign the breath alcohol testing form or to complete the drug screening chain of custody form, to provide breath, to provide an adequate amount of breath, to provide an adequate amount of urine or otherwise to cooperate with the testing process in a way that prevents the completion of the test. The BAT or collector shall record such refusal in the remark sections of the form. The testing process shall then be terminated and the BAT or collector shall immediately notify the Town.



## DRUG & ALCOHOL POLICY

### **V. DRUG & ALCOHOL TESTING PROCEDURES**

#### **1. ALCOHOL AND DRUG:**

- a. The Town will ensure that alcohol and drug test information is maintained in a confidential manner in conformity with the Department of Transportation Rule 49 CFR Part 40.
- b. The Town will ensure that all contracts between the Town and any other entity involved in the alcohol and drug testing program will comply with the procedures set forth in the Department of Transportation Rule 49 CFR Part 40.
- c. The Town will conform to the requirements in the Department of Transportation 49 CFR Part 40 in all aspects.

#### **2. ALCOHOL**

Alcohol testing will be administered by a Breath alcohol technician (BAT) who has completed the equivalent of the DOT's model course, as determined by the National Highway and Traffic Administration, and who is trained in utilizing an evidential breath testing device (EBT) that conforms to the DOT requirements. The EBT used for testing shall meet the standards promulgated by the DOT and have a quality assurance plan (QAP) developed by the manufacturer to insure proper calibration. Testing will be conducted in a location that affords visual and aural privacy to individuals being tested.

If the initial test reveals an alcohol concentration of .02 or greater, a confirmatory test must be performed. The confirmatory test result is the final test result for the purposes of this policy. If the final test result reveals an alcohol concentration greater than .02 but less than .04, the Covered Employee will be suspended from performing safety-sensitive functions for 24 hours. If the alcohol concentration is .04 or greater the Covered Employee will be suspended from the performance of safety-sensitive functions for an indefinite period. (For an in-depth explanation of the alcohol testing procedures please refer to Appendix B Department of Transportation 49 CFR part 40 subpart c).

Employees subject to testing will be tested for alcohol by a breath alcohol technician using an evidential breath-testing device. Split sample urine testing will be the method used for testing for controlled substances.

The services of Comprehensive Care and Compliance, Watertown, New York, or an equally qualified organization, will be retained to perform collection, testing, and chain of custody to ensure the correct employee is tested and matched with the correct test results. The testing organization will be required to follow the federal regulations to ensure compliance with the blind sample, calibration of the EBT, laboratory certification and proper training of the BAT. Testing for alcohol and/or controlled substances will be taken on-site or at the laboratory, in a secure location and with the proper safeguards to ensure the integrity of the specimens collected.

If a specimen tests positive, the employee will be contacted by the MRO who will discuss his/her findings with the employee. If the MRO is not convinced that there is a reasonable cause for the positive finding, then the employee will be given the opportunity to have the second split sample tested. The cost for testing this split sample will be the employee's responsibility.



## DRUG & ALCOHOL POLICY

### DRUG & ALCOHOL TESTING PROCEDURES con't

#### 3. DRUGS:

A Department of Health and Human Services certified laboratory will perform drug testing on urine samples provided by covered employees. The drugs for which tests will be conducted are:

- a. Marijuana (THC)
- b. Cocaine
- c. Phencyclidine (PCP)
- d. Opiates
- e. Amphetamines

The cutoff levels for these drugs will be those set forth in the DOT regulations.

The Contractors (Jeff-Lewis) will contract with the certified laboratory to insure that the collection, shipment, testing and chain of custody procedures insure the integrity of the testing process in accordance with the procedures set forth in the regulations.

The split sample urine testing will be utilized. This method requires that the urine specimen be divided into two samples providing one sample for preliminary screening and initial confirmation, and a second sample for the second test if needed at a later date. Independent of the requirements of the Omnibus Transportation Employee Testing Act of 1991 and the regulations promulgated there under, the Town requires that the cost for testing this split sample will be the Covered Employee's responsibility if the Covered Employee elects to have the second sample tested. In the event of a dilute negative test result; the employee will be required to be tested again at the expense of the employer

The MRO will conduct a final review of all positive test results to assess possible alternative medical explanations for the positive test results. (For an in-depth explanation of the drug testing procedures please refer to Appendix B Department of Transportation 49 CFR part 40 subpart B).

#### 4. UNCOMPLETED TESTING

If a screening or confirmation test cannot be completed, or if an event occurs that would invalidate the test, the BAT, shall, if practicable begin a new screening or confirmation test, as applicable, e.g., using a new breath alcohol testing form with a new sequential test number (in the case of a screening test conducted on an EBT that meets the requirements of 40.53 (b) or in the case of a confirmation test.)

#### 5. COST

The additional cost for a new positive drug or alcohol test, which results in the loss of work, will be the responsibility of the employee, including:

- a. The cost for testing the split sample
- b. The additional cost for a positive test
- c. The cost for follow-up testing
- d. The cost for counseling

If necessary, the payment for the additional costs may be withheld from the employee's pay.



## DRUG & ALCOHOL POLICY

### I. REFERRAL, EVALUATION, AND TREATMENT

1. The Town shall make available to the Covered Employee information regarding the resources available for evaluating and resolving problems associated with the misuses of alcohol and use of drugs, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.
2. The Town requires that each Covered Employee who engages in conduct prohibited by this policy shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and drug use. The costs associated with this evaluation shall be the responsibility of the Covered Employee.
3. Before a Covered Employee returns to duty requiring the performance of safety-sensitive functions after engaging in conduct prohibited by this policy, the Covered Employee shall undergo a return to duty alcohol test with a result indicating an alcohol concentration of less than .02 if the conduct involved alcohol, or a drug test with a verified negative result if the conduct involved drugs.
4. Each Covered Employee identified as needing assistance in resolving problems associated with alcohol misuse or drug use shall:
  - a. Be evaluated by a substance abuse professional to determine if the Covered Employee has properly followed any rehabilitation program prescribed under paragraph 2 of this section;
  - b. Be subjected to unannounced follow-up alcohol and drug tests administered by the Town following the Covered Employee's return to duty. The number and frequency of the follow-up tests shall be as directed by the substance abuse professional, and consist of at least six (6) tests in the first twelve (12) months following the Covered Employee's return to duty. The Town may direct the Covered Employee to undergo return-to-duty and follow-up testing for both alcohol and drugs, if the substance abuse professional determines that return-to-duty and follow-up testing for both alcohol and drugs is necessary for that particular Covered Employee. Such testing shall be in conformance with this policy and the DOT regulations. Follow-up testing shall not exceed sixty (60) months from the date of the Covered Employee's return to duty. The substance abuse professional may terminate the requirement at any time after the first six (6) tests have been administered, if the substance abuse professional determines that such testing is no longer necessary.
  - c. The Town requires that the substance abuse professional who determines that a Covered Employee requires assistance in resolving problems with alcohol misuse or drug use does not refer the Covered Employee to the substance abuse professional's private practice, or to a person or organization from which the substance abuse professional receives remuneration, or in which the substance abuse professional has a financial interest.
  - d. The requirements of this section with respect to referral, evaluation and rehabilitation do not apply to applicants who refuse to submit to pre-duty alcohol or drug test or who have a pre-duty alcohol test with a result indicating an alcohol concentration of .04 or a drug test with a verified positive test result.



