

# TOWN OF POUGHKEEPSIE



## EMPLOYEE HANDBOOK

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# EMPLOYEE HANDBOOK

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# Town of Poughkeepsie Employee Handbook

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## **100 INTRODUCTION**

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

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

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

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

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

## 102 **Definitions**

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

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

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

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

**Town Supervisor** - For purposes of this Employee Handbook, “Town Supervisor” will mean the Town Supervisor of the Town of Poughkeepsie.

**Department Head** - For purposes of this Employee Handbook, “Department Head” will mean the person in charge of any department, agency, bureau, unit, or subdivision of the Town of Poughkeepsie. 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 Employee Handbook, “supervisor” will mean the individual so designated by the Department Head to direct and inspect the performance of employees.

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

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



## 103 *The Purpose of this Employee Handbook*

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

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

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

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

**Police Department** – The Town of Poughkeepsie Police Department has promulgated its own policies and procedures that govern uniformed officers. As such, this Employee Handbook does not apply to the uniformed officers of the Police Department.

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

## **104 Changes or Modifications**

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

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

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

## **200 EMPLOYEE CLASSIFICATIONS**

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

For purposes of this Employee Handbook, the following terms shall be defined as follows:

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

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

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

For purposes of this Employee Handbook, the term “part-time employee” will mean an employee who is regularly scheduled to work twenty hours per week.

### **203 Substitute Employees**

For purposes of this Employee Handbook, the term “substitute employee” will mean an employee who is regularly scheduled to work less than twenty hours per week.

### **204 Temporary Employees**

For purposes of this Employee Handbook, the term “temporary employee” will mean an employee who is employed on an interim basis or employed to work on a special or emergency basis for a specified period, consistent with the Civil Service Law as applicable.

### **205 Seasonal Employees**

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

### **206 FLSA Non-Covered Employees**

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

**207 FLSA Exempt Employees**

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

**208 FLSA Non-Exempt Employees**

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

## 300 THE CIVIL SERVICE SYSTEM

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

### 301 *The Unclassified and Classified Services*

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

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

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

### **302 Civil Service Appointments**

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

- **Permanent** - an appointment to a vacant position in the Competitive Class from an eligible list established as a result of examination, following successful completion of a probationary term;
- **Provisional** - an appointment to a vacant position in the Competitive Class when there is not an appropriate eligible list. A provisional appointee must take an examination whenever it is scheduled. Thereafter, a permanent appointment will be made on the basis of the eligible list resulting from the examination; or
- **Temporary** - an appointment to a position in the Competitive Class for reasons including, but not limited to: emergency work projects; planned termination of the position after a limited time; to replace an employee who is on a leave of absence; to fill a position funded through a temporary grant; or to fill a position vacated by the promotion of another employee until the employee who has been promoted receives permanent status.

### **303 Examinations and Promotions**

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

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

### **304 Veterans Credits**

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

## 400 EMPLOYMENT MATTERS

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### 401 *Oath of Office*

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

**Filing of Oath** - The Oath of Office must be filed in the Town Clerk's Office within thirty days of commencement of the term of office.

### 402 *Procedure for Filling Vacancies*

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

**Notification of Vacancies** - In the event there is a vacancy in a new or existing position which the Town intends to maintain, where applicable, the Town will advertise and/or post the vacancy on the Town's main bulletin board and the applicable department's bulletin board, and interview qualified individuals.

**Residency Preference for New Hires** - In the event there is a vacancy in a new or existing position which the Town intends to maintain, the Town will give preference to qualified applicants who are residents of the Town. The residency preference does not apply for those positions that are filled by promoting a current employee.

**Employment Applications** - The Town relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the Town's exclusion of the individual from further consideration for employment or disqualification if the conduct is discovered after employment commences.

**Employment Reference and Background Checks** - To ensure that individuals who join the Town are well qualified and have a strong potential to be productive and successful, it is the policy of the Town to check the employment references of all applicants. Applicants will be required to complete a hold harmless statement in order for the Town to conduct appropriate background checks.

**Pre-Employment Physicals / Drug Screening** – When appropriate in accordance with the requirements of a particular position, the Town may require that an applicant undergo a medical examination (after receiving a conditional offer of employment) to determine fitness for duty. In doing so, the Town will comply with the provisions of the Americans with Disabilities Act (see Section 802 of this handbook.) Additionally, all final applicants for a position that requires a commercial driver’s license must consent to be tested for the presence of a controlled substance as a pre-qualifying condition to employment.

**Employment of Relatives** – (Adopted by Town Board Resolution 7/12/06) - A member of an employee’s immediate family may be considered for employment by the Town if the applicant possesses all of the qualifications for employment. An immediate family member may not be hired, however, if the employment would create either a direct or indirect supervisory/subordinate relationship with the family member; or create either an actual conflict of interest or the appearance of a conflict of interest. These criteria will also be considered when assigning, transferring or promoting an employee.

- **Definition of Immediate Family** – For purposes of this policy, “immediate family” includes the employee’s spouse, brother, sister, parents, children, step-children, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee’s household.
- **Elected Officials** – This policy is not intended to supersede the appointing authority of elected officials and does not apply to such appointments.
- **Competitive Class Positions** – This policy is not intended to supersede civil service regulations pertaining to appointments made to competitive class positions. Therefore, this policy cannot be used as a basis for denying the appointment of an individual to a competitive class position even if such appointment would constitute the employment of a relative as defined by this policy.



## 403 **Probationary Period**

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

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

**Length of Probationary Period (Competitive Class)** - Except as otherwise provided in the *Rules for the Classified Civil Service of Dutchess County*, an employee appointed from an open-competitive list must serve a probationary period of not less than eight weeks nor more than twenty-six weeks. The length of the probationary period may be extended in accordance with the *Rules for the Classified Civil Service of Dutchess County*.

**Length of Probationary Period (Other Classes)** - Except as otherwise provided in the *Rules for the Classified Civil Service of Dutchess County*, an employee's original appointment to a position in the exempt, non-competitive, or labor class shall be for a probationary period of not less than eight weeks nor more than twenty-six weeks. The length of the probationary period may be extended in accordance with the *Rules for the Classified Civil Service of Dutchess County*.

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

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

#### **404 *New Employee Orientation***

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

#### **405 *Performance Review***

**Statement of Purpose** – The purpose of a performance review is to promote communications between Department Heads and employees, encourage more effective job performance, and address concerns of either party. The review will address factors that reflect the employee’s performance, such as the employee’s work quality, job knowledge, initiative, attendance, teamwork, conduct, and communication skills.

**Frequency** – An employee will be formally evaluated prior to completion of a probationary period. Thereafter, reviews will take place on an as needed basis to provide the employee with positive feedback or recommendations for improvement or both, depending upon circumstances.

**Written Report** – When appropriate, the performance review may include a written report to ensure proper understanding of the issues addressed. Should deficiencies be recorded in the performance of the employee, the employee will receive written recommendations for improvement. The employee will be given the opportunity to include written comments on the report, which will become part of the employee’s personnel file.

## 406 **Corrective Discipline**

**Policy Statement** - It is the policy of the Town of Poughkeepsie that certain rules and regulations regarding employee behavior are necessary for the benefit and safety of all employees, the efficient operation of the Town, and the delivery of services to residents of the Town. Any conduct that interferes with operations or that discredits the Town will not be tolerated. An employee must conduct oneself in a positive manner so as to promote the best interests of the Town.

**Forms of Discipline** – Employees covered by **Civil Service Law Section 75** shall be disciplined in accordance with the provisions contained therein. (Refer to Section 407 of this Employee Handbook). The disciplinary action for **union employees** will be in accordance with the applicable collective bargaining agreement. In **normal circumstances**, the Town endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does however, retain the right to discipline employees in any manner it sees fit. When appropriate, a counseling session will precede disciplinary action. Progressive discipline may include letters of reprimand, suspension without pay, or termination of employment, depending on the circumstances. The Town does not guarantee that one type of discipline will precede another. Furthermore, the Town reserves the right to suspend an employee while an investigation is conducted.

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

**Corrective Action Notice** - Employees are given the opportunity to agree or disagree with the results and write a brief statement on the corrective action notice, if desired. However, as a condition of employment, employees are required to sign the corrective action notice to indicate that a discussion of the issue has taken place. Failure to comply with this policy could result in further disciplinary action, up to and including termination of employment. Employees receive a copy of any written notice issued by the Town.

**Prohibited Conduct** - Any employee who, after investigation, is found to have violated the policies, procedures, rules, or regulations outlined in this Employee Handbook or those established by the employee's department, or is found to have engaged in misconduct will be subject to disciplinary action up to and including termination of employment in accordance with this policy, Civil Service Law Section 75, or the collective bargaining agreement, as applicable. Employees will be subject to disciplinary action up to and including termination of employment for engaging in misconduct including, but not limited to, the following:

- Falsification of any records or reports, employment applications, medical reports, time records, work-related records, absence from work, injuries on the job, claims or any records related to claims for benefits provided by the Town;

- Intimidation, coercion, threatening, or assault of, or fighting or interfering with, other employees, Elected Officials, residents of the Town; or any other person;
- Engagement in any form of discrimination or harassment, including sexual harassment;
- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities;
- Refusal to obey instructions of a Department Head or supervisor or any other form of insubordination;
- Careless or negligent use or operation of equipment, including vehicles and machinery;
- Willful or deliberate abuse, destruction, defacement, misuse, or theft of Town property or removal of Town property without permission;
- Illegal gambling on Town property;
- Sleeping on the job, unless authorized by a Department Head or supervisor;
- Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment;
- Failure to adhere to the personal appearance/dress code policy;
- Repeated violations of Town policies, procedures or prohibited conduct;
- Leaving work without permission, as defined by the Department Head or designee;
- Excessive tardiness and/or absences except those absences covered by state and/or federal statutes;
- Unauthorized absences or repeated failure to give proper notice;
- Possession, under the influence, or use of alcohol during work hours or while on Town property or in Town vehicles;
- Possession, under the influence, or use of controlled substances on or off duty while on Town property or in Town vehicles;
- Possession of any firearms, crossbows, or explosives on Town property or in Town vehicles; or
- Acts of sabotage.

The above list is illustrative and is not intended to limit the Town's right to impose discipline in other appropriate cases.

## 407 **Civil Service Law Section 75**

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

**Union Employees** – Employees covered by a collective bargaining agreement are disciplined in accordance with said agreement.

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

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

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

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

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

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

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

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

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

**Finding of Not-Guilty** - In the event the employee is found to be not guilty, 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 Dutchess County Department of Human Resources.

## 408 Code of Ethics

**Policy Statement** - This Code of Ethics is enacted pursuant to Article 18 of the General Municipal Law. It is the purpose of this Code to establish standards of ethical conduct for officers, employees, and certain appointed officials of the Town of Poughkeepsie, to afford them clear guidance as to these standards, and to ensure that Town government is so free from improper influence as to assure public confidence and trust. This Code shall be in addition to all other legal restrictions, standards and provisions pertaining to the conduct of Town officers and employees.

### Definitions -

For purposes of this Code of Conduct, unless the context clearly provides otherwise, the terms set forth below shall have the following meanings:

- **Appropriate Body** - The Town of Poughkeepsie Board of Ethics, c/o Town of Poughkeepsie Town Clerk, or Town Attorney, One Overocker Road, Poughkeepsie, New York 12603.
- **Child or Children** - Any unemancipated son, daughter, stepson, or stepdaughter.
- **Interest** - A direct or indirect pecuniary or material benefit accruing to an officer or employee, or his or her relative, whether as a result of a contract with the Town or otherwise. For the purpose of this chapter, a Town officer or employee shall be deemed to have an interest in the contract of:
  - A. A relative, except as to a contract of employment with the Town;
  - B. A firm, partnership or association of which such officer or employee is a member or employee;
  - C. A corporation of which such officer or employee is an officer, director or employee;
- **Legislation** - A matter which appears on the agenda of the Town Board or on a committee thereof, on which any official action will be taken and shall include proposed or adopted acts, local laws, ordinances or resolutions.
- **Officer of Employee** - An elected or appointed officer or employee of the Town of Poughkeepsie, whether paid or unpaid. No person shall be deemed to be an officer or an employee of the Town solely by reason of being a volunteer fireman or EMT volunteer except a fire chief or an assistant fire chief.
- **Relative** - A child, stepchild, parent, stepparent, brother, sister, stepbrother, stepsister, or legal guardian of any of said persons of an officer or employee or of the spouse of the officer or employee.

