



# Employee Handbook

Dear Town of LaFayette Employee,

Thank you for taking the time to review the employee handbook. The purpose of this document is to give you an understanding of the expectations set by your employer. The way you conduct yourself is an important reflection of the Town of LaFayette.

In addition, this handbook will outline for you certain protections and standards by which the Town must adhere to make this the safest and most comfortable work environment for you as an employee. The wonderful thing about our small Town is that we are all neighbors and we should make sure we take care of one another.

The open-door policy outline in this handbook is a serious one – you as an employee are always welcome to reach out to me directly and make your concerns known. Please never hesitate to reach out.

Sincerely and respectfully,  
William D. McConnell  
LaFayette Town Supervisor

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## Town Information

### Our Town

Although our history goes back much further, the Town of LaFayette was officially organized in April of 1825. Our name comes from the French general Marquis de LaFayette. He was a French aristocrat and military officer who fought in the American Revolutionary War. He came to America eventually serving with George Washington.

There are 28,200 acres of land in the Town, of which 6,400 acres belongs to the Onondaga Reservation. The surface of the Town is hilly and broken, the high ridge between Butternut and Onondaga Creeks, the two principal streams, having steep declivities and rising from three to six hundred feet in altitude. The valleys on the east and west of this ridge, Sherman Hollow and Christian Hollow, extend the entire length of the Town and present an unusually rich and beautiful landscape when viewed from the summits.

Located in the heart of New York, the center of Town is at the crossing of the two longest roads in the country (Routes 11 and 20), spanning all the way from Canada to Florida and the East Coast to the West Coast!

### Introductory Statement

The policies in this Employee Handbook should be regarded as guidelines; they may require modifications from time to time. The Town of LaFayette, also hereinafter referred to as the Town, retains the right to make decisions involving employment in order to conduct its work in a manner that is beneficial to employees, our residents, and the Town.

The information in this handbook supersedes and replaces any and all prior manuals, policies, procedures and practices of the Town. We may have separate operating policies to clarify the processes associated with the policies in this handbook, or to describe other operating procedures not contained in this handbook. In the case of a discrepancy with those policies, this handbook prevails. For employees covered under civil service regulations, and regulations that govern elected officials, those regulations will prevail.

This Employee Handbook summarizes the current benefit plans maintained by the Town. Employees should refer to the actual plan documents and summary plan descriptions if you have specific questions regarding the benefit plans. Those documents will be controlling rather than the summaries contained in this handbook. The employee handbook (and other plan documents) are not contractual in nature and do not guarantee any continuation of benefits.

This handbook is not a contract of employment or a guarantee of benefits. The policies contained in this handbook may be added to, deleted or changed by the Town at its sole discretion and without advance notice. New York State is an employment at-will state. As a general rule, employment with the Town is a voluntary employment-at-will relationship. At-will employees of the Town have the right to resign their employment, at any time, for any or no reason, with or without notice, and the Town reserves the right to do the same. For civil service employees, the Town abides by New York State Civil Service Law Section 75 in connection with disciplinary actions.

Throughout this handbook we refer to department head/supervisor, or management. Supervisor is defined as the individual the employee reports directly to. Management is defined as anyone in a supervisory or management capacity, including department heads. Employees are defined as anyone receiving a paycheck from the Town of LaFayette.

## Standards and Expectations

It is the Town's intent to maintain a positive image in our community. Our ability to do so is dependent upon the actions and performance of our employees. A positive attitude by employees, responsible personal and professional behavior, and use of good judgment are necessary to provide outstanding service to the community, its residents, your co-workers, and others we come in contact with. To this end, the following expectations are applicable:

- Always do the right thing; even when nobody is looking.
- Never do anything in your best interest; always do everything in the best interest of our residents/taxpayers.
- Mutual respect should characterize all internal and external relationships. The commitment and dedication of our employees is essential. The Town recognizes each employee's uniqueness, however, expects all employees to work as a team.
- Always communicate, inform and discuss in a positive, professional, constructive, and respectful manner. Foul language and raised voices are not considered professional.
- Ask questions when you are not sure about something or how to proceed. Contact your department head/supervisor and request further training or support.
- Fulfill the expectations of the position responsibilities and duties you are assigned.
- Comply with all Town policies and procedures.
- Every action should reflect exemplary ethical values. The Town's Code of Ethics must be followed.
- Department heads and supervisors should ensure firm, fair, and consistent supervision of employees at all times.
- Theft of Town property, including unauthorized use of Town resources or equipment for personal use and theft of time by falsifying time or attendance records, is prohibited.

The above are examples of expected conduct and this list is not all inclusive of all expectations for employees. Employees should review this list periodically and understand that repeated failure to meet these expected standards may result in disciplinary action up to and including termination of employment.

## The Town as a Public Employer

Public employers are in some ways different from private employers. The Town of LaFayette, as a municipality under New York law, is a public employer subject to various requirements under New York State law that are different than those of a private employer. It is the policy of the Town of LaFayette to comply with all applicable state and federal laws and regulations regarding its employees. This handbook is designed to comply with those laws and regulations affecting public employers and to educate Town employees regarding terms and conditions of employment.

A good way for employees to familiarize themselves with the Town and its operations, is to spend time reviewing our web site at <https://www.TownofLaFayette.com/> outside of normal working hours. If an employee does not have a computer, or easy access to one, he or she is welcome to use one at one of the Town's facilities.

Other points to be aware of:

- We have designed this handbook to recognize our diverse population of employees, including those hired through the civil service system, appointed, and elected officials.
- Anyone who receives a paycheck from the Town is an employee and thus subject to the applicable terms of this handbook. This includes elected officials, appointed officials and board members unless otherwise distinguished. Exceptions may apply with regard to certain employee benefits for which we are not allowed to cover/include elected officials.
- The Town is located in Onondaga County, and thus we are subject to County civil service regulations. Employees can access additional information on the County's web site at <http://www.ongov.net/employment/>.

#### Oath of Office

As defined in the New York State Town Law and the Public Officers Law, each elected official and appointed official must take the Oath of Office. This oath must be administered prior to commencing work and attested to by the Town Clerk, within fifteen calendar days of assuming office.

Each official who is re-elected or re-appointed must take the Oath of Office for each term.

The Oath of Office must be filed in the office of the Town Clerk within thirty calendar days.

#### Town Board

When a Town Board member votes on a proposal, he/she should be representing through that vote the views of the residents of the Town. Votes require careful consideration in making important decisions that will affect the lives of our residents and businesses. Although Town Board members are not paid employees of the Town, they remain obligated to follow many of the policies and rules contained herein for Town employees. Town Board members are further reminded that they are not authorized to represent or bind the Town in an individual capacity and that their duty and obligation as a Town Board member is to collectively deliberate with the Town Board and make legislative decisions as a group.

The Association of Towns reminds us that the Town Board, as a group, is the executive head of the Town. Thus, it is critical to work as a team to make decisions that affect the operations and policies of the Town.

Towns may adopt local laws as long as those laws are not inconsistent with general law applicable to all towns and provided there are no statutory restrictions against such local legislation.

Board members must be Town residents.

Town Board members are not able to individually represent the Town to the public or any other entity; it has to be a collective decision.



It is the responsibility of all Town Board members to familiarize themselves with all rules and regulations that the State and County requires us to adhere to, and to ensure compliance with all.

### Transfer of Information

The Town employs a team of knowledgeable and talented individuals. To be able to offer the best service possible to our residents, it is necessary for all of us to wear many hats, and thus perform in a variety of roles within the Town. “It’s not my job” is not a phrase that should be in our vocabulary. We expect all employees to share their knowledge and skills with other employees within the Town. This may involve cross-training or may involve spending time transferring information to others.

When an employee leaves his/her position with the Town, it is expected that prior to leaving, the departing or retiring employee will transfer his/her knowledge to either their replacement, or another employee with the Town. This is necessary so our service to residents and each other isn’t interrupted.

## General Policies

### Accident Reporting

Your priority for on-the-job accidents, including accidents involving yourself, another employee, or anyone else is to immediately obtain proper medical treatment. If you are witness to an accident that may have caused a serious injury, you should immediately call 911. This includes when you are in the field, or in any of our facilities.

Employees who have an accident (no matter how minor and with or without an injury) are required to report it to their department head/supervisor within 24 hours. You will be required to assist us in completing an Accident/Incident Report form. This is for your own protection, just in case there may be complications later on.

Employees who are injured, should also reference the Workers' Compensation policy in the Benefits section of this handbook.

### Americans With Disabilities Act (ADA)

The Town will provide reasonable accommodations to qualified individuals with known disabilities unless such accommodations would pose an undue hardship on the Town. Reasonable accommodations will be made to allow individuals to participate in the application process, perform essential job functions, and enjoy equal benefits and privileges of employment. All employment decisions are to be made based upon job-related criteria.

Individuals with disabilities are responsible for requesting reasonable accommodations and providing medical documentation appropriate to verify the existence of the disability and to identify and assess potential reasonable accommodations. An individual who requests accommodation may be asked to provide a statement from their physician or other health care professional explaining the individual's functional limitations. The Town at its discretion may require a medical examination or medical inquiry to confirm the individual's functional limitations by a health care professional it chooses.

### Attendance, Call-In Procedures, and Excessive Absenteeism

The Town expects regular attendance from employees, and we expect employees to report to work on time as scheduled, including returning from lunch and breaks. Regular attendance is defined as being here when our residents and your fellow employees expect you to be. We do not have the luxury of allowing excessive time off without adversely affecting the service we give to Town residents. Full-time hourly Highway Department employees who are called-in during their scheduled time off during weekends and holidays shall receive a minimum of four hours of pay (which shall be counted towards their actual time worked). We do, however, realize that occasions may arise when an employee may be late or absent because of an unanticipated emergency or illness. In instances when employees cannot avoid being late to work, or are unable to work as scheduled, they are required to contact their department head/supervisor as soon as possible, but no later than the start of their scheduled shift unless they are physically unable to do so. Your department head/supervisor will determine the most appropriate method to contact them (phone, text, email) and will inform you of that requirement. Employees must make the contact themselves unless severe illness or injury prevents you from doing so.

The Town reserves the right to require a note from your physician verifying the need for medical related absences. Such notes may be required to include, as determined by the Town, the results of any recent

examinations, medical diagnosis, prescribed treatment and an explanation of why the employee cannot return to work. Such information shall be maintained confidentially by the Town as required by law.

An employee who is absent for three consecutive days or longer, where the employee has not contacted or received approval for such absence from the department head/supervisor, is considered to have abandoned his or her position and may be separated from employment as a voluntary resignation without further notice.

### Breaks and Meal Periods

If you work a shift that begins before 11:00 am, goes beyond 2:00 pm, and that shift lasts for 6 hours or more, New York State law requires that you are entitled to at least 30 minutes off for an unpaid meal period. This meal period must be taken between the hours of 11:00 am and 2:00 pm. If your shift starts before 11:00 am and continues later than 7:00 pm, you will have an additional meal period of at least 20 minutes sometime between 5:00 pm and 7:00 pm. Your department head/supervisor will inform you of the exact times for your specific meal period(s).