## DRUG & ALCOHOL POLICY

### II. DISCIPLINARY ACTION

1. **ALCOHOL MISUSE AND/OR ABUSE DETERMINATION:** Disciplinary action as set forth below will be taken under each of the described circumstances.
  - a. **Refusal to Enter or Successfully Complete a Rehabilitation/Abatement Program.** The Town of Fine shall initiate appropriate disciplinary action against a Covered Employee who refuses to enter or initiate appropriate disciplinary action against a Covered Employee who refuses to enter or successfully complete counseling or a rehabilitation/abatement program under the EAP after a first determination of alcohol misuse and/or drug abuse has been made. A determination that the employee has failed rehabilitation can be made on the basis of off-duty alcohol or drug related misconduct.
  - b. **Repeat Usage.** In all cases the Town shall initiate appropriate action against a Covered Employee who tests positive a second time, either through an alcohol test or a drug test, or for whom a second determination of alcohol misuse or drug abuse has been made based on an off-duty alcohol, or drug related arrest conviction.
  - c. **Refusal to Comply with Procedures During Testing.** The Town shall initiate appropriate disciplinary action against a Covered Employee who fails to report to the designated testing site, refuses to provide an adequate amount of breath or urine for testing, or engages in conduct that clearly obstructs the testing process. The consequences for a refusal to submit to a required test are the same as if the employee had tested at .04 or greater during a scheduled shift.
  - d. **On-Duty Use of Alcohol.** The Town shall initiate appropriate disciplinary action against a Covered Employee in the case of on-duty use of alcohol and/or drugs.



EMPLOYEE HANDBOOK

DRUG & ALCOHOL POLICY

2. DISCIPLINARY PROCEDURES. Disciplinary action under this section will be taken in accordance with the following guidelines:

a. Employees Randomly Tested at the Beginning of a Call-In Shift with an Alcohol Test Result in the Range of .02 - .03.

- (1) 1<sup>st</sup> offense: The employee will be sent home until the beginning of their next scheduled work shift providing it is no sooner than eight hours later with no pay allowance.
- (2) 2<sup>nd</sup> offense within five years from the date of first offense: The employee will be sent home until the beginning of their next scheduled work shift providing it is no sooner than eight hours later with no pay allowance, and receive a letter of counseling.
- (3) 3<sup>rd</sup> offense within five years from the date of first offense: Employee will be suspended without pay for a period of five (5) days.
- (4) 4<sup>th</sup> offense within five years from the date of first offense: The Town will pursue the termination of the employee.

b. Employees Tested at the Beginning of a Call-In Shift With an Alcohol Test Result of .04 or Above.

- (1) 1<sup>st</sup> offense: In addition to the disciplinary action described in 2, a, (1) above, the employee shall be directed to the County EAP. The employee shall be given the opportunity following the initial counseling to enter a rehabilitation/abatement program as may be deemed appropriate by the EAP Manager. The employee will, in addition to the program determined to be appropriate, be subject to a planned return-to-duty test and unannounced quarterly follow-up testing for one year after returning to the safety-sensitive functions unless it is medically determined that a longer period is required.
- (2) 2<sup>nd</sup> offense within five years from the date of first offense: In addition to the disciplinary action listed in 2, b, (1) above, the employee will receive a written letter of counseling.
- (3) 3<sup>rd</sup> offense within five years from the date of first offense: In addition to the disciplinary action listed in 2, b, (2) above, the employee will be suspended without pay for a period of ten (10) days.
- (4) 4<sup>th</sup> offense within five years from the date of first offense: In addition to the disciplinary action listed in 2, b, (1) and 2, b, (2) above, the Town will pursue the termination of the employee.





## DRUG & ALCOHOL POLICY

### DISCIPLINARY PROCEDURES con't

- c. Employees Tested at the Beginning of or During Their Regularly Scheduled Work Shift With an Alcohol Test Result in the Range of .02 - .03
  - (1) 1<sup>st</sup> offense: Employee will be sent home until the start of their next scheduled shift, provided it is no sooner than eight hours later, and they will have the option to use sick leave, personal leave, or vacation time. The employee will also receive a letter of counseling.
  - (2) 2<sup>nd</sup> offense within five years from the date of first offense: The employee will be sent home until the beginning of their next scheduled shift provided that it is no sooner than eight hours later, without the option to use sick leave, personal leave, or vacation time. Employee will also receive a letter of counseling.
  - (3) 3<sup>rd</sup> offense within five years from the date of first offense: The employee will be suspended without pay for a period of ten (10) days.
  - (4) 4<sup>th</sup> offense within five years from the date of first offense: The Town will pursue the termination of the employee.
  
- d. Employees Tested at the Beginning of, or during Their Regularly Scheduled Work Shift With an Alcohol Test Result of .04 or Above.
  - (1) 1<sup>st</sup> offense: The employee will be sent home with the option to use sick leave, personal leave, or vacation time for time lost. Also, the employee will be directed to the County EAP. The employee will be given the opportunity following the initial counseling to enter a rehabilitation/abatement program as may be deemed appropriate by the EAP manager. The employees will, in addition, be subject to a planned return-to-duty test; after returning to the safety-sensitive functions unless it is medically determined that a longer period is required. The employee will also receive a letter of counseling.
  - (2) 2<sup>nd</sup> offense within five years from the date of first offense: The employee will be sent home without the option to used accrued leave for the remainder of that shift. The employee will be directed to the County EAP. The employee will be given the opportunity following the initial counseling to enter a rehabilitation/abatement program as may be deemed appropriate by the EAP manager. The employee will have the option to use sick leave for the duration of the rehabilitation/abatement program, or until accrued leave becomes exhausted. The employee will, in addition, be subject to a planned return-to-duty test, and unannounced quarterly follow-up testing for one year after returning to the safety-sensitive functions unless it is medically determined that a longer period is required. The employee will also receive a letter of counseling.



## DRUG & ALCOHOL POLICY

### DISCIPLINARY PROCEDURES con't

- (3) 3<sup>rd</sup> offense within five years from the date of first offense: The employee will be directed to the County EAP as in above, and shall be suspended without pay for a period of ten (10) days.
  - (4) 4<sup>th</sup> offense within five years from the date of first offense: In addition to the employee being directed to the County EAP as stated above, the Town will pursue the termination of the employee.
- e. Employee Tested and Confirmed Positive for Controlled Substance.
- (1) 1<sup>st</sup> offense: The employee will be sent home and will have the option to use sick leave, personal leave, or vacation time for time lost. The employee will be directed to the County EAP. The employee will be given the opportunity following the initial counseling to enter a rehabilitation/abatement program as may be deemed appropriate by the EAP manager. In addition, the employee will be subject to a return-to-duty test, and unannounced quarterly follow-up testing for one year after returning to the safety-sensitive functions unless it is medically determined that longer period is required. Also the employee will receive a letter of counseling.
  - (2) 2<sup>nd</sup> offense within five years of the date of first offense: In addition to the employee being directed to the County EAP as stated above, the Town will pursue the termination of employee.