- **Spouse** - The husband or wife of an officer or employee, unless living separate and apart pursuant to:
  - A. A judicial order, decree or judgment of separation; or
  - B. A legally binding written agreement of separation in accordance with the Domestic Relations Law.
- **Town** - The Town of Poughkeepsie.
- **Unemancipated Child** - A child who is under the age of 18, unmarried and living in the household of an officer or employee.

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

- A. **Gifts.** No officer or employee shall directly or indirectly solicit or receive any money, whether in the form of cash, check, loan, credit, or any other form in any amount, or solicit any gifts, or accept or receive any individual annual gift, having a value of \$75 or more, whether in the form of services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could be reasonably inferred that the money or gift was intended to influence, or could be reasonably expected to influence, him or her in the performance of official duties or was intended as a reward for any official action.
- B. **Confidential information.** No officer or employee shall disclose confidential information acquired in the course of official duties or use such information to further a personal interest
- C. **Representation before one's own agency.** No officer or employee shall receive or enter into any agreement, express or implied, for compensation, direct or indirect, for services to be rendered in relation to any matter before any agency of which he or she is an officer, member or employee or of any agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer, or employee.
- D. **Representation before any agency for a contingent fee.** No officer or employee shall receive or enter into any agreement, express or implied, for compensation, direct or indirect, for services to be rendered in relation to any matter before any agency of the Town, whereby his or her compensation is to be dependent or contingent on any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based on the reasonable value of the services rendered.
- E. **Disclosure of interest in legislation.** To the extent known, any officer or employee of the Town who participates in the discussion or gives an official opinion to the Town Board on any legislation before it shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she may have in such legislation.
- F. **Disclosure of interests in contracts.** To the extent known, any officer or employee of the Town who has, will have or subsequently acquires any interest in any contract



- with the Town shall publicly disclose the nature and extent of such interest in writing to the Board of Ethics and Town Board as well as to his or her immediate supervisor as soon as he or she has knowledge of such actual or prospective interest.
- G. Investments in conflict with official duties. No officer or employee shall invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict.
  - H. Private employment. No officer or employee shall engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his or her duties.
  - I. Future employment. No officer or employee shall, within a period of one year after termination of service of employment, appear before any agency of the Town, except on his or her own behalf. No officer or employee shall, after termination of service or employment, appear before any agency of the Town in relation to any matter, case, proceeding, application or transaction with respect to which such person was directly concerned or in which he or she personally participated during his or her service or employment.
  - J. Prohibited conflicts of interest. No Town officer or employee shall have an interest in any contract between the Town and a corporation or partnership of which he or she is an officer or employee when such Town officer or employee has the power to negotiate, prepare, authorize, or approve the contract or authorize or approve payment thereunder; audit bills or claims under the contract; or appoint an officer or employee who has any of the powers or duties set forth above; and no chief fiscal officer, treasurer, or his or her deputy or employee shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the Town of which he or she is an officer or employee. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any Town officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.
  - K. Certain interests prohibited. No officer or employee of the Town who has an interest in any real property, either individually or as an officer or employee of a corporation or partnership, shall participate in the acquisition or plan for acquisition of said property or any property adjacent to said property by the Town. The term "participation" shall include the promotion of the site as well as the negotiation of the terms of acquisition.
  - L. No municipal officer or employee shall use or permit the use of property owned or leased to the Town for other than official purposes or for activities not otherwise officially approved by the Town Board.
  - M. Except where required by law, no Justice of the Peace or member of a quasi-judicial administrative board, including but not limited to the Police Commission, Plumbing Board, Zoning Board of Appeals and Board of Ethics, shall be an officer or a committee member of a political party.

**Matters Against Town** - Nothing herein shall be deemed to bar or prevent the appearance of a present or former officer or employee before any agency on his or her own behalf, or on behalf of a relative, to express an opinion or comment on a matter before that agency; nor prevent the appearance or timely filing of any claim, account, demand or suit against the Town or any agency thereof where the matter arises out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

**Distribution of Code of Ethics** - Within 30 days of the effective date of this chapter, the Town Attorney shall cause a copy of this Code of Ethics to be distributed to every officer and employee required to file a financial disclosure statement and shall further cause a copy of this chapter to be posted in all Town-owned or leased buildings. Thereafter, each new officer and employee shall be furnished a copy of this chapter within 60 days of being elected, appointed, or hired by the Town. Failure to distribute, post or receive a copy of this chapter shall have no effect on the duty of compliance or the enforcement of the provisions of this chapter.

**Distribution, Filing and Maintenance of Financial Disclosure Statement** - All officers and employees holding the positions set forth below shall be responsible to complete and file a *Financial Disclosure Statement* (refer to the Appendix of this Handbook for a copy of this form). On or before March 15 of each year, the Town Attorney shall cause to be distributed the *Financial Disclosure Statement* to those persons holding the positions set forth below.

DEPARTMENT	POSITION
Supervisor	Supervisor
	Deputy Supervisor
	Supervisor's Secretary
Town Board	All Members of the Town Board
Town Clerk	Town Clerk
	Deputy Town Clerks
Highway	Highway Superintendent
	Deputy Highway Superintendent
Receiver of Taxes	Receiver of Taxes
	Deputy Receiver of Taxes
Law	Town Attorney
	Deputy Town Attorney
Comptroller	Comptroller
Assessing	Assessor
Building	Building Inspector
	Deputy Building Inspector
	Fire Inspector
	Plumbing Inspector

## Distribution, Filing and Maintenance of Financial Disclosure Statement (cont)

DEPARTMENT	POSITION
Central Garage	Managing Operator
Courts	Town Justices
	Clerk of the Court
	Clerks to the Justices
Engineering	Town Engineer
	Assistant Town Engineer (added per TB resolution 4/19/06)
	Associate Town Engineer
Historian	Town Historian
Planning	Town Planner
Police	Police Chief
	Police Captains
Recreation	Recreation Director
Sewer and Water	Managing Operators
Zoning	Zoning Administrator
	Deputy Zoning Administrator

Each of the members of the following boards and commissions shall be responsible to complete and file a *Financial Disclosure Statement* (form obtained from the Town Clerk's Office) within 30 days of their initial appointment and annually thereafter. On or before March 15 of each year, the Town Attorney shall cause to be distributed the *Financial Disclosure Statement* to the members of the specified boards or commissions, which shall be filed by May 15 of each year:

- Board of Assessment Review
- Conservation Advisory Commission.
- Board of Ethics
- Historic Preservation Commission.
- Planning Board.
- Examining Board of Plumbers.
- Records Management Advisory Board.
- Tri Municipal Sewer Commission
- Voting machine custodians
- Joint City/Town Water Board.
- Zoning Board of Appeals.

*Financial Disclosure Statements* filed pursuant to this Code of Ethics shall be sealed, indexed, and maintained on file for five years in an appropriate manner by the Board of Ethics. Such disclosure statements shall be available for public inspection in accordance with the New York State Freedom of Information Law and shall be destroyed upon the expiration of this five-year period.

## 409 **Personnel File**

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

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

**Location of Files** - All original personnel records for current employees will be kept in the Human Resources Department.

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

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

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

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

**Employee Access** – A current employee may inspect and copy the contents of the employee's own personnel file. Inspections by employees must be requested in writing to the Human Resources Department and will be scheduled at a mutually convenient time. An authorized official must be present when the employee inspects the file. The employee may not remove or place any material in the file without the approval of the Human Resources Director. Copies of records contained in an employee's personnel file may not be released to a third party without the written consent of the employee, unless federal, state or local laws require otherwise. In addition to being placed in the personnel files, employees will be provided with a copy of counseling memos, disciplinary notices, substantiated letters of acclamation or other performance related records (excluding reference letters).

## **410 Separation from Employment**

**Notice of Resignation (Employees)** - An employee who intends to resign from employment must submit a written resignation to the employee's Department Head at least two weeks before the date of resignation is to be effective. All resignations shall be filed in the Town Clerk's Office. The two-week notice requirement will be waived in extenuating circumstances.

During the two-week notice period, an employee is not permitted to use paid leave benefits unless extenuating circumstances exist, and it is approved by the employee's Department Head.

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

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

**Notice of Retirement** – An employee who plans to retire must follow the procedures established by the New York State Employees' Retirement System. Employees are encouraged to contact the Retirement System directly for information regarding the retirement procedures.

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

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

## 500 OPERATIONAL POLICIES

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### 501 *Departmental Hours*

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

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

**Compressed Workweek (Highway Department only)** – The Highway Superintendent may establish a compressed workweek whereby employees work four 10 hour days (Monday through Thursday) during the months from April through November. Employees who use paid leave during this compressed workweek schedule will be charged for every hour that they are absent. For example, if an employee is absent during the entire work day due to illness, said employee will be charged with 10 hours of sick leave. Employees will receive overtime compensation for all hours worked over forty in a given work week.

**Flex-Time** – In limited circumstances where it is determined to be beneficial to the employee, the operation of the department, and the delivery of services to the public, an employee may request to begin and/or end a given workday at a time different than the normal hours, subject to the approval of the Department Head. The employee's use of "flex-time" will be governed by the mutual needs and consent of the Department Head and the employee. The Town Supervisor and the Town Board reserve the right to approve all "flex-time" schedules.

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

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

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

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

## **502 Inclement Weather / Emergency Closings**

**Union Employees** – An employee who is covered by a collective bargaining agreement is not covered by the Inclement Weather / Emergency Closings provisions set forth below and should refer to said agreement.

**Summary** - It is the policy of the Town to remain open during all normally scheduled work hours. However, there may be times when inclement weather, power failure, or other emergencies may require Town operations to open late, close early, or shut down for an entire workday. Other than in exceptional circumstances, such closings will only occur in conjunction with a State of Emergency declared by the NYS Governor. Certain employees may be considered as essential and will be required to perform assigned duties even in the event of the closing of non-essential operations.

**Notification** – The Town Supervisor or designee will make the decision as to whether to close Town operations. When such determination is made, the Town Supervisor or designee will notify each department and the department will be responsible for contacting each employee.

**Payment of Wages** – Pay for FLSA non-covered or exempt employees will not be affected by an emergency closing. Pay for FLSA non-exempt employees will be in accordance with the provisions below:

**Compensation for Exempt Employees** - Exempt employees receive their regular pay in the event Town operations officially open late, shut down early, or close for periods of less than one workweek due to an emergency situation. Exempt employees are not paid if Town operations are closed for an entire workweek or longer, however such employees may charge time not worked to paid vacation or personal leave.

**Compensation for Non-Exempt Employees** - When the Town officially opens late, shuts down early, or closes for an entire workday due to an emergency situation, full-time non-exempt employees are paid for their normally scheduled work hours at the employee's base rate of pay. If operations are closed for more than one workday, full-time non-exempt employees will not be paid for time not worked however such employees may charge this time to paid personal, vacation, or compensatory leave. Part-time, substitute and temporary employees are paid only for the number of hours actually worked. A full or part-time non-exempt employee may be allowed to make up the lost work time with prior approval from the Department Head.

**Equivalent Time Off During an Emergency Closure (Highway and Water Departments)** – A full-time employee in the Highway or Water Department will receive equivalent time off in the form of vacation leave for hours worked during an emergency closure.

**Compensation for Employees on Scheduled Leave** - An employee who is on sick, vacation, or personal leave during an emergency closing will be charged such leave as was scheduled.