The law requires that employees take their meal periods and does not allow for employees to work through them to leave early or otherwise make up time.

Hourly employees are required to sign in and sign out for their meal periods. This is the only way we can prove to the Department of Labor that we have complied with the law.

There are no laws, federal or state, that require us to give breaks beyond the required meal period. However, the Town allows employees a 10-15 minute break for each 4-hour shift that they work. We also recognize that those who work in severe weather conditions may need more frequent breaks. Please coordinate all breaks with your department head/supervisor. Due to insurance liability reasons, hourly employees are not allowed to leave the work place while on break. Employees may leave at lunch time/meal period as long as they are off the clock.

### Change in Employee Personal Information

It is your responsibility as an employee to promptly notify the Town Clerk, in writing, of any changes in relevant personal data such as name, address, telephone number, marital status, change in dependent status, individuals to be contacted in the event of an emergency, educational accomplishments, or any other information affecting your benefits or employment record.

### Confidential Information

It is the policy of the Town to promote open government and comply with all requirements regarding public access to information and records. The Town recognizes that certain documents, records and information pertaining to Town operations and activities may contain sensitive and confidential information that is not appropriate for disclosure to third parties (“Confidential Information”).

For the purpose of this policy, Confidential Information includes:

- Information discussed in a properly-convened executive session of any Town Board meeting
- Personal identifying information (“PII”) of Town officers or employees, or personal information as defined under section 92 of the Public Officers Law
- Information or records which are exempt from disclosure pursuant to the Freedom of Information Law (“FOIL”)
- Library records as identified by applicable statute or regulation

## Responsibility for Security of Confidential Information

All Town officers, employees and consultants, including but not limited to elected officials, board members, committee members, department heads, consultants and employees are responsible for maintaining the security of Confidential Information, including any documents, records and other information within their department operations. Confidential

Information must not be photocopied, duplicated, scanned, emailed, mailed, discussed, disseminated or otherwise disclosed to any individual or entity, by any Town officer (including but not limited to any board or committee member), employee or consultant except as may be required for the conduct of Town business or by FOIL or other applicable laws. Town officers, employees and consultants may not discuss or otherwise disclose Confidential Information to third parties without express authorization of the Town Board.

## FOIL Requests

Requests for disclosure of information under FOIL or any other applicable law or regulation must be referred to **the Town's Records Management Officer** and disclosure in response to such requests may be made only by the Records Management Officer.

Also reference our Public Relations and Contact with the Media policy.

## Conflict of Interest

New York State General Municipal Law §801 and LaFayette Town Code Chapter 38 require that Town officers and employees be free from conflicts of interest as identified in those laws.

Conflicts of interest may exist where an individual's actions or activities, on behalf of the Town or otherwise, involve the interests of the Town. Each employee should ensure that none of their outside personal, business or financial interests' conflict with the interests of the Town, and no employee should use their position with the Town for personal gain. This includes attempting to implement laws and rules that will result in a benefit to the employee (including elected officials), their family members, or friends.

Town employees, who conduct personal business with Town residents, vendors or others associated with the Town, are to conduct such business professionally and without reference in any way to their position with the Town.

When in doubt about what constitutes a conflict of interest, employees should consult with the Town Supervisor. Anyone who feels that a Town official or employee has a conflict of interest is encouraged to report his or her concern to the **Town's Board of Ethics**.

Please reference also our policy on Moonlighting/Outside Employment.

## Corrective Counseling/Disciplinary Action

It is the Town's intent to provide employees with guidance, training, and the necessary support to adequately perform your jobs. Employees must follow certain rules and protocols to ensure the Town provides quality service to the community and coworkers; and provides for a pleasant work environment.

The following guidelines will be followed, except that the Town will ensure adherence to civil service regulations. In the case of a discrepancy, civil service regulations will prevail:

If there appears to be a problem affecting or involving an employee, including conduct or performance issues, we will first have a discussion with the employee in an attempt to determine what is causing the problem and how it may be immediately corrected. This discussion may result in a verbal warning. These sessions will be documented in the employee's personnel file.

If the problem is not corrected satisfactorily, a written warning may be issued. This includes an additional counseling session to determine if and how the problem can be corrected.

If the problem persists, the Town may find it necessary to issue a final written warning stating that your employment will be terminated if the situation continues. As with all levels of corrective counseling, the goal is to improve job performance or modify improper behavior. Ultimately, the employee makes the decision as to whether or not the adjustments needed to retain employment will be implemented.

The Town may also find it necessary, at any point in time, to suspend an employee, without pay, while an investigation of performance or other issues is under way.

The Town has no obligation to use any one or more of the above steps and at any point in time, at the sole discretion of management, the employee may be subject to termination if the situation warrants it.

#### Driver's License and Driver's License Checks

All employees who drive Town vehicles or use their own vehicle for business use, must have a current, valid New York State driver's license, acceptable to our insurance carrier. As a condition of continued employment, employees are expected to acquire and maintain the level of licensure appropriate to the position they are performing (i.e. CDL).

Any changes in the status of your license must be given to your department head/supervisor. Periodic drivers' license checks will be done.

If an employee is on a restricted license, such as a work permit due to traffic violations, DUI convictions, etc. that employee's driving privileges will be reviewed closely if their position at the Town requires them to drive a Town vehicle. Employees who have their driving privilege revoked, or are found to have an unacceptable citation level, may be removed from their position and or be subject to termination of employment, this includes, but is not limited to speeding tickets, reckless driving, and other infractions deemed inappropriate by the Town.

#### Drug Free Workplace/Substance Abuse

The Town of LaFayette is an alcohol free and drug free workplace. The unlawful use, possession, manufacture, dispensation, or distribution of controlled substances or illegal drugs in our facilities and on Town property, or while working in the field, is prohibited. The term illegal drugs as used herein includes synthetic drugs intended to replicate controlled substances.

An employee who reports to work under the influence of alcohol or illegal drugs is subject to immediate discharge. The Town may require that an employee take a substance test if we have reasonable suspicion that an employee is under the influence or has otherwise violated this policy. The Town may also require a substance test following a work-related accident. A refusal to cooperate in a substance test requested by the Town is a dischargeable offense. Results of drug and alcohol testing will be treated as confidential information and placed in a confidential medical file separate from the employee's personnel file.

The Town encourages employees with substance abuse issues to seek treatment. Please keep in mind also that we offer an Employee Assistance Program. See the EAP policy in the benefits section.

The Town will not subject an employee to discipline merely because he or she responsibly and proactively seeks professional help for a substance abuse problem, if he or she does so before the problem negatively impacts the employee's work.

### EEO (Equal Employment Opportunity) Statement

The Town is an Equal Opportunity Employer and is committed to the full utilization of all individuals, and to a policy and practice of equal employment opportunity. The Town will recruit, hire, manage, transfer, and promote employees without regard to race, color, religion, sex (including pregnancy, gender identity, sexual orientation), national origin, age, marital status, domestic violence victim status, criminal or arrest record, disability, or predisposing genetic characteristics, or any other characteristic protected by federal, state, or local laws.

The Town will not discriminate against any person in selection or treatment in establishing individual job qualifications, evaluating merit, or promotions. All decisions on employment will be made within the principles of equal employment, and only valid requirements will be considered. The Town will make certain that these principles are applied to all other personnel actions such as compensation, benefits, layoffs, recalls, Town sponsored training, education, social, and recreational programs. You may discuss equal employment opportunity related questions with your department head/supervisor or the Town Supervisor. Employees should immediately report any perceived violation of this policy to the Town Supervisor, or if the issue is with the Town Supervisor, to a member of the Town Board.

### Electronic Communications, including Computer Usage and Phones

For purposes of this policy statement, "electronic communications" include, but are not limited to the following systems and equipment:

- electronic mail
- text messaging
- social networks
- Internet services, including wireless networks
- all land line and cell telephonic communication systems including facsimile
- video and any other form of transmitting voice, picture or other signals
- computers, smartphones, memory cards, flash drives, and any other hardware that supports electronic communications

All electronic communication resources provided by the Town and information stored on such resources are Town property.

Employees are to use assigned Town or Library email addresses for all Town business, except that part-time elected and appointed officials may use designated personal email accounts for such business. Employees are to only access a website or other service that is part of their job responsibilities.

### Prohibited Activities

- Using Town equipment or network facilities to access any website or other service for personal use. This includes, but is not limited to, Facebook, Twitter, other social media sites, webmail for personal email, sites for buying or selling, sites for news and general information not related to the employee's job.
- Using the Town's email address to conduct any personal business, or for any type of personal use. Employees are further reminded that all communications relating to Town business may be considered 'records' of the Town, whether produced on Town equipment or an employee's

personal electronic device. Accordingly, employees are discouraged from communicating about Town business through means other than Town assigned e-mail addresses or Town issued personal electronic devices.

- Using anything other than the Town's or Library's email address to conduct Town business. Please remember this is for your protection as well as the Town's because the Town's records can become public record.
- Modifying, reconfiguring, or otherwise changing the hardware and/or software configuration provided by the Town may only be done by technical support personnel as authorized by the Town Supervisor. If new software or new hardware are needed, such must be acquired with written approval of Town Supervisor.
- Employees (other than technical support personnel as authorized by the Town Supervisor) may not attach any non-Town resource, such as flash drives or personal computers, to the Town network. This is to prevent viruses and malware from being introduced into the Town network and ensures that no data and/or software comes under non-Town control.
- No data of any kind, including software, may be copied or moved to non-Town resources without explicit authority from the Town Supervisor. This is to ensure all data remains under control and security of the Town and ensures that no software licenses may be compromised, exposing the Town, and the employee, to legal action.
- Use of the Town's electronic communications that intimidate others, create a hostile work environment, or otherwise are inappropriate, defamatory, or harassing in nature.

Prohibited uses regarding data security include:

- Using a password unknown to the Town or assigned to someone else.
- Giving and/or sharing one's password with anyone inside or outside the Town, except the Town Supervisor or his/her designee (i.e. technical support).
- Allowing anyone other than a Town employee to use Town electronic communications equipment.
- Use of the Town's resources for electronic communications where such use may violate any applicable law or regulation. These prohibited uses include, but are not limited to:
  - Unauthorized dissemination of confidential or proprietary documents or information about the Town, Town employees, residents, or any third party.
  - Dissemination of information or data restricted by government laws or regulations.
  - Dissemination of copyrighted materials in violation of the copyright laws.

#### Right to Monitor and Access

Because all information on the Town's computer systems, including electronic mail sent via the Internet is Town property, the Town reserves the right to monitor employee use of its computer system and to access and disclose any messages or information contained on its system.

The Town also reserves the right to access and disclose the contents of all other electronic communications, including but not limited to, those communications and information transmitted by, received from, or stored in the Town's telephonic communications systems (including telephone, voice mail, facsimile machines, and any other audio or video means) at any time and for any reason. Employees do not have a personal privacy right in anything transmitted, received, or stored on the Town's electronic communications resources. Use of the Town's electronic communications system constitutes employee consent to monitoring.

