

Village of Brockport



EMPLOYEE HANDBOOK

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HR·Works^{inc.}
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Village of Brockport

Employee Handbook

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SECTION ONE

INTRODUCTION

HISTORY

The first settlers arrived where Brockport is now about 1808. The Village of Brockport was founded in 1822 when construction of the Erie Canal reached its site and incorporated in 1829. The principal developer west of Main Street was Hiel Brockway, for whom the Village was named. The main founder east of Main Street was James Seymour.

For two years, Brockport was the canal's western terminus, while the locks at Lockport were built. The completed canal opened in October 1825 making the United States a continental nation by reducing shipping costs by 95 percent, thereby enabling the Midwest to become economically viable.

In the 1840's, Brockport became one of the principal centers for the manufacture of farm machinery and implements. Seymour, Morgan, & Roby produced the first successful reapers in 1846, thereby bringing the industrial revolution to agriculture.

Brockport's most notable resident in the late 19th century was Mary Jane Holmes, whose more than 40 novels first brought popular literature to the mass of American women.

A Baptist college opened in the Village in 1834 but failed quickly and was succeeded by the Brockport College Institute. This was succeeded, in 1867, by one of the first normal schools in New York State. The successor to that institution is the current State University of New York at Brockport, a liberal arts college.

After 1880, the volume of canal traffic and the farm machinery industry both declined seriously. The canal was rebuilt and greatly enlarged in 1918, but traffic continued to drop until it nearly ended in the 1970's. Other major manufacturing and commercial businesses partially replaced the implement foundries. They included Moore-Shafer Shoe Co., several food processors, a small-appliance plant, and an Owens-Illinois glass works.

Brockport's economic future in the new millennium seems to rest largely on four principal pillars: the college (which enrolls approximately 8,600 students), its attractiveness as a market Village for a large surrounding area, its increasingly-convenient access to the Rochester job market, and the revival of the canal – this time as a recreation and tourist facility.

PREFACE

This handbook* outlines the Human Resources policies and benefit plans currently in effect at the Village of Brockport. Policies are revised or added periodically and are effective as of the date issued.

The statements regarding the Village's policies, procedures and benefits are for information purposes only. They do not constitute a contract for employment, either expressed or implied. The Village of Brockport adheres to the principle of employment-at-will which preserves the right of either the employee or the employer to terminate the employment relationship at any time, with or without cause. No Department Head or employee of the Village of Brockport has any authority to enter into an agreement for any employment other than at will. Only the Village Board has the authority to make any such agreement and then only if it is reduced to writing.

Important Information about Benefits

As the Village evolves, officials will continue to review and revise these human resources policies and benefit programs. The Village reserves the right to alter, reduce or terminate any pay practices, policies, premium contributions, benefits and benefit plans, in whole or in part, at any time for any reason to the extent permissible by law. Any such change may affect retirees and beneficiaries, as well as active employees.

The benefit information found in this handbook is intended to provide an overview of the benefit plans. The actual benefits are controlled by the terms of the applicable plan documents and insurance policies. Questions regarding the interpretation of these plans will be answered in accordance with the actual plan documents and insurance policies, rather than the summaries contained in this handbook. Employees will obtain copies of these documents from the Village Clerk.

Note: If there is a conflict between Civil Service regulations and this handbook, Civil Service regulations are controlling for Civil Service employees.

If there is a conflict between the collective bargaining agreement and this handbook, the provisions of the collective bargaining agreement are controlling for unionized employees.

* This handbook and its policies are effective August 2022 and supersede all other personnel manuals and personnel policies previously distributed by the Village. To avoid confusion, please discard any copies of previously published employee handbooks.

DEFINITIONS

Village of Brockport Mission Statement - “To provide a high quality of life for all residents, exercising fiscal responsibility and preserving Brockport’s unique heritage and historic character.”

Village of Brockport - For purposes of this handbook, the Village of Brockport may be referred to as the “Village”.

Village Board - For purposes of this handbook, “Village Board” will mean and refer to the Village Board of the Village of Brockport.

Elected Official - For the purposes of this handbook, “Elected Official” will mean and refer to any of the following elected officials of the Village of Brockport:

- Village Mayor
- Village Board of Trustees
- Village Justices

Village Mayor - For purposes of this handbook, “Village Mayor” will mean and refer to the Village Mayor of the Village of Brockport.

Department Head - For purposes of this handbook, “Department Head” will mean and refer to the person in charge of any department, agency, bureau, unit, or subdivision of the Village of Brockport. This definition will be applicable in the event such person is serving in an acting, temporary, or provisional status in the position of Department Head.

Supervisor - For purposes of this handbook, “supervisor” will mean and refer to the individual so designated by the Department Head to direct and inspect the performance of employees.

Employee - For the purposes of this handbook, “employee” will mean a person employed by the Village, including, but not limited to, an appointed official, an appointed member of a board or commission, Department Head, managerial employee, confidential employee, supervisory employee, provisional employee, probationary employee, temporary employee, or seasonal employee. Independent contractors and unpaid boards, committees, volunteers and student interns are not considered employees.

Civil Service Law – For purposes of this handbook, “Civil Service Law” shall mean the New York State Civil Service Law and shall include the *Rules and Regulations for the Classified Civil Service of Monroe County*.

SECTION TWO

EMPLOYMENT PRACTICES

2.01 EQUAL EMPLOYMENT OPPORTUNITY

The Village is committed to a policy of Equal Employment Opportunity with respect to all employees, interns and applicants for employment. Consistent with this commitment, our policy is to comply with all applicable federal, state and local laws concerning employment discrimination. Accordingly, the Village prohibits discrimination against qualified employees, interns and applicants in all aspects of employment including, but not limited to: recruitment, interviewing, hiring (or failure or refusal to hire), evaluation, compensation, promotion, job assignment, transfer, demotion, training, leaves of absence, layoff, benefits, use of facilities, working conditions, termination and employer-sponsored activities and programs, including wellness, social and recreational programs. Employment decisions will be made without regard to an applicant's, employee's or intern's actual or perceived: race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion (including wearing attire, clothing or facial hair in accordance with the tenets of religion), sex (including pregnancy, childbirth or related medical conditions and transgender status), gender identity or expression, an employee's or dependent's reproductive health decisions, familial status, national origin, physical or mental disability (including gender dysphoria and being a certified medical marijuana patient), genetic information (including predisposing genetic characteristics), age (18 and over), veteran status, military status, sexual orientation, marital status, certain arrest or conviction records, domestic violence victim status, and any other status protected by law.

MANAGEMENT RESPONSIBILITIES

All members of management are responsible for understanding the Village's commitment to this policy and ensuring this policy is carried out. Department Heads are responsible for immediately reporting and responding to a discrimination complaint, even if the reporting party does not want any action taken. It is critical that any formal or informal reference to discrimination is taken seriously and addressed promptly.

REASONABLE ACCOMMODATIONS

The Village will endeavor to make reasonable accommodations for a qualified applicant, intern or employee with a known disability, unless doing so would result in an undue hardship to the Village. If an employee believes they need assistance to perform their job duties because of a physical or mental limitation, the employee should contact their Department Head. Likewise, we will endeavor to make reasonable accommodations, upon request, arising out of an individual's sincerely held religious beliefs or practices, unless doing so would result in an undue hardship to the Village. If an employee requires a reasonable accommodation arising out of a sincerely held religious belief or practice, the employee should contact the Village Clerk.

QUESTIONS AND COMPLAINTS

Questions regarding the administration of this policy or a complaint regarding Equal Employment Opportunity should be directed to the employee's or intern's

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Department Head or to the Village Mayor. The Village will promptly and thoroughly investigate all complaints. Confidentiality will be maintained to the greatest degree possible, consistent with the Village's obligation to thoroughly investigate the complaint.

Any individual at any time, even after separation of employment who feels this policy has been violated should immediately contact their Department Head or the Village Mayor

If not satisfied with the resolution, an employee or intern may pursue an appeal. Appeals will generally follow the steps outlined in the [Open Communication](#) policy.

NO RETALIATION

It is the policy of the Village that any employee, intern or applicant who makes or participates in the investigation of a discrimination complaint will not be retaliated against in any way. Employees, interns or applicants who feel they have been retaliated against for such activity should immediately contact the Village Mayor.

Anyone found to be engaging in any type of inappropriate conduct under this policy may be subject to disciplinary action, up to and including termination of employment.

2.02 NON-HARASSMENT/NON-DISCRIMINATION

The Village is committed to maintaining a workplace free from all forms of unlawful harassment, including sexual harassment. Harassment based on any legally protected basis is a form of workplace discrimination. The Village prohibits unlawful harassment against anyone, for any reason, including, but not limited to an individual's actual or perceived: race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion (including wearing attire, clothing or facial hair in accordance with the tenets of religion), sex (including pregnancy, childbirth or related medical conditions and transgender status), gender identity or expression, an employee's or dependent's reproductive health decisions, familial status, national origin, physical or mental disability (including gender dysphoria and being a certified medical marijuana patient), genetic information (including predisposing genetic characteristics), age (18 and over), veteran status, military status, sexual orientation, marital status, certain arrest or conviction records, domestic violence victim status and any other status protected by law. All employees, interns, and non-employees conducting business in our workplace must refrain from engaging in unlawful harassment.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and local law. Sexual harassment includes harassment based on sex, sexual orientation, 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 complaining 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 consists of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued

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employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Village to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including supervisors/managers who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

Any employee who feels harassed should report the harassment to their Department Head or the Village Mayor so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

NO TOLERANCE

Workplace harassment will not be tolerated at the Village. All applicants, employees, interns (paid or unpaid), contractors and individuals conducting business with the Village are required to conduct themselves in a manner that prevents sexual or other forms of harassment in the workplace. Any employee or individual covered by this policy who engages in workplace harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination. This policy is one component of the Village’s commitment to a discrimination-free work environment where all employees and interns are treated with dignity and respect.

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 assaults of a sexual nature, such as:
 - Touching, pinching, patting, 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 victim’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, 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.

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- 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; or
 - Bullying, yelling, name-calling.

DEFINITION OF OTHER UNLAWFUL HARASSMENT

The creation of an intimidating or hostile working environment, based on one or more of the above protected categories, constitutes unlawful harassment. Specific types of unlawful harassment, in addition to sexual harassment covered above, include, but are not limited to:

- Physical harassment refers to pushing, hitting, crowding, cornering or unwanted physical touching;
- Verbal abuse refers to verbal comments, including but not limited to jokes or the use of slurs or other offensive language regarding, or made because of, an individual's actual or perceived membership in one of the protected categories listed above;
- Written harassment refers to derogatory or degrading written comments regarding, or made because of, an individual's membership in one of the categories listed above. Specific examples include, but are not limited to e-mail, text messages, memos, notes, graffiti, other visual depictions or pictures, cartoons, drawing, videos;
- Inappropriate, unwelcomed behaviors, such as offensive gestures and wearing clothes, jewelry, signage, etc. known to be offensive to particular protected classifications; and
- Any other unwelcome conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working environment as defined by law, or has the purpose or effect of unreasonably interfering with an individual's work performance or otherwise adversely affecting an individual's employment opportunities.

Unlawful harassment, whether it is physical, verbal or visual in nature, is a form of employee misconduct which undermines the integrity of the employment relationship within the Village.

WHO CAN BE A TARGET

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

WHERE CAN HARASSMENT OCCUR

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

REPORTING HARASSMENT

Preventing workplace harassment is everyone's responsibility. The Village cannot prevent or remedy harassment unless the Village knows about it. Any employee, intern (paid or unpaid) or non-employee who has been subjected to behavior that may constitute unlawful harassment is encouraged to report such behavior to their Department Head or the Village Mayor. Anyone who witnesses or becomes aware of potential instances of workplace harassment should report such behavior to their Department Head or the Village Mayor.

Reports of workplace harassment may be made verbally or in writing. The written complaint form is located with the Village Clerk. All employees are encouraged to use this complaint form. Employees who are reporting potential harassment on behalf of other employees should use the complaint form and note that the complaint is being made on behalf of another employee.

Employees, interns (paid or unpaid) or non-employees who believe they have been a victim of workplace harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections and External Remedies section of this policy.

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

MANAGEMENT RESPONSIBILITIES

All Department Heads who receive a complaint or information about suspected workplace harassment, observe what may be harassing behavior or for any reason suspect that harassment is occurring, **are required** to report such suspected harassment the Village Mayor or the Ethics Board.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, Department Heads will be subject to discipline for failing to

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report suspected workplace harassment or otherwise knowingly allowing workplace harassment to continue.

Department Heads will also be subject to discipline for engaging in any retaliation.

COMPLAINT INVESTIGATION

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

An investigation of any complaint, information or knowledge of suspected harassment will be prompt and thorough. All persons involved, including complainants, witnesses and alleged perpetrators, will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

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

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

- Upon receipt of complaint, the Village Mayor will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If the complaint is verbal, the individual will be encouraged to complete the "Complaint Form" in writing. If he or she refuses, the Village Mayor will prepare a Complaint Form based on the verbal report.
- If documents, emails or phone records are relevant to the allegations, steps will be taken to obtain and preserve them.
- The Village Mayor will request and review all relevant documents, including all electronic communications.
- The Village Mayor will interview all parties involved, including any relevant witnesses.
- The Village Mayor will prepare written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Written documentation and associated documents will be maintained by the Village in a secure and confidential location.

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- Following the investigation, the Village Mayor will promptly notify the complainant and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- The Village Mayor will inform the complainant of their right to file a complaint or charge externally as outlined in the Legal Protections and External Remedies section of this policy.

CORRECTIVE ACTION

If a report of workplace harassment is found to be valid, immediate and appropriate corrective action will be taken. Employees or interns (paid or unpaid) who violate this policy, including the provision against retaliation, will be subject to disciplinary action, up to and including termination. This determination will be based on all the facts of the case.

NO RETALIATION

The Village will not tolerate retaliation against anyone who, in good faith, complains or provides information about suspected harassment.

Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a sexual harassment claim including, but not limited to being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action. 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).

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

- Made a complaint of harassment, either internally or with any anti-discrimination agency;
- Testified or assisted in a proceeding involving harassment under the Human Rights Law or other anti-discrimination law;
- Opposed harassment by making a verbal or informal complaint to management, or by simply informing a Department Head or the Village Mayor of harassment;
- Reported that another employee has been harassed; or
- Encouraged a fellow employee to report harassment.

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

LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Harassment based on a protected class is against the law. All employees have a legal right to a workplace free from illegal harassment. Employees can enforce this right by filing a complaint internally with the Village, or with a government agency or in court under federal, state or local antidiscrimination laws.

Harassment is not only prohibited by the Village but is also prohibited by state, federal, and (where applicable) local law. Aside from the internal process at the Village, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, employees may seek the legal advice of an attorney.

New York State Division of Human Rights (DHR)

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

Sexual harassment complaints may be filed with the DHR any time within **three** years of the harassment. All other harassment complaints may be filed with the DHR 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 a HRL complaint in state court.

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

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 harassment/discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If harassment/discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying 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, www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be

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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. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

If an employee believes that he or she has been discriminated against at work, he or 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 (800) 669-4000 (800) 669-6820 (TTY), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

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

Local Protections

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

Contact the Local Police Department

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

2.03 CODE OF ETHICS

The Village's reputation is dependent upon the good judgment, ethical standards and personal integrity of every individual in our Village. It is of paramount importance that Village elected officials and employees always conduct their day-to-day activities in an ethical and responsible manner.

HISTORY

Adopted by the Board of Trustees of the Village of Brockport 11-2-1970.
Amendments noted where applicable.

GENERAL REFERENCES

Defense and indemnification of public officers - See Ch. 37.

Article I. Legislative Intent

§ 13-1. Need for standards.

As local government becomes increasingly complex and as our democratic processes draw citizens from every walk of life, there is increasing need for standards of ethical conduct as a guide for public officers. These standards must rest primarily on personal integrity and on community vigilance; law cannot in itself create moral fiber, nor can law quicken the civic conscience. In support of these basic standards, it is the purpose of this chapter to define areas of conflicts of interest in Village transactions. This chapter has as its purpose the protection of the public from municipal contracts influenced by avaricious officers, and to protect public officers from unwarranted assaults on their integrity.

§ 13-2. Purpose of Board of Ethics.

The establishment by this chapter of a Board of Ethics as an arm of Village government, together with standards of ethical conduct, is intended to provide honest, efficient government to the citizens of the Village of Brockport.

§ 13-3. Purpose of Code of Ethics.

The primary purpose of this Code of Ethics is to provide a formula of conduct which is not only clear but reasonable and which will permit governmental employees to share the normal benefits of the democratic society and economy they serve and to attract and hold competent administrators.

Article II. Definitions

§ 13-4. Definitions and usage.

A. Definitions.

AGENCY

Any Village department or division, board, commission, committee or bureau, including the Village Board or any successor to the Village Board.

COMPENSATION

Any money, thing of value or financial benefit conferred for services rendered or to be rendered.

INTEREST

<https://www.ecode360.com/print/BR0227?guid=12203065&children=true%2009/29/2016>

For the purpose of this Code of Ethics, shall be deemed to include the affairs of the officer's or employee's spouse, minor children and dependents; a firm, partnership or association in which such officer or employee is a member or employee; a corporation of which such officer or employee is an officer, director or employee; and a corporation, any stock of which is owned or controlled, directly or indirectly, by such officer or employee.

OFFICER

Includes every elected official of the Village, every Village officer, elected or appointed, as defined in the Village Law or any other law referring to "officers," acting on behalf of the Village or any agency thereof, all members of boards or commissions or committees created by law or appointed by the Village Board or Village Mayor, including members of so-called advisory committees, whether any of such persons mentioned in this definition are paid or unpaid.

PUBLIC EMPLOYEE OR EMPLOYEE

Any person directly employed and compensated by the Village of Brockport.

VILLAGE MATTER

Any litigation in which the Village is or may become an adverse party; any zoning board application, planning board application, permit application, or historic preservation board application.

[Added 12-7-2009 by L.L. No. 2-2009]

B. Usage.

The masculine gender as used herein shall include the feminine where appropriate.

Article III. Rules and Standards**§ 13-5. Conflicts of interest.**

No officer or employee shall have any interest, financial or otherwise, or engage or invest in any business or transaction or professional activity, or incur any obligation of any nature, which is in conflict with the proper discharge of his duties in the public interest. To this end, no officer or employee shall:

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A. Be or become interested, directly or indirectly, in any manner whatsoever in any business or professional dealings with the Village of Brockport or any agency thereof.

B. Act as attorney, agent, broker, employee or representative in business or professional dealings with the Village of Brockport or any agency thereof for himself or any person, firm or corporation, directly or indirectly.

§ 13-6. Employment and other transactions.

No officer or employee shall accept other employment or engage in any business transaction which will impair his independence of judgement in the exercise of his official duties or create a conflict of interest with his official duties.

§ 13-7. Improper use of official position.

No officer or employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

§ 13-8. Conduct.

No officer or employee shall by his conduct give a reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.

§ 13-9. Compensation for services prohibited.

No officer or employee shall receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any case, proceeding, application or any other matter before any Village agency, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to any license, contract, certificate, ruling, decision, opinion, franchise or other benefit.

§ 13-10. Use of Village-owned equipment or property.

No officer or employee shall request or permit the use of Village-owned vehicles, equipment, material or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such officer or employee in the conduct of official business.

§ 13-11. Exceptions.

A. Notwithstanding any provision to the contrary in this chapter, any person serving the Village or any agency thereof without compensation shall not be deemed to be in violation of this chapter unless such interest is in conflict with the proper discharge of his official duties.

B. The provisions of this chapter shall not apply to the designation of a bank or trust Village as a depository, paying agency, registration agent or other investment in the funds of the Village in which the municipal officer or employee has an interest by reason of stock holdings when less than 5% of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer

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or employee, except when the chief fiscal officer or his deputy or employee have an interest in such bank or trust Village.

C. The provisions of this chapter shall not apply to the designation of a newspaper, including, but not limited to, an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding, where such publication is required or authorized by law.

D. No conflict shall be deemed to arise under this chapter by virtue of stock ownership where such ownership constitutes less than: F/O of the outstanding stock of the corporation involved.

E. Where a member of a body, serving without pay, appointed by the Village Board, enters into contract with the Village for the performance of services or sale of goods or equipment, which contract does not appertain to or involve dealings with the body upon which the said member is serving, the Ethics Board may find that said contract creates only a technical conflict and may advise that such a conflict is not a violation of the Code of Ethics. Before the appointment of a member to a body, the Board of Ethics shall have the duty to give an opinion on the facts to be submitted by the appointing officer with respect to possible conflicts and shall have the discretionary power to hold that a technical conflict of interest does not disqualify a particular person from serving.

Article IV. Compliance

§ 13-12. Compliance required.

Compliance with the Code of Ethics shall be deemed a condition of employment for all officers and employees, and every officer and employee shall, subsequent to the date of enactment of this code, be given a copy of this code, together with all amendments thereto, and a receipt for same shall be signed by such employee or officer. Such receipt shall be filed with the Village Clerk, who shall supply the necessary forms.

Article V. Future Employment

§ 13-13. Restrictions after employment.