**Inclement Weather** - Employees should use their own discretion in determining whether they can commute safely to work due to inclement weather. When the Town 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 supervisor in accordance with the Town's Attendance Policy (Refer to Section 601). A non-exempt employee may use paid vacation, personal or compensatory leave, if available, or take the time off without pay. Exempt employees will not be charged leave credits for time not worked however it is understood that such employees will make up the time at a later date.

In the event of a declared state of emergency, up to two hours of time that has been missed due to an employee not being able to travel to work can be made up within the next pay period. If the missed time is not made up by the conclusion of the following pay period, the employee will be able to use personal or vacation leave for the time missed.



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

**Union Employees** – An employee who is covered by a collective bargaining agreement is not covered by the Meal and Rest Breaks provisions set forth below **except** for Breaks for Nursing Mothers to Express Breast Milk and should refer to said agreement.

**Meal Breaks** – A full-time employee who works more than six hours in a given day will receive a paid, duty-free meal break not to exceed sixty minutes. Part-time, substitute, temporary and seasonal employees work more than six hours in a given day will receive a minimum of a thirty-minute unpaid, duty-free meal break.

**Scheduling of Meal Breaks** – Scheduling of meal breaks must be approved by the Department Head in accordance with the needs and requirements of the department. Meal breaks must normally be taken in the middle of the employee's workday. Unless otherwise directed by the Department Head, an employee may leave the worksite during the meal break. Employees are not allowed to flex their meal breaks in lieu of paid benefit time.

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

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

**Breaks for Nursing Mothers to Express Breast Milk** – Employees who are nursing mothers shall be allowed to use a reasonable unpaid break (generally between twenty to thirty minutes) in addition to the employee's meal and rest breaks to express milk for a nursing child. The Town will provide this unpaid break at least once every three hours if requested by the employee. The Town will allow the employee to make up time not worked as a result of the unpaid break either before or after the employee's work shift (during the Town's normal hours of operation). This provision applies to nursing mothers for up to three years following childbirth. The Town will make a reasonable effort to provide a room or location other than the restroom or toilet stall, within walking distance to the employee's work space, or other location in close proximity to work so that nursing mothers can express in private. An employee wishing to avail herself of this unpaid break is required to give the Town advance notice, preferably prior to the employee's return to work following the birth of her child, to allow the Town an opportunity to establish a location and to schedule leave time for multiple employees, if needed. *(Policy added to comply with Section 206-c of the New York State Labor Law)*

## 504 **Time Records**

**Policy Statement** – All employees (both exempt and non-exempt) are required to record time worked by either utilizing the town-wide Kronos™ System or punching a time card.

**Procedures** – Department Heads and employees must comply with the following procedures when tracking time worked and leave taken.

- The Comptroller's Office will issue each employee an identification number which activates the system and records the time in and time out for each workday. Identification numbers are unique to each employee and are to be maintained in a secure and confidential manner by the employee;
- Each department is responsible for monitoring time worked and leave taken by employees. The Comptroller's Office maintains a centralized tracking system which details time worked and leave balances for each employee. It is the Department Head's responsibility to audit their employees' leave balances against the records maintained by the Comptroller's Office and correct and notify the Comptroller of any discrepancies;
- Employees must enter their own ID number at the beginning of the work shift and at the end of their work shift. Paid meal and rest breaks do not have to be entered into the Kronos™ System;
- The Kronos™ System is fingerprint sensitive and therefore employees are prohibited from entering the ID number for another employee;
- All paid and unpaid leaves of absence must be recorded by completing the necessary leave request forms where applicable;
- The time record must be verified and signed by the Department Head and submitted to the Comptroller's Office by 9:00am on the Monday following the completion of the bi-weekly payroll period.

**Correction of Errors** - An employee should immediately bring errors in time records to the attention of the employee's Department Head who will investigate the matter and coordinate corrections with the Comptroller's Office.

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

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

## **505 Bonding**

**Insurance** - The Town will provide bonding insurance for an employee who is required to act in a fiduciary capacity.

## **506 Expense Reimbursement**

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

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

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

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

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

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

## 507 **Vehicle Usage**

**Policy Statement** - All vehicles and related equipment of the Town of Poughkeepsie are owned and maintained for the purpose of conducting official business of the Town. Said vehicles and equipment may not be used for the personal use or private gain of any official or employee, nor for any other purpose which is not in the general public interest.

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

- Town vehicles and related equipment must remain under the general administrative jurisdiction and direction of the Department Head to which it is assigned;
- Town vehicles must be assigned to specific Town officials and employees for specific purposes and tasks. Said vehicles may not be used for any unauthorized purpose nor to conduct personal, private, or non-Town related business;
- Town vehicles assigned to the Town Supervisor, Highway Superintendent and certain authorized Police Department personnel may additionally be used for travel between home and work;
- Town vehicles must always be operated in a safe and responsible manner and in compliance with all applicable motor vehicle and traffic laws in effect. Employees are responsible for any driving infractions or fines that result from their operation of Town vehicles, and must report them to their Department Head;
- The Town will provide a routine maintenance checklist for each vehicle;
- Any accident involving a Town vehicle, regardless of severity, must be reported immediately to the appropriate Department Head and the Police Department;
- The use of a cell phone when driving on Town business must be compliant with all applicable laws and/or regulations;
- Town vehicles must always be maintained in a safe and secure condition when not in use, including being locked and/or under direct observation; and all keys maintained under controlled and authorized jurisdiction of the appropriate Department Head. Employees should notify their Department Head if their assigned vehicle is in need of maintenance or repair;
- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on Town vehicles at any time, except those of a limited community service nature which have been authorized by the Town Board.

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

**Requirement** - An employee who is required to drive either a Town-owned vehicle or the employee's own personal vehicle to conduct business on behalf of the Town, must possess at the time of appointment, and must maintain throughout employment, a valid New York State driver's license. Proof of such license must be on file with the Town.

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

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

**Insurability Standards** – It shall be solely the responsibility of a Town employee to meet or exceed all insurability standards, as established from time to time by the Town Board or the Town's insurance carrier, which are required for the use or operation of a Town vehicle. Any Town employee who has any of the following during the most recent three-year period may be deemed to have violated the insurability standard and may not be allowed to operate any Town vehicles: *(Revised by Town Board Resolution 1/16/19)*

- Conviction of DWI / DWAI
- Conviction of Reckless Driving
- Suspended or Revoked Drivers License
- Conviction of Speeding 25 MPH or more above the speed limit
- Conviction of a Drug or Alcohol offense which would materially affect one's ability to operate a vehicle
- Conviction of Hit and Run/Leaving the scene of an accident
- Conviction of Two or more at-fault accidents
- Conviction of Three or more moving violations in the past three years
- Conviction of failure to stop for stopped school bus
- Less than three years driving experience

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

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

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

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

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

## 510 Telephone / Cell Phone Usage

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

- An employee should answer promptly and speak in a clear, friendly and courteous tone;
- An employee should give the name of the department or office and one's own name. If the call is not for the employee who answers, the employee must transfer the caller to the correct party or take a message recording all pertinent information;
- If the call must be placed on hold, the employee who answered the call should return to the line frequently to confirm that the call is being transferred;
- During office hours, each Department Head is responsible for there being at least one employee in the department or office to answer telephones. If the department or office has a limited staff, arrangements must be made with another department or office for telephone coverage or an answering device must be in operation;
- Collect calls may not be accepted without the approval of the Department Head or supervisor;
- An employee may make personal telephone / cell phone calls, however, such calls should be limited in duration and frequency and must not interfere with the performance of the employee's job duties;
- An employee may not make or receive personal calls on a Town provided telephone or cell phone that will result in additional charges to the Town, except in an emergency and/or with prior approval from the Department Head. The employee must reimburse the Town for the cost of the call.

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

- Cell phones may not be used for personal purposes during work hours except on a limited basis as outlined above, unless the employee is on an authorized break or has permission from a supervisor.
- Use of a cell phone for personal text messaging during work hours is permissible only on a limited basis for family matters; texting must not interfere with the performance of the employee's job duties.
- No web browsing, music, movies, or all other uses of cell phones will be allowed during working hours.
- Personal cell phones that are broken, damaged or lost during working hours will not be replaced or paid for by the Town.

## 511 **Computer Systems, E-Mail and Internet Services**

**Policy Statement** - The purpose of this policy is to provide guidance for the use of Town-owned computer systems and e-mail / internet services. Any questions should be addressed to the Human Resources Department.

**Property** – All computer systems, e-mail, hardware, and software are the property of the Town of Poughkeepsie and are to be used for business purposes only. Personal use of the above is prohibited. In addition, all files, documents, communications and information created, transmitted, received or stored in this system are the property of the Town of Poughkeepsie.

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

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

**Prohibited Uses** - In addition to the guidelines set forth in this policy, the following uses of Town-owned computers and equipment are prohibited. This list is meant to be illustrative, and not exhaustive.

- Any illegal activity;
- Threats or harassment;
- Slander or defamation;
- Transferring or maintaining obscene, sexual or suggestive messages, jokes or graphical images;
- Accessing or attempting to access the data/files of another person;
- Using or aiding in the unauthorized use of another person's password;
- Harming or destroying data/files (other than editing or deleting information in the normal course of one's job duties);
- Use of entertainment software, such as games and puzzles;



- Installation or use of any hardware or software, not owned by the Town;
- Installation or use of Town-owned hardware or software for any use that is not Town related business;
- Installation or use of any unauthorized or unlicensed hardware or software;
- Knowingly installing any software containing viruses.

**Penalties for Policy Violation** – Any employee who after investigation is found to have violated this policy shall be subject to disciplinary action, up to and including termination of employment, and civil and criminal liability.

### **E-Mail Service**

**Authority** - Employees have no right of personal privacy in any matter stored in, created, received, or sent over the Town of Poughkeepsie e-mail system. The Town of Poughkeepsie, in its discretion as owner of the e-mail system, reserves and may exercise the right to monitor, access, retrieve, and delete any matter stored in, created, received, or sent over the e-mail system, for any reason and without the permission of any employee.

**Security** - Even if employees use a password to access the e-mail system, the confidentiality of any message stored in, created, received, or sent from the Town of Poughkeepsie e-mail system still cannot be assured. Use of passwords or other security measures does not in any way diminish the Town's rights to access materials on its system, or create any privacy rights of employees in the messages and files on the system. Any password created by employees must be revealed to the Town of Poughkeepsie as e-mail files may need to be accessed by the Town in an employee's absence. Employees should be aware that deletion of any e-mail messages or files will not truly eliminate the messages from the system. All e-mail messages are stored on a central back-up system in the normal course of data management.

**Confidentiality** - Even though the Town of Poughkeepsie has the right to retrieve and read any e-mail messages, those messages should still be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. An exception to this policy must receive the prior approval of the Town of Poughkeepsie.

**Prohibited Conduct** - The Town of Poughkeepsie's policies against sexual or other harassment apply fully to the e-mail system; any violation of those policies is grounds for discipline up to and including termination of employment. Therefore, e-mail messages should not be created, sent, or received if they contain intimidating, hostile, or offensive material concerning race, color, religion, sex, age, national origin, disability or any other classification protected by law. The e-mail system may not be used to solicit for religious or political causes, commercial enterprises, outside organizations, or other non-job related solicitations.

**Professional Behavior** - Employees are reminded to be courteous to other users of the system and always to conduct themselves in a professional manner. E-mails are sometimes misdirected or forwarded and may be viewed by persons other than the intended recipient. Users should write e-mail communications with no less care, judgment and responsibility than they would use for letters or internal memoranda written on the Town of Poughkeepsie letterhead. Because e-mail records and computer files may be subject to discovery in litigation, Town of Poughkeepsie employees are expected to avoid making statements in e-mails or computer files that would not reflect favorably on the employee or the Town of Poughkeepsie if disclosed in a litigation or otherwise.

**E-Mail Maintenance** - Users should routinely delete outdated or otherwise unnecessary e-mails and computer files. These deletions will help keep the system running smoothly and effectively, as well as minimize maintenance costs.

