



EMPLOYEE HANDBOOK

Adopted July 7, 2020

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SECTION 1 - INTRODUCTION

101 MESSAGE FROM THE CIVIL SERVICE SYSTEM

As a Town of Guilderland employee, certain provisions of this handbook are governed by the New York State Civil Service Law and shall include the Rules for the Classified Service of Albany County Department of Civil Service. This may include, but is not limited to, your appointment, classification of job descriptions, disciplinary processes and grievance procedures. Certain employees are entitled to rights under Section 75 of the Civil Service law. The Town's employment practices are also a reflection of Town values. The Town of Guilderland is especially encouraging of our own residents to work for the Town, and provides a preference to them for employment.

102 A MESSAGE FROM OUR UNIONS

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

It is important that all employees understand the personnel policies and procedures and work rules outlined in this Employee Handbook. For union members, the collective bargaining agreement governs the terms and conditions of employment. You are encouraged to obtain a copy of your collective bargaining agreement from your union representative. Anywhere that the Agreement and this Handbook conflict, the Agreement will prevail. However, in certain instances where the Handbook covers an issue that is not the subject of bargaining, this Handbook will prevail. We have made every effort to acknowledge these situations. If you have any questions, you should contact the Human Resources department or your union representative.

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

103 DEFINITIONS

Town of Guilderland – For purposes of this Employee Handbook, the Town of Guilderland 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 Guilderland.

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 Guilderland:

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- Town Supervisor
- Town Board Members
- Town Justices
- Town Clerk
- Superintendent of Highways
- Receiver of Taxes –or– Tax Collector

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

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 Guilderland. This definition will be applicable in the event such person is serving in an acting, temporary, or provisional status in the position of Department Head. This term shall also include the Town Supervisor, where an individual otherwise designated as Department Head or any other individual must report directly to the Town Supervisor.

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

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

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

104 THE PURPOSE OF THIS HANDBOOK

This employee handbook is designed to provide Town employees with a brief outline of policies, procedures and benefits, but **is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described.**

- **Nothing contained in this handbook should be considered a contract, either expressed or implied, between the Town and an employee.**
- **Union employees should refer to their union contract for regulations/guidelines on subjects also covered in this employee handbook. Where the Collective Bargaining Agreement differs from this employee handbook, the Collective Bargaining Agreement**

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prevails.

- **Where Departmental Rules and Regulations differ from this employee handbook, the Departmental Rules and Regulations prevail.**

This handbook is not a contract of employment and should not be construed as such; nor should it be construed as an assurance of employment for a specific length of time. **No manager or other representative of the Town (except the Town Supervisor or the Town Board) has the authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the above.**

Unless otherwise specified, this Employee Handbook supersedes and replaces any previous employee handbook issued by the Town concerning all policies contained herein.

All policies and practices may be changed as conditions or trends warrant at the sole discretion of the Town Board. Policies outlined in this handbook shall supersede any prior enactments, whether written or not, governing these areas. The Town Supervisor or the Town Board, as needed, may incorporate supplemental policies and protocols not mentioned in this handbook.

The purpose of this handbook is to communicate the Town of Guilderland's personnel policies and practices to all of its employees. It is extremely important that our employees understand the policies that relate to benefits, employment classifications, rules, regulations, pay policies, personnel practices and work standards. An employee should not hesitate to contact the Human Resources Department or his/her Department Head if there are any questions about this handbook.

The Town of Guilderland prides itself on being a highly professional organization. Our employees must demonstrate professionalism at all times in all areas. Employees of the Town are members of a team dedicated to serving the interests and needs of the residents of the Town of Guilderland. Employees shall demonstrate professionalism in their knowledge of their jobs, appearance, conduct and relationships with co-workers at all times and shall comply with and support the policies and practices set forth in this handbook. All new full-time and part-time employees, appointed Department Heads and elected officials shall be provided a copy of this handbook. Upon modification of this handbook, every employee shall be provided with updated pages reflecting any such modifications. Every person employed by the Town who is provided a copy of this handbook will be deemed to be familiar with its contents. The Human Resources Department shall be responsible for distributing this handbook and updates. Any questions regarding any topic covered in this Employee Handbook should be directed to the Human Resources Department.

105 EMPLOYEE HANDBOOK CHANGES OR MODIFICATIONS

The Town Board of the Town of Guilderland reserves the right to interpret, change or modify any section of this handbook. The employee benefits, personnel policies, procedures and rules

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of this handbook will remain in effect until changed by any of the following: Town Board Resolutions and/or enactment of Federal, State, County and Town laws or ordinances. Any changes will be distributed by the Human Resources Department to current and new Town employees.

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.

SECTION 2 – GENERAL EMPLOYMENT INFORMATION

201 APPOINTMENT AND GENERAL HIRING PRACTICES

It is the intent of the Town of Guilderland to comply with the Federal and State laws regarding employment regulations for Town employees. In addition, it is the intent of the Town of Guilderland to comply with the New York Town Law and, where applicable, the New York State Civil Service Law regarding appointment of officers and employees of Town government. Only the Town Board has the authority to appropriate funds for town purposes, including salary appropriations for Town employees.

202 CHANGE IN STATUS

Employees are responsible for keeping the information in their personnel files up to date. Change of name, address, telephone number, and individuals to notify in case of emergency are very important for insurance, retirement and tax purposes. Please notify the Human Resources Department immediately when changes occur in any of these or other matters.

203 DRIVER'S LICENSES / INSURABILITY STANDARDS

Any employee who is required to drive either a Town-owned vehicle, or his/her 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.

Any employee required to drive a Town-owned vehicle will be registered with the License Event Notification Service (LENS) through the Department of Motor Vehicle. LENS will notify Human Resources of driver license events as they post to employee driver's record.

In addition, employees who are required to operate vehicles requiring a Commercial Driver's License (CDL) must maintain this license throughout employment. Employees requiring a CDL license must also submit to random alcohol and drug testing. Department Heads will notify employees that have been selected for testing upon their arrival at work on the day of the test. Employees will be provided with appropriate documentation and will immediately report to the lab for testing.

If you are required to possess a driver's license in order to perform certain job duties and responsibilities, you must notify your Department Head immediately if your license is suspended or revoked. The loss or suspension of your license may have an effect on your employment with the Town, if required to perform certain job duties and responsibilities.

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,

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which are required for the use or operation of a Town vehicle. An employee with a Motor Vehicle Record grade of “poor” may not be insurable by our carrier. If driving is required as part of an employee’s position, the inability to be insured could jeopardize ones’ employment. Any major violation will result in an immediate poor score. Major Violations are as follows:

- Driving under influence of alcohol/drugs
- Failure to stop/report an accident
- Reckless driving/speeding contest
- Driving while impaired
- Making a false accident report
- Homicide, manslaughter or assault arising out of the use of a vehicle
- Driving while license is suspended/revoked
- Careless driving
- Attempting to elude a police officer

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

204 PROCEDURE FOR FILLING VACANCIES

The Town of Guilderland is an Equal Opportunity Employer. The Town complies with all applicable federal, state and local laws, rules, and regulations throughout the employee selection process, including, but not limited to, Public Officers Law, Town Law, Civil Service Law, Title VII, Human Rights Law, the Age Discrimination in Employment Act, and the Americans with Disabilities Act.

In the event there is a vacancy in a new or existing position which the Town intends to maintain, the vacancy may be advertised and/or posted and qualified individuals interviewed. The Town reserves the right to fill a position either internally or with an external candidate.

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.

To verify that individuals who join the Town of Guilderland are well qualified and to verify that the Town maintains a safe and productive work environment, it is our policy to conduct pre-employment reference checks on all final candidates. Reference checks may include verification of any information on the applicant’s resume or application form.

When appropriate, in accordance with the requirements of a particular position, the Town may require that an applicant undergo a thorough background check and/or medical examination (after receiving a conditional offer of employment) to determine fitness for duty. In doing so,

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the Town will comply with the provisions of the Americans with Disabilities Act. 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.

When inquiries via fax, phone, or e-mail are received from other employers regarding current or former employees, refer the individual to the Human Resources Department. The Town may not provide private or confidential information to anyone, regardless of status. **The Town of Guilderland's policy is to only verify dates of employment and job title of former employees.**

205 EMPLOYMENT OF RELATIVES

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.

For purposes of this policy, "immediate family" includes the employee's spouse, child, child's spouse, sister(in-law), brother(in-law), parent(in-law) and any other member of the employee's household.

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

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.

206 PROBATIONARY PERIOD

Except as otherwise provided in a collective bargaining agreement, the Rules for the Classified Service of Albany County, New York provide for the following, which is applicable to employees appointed, promoted or transferred pursuant to the Civil Service laws. Additional provisions may also apply in accordance with those rules.

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The purpose of 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.

Except as otherwise provided in the Rules for the Classified Service of Albany County, New York, every permanent appointment from an open-competitive list and every permanent appointment to a position in the non-competitive, exempt or labor class shall be for a probationary term of not less than eight (8) weeks nor more than fifty-two (52) weeks. The length of the probationary period may be extended in accordance with the Rules for the Classified Service of Albany County, New York.

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

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.

207 NEW EMPLOYEE ORIENTATION

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.

208 EMPLOYEE PERFORMANCE APPRAISALS

It is the policy of the Town of Guilderland that employees receive regular feedback on their job performance, in order to help them work to their maximum potential.

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Employees will be formally evaluated by their immediate supervisor on an annual basis. A new employee, during his/her probationary period, may also be formally evaluated after six months of employment. These discussions give the employee and supervisor the opportunity to discuss job responsibilities and goals, encourage and recognize strengths, identify and correct any weaknesses, develop plans for dealing with any obstacles, and plan for the future. In addition, employees and supervisors are encouraged to discuss job performance on an informal, day-to-day basis.

Written evaluations may form a part of the basis for awarding annual increments. Evaluations should be made in triplicate with one copy given to the employee, one retained in the Department Head's employee file, and one copy to the Human Resources Department. The employee should sign the evaluation as an acknowledgement that they have seen and discussed the evaluation with their immediate supervisor and/or Department Head.

209 PERSONNEL RECORDS

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.

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

Location of Files

All original personnel records for current employees will be maintained and controlled by the Human Resources Department.

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

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

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

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Access to personnel files is limited. A current employee may review the contents of the employee's own personnel file by submitting a written request to the Human Resources Department, with the review to be scheduled at a mutually convenient time. An authorized official must be present when the employee inspects the file. An employee may not copy, remove, or place any material in the employee's personnel file without the approval of the Human Resources Department.

210 RESIGNATIONS / SEPARATION FROM SERVICE

Employee Resignation

Upon an employee's separation from service, he/she must complete the appropriate paperwork according to the protocols per the Human Resources Department.

Separation from Service Procedures

- An official letter of resignation is to be addressed and submitted to employee's supervisor at least fourteen (14) days prior to the effective date. The supervisor must immediately notify the Human Resources Department of the resignation so that the appropriate end of employment steps can be scheduled.
- If an employee is retiring, it is their responsibility to notify the New York State Retirement System several months prior to the effective date.
- Employee is to return Town-owned equipment and/or supplies (i.e., Keys, Key Fobs, ID Badge, cell phones, uniforms, etc.), before final paycheck will be issued.
- Employee must provide their supervisor with employee's passwords.
- Employees are entitled to continued health insurance of their current plan under COBRA at 102% of the premium paid for by the employee.

Please contact the Human Resources Department for more information.

SECTION 3 - OPERATIONAL POLICIES

301 BUSINESS HOURS

Town Hall's normal business hours are Monday through Friday from 9:00 A.M. to 4:30 P.M. Personnel assigned to various departments may have substantially different working hours and meal periods, contingent upon the needs of the department.

Working schedules are established by Department Heads taking into account normal business hours, departmental needs, and seniority considerations. Lunch policies vary by department. Sometimes service to the public requires a non-standard workweek, which may require some degree of flextime. Town employees should check with their supervisor for specifics.

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 the Fair Labor Standards Act (FLSA) non-exempt employees.)

Breaks are regulated by NYS Labor Law and the Department Head. Town employees should consult with their supervisor for the departmental break policy.

In the event Town offices close early due to inclement weather, staff that is required to stay due to the nature of their positions will be paid their normal salary as if it were a regular day. See Closing of Town Offices/Early Departure Policy.

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

302 MEAL PERIODS

In accordance with the Town Policy and Section 162 of the New York State Labor Law, all employees who work more than six hours in a given day are entitled to take a thirty-minute meal break each day. Meal breaks are generally required to be taken between the hours of 11:00 AM and 2:00 PM. This thirty-minute break is non-paid time and must be uninterrupted and completely free from any work duties. Leaving early, in lieu of a meal break by law does not satisfy the requirements of a mid-day break and therefore may not be taken as the last thirty (30) minutes of an employee's regularly scheduled shift.

Supervisors will schedule meal periods within the 11:00 AM to 2:00 PM time frame to accommodate operations requirements.

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Nursing Mother's Law

The Town will allow an employee who is a nursing mother to use paid break time or meal time or reasonable unpaid break time each day to express breast milk for her nursing child for up to three years following child birth. The Town will make reasonable efforts to provide a room or other location, in close proximity to the work areas, where the employee can express milk in privacy. Please contact your supervisor or the Human Resources Department if you wish to use this nursing mother's benefit or have questions about this policy. No employee will be penalized for choosing to express breast milk.

303 CLOSING OF TOWN OFFICES/EARLY DEPARTURES

Policy

It is the Town of Guilderland policy not to close town buildings, offices or operations as a result of extraordinary weather conditions. In all such circumstances, offices are considered open for business.

Extraordinary Circumstances

Notwithstanding the above stated policy, it is understandable that in certain extraordinary situations it may not be possible for employees to get to work. This could be due to impassable roads, declaration of a state of emergency by a governmental official, etc. (NOTE: A declaration of emergency, even by the Governor, does not automatically mean closure of town offices. If there is to be closure of town offices in such a situation, that determination would result from a separate action by the Town Supervisor or the Town Board acting collectively). Certainly, employees as citizens are expected to abide by civil authority.

Nevertheless, even in such situations, absence is the employee's responsibility and employees will be expected to charge their absence to accumulated vacation, personal or compensatory leave accruals.

Town Office Closures

There may be rare instances where a town office must be closed. It is possible that this might occur prior to the commencement of the business day or during the business day, requiring a directed early departure.

While Department Heads and/or appropriate emergency personnel may direct an "emergency evacuation" of a town building or office due to building safety conditions, individual Department Heads do not have the authority to close a building or office or send employees home without charge to leave accruals. Offices may only be closed by order of the Town Supervisor or Town Board acting collectively.

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In situations where a building system breakdown occurs affecting the work environment, the Town Supervisor should be contacted to determine the diagnosis and prognosis of the condition in order that a judgment as to building safety can be made.

Employees may not be dismissed without prior approval from the Town Supervisor or Town Board acting collectively. Prior to seeking such approval, relocation of employees to other offices or other options needs to be explored. Early departure will only be authorized as a last resort after all other options have been considered.

Early departures authorized by the Town Supervisor or Town Board acting collectively are not charged to employee leave accruals. Alternatively, in situations like those described above, Department Heads may allow employees to leave early, provided they charge absences to appropriate leave accruals.

304 EMPLOYEE DESIGNATIONS

Because of the diversity of services provided by the Town of Guilderland, employees are defined and appointed to positions in various ways. The most common types of employee designations are as follows:

Full Time Employees refers to those employees who work between thirty-five (35) and forty (40) hours per week year-round. Full Time employees are eligible for the full benefits package, subject to change and the terms, conditions and limitations of each benefits program.

Permanent Part-time Employees refers to those employees who work between twenty-five (25) and thirty-five (35) hours per week year-round. Generally, Permanent part-time employees are eligible for full benefits offered by the Town subject to change and the terms, conditions and limitations of each benefit program.

Part Time and Seasonal Employees refers to those employees who work less than twenty-five (25) hours per week, work varying hours per week or only work certain times per year. These employees receive only statutory benefits.

305 TIME KEEPING

Accurately reporting time worked is the responsibility of every employee. The Town of Guilderland must keep an accurate record of time worked in order to calculate employee pay and benefits, as well as the use of any time off.

All employees must accurately record their time worked by punching or logging in/out on the time keeping system or by completing a monthly timesheet. In departments where a time keeping system is not available, employees shall maintain daily time records on a monthly basis of their service showing the number of hours worked each day. (A sample manual timesheet may be obtained from the Human Resources Department). Such records shall also show

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holidays, vacation leave, personal leave, sick leave, bereavement leave, jury leave, witness leave, worker's compensation leave and any other authorized or mandated paid or unpaid leave taken by such employee. All time records must be signed by the employee and certified by his/her supervisor and returned to the Human Resources department on a monthly basis. Records should be turned in by the fifth day of the following month for which the record is being submitted (i.e. June time record due by July 5). The following requirements must be followed when completing time records:

Employees must log in/out of the Time & Attendance system using the designated appropriate electronic device to report all time worked where available. Whether you are remote or on Town premises, working off the clock is prohibited.

Work hours may not be entered in advance of the time worked;

Employees must record their starting time, time out for lunch, time in from lunch, and quitting time, on a daily basis as they occur;

Employees are not permitted to sign in or begin work before their normal starting time or to sign out or stop work after their normal quitting time without the prior approval of their supervisor;

Employees are generally required to take lunch or meal/breaks between 11:00 AM and 2:00 PM;

Completing another employee's time record or falsifying any time record is prohibited.

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.

306 EMPLOYMENT ANNIVERSARY DATE

Normally your anniversary date will coincide with your original hire date, with the following exceptions:

Employees Converting from Part-time to Permanent Part-time (working 25 or more hours per week) or Full-time - The employee's anniversary date becomes the date upon which the full-time, or permanent part-time status becomes effective for the purposes of determining benefits. Longevity and allowable vacation time is determined based on the full-time or permanent part-time employment date, without regard to the previous part-time service.

Breaks in Service - Full-time employees who have worked for the Town and who have left the Town for over one (1) year and then return to service will use the rehire date as the date for determining benefits.

307 DRESS CODE

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

An employee must maintain a personal appearance in a manner that reflects a good image to the public. Acceptable personal appearance is an ongoing requirement of employment with the Town. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Employees should not wear suggestive attire, novelty buttons, clothing with offensive or inappropriate designs and/or casual attire that does not represent a businesslike appearance.

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. Additionally, an employee may be required to wear a uniform or standardized clothing as directed by the applicable Department Head. If such is the case, the employee must comply with all requirements. The Town will provide employees with these items, which shall remain the property of the Town, and as such must be returned to the Town upon separation of employment.

Employees who believe they are unable to comply with this policy in any manner due to their *bona fide* religious beliefs, should contact the Human Resources Department to discuss potential reasonable accommodation(s).

308 TECHNOLOGY POLICY

I. **Purposes.** This policy provides the rules and regulations pertaining to the use, security, and maintenance of the Town's computer system. This policy also ensures that the Town's computer system is used solely to support Town functions and to inform employees of their responsibilities in using the computer system.

II. **Definitions.** The following definitions shall apply to this policy:

Computer system – The Town's computers, networks, servers, internet service, email service, data storage, printers, scanners, and other similar technological equipment.

Network & Systems Technician – The Town's appointed Network & Systems Technician.

III. **Authority.** The Network & Systems Technician shall have authority over the maintenance, management, and protection of the computer system, and to establish standards and protocols for these purposes. The Network & Systems Technician shall have enforcement authority for this policy. Any questions regarding this policy shall be directed to the Network & Systems Technician.