No officer or employee shall, within a period of two years after the termination of such service or employment, appear before any agency of the Village or receive compensation for any service rendered on behalf of any person, firm, corporation or association in relation to any case, proceeding or application with respect to which such person was directly concerned or in which he personally participated during the period of his service or employment, or which was under his active consideration. Nor shall any person who has served as a member of the legislative body of the Village within a period of two years after termination of such service receive compensation of any service on behalf of any person, firm, corporation or association to promote or oppose, directly or indirectly, the passage of bills or resolutions by such legislative body of the Village.

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Article VI. Gifts and Favors

§ 13-14. Gifts and favors from those interested in dealings with Village.

[Amended 5-21-2007 by L.L. No. 2-2007; 12-7-2009 by L.L. No. 2-2009]

No officer or employee of the Village of Brockport, whether paid or unpaid, shall accept any gift or gratuity having a value of \$25 or more per instance, nor \$100 or more per annum, whether in the form of services, loan or any promise or benefit of any kind, from any person, firm or corporation which is interested directly or indirectly in any manner whatsoever in any business or professional transaction or dealing with the Village or any agency thereof.

A. This prohibition shall not apply to gifts or gratuities given by civic/charitable organizations having a value of \$200 or less and given with the purpose of securing official representation from the Village at a function of the organization. No organization, however, shall qualify for this exception where the organization has a Village matter pending, active or resolved within the last 30 days.

B. Any gift in excess of these monetary limits shall be presumed to be improper for purposes of any action under Article IX of this chapter.

Article VII. Disclosure of Interest

§ 13-15. Persons participating in discussion.

Any officer or employee of the Village of Brockport, whether paid or unpaid, who has, will have or intends to acquire an interest, direct or indirect, in any matter being considered by the Village Board or by any other official board, agency, officer or employee of the Village of Brockport, and who participates in discussion before or gives opinions or advice to any board, agency or individual considering the same, shall publicly disclose on the official record the nature and extent of such interest.

§ 13-16. Persons having knowledge of discussions.

Any officer or employee of the Village of Brockport, whether paid or unpaid, who has knowledge of any matter being considered by any board, agency, officer or employee of the Village of Brockport in which he has or will have or intends to acquire any direct or indirect interest, shall be required to disclose in writing his interest to such board, agency, officer or employee and the nature and extent thereof.

Article VIII. Disclosure of Confidential Material

§ 13-17. Restriction.

No officer or employee of the Village of Brockport, whether paid or unpaid, shall disclose confidential information concerning the property, government or affairs of the Village or any other confidential information of an official character except when required by law, nor shall he use such information to advance the financial or other private interests of himself or others.

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Article IX. Penalties for Offenses

§ 13-18. Forfeiture of pay; suspension or removal.

A violation of any of the provisions of this chapter shall constitute cause for forfeiture of pay, suspension or removal from office or employment.

§ 13-19. Contracts voided.

Any contract knowingly entered into by or with the Village of Brockport or any agency thereof in which there is an interest prohibited by this chapter shall be null, void and wholly unenforceable.

§ 13-20. Imprisonment and/or fine.

In addition to any of the foregoing penalties, any officer or employee who willfully and knowingly violates the foregoing provisions of this chapter shall be guilty of an offense punishable for a term of imprisonment not in excess of 15 days and/or a fine not in excess of \$250.

§ 13-21. Other laws may apply.

Nothing contained in this chapter shall limit any other applicable laws or ordinances which are now or may hereafter be provided.

§ 13-22. Actions not constituting violations.

No action, express or implied, permitted under Article 18 of the General Municipal Law shall constitute a violation of this chapter.

Article X. Severability

§ 13-23. Amendment.

The code may be amended from time to time by the Village Board or its successor legislative body by the adoption of further rules and standards designed to improve the administration of the Village and protect the public or by supplementing the coverage of this chapter to the extent permitted by law.

§ 13-24. Severability.

If any portion of this chapter shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such portion thereof shall be deemed inoperative, and the balance of said chapter shall be deemed to be in full force and effect.

Article XI. Board of Ethics

[Amended 5-21-2007 by L.L. No. 2-2007]

§ 13-25. Creation of Board; membership; advisory opinions; rules and regulations.

A. Membership. There is hereby established a Board of Ethics consisting of five members to be appointed by the Board of Trustees, all of whom shall serve without compensation and at the pleasure of the Board of Trustees of the Village of Brockport. Four of such members shall be persons other than Village officers or employees or members of other Village boards. These members must live within the Village and shall have voting rights. One member shall be a Village employee

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of the Village of Brockport. This Village employee shall be a nonvoting member and need not live within the Village. The members of the Board of Trustees of the Village of Brockport are ineligible to serve as voting members of the Board of Ethics or as observers or advisors to the Board of Ethics. Vacancies on the Board of Ethics shall be filled by the Board of Trustees as soon as practically feasible.

B. Advisory opinions. The Board of Ethics established hereunder shall render advisory opinions to Village officers or employees on written request and/or upon written request of the Board of Trustees of the Village of Brockport; in addition, the Board of Ethics may make recommendations with respect to the drafting and adoption of a code of ethics or amendments thereto upon request of the Board of Trustees. The opinions of the Board of Ethics shall be advisory and confidential and in no event shall the identity of the Village officer or employee be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of counsel employed by the Board of Ethics or, if none, of the Village Attorney.

C. Rules and regulations. Such Board of Ethics, upon its formation, shall promulgate its own rules and regulations as to its form and procedures (subject to Village Board approval) and shall maintain appropriate records of its opinions and proceedings.

§ 13-26. Membership disqualifications.

No person may be appointed as members of such Board who shall be:

- A. Political committeemen or officials of any political club in the Village.
- B. Persons closely related by family or business to any Village officer or employee.
- C. Persons having business dealing with the Village or any Village agency, directly or indirectly, either personally or through some firm, association or corporation in which such person has any business interest or in which such person has an official capacity.

§ 13-27. Election of Chairman and Secretary.

The members of such Board of Ethics shall elect from their group a Chairman and Secretary.

§ 13-28. Coordination.

All agencies of the Village shall furnish to such Board, in connection with its investigations, such data, information and statements as may in the opinion of the Board be necessary for the proper exercise of its functions, powers and duties.

§ 13-29. Confidential matter; matter for records.

All requests for advisory opinions or interpretations, and all complaints and investigations, shall be deemed confidential. All findings, recommendations, advisory opinions, interpretations and proposed revisions to this chapter shall be matters of public record.

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Article XII. When Effective

§ 13-30. Effective date.

This chapter shall become effective January 1, 1971.

[1]. Editor's Note: This section, which formerly was numbered § 13-32, was renumbered due to the effect of L.L. No. 2-2007, which was adopted s-21-2007-HISTORY

This Code of Ethics was originally adopted by the Board of Trustees of the Village on 11-2-70 with subsequent amendments.

2.04 INDIVIDUALS WITH DISABILITIES

The Village complies with the Americans with Disabilities Act (ADA) and New York State Human Rights Laws which make it unlawful to discriminate in employment against a qualified individual with a disability. The Village prohibits discrimination against employees and applicants with disabilities in all aspects of employment. The Village's commitment to this policy includes making reasonable accommodations to otherwise qualified persons with disabilities to enable them to perform the essential functions of their jobs, unless doing so would pose an undue hardship on our business, would pose a direct threat of substantial harm to the employee or others or is otherwise not required by applicable law.

OUR COMMITMENT

An employee or applicant in need of a reasonable accommodation should make the Village aware of his or her request by notifying the Department Head. The Village will work with each individual to define his or her job-related or application-related needs and to try to accommodate those needs.

QUALIFIED INDIVIDUALS WITH DISABILITIES

Qualified individuals with disabilities are defined as individuals with disabilities who can perform the essential functions of the job in question with or without reasonable accommodation. The term disability is defined by applicable law.

REASONABLE ACCOMMODATION

A reasonable accommodation is any change or adjustment to a job, the work environment or the way things usually are done that enables a qualified individual with a disability to perform the essential functions of the job and that does not pose an undue hardship for the Village or create a direct threat to health or safety.

When requesting an accommodation, employees are required to notify the Department Head of the need for the accommodation. The Village may ask for medical documentation supporting the need for an accommodation and all supporting documentation should be returned as quickly as possible to prevent a delay in the accommodation process.

Requests for a reasonable accommodation for a medical condition and any supporting documentation, will be treated as confidential, maintained in a file separate from an employee's other personnel documents and disclosed only as permitted by applicable law.

DETERMINING APPROPRIATE ACCOMMODATIONS

Frequently, when a qualified individual with a disability requests a reasonable accommodation, the appropriate accommodation is easily agreed upon. The individual may recommend an accommodation based on his or her life or work experience. The ultimate decision as to whether a particular accommodation will be made rests with the Village. When the appropriate accommodation is not obvious, the Village may assist the individual in identifying one. If more than one accommodation will enable the individual to perform the job, the Village reserves the right to choose which accommodation it will make.

If you feel that you have been unreasonably denied an accommodation request, please speak with the Village Mayor. If you should have any questions concerning this policy, you should speak with the Department Head.

2.05 WHISTLEBLOWER PROTECTION

The Village strives to protect its employees, business and community as best as possible. As a matter of policy and practice, as well as in compliance with various laws, the Village offers employees whistleblower protection when they report certain activities or make a complaint to management about a specific situation or occurrence in the workplace that may be unsafe, illegal, abusive or fraudulent. The complaint will be taken seriously and investigated to the fullest extent possible. Employees who make complaints of this nature will be protected from retaliation.

MAKING A COMPLAINT

If an employee reasonably believes that a workplace activity or situation is unsafe, illegal, abusive or fraudulent, he or she should bring the concern to the attention of:

- 1st Department Head
- 2nd Village Mayor
- 3rd Village Ethics Board

If an employee is uncomfortable bringing their concern to the attention of their Department Head and/or the Village Mayor, the employee can bring the concern directly to the Village Ethics Board.

The Village will, if appropriate, conduct a prompt and thorough investigation of the situation. Employees may report problems anonymously but should be aware that this may hamper the Village's ability to obtain further details, ask follow-up questions and/or otherwise conduct a complete, thorough investigation.

Problems that are covered by other Village complaint procedures (e.g., employment discrimination, harassment) should be reported in the manner and to the individual(s) set out in those specific procedures and not under this policy.

NO RETALIATION

Employees who make a complaint in good faith will not be retaliated against or penalized in any manner. The employee's identity, if made known to the Village, will be protected by the Village to the greatest extent possible, consistent with applicable law and the need to investigate and remedy the situation. Any employee who believes he or she has been retaliated against in violation of this policy should notify the Village Ethics Board immediately.

2.06 WORKPLACE BULLYING

The purpose of this policy is to communicate to all employees and Department Heads that the Village will not tolerate bullying behavior in the workplace.

DEFINITION

The Village defines bullying as unwanted behavior of a non-sexual nature that has the purpose or effect of threatening, intimidating, or demeaning another employee. The behavior is repeated over a period of time and involves a real or perceived power imbalance. Such behavior violates this policy, as well as the Village's Code of Ethics, which clearly states that all employees will be treated with dignity and respect.

EXAMPLES

Bullying may be intentional or unintentional. It is the effect of the behavior on the individual that is of the utmost importance. The Village considers the following types of behavior examples of bullying:

Verbal bullying: Slandering, ridiculing or maligning a person or his or her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.

Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.

Gesture bullying: Nonverbal threatening gestures; glances that can convey threatening messages.

Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

Electronic Bullying

Threatening, intimidating or offensive text messages, social media posts, etc.

The examples are not intended to be an exclusive list of the types of behavior that would be considered bullying.

ADDITIONAL INFORMATION

Employees who feel they have been bullied should contact their Department Head and/or the Village Mayor. Reports of bullying will be investigated. Employees found in violation of this policy will be subject to disciplinary action, up to and including termination.

2.07 PREGNANCY ACCOMMODATIONS

The Village will not discriminate against an employee who requests an accommodation due to pregnancy, childbirth and related conditions.

ACCOMMODATIONS

Employees and applicants for employment may request a reasonable accommodation for pregnancy-related conditions, including, but not limited to, lactation. For purposes of this policy, a "pregnancy-related condition" is a medical condition related to pregnancy or childbirth that inhibits the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques but does not prevent the employee from performing their job functions in a reasonable manner, with or without a reasonable accommodation. Reasonable accommodations may include but are not limited to: providing an accessible worksite; acquiring or modifying equipment; job restructuring and modifying work schedules provided, however, that such actions do not impose an undue hardship on the business.

The Village will provide a reasonable accommodation that would enable the employee or applicant to perform her job functions in a reasonable manner, unless the accommodation would impose an undue hardship on the Village's business operations.

CERTIFICATION REQUIREMENTS

Employees may be required to provide medical or other information that is necessary to verify the existence of the pregnancy-related condition or that is necessary for the Village's consideration of a reasonable accommodation. Such medical information will be kept confidential and disclosed only as permitted by law.

ADDITIONAL INFORMATION

Employees or applicants for employment who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact their Department Head. Employees who need reasonable break time to express breast milk for their child should consult the Village's Working Hours policy and can discuss those arrangements with their Department Head.

2.08 REPRODUCTIVE HEALTH DECISIONS

The Village complies with state law regarding reproductive health decision as outlined in this policy.

NON-DISCRIMINATION/NO RETALIATION

The Village will not discriminate or retaliate against an employee because of the employee's, or a dependent of the employee's, reproductive health decision-making, including the use of particular drugs, devices or medical services. The Village also will not, without prior informed written consent, access personal information regarding the reproductive health decision-making of employees or their dependents and will not require an employee to sign any document or waiver denying that employee the right to make their own reproductive health decisions.

Employees subjected to unlawful discrimination or retaliation on the basis of reproductive health decision-making can bring an action in court and may be entitled to certain remedies, including monetary and injunctive relief.

ADDITIONAL INFORMATION

Employees who feel they have been subjected to discrimination or retaliation on the basis of their reproductive health decision-making, or that of a dependent, or to any other violation of this policy, should contact their Department Head or the Village Mayor.

2.09 RELIGIOUS ACCOMMODATION

It is Village's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's religion or creed.

RELIGIOUS ACCOMMODATION

Consistent with this policy against discrimination, any employee whose religious practices conflicts with the employee's job, schedule, the employer's dress code, or with other aspects of the individual's employment and who requires a religious accommodation, may submit a request orally or in writing for an accommodation to their Department Head or Village Clerk. The request must include a description of the religious conflict and the employee's suggested accommodation(s). The Village may require the employee to document their religious accommodation request in writing.

Once the employee has submitted their written request for an accommodation, the Village will evaluate the request, giving due consideration to whether a work conflict exists due to a sincerely held religious belief or practice and whether a reasonable accommodation exists which would not create an undue hardship on the Village.

The Village Mayor will meet with the employee to discuss the request and propose a reasonable accommodation, should one exist. If the employee accepts the Village's proposed religious accommodation, the supervisor/manager and/or Village Mayor will implement the accommodation. If the employee rejects the proposed accommodation, the employee may lodge an appeal pursuant to the Village's Open Communication policy. The Village will provide reasonable accommodations of religion consistent with its obligations under applicable law.

ADDITIONAL INFORMATION

Employees who feel they have been unreasonably denied an accommodation should contact their Department Head or Village Mayor.

Employees with questions concerning this policy should contact the Village Clerk.

Policy Notes

Federal and NY Law. It is recommended that employers covered by [Title VII of the Civil Rights Act](#) (15 or more employees) include this policy in their handbook. In addition, it is recommended that employers covered by [NY Human Rights Law](#) (all NY employers regardless of size) include this policy in their handbook.

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SECTION THREE

EMPLOYEE RELATIONS

3.01 RECRUITMENT & PLACEMENT

The Village recruits and selects individuals for employment on the basis of merit, qualification and competency without regard to all legally protected classes, including, but not limited to: race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion (including wearing attire, clothing or facial hair in accordance with the tenets of religion), sex (including pregnancy, childbirth or related medical conditions and transgender status), reproductive health decisions, gender identity or expression, familial status, national origin, physical or mental disability (including gender dysphoria and being a certified medical marijuana patient), genetic information (including predisposing genetic characteristics), age (18 and over), veteran status, military status, sexual orientation, marital status, certain arrest or conviction records, domestic violence victim status and any other status protected by law. All job offers are contingent upon the applicant providing proof of legal authorization to work at the Village.

JOB POSTING

Whenever possible, we seek first to fill job openings with qualified applicants from within the Village. Notices of job vacancies are posted on the bulletin board and on the Employee Portal until the position is filled. Employees should notify their Department Head of the position they are interested in if they would like to be considered for a different position within the Village. Employees must complete at least six months in their current position before being eligible to request a transfer or promotion.

INTRODUCTORY PERIOD

The performance of new employees will be evaluated at the end of a six-month introductory period. Successful completion of the introductory period does not guarantee employment for any period of time thereafter and does not affect the employee's employment-at-will status during or after the introductory period.

HIRING PROCESS

The hiring procedure includes recruitment, interviewing, criminal background and reference checks of all applicants considered for a position.

CIVIL SERVICE

The Village participates in the Civil Service System as mandated by the Constitution of New York State. Local responsibility for the administration of the system is vested in the Monroe County Civil Service Commission which sets application standards and qualifications, screens applicants, administers competitive examinations, certifies candidates, certifies payrolls, prepares lists of eligible candidates, and performs the multitude of administrative functions of the system. The Village Mayor is designated as the appointing officer for the Village and is responsible for compliance with Civil Service rules and regulations.

CIVIL SERVICE CLASSIFICATIONS

Employees are classified into one of the following classifications in accordance with Civil Service regulations.

COMPETITIVE classifications include positions for which candidates are screened and must meet certain minimum qualifications. Such candidates are tested by competitive examination and certified as eligible based upon the results of such testing.

NON-COMPETITIVE classifications include positions for which competitive examinations are not practicable. Such positions can only be filled by people who meet certain minimum established qualifications.

EXEMPT classifications include positions for which competitive or non-competitive examinations are not practicable. These may be highly confidential positions or appointive offices which are available to the Village.

LABOR classifications include all unskilled positions for which there are no minimum qualifications.

EXAMINATIONS

Civil Service Law requires examinations when filling competitively classified positions. This includes the upgrading of titles, changes in title, reclassification, etc. A candidate must first meet residence requirements, submit an application to the Monroe County Civil Service Commission, be qualified for the examination, pass the examination and be reachable on a certified list. The system operates on the "rule of three" which stipulates that a vacancy must be filled by one of the top three interested, eligible candidates for any position which becomes available.

APPOINTMENTS

The different types of appointments made by the Village Board when appointing an employee to work for the Village are as follows:

PROVISIONAL appointments are made for competitively classified positions when an established competitive list does not exist. Such employees must be certifiable, pass a competitive examination and be reachable under the rule of three. Provisional employees have no Civil Service rights.

PERMANENT appointments occur when a position has been filled in accordance with Civil Service rules and regulations, and after the employee has achieved permanent status. In accordance with the Civil Service System, an employee appointed to a competitively classified position normally has a six-month probationary period. Once the employee successfully completes the probationary term, he or she has full-service rights under Civil Service Law.

TEMPORARY appointments are made when openings of a temporary nature take place due to maternity, promotions, leave of absence or illness. Civil Service Law requires a list of certified eligibles be used to fill the vacant position if the anticipated vacancy for a competitive position is to exceed 90 days.

PART-TIME positions may be appointed when there are regular, irregular or fill-in openings. Such positions are limited in that hours may not exceed an average of twenty hours per week. Part-time positions are Civil Service classified as either non-competitive or exempt.

SEASONAL positions occur when employees are needed to work full-time for a seasonal period of time (i.e., summer employees for the Recreation or Highway Departments).

ADDITIONAL INFORMATION

Questions on the Civil Service System may be directed to the employee's Department Head or the Village Clerk.

RESIDENCY PREFERENCE

In the event there is a vacancy in a position, the Village may give preference to qualified applicants who are residents of the Village.

3.02 EMPLOYMENT CLASSIFICATIONS

Employees of the Village are employed based on the classifications detailed below. The Village offers different employment classifications in order to meet staffing and business requirements and accommodate employee needs and schedule preferences.

FULL-TIME

Employees in this category are regularly scheduled to work a minimum of thirty-five hours per week and receive benefits based on position, length of service and scheduled hours.

PART-TIME

Employees in this category are regularly scheduled to work twenty hours or less per week.

SEASONAL

Employees in this category perform a function for a specified period of time and the length of their employment is limited due to the nature of the job or availability of the individual. These employees receive statutory benefits only (i.e., social security, workers compensation).

FLSA CLASSIFICATIONS

Under the Federal Fair Labor Standards Act (FLSA), all positions, regardless of employment classification, are classified as either exempt or non-exempt for overtime and minimum wage requirements based on the nature of the job duties and amount of wages.

EXEMPT EMPLOYEES: The FLSA provides an exemption from both minimum wage and overtime pay for employees employed as executive, administrative, professional, outside sales and computer employees.

NON-EXEMPT EMPLOYEES: Under the FLSA, non-exempt employees must be paid at least the federal minimum wage for all hours worked and overtime pay at one and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

3.03 ORIENTATION PROGRAM

To help get new employees off to a good start in the Village, an orientation program will be scheduled during the first week on the job.