## DRUG & ALCOHOL POLICY

### III. EMPLOYEE ASSISTANCE PROGRAM

1. **ASSESSMENT AND REFERRAL.** EAP plays a vital role in the assessment and referral of employees. To assist in meeting this role, EAP personnel must maintain or have readily available a list of rehabilitation/abatement organizations which provide counseling and rehabilitative programs for alcohol and substance abuse. The following information must be included on each rehabilitation/abatement organization:
  - (a) name, address, and telephone number;
  - (b) the type of services provided;
  - (c) hours of operation, including emergency hours;
  - (d) name and telephone number of contact person;
  - (e) fee structure, including insurance coverage;
  - (f) client specialization; and,
  - (g) any other pertinent information.
2. **ASSESSING REHABILITATIVE/ABATEMENT ORGANIZATIONS AND THE QUALITY OF SERVICES.** When a determination is made that an outside rehabilitation/abatement organization is necessary to accommodate the needs of a Covered Employee, the following shall apply:
  - a. Appropriate EAP personnel shall periodically visit rehabilitation/abatement organizations to:
    - (1) meet administrative and staff members;
    - (2) tour the site and observe the physical setting; and,
    - (3) ascertain the experience level, certification, and educational level of the staff.
  - b. Appropriate EAP personnel shall verify licensing and accreditation of organizations.
  - c. Appropriate EPA personnel shall ascertain each organization's policy concerning progress reports on clients and post treatment follow-up.
3. **TRAINING.** Supervisors have a key role in establishing and maintaining an alcohol and drug free workplace; therefore, EAP's shall have a training component to assist supervisors and managers in identifying and addressing alcohol misuse and substance abuse by employees. Such supervisory training shall meet the following goals and objectives:
  - a. to understand policies relevant to alcohol misuse and substance abuse and the EAP;
  - b. to understand the responsibilities of offering EAP services to employees;
  - c. to recognize and document employee performance and behavioral changes related to alcohol misuse and substance abuse;
  - d. to understand the roles of management, MRO, testing site coordinators, substance abuse professionals, supervisors, the personnel office, and EAP personnel; and,
  - e. to understand the process of reintegrating employees into the work force.

## SECTION 34

# HAZARD COMMUNICATION PROGRAM

The Safety Officer acts as the Town representative for the Hazard Communication Program, which is in compliance with the OSHA Hazard Communication Standard (HCS) 29 CFR 1910.1200. The Safety Officer maintains an up-to-date master list in the Safety Office of all hazardous chemicals used throughout the facilities with individual lists maintained at each appropriate work site.

The Safety Officer will maintain a MSDS library on every substance on the list of hazardous chemicals, which consists of a fully completed OSHA Form 174. Applicable department heads will ensure that each work area maintains an MSDS for hazardous materials used in that area, making the MSDS readily available to employees. The Department heads are responsible for updating MSDS's and the Safety Officer will review each MSDS for accuracy in consultation, as needed, with the County Emergency Operation Center Director.

MSDS's covered under HCS will be fully completed and received at the Town at least by the time of receipt of the first shipment of any purchased potentially hazardous chemical. If vendors fail to provide approved MSDS's in a timely manner, it may be necessary to discontinue procurements from them.

### Labels and other Forms of Warnings

Department heads must ensure that all hazardous chemicals in his/her area are properly labeled and will verify monthly that all labels are correct and up to date. Labels include: chemical identity, appropriate hazard warning, name and address of the manufacturer, importer, or other responsible part. Immediate use containers, small containers into which materials are drained for use on that shift by the employee drawing the material, do not require labeling. To meet the labeling requirements of HCS for other in-house containers, refer to the label supplied by the manufacturer.

### Training

Each employee who is exposed to or works with hazardous chemicals will receive training on the HCS and will receive more training whenever a new hazard is introduced into their area. The Safety Officer will conduct Hazardous Chemical Training, maintain records, and advise the Supervisor on training needs. Training includes:

- An overview of the Town of Fine Hazard Communication Program and Policy.
- Hazardous chemical properties, visual appearance, odor, and methods for detecting the presence or release of hazardous chemicals.
- Physical and health hazards associated with exposure to workplace chemicals.
- Procedures to protect against hazards (e.g. personal protective equipment, work practices, emergency procedures, etc.).
- Hazardous chemical spill and leak procedures.
- Understanding the MSDS's content and how employees may obtain and use hazard information.

### Additional Information

Any non-routine tasks involving hazardous materials, to include advising outside contractors of chemical hazards, will be directed to the Safety Officer by Department heads.

## SECTION 35

### **ELECTRONIC TECHNOLOGY – Appropriate Usage**

The Town provides employees with a host of electronic technologies and services to include computers, email, voice mail, internet, etc. These technologies are for business purposes to assist employees in completing job responsibilities. Limited personal use of these technologies and services is allowed as long it does not violate any Town policies, disrupt operations, or interfere with productivity. If personal use is deemed excessive or inappropriate, the privilege may be revoked.

It is imperative that employees treat all equipment with proper care and not misuse any Town property to include technologies and services. All Town-supplied technology and equipment (along with work records) belong to the Town of Fine and not to the employee. Any information to include technology may be monitored, searched, or entered without advance notice. This applies to messages and files that are created, transmitted, downloaded, received, stored, or deleted on Town systems, including items that are password protected. Inappropriate or illegal use of communications may be subject to disciplinary action up to and including termination of employment.

Employees must ensure that only business related information is contained or maintained on the Towns servers or devices. The town recognizes your right to interact knowledgeably on the internet. These guidelines will help you make appropriate decisions about work-related blogs, personal web sites, postings on Facebook and other interactive sites, postings on video or picture sharing sites, or in the comments that you make online on blogs, elsewhere on the public internet, and responding to comments from posts either publicly or via email.

#### **Prohibited Uses:**

Use common sense when using technology. Given the ever-changing nature of technology, it is impossible to catalogue all possible abuse or misuse. Therefore, **the following are prohibited, as an initial guide:**

- Any illegal activity that violates copyright or other regulations.
- Using technology to view, listen to or communicate offensive, defamatory, or disruptive content.
- Sharing information that is confidential.
- Using another person's password or distributing passwords without authorization.
- Transmitting under an assumed name or attempting to obscure the origin of any message.
- Speaking on behalf of the Town unless you are authorized via written permission.
- Soliciting or promotion of religious, political, or other causes.
- Use of the Town logo except by those who represent the Town in an official capacity.
- Distributing chain letters, jokes, email blasts of a personal nature, personal pictures, and the like.
- Accessing or attempting to access computer files, email, texts, or messages of a coworker without authorization.
- Use of obscenities, vulgarities, threats, material of a sexual or sexually suggestive nature, graphic images, racial, ethnic or gender-specific slurs, or any other visual/audio/verbal content that offends or is intended to offend someone because of his/her age, sex, religion, natural origin, disability or other lawfully protected trait.



## ELECTRONIC TECHNOLOGY

### **Prohibited Uses con't:**

- Reading, copying, modifying or deleting a coworker's computer files, email, text, instant or voicemail messages of a co-worker without authorization.