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- IV. Acceptable Use.** Employee access to the computer system is solely for the performance of Town employment duties. Absent the prior approval of the Network & Systems Technician, any use that is inconsistent with this acceptable use is prohibited.
- V. Prohibited Uses.** Absent the prior approval of the Network & Systems Technician, the following uses are prohibited:
- A. Software.** Software, including updates, shall not be downloaded or installed on the computer system. Any downloaded or installed software shall be licensed to the Town. No unauthorized software shall be added to the computer system, including screensavers or games.
 - B. Personal devices.** Personal devices shall not be attached to or access the computer system.
 - C. Remote Access.** Remote access to the computer system from home or non-Town owned devices is prohibited.
 - D. Protection software.** The disabling or removing of virus and malware protection software is prohibited.
 - E. Other Prohibited Uses.** Any use that is inconsistent with this policy or other policies, rules or regulations of the Town or any determination by the Network & Systems Technician is prohibited, including but not limited to:
 - 1. Any use that is illegal.
 - 2. Any use that is obscene, sexually explicit or sexually suggestive.
 - 3. Any use that represents personal views as the views of the Town.
 - 4. Malicious use or deliberate disruption of the computer system.
 - 5. Misuse or deliberate damage to the computer system.
 - 6. Any use unrelated to the employee's Town employment.
 - 7. Any use that is threatening or harassing to a person or entity.
 - 8. Any use for religious, political, or personal gain purposes.
 - 9. Any private advertising, marketing or soliciting products or services.
- VI. Security.**
- A. Data protection.** The computer system shall have licensed virus and malware protection software installed or approved by the Network & Systems Technician. The disabling or removal of Town-installed protection software is prohibited. Virus protection shall be active and licensed on all town computers.

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- B. Passwords.** Employees are responsible for safeguarding their passwords for access to the computer system. ***Individual passwords shall not be printed, stored online, or given to others.*** Employees are responsible for all transactions made using their passwords. Employees shall not access the computer system with another employee's password.
- C. Virus and Malware Software.** The Town uses a variety of means to protect the computer system including security settings in software applications, virus scanning software, and firewalls. Employees shall not alter, or attempt to alter, any security setting. Employees shall not disable virus protection or attempt to bypass firewall protections without the prior approval of the Network & Services Technician.
- D. Privacy.** The Town retains control, custody and supervision of the computer system. Employees waive and have no expectation of privacy in their use of the computer system. The Town reserves the right to at any time to inspect and/or monitor computer system files, logs and other activity including emails stored on any part of the computer system. Monitoring may also include surveillance programs designed for that purpose.
- E. Backup and Recovery.** The Network & Services Technician shall be responsible for developing and maintaining the backup and recovery for the computer system. Any request for access to backup or recovery shall be made to the Network & Services Technician.
- F. Disposal.** No part of the computer system shall be disposed of, sold, donated or transferred to another person or entity without the prior approval of the Network & Services Technician. Any part of the computer system with data storage shall be recycled through an NYS Electronic Equipment Recycling Act (EERA) Covered Electronic Equipment recycling company which shall be an authorized NYS Data Destruction contractor. The Network & Services Technician shall maintain certificates of recycling and National Association for Information Destruction (NAID) certificate of data destruction.
- G. Copyrights.** Employees shall comply with all laws pertaining to the reproduction, use or distribution of copyrighted or otherwise protected materials. Employees shall comply with all licensing requirements. Employees shall not make copies of software other than those copies authorized in the software license. Employees shall respect the copyrighted protection of materials found on the internet.

VII. Internet Use.

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- A. Access.** Employee access to the internet by means of the computer system shall be arranged by the Network & Services Technician who has the authority to restrict or prohibit internet use to any employee for violation of the requirements of this policy.
- B. Allowed Use.** Employee use of the internet by means of the computer system shall be solely in connection with the employee's Town duties and responsibilities.
- C. Prohibited Use.** In addition to the prohibited uses stated in Section V, employees shall exercise care in selecting websites to visit on the internet. Viruses may be transmitted simply by viewing a site that contains computer code written to transmit viruses to others. Employees shall not use the internet for streaming media applications.
- D. Privacy.** An employee's internet use is neither personal nor private. The Town reserves the right to log network use and monitor file server capacity by employees. The Town and the Network & Systems Technician may assess an employee's use of internet services:
 - 1. to determine that use of internet services and the computer system is consistent with this policy and the Town's other policies, rules and regulations;
 - 2. to diagnose and resolve technical problems involving the computer system; or
 - 3. to investigate possible misuse of internet services when a reasonable suspicion of abuse exists or in conjunction with an appropriate investigation.

VIII. Emails. The following requirements are use of the Town's email system.

- A. Access.** Employee access to the Town's email system shall be arranged only by the Network & Services Technician who has the authority to restrict or prohibit email service to any employee for violation of the requirements of this policy.
- B. Allowed Use.** Employee use of emails shall be solely for Town business. Employees may use email to communicate outside of the Town when such communications are related to Town activities and are within their job responsibilities.
- C. Prohibited Use.** In addition to the prohibited uses stated in Section V, employees shall not use email for illegal, disruptive, unethical or

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unprofessional activities or for personal gain, or for any purpose that would jeopardize the legitimate interests of the Town.

D. Privacy. The use of email services is neither personal nor private. Employees are prohibited from accessing another employee's email without his or her permission. The Town and the Network & Systems Technician may assess an employee's use of email services:

1. to determine that use of email services and the computer system is consistent with this policy and the Town's other policies, rules and regulations;
2. to diagnose and resolve technical problems involving the computer system; or
3. to investigate possible misuse of email when a reasonable suspicion of abuse exists or in conjunction with an appropriate investigation.

E. NYS Freedom of Information Law ("FOIL") and legal actions. Any email sent or received in conjunction with Town business may:

1. be releasable to the public under FOIL; and
2. require special measures to comply with any protections of personal privacy under law; and
3. emails, including personal communications, may be subject to discovery proceedings in legal proceedings.

F. Security. Employees shall take all reasonable precautions, including safeguarding and changing passwords, to prevent the use of the email system by unauthorized persons.

G. Management and retention of emails.

1. The retention and disposition of emails, including attachments, are governed by the NYS Local Government Records Law (Arts & Cultural Affairs Law Article 57-A) and the Record Retention and Disposition Schedule MU-1 (The University of the State of New York, The State Education Department, New York State Archives, 2003, as may be amended).
2. Employees should remove all emails from the email system in a timely fashion. If an employee needs to retain information in an email for an extended period of time, the employee should transfer it from the email system to an appropriate electronic or other filing system.

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3. The Town is authorized to remove any information retained in an email system that is more than 60 days old. Employees shall be notified prior to this action to give them the opportunity to save any message they need to retain.

309 SOCIAL MEDIA

In the rapidly expanding world of electronic communication, social media can mean many things. Social Media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal, diary, personal website, social networking or affinity web site, web bulletin board or chat room, whether or not associated or affiliated with the Town of Guilderland, as well as any other form of electronic communication.

We understand that social media can be a fun and rewarding way to share and communicate with others. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

This policy applies to all Town employees.

Nothing in this Social Media Policy is intended to interfere with, restrain or prohibit employees from complying with or exercising their rights under any applicable federal, state, or local law, or from communicating about wages, hours, or other terms and conditions of their or their co-workers' employment. **This policy (and any related policies) will not be applied or construed in a manner that violates or improperly interferes with employee rights under Section 7 of the National Labor Relations Act.**

Personal Social Media Use Guidelines

The same principles and guidelines found in the Town's employment policies apply to your online activity. You are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that your conduct that adversely affects your job performance, the performance of fellow staff or otherwise adversely affects the Town's legitimate business interests may result in disciplinary action up to and including termination.

Know and follow Town rules

Carefully read these guidelines and the Town's related policies, such as but not limited to: Equal Employment Opportunity policy, Americans with Disabilities Act (ADA) and ADA Amendments Act (ADAAA) policy, use of communication systems policies and the Non-Harassment policy. Be sure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment that violates these policies, threats of violence, or similar

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inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Be fair to others

It is best to be fair and respectful to fellow employees, and those who work on behalf of the Town or the Town's legitimate business interests. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers, your supervisor, or to the Human Resources Department than by posting complaints to a social media site. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, videos, or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating or that might constitute bullying, discrimination or harassment on the basis of race, sex, disability, religion and/or any other status protected by law or Town policy. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion and/or any other status protected by law or Town policy.

Be honest and accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the Town, fellow employees, residents, potential employees, and those who work on behalf of the Town or the Town's legitimate business interests.

Post appropriate and respectful content

- Maintain the confidentiality of financial and other personal information relating to our Town and residents. Do not disclose the Town's confidential business or proprietary information that is purposefully kept confidential internally and/or externally, such as but not limited to, internal reports, revenue and cost reports, internal policies and procedures, or other internal business-related confidential communications.
- Do not create a link from your blog, website, or other social networking site to a Town website unless it is expressly part of your job duties and you identify yourself as a Town employee.
- Express only your personal opinions. Never represent yourself as a spokesperson for the Town, unless it is expressly part of your job duties. If the Town is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of fellow employees or those who work on behalf of the Town or the Town's legitimate business interests. If you do publish a blog or post online related to the work you do or subjects associated with the Town, make it clear that you are not speaking on behalf of the Town of Guilderland. It is

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best to include a disclaimer such as “the postings on this site are my own and do not necessarily reflect the views of the Town of Guilderland.”

Using social media at work

Refrain from using social media while on working hours and/or on equipment provided by the Town, unless it is work-related as authorized by your supervisor or consistent with the Town communication policies. “Working hours” includes all time that you are paid to perform Town duties and does not include breaks, lunch periods, and/or time prior to and/or after working hours.

Retaliation is prohibited

The Town of Guilderland prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee will be subject to disciplinary action, up to and including termination.

310 COMMUNICATION DEVICES POLICIES

Use of Town Phones

Town of Guilderland telephones are to be used for conducting Town business. Non-emergency personal calls are to be kept to an absolute minimum. Personal calls detract from the proper conduct of your duties, and should be confined to your break time.

In furtherance of effective telephone communications, employees must always speak in a courteous and professional manner.

Cell Phone/Electronic Device Usage

The Town may provide cellular telephones to some employees as a business tool. They are provided to assist employees in communicating with management and other employees and others with whom they may conduct business. Cell phone use is primarily intended for business-related calls. However, occasional, brief personal use is permitted within a reasonable limit. Cell phone invoices will be regularly monitored.

In order to maintain a productive work environment, personal cell phones/electronic devices should only be used during meal and break times.

Work Activities While Driving

The Town is committed to promoting highway safety by encouraging the safe use of cellular phones/electronic devices by its employees while they are conducting Town business. While

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the Town recognizes that there often is a business need to use these communication devices, safety must be the first priority and the Town prohibits the use of hand-held cellular phones/electronic devices while driving.

Town employees may not use hand-held cell phones or electronic devices while driving and/or conducting business for the Town unless a hands-free device is utilized. Employees with hands-free devices are to make conversations brief. Employees may not text while driving under any circumstances. Employees are required to follow applicable state laws where stricter than the Town's policy.

If road conditions are poor, traffic is heavy, the conversation is involved, or texting is necessary, you must find a proper parking space to conduct these activities.

311 WORKPLACE SAFETY

A primary goal of the Town of Guilderland is to eliminate or control both known and potential safety and health hazards that our employees face on the job. The Town will comply with all applicable federal, state, and local health and safety regulations. Employees are expected to comply with all safety and health requirements whether established by the Town or by federal, state, or local law. In order to do so, employees must adhere to the following guidelines:

- Safety and health are a shared responsibility. Everyone must take ownership of his/her own safety and that of co-workers.
- Maintaining a safe and healthful work environment is not just an idea - it is a top priority.
- It is everyone's job to spot hazards and to correct them or report them promptly to a supervisor.
- Where hazards cannot be completely eliminated, they must be reduced through engineering or administrative controls or, as a final precaution, through the proper use of Personal Protective Equipment (PPE).
- Every employee will be trained to perform work safely. Should an employee feel inadequately trained to perform a certain procedure, he or she will immediately discuss the problem with his or her supervisor.
- Employees must review and be familiar with the emergency action procedures at their location in the event of an emergency or should it be necessary to evacuate the premises. If emergency procedures have not been reviewed with an employee, the employee should contact their supervisor or Human Resources Department.
- As a condition of employment, each employee must consistently work in a safe manner.

It is important that employees report to their supervisor or Human Resources Department all observed safety and health violations, potentially unsafe conditions, and any accidents resulting in injuries to employees or visitors. The Town will investigate all accidents or hazardous

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incidents involving its employees, and prepare the required reports. Additionally, employees are encouraged to submit suggestions concerning safety and health matters to their supervisor or Human Resources Department.

The Town will provide special clothing or equipment, or reimburse for it, when special clothing or equipment is required by law or by Town policy. Employees are responsible for the proper use and maintenance of the clothing and equipment.

Any employee who violates Town safety rules, regulations, or procedures will be subject to disciplinary action, up to and including termination of employment.

312 USE OF TOWN GOODS, MATERIALS AND EQUIPMENT

Town Property

In recognition of the fact that all goods, vehicles, cell phones and equipment supplies and materials purchased by the Town are financed through public funds, all Town property is to be used solely for conducting Town business and solely for the benefit of the general public. The personal or private use of Town property is strictly prohibited. This prohibition extends to employees who may wish to use Town property and materials for volunteer, charitable or other outside organizations. Exceptions can be granted only by the Town Board.

The use of Town paid postage for personal correspondence is not permitted.

313 VEHICLE USE POLICY

Town-Owned Vehicles

A current and valid New York State driver's license or commercial driver's license shall be required of each and every driver of a Town of Guilderland vehicle.

Each and every employee who is authorized to operate a town-owned vehicle shall have, on file with the Town Supervisor's office, a copy of a current, valid New York State driver's license or commercial driver's license.

Each and every employee of the Town of Guilderland who is authorized to operate a town-owned vehicle shall immediately notify the Town Supervisor's office upon any change in the status of their respective driver's license (see Section 203 – Driver's License/Insurability Standards).

The Town Board of the Town of Guilderland declares a "zero tolerance" policy regarding the operation of any vehicle while under the influence of alcohol or illegal substances while conducting Town related business. Any Town employee who is determined to have violated

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that policy by operating a vehicle on Town business while/or after drinking, or using illegal substances, shall be subject to termination.

Town employees who use medications prescribed by their physician which may impair their operation of a town vehicle, or employees who take over-the-counter medications such as cold/allergy medications and/or cough syrups, and where medications or syrups come with warnings which can indicate that “mechanical equipment should not be operated while using this medication” are to exercise discretion in the operation of any Town vehicle.

All Town-owned vehicles shall be assigned by the Town Supervisor’s office, either for specific Town employees’ use or for department use. Assignment of vehicles is discretionary and may be modified, at any time, by the Town Supervisor’s office.

Town employees may be assigned to specific Town-owned vehicle(s) for use in the performance of their duties. This assignment shall be made through the Town Supervisor’s office.

Department Heads shall insure that any Town-owned vehicle assigned to the department for use by departmental personnel is available on a daily basis for use by the department personnel. Regular maintenance shall be scheduled through the department. Except in extraordinary situations or where public safety and well-being is involved, any Town-owned vehicle shall be returned to the Town owned parking lot each night, with a full tank of gasoline.

To the extent possible, each vehicle shall be filled with gasoline from a Town-owned pump.

Town-owned vehicles shall be operated for Town business only. All Town vehicles shall be operated in a safe manner at all times. All traffic regulations shall be complied with by any driver of a Town-owned vehicle.

Department Heads shall advise the mechanics of the need for inspections, and/or repairs in a timely manner. Each vehicle shall be regularly inspected to ensure that the vehicle is in proper and safe condition. If there is a question, Town’s mechanics shall be consulted.

Safety is the first priority in the operation of any Town-owned vehicle.

Seatbelts are to be used by both the driver and passenger(s) of Town-owned vehicles unless medical needs dictate otherwise.

No employee shall operate any Town-owned vehicle in a negligent or reckless manner.

No unauthorized persons are to operate or ride in any Town-owned vehicle. No Town-owned vehicle shall be used for personal use of a Town employee.

Use of Personal Vehicles

Town employees shall not use their private vehicles in the performance of their official duties unless extraordinary conditions require it.

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Extraordinary conditions may include temporary or permanent medical conditions, unavailability of a Town-owned vehicle or emergency circumstances. The consent of the Town Supervisor or his designee shall be obtained prior to the use of any employee's private vehicle for town purposes unless an emergency situation exists, in which case, consent shall be obtained afterward.

Defensive Driving

Town employees who operate Town-owned vehicles shall be required to take a defensive driving course at least once every three years.

The Town shall sponsor a defensive driving course for these Town employees every three years.

Newly hired employees who operate Town-owned vehicles are required to have a current defensive driving course certificate. Employees that do not have a current certificate will have 90 days from their date of hire to obtain said certificate. The Town will reimburse a Town employee the cost of the defensive driving course, up to a maximum of thirty dollars (\$30).

Reimbursement application shall be made on a proper form, approved by the Department Head and contain a copy of proof of successful completion of the course.

314 PARKING AT TOWN HALL

Staff parking is located in the third and fourth rows closest to Western Avenue or the lot closest to Morningside Drive.

The first two rows of parking spaces closest to Town Hall's main entrance should remain unoccupied and available for town residents conducting business at Town Hall.

315 SOLICITATIONS / DISTRIBUTIONS

In order to prevent disruption in Town operation and to prevent employees from having their work interfered with, the distribution of literature and solicitation will be permitted in only limited circumstances.

- During working time, employees may not solicit another employee or distribute literature to another employee for any purpose other than official Town business. "Working time" refers to that portion of any working day in which the employee is being paid to perform actual job duties. It does not include such times as lunch or break time. If an employee is on non-working time, he/she still may not solicit or distribute literature to another employee who is on working time.

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- Employees may not distribute literature to another employee for any purpose other than official Town business in working areas of the Town Hall. “Working areas” do not include the kitchens, break rooms and lobby.
- Individuals who are not employed by the Town may not distribute literature to nor solicit from employees or visitors at any time on the Town’s premises.
- Employees may not solicit or distribute literature to any visitor at any time for any purpose.

316 DISCLOSURE OR USE OF NON-PUBLIC CONFIDENTIAL INFORMATION

In the normal course of business, employees may be given or may acquire information about the business of The Town of Guilderland, its residents, and employees that is not available to the general public. This information is confidential and is considered the exclusive property of The Town of Guilderland. The term “confidential information” includes, but is not limited to, financial data, business plans and strategies, client lists, computer software programs, and employee information. All employees are responsible for respecting and maintaining the confidential nature of such information.

The duty to protect the confidence of the Town of Guilderland, its residents, and its employees includes avoiding intentional disclosures, as well as taking care to avoid accidental disclosures. All employees must exercise extreme care in how and where they discuss, document, and store non-public confidential information that relates to business activities of The Town of Guilderland, its residents and its employees.

Non-public confidential information of the Town, its residents or employees may only be disclosed, whether orally or in writing, within the Town to those who need to know the information to perform related job functions. Non-public confidential information is not to be disclosed or used outside of the Town of Guilderland except for legitimate and legal reasons related to the Town’s business interests or as required by law.

Upon separation of employment for any reason, all confidential information must remain in the possession of the Town of Guilderland, and all employees are to return to the Town all originals and copies of such confidential information.

If an employee has any questions about whether information is confidential, he or she should contact their supervisor, the Human Resources Department or the Town Supervisor.

This policy is not intended to supersede or modify any written agreements employees have entered into with the organization to protect confidential property or information.

317 PERSONAL IDENTITY PROTECTION

To protect employees’ personal information, the Town of Guilderland prohibits the use of employees’ Social Security numbers for identification purposes, except as allowed by law. A

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Social Security number is defined to include the number issued by the federal Social Security Administration and any number derived from that number. The last four numbers of a Social Security number is included in this definition.