DURING THE FIRST FEW DAYS

The Department Head gives the new employee a tour of their department, introduces him or her to co-workers, explains general expectations for performance and behavior and begins training him or her on specific job requirements. It is important for employees to read the handbook, as it will answer many questions about the Village and its personnel policies.

EMPLOYEE RESPONSIBILITIES

During the first few days of employment, new employees are expected to promptly and accurately complete a number of employment-related forms and documents. The Village Clerk is available to answer questions or to assist new employees with any procedures, subjects or issues affecting their job, employment, payroll or benefits.

THROUGHOUT THE EARLY WEEKS

Throughout the first few weeks, employees will be given on-the-job training. During this time employees should gain a full understanding of their job responsibilities and standards for their position. Department Heads are anxious to help in any way they can, so employees should not hesitate to ask questions.

3.04 PROBATIONARY PERIOD

The probationary period is the time period established for an employee to become familiar with his or her specific duties and responsibilities. It is also a period of time that provides the Department Head with an opportunity to formally evaluate the employee's job performance and development in the position.

LENGTH OF PROBATIONARY PERIOD

An employee's appointment to an exempt, competitive, non-competitive, or labor class position will serve a probationary period of not less than eight weeks or more than fifty-two weeks, unless otherwise outlined in the *Rules of the Monroe County Civil Service Commission*. The length of the probationary period may only be extended in accordance with the *Rules of the Monroe County Civil Service Commission*.

SUCCESSFUL COMPLETION OF THE PROBATIONARY PERIOD

An employee's appointment will become permanent upon written notification that the probationary period has been successfully completed or the employee is retained after the maximum number of weeks in the probationary period for the position.

The completion of the probationary period does not confer rights or privileges in the position unless otherwise provided by law or a collective bargaining agreement.

FAILURE TO SUCCESSFULLY COMPLETE THE PROBATIONARY PERIOD

The Village may dismiss an employee from employment any time after the completion of the minimum probationary period and before the maximum probationary period.

An employee who has been promoted or transferred, or whose performance is not satisfactory in the new position will be returned to their previous permanent position at the completion of the probationary period.

3.05 WORKING HOURS

The Village observes a thirty-five (35) to forty-hour (40) workweek. Time records are kept for each non-exempt employee showing the hours worked each week.

WORKWEEK

Because of the nature of our business, workdays and hours vary by department.

MEAL BREAK

Employees who work more than six (6) hours in a workday which extends over the noonday meal period (11 am-2 pm) are required to take a 30-minute meal break during that period. The Village's noonday meal period is paid.

If for any reason an employee's meal break is interrupted, the employee must notify his or her Department Head and the time should be recorded as worked. The employee will be paid for the time and will receive an uninterrupted meal break as soon as practicable. Employees should contact the Department Head if they have any questions regarding the meal break.

NURSING MOTHERS' PROTECTION

Nursing mothers may receive unpaid break time each day to express breast milk for up to three years after the birth of a child. Meal periods may also be used for this purpose. A nearby private area or room, which is not a bathroom, will be provided in which the employee may express breast milk. No employee will be penalized or retaliated against for choosing to express breast milk. Employees needing a private area for expressing breast milk should see their supervisor or Department Head for more details.

TIME RECORDS

Employees are responsible for recording their hours worked and any absences on a timesheet each pay period, signing it and then submitting it to the Department Head. The Department Head must have the timesheets submitted to the Payroll Clerk no later than Monday at 10 am.

To ensure accurate record keeping of hours worked, employees are required to enter their time into the time system as close as possible to the beginning or end of their actual working time. Exempt employees should not work overtime, and non-exempt employees may not enter their time into the time system more than five minutes before their authorized start time or after their authorized ending time without advance permission from their Department Head.

AFTER HOURS MEETINGS

Salaried employees expected to attend an after-hours meeting have the option of starting that workday later so as to "work through" until the meeting start time so long as the employee has notified their location's clerk ahead of time.

3.06 PAY PRACTICES

The Village is committed to a policy of fair and equitable compensation for all employees.

WAGE AND SALARY PROGRAM

The Village assigns wage rates to each job based on the job requirements and the economic conditions of the Village and the marketplace, as well as each employee's qualifications, skills and abilities. The Village endeavors to comply with all federal, state and local laws with respect to the payment of wages.

MERIT INCREASES

Pay increases may be provided when an employee demonstrates improvement or outstanding performance in their job. When reviewing pay increases, the Village considers business profitability, an employee's individual work performance and other economic factors. All merit increases are provided at the sole discretion of the Village.

LONGEVITY INCREMENTS

All Village employees receive a longevity increment. The longevity increment will be paid in the second pay period in June following completion of required years as listed below:

\$500	After 5 years of continuous service
Additional \$100	Each completed year, thereafter

PAYDAY

Employees are paid bi-weekly on Thursday.

DIRECT PAYROLL DEPOSIT

Employees have the option of being compensated through direct deposit. The Payroll Clerk answers questions regarding direct deposit.

GARNISHMENTS

A court may order the Village to garnish amounts directly from the employee's paycheck. The Village must withhold the amount indicated in the garnishment from the employee's paycheck in accordance with federal, state and local law.

COMPENSATION FOR HIGHER EDUCATION – EFFECTIVE JUNE 1, 2019

Each full-time non-union member who has completed a course of collegiate education and achieved a degree from an accredited college or university as outlined below shall be entitled to a lump sum payment, to be paid on the first pay period in the month of December each year, as follows:

- Associates Degree: 2% of base salary
- Baccalaureate Degree: 3% of base salary
- Masters' Degree: 4% of base salary

Said payment is for the calendar year and will be paid based on the calculated annual salary. The calculated annual salary is defined as the regular daily weekly hour's times 52 weeks. (i.e.: 40 hours X 52 weeks = 2,080 hours.) Employees leaving or retiring prior to December 31 will be eligible to receive a prorated payment, based on time worked from the last payment.

OUTSIDE WORK ACTIVITIES

Unless pre-approved by the Department Head, non-exempt employees are prohibited from performing work activities during non-working hours. This includes, but is not limited to, accessing electronic communication through cell phones, text messages and emails for work-related purposes and performing preparatory work outside of regular work hours. Time spent accessing work-related electronic communication outside of regular work hours or performing any other work during non-working hours must be pre-approved by the Department Head. Any such time, regardless of whether it has been approved or not, must be recorded and reported as time worked on their timesheet.

SHIFT PREMIUM

The Police Department and the Department of Public Works receive a shift premium on their straight time hourly rate.

TRAVEL TIME

Non-exempt employees required to travel for work-related reasons are paid in accordance with federal and state wage and hour laws. For more information see Accounts Payable.

TRAVEL/TRAINING EXPENSE REIMBURSEMENT

Employees will be reimbursed for pre-authorized expenses, such as: Village-related travel mileage, hotel expenses, airfare or other business expenses incurred on behalf of the Village. Employees are reimbursed for mileage at the IRS mileage reimbursement rate. In addition to obtaining pre-approval, the employee must complete a travel/expense reimbursement form, attach any receipts and submit it to their Department Head.

Employee travel/training must be approved in advance by the Village Board. The employee is required to submit a brief post training report to the Village Clerk within two weeks of returning from the training.

OVERPAYMENTS

In the event an employee is overpaid due to a mathematical or clerical error, the Village will proceed to recoup the overpayment in accordance with the New York State Labor Law. Employees who become aware of an overpayment must notify the Payroll Clerk immediately. For more information, see the Payroll Clerk.

POLICY FOR DEDUCTIONS FROM WAGES

Employee pay stubs itemize deductions made from gross earnings. The Village is required by law to make deductions for Social Security, federal income tax and any

other appropriate taxes. These required deductions may also include any court-ordered garnishments. Pay stubs also itemize any voluntary deductions such as an employee's portion of health, dental or life insurance premiums and/or voluntary contributions to a 401(k) or pension plan, to the extent applicable. If applicable, pay stubs will also differentiate between regular and overtime pay received.

It is our policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable state law. In turn, the Village prohibits employees from making any improper deductions from the salaries of exempt employees or from the wages of any other employee that are not consistent with federal and state wage and hour laws. The Village does not allow deductions that violate the FLSA or state wage and hour laws.

PERMITTED DEDUCTIONS FROM EXEMPT EMPLOYEE'S PAY

Employees who are classified as exempt must record absences from work for reasons such as leaves of PTO/vacation/sick leave/personal leave.

Exempt employees are paid on a salary basis. This means the employee regularly receives a predetermined amount of compensation each pay period, which cannot be reduced because of variations in the quality or quantity of the employee's work. In general, an exempt employee will receive his or her salary for any week in which the employee performs any work, regardless of the number of days or hours worked.

Under federal and state law, an exempt employee's salary may be subject to certain deductions. For example, absent contrary state law requirements, an exempt employee's salary can be reduced as either partial-day or full-day deductions for the following reasons:

- Full-day absences for personal reasons other than sickness or disability.
- Full-day absences for sickness or disability, if the employee has exhausted or is not yet eligible for paid time off under a bona fide policy or plan that provides compensation for salary lost due to illness.
- Full-day disciplinary suspensions for infractions of written policies and procedures.
- Penalties imposed in good faith for infractions of safety rules of major significance.
- Unpaid leave taken under the Family and Medical Leave Act (if applicable).
- To offset amounts received as jury and witness fees or military pay.
- The first or last week of employment when an employee works less than a full week.
- Any full workweek in which an employee does not perform any work.

In a workweek in which an exempt employee performs any work, the employee's salary will not be reduced for any of the following reasons:

- Partial day absences.

- Absence on a scheduled workday in which the Village has decided to close the facility at which an employee is scheduled to work and has not designated an alternate work site.
- Absences for jury duty, attendance as a witness or military leave, except that the Village may offset the employee's salary based on the received as jury or witness fees or military pay.
- Any other deductions prohibited by federal or state law.

Please note: It is not an improper deduction to reduce an employee's accrued PTO/vacation, sick/personal leave or other forms of paid time off for full- or partial-day absences.

It is Village policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable state law. The Village prohibits any deductions from pay that violate the FLSA or applicable state law.

REPORTING IMPROPER DEDUCTIONS

Employees should immediately contact their Department Head or Payroll Clerk with questions about deductions or to report improper deductions and/or errors. Employees will not be retaliated against for making a complaint.

Reports of improper deductions or other errors will be promptly investigated. If it is determined that an improper deduction or other error has occurred, the employee will be promptly reimbursed.

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable federal and state laws. To ensure accurate pay and proper deductions for all time worked, employees must correctly record all work time. Additionally, employees should promptly review their paychecks to identify and report all errors.

TRANSITIONAL OR LIMITED DUTY PROGRAMS

The Police Department has a Limited Duty Program and the Department of Public Works has a Transitional Duty Program. Employees of these departments will receive information regarding these programs upon hire. An acknowledgement of this employee handbook is also an acknowledgement of receipt of information regarding these programs.

3.07 OVERTIME

The Village occasionally requires longer-than-average hours of its employees in order to meet the needs of its constituents. It is necessary and requested that each of us comply with overtime needs so that we may meet the deadlines established by our constituents.

OVERTIME RATES

Non-exempt employees are paid one and one-half times their regular hourly rate of pay for overtime hours worked in excess of 40 hours in a workweek. Non-exempt employees in the Police Department are paid two-times their regular hourly rate of pay for overtime hours worked in excess of 40 hours in a workweek.

For purposes of calculating overtime, the workweek starts on Sunday and ends on Saturday.

Paid time off, including holidays, **PTO/vacation /sick leave/personal leave** time **are/are not** counted as hours worked when calculating overtime. This may vary with union contracts.

AUTHORIZATION

All overtime must be authorized in advance by the Department Head.

DEFINITION OF HOURS WORKED

Paid absences, including holidays, vacation, sick or personal leave are counted as hours worked when calculating overtime.

VIOLATIONS

Violations of this policy will be subject to disciplinary action, up to and including termination.

3.08 ATTENDANCE

Each employee's position and the work that he or she does at the Village is important. It is essential that employees be at work on time in order for us to serve the constituents and run the Village in an efficient manner.

PUNCTUALITY

Although individual schedules may vary, employees should be at their work area on time, ready to work. Punctuality is important. Consistent, unexcused tardiness is considered a performance issue and is subject to disciplinary action, up to and including termination of employment.

EMPLOYEE RESPONSIBILITIES

An employee who is going to be late or absent from work must personally call, text, or email their Department Head and location's Clerk at least thirty minutes before the employee's scheduled start time. If the Village is closed, employees may leave a message, but are to call back to speak to their Department Head or Supervisor. Employees are expected to leave a telephone number where they can be contacted if necessary.

An employee absent for two consecutively scheduled days without contacting the Department Head will be considered to have voluntarily resigned from their position.

3.09 OPEN COMMUNICATION

The Village is committed to the principle of open communication between employees and their Department Head concerning any aspect of the employment relationship.

WORKING TOGETHER, WE CAN FIND A SOLUTION TO ANY PROBLEM

In every workplace there are honest differences of opinion about working conditions, discipline, policies and other work-related matters. Employees should not keep concerns to themselves and are encouraged to communicate their issues to management via the steps outlined below. Problems that are unknown cannot be solved. If you have a work-related complaint, concern or problem of any kind, the Village would welcome the opportunity to discuss it with you and resolve it.

FIRST STEP

Employees who have a problem, complaint, question or suggestion about any aspect of the Village are encouraged to discuss the issue with their Department Head. The Village hopes that most matters can be satisfactorily resolved by such discussions.

SECOND STEP

Employees who are not satisfied with the outcome of this first step or are not comfortable raising a particular issue with their Department Head, are welcome to discuss the situation with the Village Mayor. He or she will meet with the employee and/or his or her Department Head and attempt to reach a satisfactory solution.

THIRD STEP

Employees who are not satisfied with the outcome of the second step or are not comfortable raising a particular issue with the Village Mayor, are encouraged to discuss the situation with the Village Board. They will review the situation in its entirety, meet with the employee and attempt to reach a satisfactory solution.

If for any reason an employee does not feel comfortable speaking with their Department Head or the designated management assigned in any step of this policy, the employee should feel free to discuss their concerns with any other member of management with whom they feel comfortable.

3.10 SOLICITATION & DISTRIBUTION

In order to prevent disruptions in the operations of the Village and protect our employees from annoyance, embarrassment and interference with their work, solicitation and distribution of advertising material, handbills or other literature during working time or in working areas is restricted as described below.

SOLICITATION DEFINED

For purposes of this policy, solicitation includes, but is not limited to, asking employees: for funds or contributions; to purchase goods for charitable or commercial purposes; to sign petitions; to join or become members or a group; to support political candidates; or to support or commit to causes, groups, or interests. Solicitations may be made by any form of communication, including verbal, written, email, text message, direct messaging, etc. Solicitation does not include brief conversations that are so limited that they do not interrupt employees' work.

DURING WORKING TIME

Employees may not solicit or distribute non-work-related literature to another employee for any purpose when either the person doing the soliciting, or the person being solicited is on working time. For purposes of this policy, working time refers to that portion of any working day in which the employee is actually working or scheduled to work. It does not include such times as lunch or break time or before or after work. Employees who are on non-working time still may not solicit or distribute non-work-related literature to another employee who is on working time.

IN WORKING AREAS

Employees may not distribute non-work-related literature to another employee for any purpose in the working areas of the Village. "Working areas" do not include areas such as, but not limited to, the cafeteria or break rooms.

OUTSIDE INDIVIDUALS

Individuals who are not employed at the Village may not distribute literature, nor solicit employees or visitors at any time on the Village's grounds or inside its offices.

POST NOTICES

Only governmental notices required to be posted due to federal or state regulations may be posted on Village property.

NON-INTERFERENCE

This policy is not intended to interfere with, restrain, or prevent employee communications regarding terms and conditions of employment or to otherwise interfere with employees' rights under the National Labor Relations Act.

3.11 STANDARDS OF CONDUCT

To ensure safety and security and provide the best possible work environment, we expect employees to follow basic, common-sense rules of conduct that will protect everyone's interests and safety.

INITIAL DISCUSSIONS

Before taking corrective action, the Department Head will meet with the employee to explain why the need for corrective action is warranted.

It is not possible to list all forms of behavior that are considered unacceptable in the workplace, but the following are examples of infractions that may result in disciplinary action, including suspension, demotion or termination of employment:

- Charges filed under Civil Service Law Section 75;
- Falsification of employment records, employment information or other records;
- Recording the work time of another employee, allowing any employee to record another employee's work time, or allowing falsification of any timesheet;
- Theft or the deliberate or careless damage of any Village property or the property of any employee or client;
- Use of Village materials, supplies, tools or products for personal reasons without advanced permission from the Department Head;
- Abuse of the Village's electronic resources, including sending personal emails during working time or in a manner that interferes with the employee's work performance;
- Possessing, distributing, selling, transferring, using, or being under the influence of alcohol or illegal drugs in the workplace;
- Provoking a physical fight or engaging in physical fighting during working hours or on premises owned or occupied by the Village;
- Carrying firearms, weapons or dangerous substances at any time, on premises owned or occupied by the Village, unless state law provides otherwise;
- Using abusive, violent, threatening or vulgar language at any time during working hours or while on premises owned or occupied by the Village;
- Failing to obtain permission to leave work during normal working hours;
- Failing to observe working schedules, including meal and rest breaks;
- Working overtime without authorization or refusing to work assigned hours;
- Violating any safety, health or security policy, rule or procedure of the Village; and
- Committing a fraudulent act or intentional breach of trust under any circumstances.

CORRECTIVE ACTION

Depending upon the severity of the matter, disciplinary measures may include counseling, verbal warning, written warning, suspension, demotion, transfer or termination. The Village will determine the appropriate corrective action and does not guarantee that one form of action will necessarily precede another.

AT-WILL EMPLOYMENT

Although employment may be terminated at-will by either the employee or the Village at any time, without following any formal system of discipline or warning, we may exercise discretion to utilize forms of discipline that are less severe than termination. Examples of less severe forms of discipline include verbal warnings, written warnings, performance improvement plans, demotions, and suspensions.

Although one or more of these forms of discipline may be taken, no formal order or procedures are necessary. The Village reserves the right to determine which type of disciplinary action to issue in response to any type of performance issue or rule violation.

This statement of prohibited conduct does not alter or limit the policy of at-will employment. Either the employee or the Village may terminate the employment relationship at any time for any reason, with or without cause, and with or without notice.

As previously set forth in this Employee Handbook, only the Village Board or his or her authorized representative has the authority to enter into an employment agreement that alters the at-will employment relationship, and any such agreement must be in writing and signed by the Village Board or his or her authorized representative.

3.12 NEW YORK STATE CIVIL SERVICE LAW SECTION 75

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

COVERED EMPLOYEES

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

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

DISCIPLINARY PROCEDURE

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

SECTION 75 HEARING

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

QUESTIONING RIGHTS

An employee covered under Section 75 who at the time of questioning appears to be a potential subject of disciplinary action, will have the right to representation by the employee's certified or recognized employee organization under Civil Service Law Article 14, and will be given advanced notice, in writing, of such right. In the event the employee requests representation, the employee will be allowed a reasonable period of time to obtain such representation. In the event the employee is unable to obtain such representation within a reasonable period of time, the employer will have the right to then question the employee.

NOTICE OF DISCIPLINE

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

EMPLOYEE RESPONSE

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

DISCIPLINARY HEARING

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

RIGHT TO REPRESENTATION

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

PENDING DETERMINATION OF CHARGES

Pending the hearing and determination of charges, the employee may be suspended without pay for a period not to exceed thirty calendar days.

PENALTIES

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

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

NOT-GUILTY FINDING

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

LIMITATIONS

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

FILING REQUIREMENTS

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

EMPLOYEES NOT COVERED BY SECTION 75

The following employees are not covered under Section 75:

- Any employee in the Unclassified Service (such as Elected Officials and members of boards and commissions).
- A newly hired employee serving a required probationary period, even if the employee is a veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law;
- An employee holding a position in the Non-Competitive Class who has less than five years of continuous uninterrupted service, unless the employee is an eligible veteran, as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, who has successfully completed the required probationary period;
- An employee holding a position in the Non-Competitive Class designated as management/confidential;

EMPLOYEES NOT COVERED BY SECTION 75 (continued)

- An employee holding a position in the Exempt Class, unless the employee is an eligible veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, who has successfully completed the required probationary period;
- An employee holding a position in the Labor Class unless the employee is an eligible veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, who has successfully completed the required probationary period;
- An employee holding a position by provisional appointment; and
- A temporary or seasonal employee.

SECTION FOUR

BENEFIT PROGRAMS

4.01 HOLIDAYS

The Village observes the following holidays each year. Time off for observance of holidays is paid for eligible employees.

OBSERVED HOLIDAYS

New Year's Day	Memorial Day	Thanksgiving Day
Martin Luther King Day	Independence Day	Day after Thanksgiving
Presidents Day	Labor Day	Christmas Day
Good Friday	Indigenous Peoples' Day	
Juneteenth	Veteran's Day	

FLOATING HOLIDAYS

In addition to the holidays listed above, the Village provides three (3) floating holidays, approved by the Village Board prior to January 1 each year, for use the following fiscal year.