#### Social Media

Employees may not use the Town's computing or electronic devices to view, access or post to social media at any time. The only exceptions are when employees view Town-maintained social media sites or the Town Supervisor, or his/her designee, has authorized individuals to post to the Town's social media pages. Social



Media is meant to include all forms of electronic communication including, but not limited to, emails, texting, instant messaging and use of social networking and related site. These sites include, but are not limited to sites such as Facebook, Instagram and other related sites.

Employees who choose to engage in social media off-site and on their own time must be cautious in doing so with regard to any connection to the Town. Employees are prohibited from presenting themselves as the Town. Employees are also prohibited from posting/publishing information, videos, or photographs that reflect the operations of the Town, including any information about Town residents, other employees, or applicants for employment. "Information" is meant to include any data that belongs to the Town. This could include financial information (receipts, wages [other than an employee's own], Town residents, etc.).

This policy does not, and is not intended to, restrict or impede an employee's constitutional right to speak as a private citizen on matters of public concern as permitted by law. Likewise, nothing in this policy precludes employees from discussing terms and conditions of employment or engaging in any protected or lawful activity or otherwise limits, in any way, an employee's rights under federal, state or local law.

Employees who are aware of potential violations of this policy must immediately report it to the Town Supervisor. If the alleged violation involves the Town Supervisor, you should report it to the external Human Resources Consultant. Retaliation is prohibited against those who report potential violations.

#### Phone Usage including Cell and Smart Phones

Occasional use of the Town's telephones, including cell phones, for a personal emergency or important situation may be necessary. However, routine personal calls are discouraged. Routine personal phone calls should be made during the employee's meal/break time and then out of earshot of others.

Telephone conversations related to an employee's personal affairs is strictly prohibited anytime when in front of the public and/or other employees. The same philosophy applies to accessing personal apps on your phone, including playing games, Facebook, or any other social media and/or informational sites.

The use of cell phones while driving a Town vehicle is strictly prohibited unless a hands-free device is used, AND the call is for critical business reasons. If there is an emergency situation, the employee should use a hands-free device and whenever possible, pull safely off the road before using the cell phone.

Safety should be the primary concern when using a communications device in any vehicle. If an employee is in a phone related accident while driving, or receives a citation for use of the phone, any costs, fees and fines will be the sole responsibility of the driver.

#### Town Issued Cell Phones

Based on business need and the availability of budget monies, the Town may issue Town owned cell phones to employees. Employees may use these phones for personal calls as per the above phone usage policy. All other use is limited to business need only. Since these phones are Town property, the Town has a right to access any information and software stored on or used through the phone. Employees are prohibited from downloading apps unless previously approved by the department head/supervisor. Employees who have assigned phones, are prohibited from allowing anyone other than a Town employee to use the phone.

#### Emergency Closing

In the event of any emergency (weather or otherwise) that might cause the Town to cease operations, the Town Supervisor, or his/her designee will make the decision about whether to open Town Hall late, not



open for the day at all, or to close early, and subsequently ensure this decision is communicated to all employees.

Hourly/non-exempt employees who are/were scheduled to work may use any accumulated vacation time or may take the time unpaid. For hourly employees, hours paid for any time closed will not count as time worked for the purpose of computing overtime pay. Exempt employees will be paid their weekly salary providing they work any part of the week in which the closing occurs.

Regardless of whether or not the Town closes, certain essential employees may be required to report for work. An “essential” employee is defined as one whose presence is required regardless of the existence of an emergency condition, including adverse weather. Department heads are responsible for determining who their essential employees are. Department heads are required to submit a list of essential employees, and circumstances under which they are essential (i.e. snow emergency, bomb threat, etc.), to the Town Supervisor by January 1<sup>st</sup> of each year. The Town Supervisor will ensure the information is kept on file with the Town Clerk.

Exempt employees, and elected officials, should check for phone messages throughout any days when the Town is closed and should return calls and complete respective job responsibilities as best as possible.

Employees are expected to report for work during inclement weather conditions if the Town does not declare an emergency closing. Employees who do not report to work must use vacation or personal leave time if they have any accrued balance. Hourly employees who do not have a balance, will not be paid for unauthorized time missed.

## Employment Classifications

### Exempt and Non-Exempt

Federal and state law and department of labor regulations require all employers to assign an exemptions employment classification (exempt or non-exempt) to all employees.

Exempt employees are those whose job responsibilities meet specific qualification tests established by law. Exempt means that employees in this classification are not paid overtime pay. Exempt employees are required to work a sufficient number of hours in order to meet their job responsibilities even if it exceeds their “regular” work week. Exempt employees are paid by a predetermined salary, and their salary is compensation for all hours worked. Employers commonly refer to exempt employees as “salaried”.

Nonexempt employees are those whose job responsibilities do not meet specific qualification tests established by law. Employees in this category must be paid one and one-half (1 ½) times their regular rate of pay for hours worked in excess of forty (40) per work-week. Non-exempt employees are typically paid on an hourly basis. Non-exempt employees may be paid by a salary; however, they are still required to record hours worked (reference Time Reporting section).

### Employment Categories

In addition to belonging to one of the above classifications (exempt or non-exempt), each employee will belong to one of the following employment categories:

#### Full-time Regular

- Employees who regularly work 30 hours or more each work-week throughout the year.

#### Part-time Regular

- Employees who regularly work an average of 20 hours each work-week, but no more than 1040 hours per year.

#### Part-time as needed

- Employees in this category will work sporadically as needed, for any number of hours per week. Their hours will not exceed 1040 per calendar year.

#### Elected Officials

- Officials who are elected to their positions for specific terms. Elected officials are ethically obligated to work whatever number of hours are needed to fulfill the responsibilities of their positions. For purposes of the benefits in this handbook, they will be either full-time (30 or more hours per week) or part-time (under 30 hours per week).

#### Appointed Officials

- Officials who are appointed to their positions for specific terms. Appointed officials shall work whatever number of hours are needed to fulfill the responsibilities of their positions. For purposes of the benefits in this handbook, they will be either full-time (30 or more hours per week) or part-time (under 30 hours per week).

#### Seasonal

- Employees in this category may work any number of hours per week for a limited number of weeks or months. Their hours will not exceed 1040 per calendar year.

There may be times that employees in any category will temporarily be required to work hours different from their regular work week to accommodate business needs. In these cases, a change of status is not implied.

#### Civil Service

Employees in civil service positions may also be categorized into the appropriate civil service classification (exempt, competitive, exempt/confidential (appointed), etc.) Terminology for civil service positions may have a different meaning than the Department of Labor terms mentioned elsewhere in this handbook. For example, the Department of Labor's definition of exempt is described above. When used for civil service purposes, exempt means exempt from having to pass a civil service exam in order to be hired. The Town will adhere to all civil service classification and hiring rules for these positions.

#### Equipment and Supplies

Because we are a public entity, everything we use is paid for by the taxpayers, or through grants. Employees may not use Town owned equipment (including office equipment, tools, machinery, vehicles, supplies, postage, paper, and other office supplies, gasoline or oil, etc.) for personal use or for any use other than official Town business. Employees are responsible for immediately reporting any malfunctions of Town equipment to their department head/supervisor.

Employees are responsible for immediately reporting any malfunctions of all equipment to their department head/supervisor.

Reference also our Vehicle policy, and our Fitness Equipment policy.

## Gifts and Gratuities

The Town, and all our employees, are constantly scrutinized for the way we behave and conduct business. We do recognize that from time-to-time community members, may wish to thank employees for their excellent service and reward them with a gift. Please remember that when community members are thanking you, they are actually thanking the Town, because employees of the Town of LaFayette, are the Town; we are public servants.

Employees may also receive offers of gifts from vendors (those that do business with the Town). Town officers and employees are prohibited under the New York State General Municipal Law § 805-a from soliciting any gift in exchange for the performance of his or her official duties or accepting or receiving any gift having a value of \$75.00 or more.

The following guidelines govern the acceptance of gifts:

- Employees may personally accept gifts of a nominal value.
  - Nominal is defined as an estimated monetary value of \$75 or less.
  - Personally is defined as something intended for the employee's personal use, and it wouldn't be reasonable to expect that gift to be shared.
- If employees receive a gift that can be shared, they are expected to place that gift in a central place where all Town employees can have access to it.
  - A gift to be shared would be something like cookies; a fruit basket; or any other type of foodstuff.
  - A central place would be defined as a break/lunch room or common area.
- Employees are prohibited from accepting gifts of any kind that are valued at more than \$75 and are prohibited from accepting any amount of cash.
- If you run into a situation where you are offered something that does not fall into the above guidelines, you are expected to consult with the Town Supervisor before accepting it.
- We do realize that there are circumstances whereby a Town employee is invited to an event on a complimentary basis. Acceptance of those invitations is only acceptable when the employee is representing the Town at that event.
  - Employees must get approval from their department head/supervisor before accepting such invitations.
  - Department heads must discuss their own attendance with the Town Supervisor before committing to participate.

## Grievance Procedures/Open Door Policy

The Town encourages an environment of open communications where we can work out issues as they arise. To help maintain this type of culture, employees with personnel problems or disputes should first try to communicate with the individual(s) involved to solve the problem.

If the attempts are not successful, the employee may consult with his/her department head/supervisor or the Town Supervisor. If the issue is with the employee's department head/supervisor, the employee may first speak with the Town Supervisor.

To further support the philosophy of open communications, the Town Supervisor invites all employees to offer him/her suggestions, comments, and solutions to make the Town a better place to work or offer better service to our community.

## Discrimination and Harassment Prevention, including Sexual Harassment

**Policy Statement** – It is the policy of the Town of LaFayette to promote a productive work environment and to prohibit conduct that disrupts or interferes with another’s work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with this goal, the Town is committed to educating all employees, including Board Members, Department Heads, and supervisors in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to provide an effective means of eliminating such discrimination and harassment from the workplace. In short, the Town does not tolerate any form of discrimination or harassment, including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such activity in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and harassment, including sexual harassment, without any risk of repercussion to any individual covered by this policy who, in good faith, files such complaint.

**Applicability of Policy** – This policy applies to all employees including elected officials, department heads, appointed officials and supervisors, whether employed full or part-time, temporary or seasonal, paid or unpaid interns, volunteers, independent contractors, and those employed by companies contracting to provide services in the workplace. Depending on the extent of the Town’s exercise of control, this policy may be applied to the conduct of non-employees with respect to harassment of employees in the workplace.

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

**Prohibited Activity** – No employee including Board Member, Department Head, or supervisor, shall engage in any of the following:

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

national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Unlawful discrimination based on membership in these categories is prohibited by applicable federal, state, or local laws. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, assignments, compensation, promotion, transfer, training, leave of absence, and termination.

- **Reproductive Health Decision Making:** 1. Accessing an employee's personal information regarding the employee's or the employee's dependent's reproductive health decision making, including but not limited to, the decision to use or access a particular drug, device or medical service without the employee's prior informed affirmative written consent, is prohibited; 2. Engaging in discrimination or retaliatory action against an employee with respect to compensation, terms, conditions or privileges of employment because of or on the basis of the employee's or dependent's reproductive health decision making, including but not limited to, a decision to use or access a particular drug, device or medical service, is prohibited; 3. Requiring an employee to sign a waiver or other document that denies the employee the right to make his or her own reproductive health care decisions, including but not limited to, the decision to use of a particular drug, device or medical service, is prohibited; and 4. Retaliatory action is defined as discharging, suspending, demoting, or otherwise penalizing an employee for: a. Making or threatening to make, a complaint to an employer, co-worker, or public body, that rights under New York State Labor Law Section 203-e have been violated; b. Causing to be instituted any proceeding under or related to this section; or c. Providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry into a violation of a law, rule or regulation.