### **Internet Service**

**Authority** - The computers and computer accounts given to employees are to assist them in performance of their jobs. Employees should not have an expectation of privacy in anything they create, store, send, or receive on the computer system. The computer system belongs to the Town and may only be used for business purposes.

The Town has the right, but not the duty, to monitor any and all aspects of its computer system including, but not limited to, monitoring sites visited by employees on the internet, monitoring chat groups and news groups, reviewing material downloaded or uploaded by users to the internet, and reviewing e-mail sent and received by users.

The Town may use software to identify inappropriate or sexually explicit internet sites. Such sites may be blocked from access by Town networks. In the event you nonetheless encounter inappropriate or sexually explicit material while browsing on the internet, immediately disconnect from the site, regardless of whether the site was subject to Town blocking software.

**Authorized Use** - Certain employees may be provided with access to the internet to assist them in performing their jobs. The internet can be a valuable source of information and research. Use of the internet, however, must be tempered with common sense and good judgment.

The Town of Poughkeepsie is not responsible for material viewed or downloaded by users from the internet. The internet is a worldwide network of computers that contain millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the internet. Even innocuous search requests may lead to sites with highly offensive content. In addition, having an e-mail address on the internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the internet do so at their own risk.

**Prohibited Conduct** - Employees must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, spending excessive amounts of time on the internet, playing games, engaging in on-line chat groups, printing multiple copies of documents, or otherwise creating unnecessary network traffic. Because audio, video, and picture files require significant storage space, files of this or any other sort may not be downloaded unless they are business-related.

Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful, inappropriate, offensive (including offensive material concerning sex, sexual orientation, race, color, national origin, religion, age, disability, or other characteristic protected by law), or violate the Town of Poughkeepsie equal employment opportunity policy and its policies against sexual or other harassment may not be downloaded from the internet or displayed or stored in the Town's computers. Employees encountering or receiving this kind of material should immediately report the incident to their department head. The Town's equal employment opportunity policy and its policies against sexual or other harassment apply fully to the use of the internet; any violation of those policies is grounds for discipline up to and including termination of employment.

Employees may not use the Town's internet connection to download games or other entertainment software or to play games over the internet.

Employees may not illegally copy material protected under copyright law or make that material available to others for copying. Each employee is responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material they wish to download or copy. No employee may agree to a license or download any material for which a registration fee is charged without first obtaining the express written permission of the Department Head.

## 512 Social Media

*(Policy Adopted by Town Board Resolution 1/16/19)*

**Policy Statement** – The purpose of the policy is to provide the framework for employee usage of Social Media, both inside and outside of the workplace. Social Media in general refers to internet based applications that allow for the creation and exchange of user generated content. Examples of Social Media include, but are not limited to: Facebook, Twitter, LinkedIn, Instagram, Flickr, Snapchat, YouTube, web blogs, and web based wikis whereby users can add, modify, or delete its content via a web browser.

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

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

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

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

- Disclosing confidential or proprietary information pertaining to matters of the Town that is not otherwise deemed accessible to the general public under the Freedom of Information Law (Public Officers Law Article 6, §§84-90).
- Matters which will imperil the public safety if disclosed.
- Promoting or endorsing any illegal activities.
- Threatening, promoting, or endorsing violence.
- Directing comments or sharing images that are discriminatory or insensitive to any individual or group based on race, religion, gender, disability, sexual orientation, national origin, or any other characteristic protected by law.
- Knowingly making false or misleading statements about the Town, or its employees, services, or Elected Officials.
- Posting, uploading, or sharing images that have been taken while performing duties as an agent of the Town, or while wearing Town uniforms – the only exception to this rule is when it is directly pertinent to Town business and such posting, uploading, or sharing of images is authorized in advance by the appropriate Department Head.
- Representing that an opinion or statement is the policy or view of the Town, or of any individual acting in their capacity as a Town employee or official, or otherwise on behalf of the Town, when that is not the case.
- Posting anything in the name of the Town or in a manner that could reasonably be attributed to the Town without prior written authorization from the applicable Department Head.

- Using the name of the Town or a Town e-mail address in conjunction with a personal blog or Social Media account.

An employee's Social Media usage must comply with Town policies pertaining to but not limited to Non-Discrimination and Harassment, Confidentiality, Violence in the Workplace, and Substance Abuse. Any harassment, bullying, discrimination, or retaliation that would not be permissible in the workplace is not permissible between co-workers online, even if it is done after hours, outside of the workplace, using computers or communication systems that are not Town-owned.

Notwithstanding the above, nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment. Nor is it meant to imply any restriction or diminishment of an employee's right to appropriately engage in protected concerted activity under law, including but not limited to NLRA Section 7 protected communications on non-work time. Town employees have the right to engage in or refrain from such activities as they choose.

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

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

## 513 **Personal Appearance**

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

**Standards** - An employee must maintain a personal appearance in a manner that reflects a good image to the public.

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

**Highway Department** - The Highway Department subscribes to a uniform service which supplies and cleans uniforms for employees. The Highway Department also provides steel toe shoes and other safety clothing and equipment for employees which must be worn in accordance with the Department's safety guidelines and/or the Department Head's directives.

**Water Department** - The Water Department provides employees with clothing (shirts with the Town Logo, pants and rubber boots). Employees are also provided with certain safety equipment which must be worn in accordance with the Department's safety guidelines and/or the Department Head's directives.

**Recreation Department** - The Recreation Department provides employees with tee shirts with the Town logo. Employees are also provided with certain safety equipment which must be worn in accordance with the Department's safety guidelines and/or the Department Head's directives.

## 514 **Solicitations/Distributions**

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

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

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

## **515 Disclosure of Information**

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

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

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

## **516 Visitors**

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

## **517 Maintenance of Work Area**

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

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

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

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

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

## **518 Purchasing**

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



## **519 Personal Property**

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

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

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

## **520 Town Property**

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

- Equipment, including Protective Equipment
- Identification Badges
- Keys
- Uniforms / Clothing with Town Logo
- Books or other Reference Materials, including this Employee Handbook

**Return of Property** - Except as otherwise provided by a collective bargaining agreement, all Town property must be returned to the Town before the employee's last day of work.

## **521 Unauthorized Work**

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

## 522 **Outside Employment**

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

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

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

- An employee will be judged by the same performance standards and will be subject to the Town's scheduling demands, regardless of any existing outside work requirements;
- No Town equipment, supplies, or other material may be used by an employee on other than Town work for monetary gain;
- Outside employment that does or may constitute a conflict of interest is prohibited. An employee may not receive any income or material gain from individuals outside of the Town for materials produced or services rendered while performing the employee's Town job;
- A Town employee who engages in outside work that is of a similar nature to the work the employee performs for the Town must notify the person for whom the work is being performed that such work is being done on the employee's own time and that the employee is not representing the Town while performing such work.

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

## 600 ABSENCE POLICIES

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### 601 Attendance

Except as otherwise provided by a collective bargaining agreement or a specific Department Policy, the following policy shall apply regarding absence from work.

**For purposes of this policy, the Department Head shall include his or her designee.**

**Tardiness** - An employee must be ready and able to work at the time the employee is scheduled to begin work. In the event an employee is unable to report to work at the scheduled time, the employee must notify the Department Head at least fifteen minutes before the employee's scheduled starting time. The reason for tardiness and the expected time of arrival must be indicated to the Department Head. The Department Head may waive this requirement in cases of emergency.

**Notification Requirements** - The following procedures must be followed when an employee will be absent from work. The Department Head may waive these requirements in cases of emergency.

- **Sick Leave** - In the event an employee is unable to report to work due to illness or injury, the employee must notify the employee's Department Head each day of the absence. In the event the absence was pre-authorized by the Department Head, this requirement will be waived. For those departments that operate on multiple shifts, notification must be made to the Department Head no later than one hour before the employee's normal time for reporting to work. All other departments, employees must notify their Department Head by the start of their workday, but no later than thirty minutes after their required start time. In the event that the absence of the employee would necessitate that a substitute be called in, the Department Head may request earlier notification. In no case will an employee be allowed to report sick leave more than two hours after the start of the workday. The employee must speak directly with the Department Head. Asking another person to call in on the employee's behalf or leaving a message on an answering device or with a co-worker is not permitted. The above notification requirements may be waived in cases of emergency.
- **Vacation Leave** – Requests for paid vacation leave in excess of five days must be submitted in writing to the Department Head at least two weeks in advance. The Department Head may waive this requirement in cases of emergency. All requests for paid leave are subject to approval by the employee's Department Head.
- **Personal Leave** - Requests for paid personal leave must be submitted in writing to the employee's Department Head at least twenty-four hours in advance. The Department Head may waive this requirement in cases of emergency. All requests for paid personal leave are subject to approval by the employee's Department Head. No request for personal leave shall be unreasonably denied. *(Revised by Town Board Resolution 1/16/19)*

**Early Departure** - In the event an employee must leave work during the workday, the employee must notify the employee's Department Head prior to leaving.

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

**Unauthorized Absences** - Notification of an absence to an employee's Department Head does not automatically mean the absence is authorized. Any absence from work that is without the approval of an employee's Department Head is considered an unauthorized absence. Examples of this include, but are not limited to, the following:

- The employee does not notify the Department Head that the employee will be absent (no call – no show).
- The employee leaves without Department Head authorization during their workday.

Any unauthorized absence is without pay and will be considered misconduct and grounds for discipline, up to and including termination of employment.

**Documentation of Absences** - An employee may be required to provide appropriate documentation in justification of any absence (excluding authorized paid vacation and personal leave). Documentation may include medical verification. Examples of absences where documentation may be required include, but are not limited to the following:

- The employee has demonstrated a pattern of sick leave usage (i.e. Monday and/or Friday, weekend for shift employees; day before or after holiday or other paid leave day).
- The employee has used an excessive amount of sick leave.

## 602 **Jury Duty Leave**

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

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

The Town shall pay a temporary, substitute or seasonal employee up to \$40 of the employee's wages for the first three days the employee serves jury duty if on those days the employee is scheduled to work for the Town. After the first three days, the employee may be eligible for a stipend issued by the court system if the employee continues to serve on jury duty. *(Revised by Town Board Resolution 1/17/07)*

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

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

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

## 603 **Bereavement Leave**

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

**Eligibility** - A full-time employee is eligible for paid bereavement leave in accordance with this policy. A part-time, substitute, temporary, or seasonal employee is not eligible for paid bereavement leave but may be allowed to take time-off without pay provided the employee has prior approval from the Department Head.

**Leave Allowance (Immediate Family)** - In the event of a death of a full-time employee's immediate family member, the employee may take paid leave for up to five working days from the employee's regularly scheduled work. Such leave will not be subtracted from any of the employee's leave credits. For purpose of bereavement leave, "immediate family member" will mean the following:

- Spouse
- Parent
- Parent-in-law
- Child / Step child
- Sibling
- Grandchild

**Leave Allowance (Other Family)** - In the event of a death of a full-time employee's step sibling, step parent, grandparent, son-in-law, daughter-in-law, brother-in-law, or sister-in-law, the employee may take paid leave for up to three working days from the employee's regularly scheduled work. Such leave will not be subtracted from any of the employee's leave credits. *(Revised by Town Board Resolution 8/20/08)*

**Scheduling of Bereavement Leave** - Bereavement leave days must be taken consecutively and will normally correspond with the funeral service. If the funeral service is postponed to a later date or if the funeral service is held out-of-state, the employee, may take bereavement leave to accommodate these circumstances. *(Revised by Town Board Resolution 1/16/19)*

**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.

## 604 **Military Leave and Military Leave of Absence**

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

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

**Leave For Military Spouses (New York State Law)** – In accordance with NYS Labor Law §202-i, the Town will grant an unpaid leave of absence of up to ten days to an employee (who works an average of twenty hours per week) whose spouse is a member of the armed forces of the United States, National Guard, or reserves who has been deployed during a period of military conflict, to a combat theater or combat zone of operations. This leave shall only be used when the employee's spouse is on leave from such deployment. This does not preclude the employee's option to use available paid leave upon approval of the employee's Department Head. *(Revised by Town Board Resolution 1/17/07)*

## 605 **Leave for Cancer Screening**

*(Policy revised to comply with NYS Civil Service Law §159-b)*

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

**Allowance** – An employee will be allowed four hours of paid leave per year for the purpose of undergoing a screening procedure for cancer. Such paid leave will be accrued as of January 1 each year. If the employee does not exercise his/her rights to the leave, those hours are not carried forward to the next year. The allowed leave time may include the travel time to and from the appointment and any subsequent follow up consultation visits. In addition, the allowed leave may be staggered throughout the year until the maximum allowance has been reached.