ELIGIBILITY

Full-time employees are eligible for these paid holidays immediately upon hire.

HOLIDAY PAY

Holiday pay for non-exempt employees is calculated based on the employee's straight time pay rate (as of the date of the holiday) equivalent to the number of hours the employee would have otherwise worked on that day.

Employees who are on a continuous leave of absence are not eligible to receive holiday pay.

HOLIDAY DURING VACATIONS/PTO

Eligible employees who are on Vacation/PTO leave when a paid holiday is observed will receive pay for the holiday at their straight time hourly rate and will not be charged for the Vacation/PTO day.

WEEKEND HOLIDAYS

For non-24/7 personnel, when one of the observed holidays falls on a Saturday, the Village will generally be closed on the preceding Friday. When a holiday falls on Sunday, it will generally be observed on the following Monday.

FLOATING HOLIDAYS UPON TERMINATION

Floating holidays are not paid upon termination of employment.

OTHER

Village Offices (non-union employees) close at 12:30 pm on the day before Thanksgiving, Christmas Eve and New Year's Eve if the day falls on a weekday. These early closing times are paid time off for employees.

4.02 VACATION LEAVE

The Village provides eligible employees with paid vacation leave to give them time off for rest and relaxation.

ELIGIBILITY

Full-time employees are eligible for paid vacation leave in accordance with this policy. Part-time, temporary or seasonal employees are not eligible for paid vacation leave. However, they may be allowed to take time-off without pay with approval from their Department Head.

Completed, Continuous Length of Service	Vacation Leave Credit
1 through 4 years	10 days
5 through 9 years	15 days
10 through 14 years	20 days
15 through 19 years	25 days
20 or more years	30 days

In order to be credited with vacation leave, the employee must have reached or passed the anniversary date for the years listed.

New employees receive five days of vacation leave after the completion of six months of continuous service. On the following anniversary date of hire, new employees will receive an additional five days of vacation leave.

Thereafter, employees will be credited on June 1st for the vacation leave earned during the previous year according to the schedule above.

SCHEDULING

Vacation requests must be submitted on the appropriate time off request form and emailed to the employee's Department Head, Mayor, Village Clerk, and Payroll Clerk as soon as known, as far in advance as possible.

The Mayor must approve any vacation leave request in excess of ten (10) days.

Union employees should follow their established procedure, as outlined in the CBA.

Every effort is made to authorize vacations in accordance with the date the request is received and the operating requirements of the department.

HOLIDAY DURING VACATION

Employees who are on vacation leave when a paid holiday is observed will receive pay for the holiday at their straight time hourly rate and will not be charged for the vacation day.

CARRY OVER OF VACATION LEAVE

A maximum of forty (40) vacation days may be carried over from one year to the next.

VACATION PAY

An employee's vacation pay is based on the number of hours he or she is regularly scheduled to work at his or her straight time hourly rate.

EXCESS LEAVE AND UNPAID VACATION

Leave taken in excess of an employee's allotment will be unpaid and must be approved in advance by his or her Department Head. All vacation leave must be used before any unpaid time is granted except as required by law.

PAY IN LIEU OF VACATION

Employees may not receive pay in lieu of taking the actual time off.

VACATION PAY AT TERMINATION

See Should You Leave Us, policy 6.15.

4.03 SICK LEAVE

Employees who are absent because of illness or injury may be eligible to be paid through the Village's sick leave plan. They also may be eligible for disability insurance or Workers' Compensation insurance benefits.

SICK LEAVE ELIGIBILITY

Full-time employees will be credited with one day of sick leave per month worked or compensated. Newly hired full-time employees are credited with five days of sick leave after they complete six months of continuous employment and one day of sick leave per month worked or compensated thereafter. The employee will be credited on the first day of the month after the sick leave has been earned.

USE OF SICK LEAVE

Sick leave may be used in cases of employee injury or illness. An employee may use up to five days of sick leave credits annually for family illness or injury if the employee must provide direct care to an immediate family member. Such leave will be subtracted from the employee's accumulated sick leave credits. For purpose of family sick leave, "immediate family member" will mean the employee's parent, spouse or child, including stepchild and foster child, and a member of the employee's immediate household.

SICK LEAVE PAY

An employee's sick leave pay is based on the number of hours the employee is regularly scheduled to work at the employee's straight time hourly rate.

EMPLOYEE'S RESPONSIBILITY

An employee who is going to be late or absent from work must personally call or leave a voice mail or email their supervisor and location's Clerk at least thirty minutes before the employee's scheduled start time. Employees are expected to leave a telephone number where they can be contacted if necessary.

Employees absent for two (2) consecutively scheduled days without contacting their Department Head will be considered to have voluntarily resigned from their position.

ACCUMULATION

An employee may accumulate sick leave credits to a maximum of two thousand and eighty hours (equivalent to 260 days).

ABUSE OF SICK DAYS

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

PAY IN LIEU OF SICK LEAVE

Employees may not receive pay in lieu of using their sick leave.

RETIREMENT CREDIT (41j)

The Village has elected to provide Section 41 (j) of the Retirement and Social Security Law which allows credit for a portion of accumulated sick leave, one hundred and sixty-five (165) days, at the time of retirement.

SICK PAY AT TERMINATION – EFFECTIVE JUNE 1, 2019

Nonunion employees who are retiring and will be receiving benefits from the New York State Retirement System upon their retirement from the Village of Brockport and have worked for the Village for at least 20 years, have accumulated in excess of 165 sick days, the Village shall pay the employee upon retirement for sick days in excess of 165 days, to a maximum payment of \$10,000.00. Said payment will be made upon retirement. Employees can elect to direct a portion, or all of the payment to the deferred compensation program, offered by the Village.

4.04 PERSONAL LEAVE

Employees who are absent due to personal matters may be eligible to be paid through the Village's personal leave plan. They also may be eligible for disability insurance or Workers' Compensation insurance benefits.

PERSONAL LEAVE ELIGIBILITY

Full-time employees are eligible for five days of personal leave annually. Personal leave is credited on June 1 of each year. A new employee will be credited with five days of paid personal leave after the completion of six months of continuous service. Thereafter, the employee will be credited with five days of paid personal leave on each subsequent June 1.

USE OF PERSONAL LEAVE

Personal leave may be used to conduct personal business which cannot be conducted outside of normal working hours for personal emergencies. In no event may personal leave credits be used on the scheduled workday immediately prior to or following a holiday or vacation; in lieu of sick leave or other leaves of absences, except to extend bereavement leave.

SCHEDULING

Personal leave requests must be submitted on the appropriate time off request form and emailed to the employee's Department Head, Mayor, Village Clerk, and Payroll Clerk as soon as known, as far in advance as possible.

Union employees should follow their established procedure, as outlined in the CBA.

Every effort is made to authorize personal leave in accordance with the date the request is received and the operating requirements of the department.

CARRY OVER OF PERSONAL LEAVE

Personal leave may not be carried over from one year to the next. Any personal leave remaining unused at the close of business on May 31st will be converted to vacation leave, subject to the maximum vacation leave allowed.

PERSONAL LEAVE AT TERMINATION

See Should You Leave Us, policy 6.15.

4.05 HEALTH INSURANCE

To aid employees in covering the cost of health care, the Village offers a comprehensive health insurance program.

ELIGIBILITY

Employees who work thirty hours or more per week are eligible to join the group health insurance plan on the employee's first day of employment. Employees who enroll in the group health insurance plan will also be automatically enrolled in the pre-tax premium plan.

COST

To assist with the escalating cost of health insurance, the Village currently pays the majority of the premium, the remainder to be paid by the employee through pre-tax dollars via payroll deduction. Employees will receive material from the Village Clerk which more thoroughly describes the insurance benefits including information on deductibles, co-payments, co-insurance, etc.

As a part of the benefits review process the Village Board may, at its discretion, change the health insurance plan at any time, including, but not limited to, type of coverage, contributions, and type of carrier.

HEALTH INSURANCE COVERAGE AT TERMINATION

See Should You Leave Us, policy 6.15.

HEALTH INSURANCE BUY-OUT

The Village encourages employees who have other health coverage available to them to take advantage of the health insurance buy-out.

An employee who is eligible for health insurance coverage made available through the Village may receive a cash buy-out in lieu of receiving health insurance benefits. To be eligible for the health insurance buy-out, the employee must provide documentation of health insurance coverage in a manner and form to be determined by the Village and sign an appropriate waiver of health insurance coverage and waiver of liability to the Village.

An employee who is eligible for and elects the health insurance buy-out will receive the following paid on a monthly basis (twelve equal payments):

Coverage Eligibility	Annual Payment	Monthly Payment
If eligible for family coverage	\$3,000	\$250.00
If eligible for 2-person coverage	\$2,250	\$187.50
If eligible for single coverage	\$1,320	\$110.00

In the event the employee loses coverage under the alternate insurance plan, the employee may resume coverage under the health insurance plan made available through the Village. Coverage will begin on the first of the month immediately following the employee giving notice or the first day of lost coverage upon proof of loss of coverage elsewhere, provided the employee gives such notice at least five business days prior to the first of the month and meets all eligibility requirements of the insurance plan.

This is intended as a brief introduction to the Health Insurance Plan. A more thorough explanation of the plan is contained in the plan documents and insurance policies available from the Village Clerk. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control. The Village and, if applicable, the benefit plan administrators or insurance companies, reserve the maximum discretion and right permitted by law to administer and interpret the health plan, as well as to amend, modify or terminate the plan at any time for any reason.

4.06 HEALTH INSURANCE FOR RETIREES

To aid retirees with the cost of health care, the Village offers a health insurance program for retirees.

COVERAGE

The Village will make available health insurance coverage to an eligible full-time employee who retires from the Village. Coverage is also available for eligible dependents if they were covered under the Village's health insurance plan at the employee's date of retirement. In the event the retiree predeceases the dependents, the dependents may continue health insurance coverage provided they pay the full cost of the premium. Coverage of a dependent at the time of divorce or legal separation is in accordance with plan documents and COBRA requirements.

ELIGIBILITY

To be eligible for coverage, the retiree must be age fifty-five or older, and must have at least fifteen full-time years of continuous service with the Village. In addition, the employee must have applied for and been granted a bona-fide retirement benefit from the New York State Employees' Retirement System or be drawing a pension or disability benefits under Social Security.

COST

The Village will designate a plan for those retirees under age 65 and a plan for those 65 and over. To assist with the escalating cost of health insurance, the Village currently pays the majority of the premium, the remainder to be paid by the retiree. The retiree will receive material from the Village Clerk which more thoroughly describes the insurance benefits including information on deductibles, co-payments, co-insurance, etc.

As a part of the benefits review process the Village Board may, at its discretion, change the health insurance plan at any time, including, but not limited to, type of coverage, contributions, and type of carrier.

PLAN

The Village Board may, at its discretion, change the health insurance plan at any time, including, but not limited to, type of coverage, retiree contributions, and type of carrier.

CHANGES IN PREMIUM CONTRIBUTIONS

The amount of the insurance premium a retiree is required to contribute is subject to change by resolution of the Village Board. The Village Clerk will provide advance written notice of such change.

OTHER EMPLOYMENT

If a retiree works for a new employer that offers a health insurance plan, the retiree will accept coverage under the new employer's health plan while so employed. If new employment terminates, the Village will once again cover the retiree.

This is intended as a brief introduction to the Health Insurance for Retirees Plan. A more thorough explanation of the plan is contained in the plan documents and insurance policies available from the Village Clerk. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control. The Village and, if applicable, the benefit plan administrators or insurance companies, reserve the maximum discretion and right permitted by law to administer and interpret the health plan, as well as to amend, modify or terminate the plan at any time for any reason.

4.07 DENTAL INSURANCE

To aid employees with the cost of dental care, the Village offers a dental insurance program for employees.

ELIGIBILITY

Full-time employees are eligible to join the group dental insurance plan on the employee's first day of employment. Employees who enroll in the group dental insurance plan will also be automatically enrolled in the pre-tax premium plan.

BENEFITS

The plan is designed to encourage preventive and remedial dental care. Covered services are detailed in the plan booklet provided by the insurance carrier. Employees will receive information on this from the Village Clerk.

COST

To assist with the escalating cost of dental insurance, the Village currently pays the majority of the premium. The Village will assist employees with the cost of this insurance by paying a portion of the premium for employee, 2-person, or family coverage.

To assist with the escalating cost of dental insurance, the Village currently pays the majority of the premium, the remainder to be paid by the employee through pre-tax dollars via payroll deduction. The employee will receive material which more thoroughly describes the insurance benefits including information on deductibles, co-payments, co-insurance, etc.

As a part of the benefits review process the Village Board may, at its discretion, change the dental insurance plan at any time, including, but not limited to, type of coverage, contributions, and type of carrier.

DENTAL INSURANCE COVERAGE AT TERMINATION

See Should You Leave Us, policy 6.15.

DENTAL INSURANCE BUYOUT

The Village encourages employees who have other dental coverage available to them to take advantage of the dental insurance buy-out.

A full-time employee who is eligible for dental insurance coverage made available through the Village may receive a cash buy-out in lieu of receiving dental insurance benefits. To be eligible for the dental insurance buy-out, the employee must provide documentation of dental insurance coverage in a manner and form to be determined by the Village and sign an appropriate waiver of dental insurance coverage and waiver of liability to the Village.

An employee who is eligible for and elects the dental insurance buy-out will receive the following paid on a monthly basis (twelve equal payments):

Coverage Eligibility	Annual Payment	Monthly Payment
If eligible for family coverage	\$480	\$40
If eligible for 2-person coverage	\$336	\$28
If eligible for single coverage	\$144	\$12

In the event the employee loses coverage under the alternate insurance plan, the employee may resume coverage under the dental insurance plan made available through the Village. Coverage will begin on the first of the month immediately following the employee giving notice, or the first day of lost coverage upon proof of loss of coverage elsewhere, provided the employee gives such notice at least five business days prior to the first of the month and meets all eligibility requirements of the insurance plan.

This is intended as a brief introduction to the Dental Insurance Plan. A more thorough explanation of the plan is contained in the plan documents and insurance policies available from the Village Clerk. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control. The Village and, if applicable, the benefit plan administrators or insurance companies, reserve the maximum discretion and right permitted by law to administer and interpret the health plan, as well as to amend, modify or terminate the plan at any time for any reason.

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4.08 DENTAL INSURANCE FOR RETIREES

To aid retirees with the cost of dental care, the Village offers a dental insurance program for retirees.

COVERAGE

The Village will make available dental insurance coverage to an eligible full-time employee who retires from the Village. Coverage is also available for eligible dependents if they were covered under the Village's dental insurance plan at the employee's date of retirement. In the event the retiree predeceases the dependents, the dependents may continue dental insurance coverage provided they pay the full cost of the premium. Coverage of a dependent at the time of divorce or legal separation is in accordance with plan documents and COBRA requirements.

ELIGIBILITY

To be eligible for coverage, the retiree must be age fifty-five or older, and must have at least fifteen full-time years of continuous service with the Village. In addition, the employee must have applied for and been granted a bona-fide retirement benefit from the New York State Employees' Retirement System or be drawing a pension or disability benefits under Social Security.

COST

The Village will designate a plan. To assist with the escalating cost of dental insurance, the Village currently pays the majority of the premium, the remainder to be paid by the retiree. The retiree will receive material from the Village Clerk which more thoroughly describes the insurance benefits including information on deductibles, co-payments, co-insurance, etc.

As a part of the benefits review process the Village Board may, at its discretion, change the dental insurance plan at any time, including, but not limited to, type of coverage, contributions, and type of carrier.

PLAN

The Village Board may, at its discretion, change the dental insurance plan at any time, including, but not limited to, type of coverage, retiree contributions, and type of carrier.

CHANGES IN PREMIUM CONTRIBUTIONS

The amount of the insurance premium a retiree is required to contribute is subject to change by resolution of the Village Board. The Village Clerk will provide advance written notice of such change.

OTHER EMPLOYMENT

If a retiree works for a new employer that offers a dental insurance plan, the retiree will accept coverage under the new employer's dental plan while so employed. If new employment terminates, the Village will once again cover the retiree.

This is intended as a brief introduction to the Dental Insurance for Retirees Plan. A more thorough explanation of the plan is contained in the plan documents and insurance policies available from the Village Clerk. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control. The Village and, if applicable, the benefit plan administrators or insurance companies, reserve the maximum discretion and right permitted by law to administer and interpret the health plan, as well as to amend, modify or terminate the plan at any time for any reason.

4.09 PRE-TAX PREMIUM PLAN

Employees of the Village may participate in the pre-tax premium plan. The advantage of a pre-tax premium plan is that it allows employees to pay for certain insurance benefits on a pre-tax basis.

ELIGIBILITY

All employees who enroll in the health insurance plan and/or dental insurance plan are eligible to join the pre-tax premium plan.

BENEFITS

The pre-tax premium plan allows employees to save taxes on the money they pay toward health and dental insurance. Under this plan employee premiums are deducted from gross pay before taxes are deducted. By reducing gross wages, employees pay fewer taxes on the money that they earn.

ENROLLMENT

Eligible employees who enroll in the group health or dental insurance plans will automatically be enrolled in the pre-tax premium plan but may opt out of the pre-tax premium plan by contacting the Village Clerk.

CHANGES IN BENEFIT ELECTIONS

Generally, after signing the pre-tax premium plan enrollment form, employees may not change their benefit plans until the beginning of the next plan year. An eligible employee may make a change, however, upon the occurrence of a “change in status”. The qualifying events for a change may include:

- marital status
- number of dependents
- employment status
- eligibility requirements
- residence
- adoption proceedings
- cost or coverage
- other laws or court orders

This is intended as a brief introduction to the pre-tax premium plan. A more thorough explanation of the plan is contained in the plan documents and insurance policies available from the Village Clerk. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control.

4.10 HEALTH REIMBURSEMENT ACCOUNT

Employees of the Village participating in the employer sponsored group health insurance plan also participate in the Health Reimbursement Account (HRA). The purpose of the HRA is to cover the deductible of the health insurance plan. The Village is currently bearing the entire cost of funding the HRA.

ELIGIBILITY

Employees participating in the health insurance plan are eligible for the HRA.

BENEFITS

The Village will maintain an “HRA” for each employee participating in the health insurance plan to keep a record of the amounts available for reimbursement of eligible health expenses.

ENROLLMENT

The HRA is integral with the health insurance plan. The Village may require employees to complete and submit enrollment forms for the HRA in accordance with established procedures.

ACCOUNT MAXIMUMS

Before the start of each plan year, the Village is notified of the deductible of the health insurance plan. The maximum annual amount that may be credited during that plan year to an employee’s HRA.

An employee’s HRA account will be reduced by any amount paid for eligible health care expenses incurred by the employee or employee’s covered spouse or dependents. The amount available for reimbursement of health care expenses as of any given date will be the total amount credited to the employee’s HRA as of such date, reduced by any prior reimbursement as of that date.

This is intended as a brief introduction to the Health Reimbursement Account. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control. The Village reserves the maximum discretion and right permitted by law to administer and interpret the HRA, as well as to amend, modify or terminate it at any time for any reason.

4.11 CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)

The following is a summary of the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and New York health continuation coverage or “mini-COBRA” law. These laws require most employers to offer employees and their families continued group health insurance coverage at group rates in certain circumstances.

CONTINUATION COVERAGE

Federal law requires most employers to offer employees and their families the opportunity to temporarily continue group health insurance coverage (called "continuation coverage") at group rates in specified circumstances where coverage under the plan would otherwise end. COBRA continuation coverage for the Village applies to health/dental.

ELIGIBILITY

Employees of the Village who are covered by Village group health/dental coverage have a right to choose this continuation coverage if they lose their group health/dental coverage because of a reduction in their hours of employment or the termination of their employment (for reasons other than gross misconduct on the employee's part), among certain other qualifying events.

The spouse or dependent child of an employee covered by the Village group health/dental coverage also has the right to choose continuation coverage if they lose group health coverage under certain qualifying events.

OPTIONS

If an employee does not choose continuation of coverage, his or her group health insurance coverage will end. If an employee chooses continuation of coverage, the Village is required to give the employee coverage that is identical to the coverage provided under the plan to similarly situated active employees or family members. Employees will be required to pay the entire premium for their continuation of coverage, plus a small administrative fee.

At the end of the continuation of coverage period, employees must be allowed to enroll in an individual conversion health plan if such option is available under the Village's group health/dental coverage.

If an employee does not choose continuation of coverage of health/dental benefits, the employee may submit claims only for eligible health/dental expenses incurred through the last day of coverage. If an employee chooses COBRA continuation of health/dental benefits, the employee may obtain reimbursement of eligible expenses incurred during the COBRA continuation period, provided the employee continues to pay contributions to the plan plus a small administrative charge.

ALTERNATIVES TO COBRA

An employee may have other options available when losing group health coverage. For example, an employee may be eligible to buy an individual plan through the Health Insurance Marketplace. By enrolling in coverage through the Marketplace, an employee may qualify for lower costs on monthly premiums and lower out-of-pocket costs. Additionally, an employee may qualify for a 30-day special enrollment period for another group health plan for which the employee is eligible (such as a spouse's plan), even if that plan generally doesn't accept late enrollees.