In compliance with New York State's Social Security Protection Law, the Town will **not**:

- Publicly post or publicly display in any manner an employee's Social Security number. "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.
- Print an employee's Social Security number on any card or tag required for the employee to access products, services or benefits.
- Require an employee to transmit his or her Social Security number over the Internet, unless the connection is secure or the Social Security number is encrypted.
- Require an employee to use his or her Social Security number to access an Internet web site, unless a password or unique personal identification number (PIN) or other authentication device is also required to access the Internet web site.
- Print an employee's Social Security number on any materials to an individual unless required by law or the inclusion of the Social Security number is specifically allowed in the mailing. Examples of mailings that may contain Social Security numbers are application or termination materials (for employment or accounts) or documents to confirm the accuracy of a Social Security number. Any permitted mailing containing a Social Security number will be placed in an envelope where the Social Security number will not be visible.
- Encode or embed a social security number in or on a card or document, such as by means of a bar code, chip, magnetic strip, or other technology, in lieu of removing a social security number.
- Communicate an employee's "personal information" to the public. For the purpose of this prohibition, "personal identifying information" means an employee's social security number, home address, telephone number, personal email address, internet identification or password, last name prior to marriage, and driver's license number.

The Town will continue to collect, use, or release Social Security numbers as required by state or federal law, and may use Social Security numbers for internal verification or administrative purposes. Appropriate safeguards will be put into place to prevent unintended/unauthorized disclosure(s)/access. Employees who have questions about this policy or who feel that their Social Security number has been used inappropriately by the Town should contact the Human Resources Department.

318 CONFLICTS OF INTEREST

It is the Town of Guilderland’s policy that employees avoid any conflict between their personal interests and the interests of the Town in dealing with residents, suppliers, vendors, and all other organizations or individuals either doing or seeking to do business with the Town of Guilderland.

A conflict of interest refers to a transaction that interferes with the objectivity of an employee’s position at the Town. Business that is conducted should not result in personal gains for any employee or an outside organization or person with whom an employee is dealing. These gains include any type of product bonuses, special fringe benefits, unusual price breaks, and/or bribes.

Employees who feel they have influence in or control over a business activity in which their objectivity is compromised should speak with a department head or the Town Supervisor. The relationship an employee has with a vendor, resident or co-worker can be clouded based on personal interactions, having nothing to do with legal or family relationships. Employees who have influence at any level on activities involving purchases, contracts, or other work product, should speak with the Town Supervisor regarding the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Compliance with this policy is the responsibility of every Town of Guilderland employee.

319 DOGS IN THE WORKPLACE

It is the policy of the Town of Guilderland that only bona fide service dogs (dogs that are specially trained to help disabled individuals) may be permitted in the workplace as a reasonable accommodation under the Americans with Disabilities Act. Employees who wish to request the presence of a service dog must contact Human Resources Department.

As with all requests for a reasonable accommodation, an interactive process will be undertaken with the employee to determine which accommodation, if any, would be appropriate and not cause undue hardship.

Unless it is for a business purpose, or it has been approved by the Town Supervisor, employees are prohibited from bringing their dogs to work.

320 OUTSIDE EMPLOYMENT

Full-time employees of the Town are to consider their employment with the Town as their primary job. Such employees have the obligation to give the Town first consideration in all employment related matters such as performance, dependability, loyalty, hours of service and productivity. Employees may be permitted to engage in outside employment; provided that

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their outside employment does not create a conflict of interest or that it does not diminish the individual's productivity.

Any full-time employee contemplating outside employment should confer with his or her Department Head prior to making any commitments to another employer. Upon approval from the Department Head, the outside employment shall be reported to the Human Resources Department on the Outside Employment Disclosure Form.

SECTION 4 -ABSENCE POLICIES

401 TARDINESS

All employees of the Town of Guilderland are expected to be in their assigned areas of work on time. If an employee is likely to be late due to an emergency or otherwise, it is the responsibility of the employee to notify his/her immediate supervisor (preferably at the start of the scheduled shift or within one (1) hour of the shift start) and convey their expected time of arrival.

On the first two infractions, verbal warnings may be appropriate; however, subsequent warnings should be in writing. All warnings, whether oral or written, will be documented in the employee's personnel file in the event that further action becomes necessary.

If an employee is late for reasons that are unacceptable to their Department Head, they may be subject to proper disciplinary action. Such action may include, but not be limited to, the reduction of pay, suspension, or a review for purposes of discharge.

402 PERSONAL LEAVE WITHOUT PAY (OTHER THAN DISABILITY OR WORKER'S COMP)

A personal leave of absence is an approved absence from work, without pay, for a defined period of time.

The Department Head and the Human Resources Department will evaluate the request taking into consideration the impact on the Department and the duration of the leave. A leave that is recommended by the Department Head and the Human Resources Department must be approved by the Town Supervisor and ratified by the Town Board.

Employees on an approved personal leave must report back to work on or before the expiration date. If the employee does not report back to work on or before the expiration date, the leave of absence will expire, and employment will end as a resignation.

- Group health benefits may be continued during the personal leaves with the employee assuming full cost of the benefit.
- Leaves are not granted to work for another employer.

Employees with questions about personal leave of absence should contact the Human Resources Department.

403 JURY DUTY / WITNESS LEAVE

Jury leave is leave with full pay while on required jury duty in a court. Witness leave is leave with full pay for the purpose of appearing as a witness pursuant to a subpoena or other order issued by a court or government body having authority to do so in any proceeding in which the Town is a party or the employee is appearing due to his/her requirements of employment with the Town.

- Employees who are served with a notice for jury duty or with a subpoena or order to appear as a witness shall notify their supervisor as soon as possible.
- If an employee is excused from jury duty prior to the end of the working day, they should call their Department Head for reporting instructions.
- Employees using jury or witness leave shall submit a letter from the appropriate court clerk specifying the date(s) and times served on a jury or as a witness with the time records(s) where such leave was used. If the letter from the appropriate court clerk will not be provided until the jury duty or witness appearance is completed, the employee should attach a copy of the court summons for the jury duty or witness appearance to the time records and then, upon completion of their jury duty or witness appearance, submit the letter from the court clerk to the Human Resources Department.

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.

404 MILITARY LEAVE (USERRA)

The Town of Guilderland will grant a military leave of absence to employees who are absent from work because they are serving in the U.S. uniformed services in accordance with the Uniformed Services Employment and Re-Employment Rights Act (USERRA).

The Town of Guilderland is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the Town's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, re-employment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or this policy. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should immediately contact his/her Supervisor, or the Human Resources Department. See also the Town's Equal Employment Opportunity policy.

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Eligibility

Employees taking part in covered military service are eligible for benefits under this policy. Such military duties may include leaves of absence taken by members of the uniformed services, including Reservists, National Guard members for training, periods of active military service, and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five cumulative years of leave of absence.

Procedures for Military Leave

1. Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee should provide the Town with notice of the need for leave as far in advance as is reasonable under the circumstances. Written notice is preferred, but not required under the law or this policy. In addition, a copy of the military orders should be submitted to the employee's supervisor and the Human Resources Department, unless the employee is unable to do so because of military necessity or it is otherwise impossible, unreasonable or impermissible.
2. Employees will be granted paid military leave not to exceed thirty (30) days per calendar year for military training, service and other related obligations, such as for an examination to determine fitness to perform service. Employees should advise their supervisor and the Human Resources Department of their training schedule and/or other related obligations as far in advance as possible. The employee should retain his/her military pay vouchers. Upon return from training, the employee should submit his/her military pay voucher to their supervisor and the Human Resources Department and the employee will be paid his/her full salary, less base military pay, for the training period, should the employee choose to take advantage of this benefit. If the service extends beyond thirty (30) days, the employee will be entitled to leave without pay.
3. To request a temporary or extended military leave of absence, the employee should contact their supervisor and the Human Resources Department and provide written orders.
4. When the employee intends to return to work, he or she must make return and/or application for re-employment to the Human Resources Department within the application period set forth below, and as required by law. See "Re-employment" below.
5. If the employee does not return to work as scheduled, the supervisor must notify the Human Resources Department so that appropriate action may be taken.

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Benefits

1. The military leave will be paid not to exceed thirty (30) days per calendar year.
2. Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which you are otherwise eligible and on the same basis as those employees on medical leave.
3. Benefit accruals such as paid time off and holiday benefits will continue during a military leave of absence and on the same basis as those employees on medical leave.

Re-employment

Upon an employee's notification for the desire for re-employment (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service, unless otherwise required by law:

1. **Less than 91 days of military service** – (i) in a position that the employee would have attained if employment had not been interrupted by military service; or (ii) if found not qualified for such position after reasonable efforts by the Town, in the position in which the employee had been employed prior to military service.
2. **More than 90 days and less than 5 cumulative years of military service** – (i) in a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay, the duties of which the employee is qualified to perform; or (ii) if proved not qualified after reasonable efforts by the Town, in the position the employee left, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.
3. **Employee with a service-connected disability** – if after reasonable accommodation efforts by the employer, an employee with a service-connected disability is not qualified for employment in the position he or she would have attained or in the position that he or she left, the employee will be employed in (i) any other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by the Town; or (ii) if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.

Exceptions to Re-employment

In addition to the employee's failure to apply for re-employment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

1. The Town's circumstances have so changed as to make re-employment impossible or

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unreasonable.

2. Re-employment would pose an undue hardship upon the Town of Guilderland.
3. The employee's employment prior to the military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.
4. The employee did not receive an honorable discharge from military service.

General Benefits upon Re-employment

Employees re-employed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. Additionally, upon re-employment, a covered employee will not be discharged except for cause for up to one year following re-employment, in accordance with federal and/or state law requirements.

Documentation

The Human Resources Department, upon the employee's return and/or reapplication for employment, request that the employee provide the Town with military discharge documentation to establish the timeliness of the notification for re-employment, the duration of the military service, and the honorable discharge from the military service, when permissible by law.

Leave For Military Spouses

The spouse of a member of the armed forces of the United States, the National Guard, or Reserves may take unpaid leave when the military spouse is on leave from the armed forces of the United States, the National Guard, or Reserves while deployed during a period of military conflict to a combat theater or a combat zone of operations.

- **Eligible Employees:** Employees working an average of twenty (20) or more hours per week.
- **Leave Period:** Up to ten (10) days of unpaid leave.
- **Notification:** Employees taking family military leave should provide the Town with at least fourteen (14) days' notice of the intended date when the leave will begin so as to not unduly disrupt the Town's operations.
- **Certification:** The Town may require certification from the proper military authority to verify the employee's eligibility for the spousal military leave requested.

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No employee will be retaliated against for requesting and/or using spousal military leave. The use of such leave shall not affect an employee's rights with respect to any other employee benefit provided by law.

Please contact the Human Resources Department with questions regarding Military Leave.

405 FAMILY MEDICAL LEAVE OF ABSENCE

The Family and Medical Leave Act (FMLA) of 1993 requires employers to provide up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons.

Eligibility: To be eligible for FMLA benefits, you generally must:

- Have worked for the Town of Guilderland for twelve (12) months.
- Have worked at least 1,250 hours over the twelve (12) months prior to the start of leave.

Non-Military Leave Entitlements: If eligible, employees are entitled to take up to twelve (12) workweeks of unpaid leave during a twelve (12) month period for one or more of the following reasons:

Basic Leave Entitlement

- For incapacity due to pregnancy, prenatal medical care or child birth
- To care for the employee's child after birth, or placement for adoption or foster care (within one year of birth, adoption, or placement)
- For a serious health condition that makes the employee unable to perform the employee's job
- To care for the employee's spouse, son, daughter, or parent who has a serious health condition

Definition of "Serious Health Condition" (US Department of Labor)

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to

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pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Definition of Immediate Family Members (US Department of Labor)

- **Spouse:** Spouse means a husband or wife as defined or recognized under state law for purposes of marriage in the state where the employee resides, including “common law” marriage and same-sex marriage.
- **Parent:** Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis (see definition below) to the employee when the employee was a child. This term does not include parents “in law.”
- **Son or daughter:** Son or daughter means a 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 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.
- **In Loco Parentis:** The FMLA regulations define in loco parentis as including those with day-to-day responsibilities to care for or financially support a child. Employees who have no biological or legal relationship with a child may, nonetheless, stand in loco parentis to the child and be entitled to FMLA leave. Similarly, an employee may take leave to care for someone who, although having no legal or biological relationship to the employee when the employee was a child, stood in loco parentis to the employee when the employee was a child, even if they have no legal or biological relationship.

Military Family Leave Entitlements

Qualifying Exigency Leave - Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to a covered active duty status (deployment to a foreign country) may use their twelve (12) week leave entitlement to address certain “qualifying exigencies”. Qualifying exigencies may include: attending certain military events, arranging for alternative childcare, to care for a military member’s parent who is incapable of self-care when the care is necessitated by the member’s covered active duty, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Military Caregiver Leave - FMLA also includes a special leave entitlement that permits eligible employees (who are the servicemember’s spouse, son, daughter, parent or next of kin) to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is:

- A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness (which is defined differently than “serious health condition”).

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- A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.
- An employee's combined leave total for all FMLA leave taken during any single twelve (12) month period shall not exceed twenty-six (26) weeks.

Spouses Combined Leave

If both spouses are employed by the Town and wish to take leave to care for a newly arrived child or to care for a sick parent, their aggregate leave is limited to twelve (12) weeks. If both spouses wish to take leave to care for a servicemember with a serious injury or illness, or take a combination of servicemember leave and leave to care for a newly arrived child, their aggregate leave is limited to twenty-six (26) weeks during that twelve (12) month period. If the leave is because of the employee or child's serious health condition or that of the other spouse, each spouse is entitled to twelve (12) weeks of leave.

Intermittent or Reduced Work Schedule Leave

Intermittent leave is leave taken in separate blocks of time. A reduced work schedule leave is a leave schedule that reduces an employee's usual number of hours per workweek or hours per workday.

Leave to care for a newborn or for a newly placed child may not be taken intermittently or on a reduced work schedule unless the Town agrees with respect to an individual leave request. Leave because of an employee's own serious health condition, or to care for an employee's spouse, child or parent with a serious health condition, may be taken all at once or, where medically necessary, intermittently or on a reduced work schedule.

If an employee takes leave intermittently or on a reduced work schedule basis, the employee must, when requested, attempt to schedule the leave so as not to unduly disrupt the Town's operations. When an employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment, the Town may temporarily transfer the employee to an alternative position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

Advance Notice and Certification

Employees must provide thirty (30) days advance notice or give notice as soon as practicable.

Medical certification by a health care provider will be required to support a request for leave for the employee or his/her family member's serious health condition. Certification for

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emergency exigency or servicemember leave must, likewise, be provided. Failure to comply with certification requirements may result in the denial or delay of FMLA leave.

If the Town has reason to doubt the employee's initial certification, the Town may: (i) with the employee's permission, have a designated healthcare provider authenticate the initial certification; and/or (ii) require the employee to obtain a second opinion by an independent Town designated provider at the Town's expense. If the initial and second certifications differ, the Town may, at its expense, require the employee to obtain a third, final and binding certification from a jointly selected health care provider.

During FMLA leave, the Town may request that the employee provide recertification of a serious health condition at intervals in accordance with the FMLA. In addition, during FMLA leave, the employee must provide the Town with periodic reports regarding the employee's status and intent to return to work. If the employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the Town with reasonable notice (i.e., within two business days) of the employee's changed circumstances and new return to work date. If the employee gives the Town notice of the employee's intent not to return to work, the employee will be considered to have voluntarily resigned.

12-Month Period

In determining eligibility for leave, the Town of Guilderland will employ the **"measure forward"** method. Under this method, the twelve (12) month period is measured forward from the date any employee's **first** FMLA leave begins.

Requests for FMLA Leave

An employee should request FMLA leave by completing a Request for FMLA Leave form and submitting it to the Human Resources Department.

When leave is foreseeable for childbirth, placement of a child or planned medical treatment for the employee's or family member's serious health condition, the employee must provide the Town with at least thirty (30) days advance notice, or such shorter notice as is practicable (i.e., within one or two business days of learning of the need for the leave). When the timing of the leave is not foreseeable, the employee must provide the Town with notice of the need for leave as soon as practicable (i.e., within one or two business days of learning of the need for the leave).

Additional Documentation Required

When leave is taken to care for a family member, the Town may require the employee to provide documentation or statement of family relationship (i.e., birth certificate or court document).

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Before the employee returns to work from FMLA leave for the employee's own serious health condition, the employee may be required to submit a fitness for duty certification from the employee's health care provider, with respect to the condition for which the leave was taken, stating the employee is able to resume work.

FMLA leave or return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Also, a failure to provide requested documentation of the reason for an absence from work may lead to termination of employment.

Use of Paid and Unpaid Leave

FMLA provides eligible employees with up to twelve (12) workweeks of unpaid leave.

- For the adoption or birth of child, or care of child, parent or spouse, an eligible employee must use accrued vacation, personal leave time and sick time.
- For an eligible employee's own serious health condition, the employee must use all accrued leave time, including sick leave.
- In the event the eligible employee has no accrued leave to his/her credit, the leave provided under this policy will be unpaid.

Any paid leave used for an FMLA qualifying reason will be charged against an employee's entitlement to FMLA leave. This includes leave for disability or workers' compensation injury/illness, provided that the leave meets FMLA requirements. The substitution of paid leave for unpaid leave does not extend the twelve (12) workweek leave period.

Designation of Leave

Absent extenuating circumstances, the Town will notify the employee that leave has been designated as FMLA leave within two business days after acquiring the knowledge that leave is being taken for an FMLA qualifying reason.

The Town may provisionally designate the employee's leave as FMLA leave if the Town has not received medical certification or has not otherwise been able to confirm that the employee's leave qualifies as FMLA leave. If the employee has not notified the Town of the reason for the leave, and the employee desires that leave be counted as FMLA leave, the employee must notify the Human Resources Department within two business days of the employee's return to work that the leave was for an FMLA reason.

Extension of Leave

In the event an employee requires leave in excess of the twelve (12) week maximum described herein, the Town Board may provide additional unpaid leave. Any employee on extended unpaid leave will be responsible for their medical coverage during any extended leave.

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Maintenance of Health Benefits

During FMLA leave an employee on authorized FMLA leave will be covered for those medical, dental, and other health insurance benefits (with the exclusion of any employee contributions, which must begin prior to family leave) under which they were covered prior to their leave.

To the extent that an employee's FMLA leave is paid, the employee's portion of premiums will be deducted from the employee's salary. For any portion of FMLA leave that is unpaid, the employee's portion of insurance premiums may be paid pursuant to a system voluntarily agreed to by the Town and the employee. If the employee's payment of health insurance premiums is more than thirty (30) days late, the Town may discontinue insurance coverage upon notice to the employee.

Return from FMLA Leave

Upon return from FMLA leave, the Town generally must place the employee in the same position the employee held before the leave or an equivalent position with equivalent pay, benefits and other employment terms.

Limitations on Reinstatement

An employee is entitled to reinstatement only if he/she would have continued to be employed had FMLA leave not been taken. Thus, an employee is not entitled to reinstatement if, because of a layoff, reduction in force or other reason, the employee would not be employed at the time job restoration is sought.

The Town also reserves the right to deny reinstatement to salaried, eligible employees who are among the highest paid ten (10) percent of the Town's employees employed within seventy-five (75) miles of the worksite ("key employees") if such denial is necessary to prevent substantial and grievous economic injury to the Town's operations.