- Harming or destroying hardware, software, data, files, or messages (other than editing/deleting information in the normal course of job duties) and tampering with or disabling any computer system, software, network, security feature, or circumventing any system intended to protect the privacy or security of another user.

If you are developing a website or writing a blog that will mention the Town, state that you are an employee of the Town and that your views expressed are yours alone and do not represent the views of the Town.

Do not engage in name calling or behavior that reflects negatively of the Town. Speak and write knowledgeably, respectfully, accurately using appropriate professionalism about the Town and its employees. Despite disclaimers, your interaction can result in members of the public forming opinions about the Town.

Be sure to honor the privacy rights of Town employees by seeking their permission before writing about or displaying town happenings that could be considered a breach of their privacy and confidentiality.

In conclusion, please recognize that you are legally liable for anything you write or present online. Employees can be disciplined by the Town for commentary, content or images that are defamatory, slanderous, threatening, intimidating, insulting, demeaning, harassing, libelous, pornographic, proprietary, or that which can create a hostile work environment. Violation of this policy may result in disciplinary action, up to and including termination.

### **Cyber Security Citizen's Notification Policy**

An employee with access to sensitive information needs to be well informed with the Cyber Security Citizen's Notification Policy for the Town of Fine, is consistent with the State Technology Law, Section 208, as added by Chapters 442 and 491 of the 2005 laws. The Town is required to notify an individual when it is believed that an individual's private information has been compromised and must follow specific steps and methods.



## SECTION 36

# CREDIT CARD ACCOUNTABILITY & INTERNAL CONTROLS

The Town may provide employees with a credit card as a convenient way of procuring relatively inexpensive items. It is important that the Town Board ensures that these cards are used only for approved, actual and necessary expenditures by monitoring their use.

### AUTHORIZED USERS:

- a) The Town Board must authorize assignment of all credit cards.
- b) Cards must be issued in each specific individuals name to maintain accountability.
- c) Authorized users must sign written acknowledgement that they understand their responsibilities.  
(See authorization form in back of handbook)
- d) The Town Board should perform periodic analysis of purchases to determine need for the credit card and the nature of purchases being made.
- e) Cancel existing credit cards that are not needed or accounted for.

### CREDIT CARD PROHIBITED USES:

- a) Any personal expenses;
- b) Any cash advances or cash back;
- c) Any use pending later reimbursement from employee.

### CREDIT CARD CONTROLS:

- a) Cards should be kept in a secure location;
- b) All purchases on the card must be pre-approved by individual named on the card;
- c) A credit limit of \$ 1,500.00 is established for any purchase or transaction without prior Board approval;
- d) Clearly document "emergency uses" to justify the use;
- e) Original receipts must be given to bookkeeper for verification and payment of claim after Board Approval;
- f) Itemization of receipts is required;
- g) Receipts must be signed by authorized user to verify items purchased were actually received;
- h) Billing statements should be broken down by individual user;
- i) Document the purpose for which the card was used and names of individuals for whom expenditures were incurred;
- j) Town Board will pay special attention to credit card bills and watch for red flags such as unusual destinations or items purchased on the card;
- k) Appropriately follow up on any identified discrepancies;
- l) Credit card bills will be paid in full and on time to avoid paying fees and late charges;
- m) Inappropriate charges will be deducted from employee's next paycheck;
- n) Credit cards will be immediately canceled upon loss or employee leaving Town employment.

SECTION 37

## TRAVEL EXPENSE POLICY

Elected, appointed, and other Town employees may need to travel for business as part of their official duties. Employees may be asked to attend meetings, conferences, conventions, training classes, or other job-related duties. Business travel often involves expenditures for transportation, lodging, meals, and other expenses. Travel should be by scheduled using the most efficient and cost-effective means available. It is important for a traveler to document their expenses (and save all receipts) to obtain timely reimbursement for allowable, actual, and necessary expenses. An individual traveler is responsible for having a clear understanding of travel and conference policies and procedures and for adhering to them.

**1. AUTHORIZATION:**

Employees shall be required to obtain advance Town Board approval for any and all travel and/or reimbursement deemed necessary for the conduct of Town business. Board action for pre-approval may occur at the annual organizational meeting for regularly occurring travel or by any legal action of the Board during the year. Employees should exercise due care while incurring travel expenses because expenses are paid with public funds. Federal mileage, lodging, and meal rates are general maximum amounts allowed. Approval will be documented by the completion of the Travel Authorization Form (provided at back of Employee Handbook) and signed by the Town Supervisor or the Town Clerk.

**2. NON-REIMBURSABLE EXPENSES:**

- a) Alcoholic Beverages;
- b) In-room movies;
- c) Souvenirs;
- d) Entertainment;
- e) Frequent Flyer membership fees;
- f) Personal phone calls in excess of reasonable calls home;
- g) Rental Vehicle upgrades;
- h) Optional travel or rental car insurance;
- i) Laundry/valet service;
- j) Hotel health club or spa fees;
- k) Clothing or toiletries;
- l) Travel from home to the usual place of work;
- m) Expenses for a spouse, family member, friend, or guest who may accompany the employee. Any incremental expenses resulting from a guest (i.e. increased room charge over single occupancy, additional meal charges) will be deducted from the reimbursement request;
- n) When traveling within NY State, employees will complete Form ST-129 "Exemption Certificate" for tax on occupancy of hotel rooms. Certificate must be presented upon check-in. NY State and local taxes paid will not be reimbursed;
- o) Citations for violation of vehicle and traffic laws and parking tickets while on Town business will not be reimbursed;
- p) Any expenses not necessary to conduct Town business;
- q) Employee is personally responsible for improper costs incurred.





## TRAVEL EXPENSE POLICY

### 3. **ALLOWABLE, REIMBURSABLE EXPENSES** (DURING BOARD APPROVED TRAVEL):

- a) Mileage allowance at current board approved rate;
- b) Conference Registration fees;
- c) Hotel room charges (must request government rate),(must be 50 miles or more from home);
- d) Meal actual costs (alcohol excluded);
- e) Customary, reasonable tipping;
- f) Parking, Tolls, and Taxi fares;
- g) Rental car and gasoline expenses (pre-approved).

### 4. **EXTENSION OF TRAVEL:**

Employees may extend travel for personal reasons beyond the time needed to conduct business, subject to employee charging the personal time to leave, as appropriate. Personal expenses incurred before, during, or after official travel must not be billed to or submitted to the town for reimbursement.

### 5. **CASH ADVANCES:**

The town board may authorize, by resolution, a cash advance in anticipation of travel expenses. The amount disbursed cannot exceed the amount authorized by the resolution. Upon return, the employee must promptly account for, with original receipts, all expenses paid from the cash advance and determine whether a surplus or deficiency exists. If surplus is not returned when voucher is submitted, the unreturned surplus will be deducted from the employee's next paycheck or from other money owed. If cash advance was insufficient to cover employees' expenses, the town will reimburse employee for approved amount after audit of claim.

### 6. **REIMBURSEMENT SUBMITAL:**

- a) Employees shall be required to submit original itemized receipts and supporting documentation within a reasonable period of time after the expenses are incurred;
- b) The employee shall be responsible for the accuracy and completeness of any expense documentation submitted for town board approval;
- c) Reimbursement requests for overnight travel must be accompanied by a copy of the Travel Authorization Form;
- d) All reimbursements are distributed after the town board audits and approves the claim.