This policy is only a summary of your rights under the continuation coverage provisions of the law. Additional information regarding your rights is contained in the plan's general COBRA notice or can be obtained from the Village Clerk. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control.

4.12 LIFE INSURANCE

A group life insurance policy is provided for eligible employees. Accidental Death and Dismemberment coverage is included in this group policy.

ELIGIBILITY

Full-time employees are eligible join the group life insurance plan on the employee's first day of employment.

COVERAGE

An employee's amount of life insurance coverage is equal to the amount of one times their annual salary up to \$50,000.

Coverage ceases on the last day of employment.

COST

The premium for this insurance is paid for by the Village.

BENEFICIARY DESIGNATION

Employees enrolled in the life insurance benefit will be required to designate a beneficiary upon enrollment. Designations may be changed by written request at any time. Beneficiaries will be eligible to receive the full amount of the employee's life insurance coverage in the event of the employee's death in accordance with the terms of the plan.

This is intended as a brief introduction to the Life Insurance Plan. A more thorough explanation of the plan is contained in the plan documents and insurance policies available from the Village Clerk. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control. The Village and, if applicable, the benefit plan administrators or insurance companies, reserve the maximum discretion and right permitted by law to administer and interpret the plan, as well as to amend, modify or terminate the plan at any time for any reason.

4.13 SOCIAL SECURITY

All employees are covered by this federal program, which is funded through payroll taxes known officially as the Federal Insurance Contributions Act (FICA) taxes.

BENEFITS

Social Security is an important benefit for employees and their families as it provides death, disability and retirement benefits.

COST

The cost of this coverage is determined by law. The rates are subject to change in accordance with legislated amendments by Congress. The required amount of an employee's contribution will be deducted automatically from his or her paycheck.

ADDITIONAL INFORMATION

Questions regarding the Social Security program should be directed to the Social Security Administration, which has answers to many common questions on its website at www.ssa.gov. Questions regarding an individual's FICA or other payroll tax deductions should be directed to the Payroll Clerk.

4.14 THE NEW YORK STATE RETIREMENT SYSTEM

The Village will make available the New York State Employees' Retirement System pension plan to each eligible employee.

ELIGIBILITY

An employee is eligible for service retirement benefits after five years of creditable public sector service. In the event an employee leaves after five years of service but prior to retirement age, such employee may receive a benefit at retirement age related to those years as a public sector employee.

MANDATORY MEMBERSHIP

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

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

OPTIONAL MEMBERSHIP

An employee who is not mandated to join may join the retirement system. Such employee will be informed, in writing, that the employee may join the Retirement System and will acknowledge receipt of such notice by signing a copy thereof and returning it to the Village Clerk. If the employee elects to join the retirement System, the employee must complete the application form and return it to the Village Clerk.

WAIVER OF ENROLLMENT

An employee who is not mandated to join the retirement system, and who chooses not to join, must complete a waiver of enrollment form.

POLICE RETIREMENT SYSTEM

The Police Retirement System covers all sworn personnel in the Police Department. The Village will contribute 100% of the cost associated with this plan. It is mandatory for all full-time and part-time police officers to become members of the Police Retirement System effective on the first day of employment.

4.15 DEFERRED COMPENSATION PLAN

The Village has established a Deferred Compensation Plan whereby a portion of an employee's salary may voluntarily be withheld and invested. The money saved is paid out to the employee at a later date, usually during retirement years. Deductions for the deferred compensation plan are pre-tax.

ELIGIBILITY

All employees are eligible to participate in this plan on their first day of employment. Employees can join, increase or decrease their contributions at any time.

This is intended as a brief introduction to the Deferred Compensation Plan. A more thorough explanation of the plan is contained in the plan documents available from the Village Clerk. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control. The Village and, if applicable, the benefit plan administrators or insurance companies, reserve the maximum discretion and right permitted by law to administer and interpret the plan, as well as to amend, modify or terminate the plan at any time for any reason.

4.16 SHORT-TERM DISABILITY INSURANCE

A loss of income due to disability can be destructive to an individual's or family's security. For this reason, the Village provides eligible employees with short-term disability insurance. This insurance program assists employees in replacing lost income in the event that an employee is disabled due to an off-the-job injury, illness or pregnancy.

ELIGIBILITY

Full-time employees who are unable to work due to a non-job-related disability are covered under the short-term disability insurance program. Coverage will begin on the employee's first day of employment, provided the employee meets all eligibility requirements of the New York State Disability Benefits Law.

BENEFITS

Disability benefits equal seventy percent of the employee's weekly salary, not to exceed a maximum of \$350 per week, for a maximum of twenty-six weeks. The duration of disability benefits is dependent upon a physician's certification and consistent with statutory regulations. There is a seven-day waiting period before an employee can become eligible for disability payments.

COST

The premium for this insurance is paid for by the Village.

LEAVE ENTITLEMENT

Employees may be eligible for a Disability Leave. See the Disability Leave policy for more information.

USE OF SICK LEAVE

An employee may draw from the employee's sick leave in conjunction with disability payments to equal, but not exceed, the employee's regular daily rate of pay. See the [Disability Leave](#) policy for more information.

HEALTH INSURANCE COVERAGE

The Village will continue health insurance coverage for the employee in accordance with the provisions of the Family and Medical Leave policy in this handbook.

EMPLOYEE'S RESPONSIBILITY

Employees must notify the Village Clerk immediately if they anticipate being on a medical leave beyond seven calendar days.

This is intended as a brief introduction to the Short-Term Disability Insurance. A more thorough explanation of the plan is contained in the plan documents and insurance policies available from the Village Clerk. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control. The Village and, if applicable, the benefit plan administrators or insurance companies, reserve the maximum discretion and right permitted by law to administer and interpret the plan, as well as to amend, modify or terminate the plan at any time for any reason.

4.17 WORKERS' COMPENSATION

The Village carries a Workers' Compensation Insurance policy which covers all employees in the event that they are injured or become disabled due to occupational illness or injury while on the job.

BENEFITS

For employees who are injured while on the job or who develop an occupational illness, medical expenses and loss of earnings up to the specified maximum normally will be covered by the Workers' Compensation Insurance policy. Compensation under this plan is based on a formula using the employee's average weekly wages.

ELIGIBILITY

Benefits for lost earnings begin after the seventh day of disability. If disability continues beyond two weeks, the benefits will also be paid for the first week of disability. Payment of medical expenses begins on the first day of disability.

LEAVE ENTITLEMENT

Employees are eligible for a Disability Leave. This leave runs concurrently with any available Family and Medical Leave. See the [Disability Leave](#) policy for more information.

COST

The premium for this insurance is paid for by the Village.

REPORTING INJURIES

Reports of accidents or injuries, even if minor, must be filed within 24 hours with the Department Head who, in turn, must file within 24 hours with the Village Clerk. Failure to receive medical treatment in a timely manner may result in serious complications and also may jeopardize eligibility for benefits.

USE OF SICK LEAVE

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

HEALTH INSURANCE COVERAGE

The Village will continue health insurance coverage for the employee in accordance with the provisions of the Family and Medical Leave policy in this handbook.

4.18 JURY DUTY & COURT ATTENDANCE

The Village considers service on a jury to be an important civic duty.

JURY DUTY PAY

In the event an employee is required to report for jury duty on a day the employee is scheduled to work, the employee will receive paid jury duty leave. Such leave will not be subtracted from any of the employee's leave credits. An employee is obligated to notify the Commissioner of Jurors that the Village is paying the employee's full salary during jury duty. An employee can collect and keep any mileage expense reimbursement that may be issued by the court system for performing jury duty.

NOTIFICATION

When an employee receives notice to report for jury duty, the employee must immediately submit a copy of the notice to the employee's Department Head who, in turn, must file within 24 hours with the Village Clerk.

Employees must submit a copy of the Jury Duty Attendance Certificate to their Department Head indicating the dates served. Employees will receive this statement when their jury duty is complete. The Department Head, in turn, must file the notice with the Village Clerk within 24 hours.

TIME AWAY FROM WORK

In fairness to the Village, employees are expected to return to work if they are excused from jury duty during their regular working hours.

COURT ATTENDANCE

Employees who are subpoenaed to appear in court as a witness in a criminal proceeding, will be granted unpaid time off for their attendance.

4.19 BEREAVEMENT

In the event of a death in an employee's immediate family, the employee may take a leave following the death for the purpose of making arrangements and attending the funeral.

ELIGIBILITY

Full-time employees are eligible for paid bereavement leave as defined below. Covered categories include:

- **Spouse, Child or Parent Living with Employee** - In the event of a death of a regular full-time employee's spouse, domestic partner, child, or parent living with employee, the employee shall be paid his regular rate of pay for the scheduled working hours missed up to five (5) days following the death.
- **Other Immediate Family** – In the event of a death of a regular full-time employee's "other immediate family," the employee shall be paid his regular rate of pay for the scheduled work hours missed up to three (3) days following the death. However, all funeral leave benefits will terminate at the end of the day of the funeral. "*Other Immediate Family*" will mean parent not living with the employee, sibling, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandchild, or grandparent.
- **Extended Family** – In the event of a death of a regular full-time employee's "extended family," the employee shall be paid his regular rate of pay for the scheduled work hours missed to attend the funeral not to exceed eight (8) hours. "*Extended Family*" will mean family members not defined in either category above.

COMPENSATION

Time off with pay as provided in this section is intended to be used for the purpose of handling necessary arrangements and attendance at the funeral of the deceased member of the family as defined above.

EXTENDED BEREAVEMENT LEAVE

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

4.20 MILITARY LEAVE

The Village recognizes the obligation of those employees serving in any branch of the military or other uniformed services of the United States. Employment status within the Village is protected by the Uniformed Services Employment and Reemployment Rights Act of 1994 (“USERRA”) and state military leave provisions.

MILITARY LEAVE (NEW YORK STATE LAW)

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

Spouses of members of the U.S. armed forces, National Guard or reserves that have been deployed to a combat area during a period of military conflict are entitled to up to 10 days of unpaid leave. The spouse must work on average at least 20 hours per week to be eligible for this leave. The military personnel must be on leave at the time the spousal leave is taken.

MILITARY LEAVE OF ABSENCE (FEDERAL LAW)

An unpaid leave of absence for a period of up to the federal statutory limits will be granted to an employee to serve in any of the Armed Forces of the United States. The employee’s accumulated vacation leave may, at the employee’s option, be used at any time during such leave of absence.

HEALTH CARE CONTINUATION

During a military leave of less than 31 days, an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. For military leaves of more than 30 days, an employee may elect to continue his/her health coverage in accordance with USERRA and COBRA. For additional information on health care continuation contact the Village Clerk.

NOTIFICATION OF SUPERVISOR

Employees are expected to inform their Department Head of their need for military or spousal leave as far in advance as possible. The Department Head must submit a copy of the military orders to the Village Clerk.

OTHER LEAVES

This leave may run concurrently with any available Family and Medical Leave, where applicable.

NO RETALIATION

Employees who request military and/or spousal leave will not be retaliated against or penalized in any manner. Any employee who believes he or she has been retaliated against in violation of this policy should notify the Village Clerk immediately.

4.21 VOTING LEAVE

The Village believes that all employees should have the opportunity to exercise their right to vote in elections.

TIME AWAY FROM WORK

Employees who do not have sufficient time to vote outside their working hours will be allowed the necessary time off to vote at the beginning or the end of their shift. Up to two hours will be paid time off. No time off will be allowed in any election where the polls are open at least four consecutive hours before or after the employee's shift.

Employees must return to work immediately after voting if their shift has not ended.

ADVANCE NOTICE

Employees intending to take leave to vote must inform the Department Head not more than ten but at least two working days prior to Election Day. The employee's Department Head will designate when the leave should be taken (e.g., at the beginning or end of the shift).

Proof of having voted may be required.

4.22 BONE MARROW & BLOOD DONATION LEAVE

In accordance with New York State law, the Village offers employees a leave of absence for the purpose of bone marrow or blood donation.

TIME AWAY FROM WORK

Employees who work at least 20 hours per week who seek to undergo a medical procedure to donate bone marrow will be granted a leave of absence no longer than 24 work hours. This leave is unpaid.

Employees who work at least 20 hours per week may be granted three hours of unpaid leave in any 12-month period of time for the purposes of donating blood.

VILLAGE-SPONSORED BLOOD DONATION DRIVES

If the Village sponsors a blood drive, employees donating blood will be granted paid leave time without requiring the employee to use vacation or personal leave.

VERIFICATION

Employees are requested to give as much advance notice as possible. Employees who donate bone marrow must provide the Village Clerk with verification from a physician as to the purpose and length of leave requested.

4.23 DISABILITY LEAVE

The Village offers employees a leave of absence due to an injury or illness, including pregnancy-related disability, consistent with applicable law.

ELIGIBILITY

All employees are eligible for this leave.

LENGTH OF LEAVE

Leave will be provided as medically necessary and consistent with the operational needs of the Village. The Village will comply with the requirements of the Americans with Disabilities Act and state law.

PAY DURING LEAVE

Disability leaves are unpaid except to the extent an employee is eligible to receive Workers' Compensation benefits, short-term disability benefits or paid sick or personal leave. (See those policies for details.)

MEDICAL CERTIFICATION

Prior to the granting of such leave, employees must provide the Village Clerk with a health care provider's certificate justifying the medical need for the disability leave and the expected date of return.

HEALTH INSURANCE DURING LEAVE

The Village will continue to provide health insurance coverage for full-time employees on authorized disability leave for twelve (12) weeks. Employees are required to pay their portion of the premium on the first day of each month. Coverage will cease if an employee's premium payment is more than 30 days late. The employee may then be entitled to COBRA continuation coverage at the employee's expense. (See [COBRA](#) policy for details.)

If an employee qualifies for leave under the Family and Medical Leave Act, he or she will receive health benefits during their FMLA leave under the same terms and conditions as if he or she was on the job. (See the [Family and Medical Leave Act](#) policy.)

RETURN TO WORK

Before returning to work, employees are required to present documentation from a health care provider certifying they are able to return to work with or without a reasonable accommodation.

JOB REINSTATEMENT

The Village will make all reasonable efforts to return employees to the same or similar position as held prior to the disability leave, subject to staffing and business requirements and applicable law. An employee's continued absence from work beyond the period of disability may be deemed a voluntary termination of employment.

OTHER LEAVES

This disability leave runs concurrently with the Family and Medical Leave Act, provided the employee is eligible for that leave.

4.24 FAMILY & MEDICAL LEAVE ACT

The Village provides eligible employees with time off when qualifying family or medical problems require a leave of absence.

ELIGIBILITY

Employees must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave; and;
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

LEAVE ENTITLEMENT

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job; or
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

LENGTH OF LEAVE

For leaves other than care of a covered service member, eligible employees may take up to 12 weeks of leave in a 12-month period for reasons defined above.

- The 12-month period utilized by the Village is calculated from the date that the first FMLA absence of any type (other than covered service member leave) begins.
- Absences due to an employee's serious health condition that are also covered by Short Term Disability Insurance or Workers' Compensation are counted as part of the leave time available to eligible employees under the Family and Medical Leave Act.

- Leaves taken for the birth or the placement of a child with the employee for adoption or foster care must be completed within 12 months of that birth or placement.

Covered Service Member Leave

- A “covered service member” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is on the temporary retired list for a serious injury or illness. Covered service members also include a veteran who is discharged or released from military services under conditions other than dishonorable at any time during the five years preceding the date the eligible employee takes FMLA leave to care for the covered veteran and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. These individuals are “covered veterans.”
- The FMLA definition of a “serious injury or illness” for current Armed Forces members and covered veterans is distinct from the FMLA definition of “serious health condition” applicable to FMLA leave to care for a covered family member.
- Eligible employees may take up to 26 weeks of leave during “a single 12-month period” to care for the service member. The “single 12-month period” begins on the date the employee’s first FMLA leave to care for the service member begins. During this single 12-month period, the employee’s combined total FMLA qualifying-leave for all types of FMLA leave may not exceed 26 weeks.

INTERMITTENT OR REDUCED SCHEDULE LEAVE

Under certain circumstances, leaves may be taken intermittently or on a "reduced leave schedule," e.g., in periods of days or blocks of time smaller than a day:

- Employees may take leave intermittently or on a reduced leave schedule:
 - When medically necessary for their own serious health condition; to care for a family member with a serious health condition; or to care for a covered service member with a serious injury or illness.
 - When necessary for “qualifying exigency” leave.
- Intermittent or reduced leave for family reasons (leave to care for a newborn or newly adopted child or a child placed in foster care) may be taken only if the Village and employee agree to the arrangement.
- If intermittent or reduced schedule leave is taken for planned medical treatment or, if agreed to by the Village, for family reasons, the Village may require the employee to transfer temporarily, during the period in which intermittent or reduced schedule leave is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than the employee’s regular position. The employee will receive his or her same rate of pay and equivalent benefits in the alternate position.

SPOUSES COMBINED LEAVE

If both spouses are employed by the Village and wish to take leave to bond with a newly arrived child or to care for a parent with a serious health condition their aggregate leave is limited to a combined total of 12 weeks during any 12-month period. If both spouses wish to take leave to care for a covered service member with a serious injury or illness or take a combination of service member leave and leave to bond with a newly arrived child or care for their own parent with a serious health condition, their aggregate leave is limited to 26 weeks during a single 12-month period.

PROCEDURE FOR REQUESTING A LEAVE

In the case of foreseeable FMLA leaves for birth, adoption or placement of a child or for planned medical treatment of the employee, a covered family member or a covered service member, an employee must provide the Village Clerk with 30 days' advance notice in writing before the date on which the leave would begin. If the employee is unable to provide 30 days' notice, they must provide notice as soon as it is practicable under the circumstances.

In the case of qualifying exigency leave or when the approximate timing of any FMLA leave is not foreseeable, the employee must provide the Village Clerk as much notice as it is practicable under the circumstances.

In requesting FMLA leave, the employee must provide sufficient information to allow the Village to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave.

In the case of leave for planned medical treatment, employees are required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the Village's operations.

Employees are expected to consult with the Department Head before the scheduling of treatment to work out a treatment schedule that best suits the needs of both the employer and the employee.

MEDICAL/SUPPORTING CERTIFICATION

Employees are required to provide medical certification from a health care provider for their own serious health condition or that of a family member or covered service member. Employees who request qualifying exigency leave also are required to provide certification supporting the need for leave and, when the leave is requested for the first time, a copy of the covered military member's active-duty orders. If employees provide at least 30 days' notice of medical leave, they should submit the medical certification before the leave begins.

INITIAL CERTIFICATION. The employee must submit a complete and sufficient certification to the Village Clerk within 15 calendar days after the Village requests the certification. If the certification is returned incomplete or insufficient, the employee will have seven calendar days to cure the deficiency. Failure to provide a complete and sufficient certification may result in denial of FMLA leave.

If there is reason to doubt an initial medical certification, an employee may be required to obtain a second opinion at the Village's expense. If the opinions differ, a third, final and binding certification from a healthcare provider designated or approved jointly by the Village and the employee may be obtained at the Village's expense.

PERIODIC RECERTIFICATION. The Village may also require employees on FMLA leave to submit periodic re-certification throughout the leave, but generally not more often than every 30 days unless a change in circumstances warrants earlier recertification. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.

RETURN TO WORK. Before returning to work, employees who have taken a leave for their own serious health condition are required to present documentation from their health care provider certifying that they are able to return to work and perform the essential functions of their positions with or without reasonable accommodation. Job restoration may be delayed or denied pending receipt of a return to work/fitness for duty certification.

OTHER REQUIREMENTS

Employees may be required to periodically report on their leave status and on their intent to return to work as directed by the Village Clerk before or during their leave.

Employees must comply with the Village's usual call-in procedures for absences while they are on intermittent FMLA leave.

Employees will be required to apply for any available and applicable paid leave (such as disability or paid family leave) to run concurrent with FMLA leave. FMLA leave under this policy runs concurrently with the **Company's Disability Leave, New York Paid Family Leave** and/or any other statutory leave entitlement to the extent permitted by law.

EMPLOYMENT AND BENEFITS PROTECTION

Employees are entitled to continue group health benefits under the same terms and conditions as if they were on the job during an FMLA leave.

- Employees are required to pay their portion of the premium by the first of each month if FMLA leave is unpaid. Coverage will cease if an employee's premium payment is more than 30 days late. If the health care premium is overdue for 15 days, the Village will notify the employee that their health insurance coverage will terminate if the premium is not received within the next 15 days.
- Employees who provide a statement of notice of their intent not to return to work are not entitled to continuation of health care benefits, except as covered by COBRA (Refer to COBRA policy).

- Employees who fail to return from the leave, except for reasons of continuation, recurrence or onset of a serious health condition (including the serious health condition of a family member or covered service member) or something else beyond the employee's control, must repay the Village for the Village's share of health coverage premiums incurred to maintain their coverage during the unpaid leave.

PTO/Vacation/sick leave/personal leave and seniority or service time do not continue to accrue, except in cases of intermittent leave.