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

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

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

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

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

Sexual harassment also occurs when a person in the Town 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 individual covered under this policy who feels harassed should report such behavior as outlined below 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.

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

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

- made a complaint of harassment or discrimination, either internally or with any anti-discrimination agency;
- opposed harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or management of harassment or discrimination;

- reported that another employee has been subjected to harassment or discrimination;
- encouraged a fellow employee to report harassment or discrimination;
- participated in a workplace investigation regarding harassment or discrimination;
- testified or assisted in a proceeding involving harassment or discrimination under the Human Rights Law or other anti-discrimination laws.

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

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

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

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

**Investigation of Complaint** – The Town Supervisor, in consultation with the Town Attorney and the Town Board, will determine the appropriate individual(s) to conduct the investigation. All complaints pursuant to this policy, whether reported in verbal or written form, will be investigated promptly, thoroughly, and in as impartial a manner as possible. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. All employees are required to cooperate in

an investigation, if so directed. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation. All relevant materials, including all electronic communications, documents, emails or phone records that are relevant to the allegations will also be considered. A written report will be prepared documenting the results of the investigation. The individual who reported the complaint and the individual about whom the complaint was made will be notified of the final determination.

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

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

**Legal Protections and External Remedies** – Nothing in this policy should be construed as in any way limiting employees' rights to file a formal complaint with the appropriate state or federal agencies responsible for administering anti-discrimination laws. Complainants should be aware that time restrictions may apply and need to be considered. Aside from the Town's internal process, employees may also choose to pursue legal remedies with the following governmental entities at any time. While a private attorney is not required to file a complaint with a governmental agency, individuals may seek the legal advice of an attorney

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

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

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

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

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime



within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov). If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### Local Protections

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

### Contact the Sheriff's Department or Local Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the Sheriff's Department or any applicable local police department.

### Annual Training

Pursuant to New York Human Rights Law, the Town must provide annual sexual harassment prevention training to its employees.

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**TOWN OF LAFAYETTE**

**COMPLAINT FORM**

**DISCRIMINATION AND/OR HARASSMENT (INCLUDING SEXUAL HARASSMENT)**

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

Name of Complainant:	Department:
Name(s) of individual engaging in alleged discrimination and/or harassment including sexual harassment:	Department:
<p>Describe the specific incident of discrimination and/or harassment alleged. Describe each incident separately, including dates, times and locations. If you cannot remember exact dates, times or locations, provide approximations. Use additional pages if necessary.</p>	

Are there others who may have witnessed this alleged discrimination and/or harassment? If so, provide their name(s).

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

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

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

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

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

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

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

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

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

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

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

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

## Housekeeping/Keeping Your Work Area Clean

Our offices and facilities are open to the public, and as such, we frequently have visitors. Although the Town provides general maintenance for our facilities, employees are responsible for keeping their offices and work areas neat, organized, and clean. The impression we want to give our residents is that we conduct ourselves in a professional manner, including having appropriate surroundings. It is inappropriate to have files and paperwork scattered about; have debris in places other than trash receptacles, and to allow dust to accumulate.

Our keeping it neat philosophy also extends to common areas such as lunchrooms and lobbies; we all share in keeping it orderly.

## Lockers and Personal Effects

Highway Department employees may request use of a locker from the Highway Superintendent. Employees may also request a lock, which the Town will provide. With or without locks, the Town has the right to search lockers for legitimate reasons.

Employees are responsible for securing their own personal effects. The Town is not responsible for lost or stolen items.

## Moonlighting/Outside Employment

Should you find it necessary to seek additional employment outside of your position with the Town, please remember that you will continue to be held to our performance standards and will be subject to the Town's scheduling demands, regardless of any outside work requirements.

## Pay and Pay Day

The Department of Labor requires employers to designate a 7-day period as an official work-week. The Town's work-week is Sunday through Saturday, and paychecks shall be issued per the Town's payroll schedule.

In the event of a holiday or emergency, paychecks will be issued as close to the regular payday as possible.

In the event you do not utilize direct deposit, your paycheck will either be mailed to you or presented to you in the office. Please check with your department head/supervisor for your pay schedule.

Employee paychecks will not be given to anyone but the employee unless the employee notifies their department head/supervisor in advance, in writing, of who will be receiving the paycheck. That individual will be requested to provide proper identification and will be asked to sign acknowledging receipt of the paycheck.

The Town takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. It is the responsibility of each employee to verify all the information on his/her pay stub each pay period and immediately report all discrepancies to their department head/supervisor so appropriate corrective action can be taken.

## Deductions from Pay – All Employees

The Town is required by law to take certain deductions such as federal and state income taxes and wage garnishments. Employees can authorize the Town to take other deductions for certain benefits such as

health and other insurances. All such authorizations must be done in writing, using our designated authorization forms.

### Deductions from Pay – Exempt Employees

It is the policy and practice of the Town to accurately compensate all exempt employees and to do so in compliance with all applicable state and federal laws. Exempt employees will receive a predetermined salary that will not be subject to deductions based on the quantity or quality of the work performed each work week, subject to the exceptions stated in this policy.

This policy is to inform exempt employees as to which deductions from salary are permissible. Deductions may be made from your salary for the following reasons:

- Full day absences from work for personal reasons; or
- Full day absences from work for sickness or disability beyond sick time accruals; or
- Full day disciplinary suspensions for violations of the Town’s workplace conduct policies or procedures; or
- Violations of safety rules of major significance; or
- Family and Medical Leave absences (either in full or partial day increments for intermittent FMLA leave); or
- Proportional adjustments made with respect to time actually worked during your first or last week of employment in the event you work less than a full week; or
- To offset amounts received from other sources as payment for jury duty, attendance as a witness, or temporary military leave.

If you believe you have been subject to any improper deductions, you should immediately report the alleged violation to the Town Supervisor. If it is determined that an improper deduction has been made, the Town will reimburse you in full and correct any further misapplication of this policy.

The Town will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the investigation of such reports. Complaints of retaliation should be reported immediately the Town Supervisor, or if the complaint involves the Town Supervisor, report it to the individual who processes payroll. Every complaint will be investigated, and corrective action will be taken where appropriate.

### Direct Deposit

Employees are encouraged, but not required, to receive their paycheck through direct deposit. See the Direct Deposit policy in the Benefits section.

### Overtime

Wage and hour laws require that non-exempt/hourly employees will be paid a rate of time and one-half their regular hourly rate for all hours worked over 40 in a work week. Only hours actually worked count towards the calculation of overtime pay; other paid time off (bereavement, holidays, vacation, personal, sick) does not count as time worked for the purpose of computing overtime. Hours worked by full-time hourly Highway Department employees on Sundays and holidays shall be compensated at a rate of two times the employee’s regular hourly rate.

Non-exempt employees are not permitted to work overtime without the advance approval of the employee’s department head/supervisor. Employees will be provided with advance notice of the need to work overtime whenever possible; however, employees need to be flexible in accepting overtime to best serve the community.

## Personal Appearance

We want our employees to represent in a professional manner to our residents and others we interact with. This takes everyone always presenting themselves in a professional manner, with a neat, clean appearance.

Our definition of professional is that employees dress according to the job they need to do. In no event are employees allowed to wear any t-shirts, hats, or any other clothing adorned with any symbols, sayings, pictures, etc. that could be deemed offensive to a reasonable person.

Management reserves the right to define what is appropriate attire and appearance. If not properly attired or groomed, The Town reserves the right to instruct employees to go home to change their attire and/or groom themselves; you may not be paid for this time.

## Phone Usage, including Cell and Smart Phones

Reference the Electronic Communications policy.

## Probationary Employees

When an employee is appointed to a position in the competitive or noncompetitive class, the employee shall serve a probationary period, as defined by Civil Service, for a period of 8 to 26 weeks or 8 to 52 weeks, whichever is applicable, from the date of appointment.

A new employee who is in probationary status shall not be entitled to appeal any disciplinary action taken against the employee.

## Public Relations and Contact with the Media

As a municipality, we are constantly in the public eye. Town employees and officials must refrain from making statements to the media represented as official Town positions unless they have been previously authorized to do so by the Town Board or Supervisor. Employees who receive an inquiry from the media should refer any such inquiries to a Supervisor or Department head for further handling.

## Safety

The Town is committed to ensuring that all employees work in a safe environment. It is the responsibility of every employee to ensure compliance with all federal, state, and local standards with specific attention to NYS DOL Public Employee Safety & Health (PEOSH) requirements. All employees will be required to have a working knowledge of these standards.

In addition to following the policies in this safety section, employees are to follow any departmental policies and processes as directed by their department head/supervisor.

The effectiveness of our safety program depends on everyone's participation and commitment. Following is a summary of the responsibilities of management and employees.

## Management Responsibilities

1. Ensure that the work environment is safe.
2. Take prompt action to abate unsafe working conditions.

3. Ensure new employee safety orientation training is conducted, as well as on-going training.
4. Make safety equipment available to all employees.
5. Ensure employees adhere to all safety rules and regulations.
6. Investigate all accidents/incidents to determine cause; implement preventative measures to ensure that similar accidents do not occur.
7. Ensure that injured employees do not return to work until they have been released by a medical professional.

#### Employee Responsibilities

1. Be familiar with and comply with all safety and health policies, procedures, and work practices.
2. Use the proper personal protective equipment and be familiar with the installation and location of all safety devices.
3. Notify department head/supervisor of any unsafe condition.
4. Report all accidents immediately to your department head/supervisor.
5. Operate Town vehicles in a safe manner.
6. Ensure that no recognized unsafe condition exists in their work area.
7. Attend required training.

#### General Safety Rules

1. Personal protective equipment usage includes, but is not limited to: hard hats, high visibility vests and clothing, work shoes, safety glasses with attached side shields, sleeved shirts and long pants. Hearing and respiratory protection must be worn as necessary.
2. Do not use unknown chemicals or materials. Ensure all containers are properly and accurately labeled and are closed when not in immediate use.
3. Fall protection must be used in areas as required in OSHA Subpart M of 29 CFR 1926. Fall protection systems must be used when there is a danger of falling six feet or more.
4. Any employee walking/working within 6 feet of a leading edge that would allow a fall of 6 feet or more, must be protected from falling by the use of a guardrail system, safety net system or personal fall arrest system.
5. Excavations 5 feet in depth or deeper must have a protective system in place. Excavations 4 feet in depth or deeper must have a means of egress every 25 feet or less. Do not enter excavations with standing water.
6. Never use a tool that does not have the proper guards in place. Always use the proper tool for the job you are doing.