The Travel Authorization Form is provided at the back of the Employee Handbook.

## SECTION 38

# CODE OF ETHICS AND STANDARDS OF CONDUCT

The citizens of Town of Fine are entitled to exemplary ethical behavior of their officers and employees. This Code is intended to create the minimum standards which constitute that behavior. The Town of Fine strives toward a productive, respectful workforce culture. The Code of Ethics and Standards of Conduct govern how you behave in public or in private whenever the Town may be judged by your actions.

The purpose of this Code of Ethics (and Standards of Conduct) complies with NY State General Municipal Law Article 18 and is to memorialize those things expected of Town of Fine officers and employees. This Code recognizes that varying degrees of professional and governmental responsibility warrant eligible requirements of disclosure in pursuit of official integrity, which must be balanced against individual constitutional rights.

Please refer to all behaviors and expectations that apply to the Code of Ethics throughout this Employee Handbook.

### Standards of Conduct:

- **Be Safe in All you Do.**  
It is everyone's responsibility to conduct all tasks in a safe and efficient manner.
- **Be Considerate and Respectful.**  
Please consider others in all you do and when making decisions. Work together to resolve conflict and don't allow frustration to turn into a personal attack. Disagreement is no excuse for poor manners, threats, or bullying. A workplace where people feel uncomfortable is not a productive one.
- **Work as a Team. Be Collaborative.**  
Work well between teams, crews, and departments. Collaboration and teamwork reduces redundancy and improves the quality of our work. We want good communication both internally & externally.
- **Take Pride in your Work.**  
It is every employee's responsibility to produce superior quality work regardless of their job.
- **Be Honest.**  
Take responsibility for your words and actions. Use integrity in your actions and speak the truth.
- **Be Loyal to the Town of Fine.**  
Speak well of the Town of Fine, supervisors, and officers of the Town of Fine. You may not say or write anything that would give the appearance of disloyalty to the Town of Fine and its employees.



## CODE OF ETHICS and STANDARDS OF CONDUCT

### **Conflicts of Interest:**

It is the policy of the Town Board that all officers and employees avoid conflicts or potential conflicts of interest. A conflict or a potential conflict is defined as: ***whenever an officer or employee has an interest, direct or indirect, which conflicts with his/her duty to the Town which could adversely affect an individual's judgment in the discharge of his/her responsibilities.***

### **No officer or employee shall:**

- a) Take action or participate whatsoever in his/her capacity in a discussion, negotiation, or awarding of a contract or in any business or professional dealings with the Town or any Town department, in which one has or will have an interest, direct or indirect, in such contract or professional dealings.
- b) Engage in, solicit, negotiate for, or promise to accept private employment or render services for his/her personal benefit when employment or service creates a conflict or impairs the proper discharge of his/her official duties.
- c) Solicit or receive any gift in excess of \$75, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or in any other form-- in which it could be reasonably inferred that the gift was intended to influence him/her in the performance of official duties.
- d) Disclose confidential information acquired in the course of his/her official duties or use information to further his/her personal interest or the personal interest of anyone in their household.
- e) Take action on a matter before the Town (or official entity of the Town) when the performance of that action would provide a pecuniary or material benefit to himself/herself.
- f) Anything that in the sole opinion of the Town Board should result in discipline based on a common-sense review of facts.

### **Disclosure of Interest:**

This applies to any and all officers and employees:

- a) Shall publically disclose on the official record of the Town the nature and extent of a direct or indirect interest in any matter being considered by the Town Board or other official decision making authorities.
- b) Will disclose knowledge of any matter being considered by the Board or other decision makers in which the employee has or intends to acquire direct or indirect interest.



## CODE OF ETHICS and STANDARDS OF CONDUCT

### **Review:**

Every officer and employee is required on an annual basis (on/before Feb 1) to review the Town Code of Ethics.

### **Board of Ethics:**

- a) Any complaint alleging a violation of this Code and at the request of the Town Attorney, the Town Board will refer the complaint through the St. Lawrence County Attorney for review and recommendation by the St. Lawrence Ethics Board. This procedure is in accordance with Article 18 of the NY State General Municipal Law. If a complaint is about a member of the Town Board, the Town Attorney may file the complaint directly through the St. Lawrence County Attorney for review by the County Ethics Board, and does not require prior approval by the Town Board.
- b) The Town Board will use the advisement from the Ethics Board but is not required to follow their advisement in determining the appropriate action of an alleged complaint.

### **Penalties for Offenses**

The following penalties may be imposed when there is a violation of this Code, as determined by the Town Board. Under Ethics Law and in accordance with Town Law and policies, the Town Board may:

- a) Refer to the County District Attorney (DA) for prosecution and, upon conviction, but only after such referral, the violation will be punishable as a Class A misdemeanor.
- b) Vote to terminate employment of the violating officer or employee for cause.
- c) Impose any other disciplinary actions up to and including termination.

## CODE OF ETHICS RECEIPT

I have reviewed and understand the current Code of Ethics of the Town of Fine.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## SECTION 39

### DEFINITIONS

**APPOINTED OFFICIAL**—Any individual who is appointed by the Town Board or any Town official to a department, council, commission, or board, whether unpaid or paid.

**APPROPRIATE BODY**—Pursuant to article 18 of the General Municipal Law, the County Board of Ethics.

**CONFIDENTIAL INFORMATION**—Any record or other information in any format that is either:

(a.) prohibited by federal or state law from disclosure to the public; or

(b.) prohibited from disclosure by local law of the Town and also exempt from mandatory disclosure under the New York State Freedom of Information Law ("FOIL") and the New York State Open Meetings Law.

**TOWN**—The Town of Fine or any department, board, office, commission agency, or authority thereof.

**DEPARTMENT**—Any of the divisions of Town government referred to in the definition of legislation in this section, except the Town Board.

**INTEREST**—A direct or indirect pecuniary or material benefit accruing to a municipal officer, employee, or appointed official, whether as the result of a contract with the Town or otherwise.

**JURISDICTION**—Having authority, capacity, power, or right to act with regard to the management and administration of policy and supervision of personnel of any Town department.

**LEGISLATION**—A matter that appears upon the calendar or agenda of the Town Board of the Town or upon a committee thereof upon which any official action has been taken, and which includes adopted acts, local laws, ordinances, or resolutions.

**OFFICER or EMPLOYEE**—Any officer or employee of the Town and any elected official, appointed official, and head of any agency, commission, or board of the Town, whether paid or unpaid.

**TOWN BOARD**— The elective legislative body of the Town of Fine. Also referred to as "Board."

**TOWN OF FINE** - A Municipal Corporation organized under the NY State laws, also referred to as the "Town."

**CIVIL SERVICE LAW** - For purposes of this policy, "Civil Service Law" means the New York State Civil Service Law and includes the *Rules for the Classified Civil Service of St. Lawrence County*.