Failure to Return To Work Following FMLA Leave

If the employee does not return to work following the conclusion of FMLA leave, the employee will be considered to have voluntarily resigned. The Town may recover insurance premiums that the Town paid on behalf of the employee during any unpaid FMLA leave except that the Town's share of such premiums may not be recovered if the employee fails to return to work because of the employee's or a family member's serious health condition or because of other circumstances beyond the employee's control. In such cases, the Town may require the employee to provide medical certification of the employee's or the family member's serious health condition.

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No Work While On Leave

The taking of another job or other forms of work for profit while on family or medical leave or any other authorized leave may lead to disciplinary action, up to and including termination.

Effect of Labor Agreement

It is the intent of the Town to provide the standards as articulated in the federal FMLA and as detailed in this policy. Additional information is available in the Human Resources Department.

Change in Policy

The Town reserves the right to modify this policy as necessitated by law.

Leaves Concurrent with FMLA Leave

Disability and Worker's Compensation leaves will run concurrently with FMLA where applicable.

Additional Information

For further information or clarification about FMLA leave, please contact the Human Resources Department. See also the Department of Labor's general notice provisions posted on department bulletin boards or contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor, and Employment Standards Administration.

406 EXCUSED ABSENCES

Blood Donation

It is the policy of the Town to encourage participation in blood drives by employees who are eligible to donate. In order to further this policy, the Town, at the discretion of an employee's Department Head, may excuse time taken by an employee to donate blood and return to work up to an hour and one half (1.5) per donation and not to exceed nine (9) hours annually without charge to leave credits. The Department Head may require that the employee provide written substantiation from the donation center that he/she actually donated blood during the excused absence.

Volunteer Fire Fighting and Emergency Medical Activities

It is the policy of the Town to encourage its employees to actively participate in volunteer fire fighting companies and EMS units in the community. In order to further this policy, the Department Head may excuse the leave for lateness of an employee who is a volunteer fire

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fighter or EMT because he/she was actively involved in an ongoing emergency without charge to leave credits in the event that this leave does not impede their department's operations. Written substantiation from the Fire Chief or Ambulance Crew Chief that he/she was actively involved in an ongoing emergency situation during the excused time will be needed. Such excused time shall not exceed fourteen (14) hours annually.

Screening for Cancer

Starting March 18, 2018, NYS Civil Service Law 159-b entitles municipal employees to be absent from his or her duties or services for a sufficient period of time, not to exceed four (4) hours on an annual basis, to undertake screenings for all cancers. The entire period of the leave of absence shall be excused leave and shall not be charged against any other leave accruals. Cancer screening includes physical exams, blood work or other laboratory tests for the detection of cancer. Travel time is included in this four-hour cap. Absence beyond the four-hour cap must be charged to the employee's leave accruals. Written documentation from the medical provider is required.

Court Appearance Leave

Employees who are the victim of a crime may request time off to attend court proceedings related to that crime. Court appearance leave may be requested to appear as a witness; to consult with the district attorney, or to exercise your rights as a victim.

The employee requesting court appearance leave must give advance notice whenever possible of the need for leave to his/her supervisor, and provide documentation verifying the need for the leave. While this leave is unpaid leave, an employee may use paid leave credits during this leave period.

The Town will make every attempt to maintain the confidentiality of any information provided as certification of the need for court appearance leave.

407 UNAUTHORIZED ABSENCE

Unauthorized absences occur when an employee fails to follow proper procedures as established by Town policy for leaves and absences, and will subject the employee to disciplinary action, including possible dismissal.

The responsibility for fulfilling proper procedures for any leave day rests solely with the employee.

In the event that a Department Head determines that an employee has been absent without leave or proper authorization, the Department Head shall commence an immediate investigation of the situation. In rendering decisions and recommendations, the entire

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attendance record of the employee may be used in making a determination for disciplinary action. After such investigation, the Department Head may recommend a penalty for unauthorized absence.

SECTION 5 - COMPENSATION

501 PAY PRACTICES AND PROCEDURES

Payday

Employees of the Town are paid bi-weekly on Friday, lagged one week. Meaning an employee receives their paycheck one week after the end of the pay period the paycheck accounts for. The compensation to be paid to employees shall be payable in equal bi-weekly installments over the calendar year. Compensation of employees hired with the understanding that they will be on the payroll for less than a calendar year shall be payable to them in equal bi-weekly installments over their anticipated employment period.

Overtime / Compensatory Time

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour laws. Time and one-half will be paid for hours worked over forty (40) hours in any one week.

When operating requirements or other needs cannot be met during regular working hours, employees will be called upon for overtime work assignments. Where practical, overtime assignments will be distributed as equitably as possible to all employees qualified to perform the required work.

Failure to work required overtime or working overtime without prior authorization from a supervisor may result in disciplinary action, up to and including termination of employment.

The use of leave credits and holidays shall be considered time worked in the computation of Overtime.

Compensatory time is time off to compensate for hours worked beyond forty (40) hours in a given workweek. The employee will be credited with the equivalent of one and one-half hours for all authorized time worked over forty (40) hours in a given workweek. The choice of Compensatory time off or Overtime pay shall be made by the employee.

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.

Flex-Time Policy for Exempt Employees

The Town Board of the Town of Guilderland recognizes that exempt employees by nature of their positions and in accordance with the Fair Labor Standards Act (FLSA), are not entitled to

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receive overtime pay or compensatory time for time worked in excess of the regularly scheduled workweek, which may be a regular occurrence due to the position's responsibilities. The Town Board also recognizes that exempt employees may need to attend a variety of Town Board and other special meetings, which are generally held outside the employee's normal workday.

Those employees who are required by their job to work beyond the normal workday or workweek, shall be eligible to receive flex-time calculated at a rate equal to one hour earned for every one hour spent attending to such requirements. The Town Supervisor, in his or her discretion, shall have the final say in determining whether or not a situation qualifies for the earning of flex-time under this policy.

In addition, those exempt employees who are required by their job to respond to an emergency situation which occurs beyond the normal workday or workweek, shall be eligible to receive flex-time calculated at a rate equal to 1 hour earned for every 1 hour spent attending to such emergency situation. Travel time to and from the emergency site shall be included as time worked for purposes of this policy. Emergency work shall be defined as an unforeseen combination of circumstances or the resulting state that calls for immediate action by the employee. Emergency work shall not include work that is pre-scheduled or which is normally performed beyond the employee's workday or workweek (such as conferences, meetings, programs, scheduled maintenance work, or nonemergency services provided to members of the public). The Town Supervisor, in his or her discretion, shall have the final say in determining whether or not an emergency situation qualifies for the earning of flex-time under this policy.

Any other work performed by exempt employees beyond the normal workday or workweek will not qualify for additional flex-time unless specifically approved by the Town Supervisor. It is generally recognized by the Town that such work is a requirement of the position for which such exempt employee occupies.

Flex-time balances cannot exceed 40 hours. Flex-time will not be paid out in cash at the time of the employee's separation from employment. Any flex-time not used at the time of separation shall be forfeited by the employee.

Any exempt employee wishing to claim and/or use earned flex-time must complete the necessary authorization form and submit to the Town Supervisor for review and written approval. In no case will approval be granted if the exempt employee's department is not adequately staffed or if the work load does not permit.

The positions listed below are FLSA exempt and are covered by the above Flex-time Policy:

Assessor
Building Maintenance Supervisor
Chief Building and Zoning Inspector
Chief Fire Inspector
Clerk to the Justices

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Comptroller
Coordinator of Senior Citizen's Services
Director of Human Resources
Director of MIS
Director of Parks & Recreation
Superintendent of Water & Sewer District
Town Planner

Pay Deductions

The law requires that the Town of Guilderland make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The Town also deducts Social Security taxes up to a specified limit that is called the Social Security "wage base". The Town matches the amount of Social Security taxes paid by each employee. Medicare is also deducted as appropriate as well as any court ordered wage garnishments.

The Town of Guilderland offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these benefit programs.

The Town may have to take a "pay setoff" from your paycheck. Pay setoffs mean that the Town must deduct money from your paycheck to pay off a debt you owe to someone else. Examples are court ordered garnishments and child support payments.

Pay Adjustments

The Town of Guilderland complies with applicable wage/hour laws and regulations and prohibits improper deductions made from any employee's paycheck. The Town takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

If an employee believes that an improper deduction from pay has been made or that a deduction is inconsistent with his/her exempt status, the employee must immediately contact Human Resources Department. Any complaint will be resolved within a reasonable time frame once all the facts have been evaluated.

Employees should refer questions regarding pay deductions or pay calculations to the Human Resources Department.

Direct Deposit

Employees are strongly encouraged to deposit all of their paycheck directly into the checking and/or savings account(s) of their choice. Please contact Human Resources Department for an

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enrollment form. Paychecks are distributed to Department Heads on the Friday morning of payday for disbursement.

502 TRAVEL EXPENSES

The Town shall reimburse employees for necessary and actual expenses incurred while traveling on Town business for meals, mileage, and lodging while away from the Town. Please contact the Comptroller's Office for current regional expense amounts.

It is the responsibility of each department head to approve the appropriateness of meals and lodging expenses incurred by employees while away conducting Town business.

The employee shall submit a claim form giving an itemized listing of expenses incurred including proof/receipts of such purchases. Request for expense reimbursement must be submitted to the Comptroller's office within 30 days after the expense is incurred.

Note: Receipts must accompany all requests for reimbursement. If receipts are not provided, the Town will not reimburse the expense.

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 IRS.

503 SALARIES FOR PART-TIME EMPLOYEES

All part-time employees are assigned a title, which is an approved Civil Service title, and are required to submit bi-weekly payroll claim forms. Claim forms shall be signed by the employee and certified by his/her supervisor and returned to Payroll no later than 12:00 p.m. on the Monday of pay week. Employees that are not considered full time, but work a minimum of twenty-five (25) hours per week are eligible to accrue vacation, sick and personal time on a pro-rated basis.

504 LONGEVITY

All full time and permanent part-time employees shall receive longevity service pay added to base pay at the following levels. Longevity pay is determined based on the full-time or permanent part-time employment date, without regard to the previous part-time service.

Upon completion of Five (5) years' service	\$250
Upon completion of Ten (10) years' service	\$750
Upon completion of Fifteen (15) years' service	\$1000
Upon completion of Twenty (20) years' service	\$500

Effective January 1, 2021, Upon completion of Twenty (20) years' service - \$1,000

SECTION 6 - EMPLOYEE BENEFITS

601 HEALTH CARE BENEFITS

The Town shall provide Health Insurance coverage to each full-time or permanent part-time employee working twenty-five (25) or more hours per week, effective upon date of hire, at the employee's option, of 100% of the premiums for employees and 60% of the premiums for employee's dependents. The Town reserves the right to change co-pays or providers without prior notice.

Upon RETIREMENT from the Town:

Employees with twenty (20) or more full-time or permanent part-time years of service with the Town will have 100% individual coverage and 50% dependent coverage paid by the Town for the life of the retiree if they meet all other requirements for health insurance coverage. Employees with ten (10) years but less than twenty (20) years of full-time or permanent part-time years of service with the Town will have 50% individual coverage and 35% dependent coverage paid by the Town for the life of the retiree if they meet the above requirements. At age 65, retirees wishing to continue coverage with the Town must switch to the Town's Medicare supplemental insurance plan. Eligibility for this plan requires a permanent residence in New York State and proof of enrollment in Medicare Part A and Part B (at the cost of the retiree). Coverage for the supplemental plan is paid at the same percentages as stated above.

At the time an employee retires from employment with the Town, any unused sick time may be applied against health insurance premiums, if all other requirements of retirement are met. Hours are converted to a bank using the employee's current hourly rate at the date of retirement. Unused sick time may not be applied against COBRA premiums.

An employee that is not covered by the Town's health plan at the time of retirement is not eligible for coverage post retirement.

Upon the death of a retiree, the surviving spouse has the option to continue coverage with the Town at 100% cost to the surviving spouse. In addition, a retiree wishing to add dependent coverage post retirement may do so at 100% cost to the retiree/dependent.

602 VOLUNTARY INSURANCE BENEFITS

Additional benefits, paid for in part or entirely by eligible employees are:

Dental and Optical Insurance Benefits

New full-time or permanent part-time employees working twenty-five (25) or more hours per week are eligible to enroll in the Town's dental and/or optical insurance plan

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effective on the first of the month following their hire date. Employees may join this plan at any time; however, there are special limitations for late entrants.

Aflac Benefits

The Town has partnered with AFLAC to offer a number of voluntary supplemental insurance options paid 100% by the employee through payroll deduction. The policies currently available include but are not limited to Supplemental Short Term Disability, Personal Accident, Specified Disease-Cancer Plan, Lump Sum Critical Illness and Life Insurance. Employees may join some of these programs at any time; however, there may be special limitations for late entrants.

Contact the Human Resources Department for eligibility and benefits information on voluntary employee paid benefits.

There is no option for continuation of voluntary benefit upon retirement beyond that which is allowed though the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). (See Section 604 – Benefits Continuation)

603 DEFERRED COMPENSATION PLAN

The Town of Guilderland 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.

604 BENEFITS CONTINUATION (COBRA)

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

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

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 covered Elected Official, the spouse of a covered employee or covered Elected Official, or a dependent child of a covered employee or covered Elected Official. A child who is either born to or who is placed for

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adoption with the covered employee or covered Elected Official during a period of COBRA coverage is also a “qualified beneficiary” entitled to COBRA coverage.

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

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

- Termination of the covered employee’s (or covered Elected Official’s) employment for any reason except gross misconduct, or the covered employee’s loss of eligibility to participate due to reduced work hours.
- When a covered employee is on a leave of absence due to military service obligations.
- Death of a covered employee or covered Elected Official.
- Divorce or legal separation from a covered employee or covered Elected Official.
- A covered dependent ceases to be a "dependent child" under the health insurance plan.
- A covered dependent child's loss of eligibility to participate in the insurance plan due to the covered employee or covered 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.

An employee or Elected Official must notify the Human Resources Department 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.

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 Human Resources Department within the time indicated. If the required forms or premium payments are not received at the time specified, medical insurance coverage will cease.

605 EMPLOYEE ASSISTANCE PROGRAM (EAP)

The EAP is a free service offered to all Town employees and their eligible family members (spouse/domestic partner and children to age twenty-six (26)). The purpose of this benefit is to help employees and family members find greater happiness and greater mental and emotional

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health, while at work and at home. There is no cost to employees and the services are completely confidential.

EAP benefits include professional (therapeutic) counseling, phone and web-based support and advice, financial and legal services, personal development training, discounted services, and a 24-hour crisis hotline.

For more information, contact Capital Counseling at:

- 518-465-3813/800-777-6531
- www.capitaleap.org

Employees may also contact Human Resources Department for more information and for the **Town's access code**.

606 SHORT-TERM DISABILITY INSURANCE

Benefit

New York State short-term disability becomes effective on the eighth day following seven consecutive days of medical absence. Under this plan, employees of the Town are entitled to receive approximately 50% of their average weekly earnings, up to a maximum of \$170 per week, with a maximum benefit period of twenty-six (26) weeks. As required by law, all employees have a mandatory deduction (maximum payment by employee of \$.60 per week) made from their paycheck for disability and are entitled to this benefit.

Employees have the option of receiving full salary while they are unable to work due to illness, assuming they have sick, personal, vacation or comp balances available. If full salary payments are made to the employee, their disability insurance benefit is reimbursed to the Town by the insurance company, and the Town restores a portion of the employee's leave bank (equal to the amount reimbursed by the insurance company). If no leave time is available to the employee, the employee may receive the payment directly from the insurance company. In this case, the employee would also be responsible for paying those medical deductions directly that would have been automatically deducted from their paycheck.

Please contact the Human Resources Department should there be questions.

Insurance Premiums While on Disability Leave

When an employee is on a leave of absence, due to a disability, and has exhausted all accrued time whereby they are no longer on payroll, the Town will continue to pay its portion of insurance premiums for six (6) months. The employee continues to be responsible for his/her own portion of the premiums. If the employee has not returned to

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work at that time, he/she may remain on the Town's insurance, but will be responsible for the full premium amount, payment of which will be pre-paid on a monthly basis.

Disability and FMLA Leave

Disability leave runs concurrently with FMLA where applicable.

607 SOCIAL SECURITY / MEDICARE

In accordance with federal regulations, Social Security and Medicare deductions are made from each employee's paycheck, and are then matched by the Town.

Social Security is designed to protect employees if they can no longer work due to permanent disability, to protect a family in the event of the death of the principal wage earner, and to supplement retiree income. Descriptive materials on the Social Security System are available through the Albany Office of Social Security Administration.

608 WORKER'S COMPENSATION

The Town provides Worker's Compensation Insurance for all employees, to protect those who become injured on the job.

Reporting Injuries

It is the responsibility of each employee to report on-the-job injuries **immediately** to the Department Head, who is to forward copies of the Injury and Illness report to the Human Resources Department. All injuries must be reported promptly, regardless of perceived severity. Any injury requiring an employee to seek medical attention, will require a statement from their physician that they are able to resume full duties before being allowed to return to work.

Worker's Compensation Administration and Benefits

The following information describes the general terms and procedures for a worker's compensation claim, and is presented only to give you a basic understanding of what is involved. Actual administration is governed by the terms of workers' compensation law and of the insurance policy in force at the time of your injury.

Workers compensation covers both your direct medical expenses and a portion of your lost wages. If medical care is required to treat the injury, you should advise the provider that your care is covered by workers' compensation. The provider will bill their services directly to the insurance company. The injured employee is generally only eligible for lost wage payments if the duration of your injury is more than seven days; coverage begins on the 8th day of your

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injury. However, if your injury lasts more than fourteen (14) days, coverage goes back to first day of the injury. Compensation payments equal two-thirds of your average weekly wage, subject to the maximum under law.

Accrued Leave Time Use

Unless otherwise regulated by General Municipal Law such as section 207-c, employees have the option of receiving full salary while they are unable to work, assuming they have sick, personal, vacation or compensatory time balances available to use. If full salary payments are made to the employee by using their leave banks, the workers' compensation benefit is reimbursed to the Town by the insurance company, and the Town restores a portion of the employee's leave bank (equal to the amount reimbursed by the insurance company). If no leave time is available to the employee, the employee may receive the payment directly from the insurance company. In this case, the employee would also be responsible for paying any deductions directly that would have been automatically deducted from their paycheck. Any leave less than one full day of work as designated by a doctor is not reimbursable by workers' compensation and leave accruals must be used for this time.

Return to Work

Whenever an employee returns to work after being on Worker's Compensation (with a statement from their physician that they are able to resume full duties), formal notification must be made to the Department Head and to the Human Resources Department.

If an employee is unable to return to work due to an occupational injury and has been absent from work for a cumulative period of at least one year or more, the Town will separate an employee from their position in accordance with New York State Civil Service Law.

Insurance Premiums While on Worker's Compensation Leave

When an employee is on a leave of absence, due to a work-related injury/illness and is receiving workers' compensation payments in lieu of payroll, the Town will continue to pay its portion of insurance premiums for six (6) months. The employee continues to be responsible for his/her own portion of the premiums. If the employee has not returned to work at that time, he/she may remain on the Town's insurance, but will be responsible for the full premium amount, payment of which will be pre-paid on a monthly basis.

Worker's Compensation and FMLA Leave

Worker's compensation leaves run concurrently with the FMLA leave where applicable.

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Transitional Duty

In the effort to create an environment that will facilitate an employee's recovery from an injury or illness, and to improve operational efficiency of the Town, a program of Transitional Duty is hereby established.

On a case-by-case basis, this program covers all Town of Guilderland personnel who sustain a work related disabling injury subject to the following guidelines:

- the disability must be a temporary condition, and the employee must have Transitional Duty capacity as determined by his/her treating physician.
- Such employee may be given a Transitional Duty assignment consistent with his/her physical abilities and any limitations imposed by the treating physician.
- Each case will be independently evaluated at least every thirty (30) days for progress.
- The Transitional Duty Assignment will not last more than **twelve (12)** weeks.