7. All electrical tools must be used with an approved GFCI at all times. Electrical cords shall be free of cuts and frays and the ends may not be modified. Never lay electrical cords in water or use them to hoist material.
8. Always lift with your legs and not your back. Do not lift objects that you feel are too heavy for you to lift alone – get help.
9. All Town employees must be familiar with and comply with emergency procedures, including emergency evacuation and fire alarm procedures.
10. All environmental laws, rules and regulations regarding or relating to the control, storage, use or disposal of hazardous materials shall be followed.

These rules have been developed to remind employees that safety is a very important part of the job. The list of rules is not intended to cover every situation, since each job task has its own considerations from a safety standpoint. Employees are encouraged to use common sense and think before they act.

#### Personal Protective Equipment (PPE), including Prescription Safety Glasses

Your department head/supervisor will instruct you as to what PPE is required for the job you perform and will provide you with basic PPE (hearing protection; vests; safety glasses, etc.).

Employees who are required to wear safety shoes will be allocated an allowance to purchase their own shoes. Once purchased, employees are to submit the original receipts to their department head/supervisor, who will ensure they are reimbursed up to \$170.

Employees whose position requires them to wear safety glasses, and they normally wear prescription glasses, will be eligible to receive up to two (2) pairs of standard frames and regular lenses glasses (or progressive lenses glasses up to a cost of \$200) every two calendar years, and will be eligible for a paid examination every two years, provided they go to the Town designated optometrist and receive prior approval from their department head. Such employees have the option of having one of their pairs of prescription safety glasses be sunglasses.

#### Security, including Buildings

The first person to arrive in the morning that has building keys will be responsible for unlocking the appropriate doors. The last person out of the building is responsible for checking every door to make sure it is secure, this includes hallway doors inside Town Hall. Do not leave the building without checking to make sure the doors are locked unless you know for sure someone else is still there.

If you are working in the building outside of normal business hours, please ensure the doors are locked while you are in the building.

#### Smoking and Use of Tobacco Products, including E-Cigarettes

In compliance with the New York State Clean Indoor Air Act, smoking is prohibited anywhere in the workplace. The workplace is defined as Town buildings, vehicles, and parks. In addition, the Town prohibits use of any tobacco products, including e-cigarettes, in these areas:

When smoking outside a Town building, employees are not to smoke near the entrances. While on the job, employees are prohibited from smoking in the presence of community members at any time.

Employees who smoke on personal time must ensure that they enter the workplace free of any residual odor as it might be offensive to, and unhealthy for, coworkers and visitors.



### Termination of Employment, Including Resignations

If you resign your employment with the Town, we ask that you provide a written notice to your department head/supervisor as far in advance as possible, but no later than two weeks in advance of your projected last day worked.

On or before the last day worked, an employee is responsible for returning, in good condition, all Town property, materials, written or electronic information that may have been issued to him or her, or in his or her possession or control.

Reference the paid time off policies for information on what happens with your paid time off, and employee benefits, when you leave the Town.

The employee must notify the Town Clerk's office if there are address changes during the calendar year in which termination occurred so that tax information, and any other necessary information, will be sent to the proper address.

### Time Reporting and Recording

The Town is required by Department of Labor laws to maintain accurate records of hours worked by all non-exempt employees. To enable us to comply with the law, all non-exempt employees are required to accurately record their hours worked via the time-keeping system their department uses.

Non-exempt employees are required to sign/punch in and out at the beginning and end of their work day; for their meal periods; and for any time they leave and return to the premises (such as for personal appointments).

Salaried and exempt employees may be required to record time in order to comply with civil service rules and/or for the purpose of tracking days missed and paid time off.

In addition, some job functions may require you to record and post your whereabouts. The purpose of this is so we can always be in touch with you in the event of an emergency, or a critical resident need.

Employees may not record time for another employee; doing so is a violation of Town policy which may subject the employee to discipline up to and including termination of employment.

### Travel and Expenses, including Travel for Training/Seminars

Mileage reimbursement will be paid for use of the employee's vehicle to conduct approved Town business at the cents per mile rate established by the Internal Revenue Service and approved by the Town Board. Employees should use Town vehicles whenever possible.

Employees who travel out-of-town for the purpose of training, to attend a seminar, or a meeting related to their job, must receive prior approval from their department head/supervisor and the Town or Library Board.

Employees who have travel expenses must complete an expense reimbursement report, attach original receipts for all expenses, and submit them to their department head/supervisor by the end of the month during which the expenses were incurred. Any sales taxes paid are ineligible for reimbursement by the Town.

Employees shall be paid their regular hourly compensation or their overtime rate (if applicable) during Town sponsored First Aid and CPR training.

## Vehicles - Town Owned

Employees who operate vehicles owned by the Town must accept responsibility for their care; must operate those vehicles in a safe manner; and use them in a manner that reduces liability for the Town. The following guidelines must be followed at all times:

- Do not allow anyone not employed by the Town to operate or ride in the vehicle unless in an emergency.
- Do not use cell phones/smartphones, or any other personal listening devices, or electronics while operating a Town vehicle.
  - If you have to make or answer a call, pull off the road to a safe place.
- Do not smoke or use any other tobacco products in a Town vehicle, including e-cigarettes.
- You are responsible for keeping the vehicle neat and clean, realizing, of course, that highway department vehicles will get dirty in the course of use.
- Do not drive the vehicle after consumption of any amount of alcohol, drugs, or any other intoxicating substance.
- Anyone driving or riding in Town vehicles must wear seat belts at all times.
- Speeding tickets, parking tickets, or any other infractions will be the responsibility of the employee who is driving.
- Immediately report any mechanical or other potential issues to your department head/supervisor.
- Employees who operate a Town vehicle must maintain a valid clean NYS driver's license.

## Whistleblower Protection

The Town encourages its employees to report improper activities in the workplace and will protect employees from retaliation for making any such report in good faith. Employees have the right to report, without suffering retaliation, any activity by a Town employee, or Board Member, that the employee reasonably believes violates any state or federal law; amounts to noncompliance with a state or federal rule or regulation; or violates fiduciary responsibilities by an organization to its stakeholders or employees.

Employees can refuse to participate in an activity that would result in a violation of state or federal statutes, or a violation or noncompliance with a state or federal rule or regulation.

The whistleblower protection laws do not entitle employees to violate a confidential privilege of the Town (such as the attorney-client privilege) or improperly disclose proprietary or information critical to the legal operations of the Town.

Employees have the duty to comply with all applicable laws and to assist the Town to ensure legal compliance. All Town employees who have knowledge of potential misconduct concerning other Town employees, Board members, Committee members, or any individuals doing business and interacting with the Town, have a duty to promptly report such activity, preferably to the Chair of the Board of Ethics. Employees may also report information regarding possible unlawful activity to an appropriate government or law enforcement agency.

If the potential misconduct is reported to someone other than the Chair of the Ethics Committee, the individual to whom the potential misconduct is reported, has a duty to immediately inform the Chair of the Ethics Committee.

It is the Board of Ethics' obligation to immediately launch an investigation for all allegations.

## Workplace Violence

The Town wishes to have a safe work environment for employees and a safe and comfortable place for visitors. We have zero tolerance for violence. If you engage in any violence in the workplace, or threaten violence in the workplace, your employment will be terminated immediately, and we may involve law enforcement. Threats of violence or joking about violence are not acceptable. The workplace includes when on assignment in the field.

Violence can include physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking of engaging in those activities.

We don't want an employee to ever feel threatened by the conduct of another employee, resident, or other visitor; your safety is important to us. Should you feel threatened by anyone, immediately speak to your department head/supervisor or the Town Supervisor. If they are not available, or the threat could cause you physical harm, you should call 911 immediately.

Employees are encouraged to be aware of their surroundings when at work and traveling to and from parking lots and other facilities, and to take safety precautions.

The Town specifically prohibits the possession of weapons by any employee or visitors (excluding law enforcement) while in Town facilities or while otherwise engaged in Town business. Employees who have weapons in their personal vehicles are responsible for ensuring they are out of sight and the vehicle is locked at all times. Weapons include guns, knives, explosives, and other items with the potential to inflict harm. Limited exceptions may be made for personal protective products (i.e. pepper spray), only if approved in advance by the Town Supervisor.

The Town reserves the right to conduct searches of any person, vehicle or object that is on or enters onto Town property with or without the employee being present. Searches are typically conducted by local law enforcement but may be conducted by designated management in exigent situations. If the search is refused by the employee, such refusal can result in termination of employment for refusal to cooperate.

At any time if an employee is aware of an individual carrying a weapon on Town property or is witness to an act as defined herein which could result in the physical harm of another, that employee is responsible for immediately informing their department head/supervisor or the Town Supervisor.

Retaliatory action against anyone acting in good faith who has made a complaint of workplace or domestic violence, who has reported witnessing workplace or domestic violence or has been, or who has been involved in reporting, investigating, or responding to workplace or domestic violence is a violation of this policy.

This policy is designed to comply with New York State Labor Law 27b which defines the duty of public employers to develop and implement programs to prevent workplace violence. That duty includes development of an appropriate policy, taking steps to prevent workplace violence, training employees on the different facets of workplace violence, responding immediately and correctly potential threats of violence.

Violations of this policy and failure to abide by all terms and conditions of the policy described herein may result in disciplinary action up to and including termination of employment with the Town.

## **Employee Benefits**

### **Benefits General Information**

We realize that people have different needs with regard to employee benefits. Therefore, we have selected a benefits package that we think best meets our employee's needs in general. Benefits that employees are eligible for are summarized in the sections below. Please keep in mind that this is just a summary of benefits offered. Where benefits are governed by formal plan documents, the exact terms of the plan documents will prevail. Certain benefits are more fully described in a summary plan description (SPD), copies of which are available from the Town Clerk.

The Town reserves the right to modify, amend or terminate, at any time, any benefits presently in effect, or to require or increase employee contributions toward any benefit at its sole discretion, subject to the requirements of applicable law.

## Insurance Benefits

### Health Insurance - Medical

Regular full-time employees, part-time employees, and elected officials will be eligible to enroll in the Town's medical insurance plan. Eligible individuals electing to participate in the plan must complete the appropriate enrollment forms within 31 days of date of hire. Providing enrollment forms are completed in a timely manner, coverage will then be effective on the first day of employment. New employees who do not complete enrollment forms within 31 days, may have to wait until the next open enrollment period to do so.

The Town pays a majority of the premium each month for employees and elected officials who regularly work 30 hours or more per week. The employee pays for the balance via payroll deduction.

Part-time employees will be responsible for paying 100% of the premium. If the employee's paycheck is not sufficient to cover the cost of the premium, the employee will be required to provide the Town with the balance due via check or cash.

Employees may not be able to make changes to their plan other than during the annual designated open enrollment period, or upon the occurrence of certain qualifying events, such as marriage or the birth of a child. It is the employee's responsibility to notify the Town Clerk of any change in qualifying events within 31 days of the event.

Seasonal and temporary employees are not eligible to participate in the medical plan.

Coverage terminates on the last day of employment. Reference the Health Insurance Continuation policy for additional information.