Life insurance, supplemental short-term disability and long-term disability insurance will be retained if employees continue to make premium payments.

When paid leave is not required and/or not available, time off for FMLA is received on an unpaid basis. Employees that are on otherwise unpaid FMLA leave workers' compensation or New York State disability benefits must use accrued PTO/vacation/sick leave/personal leave while taking FMLA leave. Employees that are on FMLA leave while receiving paid benefits for workers' compensation, disability or paid family leave have the option of using available PTO/vacation/sick leave/personal leave to supplement such benefits, to receive up to a combined total of 100% of their wages. Employees must satisfy the procedural requirements of the Village's PTO/vacation/sick leave/personal leave policy to receive such paid time off.

The substitution of paid leave time for unpaid FMLA leave time does not extend the length of the FMLA leave and the paid leave time will run concurrently with the FMLA leave time.

An employee (other than a key employee) who qualifies for a leave will return either to the same position he or she had before or to a position equivalent in pay, benefits and other terms and conditions of employment.

Key employees may not be eligible for reinstatement to the same or an equivalent position if it would cause substantial and grievous economic harm to the Village. (A "key" employee is one who is a salaried, FMLA-eligible employee, who is among the highest paid 10 percent of all the employees employed by the employer, within a 75-mile range of the employee's worksite.) The Village will notify an employee if he or she qualifies as a key employee and advise the employee of his or her rights if it intends to deny reinstatement.

FAILURE TO PROVIDE NOTICE OR CERTIFICATION OR RETURN FROM LEAVE

Absent unusual circumstances, failure to comply with the Village's notice and certification requirements may result in a delay or denial of the leave. If an employee fails to return to work at the leave's expiration and has not obtained an extension of the leave, the Village may presume that the employee does not plan to return to work and has voluntarily terminated his or her employment.

CONFIDENTIALITY

Documents relating to medical certifications, recertifications or medical histories of employees or employees' family members will be maintained separately and treated as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to Department Heads, first aid and safety personnel or government officials.

FRAUDULENT USE OF FMLA

An employee who fraudulently obtains Family and Medical Leave from the Village is not protected by FMLA's job restoration or maintenance of health benefits provisions. In addition, the Village will take all available appropriate disciplinary action against such employee due to such fraud.

ADDITIONAL INFORMATION

The Village will not restrain, interfere with or deny the exercise of any employee rights provided under the FMLA. The Village will not discriminate against any employee who exercises any rights under the FMLA or makes a complaint related to FMLA leave. Employees who have questions regarding this policy should contact the Village Clerk.

Note: This leave runs concurrently with the Village's Disability Leave when the leave is based on an employee's own serious health condition.

4.25 EMPLOYEE ASSISTANCE PROGRAM

The Village has an Employee Assistance Program (EAP) to assist employees and their families during a difficult time, to obtain confidential, professional counseling. This program is designed to help employees and their families deal with a variety of problems through professional consultation on a confidential basis.

ELIGIBILITY

Full-time employees are eligible for this service. Employees will receive EAP material from the Village Clerk.

BENEFITS

Through this program, confidential advice and short-term counseling are provided for any employee or member of an employee's family who requests it or for an employee who is referred by his or her Department Head. Common problems addressed through counseling include alcoholism, drug abuse, financial difficulties, family tensions and conflicts with co-workers.

The privacy of employees and their family members is protected at all times. The Village is not informed of who seeks assistance, unless the individual so requests or the Village refers the employee to the program as a requirement of continued employment.

COST

The EAP premium is paid for by the Village. Employees are responsible for the cost of outside referrals. However, the cost for outside referral help may be covered by the Village group health insurance program.

ADDITIONAL INFORMATION

If an employee is unable to reach help at the EAP number provided above and it is a crisis situation, employees should call 911. If it is not a crisis situation, employees may contact 2-1-1 /LIFE LINE at 1-877-356-9211, by dialing 211 or by visiting <http://211lifeline.org/>. The 2-1-1 /LIFE LINE offers referrals for emergency food, shelter, clothing, crisis counseling, substance abuse issues, employment, financial and legal issues and physical and mental health needs.

4.26 DOMESTIC PARTNER BENEFITS

All employees are eligible to obtain allowable benefits for themselves and their domestic partners. If the domestic partner is not the employee's income tax dependent under applicable IRS rules, then the value of the employer-provided benefits (including any such coverage paid for on a pre-tax basis) may be added to the employee's taxable earnings. For further advice on this issue, please consult your tax advisor.

ELIGIBILITY

The Village recognizes legally established Domestic Partnerships, including same sex and opposite sex partners and children of a current domestic partner are eligible for benefits. Employees in a Domestic Partnership will be eligible for all benefits attributable to spousal benefits as contained with this contract. Required forms for Declaration of Domestic Partnerships are available from the Village Clerk. Creation of a Domestic Partnership requires the following:

Creation of Domestic Partnership - Any two individuals may execute and file with the Village Clerk a statement of Domestic Partnership in which each individual as to himself or herself declares the following:

- The individuals are at least 18 years of age.
- The individuals are competent to enter into a contract.
- The individuals are not married in any jurisdiction.
- The individuals currently live together and have lived together continuously for at least six (6) months immediately prior to filing the statement.
- The individuals intend to continue to live together.
- The individuals are financially interdependent.
- The individuals share with each other the common necessities and tasks of one household.
- The individuals are each other's domestic partner, and each other has no other domestic partner.
- The individuals have not terminated a statement of domestic partnership, or its equivalent in another jurisdiction, within six (6) months immediately prior to filing the statement.

A Statement of Domestic Partnership shall be executed before the Village Clerk by both individuals under oath and penalty of perjury as to each of its declarations and shall be subscribed by the Village Clerk. The Village may require documentary evidence or testimony under oath in support of one or more declarations, pursuant to regulations promulgated by the Village Clerk.

A Statement of Domestic Partnership shall be executed on a form provided by the Village Clerk and shall be effective as of the date of the filing. Insurance coverage will begin at the first day of the month following execution of all documents.

A Statement of Domestic Partnership which contains false or fraudulent declaration by either of the individual's executions it, shall not be effective notwithstanding its filing by the Village Clerk and shall be voided; provided, however, that the Village Clerk shall not void a Statement of Domestic Partnership without first providing the individuals who executed the document notice of the alleged false or fraudulent declaration and an opportunity to or rebut the allegation, pursuant to regulations promulgated by the Village Clerk.

Termination of Domestic Partnership – either individual in a domestic partnership may terminate the Domestic Partnership by executing and filing with the Village Clerk a termination of Domestic Partnership in which the individual declares the following:

- The Domestic Partnership has been terminated and the individuals are no longer living together.
- The individual terminating the Domestic Partnership has notified the other domestic partner of the termination in writing.
- Written notice of the termination has been received by the other domestic partner at least thirty (30) days immediately prior to the termination of the domestic partnership.
- A termination of Domestic Partnership shall be executed before the Village Clerk under oath and penalty of perjury as to each of its declarations and shall be subscribed by the Village Clerk. The Village Clerk may require documentary evidence or testimony under oath in support of one or more of the declarations, pursuant to regulations promulgated by the Village Clerk.
- A Termination of Domestic Partnership shall be executed on a form provided by the Village Clerk and shall be effective as of the date of the filing.
- A Termination of Domestic Partnership which contains false or fraudulent declaration by the individual executing it, shall not be effective notwithstanding its filing by the Village Clerk and shall be voided; provided, however, that the Village Clerk shall not void a Termination of Domestic Partnership without first providing the individual who executed it, notice of the alleged false or fraudulent declaration and an opportunity to or rebut the allegation, pursuant to regulations promulgated by the Village Clerk.
- The Village Clerk shall maintain Statements of Domestic Partnerships and Termination of Domestic Partnerships in a format designed to facilitate access to such documents.

If there is a conflict between this policy or guidance under it, information you receive and the benefit plan document(s), the terms of the actual plan documents shall control.

4.27 BREAST AND PROSTATE CANCER SCREENINGS

In accordance with Civil Service Law Sections 159 b and c, the Village provides paid time off for employees to be screened for breast and/or prostate cancer.

ELIGIBILITY

Upon hire, all employees are eligible to receive paid time off to be screened for breast and/or prostate cancer. Employees must complete a time off request form and return it to the Village Clerk.

Once the employee has attended their screening appointment, the employee must return the "Verification of Time-Off for Medical Testing Form" to the Village Clerk in order to receive compensation for the time off.

TIME AWAY FROM WORK

Employees are eligible to receive up to four hours of paid time off for each cancer screening, per calendar year.

Any questions regarding this policy should be directed to the Village Clerk.

4.28 CRIME VICTIM LEAVE

The Village provides employees with time away from work if they are a victim of a crime or to participate as a witness of a crime.

ELIGIBILITY

Eligible employees who are the victim of a crime or subpoenaed to attend a criminal proceeding as a witness, may take time off from work to (1) testify in a criminal proceeding (including time off to consult with the district attorney); (2) give a statement at a sentencing proceeding; (3) give a victim impact statement at a pre-sentencing proceeding; or (4) give a statement at a parole board hearing.

Employees are eligible for time off under this policy if they are:

- The victim of the crime at issue in the proceedings;
- The victim's next of kin, if the victim is deceased as a result of the offense;
- The victim's representative (a person who represents or stands in the place of another person, including an agent, attorney, guardian, conservator, executor, heir or parent of a minor);
- A good Samaritan (someone who acts in good faith to: (1) apprehend a person who has committed a crime in his or her presence; (2) prevent a crime or an attempted crime from occurring; or (3) aid a law enforcement officer in effecting an arrest); or
- Pursuing an application or the enforcement of an order of protection as provided under relevant law.

CRIME VICTIM LEAVE PAY

If an employee needs crime victim leave, they are paid regularly scheduled wages for up to five (5) days in a 12-month period. Leave beyond five (5) days, an employee may use any available paid leave, including Village provided paid time off, such as PTO/vacation, sick leave or personal leave. Otherwise, leave will be unpaid.

DOCUMENTATION

Employees must notify the Department Head of the need to take a leave under this policy no later than the day before the absence. In addition, employees must provide the Village Clerk with verification of their service upon request.

TIME AWAY FROM WORK

In fairness to the Village, employees are expected to return to work if they are excused from proceedings during their regular working hours.

NO RETALIATION

The Village will not retaliate or tolerate retaliation against any employee who seeks or obtains leave under this policy.

4.29 DOMESTIC VIOLENCE VICTIM LEAVE

The Village will reasonably accommodate employees who are the victim of domestic violence with time off in compliance with the New York State Human Rights Law. Employees should also refer to the Village's paid sick leave/PTO policy for additional benefits that may be available.

REASONABLE ACCOMMODATIONS

The Village will reasonably accommodate employees who are the victim of domestic violence and who need a reasonable amount of time off for the following reasons, unless providing such accommodation would result in an undue hardship:

- Seek medical attention for injuries caused by domestic violence, including for a child who is a victim of domestic violence, provided that the employee is not the perpetrator of the domestic violence against the child;
- Obtain services from a domestic violence shelter, program or rape crises center;
- Obtain psychological counseling related to domestic violence incidents, including for a child who is a victim of domestic violence, provided that the employee is not the perpetrator of the domestic violence against the child;
- Participate in safety planning or other actions to increase safety from future incidents of domestic violence; or
- Obtain legal services, assist in the prosecution of an offense or appear in court in relation to an incident of domestic violence.

EMPLOYEE'S RESPONSIBILITY

Employees must give the Village reasonable advance notice of their intention to take leave for this purpose unless such advance notice is not feasible. An employee who cannot give reasonable advance notice must provide certification supporting the need for leave within a reasonable time after the absence.

Acceptable forms of certification include:

- A police report indicating the employee or the employee's child is a victim of domestic violence;
- A court order protecting or separating the employee or his or her child from the perpetrator of domestic violence;
- Other evidence from the court or prosecuting attorney that the employee appeared in court; or
- Documentation from a medical professional, domestic violence advocate, health care provider or counselor that the employee or their child was undergoing counseling or treatment for physical or mental injuries or abuse resulting from an act of domestic violence.

DOMESTIC VIOLENCE VICTIM LEAVE PAY

If an employee needs domestic violence victim leave, they are paid regularly scheduled wages for up to five (5) days in a 12-month period. Leave beyond five (5) days, an employee may use any available paid leave, including Village provided paid time off, such as PTO/vacation, sick leave or personal leave. Otherwise, leave will be unpaid. During the paid leave, the Village will maintain any health insurance coverage being provided in the same manner as if the employee had not taken leave.

Employees are expected to inform their Department Head of their need for extended unpaid leave and may be required to pay their portion of the health insurance premiums by the first of the month during any approved extended leave.

CONFIDENTIALITY

Except as otherwise required by law, the Village will maintain the confidentiality of any information regarding an employee's status as a victim of domestic violence.

NO RETALIATION

The Village will not discriminate or retaliate against an employee because the employee is a victim of domestic violence or requests leave in accordance with this policy.

SECTION FIVE

SAFETY POLICIES

5.01 SAFETY THROUGH TEAMWORK

The Village places a high priority on safety. The Village accepts responsibility for providing employees with a safe working environment and we expect employees to take responsibility for performing their work in accordance with our safety standards and practices.

Safety will only be achieved through teamwork. All must join together in promoting safety and taking every reasonable measure to assure safe working conditions exist throughout the Village.

EVERYONE IS RESPONSIBLE FOR SAFETY

Employees who notice an unsafe condition must notify their supervisor. Immediate action will be taken to correct the situation.

ACCIDENTS

Employees should report any injury received at work to their supervisor immediately, even if it appears minor and explain how the injury occurred.

EMPLOYEE RESPONSIBILITIES

An unsafe worker is a danger to the worker and fellow employees. Attention to all safety procedures is essential, not only to prevent injury, which is paramount, but also to protect property and the tremendous investment that it represents.

Each employee is responsible for safety. To accomplish this, employees should:

- Know and apply safety measures at all times;
- Know the locations, contents and use of first aid and firefighting equipment;
- Understand their job fully;
- Seek guidance from their supervisor when unfamiliar conditions are encountered;
- Report any accident or near accident to their supervisor promptly;
- Cooperate in the application of improved work measures; and
- Report any damaged or defective equipment or other unsafe condition to their supervisor promptly.

Employees have the right to report a work-related injury or illness and will not be subjected to any discrimination or retaliation for doing so.

SAFETY VIOLATION

Violation of a safety measure is in itself an unsafe act. A violation will be grounds for disciplinary action, the extent of which will be determined by the nature of the violation.

5.02 ALCOHOL & DRUG-FREE WORKPLACE

The Village strives to provide a safe environment for employees and others and to minimize the risk of accidents and injuries. Accordingly, each employee has a responsibility to co-workers and customers/clients to deliver services in a safe and conscientious manner. As a condition of employment with the Village, all employees are required to fully comply with the provisions of this policy.

The Department of Public Works has a policy specific to that department and CDL drivers, which employees are required to read, acknowledge, and abide by.

DEFINITION OF CONTROLLED SUBSTANCES

"Controlled substances" are defined as those drugs listed in Schedules I through V of Section 202 of the Federal Controlled Substances Act, 21 U.S.C. 812 and include, but are not limited to: marijuana, cocaine (including "crack" and other cocaine derivatives), morphine, codeine, phenobarbital, heroin, amphetamines and many barbiturates.

UNAUTHORIZED PRESENCE OF CONTROLLED SUBSTANCES AND/OR ALCOHOL IN THE WORKPLACE

The unauthorized or illegal use, sale, purchase, possession, distribution, dispensation, formulation, manufacture or transfer of controlled substances or alcohol on Village property or any location at which Village business is conducted, including Village vehicles and any private vehicle parked on Village premises or work sites, is strictly prohibited.

PRESCRIPTION AND OVER-THE-COUNTER DRUGS

This policy does not prohibit the possession and proper use of lawfully prescribed or over-the-counter drugs. However, an employee taking medication should consult with a health care professional or review dosing directions for information about the medication's effect on the employee's ability to work safely, and promptly disclose any work restrictions to your Department Head or Supervisor. Employees are not required to reveal the name of the medication or the underlying medical condition. The Village will evaluate and respond to this information on a case-by-case basis and consistent with its reasonable accommodation process. Consistent with applicable policies, the Village will maintain the confidentiality of the information provided.

The Village reserves the right to transfer, reassign, place on leave of absence or take other appropriate action regarding any employee during the time the employee uses medication that may affect their ability to perform safely. The Village will comply with all requirements pertaining to providing reasonable accommodations to the extent required by applicable law.

Any employee who cannot work safely and who does not advise the Village about warnings accompanying lawfully prescribed or obtained medications will be subject to disciplinary action up to and including possible termination of

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employment. An employee's lack of knowledge concerning such warnings will not excuse a violation of this rule where an employee has failed to make the inquiries required by this policy.

TELECOMMUTING

Telecommuting employees are also required to adhere to this policy while working remotely. Telecommuting employees are prohibited from using controlled substances during working hours. Any employee deemed to be in violation of Villages policy will be subject to an investigation which may result in termination of the employee's ability to telecommute and will also result in disciplinary action, up to and including termination of employment.

NOTIFICATION OF WORKPLACE DRUG CONVICTION

Employees must notify the Village Clerk or Treasurer if they are convicted under a criminal drug statute of a controlled substance violation in the workplace or while conducting Village business outside the workplace, within five days of conviction. Failure to do so will result in disciplinary action, which may include termination from employment for a first offense.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Village provides an EAP for employees and their family members. Employees are encouraged to use the EAP whenever they feel the need to discuss personal issues. For employees who have difficulty handling drugs or alcohol, the EAP can provide information on treatment. The EAP is a confidential service.

VIOLATION OF POLICY

Violations of this policy will lead to disciplinary action, up to and including termination.

CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROGRAM (CDL LICENSED DRIVERS)

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

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

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

CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROGRAM (POLICE DEPARTMENT)

Statement of Compliance - The Police Department has adopted a drug and alcohol abuse and testing policy, in the General Orders.

Covered Employees – General Orders apply to all Brockport Police Department employees.

5.03 CHEMICAL HAZARD COMMUNICATION PROGRAM

The Village's Chemical Hazard Communication Program has been created with health and safety in mind. To be successful, this program requires full commitment. Working together, the Village can keep our workplace safe.

REPORTING ACCIDENTS

The Department Head is responsible for monitoring and updating the Chemical Hazard Communication Program within the Village. Any accidents pertaining to chemicals or hazardous materials should be reported immediately to him or her. Employees can obtain MSDS information from the Department Head.

ADDITIONAL INFORMATION

For additional information regarding our Chemical Hazard Communication Program, contact Department Head.

5.04 BUILDING SECURITY

The security of the Village's offices and facilities is of the utmost importance. To control building security, all visitors who require access to the facilities must be accompanied by an authorized employee.

VISITORS

Visitors requiring access to Village offices are to enter through the front door. Visitors should only have access to the areas/offices within the building that are needed to conduct business.

DELIVERIES

Delivery people are seldom thought of as visitors, but they are and should be treated as any other visitor.

PROHIBITED ITEMS

The following articles may not be brought onto Village premises:

- Firearms, weapons, explosives;
- Narcotics, other unauthorized controlled substances or alcoholic beverages; and
- Other items similar in effect or purpose to any of the above, as well as items which may be considered illegal under local, state or federal laws or contrary to standard industrial practice.

Any personal items brought on the premises are subject to inspection as necessary to protect Village property and personnel.

5.05 SMOKE-FREE WORKPLACE

The following smoking provisions have been adopted in the interest of providing a safe and healthy environment for both employees and visitors to Village buildings.

SMOKING RESTRICTIONS

Smoking is not permitted in any Village work areas, buildings or in any Village-owned vehicles. This includes chewing tobacco and E-cigarettes.

Employees are expected to refrain from smoking near any building entrance where other employees and/or visitors would be exposed to second-hand smoke. Employees must be at least 25 feet away from the building entrance while smoking.

COMPLIANCE

Violations of this policy are subject to disciplinary action, up to and including termination.

5.06 VIOLENCE IN THE WORKPLACE

The Village is committed to providing a safe environment for employees, constituents and visitors. The Village has zero tolerance for workplace violence. Employees who display any violence or threaten violence including talk of committing violence or joking about committing violence in the workplace are subject to disciplinary action, up to and including termination.

New York State requires public employers (with the exception of employers as defined in §2801-a of the education law) to perform a workplace evaluation of each worksite. The evaluation is intended to identify factors which may place the workforce at risk to occupational assaults or homicides. The results of the evaluation and the risk factors found should be shared with employees. This information should be reviewed initially and annually thereafter. Employers who have 20 or more full time employees are required to develop a written Workplace Violence Prevention Program.

DEFINITION

Violence in the workplace includes but is not limited to physically harming another or one's self, shoving, pushing, brandishing weapons and explicit or implicit threats or talk of committing violence.

PREVENTION

Any preventive measure must be based on a thorough understanding of risk factors associated with the various types of workplace violence. Even though our understanding of the factors which lead to workplace violence is not perfect, sufficient information is available which, if utilized effectively, can reduce the risk of workplace violence. However, strong management commitment, and the day-to-day involvement of Department Heads, supervisors, employees and labor unions, is required to reduce the risk of workplace violence.