It is the goal of the Town, with the cooperation of all departments, to locate and assign Transitional Duty, when feasible, according to the following guidelines:

1. The physician shall be encouraged to release temporarily disabled employees to a transitional duty work status and describe the employee's capacities in sufficient detail to enable the Town to determine a suitable work or task assignment.
2. The employee's regular work division shall attempt to locate a work assignment within the capacities described by the physician.
3. If the usual work division is unable to assign suitable work, other divisions within the department shall be contacted to determine if a suitable work assignment exists.
4. Upon release to regular work without restrictions by a physician, the employee shall be returned to his/her permanent regular position.

This program may also apply voluntarily, on a case-by-case basis, to employees who have sustained disabling injury or illness from non-job related activity, if and when a Transitional Duty task becomes available; with work-related injuries receiving priority if transitional duty work is limited.

609 HOLIDAYS

The Town of Guilderland grants paid holidays to full time and permanent part-time employees, as annually designated by the Town Board at its organizational meeting. If the holiday falls on a Saturday, it will be observed on Friday. If the holiday falls on a Sunday, it will be observed on Monday. Holidays are as follows:

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New Year's Day	Independence Day	Thanksgiving Day
Martin Luther King, Jr. Day	Labor Day	Friday after Thanksgiving
President's Day	Columbus Day	Christmas Day
½ day Good Friday	Election Day*	
Memorial Day	Veteran's Day	

Employees on a scheduled vacation when a paid holiday occurs will not be charged for a vacation day.

Note: Some departments may follow different holiday schedules to accommodate their non-standard days of operation.

*Employees who work on Election Day may choose some other full day after that date as their holiday. A delayed Election Day holiday must be taken by December 31st of that year or the holiday will be lost. "Election Day Floater" must be indicated on the employee's leave slip for that day with proper approvals.

610 VACATION

Eligibility

Vacation leave for Full-time Employees will be earned on a monthly basis calculated at the employee's daily hours. (ie: an employee that works 35 hours/week will earn 7 hours per month. An employee that works 40 hours/week will earn 8 hours per month)

Vacation leave for Permanent Part-time Employees will be earned on a monthly basis calculated at the same percentage per month as the part-time daily hours worked based on a five (5) day workweek.

Earned vacation accruals post on the first day of the month following the month in which time is earned. (ie: the employee works the month of March; they earn their vacation hours on April 1st)

Using Vacation Time

Vacation hours may not be used until the employee has worked at least six (6) months for the Town.

Vacation hours may not be used until they are earned.

Vacation hours charged against the employee's accrued hours will be charged in no less than fifteen (15) minute increments.

The employee first completes a Request For Leave form, which must be approved by the employee's immediate supervisor. Approval is at the discretion of the Department Head.

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Anniversary Vacation Allocation Schedule

Employees with five (5) or more full-time or permanent part-time (working 25 or more hours per week) years of service with the Town shall receive additional vacation hours as follows:

<u>Years of Service</u>	<u>Additional Vacation Credits</u>		
	<u>Number of days</u>	<u>FT 35 hr/wk</u>	<u>FT 40 hr/wk</u>
5	1	7	8
6	2	14	16
7	3	21	24
8	4	28	32
9	5	35	40
10	6	42	48
11	7	49	56
12 and greater	8	56	64

Allowable vacation time is determined based on the full-time or permanent part-time employment date, without regard to the previous part-time service. Anniversary accruals post on the day of the employee’s anniversary date of full time or permanent part-time hire.

Maximum Vacation Hours

Vacation hours may be accumulated up to forty (40) days maximum. Permanent part-time is calculated as forty (40) days at the same percentage as their part-time daily hours worked based on a five (5) day workweek. Vacation hours for employees whose vacation hours reach the maximum allocation will be frozen until the balance falls below the maximum.

Vacation Payout at End of Employment

Retirement: Compensation for unused vacation hours will be paid up to a maximum of forty (40) days. Permanent Part-time is calculated at the same percentage as their part-time daily hours worked based on a five (5) day workweek.

Non-Retirement End of Employment: Employees who resign but are not eligible for retirement are asked to provide two weeks’ notice in order to receive vacation payout at the same maximums as above.

611 SICK TIME

Sick leave is leave with full pay for an employee absence due to his/her illness or disability. Sick leave may also be used by an employee due to the illness of his/her spouse, child, parent or the illness of any person residing with the employee; for medical, dental or optical appointments; and by an employee to attend the funeral of relatives who are not members of his/her immediate family, as defined under Bereavement leave.

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Sick leave is not to be used as a Personal day or as a Vacation day.

Sick Leave Eligibility

Sick leave for Full-time Employees will be earned on a monthly basis calculated at the employee's daily hours. (ie: an employee that works 35 hours/week will earn 7 hours per month. An employee that works 40 hours/week will earn 8 hours per month)

Sick leave for Permanent Part-time Employees will be earned on a monthly basis calculated at the same percentage per month as the part-time daily hours worked based on a five (5) day workweek.

Earned sick accruals post on the first day of the month following the month in which time is earned (ie: the employee works the month of March; they earn their sick hours on April 1st)

Using Sick Leave

Sick leave charged against the employees accrued hours will be charged in increments of no less than fifteen (15) minutes.

Sick leave may not be used until the hours are earned.

Whenever an employee is unable to report to work due to a qualifying sick leave event, it is the employee's responsibility to notify his/her immediate supervisor within one (1) hour of the time their department opens. When a request for leave is not able to be given in advance, upon returning from sick leave, an employee will complete a Request for Leave form the day they return.

Maximum Sick Leave Hours

Sick hours may be accumulated up to (170) days maximum. Permanent part-time is calculated as (170) days at the same percentage as their part-time daily hours worked based on a five (5) day workweek.

Sick hours for employees whose sick hours reach the maximum allocation will be frozen until the balance fall below the maximum.

Using Sick Leave

Sick Leave Exceeding Three Days - In the event of sick leave lasting more than 3 days continuously, the Department Head and/or Human Resources Department may require documentation from a health care provider.

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Maternity - Sick leave may be used by a mother to care for her newborn child or her newly adopted child during the thirty (30) working days immediately following birth or adoption, or for illness or disability caused by pregnancy or childbirth.

Paternity - Sick leave may be used by a father to care for his newborn child or newly adopted child during the thirty (30) working days immediately following birth or adoption.

Sick Leave at the End of Employment

Retirement

At the time an employee retires from employment with the Town, any unused sick time may be applied against health insurance premiums, if all other requirements of retirement are met. Hours are converted to a bank using the employee's current hourly rate at retirement. Unused sick time may not be applied against COBRA premiums.

An employee may not apply sick time for "TIME OFF" before retirement. In the event that the employee is sick at the time of retirement, they must submit documentation from the health care provider to the Town of Guilderland.

Non-Retirement End of Employment

An employee will not be compensated for unused sick time hours when the employee leaves Town employment for any reason other than retirement.

612 PERSONAL DAYS

Personal time is leave with full pay to enable employees to attend to personal business, including religious observance, appointments, etc. Such time is intended to provide employees with time to conduct their necessary personal affairs.

Personal time will be earned at a rate of five (5) days per year. The "day" is dependent upon the number of hours presently worked daily based on a five (5) day work week. Personal time will be granted at the beginning of each calendar year except that new employees will receive personal time pro-rated from the date of employment to the end of the year. Personal time may be used in increments of not less than fifteen (15) minutes with supervisor's prior approval, and may be utilized immediately by new employees.

Personal time remaining at the end of the year will be converted to Vacation time unless requested in writing to be converted to Sick time.

Unused Personal time is lost at the end of employment.

613 LEAVE DONATION POLICY

Policy Statement

The Town of Guilderland recognizes that employees may have a personal or family health related emergency that causes a severe impact to them resulting in a need for additional time off in excess of their available sick, personal and vacation time. To address this need, all eligible employees will be allowed to donate time from their unused balance to a co-worker in need in accordance with the policy outlined below. This policy covers all departments within the Town. This policy is strictly voluntary.

Eligibility

Employees requesting donations must be eligible to earn leave credits and have exhausted all of their credits earned, must be expected to be absent for at least two bi-weekly periods following the exhaustion of leave credits and be able to sufficiently prove that a continued absence from work would subject them to a severe loss of income.

Employees who donate or receive time must be employed with the Town for a minimum of one (1) year in a permanent position in which one qualifies for benefits.

Guidelines

Employees who would like to make a request to receive donated time from their co-workers must have a situation that meets the following criteria:

Personal Health Related Emergency - Critical or catastrophic personal non-occupational illness, injury or disability of the employee. Medical documentation is required.

Family Health Related Emergency - Critical or catastrophic illness or injury of an immediate family member that poses a threat to life and/or requires inpatient or hospice health care. Medical documentation is required. Immediate family member is defined as spouse, domestic partner, child, parent or other relationship in which the employee is the legal guardian or sole caretaker.

Employees who donate vacation or sick time from their unused balance must adhere to the following requirements:

Donation minimum – One (1) day.

Donation maximum - Five (5) days for sick and no maximum for vacation.

Must have a minimum balance of ten (10) days in each accrual bank after making the donation.

Employees on an approved leave of absence may not donate time.

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Procedure

Employees who would like to make a request to receive donated time are required to complete a Leave Donation Request Form which includes authorization to present their request to their co-workers for the sole purpose of soliciting donations. The employer may not solicit donations on the employee's behalf without this request. This request must be made to his/her Department Head at least two (2) weeks prior to the exhaustion of their leave credits. This request must be forwarded to the Human Resources Department for review and processing.

Employees who wish to donate time to a co-worker in need must complete a Leave Donation Form. The identity of donors may not be disclosed by management.

Employees may not donate vacation credits that would otherwise have been forfeited. An employee who has submitted his/her resignation or retirement or who has received notice of termination of employment can only donate credits for which he/she can receive a lump sum payment upon separation.

Donations must be made in full day units regardless of the work schedule of the donor or the recipient. For example, if an employee whose normal work day is seven (7) hours is donating to an employee whose normal day is eight (8) hours, the donor will forfeit one (1) day (7 hours) and the recipient will receive one (1) day (8 hours).

Approval

Requests for donations of time must be approved by the Human Resources Department and the employee's immediate supervisor. If the recipient employee has available sick, personal or vacation time in their balance, this time will be used prior to any donated time. Donated time may only be used for time off related to the approved request. Time donated that is in excess of the time off needed will be returned to the donor.

Status of Recipients

Recipient employees are deemed to be in a leave without pay status for attendance and leave purposes. They will not earn monthly leave accruals or observe holidays. The employee continues to have health insurance premiums, retirement contributions and other payroll deductions withheld from his/her paycheck so long as the paycheck is in an amount sufficient to cover these deductions. Employees continue to receive retirement service credit for days in pay status.

Processing Donations

The Human Resources Department is responsible for reviewing eligibility of recipient and donor employees. The Human Resources Department will verify donor eligibility upon receipt and deduct days from donor's time records with the notation "LDP" as the days get used by the

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recipient. If the recipient employee is separated from services or returns to work and no additional absences are anticipated, the Town will return unused days to any donor whose donation was not fully utilized.

614 BEREAVEMENT TIME

Bereavement leave is leave with full pay the equivalent of up to three (3) days for the purpose of attending the funeral services, for religious observance or for such other purpose relating to the death of an employee's immediate family.

For such purpose the term "immediate family" shall mean a spouse, domestic partner, child (or other relationship in which the employee is the legal guardian or sole caretaker), child's spouse, sister(in-law), brother(in-law), parent(in-law), grandparent(in-law) or grandchild of the employee and shall also include any person residing with the employee.

Bereavement leave with full pay up to the equivalent of one (1) day will be granted to an eligible employee for purposes relating to the death of a blood related family member not included under the definition of "immediate family."

With a supervisor's permission, vacation, sick leave or personal time may be taken in conjunction with the bereavement leave, if needed.

615 EDUCATIONAL BENEFITS

To be eligible for educational benefits, the employee must be with the Town for at least one (1) year and have successfully completed the probationary period prior to starting the course.

The Town will reimburse the employee for work-related college courses when the grade of "C" or better is earned, up to a maximum of \$1,000 per year.

Approval of the course as work-related must be given by the employee's immediate supervisor before the course has begun. If the course is only given in the daytime, personal time may be taken or the time lost from work must be made up.

616 CONFERENCES AND CONVENTIONS

The Town recognizes the benefits that can be derived from continuing education through an employee's attendance at seminars, conventions and conferences. As such, the Town authorizes time off with pay based upon the following criteria:

Will the employee's participation to the event yield benefits for the Town?

Will the employee's participation enhance their knowledge or professional expertise in their immediate work?

Can the department afford the cost?

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Will the employee's absence impede their department's effectiveness/operations?

Any employee wishing to attend a special event such as described above shall submit such request in writing to their supervisor.

Any employee wishing to attend a special event without the prior approval of his/her supervisor or the Town Supervisor shall do so at personal expense. No reimbursement will be made by the Town for expenses incurred and no payment will be made toward the employee's regular salary. Such time may be deducted from the employee's accrued leave bank.

617 NEW YORK STATE AND LOCAL RETIREMENT SYSTEM

The Town of Guilderland is a member of the New York State and Local Retirement System.

Employee's Retirement System (ERS)

It is mandatory that all full-time employees and any employee who is enrolled with another employer enroll as members of the ERS with the Town. Participation is optional for those working on a part-time or seasonal basis and not enrolled through another employer. Non-mandatory employees who are NOT interested in membership in the retirement system must sign a waiver.

Enrollment

Application forms may be obtained from the Human Resources Department. The forms must be completed and submitted to the Human Resources Department on or before the first day of employment. The Human Resources Department will administer all ERS contributions through the Town payroll.

Tier classification within the ERS is determined by the date employees join the system as follows:

- Tier 1: Joined prior to July 1, 1973
- Tier 2: Joined July 1, 1973 through July 26, 1976
- Tier 3: Joined July 27, 1976 through August 31, 1983
- Tier 4: Joined September 1, 1983 through December 31, 2009
- Tier 5: Joined January 1, 2010 through March 31, 2012
- Tier 6: Joined April 1, 2012 or after

Police and Fire Retirement System (PFRS)

The Police and Fire Retirement System (PFRS) covers all sworn personnel in the Police Department. All full-time and part-time police officers must enroll as members of the PFRS effective on the first day of employment, unless otherwise excepted in accordance with the

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provisions of that plan. Application forms may be obtained from the Human Resources Department. The forms must be completed and submitted to the Human Resources Department on or before the first day of employment.

Tier classification within the PFRS is determined by the date employees join the system as follows:

- Tier 1: Joined prior to July 31, 1973
- Tier 2: Joined July 31, 1973 through June 30, 2009
- Tier 3: Joined July 1, 2009 through January 8, 2010
- Tier 5: Joined January 9, 2010 through March 31, 2012
- Tier 6: Joined April 1, 2012 or after

Retirement Benefits Questions

To protect your rights of confidentiality, NYS Retirement will not discuss your account with the Human Resources Department. If any action is required based on your discussions with NYS Retirement, they will contact the Human Resources Department and initiate the necessary change. If you have any specific questions about the benefits you are entitled to, NYS Retirement requires that you contact them directly at (518) 474-7736. Many questions and answers are also available on their website: <https://www.osc.state.ny.us/retire/>

Retirement

Employees planning to retire must contact the Human Resources Department so that regular end of employment procedures may take place in a timely manner.

SECTION 7 – COMPLIANCE POLICIES

701 IMMIGRATION LAW COMPLIANCE

The Town of Guilderland is committed to employing only United States citizens and aliens who are authorized to work in the United States. The Town does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility on the first day of employment. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Town within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact Human Resources Department. Employees may raise questions or concerns about immigration law compliance without fear of reprisal.

See also the Town's Equal Employment Opportunity policy and Anti-Harassment policy for more information.

702 NON-DISCRIMINATION POLICIES

Equal Employment Opportunity

The employment policies of the Town of Guilderland fall within the standards set by the Equal Employment Opportunity Act of 1972, Human Rights Laws, the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1992 and Amendments.

The Town affirms its commitment to grant equal employment opportunity to all employees and applicants or employment without regard to race, color, religion, gender, sexual orientation, gender identity, national origin, citizenship status, age, disability, genetic information, marital status, domestic violence victim status, military or veteran status, or any other status protected by federal, state and/or local laws.

All decisions for employment, advancement, upgrading of positions, transfer, layoff, termination, promotion and training are made on the basis of merit, aptitude, prior working experience, educational achievement and the general skills which are required to do the job.

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Americans with Disabilities Act (ADA) and Amendments Act (ADAAA)

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that when needed provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position. State laws may require similar and/or additional protections, depending on your worksite.

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

The Town will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to the Town. Contact the Human Resources Department with any questions or requests for accommodation. The Town reserves the right to choose among reasonable accommodations, as long as the chosen accommodation is effective.

Life-Threatening Illnesses in the Workplace

Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The Town of Guilderland supports these endeavors as long as employees are able to meet acceptable performance standards and not present a direct threat to themselves or others in the workplace. As in the case of other disabilities, the Town will make reasonable accommodations in accordance with all legal requirements, to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.

Medical information on individual employees is treated confidentially. The Town will take reasonable precautions to protect such information from inappropriate disclosure. Supervisors and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

Employees with questions or concerns about the accommodation of life-threatening illnesses are encouraged to contact Human Resources Department for information.

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Discrimination

In the event a job applicant or employee feels they have been discriminated against, a written complaint may be filed with the Town Supervisor. An investigation will be conducted, and the findings of the investigators will be disclosed in a timely manner.

703 ANTI-HARASSMENT POLICY

The Town of Guilderland is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the Town expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment.

The Town prohibits and will not tolerate any discrimination or harassment on the basis of race, color, religion, gender, sexual orientation, gender identity, national origin, citizenship status, age, disability, genetic information, marital status, domestic violence victim status, military or veteran status or any other status protected by law.

Definitions of Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature. Sex-based harassment that is harassment not involving sexual activity or language (e.g., male manager yells only at female employees and not males) may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment includes verbal or physical conduct that denigrates or shows hostility or

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aversion toward an individual because of his/her race, color, religion, gender, sexual orientation, gender identity, national origin, citizenship status, age, disability, genetic information, marital status, domestic violence victim status, military or veteran status or any other status protected by law or that of his/her relatives, friends or associates, 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.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through social media and electronic communications).

Individuals and Conduct Covered

These policies apply to all applicants and employees, and prohibit harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or by someone not directly connected to the Town of Guilderland (e.g., a resident, member of the public, an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Retaliation Is Prohibited

The Town of Guilderland prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.

Complaint Procedure

Reporting an Incident of Harassment, Discrimination or Retaliation

The Town of Guilderland mandates, as a condition of your employment, that you report all incidents of discrimination, harassment and/or retaliation, regardless of the offender's identity or position.

Supervisors and managers who observe incidents of discrimination, harassment or retaliation are required to take immediate action to stop the offending action and report the incident to the Human Resources Department or the Town Supervisor if Human Resources Department is not available.

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Individuals who believe they have experienced conduct that they believe is contrary to the Town's policy or who have concerns about such matters must file their complaints in writing with their immediate supervisor, Human Resources Department or the Town Supervisor before the conduct becomes severe or pervasive. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of one of the other Town designated representatives identified above.

IMPORTANT NOTICE TO ALL EMPLOYEES

Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action. Also, please note, federal, state and local discrimination laws establish specific time frames for initiating a legal proceeding pursuant to those laws.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the Town strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The Town will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its staff/employees.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

The Investigation

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Responsive Action

Misconduct constituting harassment, discrimination or retaliation will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination, as the Town believes appropriate under the circumstances.