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

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



## **606 Leave for Blood or Bone Marrow Donations**

*(Policy revised to comply with NYS Labor Law §§202-a and 202-j)*

**Policy** –The Town of Poughkeepsie complies with New York State Labor Law §§202-a and 202-j which entitle Town employees time off from work to donate blood and/or to undergo a medical procedure to donate bone marrow. This leave of absence will not be charged against any available sick, vacation, personal, compensatory or other leave accruals. The leave allowed under this policy is unpaid, however, this does not preclude an employee's option to use available paid leave for these purposes.

**Blood Donation Allowance** – An employee will be allowed a leave of absence of up to three hours per year under this policy. Such leave will be accrued as of January 1 each year. If the employee does not exercise his/her rights to this leave, those hours are not carried forward to the next year. The allowed leave may include the travel time to and from the appointment. The Town may require the employee to provide proof of blood donation.

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

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

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

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

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

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

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

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

- Upon the birth of the employee's child and to care for the newborn child;
- Upon the placement of a child with the employee for adoption or foster care and to care for the newly placed child;
- To care for the employee's spouse, son, daughter or parent who has a serious health condition;
- Because of the employee's own serious health condition which makes the employee unable to perform one or more of the essential functions of his or her job; and

- Because of any qualifying exigency (refer to Qualifying Exigency Leave below) arising out of the fact that the employee's spouse, son, daughter or parent is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

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

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

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

- Issues arising from the military member's short notice deployment (i.e., deployment within seven or less days of notice). For a period of up to seven days from the day the military member receives notice of deployment, an employee may take qualifying exigency leave to address any issue that arises from the short-notice deployment.
- Attending military events and related activities, such as official ceremonies, programs, events and informational briefings, or family support or assistance programs sponsored by the military, military service organizations, or the American Red Cross that are related to the member's deployment.
- Certain childcare and related activities arising from the military member's covered active duty, including arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling in or transferring a child to a new

school or day care facility. Note: The employee taking FMLA qualifying exigency leave does not need to be related to the military member's child. However, (1) the military member must be the parent, spouse, son or daughter of the employee taking FMLA leave, and (2) the child must be the child of the military member (including a child to whom the military member stands in loco parentis).

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

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

- **Serious Health Condition** will mean an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility including any period of incapacity (as contained in the Federal Regulations), or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider, including, but not limited to:

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

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

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

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

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

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

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

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

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

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

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

- **Vacation Leave** - An employee requesting a leave has the option of using accumulated paid vacation leave prior to the onset of FMLA leave. If the employee chooses this option, FMLA leave will begin *after* the employee's vacation leave credits are exhausted, thus extending the employee's leave of absence beyond the maximum twelve weeks required by the Family and Medical Leave Act. If the employee does not wish to use paid vacation leave, the FMLA leave will begin upon the employee's qualifying event, providing that all eligibility requirements are met.
- **Sick Leave** - For leaves taken due to the **employee's own serious health condition**, the employee has the option of using all or a portion of accumulated sick leave prior to the onset of FMLA leave. If the employee chooses this option, FMLA leave will begin after the employee's requested amount of sick leave credits are exhausted, thus extending the employee's leave of absence beyond the maximum twelve weeks required by the Family and Medical Leave Act. If the employee does not wish to use paid sick leave, or does not have any paid sick leave accumulated, the FMLA leave will begin upon the employee's qualifying event, providing that all eligibility requirements are met.

Those employees whose serious health condition is the result of a qualified workers' compensation illness or injury should refer to the **Workers' Compensation** section below for further details regarding a leave of absence under this policy.

- **Accrual of Paid Leave Credits** - An employee will continue to accrue paid leave benefits and receive holiday pay during the portion of a leave of absence that is paid. Paid leave is defined as a leave during which the employee continues to use accumulated paid leave credits. An employee will not earn paid leave or receive holiday pay for any holidays that may occur during an unpaid leave of absence.
- **Medical Insurance Benefits During a Leave of Absence** – The Town will continue to provide medical insurance coverage during an employee's authorized paid or unpaid leave of absence for a maximum period of twelve weeks for leaves taken for the birth of the employee's child and to care for the newborn child; upon the placement of a child with the employee for adoption or foster care and to care for the newly placed child; or to care for the employee's spouse, child, or parent who has a serious health condition. The Town will continue to provide medical insurance coverage during an employee's authorized paid or unpaid leave of absence for a maximum period of six months for a non-job-related illness or injury, or a maximum period of twelve months for a workers' compensation injury. All employee contributions (if any) must be paid on a timely basis in order to maintain the continuous coverage of benefits. Coverage will cease if payments are not made within a thirty-calendar day grace period of the due date. Premium payments or policy coverage are subject to change. In the event the employee fails to return to work after the authorized leave of absence period has expired, the Town may recover the premium that it paid for maintaining the coverage during any period of the unpaid leave except for the following circumstances:
  - The continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member, which would otherwise entitle the employee to leave under the FMLA, with proper medical certification; or

- Circumstances beyond the employee's control, such as: parent chooses to stay home with a newborn child who has a serious health condition; employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's work-site; the employee is laid off while on leave.

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

In addition to leave provided under the Family and Medical Leave Act, employees may be eligible for a leave of absence pursuant to Civil Service Law Section 71. Section 71 provides that **covered** employees shall be entitled to a leave of absence for at least one cumulative year (unless found to be permanently disabled) when disabled due to an occupational injury or disease as defined in the Workers' Compensation Law. This leave runs concurrently with the designated Family and Medical Leave. Employees should consult with their Department Head for further details regarding this provision.

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

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



## 700 COMPENSATION

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### 701 *Wage and Salary*

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

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

**Merit Increases** - An employee may receive a pay increase based upon the employee's past performance. The merit increase will be granted at the discretion of the Town Board.

**Longevity** – Longevity payments are based on an employee's date of "full-time" hire. An annual non-cumulative longevity payment will be upon an employee's full-time anniversary date of hire as set forth below:

<b>Length of Service</b>	<b>Longevity Payment</b>
9 - 12 years of service	\$1,150
13 - 19 years of service	\$1,700
20 or more years of service	\$3,000

Longevity payments shall not be considered salary in calculating any percentage increase. Longevity payments will be made in a separate check on the first payday of the month the longevity is due. *(Revised by Town Board Resolution 8/20/08)*

### 702 *Overtime / Compensatory Time*

**Union Employees** - An employee who is a member of a collective bargaining unit is not covered by the Overtime/Compensatory Time provisions set forth below **except** for Authorization, and should refer to said agreement. In addition, any applicable provision of the FLSA will also apply.

**Authorization** - A Department Head may require an employee to work additional hours beyond the employee's normal workday and workweek. An employee must receive prior approval from the employee's Department Head or supervisor before working additional hours. An employee is not entitled to overtime pay for additional hours worked without proper authorization. This provision shall be waived by the Department Head in cases of emergency overtime.

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

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

**Compensatory Time** - With pre-authorization from the Department Head, a non-exempt employee will have the option of receiving “compensatory time” in lieu of paid overtime. When a non-exempt employee chooses to receive compensatory time, the employee will be credited with the equivalent of one and one-half hours for all authorized time worked over forty hours in a given workweek. An employee may accumulate up to one hundred hours in compensatory time credits. In the event an employee accrues more than one hundred hours of compensatory, the employee must take paid overtime. An employee must use all compensatory leave credits within the calendar year in which they are earned or receive cash payment at the end of the calendar year at the employee’s then current rate of pay. Compensatory time may not be used in increments of less than one-half hour.  
*(Revised by Town Board Resolution 1/16/19)*

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

**Credit for Paid Leave** – Sick leave, personal leave, vacation leave, and holidays will be included as time worked for the purpose of computing overtime and compensatory time. No other form of paid leave, such as compensatory time, bereavement leave, jury duty leave, and military leave, will be included as time worked for the purpose of computing overtime and compensatory time.

### **703 Call-In Pay**

**Union Employees** - An employee who is a member of a collective bargaining unit is not covered by the Call-in Pay provisions set forth below and should refer to said agreement.

**Compensation** - In the event an employee is called in to work outside of the employee’s scheduled work shift, the employee shall receive a minimum of four hours pay at one and one-half time times the employee’s regular rate of pay.

## **704 Pay Period and Check Distribution**

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

**Payday** - Under normal circumstances, paychecks will be issued on a Friday. In the event the payday is a designated holiday, paychecks will be distributed on the previous workday.

**Distribution** – Department Heads are responsible for picking up paychecks from the Comptroller's Office for further distribution to employees.

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

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

## **705 Payroll Deductions**

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

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

## **706 Deferred Compensation Plan**

**Summary** - The Town of Poughkeepsie has established a Deferred Compensation Plan whereby a portion of an employee's salary may be voluntarily withheld and invested. The money saved is paid out to the employee at a later date, generally during retirement years. Neither the deferred amount nor earnings on investments are subject to current Federal and State Income Taxes. Taxes become payable when the deferred income plus earnings are distributed to the employee, presumably at retirement when the tax bracket may be lower. A description of the plan may be obtained from the Human Resources Department.

## 800 EMPLOYEE BENEFITS

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### 801 *Holidays*

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

**Eligibility** – A full-time employee is eligible for holiday pay at the employee’s regular rate of pay. A part-time employee is eligible for pro-rated holiday pay depending upon the average number of hours worked per day. A substitute, temporary or seasonal employee is not eligible for holiday pay.

**Designated Holidays** - The Town of Poughkeepsie will observe the following holidays:

1. New Year’s Day
2. Martin Luther King Day
3. Presidents’ Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Columbus Day
8. Election Day\*
9. Veterans’ Day\*
10. Thanksgiving Day
11. Day after Thanksgiving
12. Christmas Day

*\*Highway Department employees do not observe the Election Day and Veterans’ Day holidays. The Highway Superintendent will annually establish two alternative days to be considered as paid holidays for those employees.*

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

**Holiday Pay Requirement** – Unless on an authorized paid leave, an FLSA non-exempt employee must work the employee’s scheduled workday before and the employee’s scheduled workday after a designated holiday in order to receive holiday pay.

**Assigned to Work on a Holiday** - A full-time FLSA non-exempt employee who is required to work on a designated holiday will receive holiday pay plus wages at one and one-half times the employee’s regular rate of pay. A full-time FLSA non-exempt employee who is required to work on Thanksgiving, Christmas or New Year’s Day will receive holiday pay plus wages at two times the employee’s regular rate of pay. A part-time, substitute, temporary, or seasonal employee who works on a designated holiday will be paid at the employee’s regular rate of pay.

## 802 **Vacation Leave**

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

**Eligibility** - A full-time employee is eligible for paid vacation leave in accordance with this policy. A part-time employee is eligible for a pro-rated amount of vacation leave. A substitute, temporary or seasonal employee is not eligible for paid vacation leave but may be allowed to take time-off without pay provided the employee has prior approval from the Department Head.

**New Employee** - A newly hired employee will be credited with vacation leave based upon the date of hire as shown below. The following January 1, the employee will be credited with ten days of vacation leave. After that date, the employee will follow the schedule under "Allowance" below. An employee must complete six months of service before becoming eligible to use paid vacation leave.