**EMPLOYEE** - An individual who receives a payment from the Town payroll account as a worker.



## SECTION 40

# CATEGORIES OF EMPLOYMENT

## Elected Officials

**TOWN BOARD** – Focuses on the lives, safety, and livelihoods of Town employees, residents, property owners, and businesses. The Board serves as the executive, administrative and legislative body of the Town and consists of 4 council persons and 1 town supervisor. All Board members have equal authority; individual board members may not unilaterally act on behalf of the Town Board or commit the Board to any action or policy. The Town Board has the authority to adopt the budget, tax real property, recruit/hire personnel, determine rates of compensation and salaries, establish policies/procedures, audit claim vouchers (bills), provide for town improvements and conducts all Town business. The Board manages year-to-date budget (revenues and expenditures). The Board adopts policies that may guide employees' decision making. The Town Board may not make decisions that bind future boards, with the exception of certain long-term financial liabilities. This position is part-time.

**TOWN SUPERVISOR** – Often carries out Town Board decisions and serves as a voting member of the Board. The Supervisor certifies payroll, signs audited claims (bills) and checks. As the Town budget officer, makes financial (budget) recommendations to the Board. The Supervisor is the authorized Town Spokesperson and represents the Town at public events, advocating/networking with Local, County, State and Federal Officials. The Town Board may delegate to the Supervisor the administration/supervision of Town functions; thus, allowing the Town to function between board meetings. He/she is responsible for emergency response, has legal authority to declare a State of Emergency, may promulgate emergency orders and may waive local laws, ordinances and regulations based on the severity of the situation and the necessity to use additional executive power to respond to the emergency. The Supervisor is the Incident Commander unless they properly delegate this role. As such, he/she is familiar with the National Incident Management System (NIMS) and the Incident Command System (ICS) used to effectively manage all emergency activities. This position is part-time.

**TOWN CLERK** – The Town Clerk is full-time and is at the center of Town government. He/she attends all Board meetings and maintains accurate records of actions accomplished during the proceedings. The Town Clerk is the custodian of Town records, issues certain licenses and permits, files reports with county and state agencies as required, posts legal notices, and is involved in the oversight of election administration.

**SUPERINTENDENT of HIGHWAYS** – The Town Superintendent of Highways is full-time and manages the maintenance and repair of Town highways and bridges along with the removal of obstructions. He/she manages the Highway Department employees at set compensation rates and within the appropriations authorized by the Town Board. He/she supervises all equipment operations and mechanics. The Highway Superintendent has the exclusive authority to hire and employ personnel for any Highway Department purpose.

**TOWN JUSTICE** – The Town Justice is part-time and has jurisdiction in criminal and civil matters in special proceedings within the Town. He/she adjudicates legal matters within the court's jurisdiction and properly accounts for all monies collected and disbursed by the court. The Justice provides monthly reports to the State Comptroller's Justice Court Fund (JCF) on each month's financial activities. The Town Board oversees the financial activity of the Justice Court.



## Full-Time Employees

**HEAVY EQUIPMENT OPERATOR** - Operates heavy equipment used for snow removal, highway repair, maintenance, and also performs other Public Works (PW) activities and manual tasks. An appropriate NY State driver's license is required to operate heavy equipment.

**MOTOR EQUIPMENT OPERATOR** - Operates snow removal equipment, other equipment used in highway repair and maintenance, plus performs other Public Works (PW) activities and manual tasks. An appropriate NY State driver's license is required.

**MOTOR EQUIPMENT MECHANIC** – Repairs a wide variety of motor equipment and construction equipment. Operates snow-removal equipment and equipment used in highway maintenance plus performs other PW duties and manual tasks. An appropriate NY State driver's license is required.

**WATER PLANT SUPERINTENDENT** – Safely and efficiently operates the Star Lake Water Plant and Distribution System. Ensures water in quantities that are safe, sanitary and useful to the consumer at minimal cost. The NY State Department of Health (DOH) requires an appropriate NY State Certification. The Town Board selects this appointment under Civil Service Law from the St. Lawrence County Civil Service list. An appropriate NY State driver's license is required.

## Part-Time Employees

**ASSESSOR** – A local official who estimates the market value of all real property and is obligated by NY State Law to uniformly and annually maintain property assessments at a percentage of market value via comparison with similar property assessments. He/she inspects new construction and major improvements to existing structures ensures that the property's physical inventory is current, and assesses appropriate improvements. The assessor reviews/approves each transfer of real property and approves property tax exemptions. Possession of a valid NY State "Basic Certification" is required and an "Advanced Certification" must be obtained within a year. This position is a six-year term appointment by the Town Board.

**ASSESSOR's ASSISTANT** – Assists the Assessor with data collection, clerical duties, and other assignments. This position is a Town Board yearly hire.



## PART-TIME EMPLOYEES

**BOARD of ASSESSMENT REVIEW (BAR)** – Administers public hearings on grievance day for taxpayers that disagree with their real property tax assessment. The Board of Assessment Review may order appropriate (if any) changes to the assessment roll before it becomes final. Grievance day is the first Thursday after the fourth Tuesday in May. These members are Town Board appointments with a five-year term.

**CLERK to TOWN JUSTICE** – Assists the Town Justice with the clerical duties of the court and other assignments as instructed. This position is upon recommendation of the Town Justice and is a Town Board yearly hire.

**CODE ENFORCEMENT OFFICER** – Administers and enforces the NY State Uniform Fire Prevention and Building Code. Provides coordination of all activities to ensure compliance with the appropriate laws, codes, rules and regulations. Issues, denies or revokes building permits and certificates of occupancy. Inspects building and structures for compliance. Maintains accurate records of all transactions and activities. Must possess a valid NY State “Basic Code Enforcement Training” Certification. This position is a Town Board yearly hire.

**CUSTODIAL WORKER** – Performs various manual cleaning tasks in assigned buildings. Uses proper methods and materials in cleaning and care for building areas plus occasional minor repairs. He/she is a Board yearly hire.

**DEPUTY TOWN CLERK** – Performs assigned duties of the Town Clerk including: attending Town Board meetings, keeping accurate records of the proceedings, issuing licenses and permits, filing reports with county and state agencies, election administration and legal notice posting. This position is a Town Clerk appointment. This appointment continues until Deputy resigns or Town Clerk replaces the individual.

**DEPUTY TOWN SUPERVISOR** – Performs all duties and is vested with most of the powers of the Town Supervisor in his absence, inability, or vacancy of the position except that he has no vote on matters of the Town Board (unless the deputy is also a council member and entitled to a vote by virtue of that office). This position is a Town Supervisor appointment. This appointment continues until Deputy resigns or Town Supervisor replaces the individual.

**DEPUTY TOWN HIGHWAY SUPERINTENDENT** – Where the position of Deputy is authorized by resolution of the Town Board, the Superintendent of Highways shall appoint a deputy within five days after the Town Board establishes such office or whenever a vacancy occurs in such office; any deputy so appointed serves at the pleasure of the Superintendent of Highways. There is no additional compensation for this position. This appointment continues until the Deputy resigns or Superintendent of Highway replaces the individual.

**DOG CONTROL OFFICER**– Impounds stray or unlicensed dogs and enforces quarantine laws applicable to dogs. Assist in the public health and police work involved in preparing the Annual Dog Census in the town. Possession of a valid NY State driver’s license is required. This position is a Town Board yearly hire.