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Individuals who have questions or concerns about these policies should talk with Human Resources Department.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions in order to avoid allegations of harassment. The law and the policies of the Town of Guilderland prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies; not form the basis of an exception to them.

704 WORKPLACE VIOLENCE PREVENTION PROGRAM

Purpose

The Town of Guilderland (the “Town”) is committed to the safety and security of its employees. Workplace violence presents a serious occupational safety hazard to the Town’s staff and visitors. The goal of this policy is to promote the safety and well-being of all people in the Town’s workplace. It is the further intent of this policy to ensure that everyone associated with the Town, including employees and visitors, never feel threatened by the actions or conduct of any employee or visitor. All Town employees are responsible for helping to create an environment of mutual respect for each other as well as for visitors, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment. In an effort to fulfill this commitment to a safe work environment for Town employees and visitors, this policy has been created.

Compliance with New York State Labor Law

This policy is designed to meet the requirements of New York State Labor Law §27-b that requires public employers (other than schools covered under the workplace violence requirements of the Education Law) to perform a workplace evaluation or risk assessment at each worksite and to develop and implement programs to prevent and minimize workplace violence caused by assaults and homicides. The Law is designed to ensure that the risk of workplace assaults and homicides are regularly evaluated by public employers and that workplace violence protection programs are implemented to prevent and minimize the hazard to public employees. The Law was signed on June 7, 2006. The effective date of the Law is March 4, 2007.

The law requires every public employer to perform a risk evaluation of their workplace, with the participation of representatives of each union, to determine the presence of factors or situations that might place employees at risk from occupational assaults and homicides,

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prepare a workplace violence prevention program and inform and train employees on the requirements of the Law and the workplace risk factors that were identified.

The Town of Guilderland will give these authorized representatives,

- The opportunity to evaluate the physical and environmental threats which they face in their individual department and to identify the workplace violence hazards to which Town employees could be exposed;
- An ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations;
- The ability to assist in the development and revision of the Workplace Violence Prevention Program;
- The annual review of the Workplace Violence Program to identify trends in the types of incidents in the workplace and review the effectiveness of the mitigating actions taken.

All Town employees will receive mandatory training annually for the Workplace Violence Prevention Program. All new Town employees will receive training as part of their new employee orientation training.

The Town will also provide an Employee Assistance Program (EAP) for all Town employees. This EAP offers services to these employees and their eligible dependents. Town employees are encouraged to use the EAP whenever they feel the need for guidance in coping with life's difficulties. The EAP is a confidential service and can be reached by contacting Capital EAP at (518) 465-3813 / (800) 777-6531 or www.capitaleap.org. (see also Section 605 Employee Assistance Program)

Prohibited Conduct

The Town will not tolerate any type of workplace violence committed by or against Town employees or Town officials. Town Employees and Town officials are prohibited from making or encouraging threats or engaging in violent activities.

This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:

Causing physical injury to another person.

Making overt or veiled threatening remarks.

Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress or intimidation.

Intentionally damaging or threatening to damage Town property or property of a Town employee or visitor; or

Possession of a weapon or facsimile thereof while on Town property or while on Town business.

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Reporting Procedure

All Town personnel are responsible for providing notification by filing a Workplace Violence Incident Report of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received as follows:

Emergencies - A situation is considered an emergency if an injury has occurred, or there is an immediate threat of physical harm or injury.

The Town employee should consider his or her personal safety first;
The Town employee should immediately call the police by dialing 911; and
The Town employee should promptly notify his or her department head of such situation.

Non-emergencies - A situation is considered a non-emergency if no injury has occurred, there is no immediate danger, but the words or gestures of one person have induced fear of physical harm in another person.

The Town employee should promptly inform his or her department head of such situation; or if the Town employee feels uncomfortable reporting such a situation to his or her department head or feels that it has not been adequately addressed, such situation should be reported to the Town Supervisor or the Human Resources Department.

Investigation

All reported threats, threatening behavior, or acts of violence against Town employees, visitors, guests, or other individuals by anyone on Town property will be thoroughly investigated and appropriate action will be taken, including summoning law enforcement authorities when warranted. Reports or incidents warranting confidentiality will be handled appropriately, and information will be disclosed to others only on a need-to-know basis. Should the Town determine it necessary to interview the employee alleged to be committing the prohibited conduct where the employee is a member of a union recognized by the Town, the employee shall be notified of his or her right to be accompanied by a union representative at such interview.

No Retaliation

The Town, as the employer, will not retaliate against any employee who has, in good faith: (i) reported an alleged serious violation; (ii) requested an inspection by the Department of Labor; or (iii) accompanied the Department of Labor officials during the inspection. On the contrary, the Town shall take appropriate disciplinary action against any employee who has not acted in good faith or whose actions are retaliatory in nature.

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Risk Reduction Measures

While Town employees or Town officials are not expected to be specifically skilled at identifying potentially dangerous persons, Town employees are expected to exercise good judgment and to inform his or her department head, the Town Supervisor or the Human Resources Department if any employee exhibits behavior which could be a sign of a potentially dangerous situation. Examples of such behavior include:

- Discussing weapons or bringing them to the workplace.
- Displaying overt signs of extreme stress, resentment, hostility or anger.
- Making threatening remarks.
- Sudden or significant deterioration of performance.
- Displaying irrational or inappropriate behavior.

Police and Other Authorized Officials

The prohibition of possessing a weapon on Town property or while on Town business shall not apply to any authorized peace officer or police officer, as defined in the New York State Criminal Procedure Law, or any authorized official of the County, State or Federal government in carrying out his or her official duties.

Enforcement and Penalties for Offenses

Any employee or Town official determined to have engaged in threats, threatening conduct, or any other acts of aggression or violence in the workplace will be subject to disciplinary action, as well as potential prosecution. Non-employees of the Town engaged in such violent acts on the Town's premises or against Town employees or Town officials will be reported to the proper authorities.

705 EMPLOYEE CONDUCT

Safety, productivity, human relations, and job satisfaction are achieved when a fair, firm set of procedures is applied in an impartial manner. Rules are essential to the efficient operation of any organization. It is your responsibility to become familiar with and follow all Town of Guilderland standards and procedures. Naturally, it is difficult to cover every situation that may arise - when such a problem situation occurs, every effort will be made to resolve it in a fair and just manner. The following rules are established as a common guideline. They are fundamental in character and are designed to contribute to an efficient and successful operation. Conduct that interferes with operations, discredits the Town of Guilderland, or is offensive to residents or coworkers will not be tolerated.

Employees must at all times conduct themselves in a positive manner in order to promote the best interests of the Town. Appropriate employee conduct includes:

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- Treating all co-workers and visitors in a courteous manner while in the course of Town business;
- Complying with all Town safety and security regulations;
- Wearing appropriate clothing and presenting an appropriate personal appearance;
- Performing assigned tasks efficiently and in accordance with established quality standards;
- Reporting to work punctually as scheduled and being at the proper work station, ready for work, at the assigned starting time;
- Giving proper advance notice whenever unable to work or report on time;
- Smoking only at times and in places not prohibited by Town rules or ordinances;
- Eating meals only during meal periods and only in the designated eating areas;
- Maintaining cleanliness and order in the workplace and work areas;
- Reporting to the Town Supervisor suspicious, unethical, or illegal conduct by co-workers, residents, or suppliers; and
- Cooperating with Town investigations.

The following conduct is prohibited and individuals engaged in it will be subject to discipline, up to and including termination:

- Excessive absenteeism or tardiness;
- Failure to report for work or notify your supervisor;
- Failure to work in a cooperative manner with Town management/supervisors, co-workers, visitors, and vendors;
- Being insubordinate, threatening, intimidating, disrespectful or assaulting a supervisor, coworker, visitor or vendor;
- Stealing, destroying, defacing, or misusing Town property or another employee's or resident's property;
- Fighting or assaulting a coworker or visitors;
- Threatening, harassing (as defined by our harassment/discrimination policies) intimidating, profane, obscene or similar inappropriate language in violation of Town policy;
- Engaging in any form of sexual or other harassment;
- Reporting to work under the influence of alcohol or illegal drugs or narcotics or using, selling, manufacturing, dispensing, or possessing alcohol or illegal drugs or narcotics on Town premises;
- Disclosing confidential financial data, or other non-public proprietary Town information;
- Falsifying or altering any Town record or report, such as an application for employment, a medical report, a time record, an expense account, or an absentee report;
- Failing to wear assigned safety equipment or failing to abide by safety rules and policies;
- Solicitations, buying or selling of any kind, distribution of literature, or circulation of petitions for any cause when occurring during working time;
- Smoking where prohibited by local ordinance or Town rules;
- Using racial slurs, derogatory comments, or insults;
- Sleeping on the job without authorization;
- Gambling on Town property;

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- Wearing improper attire or having an inappropriate personal appearance; and
- Possessing firearms or other weapons on Town or citizen property unless by authorized personnel.

These rules are intended to provide employees with general guidelines for conduct and are not all inclusive. The Town has not attempted to provide you with an all-inclusive list of unacceptable behavior. The circumstances of each case are different, and the Town reserves the right to impose appropriate disciplinary action for other forms of disruptive or inappropriate behavior. No list of rules can include all instances of conduct which can result in discipline and the examples in this handbook do not replace sound judgment, common courtesy or common sense behavior.

706 BULLYING IN THE WORKPLACE (ABUSIVE CONDUCT)

The Town of Guilderland defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. All employees should be treated with respect and dignity and behavior that contradicts this is unacceptable.

The Town of Guilderland will not tolerate abusive conduct or bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

Bullying may be intentional or unintentional. However, as in harassment and/or discrimination, it is the effect of the behavior on the individual that is important. The Town of Guilderland considers the following types of behavior of bullying:

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

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

Gesture Bullying: Nonverbal threatening gestures.

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

Although not comprehensive, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person
- Shouting in a threatening manner at an individual in public or in private
- Personal insults and use of offensive nicknames
- Public humiliation in any form including reprimands
- Spreading rumors and gossip regarding individuals

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- Manipulating the ability of someone to do his or her work (e.g., overloading, under loading, withholding information, setting deadlines that cannot be met and/or deliberately providing ambiguous instructions)
- Deliberately excluding an individual or isolating him or her from work-related activities

Employees who believe they have experienced or witnessed bullying in the workplace must report it immediately to a supervisor. If the supervisor is unavailable or it would be inappropriate to contact that supervisor, employees must immediately contact the Human Resources Department. Employees can raise concerns and make good faith reports without fear of reprisal or retaliation.

Disregarding or failing to comply with this policy could lead to disciplinary action, up to and including termination of employment.

707 RESOLVING WORKPLACE CONCERNS

Employees are encouraged to discuss problems and concerns with their immediate supervisors in order to maintain and promote good employer-employee relationships. If initial discussions with the employee's supervisor do not adequately settle the issue, employee should contact the Human Resources Department and/or the Town Supervisor to assist in exploring ways to resolve the issue. All such matters are to be treated in the strictest confidence by all parties concerned.

708 DRUG FREE WORKPLACE

Policy

The Town seeks to provide all employees with a drug-free workplace in order to create a safe and secure work environment. The use and abuse of alcohol and drugs has a detrimental effect on the productivity, attendance, and health of our employees. As a public employer, we must be vigilant to protect the safety and welfare of the public with whom we interact and the employees with whom we work. Drugs are defined as any substance whose use or possession is illegal.

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. The Town prohibits on-the-job use of, or impairment from, alcohol and controlled substances, including during breaks and meal periods. An employee may be required to undergo medical testing if a supervisor has a reasonable suspicion that he or she is unable to perform job duties due to a disability which may be caused by the use of alcohol or controlled substances.

If the cause of the disability is found to be drug or alcohol related, the human resource officer, in conjunction with the employee's supervisor, may refer the employee to voluntary and confidential participation in an Employee Assistance Program. Other available options include

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pursuing disability leave procedures or disciplinary measures.

Any Violations of this policy on alcohol and substance abuse in the workplace may be the subject of disciplinary action pursuant to Section 75 of the Civil Service Law or the Disciplinary Articles of collective bargaining agreements.

Employees are also subject to criminal, civil, and disciplinary penalties for the distribution, possession, sale, or the attempt to sell controlled substances both in the workplace and while performing in a work-related capacity. Such illegal acts, even if engaged in off duty, may result in disciplinary action.

"Controlled substances" refers to the hundreds of chemicals listed in the Controlled Substances Act by the federal government. All so-called "street drugs" (heroin, cocaine, crack, marijuana, speed, acid) are controlled substances.

Use of Prescription/Over the Counter Drugs

Employees must report their use of over-the-counter or prescribed medications to their supervisor if the use might impair their ability to perform their job safely and effectively. A determination will then be made as to whether or not the employee is able to perform the essential functions of the job safely and properly. Please note, a person using a prescribed drug under a doctor's supervision is not breaking any law. The use of prescribed drugs without a physician's prescription is illegal.

Reasonable Suspicion

A "reasonable suspicion" must be based upon specific, reliable observation that the supervisor or department head can articulate concerning the appearance, behavior, speech or body odor of the employee. The following observations may indicate drug or alcohol use: unsteady gait, odor of alcohol on the breath, thick or slurring speech, aggressive or abusive language or behavior, and disorientation or lethargy.

It is also not unreasonable for the supervisor or department head to consider the employee's time and attendance patterns, such as absences around weekends, payday, excessive use of sick leave, excessive lateness and unauthorized absences, on-the-job accidents, difficulty in recalling instructions or conversation, poor relationships with co-workers and supervisors, and other variations in productivity when making a determination as to whether a "reasonable suspicion" that an employee is suffering from a drug- or alcohol-related disability is present.

Commercially Licensed Drivers

As required by the Omnibus Transportation Employee Testing Act of 1991, all commercially licensed drivers (CDL) who operate a commercial motor vehicle for the Town are subject to the Town's Substance Testing Policy. All employees operating under a CDL license will be tested on

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a random basis. The employee's department head will notify and provide him/her with specific documentation on the day testing is to take place. The employee will report to the testing center immediately upon this notification.

Arrest, Offense, Violation or Crime

Employees must, as a condition of employment, report any arrest for any offense that is a violation of any of the subdivisions of section 1192 or 1194 of the Vehicle Traffic Law (alcohol related offenses), a violation of any of the subdivision of section 220 controlled substance related offenses) and 221 (marijuana related offenses) of the penal law, or any crime. A report of an arrest must be made within five (5) days after the arrest. Should an employee be arrested for any of the above referenced offenses, the Town may impose disciplinary action, which may consist of a written warning, and may range up to and including termination. Employees whose job duties include driving a vehicle must report any license revocations, suspension or restriction to their supervisor within 24 hours.

Substance Abuse/Dependency

The Town recognizes substance abuse or drug dependency as an illness and a major health problem. The Town also recognizes substance abuse as a potential health, safety and security problem. The Town will make an effort to work with an employee and to support his/her efforts to return to full employment by taking the following actions:

- The Town will inform the employee of available counseling services.
- The Town will provide the employee with a firm choice between treatment and discipline.
- The Town will afford an opportunity for outpatient treatment, or inpatient treatment if the outpatient treatment is not successful. Failure to participate in treatment, or continued drug use, will result in proper disciplinary action.

These actions will be deemed a reasonable accommodation for an employee's substance dependency; accordingly, if the employee is not responsive to our efforts to assist them, s/he will be discharged for any further misconduct.

Employees with questions about the Drug Free Workplace policy should contact the Human Resources Department.

709 CONTROLLED SUBSTANCE AND ALCOHOL TESTING

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.

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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.

As required by the Omnibus Transportation Employee Testing Act of 1991, all commercially licensed drivers (CDL) who operate a commercial motor vehicle for the Town are subject to the Town's Substance Testing Policy. All employees operating under a CDL license will be tested on a random basis. The employee's department head will notify and provide him/her with specific documentation on the day testing is to take place. The employee will report to the testing center immediately upon this notification.

710 SMOKING/TOBACCO PRODUCTS POLICY

In accordance with New York State Law, smoking including the use of E-cigarettes and other tobacco products is prohibited in all Town buildings and in all Town-owned vehicles.

Employees choosing to smoke or use other tobacco products will need to check with their supervisor to review the department's break policy. Smokers have a special obligation not to abuse break rules.

Smoking is only permissible in designated outside areas and employees are not permitted to smoke in or near any entranceway or within twenty-five (25) feet of any Town building. As a common courtesy, please be sure to properly dispose of all cigarettes in an appropriate receptacle.

Employees in violation of this policy will be subject to disciplinary action by the Town, and may also be subject to the penalty prescribed by the State Commissioner of Health. Please refer any policy violations to your Department Head, immediate supervisor, or the Human Resources Department.

SECTION 8 - COMMUNICATION PROCEDURES

801 BULLETIN BOARD

Bulletin boards are located in Town buildings for communicating information to employees. Please check them frequently to keep informed of changes in employment matters and items of interest. These bulletin boards are for Town use only, so employees may not post or remove any items on them.

802 PUBLIC RELATIONS

It is the policy of the Town of Guilderland to provide its taxpayers and residents with the best possible service. Employees are expected to treat taxpayers and citizens in a courteous, respectful manner at all times.

- Employees should always remember that the taxpayers and residents come first and are entitled to the same thoughtful treatment that the employee would like to receive. Taxpayers and residents should not be treated in a condescending or impolite manner and should never be kept waiting an unreasonable amount of time.
- When a taxpayer and/or resident approaches an employee with a question or complaint, the employee will give the matter their immediate attention. If the person becomes abusive or argumentative and the employee cannot properly handle the situation, the person should be referred to the employee's supervisor.
- Employees should be particularly careful to exercise courtesy and thoughtfulness in using the telephone.

The Town recognizes that as a result of conducting business, complaints will arise periodically from residents, groups or organizations. Normally employees may refer these matters to their Department Head in order to resolve complaints as fairly and expeditiously as possible. Complaints involving other departments must be referred to the individual in charge of such department. If a person does not appear satisfied with the decision at the departmental level, they should be advised of their right to appeal a departmental finding before the Town Supervisor or the Town Board.

803 PRESS POLICY

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.

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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.

804 REPORTING OF IMPROPER ACTIVITIES

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.

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.

805 DISPUTE AND GRIEVANCE PROCEDURE (NON-UNION EMPLOYEES)

Section 1 - Declaration of Principle

It is the intent of the Town that all grievances be resolved informally or at the earliest possible stage of the grievance procedure. However, the Town recognizes that this procedure must be available without any fear of discrimination because of its use.

Section 2 – Subject Matter

A “grievance” shall mean any claimed violation, misinterpretation or inequitable application of the employment contract, existing laws, rules, procedures, regulations, administrative order or work rule or any other condition of employment which relates to or involves the employee(s).

Section 3 – Submission of Grievances

Initial Stage

An employee who claims to have a grievance shall present his/her grievance to the immediate supervisor orally, within fifteen (15) days after the grievance occurs, or becomes known to the employee.

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The immediate supervisor shall discuss the grievance with the employee; shall make such investigation as necessary, and shall consult with his/her superiors if necessary on an informal basis.

Within three (3) days after the presentation of the grievance, the immediate supervisor shall make his/her decision and communicate the decision to the employee presenting the grievance and to the employee's representative, if any.

Second Stage

If an employee presenting a grievance is not satisfied with the decision made by the immediate supervisor, he/she may, within ten (10) days thereafter, request a review and determination of the grievance by the Department Head. Such request must be in writing and shall contain a statement as to the specific nature of the grievance and the facts relating to it. Such request shall be served upon both the Department Head and the immediate supervisor.