<b>Hired During:</b>	<b>Vacation Leave Credited:</b>
January, February, March	5 days
April, May, June	3 days
July, August, September	2 days
October, November, December	1 day

**Allowance** - A full-time employee will earn paid vacation leave in accordance with the vacation schedule below. A part-time employee will earn a pro-rated amount of vacation leave in accordance with the same vacation schedule. Eligible employees will be credited with vacation leave in advance on January 1 of each year. An employee may take vacation leave only after it has been credited. In those years in which an employee reaches a sixth, eleventh, or twentieth anniversary, the employee will also be credited with an additional five days of vacation leave on their anniversary date.

<b>After Completion Of:</b>	<b>Annual Vacation Leave Earned:</b>
Less than 6 years continuous service	10 days
6 to 10 years continuous service	15 days
11 to 19 years continuous service	20 days
20 or more years continuous service	25 days

**Vacation Leave Usage** – Any employee who earns fifteen or more days of vacation leave on an annual basis must use at least five consecutive days at a time, at least once in the calendar year. The employees remaining vacation leave may be taken on an individual day basis.

**Continuous Service** - Continuous Service shall mean uninterrupted service. An authorized leave of absence without pay, or a resignation followed by reinstatement within one year following such resignation, shall not constitute an interruption of continuous service. However, the vacation leave earned for that year will be pro-rated based on the duration of the absence from work without pay. Vacation is earned only for monthly pay periods during which an employee is in full pay status for at least fifteen working days during such monthly pay period.

**Scheduling** - An employee must receive prior approval from the employee's Department Head to take vacation leave. The Department Head will have total discretion in the approval of vacation leave and will consider both seniority and the date the request is received in granting such approval. Vacation leave credits may not be used in increments of less than one day (eight hours).

**Accumulation** - An employee **may not** accumulate vacation leave credits. Any vacation leave credits remaining unused at the end of the last business day of the calendar year shall be cancelled. However, a newly hired employee may carry-over vacation leave credited during the first calendar year of employment into the following year only.

**Holiday During Scheduled Vacation** - In the event a designated holiday occurs on an employee's normal workday and the employee is on paid vacation, the employee will receive holiday pay for the day and the employee's vacation leave credits will not be charged for that day.

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

## 803 Sick Leave

**Union Employees** - An employee who is a member of a collective bargaining unit is not covered by the Sick Leave provisions set forth below **except** for Notification of Sick Leave, Proper Use of Sick Leave, Family Sick Leave, and Abuse of Sick Leave, and should refer to said agreement.

**Eligibility** – A full-time employee is eligible for paid sick leave in accordance with this policy. A part-time employee is eligible for a pro-rated amount of paid sick leave. A substitute, temporary or seasonal employee is not eligible for paid sick leave.

**Allowance** - A full-time employee will earn one day (eight hours) of paid sick leave for each month of service completed. An employee may take sick leave only after it has been credited. Sick leave will be credited on the first day of the month after which it has been earned.

**Accrual During Leaves of Absence** - An employee will be credited with sick leave credits while on a paid leave of absence (i.e. the employee is using paid leave benefits) but not while on an unpaid leave of absence. In those cases where an employee is on a leave of absence and is receiving workers' compensation benefits but has exhausted paid leave, the employee will not be credited with paid sick leave.

**Notification of Sick Leave** - In the event an employee is unable to report to work due to illness or injury, the employee must notify the employee's Department Head or designee each day of the absence. In the event the absence was pre-authorized by the Department Head, this requirement will be waived. For those departments that operate on multiple shifts, notification must be made to the Department Head no later than one hour before the employee's normal time for reporting to work. All other departments, employees must notify their Department Head by the start of the workday, but no later than thirty minutes after their required start time. In the event that the absence of the employee would necessitate that a substitute be called in, the Department Head may request earlier notification. In no case will an employee be allowed to report sick leave more than two hours after the start of the workday. The employee must speak directly with the Department Head or designee. Asking another person to call in on the employee's behalf or leaving a message on an answering device or with a co-worker is not permitted. Unless an extended sick leave absence has been authorized, the employee must provide such notification each day of the absence.

**Proper Use of Sick Leave** - Sick leave is provided to protect an employee against financial hardship during an illness or injury. An employee may use sick leave credits for personal illness or injury that inhibits the employee's work. Sick leave credits may not be used in increments of less than one hour. *(Revised by Town Board Resolution 1/16/19)*

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

**Accumulation** - An employee may accumulate an unlimited amount of sick leave credits. Refer to the section under this policy titled Separation of Employment for further details.

**Medical Verification** - The Town may require medical verification in justification of an employee's absence from work. Examples of absences where documentation may be required include, but are not limited to the following:

- The employee has demonstrated a pattern of sick leave usage (i.e. Monday and/or Friday, weekend for shift employees; day before or after holiday or other paid leave day).
- The employee has used three consecutive sick leave days.
- The use of sick leave to care for a family member (under the provisions of "Family Sick Leave" paragraph above) exceeds three consecutive days.
- The employee has used an excessive amount of sick leave.

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

**Separation of Employment** - An employee whose employment with the Town is terminated due to a resignation, lay-off, or disciplinary discharge will not receive cash payment for unused sick leave. An employee who retires from the Town (i.e. has applied for and been granted a bona-fide retirement benefit from the New York State Employees' Retirement System) will receive cash payment for up to one hundred days of accumulated sick leave. In cases of the death of an employee, the Town will pay the employee's designated beneficiary for any unused sick leave, up to a maximum of one hundred days.



## 804 **Personal Leave**

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

**Eligibility** – A full-time employee is eligible for paid personal leave in accordance with this policy. A part-time, substitute, temporary, or seasonal employee is not eligible for paid personal leave.

**Allowance** - A full-time employee will be credited with five days of paid personal leave on an annual basis. The employee will be credited on January 1 of each year. An employee may take personal leave only after it has been credited.

**New Employee** - A new employee hired prior to July 1 will be credited with five days of paid personal leave. A new employee hired on or after July 1 will be credited with two and one-half days of paid personal leave.

**Proper Use of Personal Leave** - An employee may use personal leave credits to conduct personal business which cannot be conducted outside of normal working hours, non-emergency medical and dental appointments, and for personal emergencies. In no event may personal leave credits be used in lieu of sick leave or other leaves of absences, except to extend bereavement leave. Personal leave credits may not be used in less than one half hour increments. *(Revised by Town Board Resolution 1/16/19)*

**Scheduling** - Requests for paid personal leave must be submitted in writing to the employee's Department Head at least twenty-four hours in advance. The Department Head shall waive this requirement in cases of verifiable emergency. All requests for paid personal leave are subject to approval by the employee's Department Head. No request for personal leave shall be unreasonably denied.

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

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

## **805 Disclosure of Insurance Benefits**

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

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

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

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

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

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

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

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

## 806 **Medical Insurance**

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

**Eligibility** - The Town will make available medical insurance coverage to each full-time employee and Elected Official and their eligible family members. Unless otherwise provided by plan documents, the Town will provide only one medical insurance policy for an eligible employee whose spouse also works for the Town. A part-time, substitute, temporary, or seasonal employee is not eligible for medical insurance coverage.

**When Coverage Begins** – If an employee is hired prior to the 15<sup>th</sup> of the month, coverage will begin on the 1<sup>st</sup> of the month following the date of hire. If hired on or after the 15<sup>th</sup> of the month, coverage will begin on the 1<sup>st</sup> of the month following a one month grace period. Coverage for a newly Elected Official will begin on the 1<sup>st</sup> of the month following the first day of office. If the Elected Official assumes office after the 15<sup>th</sup> of each month, coverage will begin on the 1<sup>st</sup> of the month following a one month grace period. Coverage is contingent upon the employee meeting all eligibility requirements of the insurance plan.

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

### **Premium Payment (Full-Time Employees)**

- **Employees hired prior to January 1, 2006** – A full-time employee who was hired prior to January 1, 2006 will be required to pay \$250 per year for individual coverage and \$500 per year for two-person or family coverage.
- **Employees hired on or after January 1, 2006 but prior to July 9, 2008** - The Town will pay 95% of the premium for individual or family medical insurance coverage for each eligible full-time employee hired on or after January 1, 2006 but prior to July 9, 2008.
- **Employees hired on or after July 9, 2008 but prior to October 1, 2014** - The Town will pay 85% of the premium of the health insurance plan for individual or family medical insurance coverage for each eligible full-time employee hired on or after July 9, 2008 but prior to October 1, 2014.
- **Employees hired on or after October 1, 2014** - The Town will pay 80% of the premium of the health insurance plan for individual or family medical insurance coverage for each eligible full-time employee hired on or after October 1, 2014.

## **Premium Payment (Elected Officials)**

- **Elected Officials whose first term of office commenced prior to January 1, 2006** - The Town will pay the full premium for individual or family medical insurance coverage, as the case may be, for each eligible Elected Official whose first term of office commenced prior to January 1, 2006.
- **Elected Officials whose first term of office commenced on or after January 1, 2006 but prior to July 9, 2009** - The Town will pay 95% of the premium for individual or family medical insurance coverage for each eligible Elected Official whose first term of office commenced on or after January 1, 2006 but prior to July 9, 2008.
- **Elected Officials whose first term of office commenced on or after July 9, 2008 but prior to October 1, 2014** - The Town will pay 85% of the premium for individual or family medical insurance coverage for each eligible Elected Official whose first term of office commenced on or after July 9, 2008 but prior to October 1, 2014.
- **Elected Officials whose first term of office commenced on or after October 1, 2014** - The Town will pay 80% of the premium for individual or family medical insurance coverage for each eligible Elected Official whose first term of office commenced on or after October 1, 2014.

**Section 125 Plan** - The employee may elect to have such deduction made on a pre-tax basis in accordance with Section 125 of the Internal Revenue Code.

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

## 807 **Medical Insurance Buy-out for Employees**

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

**Eligibility** - A full-time employee or Elected Official who is eligible for medical insurance coverage made available through the Town may receive a cash buy-out in lieu of receiving medical insurance benefits. The Town will provide only one medical insurance policy for an eligible employee or Elected Official whose spouse also works for the Town and therefore said employee or Elected Official is not eligible for the Buy-out provision.

**Proof of Alternate Coverage Required** - To be eligible for the medical insurance buy-out, the employee or Elected Official must provide documentation of alternate medical health insurance coverage in a manner and form to be determined by the Town and sign an appropriate waiver of health insurance coverage and waiver of liability to the Town.

**Amount of Buy-out** - An employee or Elected Official who is eligible for the medical insurance buy-out will receive \$4,000 for the period commencing January 1 through December 31. Such amount shall be pro-rated in those cases where an active employee or Elected Official has not waived coverage for the entire calendar year, in those cases where an employee or Elected Official has been reinstated into the Town's medical insurance coverage, or in those cases where an employee is on an unpaid FMLA leave. An employee or Elected Official who separates from employment for any reason will receive a pro-rated amount of the medical buy-out. *(Revised by Town Board Resolution 1/16/19)*

**Method and Form of Payment** - Payment of the buy-out will be made in a separate check during the first fifteen days of December and will be treated as part of the employee's or Elected Official's gross income and therefore subject to the appropriate withholding for income and payroll tax purposes. The buy-out amount is excluded from retirement system earnings' calculation.

**Reinstatement** – If an employee or Elected Official chooses to re-enroll in the Town's health insurance plan, written notice must be provided to the Town Comptroller during the open enrollment period in order for coverage to be effective the following January 1. In the event coverage is lost under the alternate insurance plan, the employee or Elected Official may resume coverage in accordance with the provisions specified in the plan documents, provided that all eligibility requirements of the insurance plan are met.

## 808 **Medical Insurance for Retirees**

**Union Employees** - An employee who is a member of a collective bargaining unit is not covered by the Medical Insurance for Retirees provisions set forth below and should refer to said agreement.