**HISTORIAN** – Promotes and encourages the preservation of historic documents/artifacts that constitute the Town’s culture and develops an accurate and attractive presentation of the Town’s history. Gathers and evaluates evidence, interpretation of Town history, teaches through public presentations, and writes well-organized narratives. This position is a Town Supervisor yearly appointment.





## PART-TIME EMPLOYEES

**MARRIAGE OFFICER** – Is a public official that may legally perform valid marriage ceremonies within the Town. This position is a Town Board appointment with a term set by the Town Board, normally conterminous with the Town Clerk's term.

**PLANNING BOARD** – Referred to as the "Site Plan Review Board," reviews and approves land use activities which may impact the health, safety and welfare of the Town's residents; reviews new land use activities as outlined in the Site Plan Review Law. These members are Town Board appointments with a five-year term.

**SAFETY OFFICER** – Plans and implements a comprehensive safety program for the protection of employees and the public use of municipal properties and facilities. Identifies/eliminates hazardous conditions in and around municipal facilities and sites that may pose a risk to employees or the general public. Performs monthly inspections of fire extinguishers; prepares/maintains a variety of records and reports. This position is a Town Board yearly hire.

**REGISTRAR of VITAL STATISTICS** – Records births and deaths in the Town in accordance with the rules and regulations of the NY State Dept. of Health. This position is a Town Supervisor appointment and is coterminous with the Town Clerk's term of office if the Town Clerk is appointed to this position.

**DEPUTY OF REGISTRAR of VITAL STATISTICS** – The deputy is the Registrar's appointment and performs the duties, above, as directed by the Registrar of Vital Statistics.

**TAX COLLECTOR** – Collects and maintains records for both Town and County taxes based on the tax roll and warrant, water rates, sewer rents, permit and other fees payable to the town. May also collect school taxes and is compensated appropriately if the Town Board contracts with the school district to perform this service. This position is a Town Board yearly appointment.

**WASTEWATER TREATMENT PLANT OPERATOR** – Safely and efficiently operates the Wanakena Sewer Plant and Collection System. Disposes of wastewater in a safe and sanitary manner at minimal cost. This position may require an appropriate NY State Department of Environmental Conservation (DEC) Certification. This position is a Town Board yearly hire.

**WATER DISTRICT LABORER** – Safely & efficiently operates the Star Lake Water Plant and Distribution System under supervision of the Water Plant Superintendent. Delivers water in quantities that are safe, sanitary and useful to the consumer at minimal cost. This position is a Town Board yearly hire.

**WATER PLANT OPERATOR** – Safely & efficiently operates the Star Lake Water Plant and Distribution System under supervision of the Water Plant Superintendent. Delivers water in quantities that are safe, sanitary and useful to the consumer at minimal cost. This position requires an appropriate NY State Department of Health (DOH) Certification. An appropriate NY State driver's license is required. This position is a Town Board yearly hire.



## Seasonal Employees

**GOLF CLUBHOUSE MANAGER (RECREATION LEADER)** – Manages the Clifton-Fine Municipal Golf Course. Directs activities of personnel to operate the clubhouse, collect fees, keep accurate records, enforce regulations, distribute refreshments and cook /serve food. This seasonal position is a joint Town Board yearly hire.

**GOLF CLUBHOUSE ATTENDANT (RECREATION ATTENDANT)** – Collects fees, keeps accurate records, maintains order, enforces regulations, cleans, distributes refreshments and cooks/serves food under direction of the Clubhouse Manager at the Clifton-Fine Municipal Golf Course. This seasonal position is a joint Town Board yearly hire upon recommendation of the Golf Course Committee.

**GOLF GROUNDS SUPERINTENDENT (LABORER)** – Cares for grounds at the Clifton-Fine Municipal Golf Course by mowing and performing manual labor, maintaining equipment, keeping accurate records, maintaining order and enforcing regulations. This seasonal position is a joint Town Board yearly hire.

**GOLF GROUNDS LABORER** – Maintains grounds, mows, trims, maintains equipment, and performs other duties as assigned by the Grounds Superintendent. This seasonal position is a joint Town Board yearly hire upon recommendation of the Golf Course Committee.

**YOUTH COMMISSION RECREATIONAL LEADER/DIRECTOR (YCRL/D)** – Plans, organizes and supervises the community youth commission program. Schedules and directs activities for the program, offers instruction to participants, supervises attendants, submits reports. These seasonal positions require first aid certification and are Town Board yearly hires upon recommendation of Youth Commission Committee.

**YOUTH COMMISSION RECREATION ATTENDANT** – Assists with programs and participants, keeps records, and cleans and distributes refreshments under the direction of the YCRL/D. This seasonal position is a Town Board yearly hire upon recommendation of Youth Commission Committee.

**BTI TECHNICIAN** – Manages the Black Fly Control Program in accordance with the established procedures/regulations of the NY State Department of Environmental Conservation (DEC). Biologically treats streams and swamps for the purpose of controlling black fly larvae. This position requires a NYS Department of Environmental Conservation (DEC) Commercial Pesticide Applicator Certification. This seasonal position is a Town Board yearly hire.

**BTI APPRENTICE** – Works under the BTI Technician carrying out duties as appropriate. This position requires completion of a NYS Department of Environmental Conservation (DEC) approved training course. This seasonal position is a Town Board yearly hire.

**TOWN BOARD RESOLUTIONS** to amend, revise, or rescind any policy or practice included in this handbook should read as follows:

Moved by \_\_\_\_\_, seconded by \_\_\_\_\_

To “amend”, “revise”, “rescind” the Town of Fine Employee Handbook, Section “xx” to now read as follows:

[illegible]

## TRAVEL AUTHORIZATION FORM

DATE OF REQUEST: _____	
EMPLOYEE NAME: _____	
TRAVEL TO: _____	
TRAVEL DATE FROM: _____	TRAVEL RETURN DATE: _____
PURPOSE OF TRAVEL <input type="checkbox"/> Conference <input type="checkbox"/> Training Class <input type="checkbox"/> Meeting <input type="checkbox"/> Other	
ESTIMATED EXPENSES:	
Registration Fees:	\$ _____
Lodging Cost:	\$ _____
Meal Cost:	\$ _____
Mileage Cost:	\$ _____
Other:	\$ _____
TOTAL ESTIMATED COST: \$ _____	
BOARD PRE-APPROVAL DATE: <input type="checkbox"/> Organizational Meeting <input type="checkbox"/> Board meeting held _____	
BRIEF EXPLANATION OF EVENT: _____	
_____	
I hereby certify that the travel authorized is for valid town-related business and that I have read and understand the Travel and Conference Expense Policy and Procedures.	
_____ Employee Signature	_____ Date
REQUEST: <input type="checkbox"/> Approved <input type="checkbox"/> Denied    by TOWN BOARD RESOLUTION	
_____ Town Supervisor or Town Clerk	_____ Date

TO BE FILED WITH TOWN CLERK

## DISCRIMINATION and HARASSMENT COMPLAINT FORM

This form is to be used to file an internal claim of discrimination or of a claim or grievance of harassment in violation of the Town's policy. THIS FORM MUST BE FILED BY THE COMPLAINANT WITH THE TOWN SUPERVISOR/TOWN BOARD OR the TOWN BOOKKEEPER.