Hazards known to be associated with the three major types of workplace violence include but are not limited to:

1. An act by an assailant with no legitimate relationship to the workplace who enters the workplace to commit a robbery or other criminal act.
2. A violent act by a recipient of a service provided by the Village, such as client, customer or a criminal suspect or prisoner.
3. A violent act by a current/former employee, Department Head or supervisory personnel, or other person who has some employment-related involvement with the Village, such as an employee's spouse or partner, an employee's relative or friend, or another person who has a dispute with employees.

WEAPONS

All employees are prohibited from carrying a weapon while in the course and scope of performing their job for the Village, whether they are on Village property at the time or not and whether they are licensed to carry a handgun or not. This policy also prohibits weapons at any Village-sponsored functions such as parties or picnics.

Failure to abide by this policy may result in disciplinary action, up to and including termination. Further, carrying a weapon onto Village property in violation of this policy will be grounds for immediate removal from Village property and may result in prosecution. This policy shall not be construed to create any duty or obligation on the part of the Village to take any actions beyond those required of an employer by existing law.

REPORTING VIOLENCE

It is everyone's responsibility to prevent violence in the workplace. Employees must report what they see in the workplace that could indicate that a co-worker may be a threat to the safety of the workplace. Employees should report any incident that may involve a violation of the Village's policies that are designed to provide a safe workplace environment. Concerns may be presented to the Department Head or any other member of management. All reports will be investigated, and information will be kept confidential by management, consistent with applicable law and the need to facilitate an investigation and/or a solution to the problem.

5.07 WORKPLACE SEARCHES

In order to ensure the safety of the workplace, prevent theft of Village and personal property and/or enforce Village policies, The Village reserves the right to conduct searches of any person, vehicle or object that enters onto Village property with or without reasonable suspicion that a policy or legal violation has occurred.

SEARCHES

Please be aware that the Village reserves the right to search desks, files or file cabinets, briefcases, baggage, toolboxes, lunch sacks, clothing, purses, vehicles parked on Village property and any other item in which dangerous, stolen or unauthorized objects may be hidden. Additionally, the Village may search Village-owned vehicles that are primarily used by the employee, regardless of whether the vehicle is located on Village property at the time. Searches may be conducted by Village management. The Village also reserves the right to authorize searches by law enforcement on its property with or without the employee being present.

5.08 ACCIDENT REPORTING & INVESTIGATION

Properly reporting accidents and/or unsafe conditions is the key to creating a safe workplace. Employees have both a right and responsibility to report work-related injuries and illnesses and unsafe working conditions.

Employees should also refer the Workers' Compensation policy for additional information.

PURPOSE

The purpose of accident reporting and investigation is to discover the cause(s) so proper action may be taken to prevent a recurrence. Every accident indicates that proper preventive action must be taken. Employees have both a right and responsibility to report accidents and work-related injuries and illnesses.

NO RETALIATION

Employees have the right to report unsafe conditions, accidents, and work-related injuries or illness without fear of reprisal. It is the policy of the Village that any employee who makes a complaint regarding safety and/or reports a work-related injury will not be retaliated against in any way. Employees or interns who feel that they have been retaliated against for such activity should immediately contact the Village Clerk.

RESPONSIBILITIES

The Village Clerk will determine who is responsible for investigating unsafe working conditions and accidents as soon as they are reported.

A good accident investigation will:

- Assist in determining the principal or underlying cause.
- Determine how to initiate significant corrective action.

The Department Head is required to fill out accident/injury investigating reports and report all accidents to the Village Clerk. The Village Clerk will fill out and distribute workers' compensation reports and disability paperwork as needed. The Village Clerk is responsible for reviewing each accident/injury investigation report, and with the Department Head, determine the proper corrective action to take.

PROCEDURE

The following procedure should be adhered to in the event that there is an accident and/or injury in the workplace:

- When an accident occurs, the Department Head will immediately take action to prevent further injury or damage.
- The Department Head will interview employee(s) and witnesses as soon after the accident as possible. A fact-finding approach will be maintained.
- The Department Head will determine causes of the injury, illness or property damage.

- The Department Head will establish corrective action(s) for managing and rectifying the cause of the accident.
- The Village Clerk and Clerk Treasurer will ensure compliance with any reporting obligations (i.e., OSHA, Workers' Compensation).
- The Village Clerk will ensure that all reports are recorded and retained. Accurate information must be available regarding the accident, the injury or damage which occurred, the corrective action identified and when the corrective action was implemented.
- The Village Clerk will conduct a periodic review of the accident investigation reports to identify the need for retraining, problem areas, operations that need attention or trends in frequency which indicate a need for added prevention activities and/or training.

GENERAL INVESTIGATION GUIDELINES

The investigative process will:

- Analyze the working conditions and/or incident to determine the cause or causes.
- Inspect the location and equipment involved.
- Inquire about similar incidents which have occurred.
- Review records.
- Interview those involved and witnesses.
- Create a plan of corrective actions to eliminate the causes.
- Assign responsibility for the corrective actions.
- Ensure the plan is carried out.
- Monitor effectiveness of the corrective action.

5.09 LIMITED DUTY PROGRAMS

Limited duty is a working status for police officers and department of public works employees who, because of injury or other medical/psychological concern, cannot perform full police duties, but may be capable of performing certain types of alternate work activities.

POLICE OFFICERS

Guidelines - A member requesting limited duty shall adhere to the following procedure:

The member shall receive an original, signed letter from the member's personal physician (or the police physician if illness or injury is duty related) outlining the disability and the member's working limitations.

- Limited duty is restricted to a sixty (60) day period. Limited duty after sixty (60) days needs to be approved by the Village Board.
- Upon physician's affirmation of pregnancy, a member may be temporarily reassigned to limited duty at the physician's direction.

Members shall make two copies of the physician's letter and forward the original through the chain of command to the Chief of Police. The member shall give one copy to his immediate supervisor.

The member shall, as soon as possible, secure an appointment with the physician for clarification of the restrictions as applied to duties of a police officer. The physician will document the restrictions in writing and forward same to the Chief of Police.

Supervisors may place members in an alternate duty assignment, consistent with the written recommendations of the member's physician, i.e.: recordkeeping, updating department information, follow-up investigations that can be handled at the office, supervising community service workers.

The supervisor shall immediately notify, through the chain of command, the commanding officer of the member for possible temporary transfer of the member within the Department to a position consistent with the physician's recommendations and the needs of the Department.

Members shall report once a month to the physician to verify whether limited duty should continue. The Chief of Police may waive this requirement.

Upon return from limited duty, the member shall:

- Provide documentation from physician certifying his/her return to full duty.
- The Chief of Police will attempt to return the member to his/her previous assignment.

Any disagreement between the member's personal physician and the policy physician shall be resolved by the Chief of Police.

Provisions of Personal Leave, Sick Leave General Orders and Articles set forth in the agreement between the Village and the Stetson Club pertaining to this limited duty program shall supersede all guidelines and procedures set forth by this program.

DEPARTMENT OF PUBLIC WORKS

This program will be administered in conjunction with the employee's immediate supervisor and his or her personal or treating physician. The applicable physician may make the final determination as to whether an employee's recovery from the job-related injury or illness is sufficient to meet the requirements of the limited duty program that the Village Department of Public Works has established.

Guidelines - The limited duty program will be reviewed on a case-by-case basis and shall relate to Department of Public Works employees who have suffered an on-the-job injury or illness which is temporary in nature.

- The employee shall obtain documentation from the appropriate physician outlining the employee's availability in regard to returning to his or her designated job on a limited duty assignment.
- Said physician shall describe the employee's limitations and capabilities (i.e. – lifting, movement, standing, hours per day etc.) relating to his or her disability.
- The employee's immediate supervisor may determine if job assignments are available with regards to these limitations and/or capabilities.
- Any employee participating in the limited duty program may be evaluated by the treating physician and/or a physician by the Village at the end of thirty (30) calendar days. At this time, a determination may be made as to whether the employee will continue with the limited duty program or be released to resume his or her normal working status. The limited duty program will be offered for a maximum of sixty (60) days. Further continuance by an employee in the program over the sixty (60) day time period, may be granted after review and approval by the Village Board.
- The limited duty program may also apply voluntarily, on a case-by-case basis, to employees who have been disabled from on non-job-related injuries or illnesses, if and when limited duty tasks become available. In this case, work related injuries or illnesses shall receive priority if limited duty work is limited.
- Any articles set forth in the agreement by and between the Village and CSEA, Local 1000 AFSCME, and pertaining to this limited duty program, shall supersede all guidelines and procedures set forth by said program.
- This limited duty program is established in an effort to create a guideline that may enable an employee who has sustained a work-related injury or illness, an opportunity to return to work in a limited duty capacity.

Limited Duty Assignments - limited duty assignments may include, but are not limited to the following:

Meter reading	Errands	Inventory Materials	Washing vehicles
Filing	Parts Runner	Flagman	Mowing
Answer Phones	Painting	Cleaning buildings	Light equipment

5.10 EMERGENCY EVACUATIONS

The Village is committed to ensuring employees understand their roles and responsibilities in the event of an emergency.

IN AN EMERGENCY

In the event of a fire or hazardous material emergency, the emergency fire alarm system should be activated by pulling one of the fire alarms. The source of a potential fire or hazardous material emergency should not be investigated. Any employee who suspects an emergency should report it immediately. In any emergency, reporting is the first essential step to protecting oneself and others.

When the emergency fire alarm system is activated, all employees and visitors are expected to evacuate the building by exiting in an orderly manner through the nearest exit.

When exiting, employees should not use elevators and should descend stairwells in an orderly manner. After exiting, employees should report to the area away from the building exits designated as the meeting location. Once employees arrive at the designated area, they should immediately report to their Department Head and remain at that location until accounted for and authorized to leave.

No re-entry to the building will be permitted until an official all-clear notification is given.

EMPLOYEE'S RESPONSIBILITY

Employees should review this policy and the evacuation procedures and notify their Department Head if they believe they might require an accommodation or assistance in order to comply with these procedures in the event of an emergency.

ADDITIONAL INFORMATION

For additional information regarding the Village's evacuation procedures employees should refer to the **Emergency Action Plan/Fire Prevention Plan** in the **Village's Safety and Procedures Manual/Safety Manual**.

**EMPLOYEE PROGRAMS
&
PROCEDURES**

6.01 CONSTITUENT RELATIONS

The professional treatment of the constituents and the impression that the Village makes on our community is important. The Village's reputation is based on quality service. To maintain the Village's reputation requires the active participation and cooperation of every employee.

EACH EMPLOYEE'S RESPONSIBILITY

The opinions and attitudes that constituents and visitors have toward the Village may be determined for a long period of time by the actions of one employee. Each employee must be sensitive to the importance of providing courteous treatment in all working relationships.

QUALITY SERVICE

Quality service can only be achieved when every employee understands that constituents are critically important to the success of the Village.

Some employees have internal customers (co-workers) for whom we provide service and some of us work with individuals outside the Village who have given employees the privilege of their business. In both situations, the Village is committed to providing quality service and a high level of professionalism at all times.

6.02 MEDIA RELATIONS

The Village Board acts to ensure coordinated, coherent, professional, accurate and reliable communication between the Village and all media outlets. This policy is intended to sustain and reinforce a positive image of the Village by effectively disseminating timely, relevant and interesting information.

MEDIA REQUESTS FOR OFFICIAL STATEMENT

For the purpose of this policy, “statement” means spoken communication; “submission” means printed or electronic communication. Compliance with this policy requires observance of the following:

1. Members of the Village Board are the official spokespersons of the Village. Other Village officials and employees shall not make **official statements**, whether unsolicited or in response to a media inquiry, except when authorized by the Village Mayor or the Village Board, or to affirm or clarify facts that are part of the public record.
2. Only official spokespersons shall respond to media inquiries.
3. Official statements to the media, whether unsolicited or in response to an inquiry, shall accurately reflect the Village’s position as described by official documents such as, but not limited to formal plans, adopted policies, and approved meeting minutes.
4. A Village official or employee who wishes to make a personal statement regarding a Village-related topic must clearly inform the media that he or she is making such statement as an individual, that his/her statement does not necessarily represent the position of the Village, and that they are not authorized to speak for, or on behalf of the Village at the time of the statement.
5. Any direct quotation of a Village official or employee in a statement or submission to the media must be verified by official record or acknowledged as accurate by the party quoted prior to issuance of such statement or submission.
6. Communications regarding police department incidents issued by the Police Chief or his/her designee, editorials, legal notices, and advertisement are no subject to 1 – 5 of this policy.

6.03 TELEPHONES & ELECTRONIC DEVICES

It is important that Village telephones be free and Village employees be available during working hours for constituents and other business-related calls.

PHONE CALLS

Telephones, including Village-provided cellular phones, are maintained for business purposes only. The Village recognizes that employees may occasionally need to use Village telephones, including Village-provided cell phones, for non-business related matters. Employees are requested to limit these calls to an absolute minimum and place calls only during non-working periods. The abuse of this privilege would negatively impact the already heavy demand on telephone lines and interfere with the efficiency of operations.

Employees are expected to use Village phones and not personal cell phones for Village business during regular business hours.

LONG DISTANCE CALLS

The Village's telephones may not be used to make non-business long distance calls except in emergencies with prior permission from an employee's supervisor.

PERSONAL CELL PHONES AND ELECTRONIC DEVICES

Cell phones, Radios, iPods, MP3 players and other personal electronic devices may be used to play music during working time as long as the devices are not distracting to others and do not interfere with work performance.

6.04 HOUSEKEEPING

Each employee is responsible for keeping his or her own work area, as well as common areas like the breakroom, neat and orderly. In addition, the Village may use a custodial service for the regular cleaning of our facility.

WORK AREAS

Subject to the Village's policies against discrimination, harassment and/or workplace violence, employees may personalize their work area as long as this does not result in clutter, disorder or other unreasonable interference with business operations. The Village reserves the right to exercise judgment as to whether an employee's personalization of his/her work area violates this policy.

RECEPTION AREA

Since all visitors pass through the reception area, it must present a professional impression of orderliness.

BREAKROOM

The Village provides facilities for refrigeration and preparation of light meals. Please remember when using these facilities that others will use them after you. Each employee is responsible for cleaning up after themselves by the end of their work shift and using the proper trash receptacles for waste.

6.05 PROFESSIONAL ATTIRE

The impression that the Village makes on visitors is important. There is no substitute for neatness, propriety of dress, good grooming and speech and a professional attitude. Sensitivity to these areas will ensure that good relationships with constituents are maintained and fostered.

DRESS CODE

Although no formal dress code exists, employees are asked to wear clothing that is appropriate for their position and the work that they do. Clothing should be neat, clean, in good taste and not constitute a safety hazard.

Employees that wear uniforms are expected to wear them every day of the workweek.

The Village will make accommodations when necessary to comply with state and/or federal law. Please contact the Department Head with questions regarding this policy.

CASUAL DAYS

The Village observes “casual” days on Friday. Clothing should be clean, neat, and appropriate for the workplace.

If an employee has a meeting scheduled for Friday, then casual day is Thursday.

If the Village offices are closed on Friday, the casual day is Thursday.

6.06 CHANGES IN PERSONAL INFORMATION

Employees are responsible for notifying the Village when there is a change in their personal data. This information needs to be kept up to date so benefit plans and payroll withholdings are properly administered. Timely notification of these changes will also enable the Village to assist employees and their family in matters of personal emergency.

NOTIFICATION

Notify the Village Clerk as soon as any of the following change:

- Name
- Address
- Telephone numbers
- Number of dependents
- Change in familial status and/or beneficiaries
- Emergency contact

6.07 EMPLOYMENT OF RELATIVES & NON-FRATERNIZATION

The employment of relatives is a sensitive issue that could possibly create a conflict-of-interest situation for the related individuals. Hiring decisions and continued employment must be handled in accordance with the following provisions.

LIMITATIONS

It is the Village's policy that employees will not be hired into or work in, a department where they directly or indirectly supervise or are supervised by an immediate family member or someone with whom they are romantically involved. Employees will not be placed in a position where they work with or have access to, sensitive or confidential information about an immediate family member or someone with whom they are romantically involved.

For the purposes of this policy, the term "immediate family" refers to spouses, domestic partners, parents, children, stepchildren, sisters, brothers, parents-in-law, sons/daughters-in-law, stepparents, or family members residing in the same household.

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

NON-FRATERNIZATION

Due to the potential impact on employee morale, confidentiality and supervisory/managerial problems and the appearance of a conflict of interest, the Village expects Department Heads to refrain from romantic relationships with employees whom they directly or indirectly supervise. If two employees marry or otherwise become immediate family members or romantically involved, the Village expects these employees to resolve the matter of complying with this policy among themselves. If they cannot, the Village may require one or both of these employees to transfer or resign.

6.08 OUTSIDE EMPLOYMENT

We hope employees will not find it necessary to accept additional outside employment. However, if the need arises, employees may accept part-time employment providing the following provisions are observed.

NOTIFICATION

Employees must notify their supervisor in writing of their intent to accept another position at another organization while they are still employed by the Village. This notice should specify the name of the employer, the nature of the job duties and the hours of work.

The Village encourages employees who have the option of other health or dental coverage available to them to take advantage of the health or dental insurance buy-out.

CONFLICT OF INTEREST

Outside employment must not interfere in any way with the employee's capability for giving full service to the Village or create an actual or perceived conflict of interest. Such employment cannot be for customers/clients or competitors, nor should an employee take an ownership interest with a competitor.

6.09 EMERGENCY CLOSINGS

Extraordinary weather conditions or other emergencies may develop that would close the non-emergency operations of the Village.

CLOSING PROCEDURES

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

If the Village Mayor does not authorize the closing of non-emergency operations, an employee who chooses to not report to work or to leave work must get permission from the employee's Department Head. Such absence will be charged to the employee's accumulated personal or vacation leave, or the absence will be unpaid if no leave is available.

The Village typically follows Monroe County regarding closings and travel bans for non-essential personnel.

INCLEMENT WEATHER

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

CLOSING AFFECT ON COMPENSATION

Pay for FLSA exempt employees will not be affected by an emergency closing. Pay for FLSA non-exempt employees will be in accordance with the provisions below:

DURING WORK

A full-time employee who is directed by the Village Mayor to leave work due to an emergency closing will be paid for the remainder of the employee's normal workday at the employee's regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime. A part-time employee who is directed to leave work due to an emergency closing will not be paid for the remainder of the employee's normal workday. Such employee may choose to make up the time at a later date agreed to by the Department Head.

PRIOR TO REPORTING TO WORK

If a determination is made to close operations prior to the start of a workday, the Village Mayor will initiate notification to all affected employees. A full-time employee who is directed not to report to work due to an emergency closing will be paid for the employee's normal workday at the employee's regular rate of pay. A part-time employee who is directed not to report to work will not be paid for the workday. Such employee may choose to make-up the time at a later date agreed to by the Department Head.

6.10 VOICE MAIL, E-MAIL & COMPUTER SYSTEMS

The Village's telephone and computer systems permit employees to receive, send and transfer voice mail, text and e-mail messages. The Village reserves the right to access all voice mail, text and e-mail messages left on or recorded on the phone system or the computer mail system, as well as the right to access any file on the computer system, at any time without advance notice.

CONFIDENTIALITY

Employees should not assume that messages on voice mail, e-mail or Village-provided cell phones and electronic devices are private or confidential. Security codes limit access to employees' messages, but management reserves the right to search or monitor the phone and computer systems, without advance notice.

Further, the Village may review internet usage to ensure that such use with the Village's property or communications sent via the internet with the Village's property during working time, are for business purposes only. The reasons for which the Village may obtain such access include but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; ensuring that the Village's operations continue appropriately during an employee's absence and any other purpose deemed appropriate by the Village.

IMPROPER USES

As with all Village communications, messages of a discriminatory or harassing nature may not be transmitted on Village network systems. Employees are expected to use professional and respectful language when communicating over Village computer and phone systems and other Village-provided electronic devices.

Employees are prohibited from downloading any software from the Internet. Employees must respect copyright and license agreements for software, digital artwork and other forms of data. Employees may not use other employees' passwords to access Village data unless authorized in writing in advance by the Department Head.

Employees may not disclose their passwords or allow others to use their access to Village systems and equipment. Employees must protect information maintained on the Village's systems from unauthorized use or care not to introduce viruses into Village systems by not opening messages or documents sent by unknown users. Employees should utilize anti-virus software and notify management immediately if there is reason to believe a virus has been introduced into our computer system or that any person may have accessed data which they were not authorized to view.

MAINTENANCE

Employees are responsible for maintaining their files and messages on these systems and devices. Messages should be accessed, acted upon, filed or deleted on a regular basis. Elected officials, appointed officials, and employees must adhere to the applicable New York State Records Retention Schedule. Contact the Village Clerk or the Records Management Officer if you have questions.

6.11 USE OF INTERNET

The Internet is a powerful communications tool and a valuable source of information. However, an employee's improper use of Village-provided Internet services can waste time and resources and create legal liability and embarrassment for both the Village and the employee.