**Coverage** - The Town will make available medical insurance coverage to an eligible full-time employee or Elected Official who retires from the Town. Coverage is also available for eligible dependents if they were covered under the Town's medical insurance plan at the employee's date of retirement. In the event the retiree predeceases the dependents, the dependents may continue medical insurance coverage provided the dependents pay the cost of the premium that the retiree would have paid for such coverage. Coverage of a dependent at the time of divorce or legal separation is in accordance with plan documents and COBRA requirements. *(Revised by Town Board Resolution 12/14/05)*

**Coverage for Employees who Decease Prior to Retirement** – The Town will make available medical insurance coverage to the surviving spouse of an eligible employee who deceases while being actively employed by the Town. To be eligible for this benefit, the employee must be age fifty-five or older, and must have at least ten years of continuous service with the Town. In addition, the employee must have been vested in the New York State Employees' Retirement System or Police and Fire Retirement System, or must be receiving Social Security benefits at age 62 and thereafter. The Town will automatically continue coverage for the surviving spouse for a period of ninety days from the date of death without any action being required by the surviving spouse. The surviving spouse will be required to pay premium contributions at the same level as if the employee had retired, both during and after the ninety day period. *(Revised by Town Board Resolution 12/14/05)*

**Eligibility** - To be eligible for coverage, the retiree must be age fifty-five or older, and must have at least ten years of continuous service with the Town. The ten years of service requirement may be cumulative for Elected Officials and civil service exempt employees. In addition, the employee or Elected Official must have applied for and been granted a bona-fide retirement benefit from the New York State Employees' Retirement System or Police and Fire Retirement System or must be receiving Social Security benefits at age 62 and thereafter.

**Plan** - The Town Board may, at its discretion, change the medical insurance plan at any time, including, but not limited to, type of coverage, retiree contributions, and type of carrier.

**Reinstatement** – If a retiree terminates their retiree coverage for any reason, be it voluntary or involuntarily, the retiree must wait five years before being eligible to re-enroll in the Town's medical insurance plan. The retiree can only enroll during the open-enrollment period unless a qualifying event permits the retiree to enroll sooner. *(Revised by Town Board Resolution 1/16/19)*

**Premium Payment** - The Town will pay a percentage of the premium for individual or family medical insurance coverage, as the case may be, for each eligible retiree. The percentage paid by the Town is dependent upon the years of service the employee has with the Town at the time of retirement as outlined below:

YEARS OF SERVICE	TOWN CONTRIBUTION	RETIREE CONTRIBUTION
10 - 19	35%	65%
20 - 29	50%	50%
30 + (see below*)	80%	20%

\*The Town Board adopted the following resolution on 8/20/08: The Town shall pay 100% of the monthly premium for those eligible employees who retire on or before December 31, 2008.

**Changes in Premium Contributions** – The amount of the insurance premium a retiree or retiree’s spouse is required to contribute is subject to change by resolution of the Town Board. The Town Board will provide a two-month written notice of such change.

**Failure to Remit Payment** – If a retiree fails to remit their contribution payment for three months, or falls three months behind on their contribution payments, the retiree’s coverage will be terminated by the Town.

**Medicare Part B Reimbursement (The Empire Plan Only)** - The Town will reimburse an eligible retiree and the retiree’s spouse for the monthly amount established by Social Security for the Medicare Part B premium for those retirees who are enrolled in The Empire Plan. Such reimbursement will be effective on the first of the month following the date the retiree or the retiree’s spouse becomes eligible to enroll in Medicare Part B. The Town will issue the reimbursement check on a bi-annual basis, June 30 and December 31. Medicare reimbursement will cease for both the retiree and the retiree’s spouse upon the death of the retiree. Reimbursement will also cease for a spouse upon legal separation or divorce. Reimbursement of Medicare Part B is in accordance with The Empire Plan provisions and as such may be modified by the New York State Health Insurance Plan.

**Medicare Eligibility** – Upon reaching the age of Medicare eligibility, a retiree must switch their coverage through the Town to a Medicare supplemental product. For retirees enrolled in a NYSHIP plan, this will occur automatically. All other retirees must contact the Town to initiate the process of transitioning to the Medicare supplemental plan.

## 809 **Optical Plan**

**Union Employees** - An employee who is a member of a collective bargaining unit is not covered by the Optical Plan provisions set forth below and should refer to said agreement.

**Eligibility** - The Town will make available an Optical Plan to each full-time employee and Elected Official and their eligible family members. Unless otherwise provided by plan documents, the Town will provide only one Optical Plan for an eligible employee whose spouse also works for the Town. A part-time, substitute, temporary, or seasonal employee is not eligible for optical coverage.

**When Coverage Begins** – If an employee is hired prior to the 15<sup>th</sup> of the month, coverage will begin on the 1<sup>st</sup> of the month following the date of hire. If hired on or after the 15<sup>th</sup> of the month, coverage will begin on the 1<sup>st</sup> of the month following a one month grace period. Coverage for a newly Elected Official will begin on the 1<sup>st</sup> of the month following the first day of office. If the Elected Official assumes office after the 15<sup>th</sup> of each month, coverage will begin on the 1<sup>st</sup> of the month following a one month grace period.

**When Coverage Ends** – Coverage ends on the last day of the month in which the employee separates from employment or the Elected Official ends elected service. Coverage will continue for eligible employees and Elected Officials in accordance with COBRA regulations.

**Premium Payment** - The Town will pay the full premium for the Optical Plan for each eligible full-time employee and each Elected Official.

**Changes in Premium Contributions** – The Town may, at its discretion, require employee contribution to the premium for the Optical Plan. In such event, the employee may waive coverage or may elect to have such deduction made on a pre-tax basis in accordance with Section 125 of the Internal Revenue Code.



## **809a Dental Plan**

**Eligibility** - The Town will make available a Dental Plan to each full-time employee and Elected Official and their eligible family members. A part-time, substitute, temporary, or seasonal employee is not eligible for dental coverage.

### **When Coverage Begins –**

- **Upon Hire** - If an employee is hired prior to the 15<sup>th</sup> of the month and elects coverage at that time, coverage will begin on the 1<sup>st</sup> of the month following the date of hire. If an employee is hired on or after the 15<sup>th</sup> of the month and elects coverage at that time, coverage will begin on the 1<sup>st</sup> of the month following a one month grace period. Coverage for a newly Elected Official will begin on the 1<sup>st</sup> of the month following the first day of office. If the Elected Official assumes office after the 15<sup>th</sup> of each month, coverage will begin on the 1<sup>st</sup> of the month following a one month grace period.
- **Open Enrollment** – If an employee elects to enroll in the Dental Plan during the open-enrollment period (generally held November 1<sup>st</sup> – November 30<sup>th</sup> of each year), coverage will begin on January 1<sup>st</sup>. The Dental Plan may assess a fee for those employees who elect to enroll during the open-enrollment period. Employees should contact the Human Resources Department to inquire what, if any, fee may apply.

**When Coverage Ends** – Coverage ends on the last day of the month in which the employee separates from employment or the Elected Official ends elected service. The employee or Elected Official may elect to continue coverage in accordance with COBRA regulations. If an employee or Elected Official voluntarily chooses to end coverage while still employed by the Town, coverage will end on December 31<sup>st</sup> of the calendar year. The employee or Elected Official will be required to pay the premium, through payroll deduction, until December 31<sup>st</sup>.

**Premium Payment** - The Town does not contribute to the cost of the monthly premium. If elected, the total cost of the premiums will be deducted from the employee's or Elected Official's paycheck on a pre-tax basis in accordance with Section 125 of the Internal Revenue Code.

## 810 **Flexible Spending Account**

**Union Employees** - An employee who is a member of a collective bargaining unit is not covered by the Flexible Spending Account provisions set forth below and should refer to said agreement.

**Summary** – A Flexible Spending Account (FSA) provides participants with a tax advantage that can pay for qualified health care and dependent care expenses on a pre-tax basis. An eligible employee or Elected Official may elect to contribute, through payroll deduction, a portion of their income into a FSA. The amount contributed is not subject to Social Security or federal or New York State income taxes. A description of the Flexible Spending Account can be obtained from the Human Resources Department.

**Eligibility** – Each full-time employee and each Elected Official is eligible to participate in the Flexible Spending Account. A part-time, substitute, temporary, or seasonal employee is not eligible to participate in the Flexible Spending Account.

**Enrollment** – A full-time employee may enroll in the Flexible Spending Account upon hire, but no later than thirty days after the hire date. An Elected Official may enroll on the first day of office, but no later than thirty days after resuming office. Otherwise, employees and Elected Officials must wait to enroll during the annual open-enrollment period which is generally held from November 1<sup>st</sup> – November 30<sup>th</sup> of each year.

**Town Contribution to FSA (Base Plan - MVP HMO)** – For those employees enrolled in the Town's Base Plan, the Town will contribute an amount equal to \$200 to an eligible employee's FSA if the employee is enrolled in individual coverage or \$400 if the employee is enrolled in family coverage.

**Town Contribution to FSA (Other than Base Plan)** – For those employees enrolled in a plan that is not the Town's Base Plan, the Town will contribute an amount equal to \$100 to an eligible employee's FSA if the employee is enrolled in individual coverage or \$200 if the employee is enrolled in family coverage.

**Cessation of Benefit** – Effective December 31, 2020, the Town will no longer fund an eligible employee's Flexible Spending Account.

## 811 **Continuation of Health Insurance Benefits (COBRA)**

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

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

**Qualifying Events** – If a qualified beneficiary loses coverage under a group health plan as a result of a “qualifying event,” the qualified beneficiary is entitled by COBRA to the continuation of group health insurance coverage at the qualified beneficiary’s own expense for up to thirty-six months. The COBRA requirements do not put any limit on the number of times a qualified beneficiary may be entitled to COBRA continuation coverage. COBRA coverage is in effect for a qualified beneficiary for up to thirty-six months depending upon any of the following qualifying events:

- The covered employee’s (or elected official’s) termination of employment for any reason except gross misconduct;
- The covered employee's loss of eligibility to participate due to reduced work hours;
- The covered employee is absent due to military service;
- The qualified beneficiary is disabled, per a determination under the Social Security Act;
- The death of a covered employee or elected official;
- The divorce or legal separation from a covered employee or elected official;
- A covered dependent child's loss of eligibility to participate in the insurance plan due to the covered employee or elected official becoming covered by Medicare as a result of total disability or choosing Medicare in place of the insurance plan at age sixty-five;
- A covered dependent ceases to be a "dependent child" under the health insurance plan.

**Limitations** - In the event an employee or elected official becomes covered by Medicare, but no loss of coverage results for the employee or elected official or the covered dependents, and a subsequent qualifying event occurs, the duration of coverage for all qualified beneficiaries will be thirty-six months from the date of the termination or reduction in hours. A qualified beneficiary may be covered under multiple qualifying events, but in no case will coverage be continued for more than thirty-six months.

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

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

## 812 **Life Insurance**

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

**Eligibility** – The Town provides life and accidental death and dismemberment insurance coverage to full-time employees and all Elected Officials. A part-time, substitute, temporary or seasonal employee is not eligible to participate in the life insurance plan.

**Coverage Amount (Active Employees and Elected Officials)** - The amount of the life insurance coverage for active employees and Elected Officials is \$20,000. This amount is reduced to \$10,000 when the employee or Elected Official reaches the age of 70, provided they are in active service with the Town.

**Coverage Amount (Retirees)** – An employee or Elected Official may elect to continue life insurance at the time of retirement, provided they pay the full monthly premium. To be eligible for coverage, the retiree must be age fifty-five or older, and must have at least ten years of continuous service with the Town. The ten years of service requirement may be cumulative for Elected Officials and civil service exempt employees. In addition, the employee or Elected Official must have applied for and been granted a bona-fide retirement benefit from the New York State Employees' Retirement System or Police and Fire Retirement System or must be receiving Social Security benefits at age 62 and thereafter.

If an employee or Elected Official elects to continue coverage at the time of retirement, the amount of the life insurance coverage is reduced to \$12,000. There is no further reduction due to the retiree reaching age 70.

**When Coverage Begins** – Coverage begins on the employee's first day of employment or the Elected Official's first day of elected service, provided all eligibility requirements of the insurance plan are met.

**When Coverage Ends** – Coverage ends when the employee or Elected Official separates from service with the Town. Coverage for eligible retirees continues provided that all premium payments are paid by the retiree.