Employees retiring under the following provisions will be able to continue coverage as described:

- Town employees who retire at age fifty-five (55) or older and have a minimum of twenty (20) years of full-time continuous service with the Town (ten [10] years for full-time elected officials) immediately prior to retirement, may elect to continue their coverage under the Town's plan. If they do so, the Town will pay 100% of supplemental individual coverage. Supplemental coverage is defined as the plan utilized by the Town to cover retirees (not Medicare). Family coverage may be continued by paying the difference between the individual and family premiums. Premium payments must be made to the Town Clerk by the 25<sup>th</sup> of the month prior to the due date to avoid cancellation of the policy.
- To be eligible for retiree health insurance benefits, employees must retire under the New York State Retirement System immediately upon leaving Town service. In addition, employees must voluntarily leave Town service, and not be terminated or otherwise let go by the Town.

The widowed spouse of anyone retiring under the above conditions may continue coverage by paying the full premium.

#### Health - Dental

Dental coverage is available to full-time employees. Employees who elect to enroll must do so within 30 days of hire and will be responsible for paying the full premium. Employees who enroll within the prescribed time frame will have their coverage be effective on the first of the month following their date of hire.

Coverage terminates at the end of the month following an employee's last day of employment or if another qualifying event occurs.

#### Health - Vision

Vision coverage is available to full-time employees. Employees who elect to enroll must do so within 30 days of hire and will be responsible for paying the full premium. Employees who enroll within the prescribed time frame will have their coverage be effective on the first of the month following their date of hire.

Coverage terminates at the end of the month following an employee's last day of employment or if another qualifying event occurs.

#### Health Insurance Continuation (COBRA)

The Consolidated Omnibus Budget Reconciliation Act (COBRA) requires employers to give employees and dependents who are covered by an employer-sponsored healthcare plan the option to continue their health plan coverage at group rates for certain periods of time after certain qualifying events that would otherwise result in an employee's or dependent's loss of coverage. Premiums for this continuation of coverage will be paid in full by the employee and may be subject to the appropriate administrative fee.

For additional details on COBRA, including the definition of qualifying events, please contact the Town Clerk, or refer to the COBRA Rights Notice given to you when you enrolled in your health insurance plan(s).

#### Life Insurance

Providing they complete the appropriate enrollment and beneficiary forms, full time employees and full-time elected officials will be covered under a basic \$10,000 life insurance policy with an additional \$10,000 for accidental death and dismemberment. Full time elected officials are those who regularly work 30 or more hours per week. Coverage will take effect on the first of the month following date of hire.

Once an employee reaches age 65, the benefit amounts will be reduced according to the insurance carrier's summary plan description.

#### Unemployment Insurance

Unemployment compensation provides temporary income for workers who have lost their jobs through no fault of their own. If you become unemployed, you may be eligible for an unemployment compensation income, under certain conditions, for a limited period of time.

To be eligible you must have earned a certain amount and be willing and able to work.

Individuals may be ineligible for benefits under some conditions, to include:

- They left their job without good cause; were dismissed for job-related misconduct; or after filing for benefits, refused suitable employment without good reason.
- They lose their employment because of a criminal act which involves the commission of a felony in connection with their job.

The Town pays for the cost of this insurance.

#### Workers' Compensation Insurance

If an employee is injured, or becomes ill, as a result of working for the Town, the employee may be able to receive insurance benefits under New York State's Workers' Compensation Act. There are two forms of benefits available:

1. Medical benefits which compensate for the cost of medical care received.
2. Indemnity benefits which compensate for lost wages as a result of not being able to work.

Benefits are determined as a percentage of the employee's weekly wages with a maximum weekly benefit allowance as determined by the Workers' Compensation Board. To be eligible for benefits, an employee's absence must be verified in writing by a licensed physician and approved by the Workers' Compensation Board and the insurance carrier.

Employees who have accrued sick time pay in their bank, may make withdrawals to supplement workers' compensation benefit payments to equal 100% of their regular salary.

The Town pays for the cost of this insurance.

It is important that you immediately report any accident or injury that occurs on the job, or that you believe is job related, no matter how minor you feel it may be. The Town will not tolerate any form of discrimination or retaliation against any employee who files or contemplates filing a workers' compensation claim. If you believe you are being discriminated or retaliated against in violation of this policy, you must immediately report your concerns to the Town Supervisor or your department head/supervisor.

Reference also the Accident Reporting policy.

#### Leave of Absence

Leave of absences will be granted as warranted for the purposes of:

- Family Medical Leave (FMLA)
- Medical Leave (not falling under FMLA)
- Military
- Military Spouse

Reference the individual policies below for details.

#### Family Medical Leave (FMLA)

The Family & Medical Leave Act (FMLA) is a federal law that requires the Town of LaFayette to provide eligible employees with unpaid leave. There are two types of leave available (1) basic 12-week leave entitlement (2) military family leave entitlements.

#### *Eligibility for FMLA Leave*

Public employees are eligible for FMLA leave if they:

1. Have worked for their organization (the Town) for at least 12 months in the last 7 years; and
2. Have worked at least 1,250 hours for their organization during the 12 calendar months immediately preceding the request for leave
3. Are employed at a work site that has 50 or more employees within a 75-mile radius.

Definition of terms, including what a serious health condition is

#### 12-month period

For the purposes of Basic FMLA and Qualifying Exigency leave, the Town has defined a 12-month period as a rolling 12-month period measured backward from the date an employee uses any FMLA leave. For leave to care for a covered military service member, the leave period commences on the date an employee first takes leave.

#### Family Member

Spouse means a husband, wife, or domestic partner.

Parent means a biological, adoptive, step or foster father or mother or any other individual who stood in loco parentis when the employee was a son or daughter as indicated in the definition of son or daughter below.

Son or daughter means biological, adopted, or foster child, a stepchild, legal ward, or a child of a person standing in loco parentis who is either under the age of 18 or 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

Next of kin of a covered service member means the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority; Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for the purposes of military caregiver leave under FMLA.

#### Serious Health Condition

A serious health condition means an illness, injury, impairment, physical or mental condition that involves either:

1. Inpatient care in a hospital, hospice, or residential medical-care facility including any period of incapacity or subsequent treatment in connection with such inpatient care;

OR

2. Continuing treatment by a health care provider which includes:
  - a. A period of incapacity lasting more than three consecutive full calendar days and any subsequent treatment or period of incapacity relating to the same condition that ALSO includes:
    - treatment two or more times by or under the supervision of a health care provider (i.e. in-person visits, the first within 7 days and both within 30 days of the first day of incapacity) OR



one treatment by a health care provider (i.e. an in-person visit within 7 days of the first day of incapacity (with a continuing regiment of treatment (e.g. prescription medication, physical therapy).

- b. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; OR
- c. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; OR
- d. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; OR
- e. Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

### Basic FMLA Leave

Employees who meet the eligibility requirements are eligible to take up to 12 weeks of unpaid leave during any 12-month period for one of the following reasons:

1. To care for the employee's son or daughter during the first 12 months following birth;
2. To care for a child during the first 12 months following placement with the employee for adoption or foster care;
3. To care for a spouse, son, daughter, or parent with a serious health condition;
4. For incapacity due to the employee's pregnancy, prenatal medical or child birth; *or*
5. Because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.

In cases where a married couple is employed by the Town, the two spouses together may take a *combined total* of 12 weeks' leave during any 12-month period for reasons 1 and 2, or to care for the same individual mentioned in number 3 above.

Basic FMLA leave runs concurrently with workers' compensation and/or medical leave of absence.

### Military Family Leave

There are two types of Military Family Leave available.

#### **Qualifying exigency leave**

Employees meeting the eligibility for FMLA requirements described above may be entitled to use up to 12 weeks of their Basic FMLA Leave entitlement to address certain qualifying exigencies (an exigency is defined as a pressing or urgent situation).

Leave may be used if the employee's spouse, son, or daughter, is on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation. Qualifying exigencies may include:

- Short-notice deployment (up to 7 days of leave)
- Attending certain military events
- Arranging for alternative childcare
- Addressing certain financial and legal arrangements
- Periods of rest and recuperation for the service member (up to 5 days of leave)
- Attending certain counseling sessions



- Attending post-deployment activities (available for up to 90 days after the termination of the covered service member's active-duty status)
- Other activities arising out of the service member's active duty or call to active duty and agreed upon by the Credit Union and the employee

### **Leave to care for a covered service member**

There is also a special leave entitlement that permits employees (who are the spouse, son, daughter, parent, or next of kin) who meet the eligibility requirements for FMLA leave to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. Employees may apply for this leave anytime during the 5-year period immediately following the date the veteran ends active duty.

A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has been rendered medically unfit to perform his or her duties due to a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

When both husband-and-wife work for the Town, the total amount of leave that can be taken by the husband and wife to care for a covered service member is 26 weeks in a single 12-month period.

#### [Use of leave time - Intermittent](#)

An employee does not need to use his/her basic FMLA leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations.

Military Family Leave due to qualifying exigencies may also be taken on an intermittent basis. Employers are not required to grant leave on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both the employer and employee agree to such intermittent leave.

#### [Pay, Benefits, and Protections during FMLA Leave](#)

##### **Pay - Leave is unpaid**

The law does not require the Town to pay an employee while on family medical leave, so it is unpaid leave. However, employees may be eligible for workers' compensation benefits, and/or employees may have vacation, personal and/or sick time they will use.

##### **Substitution of paid time off for unpaid leave**

If leave is taken because of the employee's own serious health condition, or because of the birth, adoption, or foster care placement of a child, employees will be required to use all accrued sick time, personal time, and all but five (5) days of vacation time before moving to an unpaid family/medical leave status. Employees may voluntarily elect to use the remaining 5 days of vacation time prior to the commencement of unpaid time off.

For leave taken for a qualifying exigency, employees will be required to use all accrued personal and all but five (5) days of vacation time before moving to an unpaid status. Employees may voluntarily elect to use the remaining 5 days of vacation time prior to the commencement of unpaid time off.

If leave is taken to care for a seriously injured or ill family member, the employee will be required to use all accrued unused sick and personal and all but five (5) days of vacation time. Employees may voluntarily elect to use the remaining 5 days of vacation time prior to the commencement of unpaid time off.

The substitution of paid leave time for unpaid leave time does not extend the 12-week or 26-week leave period. In no case can the substitution of paid leave time for unpaid leave time result in the receipt of more than 100 percent of an employee's salary.

### **Medical and other benefits**

During an approved family medical leave, the Town will maintain the employee's health benefits as if the employee continued to be actively employed. The Town will deduct the employee's portion of any insurance plan premiums from any period of leave for which the employee receives a check (sick time, vacation, personal time). The employee will be required to pay his or her portion of the premium once any paid leave period has expired.

An employee's healthcare coverage will cease if the employee's premium payment is more than 30 days late. If the payment is more than 15 days late, the Town Clerk's Office will send the employee a letter to this effect. If the Town does not receive the co-payment within 15 days after the date of that letter, the employee's coverage may cease. If the employee elects not to return to work for at least 30 calendar days at the end of the leave period, the employee will be required to reimburse the Town for the cost of the premiums paid by the Town for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

Employees who may be enrolled in any other insurance benefit plans, will be required to pay their portion of the premium for the duration of the leave. The same cancellation provisions as described above will apply.