ACCESS

This policy applies to any Village provided Internet service that is accessed on or from the Village's premises, accessed using Village computer equipment or via Village-paid access methods and/or used in a manner that identifies the employee with the Village.

IMPROPER USES

Employees are strictly prohibited from using Village-provided Internet services in connection with, but not limited to, any of the following activities:

- Engaging in illegal or fraudulent conduct which includes improper use or downloading of copyrighted material;
- Viewing, sending, receiving or storing material that could be viewed as maliciously false, vulgar, obscene, threatening or contributing to a hostile work environment on the basis of any status protected by law or Village policy;
- Monitoring or intercepting the files or electronic communications of employees or third parties;
- Using another individual's account or identity without explicit authorization from the Department Head;
- Attempting to test, circumvent or defeat security or auditing systems of the Village or any other Village without prior authorization;
- Activity that poses a reasonable risk of interference with production by calling for an immediate response to another employee's verbal persuasion to join a certain cause or purchase a type of product or service when either employee is on working time; or
- Distributing or storing chain letters or jokes.

USE OF INSTANT MESSAGING, WEBLOGS AND SOCIAL NETWORKING SITES

Blogging, instant messaging and visiting social networking sites such as Facebook are not appropriate working time activities unless required by the scope and responsibilities of an employee's job.

CONFIDENTIALITY

Employees should not expect privacy with respect to any of their activities using Village-provided Internet access or services. The Village reserves the right to review any site visits and/or files, messages or communications sent, received or stored on Village computer systems.

VIOLATIONS

Employees violating this policy are subject to disciplinary action, up to and including termination. Employees using Village computer systems for illegal or fraudulent purposes also may be subject to civil liability and/or criminal prosecution. The Village may also report suspected unlawful conduct to the appropriate law enforcement authorities.

6.12 SOCIAL MEDIA

The Village recognizes that many employees engage in social media activity. This policy establishes a set of rules and guidelines for any activity and participation in “social media” by Village employees. These rules are intended to be adaptable to the changes in technology and norms of online communication and behavior and may be amended by the Village at any time, for any reason, without notice to employees. This policy also applies to social media activity when on or off duty, while using the Village’s or personal electronic resources, and whether the employee posts anonymously or using a pseudonym.

DEFINITIONS

For purposes of this policy, “social media activity” includes all types of postings on the internet, including, but not limited to, postings on social networking sites, such as Facebook, Instagram, LinkedIn, and Tumblr, blogs and other on-line journals and diaries; bulletin boards and chat rooms; microblogging, such as Twitter, and posting of video or audio on media-sharing sites, such as YouTube or TikTok.

The term “social media” applies to any web-based and mobile technologies, in use now or developed in the future, that enable individuals or entities to disseminate or receive information, communicate or otherwise interact and includes, without limitation, email, texting, messaging, social networking, blogging, micro-blogging, bulletin boards and so on.

EXERCISE RESPONSIBILITY ONLINE

If, from an employee’s post in a blog or elsewhere in social media, it is clear the employee is a Village employee or if the employee mentions the Village or it is reasonably clear the employee is referring to the Village or a position taken by the Village and the employee expresses an opinion regarding the Village’s positions or actions, the post must specifically note that the opinion expressed is the employee’s personal opinion and not necessarily the Village’s position. This is necessary to preserve the Village’s good will in the marketplace.

FOLLOW EXISTING POLICIES AND TERMS OF USE

Observe and follow: (a) existing Village policy and agreements, such as our Employee Handbook; (b) the policies and terms of use of the particular social media forum or service that is being used; and (c) applicable laws and regulations. This means that employees are prohibited from using social media to post or display comments about co-workers or Department Heads of the Village that are knowingly false, vulgar, obscene, threatening, intimidating, disparages the Village’s products or services, depicts the employee engaging in conduct that is unlawful or in violation of the Village’s workplace policies against workplace violence or discrimination and harassment based on any protected status under federal, state or local law.

Thus, the rules in the Village's employee handbook including but not limited to its [Non-Harassment/Non-Discrimination](#), [Non-Harassment](#), [Sexual Harassment](#), [Equal Employment Opportunity](#), [Code of Ethics](#), [Standards of Conduct](#), and Electronic Resources policies apply to employee behavior within social media and in public online spaces.

Do not post any information or conduct any online activity that violates applicable local, state or federal laws and regulations. Any conduct which is impermissible under the law if expressed in any other form or forum is also impermissible if expressed through social media. In addition, most social media websites/services have rules concerning the use of and activity conducted on their sites. These are sometimes referred to as "Terms of Use." Employees must follow the established terms and conditions of use that have been established by the venue and do not do anything that would violate those rules.

SAFEGUARD CONFIDENTIAL PERSONAL INFORMATION

Employees should exercise caution when posting their own or others' personal information. It is inappropriate to use or disclose "confidential personal information" (as defined below) about another individual in any form of social media.

For purposes of this policy, "confidential personal information" refers to information that could be used to commit identity theft such as an individual's Social Security number, financial account numbers, driver's license number or personal medical information (including family medical history).

All Village rules regarding confidential personal information, apply in full to social media, such as blogs or social networking sites.

EXPECTATIONS OF PRIVACY

Consistent with the Village's [Electronic Resources](#) policy, the Village may access and monitor its Information Systems and obtain the communications within the systems, including email, Internet usage and the like, with or without notice to users of the system, in the ordinary course of business when the Village deems it appropriate to do so. When using such systems, employees should have no expectation of privacy regarding time, frequency, content or other aspects of use, including the websites the employee visits and other Internet/Intranet activity. The reasons the Village accesses and monitors these systems include, but are not limited to: maintaining the system, preventing or investigating allegations of system abuse or misuse, assuring compliance with software copyright laws and complying with legal and regulatory requirements.

PERSONAL USE

The Village respects the right of any employee to participate in social media, such as maintaining a blog or participating in online forums. However, to ensure proper employee focus on job duties and adequate functioning of Village equipment, employees are not permitted to engage in social media activities during working time. For purposes of this policy, "working time" is defined as the time during which

employees are scheduled to work, but does not include scheduled rest periods, meal breaks and other specified times when employees are not expected to be working. Moreover, during non-working time, employees must avoid usage that may interfere with the system's productivity, such as large attachments or audio/video segments.

IDENTIFY ANY COPYRIGHTED OR BORROWED MATERIAL WITH CITATIONS AND LINKS

When publishing any online material through social media, employees must respect and follow all copyright and other intellectual property laws and should use citations and links to original material, where possible.

ADDRESSING PERSONAL CONCERNS

Consistent with the Company's Open Communication policy employees are encouraged to address work related concerns through their supervisor/manager, Human Resources or any other member of management with whom they feel comfortable rather than through social media.

DISCLAIMER

The Village will not enforce the social media policy in a manner that would interfere with employees' rights under the National Labor Relations Act to discuss the terms and conditions of employment.

ADDITIONAL INFORMATION

The Village will monitor social media to the fullest extent permitted by applicable law and will take disciplinary action against those who violate the policy.

Please see the Village Clerk for additional information or clarification of any aspect of this policy.

6.13 PERSONNEL FILES

The Village maintains an official personnel file for each employee that contains necessary job-related and personal information. These files are confidential and guidelines exist to safeguard against improper disclosure.

ACCESS TO PERSONNEL FILE

Employee personnel files are the property of the Village; therefore, employees do not have access to those files. Employees may request and receive copies of all documents they have signed at the time they are signed.

Internal availability and access to personnel files is limited to those with proper authorization and a business need to know.

INQUIRIES ABOUT EMPLOYEES

All inquiries or requests for information about employees (active or inactive) from people outside the Village should be referred to the Village Clerk. This applies to all requests, whether written or verbal.

In some cases, employers are required by federal, state or local law to disclose information to the government or other authorized entities even if the Village would ordinarily keep such information confidential. The Village will comply with all laws which require disclosure of employee information upon receipt of a properly authorized request.

PROTECTION AND DISPOSAL OF PERSONAL RECORDS

The Village is committed to ensuring that records containing personal identifying information are protected and disposed of in accordance with state law. Personal information is disposed of in a manner that ensures no unauthorized person will have access to employee personal information.

6.14 OPERATION OF VEHICLES FOR VILLAGE BUSINESS

The Village Board may assign a Village vehicle to a Village official or employee (whether on a case-by-case or continual basis). The Village owns and maintains such vehicles, including related equipment, explicitly to conduct official Village business. Personal use and the use of vehicles, including related equipment, for the private gain of any official or employee, including related equipment, except for commuting and de minimus personal use, is prohibited. It is the responsibility of every Village official or employee operating a Village vehicle for Village business to drive safely and obey all traffic, vehicle safety and parking laws or regulations.

GENERAL STANDARDS

Compliance with this policy requires observance of the following standards.

- The Village Board shall authorize (whether on a case-by-case or continual basis) the purpose(s) for which a Village vehicle may be used.
- A formal written request for any use outside the scope of normal daily use must be made 2 weeks prior to its use.
- A Department Head to which the Village Board has assigned a vehicle, including any related equipment, shall maintain the general administrative jurisdiction of said vehicle, including directing its use by a subordinate.
- A Department Head shall maintain under his control and jurisdiction all keys to a vehicle assigned to his department when such vehicle is not in use.
- A Village official or employee shall not use a Village vehicle for an unauthorized purpose.
- A Village official or employee cited for a parking violation, moving violation, or any other driving infraction or offense while using a Village vehicle shall notify his/her supervisor as soon as practicable and within 24 hours of such citation.
- A Village official or employee operating a Village vehicle shall be personally liable for fines resultant from conviction of a parking violation, moving violation, or any other driving infraction or offense committed while using a Village vehicle.
- A Village official or employee involved in a motor vehicle accident while using a Village vehicle shall notify his supervisor as soon as practicable and within 24 hours of such accident; the applicable Department Head shall notify the Mayor and file an accident report with the Village Clerk as soon as practicable and within 48 hours of such accident.

- A Village official or employee shall not transport in a Village vehicle persons who are not Village officials or employees (exception: Department Heads issued take home vehicles may transport family members while maintaining 24/7 availability to their respective department in a non-emergency mode), or material or persons unrelated to the conduct of Village business. For the purpose of this policy, persons affected by emergency situations to which Village emergency responders have responded are related to the conduct of Village business.
- A Village official or employee to whom a Village vehicle is assigned shall not allow their spouse or another to drive said vehicle.
- A Village official or employee to whom a Village vehicle, excluding a police vehicle, is assigned shall lock the same when not in use.
- A Village official or employee shall notify the appropriate Department Head of any malfunction of a Village vehicle while it is assigned to him.
- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on Village vehicles at any time, except those of a limited community service nature that have been authorized by the Village board.
- Village vehicles, except unmarked police vehicles, shall be clearly marked with identification as approved by the Village Board.
- Smoking and the use of smokeless tobacco in Village vehicles are prohibited.

STANDARDS FOR USE OF POLICE VEHICLES

Refer to Brockport Police Department General Orders.

TAXABLE FRINGE BENEFIT

Employees authorized to use a Village vehicle on a 24-hour-per-day, seven-day-per-week basis may be subject to imputed income tax regulations as set forth by the Internal Revenue Service, which considers a certain portion of the vehicle use (namely the commute) to be income for the purposes of income taxation. The Village will use IRS Publication 15-B “Employers Tax Guide to Fringe Benefits,” in determining any tax liability and automatically update changes to the rate as made by the IRS. The rule establishes a per one-way commute value as the non-cash taxable fringe value. This value will be includable in the employee’s gross income and is subject to all federal withholding taxes. Employees who are assigned marked police, unmarked police vehicles or specialized vehicles carrying tools and meeting certain other eligibility criteria established by the IRS will not be subject to the commuting valuation rule.

DRIVER'S LICENSE

Requirement - An employee who is required to drive either a Village-owned vehicle or the employee’s own personal vehicle to conduct business on behalf of the Village, must possess at the time of appointment, and must maintain throughout employment, a valid New York State driver's license and applicable personal insurance.

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

Verification of Driver's License – The driving records of applicants applying for positions that require and involve operating motor vehicles are checked following a conditional offer of employment to ensure that the employee has a valid New York State driver's license and that no suspensions or revocations exist. Thereafter, the Village will conduct a driver's license check on an annual basis, or more frequently, as deemed necessary by the Village, to ensure that all employees who operate motor vehicles maintain a valid New York State driver's license with no suspensions or revocations. Driver's licenses of employees are verified through the New York State Department of Motor Vehicles License Event Notification Service (LENS) Program. All requests for information regarding an individual's driver's license record are conducted in compliance with the Fair Credit Reporting Act (FCRA).

Suspension or Revocation of Driver's License - An employee who is required to possess a New York State driver's license and/or "CDL" license in order to perform certain job duties and responsibilities must immediately notify the appropriate Department Head and Village Clerk in the event their New York State driver's license/privilege is suspended or revoked. The suspension or revocation of an employee's New York State license or "CDL" may be cause for termination of employment with the Village. Failure to notify the Department Head and the Village Clerk of a suspension or revocation will be cause for termination of employment with the Village.

PERSONAL VEHICLES

In some instances, employees may be required to drive their own personal vehicle for the purposes of conducting Village business. Employees must maintain adequate personal automobile liability insurance. **The Village is not responsible for any damages or fines incurred while conducting Village business in a personal vehicle.** Employees may not use portable electronic devices, including hand-held cellular telephones, while operating a personal vehicle for Village business.

SAFETY WHILE DRIVING

Employees, while driving on Village business, are expected to:

- Follow all driving laws and safety rules such as following posted speed limits and directional signs;
- Avoid confrontational or offensive behavior;
- Practice defensive driving;
- Wear seat belts, whether they are the driver or the passenger; and
- Take a sufficient number of driving breaks.

Employees while driving on Village business must refrain from distracting activities, including but not limited to:

- Using a portable electronic device while driving to: view, take or transmit images; to play games; or to compose, send, read, view, access, browse, transmit, save or retrieve e-mail, text messages or other electronic data; and
- Any other activity unrelated to the operation of the motor vehicle that jeopardizes an employee's safety or the safety of others while driving.

Portable electronic devices include hand-held mobile telephones, hand-held devices with mobile data access, personal digital assistants (PDAs), laptop computers or other portable computing devices, pagers, text message devices, electronic games and broadband personal communication devices. Drivers who hold portable electronic devices in a conspicuous manner while driving are presumed to be using such devices.

Employees who drive as part of their job duties are permitted to use hands-free cell phones while driving. Employees with hands-free devices for their cell phones are to make conversations brief. If road conditions are poor, traffic is heavy, the conversation is involved or other safety concerns are present, employees should find a proper parking space to continue their conversations.

Employees are permitted to use portable electronic devices to communicate during an emergency to emergency-response operators, hospitals, physician offices, health clinics, ambulance and other emergency vehicle drivers, firefighters and the police department.

DRIVING WHILE IMPAIRED

Employees are not permitted, under any circumstances, to operate a Village vehicle or a personal vehicle for Village business when any physical or mental impairment causes the employee to be unable to drive safely. Additionally, employees shall not operate any Village vehicle at any time or operate any personal vehicle while on Village business while using or consuming alcohol, illegal drugs or prescription medications that may affect their ability to drive.

ACCIDENTS

Employees who have an accident, regardless of severity, while driving a Village vehicle or driving their personal vehicle on Village business should notify the Village Clerk. Failing to stop after an accident and/or failure to report an accident may result in disciplinary action up to and including termination of employment.

6.15 SHOULD YOU LEAVE US

To ensure fairness and consistency throughout the Village, terminations are handled in accordance with the following provisions.

TYPES OF TERMINATIONS

Termination refers to either voluntary resignations initiated by the employee or involuntary terminations initiated by the Village.

RESIGNATIONS

Employees resigning voluntarily are expected to give a minimum of two weeks advance notice in writing to their Department Head and Village Clerk so that the proper replacement can be found. Department Heads and retirees resigning voluntarily are expected to give a minimum of four weeks advance notice to the Village Mayor and Village Clerk. An employee's consideration in this situation will be viewed favorably by management should the employee reapply for employment with the Village at a later date.

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

UNUSED VACATION LEAVE

Earned but unused vacation leave will be paid to employees who separate from employment, regardless of the reason for separation.

UNUSED SICK LEAVE

Earned but unused sick leave is not paid upon separation. However, the Village Board has elected to provide Section 41 (j) of the Retirement and Social Security Law which allows credit for a portion of accumulated sick leave, one hundred and sixty-five (165) days, at the time of retirement.

UNUSED PERSONAL LEAVE

Earned but unused personal leave will be paid to employees who separate from employment, regardless of the reason for separation.

HEALTH INSURANCE AND HRA

Premiums for health insurance will be paid through the last day of the month of employment since employees contribute toward their health insurance premium. Employees who have health insurance and a HRA with the Village may have the option of continuing these benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the official COBRA notice for further information.

DENTAL INSURANCE

Premiums for dental insurance will be paid through the last day of the month of employment since employees contribute toward their dental insurance premium. Employees who have dental insurance with the Village may have the option of continuing these benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the official COBRA notice for further information.

HOLIDAYS AND FLOATING HOLIDAYS

Holidays and floating holidays are not paid upon termination of employment.

LIFE INSURANCE and SHORT-TERM DISABILITY INSURANCE

Coverage ceases on the last day of employment.

REQUESTS FOR REFERENCE CHECKS

So that the Village can handle requests for job references in a consistent, fair and lawful manner, all requests for official job references on behalf of the Village should be forwarded to the Village Clerk. In response to job reference requests, The Village will only confirm current or former employees' dates of employment and job title. If an employee or former employee submits written authorization, the Village will also provide information regarding salary or wage history.

VILLAGE PROPERTY

Upon termination, employees are expected to return all Village-issued items, including, but not limited to: keys, tools, uniforms, employee handbooks, manuals, computers, cellular phones, flash drives and Village information and may not retain any copies of Village information in any form.

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EMPLOYEE HANDBOOK RECEIPT ACKNOWLEDGEMENT

I acknowledge receipt of the Village of Brockport Employee Handbook which describes Village policies, an overview of current employee benefits and my obligations.

I understand that the policies contained in this handbook are not intended to create a contract of employment nor is any other communication by a management representative, either express or implied, intended to be a contract, unless explicitly stated otherwise in a written agreement signed by the Village Board.

I understand that this handbook is not a guarantee of employment for any set period and that either the Village or I may terminate my employment at any time, with or without cause. Furthermore, I understand that the policies and benefits described in this handbook may be added to, revised or deleted at any time.

I further understand that the benefit information found in this Handbook is intended to provide an overview of the benefit plans. The actual benefits may be controlled by the terms of the applicable plan documents and insurance policies. Questions regarding the interpretation of those plans will be answered in accordance with the actual plan documents and insurance policies, rather than the summaries contained in this Handbook. Employees may obtain copies of these documents from the Village Clerk.

I have read, understand and agree to comply with the contents of this Handbook. It is understood that the Village retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the Village.

If I have any questions about the information contained in this Handbook, I will discuss them with my Department Head and/or the Village Clerk.

If there is a conflict between the collective bargaining agreement and this handbook, the provisions of the collective bargaining agreement are controlling for unionized employees.

Employee's Name (Printed)

Dated: _____

Employee's Signature



EMPLOYEE HANDBOOK RECEIPT POLICY UPDATES

I acknowledge receipt of the following added Employee Handbook policies:

- 2.08 Reproductive Health Decisions
- 2.09 Religious Accommodation
- 4.29 Domestic Violence Victim Leave
- 5.10 Emergency Evacuations

I acknowledge receipt of the following revised Employee Handbook policies:

- | | |
|---|---|
| <ul style="list-style-type: none">• 2.01 Equal Employment Opportunity• 2.02 Non-Harassment/Non-Discrimination• 2.07 Pregnancy Accommodations• 3.01 Recruitment & Placement• 3.02 Employment Classifications• 3.05 Working Hours• 3.06 Pay Practices• 3.07 Overtime• 3.08 Attendance• 3.10 Solicitation & Distribution• 4.01 Holidays• 4.16 Short Term Disability Insurance | <ul style="list-style-type: none">• 4.18 Jury Duty & Court Attendance• 4.19 Bereavement• 4.20 Military Leave• 4.21 Voting Leave• 4.24 Family & Medical Leave Act• 4.26 Domestic Partner Benefits• 4.28 Crime Victim Leave• 5.02 Alcohol & Drug-Free Workplace• 5.08 Accident Reporting & Investigations• 6.07 Employment of Relatives, et al• 6.12 Social Media• 6.14 Operation of Vehicles, et al |
|---|---|

I understand that these policies, as well as the policies contained in the Village's Employee Handbook, are not intended to create a contract of employment nor is any other communication by a management representative, either expressed or implied, intended to be a contract, unless explicitly stated otherwise in a written agreement signed by the Village.

I understand that neither these policies nor the employee handbook are a guarantee of employment for any set period and that either the Village or I may terminate my employment at any time, with or without cause. Furthermore, I understand that the policies and benefits described in the employee handbook may be added to, revised or deleted at any time.

I have read and understand these policies. If there is a conflict between the collective bargaining agreement and this handbook, the provisions of the collective bargaining agreement are controlling for unionized employees.

Employee's Name (Printed)

Date: _____

Employee's Signature