Town use only:

Date Rec'd: \_\_\_\_\_

Ack'd On: \_\_\_\_\_

Anticipated Completion Date: \_\_\_\_\_

## PERSONAL PRIVACY PROTECTION LAW NOTIFICATION

The information which you are providing on this form will be used for the principal purpose of internal agency review of your claim of discrimination. The provision of this information is entirely voluntary on your part, and this complaint resolution procedure is made available to you under Executive order 19. This information will be used in accordance with Section 96(1) of the Personal Privacy Protection Law, particularly subdivisions (b), (e) and (f). Your failure to provide this information may hinder or prevent this agency from resolving your complaint. This information will be maintained by the Town Bookkeeper. For further information contact the Town Supervisor.

### I. PERSONAL INFORMATION ON COMPLAINT

Name: \_\_\_\_\_ Region/Facility: \_\_\_\_\_

Home Address: \_\_\_\_\_ Work Address: \_\_\_\_\_

Zip: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Job Title: \_\_\_\_\_ Work Schedule: Hours: \_\_\_\_\_ Days: \_\_\_\_\_

Date of Service: \_\_\_\_\_

### II. SUPERVISORY INFORMATION

Immediate Supervisor's Name: \_\_\_\_\_ 2<sup>nd</sup> Level Supervisor's Name: \_\_\_\_\_

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

Work Address: \_\_\_\_\_ Work Address: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

### III. DETAILS OF CLAIM OF ( ) DISCRIMINATION (complete Item 1) or ( ) HARASSMENT (skip to item 2)

1. Claim of Discrimination is based on: (Check one or more that apply)

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Race               | <input type="checkbox"/> Age                    | <input type="checkbox"/> Disability      |
| <input type="checkbox"/> Color              | <input type="checkbox"/> Gender                 | <input type="checkbox"/> Arrest Record   |
| <input type="checkbox"/> National Origin    | <input type="checkbox"/> Marital Status         | <input type="checkbox"/> Criminal Record |
| <input type="checkbox"/> Creed              | <input type="checkbox"/> Religion               | <input type="checkbox"/> Veteran Status  |
| <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Gender Identity        | <input type="checkbox"/> Military Status |
| <input type="checkbox"/> Amnesty            | <input type="checkbox"/> Genetic Predisposition |  |

2. Claim of Discrimination/Harassment is made against:

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

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

Work Address: \_\_\_\_\_

\_\_\_\_\_

Work Phone: \_\_\_\_\_

Relationship of this person to claimant:

◇ Supervisor

◇ Co-Worker

◇ Subordinate

◇ Other

3. Alleged Discrimination/Harassment Occurred on or about:

Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: \_\_\_\_\_

Is this alleged discrimination/harassment continuing? YES ( ) NO ( )

4. Briefly describe the alleged act of discrimination/harassment and your reasons for concluding that it was discriminatory. Include names of witnesses, if any, and attach supporting data, if available. Use additional sheet if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. A. Have you filed this claim with a federal, state or local government agency? YES ( ) NO ( )

B. Have you instituted a legal suit or court action on this claim? YES ( ) NO ( )

IV. BRIEFLY DESCRIBE THE REMEDY SOUGHT IN SETTLEMENT OF THIS CLAIM.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

V. IF YOU WISH TO HAVE A REPRESENTATIVE, PLEASE STATE THE PERSON'S NAME:

\_\_\_\_\_ Work Location: \_\_\_\_\_

VI. AFFIRMATION

I understand that the filing of this internal claim does not prevent me from filing a claim of discrimination or harassment through judicial or administrative processes.

I understand that within one year from the alleged discriminatory act described in paragraph 4 above, I must file a complaint with the State Division of Human Rights based on this claim if it relates to race, color, national origin, creed, age, sex, marital status, religion, disability, arrest record or criminal conviction if I wish to proceed under the Human Rights Law of New York State.

I understand that within 180 days from the alleged discriminatory act described in paragraph 4 above, I must file a charge with the Equal Employment Opportunity Commission based on this claim if it relates to age, race, creed, color, national origin or sex or the EEOC may lose jurisdiction over this matter.

I hereby affirm that the information contained in this claim is true and correct to the best of my knowledge, information and belief.

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

**CREDIT CARD AUTHORIZATION FORM**

EMPLOYEE NAME: \_\_\_\_\_

TOWN BOARD RESOLUTION #: \_\_\_\_\_ DATE: \_\_\_\_\_

I hereby certify that as an authorized credit card user, I acknowledge that I have received and reviewed the town board approved "Credit Card Accountability & Internal Control Policy". I agree to abide by the terms and conditions set forth in said policy.

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

\_\_\_\_\_  
Date

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**

## NYS EMPLOYEE RETIREMENT SYSTEM

EMPLOYEE NAME: \_\_\_\_\_

According to article 878 of the laws of 1986, you have the right to membership in the New York State Employee Retirement System. This membership is optional for non-full-time employees. Should you elect to become a member of the NYS Employee Retirement System, you must fill out an application.

Note however, that whether or not you notify the employer of your intention to become a member,  
**"MEMBERSHIP WILL BEGIN ONLY UPON RECEIPT OF THE APPLICATION BY THE RETIREMENT SYSTEM."**

I, \_\_\_\_\_, as an employee of the Town of Fine was offered the option of enrolling in the NYS and Local Employees' Retirement System pursuant to section 45 of the NYS Retirement and Social Security Law.

\_\_\_\_\_ I wish to join the NYS Employee Retirement System and will fill out the application and return it to the employer.

\_\_\_\_\_ I **DO NOT** wish to join the NYS Employee Retirement System at this time.

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

\_\_\_\_\_  
Date

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**



## EMPLOYEE HANDBOOK ACKNOWLEDGMENT AND RECEIPT

**I have received my copy of the Employee Handbook.**

The Employee Handbook describes important information about the Town of Fine, and I understand that I should consult my direct supervisor or the Town Supervisor with questions not answered in this handbook. I have entered into my employment relationship with the Town of Fine voluntarily and acknowledge that there is no specified, guaranteed length of employment.

**Accordingly, either Town of Fine or I can terminate the relationship at will, with or without cause, at any time, so long as doing so does not violate applicable federal or state law.**

I understand and agree that other than an approved Town Board Resolution, no representative of the Town of Fine has the authority to enter into any agreement for employment other than "at will." The exception is for those supervisors who are granted this authority by the Board.

This handbook and the policies and procedures contained herein supersede prior practices, oral or written representations, or statements regarding the terms and conditions of my employment. By distributing this handbook, the Town expressly revokes any and all previous policies and procedures that are inconsistent with those contained within the Handbook.

I understand that except for employment-at-will status, any and all policies and practices may be changed at any time. The Town reserves the right to change my hours, wages and working conditions as needed. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify or eliminate existing policies.

**I understand and agree that nothing in the Employee Handbook creates, or is intended to create, a promise or representation of continued employment, pay increases, or expanded services of employment. Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document.**

I have received the Handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it. I understand I am responsible for becoming familiar with all policies of the Town of Fine to include those on the website.

---

Employee's Signature

---

Employee's Name (Print)

---

Date

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**