Employees who are participating in any contributory pension/retirement plan will have their deductions and contributions suspended for any period during which they are not receiving a check through the Town's payroll system.

Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

### [Return to job at end of FMLA leave](#)

Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

### [Employee Responsibilities when Requesting FMLA Leave](#)

If the need to use FMLA leave is foreseeable, the employee must give the Town at least 30 days' prior notice of the need to take leave. When 30 days' notice is not possible, the employee must give notice as soon as practicable. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, it should be practicable for the employee to provide notice of the need for leave either the same

day or the next business day. Failure to provide such notice may be grounds for delaying the start of the FMLA leave.

Requests for FMLA leave should be directed to the Town Clerk as soon as possible. They will instruct you as to what forms must be completed and submitted.

When submitting a request for leave, the employee must provide sufficient information for the Town to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave.

Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. Employees also must inform the Town if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Employees should be aware that it is imperative that time taken is documented as FMLA, so they can be assured of job protection.

### Employer Responsibilities

When an employee requests leave, the Town Clerk will inform the employee whether he or she is eligible for that leave under the FMLA. If the employee is eligible, the employee will be given a written notice that includes details on any additional information he or she will be required to provide. If the employee is not eligible under the FMLA, the Town Clerk will provide the employee with a written notice indicating the reason for ineligibility.

If leave will be designated as FMLA-protected, the Town Clerk will inform the employee in writing and provide information on the amount of leave that will be counted against the employee's 12 or 26-week entitlement.

### Medical certification

If the employee is requesting leave because of the employee's own or a covered relation's serious health condition, the employee and the relevant healthcare provider must supply appropriate medical certification.

Employees may obtain Medical Certification forms from the Town Clerk. When the employee requests leave, the Town Clerk will notify the employee of the requirement for medical certification and when it is due (no more than 15 days after the employee requests leave).

If the employee provides at least 30 days' notice of medical leave, he or she should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided.

The Town, at its expense, may require an examination by a second healthcare provider designated by the Town, if it reasonably doubts the medical certification initially provided. If the second healthcare provider's opinion conflicts with the original medical certification, the Town, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

The Town may require subsequent medical recertification. Failure to provide requested certification within 15 days, except in extraordinary circumstances, may result in the delay of further leave until it is provided.

### When FMLA Leave Expires

When an employee's 12 weeks of FMLA leave expires, and the employee continues to be disabled beyond that 12 weeks, the Town may place him/her on an approved medical leave of absence.

Employees on this medical leave of absence will be required to pay the full premium for any group insurances, including health that they might be carrying. Failure to pay the premium, in a timely manner as agreed upon, will result in cancelation of coverage.

#### FMLA, Medical Leave/Disability and Workers' Compensation

FMLA leave runs concurrently with medical/disability leave or workers' compensation benefits. For example, if an employee is on FMLA for 6 weeks for a non-job-related injury or illness, he/she will be on a medical leave of absence AND will also be on FMLA. FMLA does not start after the disability time expires.

#### Medical Leave of Absence (non-FMLA)

For employees who do not meet the service requirements for FMLA, the Town may grant a medical leave of absence when warranted by significant medical reasons.

A leave of absence is defined as an approved absence from work normally lasting five work-days or more. In certain circumstances, the Town may grant intermittent leave.

Unless it is a case of an accident or the sudden onset of an illness, the employee must request a leave of absence in advance. Employees must submit supporting documentation that includes the start and expected return date of the leave and the reason for the leave; all documentation must be signed by a licensed physician. The employee must submit a physician's statement at the start of the leave, and as otherwise requested.

Employees must submit documentation from their physician stating they are medically able to perform the duties of their job before being able to return to active employment.

In the event of a question regarding medical leave, or an employee's ability to perform available work, the Town may elect to obtain, at their expense, a second medical opinion prior to considering or extending a medical leave of absence.

Employees are required to use any accrued unused sick time at the onset of their medical leave, before moving to unpaid time off. Beyond that, employees may elect to use accrued vacation or personal time or save it until they return from leave.

For the first 12 weeks, employees on a medical leave will be offered the option to continue their health and other group insurance benefits while absent from work at the same level as if the employee was actively at work. Employees will be required to pay their portion of any insurance premiums; the Town will continue to make their contributions. If the employee is still on leave at the end of 12 weeks, they will be required to pay 100% of any insurance premiums.

Payments must be received by the first of each month. If the payment is more than 30 days late, the employee's insurance coverage may be cancelled unless other arrangements are made and agreed upon between the employee and the Town.

If an employee elects not to continue his/her group benefits while on leave, he/she will be subject to each plan's applicable provisions for reinstatement when he/she return from their leave. Refer to each plan's summary description for details. Employees not continuing their health insurance, or whose medical leave has expired, may be eligible to continue coverage according to our Health Insurance Continuation (COBRA) policy.

Although we will make every effort to hold an employee's position open, the Town cannot guarantee that we will have the ability to do so. When employees are able to return to active employment, they must contact their department head/supervisor to discuss their options. If they left on leave in good standing, and with a good performance record, they may be offered their old position or another position if one is available. If no positions are available, their employment will be terminated, and they will need to follow normal rehire procedures should they wish to be reemployed by the Town at a later time. The Town reserves the right to fill, change, reassign or eliminate a vacant position if required due to business needs.

Failure to return from a leave at the time agreed upon will be construed as the employee having resigned their employment with the Town.

### Military Leave

The Town recognizes the importance of an employee's responsibility to fulfill their military obligations and intends to comply fully with the Uniformed Services Employment and Reemployment Act (USERRA) and all other state and federal government regulations for enlistment in the military or for those called for active duty, including status of benefits and reinstatement rights.

If called to active duty or training, you are requested to submit copies of your military orders to your department head/supervisor as soon as is practicable. Each employment anniversary year, for the first 4 weeks of military leave, the Town will supplement an employee's military pay to equal 100% of their base pay rate. The remainder of leave will be unpaid; however, employees may elect to use all or a portion of their unused vacation or personal time while on military leave.

### Leave of Absence – Military Spouse

Employees who work an average of 20 or more hours per week, on a regular basis, and are the spouse of a member of the armed forces, will be eligible for up to ten (10) days of unpaid time off to spend with his/her spouse while that spouse is on leave from the military.

This applies during periods of military conflict when that spouse has been deployed to a combat zone.

Member of the armed forces is defined as armed forces of the United States, National Guard or reserves.

Military conflict is defined as a period of war declared by the US Congress.

### Time Off

The Town's generous paid time off benefit policies were developed to adequately assist our employees in balancing their work needs with their personal life. Employees calling in absent for any reason will be required to use any accrued unused paid time off (vacation, sick, personal, etc.) that they may have accrued before they are allowed to move to an unpaid status. In other words, you may not call in absent and request to take an unpaid day for it if you still have any paid time off in your account.

### Bereavement

Upon hire, full-time and part-time regular employees will receive up to three paid days for the death of an immediate family member. There is no paid bereavement time available for seasonal employees. Seasonal and part-time intermittent employees may take time off without pay. An immediate family member is defined as spouse, children, parents, step-parents, step-children, brothers, sisters, parent-in-laws, grandparents, grandchildren, domestic partners, and all such relationships in the domestic partnership.

We may grant additional time off, paid and/or unpaid. Each situation will be reviewed at the time of need.

Employees will receive bereavement pay if the day(s) they need off falls on their regularly scheduled work day. Pay will be in proportion to the number of hours they normally work. For example, an employee who normally works a 7-hour day would receive 7 hours of bereavement pay.

Paid days off are to be used to attend the calling hours, funeral, or other services, take care of related personal matters, travel, or for other religious accommodations. Days off need not be consecutive if memorial services or interment are held at a later date.

Bereavement pay will not count as time worked for the purposes of computing overtime pay. Reference the Pay/Overtime policy.

#### Blood Donation

Each calendar year employees, who work an average of 20 or more hours per week, are eligible to take up to 3-hours unpaid time off, during their normal work schedule, for the purpose of donating blood. Time off to donate blood is unpaid unless the employee wishes to use vacation time they may be eligible for.

Employees are required to give their department head/supervisor at least 24 hours' notice of their intent to take time off to donate blood. The Town reserves the right to request proof of donation activity.

#### Cancer Screening Time Off

Employees are entitled to take up to four hours of paid time off per calendar year for the purpose of undergoing screening for cancer. This 4-hour period may be taken intermittently. If the employee needs additional time off for this purpose, he or she may use available sick, personal, or vacation time.

An employee must communicate in writing with his/her department head/supervisor at least 2 days in advance to receive approval for the time off.

The Town has the right to request documentation that the screening was performed; however, will not have access to the results.

#### Holidays and Holiday Pay

The Town (excluding the library) will close to officially observe the holidays listed below. Full time employees are eligible for holiday pay for these days upon hire.

- New Year's Day
- Martin Luther King Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day

- Thanksgiving Day
- Christmas Day
- 4 Floating holidays

The library will close to officially observe the following holidays:

- New Year's Day
- Martin Luther King Day
- President's Day
- Saturday before Memorial Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Saturday before Columbus/Indigenous Peoples' Day
- Columbus/Indigenous Peoples' Day
- Thanksgiving Day
- Friday after Thanksgiving Day
- Christmas Eve
- Christmas Day

If the designated holiday falls on a weekday, Town offices will be officially closed that day. If the designated holiday falls on a Saturday, the Town offices will be closed the preceding Friday. If the designated holiday falls on a Sunday, the Town offices shall be closed the following Monday.

The number of hours an employee is paid will be in proportion to the number of hours he/she would normally get paid for on their regularly scheduled work-day. For example, an employee who normally works an 8-hour day would receive 8 hours of holiday pay.

We recognize that employees may have personal needs with regard to holiday observances. Therefore, we give floating days so that employees may celebrate what is important to them. Employees must schedule floating days in advance with their department head/supervisor. Floating holidays may not be carried over into the next calendar year.

Employees must work their scheduled days before and after a holiday in order to receive holiday pay, unless they were previously excused, or have a valid medical reason with medical certification.

If a designated holiday falls within an employee's prescheduled vacation period, the holiday is not considered a vacation day. In these instances, the employee will be eligible for holiday pay for that day.

An employee is not eligible to receive holiday pay when on a leave of absence.

Essential employees may have to work on a Town observed holiday if business needs dictate it (such as the highway department for a snow storm). In instances when hourly employees work on a holiday, they will be paid at straight time for hours worked that are part of their normal schedule. They will receive this straight time in addition to the holiday pay. If an hourly employee works hours on a holiday that are outside their normal schedule, they will be paid for those hours at 1.5 times their hourly rate.

With regard to total hours worked when calculating overtime for a work-week, holiday pay time does not count as time worked for the purpose of computing overtime pay.

When an employee is summoned for jury duty, that employee will be released from work for an adequate time to fulfill his or her civic responsibilities. Please submit a copy of the summons to serve to your department head/supervisor as soon as it is received so arrangements may be made to accommodate your absence.