**Premium Payment** – The Town pays the full cost of the active employee's or Elected Official's life insurance premium. If elected at the time of retirement, the retiree pays the full cost of the life insurance premium.

### **813 Workers' Compensation Benefits**

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

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

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

**Reporting of Injury** - The employee must report any accidental injury arising out of and in the course of employment to the Department Head or designee within five days after the occurrence of the injury. The Department Head or designee will complete the initial incident report (Quick Fax) and submit to the worker's compensation carrier. Notification must also be made to the Comptroller, who will offer guidance in the completion and submission of the required form. The Comptroller will complete and submit the C-2 and C-11 forms when required.

**Use of Paid Leave Credits** - An employee has the option of using the employee's paid sick, vacation or compensatory leave credits in conjunction with Workers' Compensation payments to equal, but not exceed, the employee's regular daily rate of pay.

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

### **814 Unemployment Benefits**

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

### **815 Social Security**

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

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

**Summary** - The Town will make available the New York State Employees' Retirement System pension plan to each eligible employee and Elected Official. An employee or Elected Official is eligible for service retirement benefits in accordance with the New York State Retirement and Social Security Law.

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

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

**Optional Membership** - An employee or Elected Official who is not mandated to join may join the retirement system. Such employee or Elected Official will be informed, in writing, that the employee or Elected Official may join the Retirement System and will acknowledge receipt of such notice by signing a copy thereof and returning it to the Comptroller's Office. If the employee or Elected Official elects to join the retirement System, the employee or Elected Official must complete the application form and return it to the Comptroller's Office.

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

## **817 Employee Assistance Program**

*(Revised 3/18/08 to include part-time employees as covered under the EAP)  
(Revised 1/30/20 to reference how to access the Employee Assistance Program)*

**Summary** - The Town will make available an Employee Assistance Program (EAP) for a full-time or part-time employee and the employee's family 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.

**Temporary, Substitute or Seasonal Employees** - A temporary, substitute or seasonal employee is not eligible to participate in this program.

**How to Access the Program** – Information pertaining to the Program can be found in the Human Resource office, with the Department Head or through the Rose and Kiernan exchange portal.



## 900 COMPLIANCE POLICIES

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### 901 *The Americans with Disabilities Act*

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

**Reasonable Accommodation** - Reasonable accommodation is available to all qualified employees and applicants with disabilities, unless it imposes an undue hardship on the Town and/or operations of a program.

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

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

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

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

*(Revised by Town Board Resolution 1/16/19)*

**Policy Statement** – It is the policy of the Town of Poughkeepsie to promote a productive work environment and to prohibit conduct by any Elected Official or employee (as defined in Section 102 of the Employee Handbook) that disrupts or interferes with another’s work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with this goal, the Town is committed to educate Elected Officials and employees in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to provide an effective means of eliminating such discrimination and harassment from the workplace. In short, the Town does not tolerate any form of discrimination or harassment, including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such activity in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and harassment, including sexual harassment, without any risk of repercussion to any individual covered by this policy who, in good faith, files such complaint.

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

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

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

- **Harassment:** Unwanted, unreasonable verbal or physical conduct directed toward or affecting another person that disturbs, frightens, insults, threatens, intimidates, demeans, or offends that other person, that continues or is repeated after a request to cease, and that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual’s work performance; or 3) otherwise adversely affects an individual’s employment opportunities. Harassment includes offensive or inappropriate images or written materials or electronic communications (e.g. letters, e-mail, text messages, or graffiti) as well as bias-based harassment and sexual harassment (see below).
- **Bias-Based Harassment:** Harassment that denigrates, offends or shows hostility or aversion toward an individual on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or

conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Bias-based harassment includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written, electronic, or graphic material that denigrates, ridicules, objectifies, or shows hostility, aversion or contempt toward an individual or group and that is placed on walls, bulletin boards, lockers or elsewhere on or in the Town's premises, vehicles, or equipment, or is circulated in the workplace, including through electronic means.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Investigation of Complaint** – The Town Supervisor, in consultation with the Town Board, will determine the appropriate individual(s) to conduct the investigation. All complaints pursuant to this policy, whether reported in verbal or written form, will be investigated promptly, thoroughly, and in as impartial a manner as possible. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. All employees are required to cooperate in an investigation, if so directed. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation. All relevant materials, including all electronic communications, documents, emails or phone records that are relevant to the allegations will also be considered. A written report will be prepared documenting the results of the investigation. The individual who reported the complaint and the individual about whom the complaint was made will be notified of the final determination.

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

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

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

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

The Human Rights Law (HRL) applies to employers in New York State with regard to harassment and protects employees and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with DHR if they have already filed an HRL complaint in state court. Filing an internal complaint with the Town does not extend the time limits to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment. An attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate the complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring the Town to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines. DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across NY State.

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

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

### Local Protections

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

### Contact the Local Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the Town of Poughkeepsie Police Department.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

## 903 ***Violence in the Workplace***

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

**Workplace Violence Prevention Program** – In accordance with the New York State Workplace Violence Prevention Act, the Town of Poughkeepsie has developed a Workplace Violence Prevention Program. As a part of this program, the Town conducted a comprehensive risk evaluation of the entire workplace and will conduct annual reviews to identify risk factors that may increase the likelihood of workplace violence and implement appropriate measures to minimize or eliminate these hazards. In order to achieve this goal, the Town encourages the participation and cooperation of employees and their authorized employee representative(s). A copy of the program is available from the Human Resources Department.

**Prohibited Conduct** – The Town has zero tolerance for violence of any kind in the workplace, including but not limited to, physical assault (e.g., hitting, pushing), threatening, intimidating, or aggressive behavior, or verbal abuse or harassment. In addition, employees and visitors are prohibited from possessing firearms or weapons (e.g., guns, knives (except pocket knives used in the normal course of an employee’s job), explosives, and other items with the potential to be used to inflict harm) in the workplace, even if licensed to carry them. The only exceptions are sworn law enforcement personnel in the normal course of their duties, and employees as specifically authorized by the Town Board. An employee who has knowledge that a coworker or visitor possesses an unauthorized firearm or weapon on Town property must report this to a Department Head or supervisor immediately. *(Revised by Town Board Resolution 11/4/20)*

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

**Reporting Requirements** – Any incident of workplace violence or imminent danger must be promptly reported to the Department Head or the Human Resources Department.

**Policy Violations** – Violations of this policy will result in appropriate remedial, disciplinary, and/or legal action, according to the circumstances.

**Prohibition Against Retaliation** – An employee will not be subject to criticism, reprisal, retaliation, demotion, discrimination, disciplinary action, or other adverse employment action for making a good faith report of acts pursuant to this program.

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

**Policy Statement** – It is the policy of the Town of Poughkeepsie that the unlawful manufacture, distribution, dispensation, possession, or use of an illegal controlled substance as defined in the Federal Drug-Free Workplace Act, is prohibited on the job or at the workplace.

**Coverage** – The Town of Poughkeepsie’s Drug-Free Workplace Policy pertains to all individuals who are employed by the Town of Poughkeepsie.

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

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

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

**Non-Discrimination Policy** – The Town of Poughkeepsie will not discriminate against an applicant or employee because of past substance abuse provided it can be demonstrated that the applicant/employee has received appropriate treatment and tests negative for controlled substance use. It is the current use of alcohol and controlled substances that will not be tolerated in the workplace.

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

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

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

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

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

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

#### 1. Declining Performance

- poor concentration
- confusion in following directions
- noticeable change in the quality of work
- inability to meet deadlines
- errors in judgment affecting the health and safety of others
- customer complaints and injuries

#### 2. Increased Costs

- five times the average sick and accident benefits
- higher job turnover, replacement and training costs
- greater workers' compensation and health insurance payments
- 3 to 5 times more on-the-job accidents
- unemployment claims

#### 3. Absenteeism and Tardiness

- double the normal rate
- repeatedly being late for work and often leaving early
- extended lunch hours
- frequent illness and accidents both on and off the job

#### 4. Damaged Relationships

- emotional outbursts, over-reaction to criticism, mood swings, complaints from co-workers, associates and the public often leading to damaged relations

## **905    *Controlled Substance and Alcohol Testing***

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

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

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

## **906    *Smoking***

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

## 907 **Reproductive Health Decision Making**

**Policy Statement** – The Town of Poughkeepsie complies with NYS Labor Law Section 203-e which prohibits discrimination or retaliation against employees based on an "employee's or a dependent's reproductive health decision making," including, but not limited to, the decision to use or access a particular drug, device, or medical service related to reproductive health.

**Prohibited Conduct** – The Town will not:

- Access an employee's personal information regarding the employee's or the employee's dependent's reproductive health decision making, including but not limited to the decision to use or access a particular drug, device or medical service, without the employee's prior informed affirmative written consent.
- Discriminate or retaliate against an employee with respect to compensation, terms, conditions or privileges of employment based on the employee's or the employee's dependent's reproductive health decision making, including but not limited to a decision to use or access a particular drug, device or medical service.
- Require an employee to sign a waiver or other document that denies the employee the right to make the employee's own reproductive health care decisions.

**Employee Rights and Remedies** – The law gives an employee the right to bring a civil action in any court of competent jurisdiction against an employer alleged to have violated the law. Available remedies include: (a) damages, including, but not limited to, back pay, benefits and reasonable attorneys' fees and costs; (b) injunctive relief; (c) reinstatement; and (d) liquidated damages equal to 100 percent of the award for damages, unless an employer provides a good faith basis to believe that its alleged violations were in compliance with the law.

## 1000 SAFETY

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### 1001 Workplace Safety

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

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

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

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

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

- Eliminate the immediate cause of the accident;
- Provide aid to the injured person and summon for assistance;
- Call the Department Head immediately;
- If the accident appears serious, call an ambulance; and
- Take steps to prevent additional accidents.

## **1002 Hazard Communication Program**

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

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

- **Chemical Inventory** - The Town must maintain an inventory of all known chemicals in use. An employee may obtain the chemical inventory from the employee's supervisor or Department Head.
- **Container Labels** - All chemicals on a worksite must be stored in the original or approved containers with the proper label attached. The Department Head must ensure that each container is labeled with the identity of the hazardous chemical contained and any appropriate hazard warnings. The Town will rely on manufacturer applied labels whenever possible. A container that is not labeled or on which the manufacturer's label has been removed, must be properly labeled. A container not properly labeled must be given to the Department Head for labeling or proper disposal.
- **Dispensing Chemicals** - An employee may dispense chemicals from original containers only in small quantities intended for immediate use. Any chemical leftover must be returned to the original container or to the Department Head for proper handling. No unmarked containers of any size are to be left in the work area unattended.

**Safety Data Sheets (SDS)** - An employee working with a Hazardous Chemical shall obtain a copy of the Safety Data Sheet (SDS) and a standard chemical reference from the employee's Department Head.

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

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



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

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

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

## **1100 COMMUNICATION PROCEDURES**

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### **1101 Organizational Communications**

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

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

### **1102 Adverse Correspondence**

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

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

### **1103 Suggestions**

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

### **1104 Public Relations**

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

## **1105 Press Policy**

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

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

## **1106 Reporting of Improper Activities**

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

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

## 1200 DISPUTE RESOLUTION

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### 1201 *Dispute Resolution Procedure*

**Union Employees** – An employee who is a member of a collective bargaining unit is not covered by the Dispute Resolution Procedure set forth below and should refer to said agreement.

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

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

- A belief that Town policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee,
- Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, salary, or seniority.

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

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

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

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

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

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

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

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

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

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

## 1300 EMPLOYEE ACKNOWLEDGMENT FORM

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Detach and place in employee's personnel file.

### TOWN OF POUGHKEEPSIE

### EMPLOYEE HANDBOOK ACKNOWLEDGMENT

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

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

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

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

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

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

\_\_\_\_\_  
Department Head Name (please print)

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

\_\_\_\_\_  
Department Head Signature

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

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