The Department Head or designee may, and at the request of the employee, hold a hearing within five (5) days after receiving the written request and statement from the employee. The employee and his/her representative, if any, may appear at the hearing and present oral statements or arguments.

Within five (5) days after the close of the hearing, the Department Head, or designee shall make his/her decision and communicate the same to the aggrieved presenting the grievance, and to the employee's representative, if any.

Third Stage

If the employee presenting the grievance is not satisfied with the response of the Department Head, the employee may forward the grievance to the Town Supervisor within ten (10) days. The Town Supervisor or designee, shall meet with the employee and his/her representative and issue a written decision not later than fifteen (15) days following receipt of the Third Stage Appeal.

Final Stage

If the employee presenting the grievance is not satisfied with the decision of the Town Supervisor or nominee, he/she may, within ten (10) days thereafter may request a hearing pursuant to Section 75 of the Civil Service Law.

Section 4 – General Consideration

Class grievances involving more than one (1) employee may be submitted to the Town Supervisor and shall commence at the Third Step.

Any meeting or any stage in the grievance procedure may be waived if both parties consent.

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If the employee presenting the grievance fails to follow any of the steps in the procedure, such as going directly to the Town Supervisor, Town Board or the media, he/she would then forfeit his/her rights under this policy.

SECTION 9 – EMPLOYEE ACKNOWLEDGEMENT FORM

Detach and place in employee’s personnel file.

I hereby acknowledge that I have received a copy of the ***Town of Guilderland Employee Handbook adopted July 7, 2020*** outlining the rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits of the Town of Guilderland. 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 Guilderland reserves the right to interpret, change or modify any section of the Employee Handbook at any time. Except as otherwise provided by law, I understand that I am an employee at will.

I understand that, if I am covered by a collective bargaining agreement between the Town of Guilderland 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 handbooks and guidelines issued by the Town of Guilderland, and may be changed from time to time, by the Town of Guilderland.

Employee Name (please print)

Employee Signature

Date of Signature

SECTION 10 – APPENDIX

1001 LOCAL LAW NO. 6 FOR 2001 / CODE OF ETHICS AND DISCLOSURE LAW

A LOCAL LAW TO AMEND THE LOCAL LAW OF THE TOWN OF GUILDERLAND BY DELETING AND REPEALING THE CODE OF ETHICS AND DISCLOSURE LAW OF THE TOWN OF GUILDERLAND ADOPTED SEPTEMBER 19, 2000 AND REPLACING IT WITH A NEW CODE OF ETHICS AND DISCLOSURE LAW FOR OFFICERS AND EMPLOYEES OF GUILDERLAND TOWN GOVERNMENT

BE IT ENACTED by the Town Board of the Town of Guilderland as follows:

Section 1. Repeal of Existing Town Ethics Laws.

The Local Law of the Town of Guilderland is hereby amended by deleting and repealing the Code of Ethics and Disclosure Law adopted September 19, 2000 and by adding hereto a new local law to replace the local law herein above repealed, to be Local Law No. 6 of 2002, Town of Guilderland Code of Ethics and Disclosure Law.

Section 2. Supersession of General Municipal Law § 808

To the extent this local law is inconsistent with the provisions of section 808 of the General Municipal Law of the State of New York, this local law shall supersede those provisions.

Section 3. Title.

This local law shall be known and may be cited as the “Code of Ethics and Disclosure Law of the Town of Guilderland.”

Section 4. Purpose; Interpretation.

A. The purposes of this local law are:

- (1) To establish high standards of ethical conduct for officers and employees, whether elected or appointed, paid or unpaid, of the Town;
- (2) To afford such officers and employees of the Town clear guidance on such standards;
- (3) To promote public confidence in the integrity of the governance and administration of the Town and its agencies and administrative offices;

- (4) To require public disclosure of financial interests and other interests or affiliations that may influence or be perceived to influence the actions of Town officers and employees;
 - (5) To facilitate consideration of potential ethical problems before they arise, minimize unwarranted suspicion, and enhance the accountability of government to the people;
 - (6) To insure that Town officers and employees, whether elected or appointed, paid or unpaid, be independent, impartial and free from conflicts of interest in fulfilling their public responsibilities; and
 - (7) To provide for the fair and effective administration of this local law.
- B. This Code of Ethics represents a balancing of the need for eliminating real conflicts of interest with the recognition that membership in voluntary organizations devoted to public service is a laudable endeavor which should not be discouraged.
- C. This local law is enacted pursuant to section 806 of the General Municipal Law of the State of New York and section 10 of the Municipal Home Rule Law and is not intended to authorize any conduct prohibited by Article 18 of the General Municipal Law. This local law also supplements other provisions of law regulating ethics in local government, such as section 107 of the Civil Service Law of the State of New York.
- D. This local law shall be given its broadest possible interpretation under law, so as to implement its stated purpose.

Section 5. Ethics Law.

The following sections, numbered 100 through 217 are added to the Code of the Town of Guilderland:

PART A: SUBSTANTIVE PROVISIONS

§ 100. Definitions.

Unless otherwise stated or unless the context otherwise requires, when used in this local law, the following terms shall have the following meanings:

1. “Appear” and “appear before” mean communicating in any form, including, without limitation, personally, through another person, by letter, facsimile, electronic mail, or by telephone.
2. “Confidential information” means any data acquired through the course of employment or public office which the Town has protected from disclosure by law or that is not protected from disclosure by law but poses or may pose a conflict of interest.
3. “Conflict of interest” means any action or omission which is in conflict or gives or may reasonably give the appearance of conflict with the performance of official town business or government.
4. “Corporation” means an artificial person or being, endowed by law with the capacity of perpetual succession, and shall include corporations organized as public, private, charitable, civil, domestic, foreign, close, open, municipal and not-for-profit institutions.
5. “Customer or client” means (a) any person to whom a Town officer or employee has supplied goods or services during the previous twenty-four (24) months having, in the aggregate, a value greater than One Thousand Dollars (\$1,000) or (b) any person to whom a Town officer’s or employee’s outside employer or business has supplied goods or services during the previous twenty-four (24) months having, in the aggregate, a value greater than One Thousand Dollars (\$1,000) but only if the officer or employee knows or has reason to know the outside employer or business supplied the goods or services.
6. “Ethics Board” means the Ethics Board of the Town established pursuant to section 203 of this local law.
7. Except as specifically set forth in section 103, “gift” and “financial benefit” shall include any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, privilege, exemption or any promise thereof, or any other gratuity or promise thereof or anything of value. A financial transaction may be a financial benefit but shall not be a gift unless it is on terms not available to the general public. “Gift” and “financial benefit” do not include campaign contributions authorized by law.
8. “Ministerial act” means an action performed in a prescribed manner without the exercise of judgment or discretion as to the propriety of the act.
9. “Outside employer or business” means:
 - (1) any activity, other than service to the Town, from which the Town officer or employee receives compensation for services rendered or goods sold or produced;
 - (2) any entity, other than the Town, of which the Town officer or employee is a member, officer, director, or employee and from which he or she

receives compensation for services rendered or goods sold or produced;
or

- (3) any entity in which the Town officer or employee has an ownership interest, except a corporation of which the Town officer or employee owns less than five percent (5%) of the outstanding stock.

For purposes of this definition, "compensation" shall not include reimbursement for necessary expenses, including travel expenses.

10. "Person" shall include both individuals and entities.
11. "Professional License" means a privilege granted by the State of New York to conduct an occupation or trade.
12. "Public Benefit Corporation" means a corporation organized to construct or operate a public improvement that is located partially or totally in New York State and the profits from this corporation benefit New York State or other states or the people of New York State.
13. "Relative" means a spouse, child, stepchild, brother, sister, or parent of the Town officer or employee, or a person claimed as a dependent on the Town officer's or employee's latest individual state income tax return, or the spouse of any such person.
14. "Town" means the Town of Guilderland but shall not include the Town court.
15. "Town agency" means any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, unit or committee of the Town other than the Town Court.
16. "Town officer or employee" means any officer or employee of the Town, whether elected or appointed, paid or unpaid, and includes, without limitation, all members of any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, unit or committee of the Town. Any attorney who is a partner in a law firm or a principal in a professional corporation whose legal opinion concerning the validity of the issuance of any debt instrument is generally provided in connection with the issuance of any bond or other instrument by the Town or any public benefit corporation whose members are appointed by the Supervisor or the Town Board shall be deemed a Town officer or employee. Town officer or employee shall not include:
 - (a) A judge, justice, officer, or employee of the unified court system; and
 - (b) Unless otherwise specifically listed on Exhibit "A", an advisory board of the Town if, but only if, the advisory board has no authority to implement its recommendations or to act on behalf of the Town or to restrict the

authority of the Town to act. No entity established pursuant to the General Municipal Law of the State of New York shall be deemed an advisory board for purposes of this paragraph.

§ 101. Code of Ethics for Town Officers and Employees.

1. General prohibition.

A Town officer or employee shall not use his or her official position or office, or take or fail to take any action, in a manner which he or she knows, or has reason to know, may result in a personal financial benefit for any of the following persons:

- (a) the Town officer or employee;
- (b) his or her outside employer or business;
- (c) a member of his or her household;
- (d) a customer or client;
- (e) a relative; or
- (f) any firm, corporation, association, partnership or other organization in which the Town officer or employee, or a relative, serves as an officer or director, whether compensated or not compensated.

2. Specific Town officers and employees.

- (a) Professionally licensed. All Town officers and employees with professional licenses are prohibited from knowingly exercising any discretion in any matter of Town interest which shall involve any person, firm or corporation which is a client of his/hers or a client of his/her firm or has been a client within the immediate past one (1) year and shall not knowingly have any interest in or accept compensation, direct or indirect, from any person, firm or corporation which has an interest in matters coming before any Town agency or before any public benefit corporation whose members are appointed by the Supervisor or the Town Board.
- (b) Authorized to conduct inspections and issue permits. All Town officers and employees with the authority to conduct inspections or issue permit approvals shall not engage in a business or have a financial interest in any firm engaged in a business within the Town where said business conducts, as a regular and significant part of its business, matters requiring such inspections or such permits.
- (c) Public Safety. No public safety officer shall have any interest in or be employed in the Town by any company, corporation, partnership, association or individual for the purpose of providing private

investigations, accident reconstruction, fire prevention, or fire inspection or any other activity related to such public safety officer's employment with the Town. This shall not be construed as prohibiting membership or service in volunteer fire or emergency medical organizations. Additionally, public safety officers may be employed in the Town for the purpose of providing security or traffic services.

The foregoing Town officers and employees are listed due to the unique nature of his/her offices and positions which, in turn, raise ethical conflicts unique to those offices and positions. This list is not to be deemed all-inclusive. Every Town officer and employee shall endeavor to pursue a course of conduct consistent with the spirit of this local law, as well as the actual provisions, and strive to act so as not to raise suspicion among the public that he/she is likely to be engaged in activities that are in violation of his/her trust.

3. Recusal.

A Town officer or employee shall promptly recuse himself or herself from acting on a matter before the Town when acting on the matter, or failing to act on the matter, may financially benefit any of the persons or organizations listed in subdivision 1 of this section.

4. Gifts.

Except as set forth in section 103, a Town officer or employee shall not solicit anything of value from any person who has received or sought a financial benefit from the Town, nor accept anything of value from any person who the Town officer or employee knows, or has reason to know, has received or sought a financial benefit from the Town within the previous twenty-four (24) months. The purpose of this provision is to avoid circumstances where it could reasonably be inferred that the gift was intended to influence such Town officer or employee, or could reasonably be expected to influence such Town officer or employee in the performance of his or her official duties, or was intended as a reward for any official action taken by such Town officer or employee.

5. Use of Town property.

No Town officer or employee shall use or permit the use of Town property (including land, vehicles, equipment, materials and any other property) for personal convenience or profit, except when such use is available to Town citizens generally or is provided as a matter of written Town policy.

6. Intentionally Omitted.

7. **Intentionally Omitted.**

8. **Confidential information.**

Town officers and employees and former Town officers and employees shall not disclose any confidential information or use it to further anyone's personal interests.

9. **Revolving door.**

A Town officer or employee who is required to file an annual disclosure statement pursuant to section 106, shall not appear or practice before the particular Town agency in which the Town officer or employee served or by which he or she was employed, except on his or her own behalf, or receive compensation for working on any matter before the particular Town agency in which the Town officer or employee served or by which he or she was employed, for a period of one (1) year after the termination of his or her Town service or employment; however, the bar shall be permanent for any Town officer or employee as to particular matters on which the Town officer or employee personally worked while in Town service that are still pending after the termination of his or her Town service or employment.

10. **Avoidance of conflicts.**

Town officers and employees shall not knowingly acquire, solicit, negotiate for, or accept any interest, employment, or other thing of value which would put them in violation of this Code of Ethics.

11. **Inducement of others.**

A Town officer or employee shall not induce or aid another officer or employee of the Town to violate any of the provisions of this Code of Ethics.

12. **Conflict with other codes of conduct.**

(a). Recognizing the need for professional integrity and the fact that various professional associations have adopted standards of conduct for their members, the Town hereby requires that each Town officer or employee who is affected by a professional Code of Ethics be bound, in addition to the within local law, by his/her respective Codes of Ethics. Any conflict between the provisions of this local law and a given professional code of conduct of a Town officer or employee is to be resolved by the Ethics Board. However, the Ethics Board must, at all times, give the greatest latitude to said

individual's professional code of conduct and, whenever possible, reconcile this to complement and respect the individual's professional code of conduct.

- (b). Substantial consideration shall be given to the effect deviation from an individual's professional code of conduct will have on that individual's ability to practice his/her profession. If need be, the Ethics Board is authorized and required to obtain advisory opinions from the appropriate professional association to clarify any given situation.

§ 102. Transactional Disclosure.

1. Whenever a Town officer or employee is required to recuse himself or herself pursuant to section 101 of this local law, he or she:
 - (a) shall immediately refrain from participating further in the matter;
 - (b) shall promptly inform his or her superior, if any; and
 - (c) shall promptly file with the Town Clerk a signed statement disclosing the nature and extent of the prohibited action or, if a member of a board, shall state that information upon the public record of the board.
2. A Town officer or employee shall not be required to file a disclosure statement pursuant to this section if he or she, with respect to the same matter, has filed with the Town Clerk a disclosure statement complying with requirements of section 105 of this local law.

§ 103. Exclusions from the Code of Ethics and from Transactional Disclosure.

The provisions of sections 101 and 102 of this local law shall not prohibit, or require recusal or transactional disclosure as a result of:

1. An action specifically authorized by statute, rule, or regulation of the state of New York or of the United States;
2. A ministerial act;
3. Gifts:
 - (a) received by the Town officer or employee from his or her relative;
 - (b) having an aggregate value of Seventy-Five Dollars (\$75) or less during any twelve (12) month period; or
 - (c) accepted on behalf of the Town and transferred to the Town;

4. Gifts or benefits having a value of Seventy-five Dollars (\$75) or less that are received by a Town officer or employee listed in section 11-c of the Domestic Relations Law of the State of New York for the solemnization of a marriage by that officer or employee at a place other than his or her normal public place of business or at a time other than his or her normal hours of business;
5. Awards from charitable organizations; or
6. Receipt of Town services or benefits, or use of Town facilities that are generally available on the same terms and conditions to residents or a class of residents in the Town.

§ 104. Inducement of Violations of Code of Ethics.

No person, whether or not a Town officer or employee, shall induce or attempt to induce a Town officer or employee to violate any of the provisions of sections 101 or 102 of this local law.

§ 105. Interests in Contracts with the Town.

1. Prohibited interests.

No Town officer or employee shall have an interest in a contract with the Town, or an interest in a bank or trust company, that is prohibited by section 801 of the General Municipal Law of the State of New York, unless said contract is entered into as a result of a competitive bidding process pursuant to section 85-2, paragraph B of the Code of the Town of Guilderland, regardless of the value of the contract. Any contract willfully entered into by or with the Town in which there is an interest prohibited by that section shall be null, void, and wholly unenforceable, to the extent provided by section 804 of that law.

2. Discloseable interests.

Any Town officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the Town shall disclose, in writing, the nature and extent of that interest in accordance with section 803 of the General Municipal Law and promptly file such written disclosure with the Town Clerk. The Town Clerk shall cause a copy of that disclosure to be filed promptly with the Ethics Board.

3. Violations.

Any Town officer or employee who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by section 805 of the General Municipal Law.

§ 106. Appearances by Town Officers and Employees and Outside Employers and Businesses of Town Officers and Employees.

1. Except as provided in subdivision 3 of this section, a Town officer or employee or the outside employer or business of a Town officer or employee shall not appear before the particular agency in which the Town officer or employee serves or by which he or she is employed.
2. Except as provided in subdivision 3 of this section, a Town officer or employee or the outside employer or business of a Town officer or employee shall not appear before any other Town agency if the Town officer or employee has the authority to appoint any officer, employee, or member of the agency or to review, approve, audit, or authorize any budget, bill, payment, or claim of the agency, or if there exists any likelihood that such Town officer or employee may derive, directly or indirectly, a financial benefit as a result thereof.
3. Nothing in this section shall be construed to prohibit the outside employer or business of a Town officer or employee from:
 - (a) Appearing on its own behalf, or on behalf of the Town, before a Town agency;
 - (b) Seeking or obtaining a ministerial act; or
 - (c) Receiving a Town service or benefit, or using a Town facility, which is generally available to the public.

§ 107. Annual Disclosure.

1. **Town officers and employees required to file.**

Town officers and employees holding the job titles or positions set forth on Exhibit "A" annexed hereto, or as amended from time to time by the Town Board, shall be required to file a signed annual disclosure statement.
2. **Time and place for filing.**

Annual disclosure statements shall be filed with the Ethics Board:

 - (a) Within one hundred twenty (120) days after the effective date of this section;

- (b) Within thirty (30) days after becoming subject to the requirements of subdivision 1 of this section; and
- (c) No later than February 15 of each year thereafter.

3. **Contents of annual disclosure statement.**

- (a) Disclosure shall be set forth on the form as prescribed in Exhibit “B” annexed hereto, or as amended from time to time by the Ethics Board.
- (b) Any Town officer or employee required to file an annual disclosure statement may request one (1) or more items of information be redacted from his/her disclosure statement when said statement is made available to the public. In order for the Ethics Board to grant a request for redaction, the information sought to be redacted must have no material bearing on the discharge of the official duties of the Town officer or employee and, if disclosed, would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section 89 of the New York State Freedom of Information Law or would otherwise likely endanger the life or safety of any person. A request for redaction shall be in the form as set forth in Exhibit “C” hereto, or as amended from time to time by the Ethics Board.

4. **Extension of time for filing annual disclosure statement.**

- (a) The Ethics Board shall be empowered to grant an extension of time for filing the annual disclosure statement. In order for the Ethics Board to grant a request for an extension of time to file the annual disclosure statement beyond the February 15 deadline, the Ethics Board shall find that there is justifiable cause for filing after the deadline or that application of the deadline will impose an undue hardship.
- (b) A request for an extension of time shall be filed with the Ethics Board on or before February 1 in the year for which the extension is sought, or in the case of a new Town officer or employee, no more than fifteen (15) days after such person commences his or her duties with the Town. A request for an extension to file shall be in the form as set forth in Exhibit “D” hereto, or as amended from time to time by the Ethics Board.

§ 108. Applicant Disclosure: Generally,

- 1. Where a person requests the Town or a Town officer or employee to take or refrain from taking any action (other than a ministerial act) that may result in a financial benefit both to such person and to either, any officer or employee of the Town, or

to one of the other persons listed in subdivision 1 of section 101 of this local law, such person shall disclose the names of any such persons, including Town officers or employees, that may financially benefit from such action or inaction by the Town or a Town officer or employee, to the extent known to such person at the time of the request.