The Town is required to pay the jury fee of \$40 for the first three days you serve. For full time employees, we have elected, however, to pay you your full pay for your period of jury service. Part-time and seasonal employees will receive this \$40 only if they were scheduled to work on one or more of those first 3 days.

You are expected to return to work whenever you are released from active court service during your workday. We reserve the right to ask for proof of jury service.

Any paid jury leave time will not count as time worked for the purpose of computing overtime pay. Reference also the Pay/Overtime policy.

#### Nursing Mother's Time

Nursing mothers, who are returning to work after the birth of a child, are eligible for a reasonable amount of unpaid break time, or they may use their paid break time and/or meal time, for the purpose of expressing breast milk.

Employees wishing to use this benefit are required to provide their department head/supervisor with advance notice, in writing, of their intent to do so. This will allow us to make sure we have appropriate facilities to ensure privacy.

This benefit is available for up to 3 years following the birth of a child.



## Personal Days

After completing one year of continuous employment, full-time regular employees are eligible for four (4) paid personal days per calendar year, one per quarter. During their first year of eligibility, they will be eligible for a pro-rated amount based upon the number of months left in that calendar year.

- For example, if an employee's first anniversary date is June 30<sup>th</sup>, they would receive 1.5 days of personal days to be used between then and December 31<sup>st</sup>.

Every calendar year thereafter, employees will be eligible for four (4) personal

days. Other provisions of paid personal days are:

- A "day" is equal to an employee's regularly scheduled work day. For example, if your regularly scheduled work-day is 8 hours, a personal day would be 8 hours.
- Employees must give as much advance notice as possible of their request to use personal days, but no later than 24 hours' notice unless there is an emergency that necessitates taking the time off.
- Personal days cannot be carried over from year to year.
- There is no payout of unused personal days upon termination of employment or retirement.

## Rest Time

The Highway Superintendent is authorized to grant paid rest time in his/her sole discretion to highway department employees to support worker safety and efficient operation of the department. However, in no event shall any employee receive paid rest time in excess of five (5) hours per day and fifty (50) hours per calendar year. Rest time will be paid at the employee's regular hourly rate.

## Sick Time Pay

Paid sick time is a benefit for full-time employees. After completion of 3 months of continuous service, full-time employees will start earning sick time credits at the rate of 1 day per month worked. What this means is that for each month that you work, a day of credit will be put into your sick bank. A day equals the number of hours you regularly work. For example, if you are on a 7-hour work day, your day of sick time credit will be 7 hours.

Whenever you use your sick time, the number of hours you use will be deducted from your sick time account balance.

Please be reminded that sick time is for sickness and other medically related reasons such as doctor's appointments. You may also use sick time to take immediate family members for medical appointments, and/or to care for immediate family members who are ill. An immediate family member is defined as spouse, children, parents, step-parents, step-children, brothers, sisters, parent-in-laws, grandparents, grandchildren, domestic partners, and all such relationships in the domestic partnership.

Additional guidelines for the use of sick time:

- Sick time is deposited in your account on the first day of the month in which the entitlement occurs.
- Monthly sick time credits are not earned and deposited into your account unless the employee is actively working for at least 50% of the work-days the previous month.
- Employees may accumulate up to 180 days in their sick time account to be used for intermittent or contiguous sick absences.
  - Once an employee reaches 180 days accumulated, earning stops until the balance goes below the 180 days; then earnings begin again.

- An additional 480 hours (60 days) may be accumulated in your account to be reserved for a major illness or extended disability. A major illness/extended disability is defined as contiguous time out as certified by a physician.
- The Town has the right to request a physician’s statement when:
  - the employee is incapacitated for 3 days or more.
  - the department head/supervisor notices an excessive use of sick time;
  - for sick days taken immediately before or after a paid holiday.
- The Town may also request a physician’s statement attesting that the employee is fit for duty before an employee is allowed to work or return to work after being out on sick time.
- The Town also has a right to request an examination by a physician for a second opinion as the Town deems appropriate.
- If an employee is absent due to sickness, and he/she has exhausted all of his/her sick pay, the employee may elect to use any accrued but unused vacation or personal time. If no time is available or requested, he/she will not be paid for the time off due to sickness.
- Employees who have accrued sick time pay in their bank, may make withdrawals to supplement workers’ compensation benefit payments to equal 100% of their regular salary.
- Upon retirement, employees will be paid for any unused days in their bank up to a maximum of 120 hours.
  - “Retirement” is defined as meeting the requirements for the Town retirement plan, including having worked for the Town for a minimum of 10 years and when the employee leaves Town service he/she retires under the New York State Retirement System at a minimum age of 55 years old (or the then current minimum retirement age set by the New York State Retirement System).
  - Employees meeting the aforementioned definition may elect to apply sick time to increase retirement benefits as per Section 41 (j) of the Retirement and Social Security Law.
- Employees who terminate employment with the Town for any reasons other than described above for retirement, will not be paid out any unused sick time. Please understand that sick time is a benefit to replace income when you lose time due to sickness; it is not intended to be “extra” income.

Reference also the Medical Leave and FMLA policies.

**Vacation Time**

Full-time employees who have completed one year of continuous service, and regularly work 30 or more hours per week are eligible for paid vacation time per the chart below. If you were hired prior to June 11, 2001, you have 4 weeks of paid vacation time each year.

Please note that the following chart is based on a 40-hour work week. Full-time employees who regularly work less than a 40 hours per week will have their eligible time prorated based on the number of hours they regularly work. For example, if you regularly work 30 hours per week, after your first year of service you would receive 30 hours of vacation; likewise, after your 12<sup>th</sup> year of service, you would receive 90 hours of vacation.

<b><u>Years of Continuous Service</u></b>	<b><u>Hours of Vacation Eligible For</u></b>
1	40
2	80
3	84
4	88
5	92

6	96
7	100
8	104
9	108
10	112
11	116
12	120
13	124
14	128
15	132
16	136
17	140
18	144
19	148
20	152
21	156
22+	160

Other provisions of our vacation policy are as follows:

- “Years of continuous service” means anniversary years. However, the vacation time you will be eligible for when you reach your anniversary date will be deposited into your account on January 1<sup>st</sup> of that calendar year.
- Except in the case of unforeseen illness, or another emergency, employees must submit their request to use vacation time to their department head/supervisor as soon as possible. Requests will be reviewed and approved in accordance with employee requests, taking operating requirements into account.
- If you call in absent and have unused vacation time, you will be required to use that time for the day unless you are sick and using accrued unused sick time.
- Hourly employees may use vacation in one-hour increments.
- If a holiday falls during an employee’s scheduled vacation week, it is considered to be holiday time and will not be deducted from an employee’s vacation account.
- Vacation does not count as time worked for the purposes of computing overtime for non-exempt/hourly employees. Hourly employees are paid for vacation at their base hourly rate. Salaried/exempt employees are paid for vacation according to their base weekly salary.
- You are encouraged to use your vacation time within the year that it is earned. Employees will be allowed to roll over up to 40 hours (prorated for those on less than a 40-hour work week) of unused time into the next calendar year.

Employees who leave the Town in good standing, have provided a minimum of two weeks' notice (for those that resign), and have worked during the entire notice period, will be paid for their accrued but unused vacation time upon separation from employment. Employees not meeting all of the aforementioned requirements, including employees terminated for misconduct, will forfeit their unused vacation time.

In the event of an employee's death while employed by the Town, their accrued unused vacation will be paid to their estate.

#### Voting Time

New York State Election law mandates that if an employee is a registered voter and does not have sufficient time outside of working hours within which to vote in statewide elections, they may take up to two hours of paid time off at the beginning or end of the workday in which to vote. If an employee has four consecutive hours either between the opening of the polls and the beginning the workday, or between the end of the workday and the closing of the polls, this will be deemed as sufficient time.

You must notify your department head/supervisor, in writing, of the need for time off not less than two days before the election.

#### Miscellaneous

##### Direct Deposit of Paycheck

The Town offers all employees the convenience of direct deposit. To facilitate the process, you must complete our direct deposit enrollment form. As a direct deposit participant, your paycheck will be automatically deposited each payday to your account at the bank or other financial institution of your choice unless the payday falls on a bank holiday. You can change your election anytime you want.

##### Employee Assistance Program (EAP)

The Town believes that an employee's emotional health is as important as their physical health. Therefore, we offer employees, and their immediate family members, the opportunity to confidentially consult with specialists who are trained in counseling individuals with a variety of issues that may be upsetting their lives. Your EAP can help you with family relationship issues, work issues, financial concerns, personal issues such as substance abuse and emotional upsets, or any other issue that interferes with your quality of emotional life. Use of the EAP is confidential.

This benefit is available to all employees upon their date of hire.

The Town pays the entire cost for this benefit. For more information, call HELP People at 315-470-7447. HELP People is the organization that we have contracted with to provide this valuable benefit.

##### Fitness Facility Use

There is a fitness equipment located in the highway facility that is available for employee use. Employees may use this equipment before or after their shift or during their meal period, as long as those times are during standard operating hours. Please ensure the equipment is properly cleaned after each use. Be sure to report any malfunctioning equipment to the Highway Superintendent.

Use of the Town's fitness equipment and facility is done at the user's own risk. The Town is not liable for injuries sustained using Town equipment or facilities.

#### Retirement Savings/457(b) Plan

The Town offers two retirement/pension systems as governed by New York State. Those plans are:

- ERS – The Employee's Retirement System
- Deferred Compensation Plan

The Employee's Retirement System is a defined pension benefit plan. Employees gain membership into the system according to the eligibility requirements set forth by the state.

The Deferred Compensation Plan is a 457(b) plan that employees can elect to join, or not. It was designed by the state to be a supplement to the ERS. With this plan you don't pay income taxes on your plan account contributions or earnings until you begin to take payments from your account.

Official plan documents for all of the above plans will outline the details of the plan, including the employee's eligibility to participate. Those documents can be obtained from the Town Clerk.

## The Town Employee Handbook Acknowledgment

I acknowledge that I have received a copy of the Town of LaFayette Employee Handbook; that it is my responsibility to familiarize myself with all information in the handbook and to abide by all policies contained therein.

I understand and agree that the Town reserves the right to interpret, change, or rescind the policies, benefits and other information described in the handbook at their sole discretion at any time, with or without prior notice. I further agree to observe any subsequent changes in all respects.

I understand that the Town follows the New York State regulation of employment at will. I also understand that I am free to resign at any time, and the Town may terminate my employment at any time subject to applicable law.

I acknowledge that the handbook is not a contract of employment or a legal document between the Town and its employees, and that it supersedes any previously issued policies issued by the Town.

I understand that if I fail to adhere to any Town policy or practice, I may be disciplined or terminated from employment. I understand that I may be suspended, with or without pay, during any investigation with which I am involved.

I agree to contact my supervisor/department head, or the Town Supervisor, with any questions and concerns I may have during my employment with the Town.

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Employee Name (please print)

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Signed – Employee

Date

*The Town of LaFayette reserves the legal right to make signing this acknowledgement a term of continued employment. Employees who refuse to sign are in violation of this policy, and thus subject to termination of employment. The Town has a legal right to enforce policies in this handbook even if an employee refuses to sign this acknowledgment.*