2. If the request is made in writing, the disclosure shall accompany the request. If the request is oral and made at a meeting of a public body, the disclosure shall be set forth in the public record of the body. If the request is oral and not made at a meeting of a public body, the disclosure shall be set forth in a writing filed with the Town Clerk.
3. A person shall not be required to file a disclosure statement pursuant to this section if he or she, with respect to the same matter, has filed a disclosure statement complying with requirements of section 109 of this local law.

§ 109. Applicant Disclosure: Land Use Applications.

1. **Disclosure.**

Every application, petition, or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license, or permit, pursuant to the provisions of any ordinance, local law, rule, or regulation constituting the zoning and planning regulations of the Town shall state the name, residence and nature and extent of the interest of any Town officer or employee in the person or entity making such application, petition or request, to the extent known to such applicant and as otherwise required by section 809 of the General Municipal Law of the State of New York.
2. **Violations.**

Any person who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by section 809 of the General Municipal Law.

§ 110. Void Contracts.

Any contract or agreement entered into by or with the Town which results in or from a violation of any provision of sections 101, 102, or 106 of this local law shall be void unless ratified by the Town Board. Such ratification shall not affect the imposition of any criminal or civil penalties pursuant to this local law or any other provision of law.

§ 111. Penalties.

1. **Disciplinary action.**

Any Town officer or employee who engages in any action that violates any provision of this local law may be warned, reprimanded, suspended or removed from office or employment, or be subject to any other sanction authorized by law or collective bargaining agreement, by the person or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal, or other authorized sanction may be imposed in addition to any other penalty contained in this local law or in any other provision of law.

2. **Civil fine.**

Any Town officer or employee who violates any provision of this local law may be subject to a civil fine of up to One Thousand Five Hundred Dollars (\$1,500) for each violation. A civil fine may be imposed in addition to any other penalty contained in any other provision of law or in this local law.

3. **Damages.**

Any person, whether or not a Town officer or employee, who violates any provision of this local law shall be liable in damages to the Town for any losses or increased costs incurred by the Town as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this local law.

4. **Misdemeanor.**

Any person, whether or not a Town officer or employee, who intentionally or knowingly violates any provision of this local law shall be guilty of a class A misdemeanor and, upon conviction thereof, if a Town officer or employee, shall forfeit his or her Town office or employment.

§ 112. Injunctive Relief.

1. Any resident, officer, or employee of the Town may initiate an action or special proceeding, as appropriate, in the court of appropriate jurisdiction for injunctive relief to enjoin an officer or employee of the Town from violating this local law or to compel an officer or employee of the Town to comply with the provisions of this local law. In lieu of, or in addition to, injunctive relief, the action or special proceeding, as appropriate, may seek a declaratory judgment.

2. No action or special proceeding shall be prosecuted or maintained pursuant to subdivision 1 of this section, unless:
 - (a) the plaintiff or petitioner shall have filed with the Ethics Board a sworn complaint alleging the violation by the officer or employee;
 - (b) it shall appear by, and as an allegation in, the complaint or petition filed with the court that at least six (6) months have elapsed since the filing of the complaint with the Ethics Board and that the Ethics Board has failed to file a determination in the matter; and
 - (c) the action or special proceeding shall be commenced within ten (10) months after the alleged violation occurred.

PART B: ADMINISTRATIVE PROVISIONS

§ 201. Designation of Town Officers and Employees Required to File Annual Disclosure Statements.

1. Within thirty (30) days after the effective date of this local law, and by March 15 each year thereafter, the Supervisor of the Town shall cause to be filed with the Ethics Board a list of the offices or positions of all Town officers and employees required to file annual disclosure statements pursuant to section 106 of this local law and file a copy of such list with the Town Clerk.
2. Within thirty (30) days after the effective date of this local law, and by January 15 each year thereafter, the Town Clerk shall notify all such Town officers and employees of their obligation to file an annual disclosure statement.

§ 202. Maintenance of Disclosure Statements.

1. The Town Clerk shall transmit promptly to the Ethics Board each transactional and applicant disclosure statement filed pursuant to sections 102, 105, 108, and 109 of this local law.
2. The Ethics Board shall index and maintain on file for at least seven (7) years all disclosure statements filed with the Ethics Board pursuant to sections 102, 105, 107, 108, and 109.

§ 203. Ethics Board: Establishment; Qualifications of Members; Appointment of Members; Term of Office.

1. There is hereby established an Ethics Board consisting of seven (7) members.
2. The members of the Ethics Board shall be residents of the Town.
3. No member of the Ethics Board may be a Town officer or employee.
4. Of the total membership of the Ethics Board, no more than two (2) shall be registered in the same political party.
5. No Ethics Board member shall hold office concurrently in a political party or be employed or act as a lobbyist or hold elective office in any local, state or federal government. An Ethics Board member may make campaign contributions and may participate in any election campaign.
6. Within thirty (30) days after the effective date of this local law, and no later than December 31 each year thereafter, the Town Board shall appoint the members of the Ethics Board.
7. The term of office of Ethics Board members shall be three (3) years and shall run from January 1 through December 31, except that of the members first appointed two (2) members shall serve until December 31 of the year in which the Ethics Board is established, two (2) shall serve until the second December 31, and three (3) shall serve until the third December 31.
8. An Ethics Board member shall serve until his or her successor has been appointed. Consecutive service on the Ethics Board shall not exceed two (2) consecutive three (3) year terms.
9. The members of the Ethics Board shall not receive compensation but are authorized to incur any and all expenses necessary to effectuate the purposes of the Ethics Board within amounts which are to be appropriated by the Town Board annually.

§ 204. Ethics Boards: Vacancies.

When a vacancy occurs in the membership of the Ethics Board, the vacancy shall, within sixty (60) days, be filled for the unexpired portion of the term in the same manner as the original appointment. Any person appointed to fill a vacancy on the Ethics Board shall meet the qualifications set forth in section 203 of this local law.

§ 205. Ethics Board: Removal of Members.

An Ethics Board member may be removed from office in the same manner in which he or she was appointed, after written notice and opportunity for reply. Grounds for removal shall be

failure to meet the qualifications set forth in section 203 of this local law, substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this local law or any other Town law.

§ 206. Ethics Board: Meetings.

The Town Board shall select a Chairman and at its first meeting each year, the Ethics Board shall elect a Vice-Chairman and Secretary from among its members. A majority shall be required for the Ethics Board to take any action. The Chairman or a majority of its members may call a meeting of the Ethics Board. The Ethics Board shall hold at least one (1) meeting annually regardless of whether there are any matters pending before the Ethics Board.

§ 207. Ethics Boards: Jurisdiction, Powers, and Duties.

1. The Ethics Board may only act with respect to Town officers and employees of the Town.
2. The termination of the term of office or employment of a Town officer or employee with the Town shall not affect the jurisdiction of the Ethics Board with respect to the requirements imposed on him or her by this local law.
3. The Ethics Board shall have the following powers and duties:
 - (a) To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this local law as so authorized by the Town Board;
 - (b) To review, index, and maintain on file lists of Town officers and employees and disclosure statements filed with the Ethics Board, pursuant to sections 102, 105, 107, 108, 109, 201, 202, and 208 of this local law;
 - (c) To recommend the names of any other Town officers or employees that the Ethics Board determines should appear on the list pursuant to section 107;
 - (d) To review, revise or amend the form and content of the annual disclosure statement annexed as Exhibit "B" as authorized by the Town Board;
 - (e) To review, index, maintain on file, and dispose of sworn complaints and to make notifications on conduct;
 - (f) To conduct hearings, recommend disciplinary action, assess penalties, make referrals, and initiate appropriate actions and proceedings pursuant to section 210;

- (g) To render, index, and maintain on file advisory opinions pursuant to section 211;
- (H) To provide training and education to Town officers and employees pursuant to section 213;
- (i) To prepare reports and recommend changes to this local law pursuant to section 214;

- (j) To provide for public inspection of certain records pursuant to section 215;
- (k) To select provisions of this local law for reproduction and distribution pursuant to section 217;
- (l) To review and decide pursuant to the procedure and requirements outlined in paragraphs 3 and 4 of section 107 of this local law, all requests for redaction of disclosure and extension of time to file; and
- (m) To otherwise enforce and administer all of the provisions of this local law.

§ 208. Review of Lists and Disclosure Statements.

1. The Ethics Board shall review:
 - (a) The lists of Town officers and employees, prepared pursuant to section 201 of this local law, to determine whether the lists are complete and accurate;
 - (b) All annual disclosure statements to determine whether any person required to file such a statement has failed to file it, has filed a deficient statement, or has filed a statement that reveals a possible or potential violation of this local law; and
 - (c) All transactional disclosure statements.

2. If a person required to file an annual or transactional disclosure statement with the Ethics Board has failed to file such a statement, has filed a deficient statement, or, having filed such a statement, reveals a possible or potential violation of this local law, the Ethics Board shall notify the reporting person in writing of such deficiency or possible or potential violation and of the penalties for failure to comply with this local law and provide the person with a fifteen (15) day period to cure the deficiency.

§ 209. Investigations.

1. If the Ethics Board preliminarily finds: (i) on its own review of an annual disclosure statement or transactional disclosure statement; or (ii) pursuant to its review of a request for an advisory opinion; or (iii) pursuant to receipt of a complaint alleging a violation of this local law upon the written request of any individual; or (iv) pursuant to an investigation initiated by the Ethics Board in carrying out the provisions of this local law, that a possible violation of this local law exists, the Ethics Board may, but shall not be required to, provide the person(s) affected with a reasonable opportunity to cure such violation. Such a preliminary finding shall be confidential and not subject to public disclosure. If under any other circumstances, such as through the filing and investigation of a complaint, the Ethics Board determines that there is reasonable cause to believe that a violation of this local law has occurred, or after any grace period granted by the Ethics Board has expired and such violation remains uncured, it shall send a notice of reasonable cause to:
 - (a) the reporting/applicable person;
 - (b) the complainant, if any; and
 - (c) the Supervisor and the Town Board.

2. Before any such “reasonable cause” finding shall be made, the Ethics Board shall:
 - (a) notify in writing the reporting/affected person as to the possible or alleged violation of this local law;
 - (b) afford the reporting/affected person an opportunity to submit in writing a written response setting forth such information as said reporting/affected person deems relevant to the activities cited by the Ethics Board as a possible or alleged violation of this local law; and
 - (c) shall, upon written request, afford the affected person a hearing wherein this affected person may provide either a written or oral response setting forth such information as the affected person deems necessary or appropriate in response to the actions by the Ethics Board.

3. Upon receipt of a sworn complaint by any person alleging a violation of this local law, or upon determining on its own initiative that a violation of this local law may exist, the Ethics Board shall have the power and duty to conduct any investigation necessary to carry out the provisions of this local law.

4. The Ethics Board shall note, in writing, the disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the

disposition. All such statements and all sworn complaints shall be indexed and maintained on file by the Ethics Board.

5. Any person filing a sworn complaint with the Ethics Board shall be notified in writing of the disposition of the complaint.
6. Nothing in this section shall be construed to permit the Ethics Board to conduct an investigation of itself or of any of its members or staff. If the Ethics Board receives a complaint alleging that the Ethics Board or any of its members or staff has violated any provision of this local law, or any other law, the Ethics Board shall promptly transmit to the Town Board a copy of the complaint. The Ethics Board may request the Albany County Ethics Commission to conduct an investigation of itself or of any of its members or staff.

§ 210. Hearings; Assessment of Penalties; Injunctive Relief.

1. Disciplinary action.

In its discretion, after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Ethics Board may recommend appropriate disciplinary action pursuant to subdivision 1 of section 111 of this local law. The recommendation of the Ethics Board shall be made to the Supervisor and the Town Board or such other person or body authorized by law to impose such disciplinary action. The Ethics Board shall conduct and complete the hearing with reasonable promptness, unless in its discretion the Ethics Board refers the matter to the Town Board or such other person or body authorized by law to impose disciplinary action or unless the Ethics Board refers the matter to the appropriate prosecutor. If such a referral is made, the Ethics Board may adjourn the matter pending determination by the Town Board, person, body, or prosecutor, as the case may be.

2. Civil fine.

In its discretion and after a hearing providing for due process procedural mechanisms, the Ethics Board, pursuant to subdivision 2 of section 111 of this local law, may assess a civil fine, not to exceed One Thousand Five Hundred Dollars (\$1,500) for each violation, upon any Town officer or employee found by the Ethics Board to have violated this local law. The Ethics Board shall conduct and complete the hearing with reasonable promptness. The civil fine shall be payable to the Town.

3. **Damages.**

The Town Board may initiate an action in the court of appropriate jurisdiction to obtain damages, as provided in subdivision 3 of section 111 of this local law.

4. **Injunctive relief.**

The Town Board, or the Ethics Board on behalf of the Town, may initiate an action or special proceeding, as appropriate, in the court of appropriate jurisdiction for injunctive relief to enjoin a violation of this local law or to compel compliance with this local law, as provided in section 112 of this local law.

5. **Prosecutions.**

The Ethics Board may refer to the appropriate prosecutor possible criminal violations of this local law. Nothing contained in this local law shall be construed to restrict the authority of any prosecutor to prosecute any violation of this local law or of any other law.

§ 211. Advisory Opinions.

1. Upon the written request of any Town officer or employee, the Ethics Board shall render a written advisory opinion with respect to the interpretation or application of this local law or of Article 18 of the General Municipal Law of the State of New York. Any other person may similarly request an advisory opinion, but only with respect to whether his or her own action might violate a provision of this local law or Article 18, or, such request may be made through a Town officer or employee.
2. In rendering advisory opinions, the Ethics Board may request the advice and counsel of the attorney employed by the Ethics Board or, if none, the Town Attorney.
3. An advisory opinion rendered by the Ethics Board, until and unless amended or revoked, shall be binding on the Ethics Board in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person and may be introduced and shall be a defense in any criminal or civil action. Such requests shall be confidential, but the Ethics Board may publish such opinions provided

that the name of the requesting person and other identifying details shall not be included in the publication.

4. Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Ethics Board.
5. Any person aggrieved by an advisory opinion of the Ethics Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.
6. Any person who has submitted to the Ethics Board a written request for an advisory opinion may bring a special proceeding pursuant to Article 78 of the Civil Practice Law and Rules for an order compelling the Ethics Board to issue the advisory opinion. In addition to, or in lieu of, such injunctive relief, the person may seek a judgment in accordance with section 3001 of the Civil Practice Law and Rules determining the question posed in the request for the advisory opinion. No action or special proceeding shall be prosecuted or maintained pursuant to this subdivision unless:
 - (a) it shall appear by, and as an allegation in, the petition or complaint that at least six (6) months have elapsed since the filing of the request and that the Ethics Board has failed to file any determination in the matter; and
 - (b) the action or special proceeding shall be commenced within ten (10) months after the submission of the request for the advisory opinion.

§ 212. Judicial Review.

Any person aggrieved by a decision of the Ethics Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

§ 213. Public Inspection of Code of Ethics.

The Ethics Board shall make information concerning this local law and Article 18 of the General Municipal Law available to the Town officers and employees, to the public, and to persons interested in doing business with the Town.

§ 214. Annual Reports; Review of Code of Ethics.

1. The Ethics Board shall prepare and submit an annual report to the Supervisor and the Town Board, summarizing the activities of the Ethics Board by April 15 for the previous fiscal year.
2. The Ethics Board shall periodically review this local law and the Ethics Board's rules, regulations, and administrative procedures to determine whether they promote integrity, public confidence, and participation in Town government and whether they set forth clear and enforceable, common sense standards of conduct. At any time, the Ethics Board may recommend changes to the text or administration of this local law to the Town Board.

§ 215. Public Inspection of Records; Public Access to Meetings.

1. Notwithstanding the provisions of Article 6 of the Public Officers Law of the State of New York, the only records of the Ethics Board which shall be available for public inspection are:
 - (a) The information set forth in an annual disclosure statement or transactional disclosure statement filed pursuant to this local law, except any item of information redacted pursuant to paragraph 3 of section 107 of this local law;
 - (b) Notices of reasonable cause set under paragraphs 1 and 2 of section 209 of this local law;
 - (c) Redacted advisory opinion prepared as provided in section 212 of this local law; and
 - (d) Assessments of civil penalties, sanction, discipline or other action taken or imposed as provided in sections 111 and 210 of this local law.
2. Notwithstanding the provisions of Article 7 of the Public Officers Law or by other applicable State or Federal law or regulation, no meeting or proceeding of the Ethics Board, including any such proceeding contemplated under section 209 of this local law, shall be open to the public, except upon the request of the Town officer or employee under investigation, or, as expressly provided otherwise by the Town Board.

§ 216. Miscellaneous provisions.

1. No existing right or remedy shall be lost, impaired, or affected by reason of this local law.

2. Nothing in this local law shall be deemed to bar or prevent a present or former Town officer or employee from timely filing any claim, account, demand, or suit against the Town on behalf of himself or herself or any member of his or her family arising out of personal injury or property damage or any lawful benefit authorized or permitted by law.
3. If any provision of this local law is held by a court of competent jurisdiction to be invalid, that decision shall not affect the validity and effectiveness of the remaining provisions of this local law.

§ 217. Distribution and posting.

1. Within thirty (30) days after the effective date of this section, and thereafter as appropriate, the Ethics Board shall transmit to the Supervisor and Town Clerk, in a form suitable for posting, copies of those provisions of this local law which the Town Board deems necessary for posting in the Town. Within ten (10) days after receipt of those copies, the Town Clerk shall cause the copies to be posted conspicuously in a place designated for the posting of public notices.
2. Within thirty (30) days after the effective date of this section, and thereafter as appropriate, the Ethics Board shall transmit to the Supervisor, or other Town officer or employee as designated by the Supervisor, in a form suitable for distribution, copies of those provisions of this local law which the Town Board deems necessary for distribution to the Town officers and employees. Within ten (10) days after receipt of those copies, the Supervisor, or his or her designee, shall cause the copies to be distributed to every Town officer and employee, and made readily available to the public. Every Town officer or employee elected or appointed thereafter shall be furnished a copy of those provisions within ten (10) days after entering upon the duties of his or her position.
3. Failure of the Town to comply with the provisions of this section or failure of any Town officer or employee to receive a copy of the provisions of this local law shall have no effect on the duty of compliance with this local law or on the enforcement of its provisions.

Section 6. Effective Date.

This local law shall take effect immediately upon filing in the office of the Secretary of State and in compliance with all applicable provisions of law.

EXHIBIT A
Town Officers and Employees Required to File
Annual Statement of Disclosure

The following employees and members of the listed boards, agency, and council:

Supervisor	Chief of Police
Town Board	Deputy Chief
Town Attorney	Captain
Assistant Town Attorney	Lieutenant
Town Clerk	Clerk to the Justice
Receiver of Taxes	Medical Director
Town Planner	Senior Paramedic Supervisor
Town Historian	Director of Human Resources
Assessor	Personnel Administrator
Comptroller	Superintendent of Highways
Purchasing Officer	Superintendent of Water and Wastewater
Zoning & Building Inspector	Highway Foreman
Building Inspector	Town Park Foreman
Fire Inspector	Water & Sewer Maintenance Foreman
Zoning Board of Appeals	Superintendent of Transfer Station
Planning Board	Transfer Station Foreman
Conservation Advisory Council	Registrar
Board of Assessment Review	Golf Professional
Ethics Board	Public Relations Officer
Industrial Development Agency	Coordinator, Senior Services
Counsel, Industrial Development Agency	Grants Writer
CEO, Industrial Development Agency	
CFO, Industrial Development Agency	