

KENNETH SCHMITT
Supervisor

TOWN OF CARMEL
TOWN HALL

ANN SPOFFORD
Town Clerk

SUZANNE MC DONOUGH
Town Councilwoman
Deputy Supervisor
MICHAEL BARILE
Town Councilman
JOHN D. LUPINACCI
Town Councilman
JONATHAN SCHNEIDER
Town Councilman

60 McAlpin Avenue
Mahopac, New York 10541
Tel. (845) 628-1500 • Fax (845) 628-6836
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KATHLEEN KRAUS
Receiver of Taxes

MICHAEL SIMONE
Superintendent of Highways
Tel. (845) 628-7474

TOWN BOARD ORGANIZATIONAL MEETING
Wednesday, January 3, 2018 7:00pm

PLEDGE OF ALLEGIANCE – MOMENT OF SILENCE

6:00pm Executive Session:

1. Personnel

Organizational Meeting:

1. Res: Setting Seating Order of the Town Board Members
2. Res: Setting Roll Call Voting Order of Town Board Members
3. Res: Establishing Dates, Time and Location of Town Board Meetings
4. Res: Setting Rules of Order for Town Board Meetings
5. Res: Appointing Police Commissioners
6. Res: Acknowledging Designation of Deputy Supervisor
7. Res: Appointing Town Comptroller
8. Res: Acknowledging Appointment of Confidential Secretary to Town Supervisor
9. Res: Appointing Assistant to Town Board
10. Res: Designating Official Newspapers of the Town of Carmel
11. Res: Designating Official Depositories
12. Res: Designating Insurance Agent
13. Res: Authorizing Petty Cash Funds for Fiscal Year 2018
14. Res: Setting Mileage Rate for Fiscal Year 2018
15. Res: Setting Rates for 2018 Highway Department Temporary Help
16. Res: Designating Council Members as Liaisons to Special Committees
17. Res: Appointing Chairman Town of Carmel Planning Board
18. Res: Appointing Vice-Chair Town of Carmel Planning Board
19. Res: Making Appointment to Town of Carmel Planning Board
20. Res: Appointing Chairman Town of Carmel Zoning Board of Appeals
21. Res: Appointing Vice-Chair Town of Carmel Zoning Board of Appeals
22. Res: Making Appointment to the Town of Carmel Zoning Board of Appeals
23. Res: Appointing Chairman to the Town of Carmel Environmental Conservation Board
24. Res: Appointing Vice-Chairman Town of Carmel Environmental Conservation Board
25. Res: Setting Salaries for Fiscal Year 2018 for Certain Officials of the Town and for Employees of the Town not Covered by a Collective Bargaining Agreement
26. Res: Making Permanent of Senior Recreation Leader in the Town of Carmel Recreation and Parks Department
27. Res: Making Promotional Probationary Appointment of Senior Real Property Appraiser in the Town of Carmel Assessor's Office
28. Res: Making Probationary Appointment of Assessment Assistant in the Town of Carmel Assessor's Office
29. Res: Creating Job Classification of Senior Account Clerk II in the Town of Carmel Comptroller's Office and Making Promotional Probationary Appointment
30. Res: Making Appointments to the Town of Carmel Lake Casse Park District Advisory Board
31. Res: Making Appointments to the Town of Carmel Lake Mahopac Park District Advisory Board and Sub Committee

32. Res: Authorizing Attendance of Officers and Employees to Attend the Association of Towns Conference
33. Res: Designating Town of Carmel Delegates At the 2018 Association of Towns Annual Business Session
34. Res: Adopting Town of Carmel 2018 Subject Matter List and Office Retention Schedule
35. Res: Authorizing Execution of Member Agreement Endorsement with NYS Municipal Worker's Compensation Alliance
36. Res: for Review and Renewal of Town of Carmel Procurement Policy
37. Res: Establishing Seasonal/Temporary and Part-time Workers Wage Rates
38. Res: Setting Rates for 2018 Part-Time Temporary Help
39. Res: Accepting Proposal for Planning Consultant Services
40. Res: Amending and Adopting Town of Carmel Employee Handbook

- **Public Comment (Three (3) Minutes on Agenda Items Only)**
- **Town Board Member Comments**

Open Forum:

- **Public Comments on New Town Related Business (Three (3) Minutes Maximum per Speaker for Town Residents, Property Owners & Business Owners Only)**
- **Town Board Member Comments**
- **Adjournment**

Executive Session:

1. Contractual – Proposed Purchase of Property

#1

RESOLUTION SETTING SEATING ORDER OF THE TOWN BOARD MEMBERS

RESOLVED that the Town Board Members will be seated as follows (left to right): facing the dais: Jonathan Schneider, Suzanne McDonough, Kenneth Schmitt, John Lupinacci and Michael Barile

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	NO
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#2

RESOLUTION SETTING ROLL CALL VOTING ORDER OF TOWN BOARD MEMBERS

RESOLVED that the Roll Call Voting Order of the Town Board shall be as follows:

Michael Barile
Jonathan Schneider
John Lupinacci
Suzanne McDonough
Kenneth Schmitt

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#3

RESOLUTION ESTABLISHING DATES, TIME AND LOCATION OF TOWN BOARD MEETINGS

RESOLVED that all regular meetings of the Town Board of the Town of Carmel shall be held on the first and third Wednesdays of each month, commencing Wednesday, January 17, 2018, at Carmel Town Hall, 60 McAlpin Avenue, Mahopac, New York at 7:00 PM except in the month of July where there shall be a meeting on Tuesday, July 3, 2018, instead of Wednesday, July 4, 2018; and

BE IT FURTHER RESOLVED that all work sessions of the Town Board of the Town of Carmel shall be held on the second and fourth Wednesdays of each month commencing Wednesday, January 10, 2018, with the exception of the month of November where the work session shall be held on Tuesday, November 20, 2018, instead of Wednesday, November 21, 2018, and the month of December when no work session meeting shall be held on the fourth Wednesday. All work sessions shall be held at Carmel Town Hall, 60 McAlpin Avenue, Mahopac, New York at 7:00 PM, with the exception of the work session meeting to be held on Wednesday, April 25, 2018, which shall be held in the hamlet of Carmel at the Carmel Firehouse, Vink Drive, Carmel, NY at 7:00 PM.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#4

RESOLUTION SETTING RULES OF ORDER FOR TOWN BOARD MEETINGS

RESOLVED that the Rules of Order for Town Board Meetings shall be Roberts' Rules of Order Newly Revised.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#5

RESOLUTION APPOINTING POLICE COMMISSIONERS

RESOLVED that the Town Board of the Town of Carmel hereby appoints all members of the Town Board to serve as the Board of Police Commissioners.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	NO
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#6

RESOLUTION ACKNOWLEDGING DESIGNATION OF DEPUTY SUPERVISOR

RESOLVED that the Town Board of the Town of Carmel hereby acknowledges the designation by Supervisor Schmitt of Suzanne McDonough as Deputy Supervisor.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	NO
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#7

RESOLUTION APPOINTING TOWN COMPTROLLER

RESOLVED that the Town Board of the Town of Carmel hereby appoints Mary Ann Maxwell as Town Comptroller for a term ending December 31, 2019 at the salary contained in the 2018 Budget as adopted.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	NO
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#8

RESOLUTION ACKNOWLEDGING APPOINTMENT OF CONFIDENTIAL SECRETARY TO TOWN SUPERVISOR

RESOLVED that the Town Board of the Town of Carmel hereby acknowledges the appointment by Supervisor Kenneth Schmitt of Anne Pasquerello as Confidential Secretary to the Supervisor, for a term ending December 31, 2019 at the salary contained in the 2018 Budget as adopted.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	NO
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#9

RESOLUTION APPOINTING ASSISTANT TO TOWN BOARD

RESOLVED that the Town Board of the Town of Carmel hereby appoints Anne Pasquerello as Assistant to the Town Board for a term ending December 31, 2019 at the salary contained in the 2018 Budget as adopted.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	NO
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#10

RESOLUTION DESIGNATING OFFICIAL NEWSPAPERS OF THE TOWN

RESOLVED that the Town Board of the Town of Carmel designates the Putnam County Courier and the Mahopac News as the official newspapers of the Town of Carmel for the year 2018 at the unit rates referenced in the proposals filed in the Office of the Town Clerk; and

BE IT FURTHER RESOLVED that, in those situations where the Town is required by law to publish in a daily newspaper, the Journal News is hereby designated as the daily newspaper in which publication shall be made.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	NO
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#11

RESOLUTION DESIGNATING OFFICIAL DEPOSITORIES

RESOLVED that the Town Board of the Town of Carmel hereby designates any commercial bank authorized to do business in the State of New York as an official depository for Town of Carmel funds and investments provided all deposits are properly collateralized in accordance with New York State law and hereby authorizes the Town Supervisor to deposit funds in any authorized depository for fiscal year 2018 in order to obtain the maximum rate of interest on said deposits.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#12

RESOLUTION DESIGNATING INSURANCE AGENT

RESOLVED that the Town Board of the Town of Carmel hereby appoints the Brown and Brown of NY, Inc., d/b/a Spain Agency, 625 Route Six, Mahopac, New York as Insurance Agents and Brokers of Record for the Town of Carmel for the year 2018.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#13

RESOLUTION AUTHORIZING PETTY CASH FUNDS FOR FISCAL YEAR 2018

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the establishment of Petty Cash Funds in the following departments at the following amounts for fiscal year 2018:

Supervisor \$200

Receiver of Taxes \$500

Justice Court \$200

Recreation \$200

Town Clerk \$200

Police Chief \$200

Bldg. Maintenance \$100

Supt. of Highways \$200

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#14

RESOLUTION SETTING MILEAGE RATE FOR FISCAL YEAR 2018

RESOLVED that the Town Board of the Town of Carmel hereby establishes the mileage reimbursement rate for 2018 at the IRS rate for 2018.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	NO
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#15

RESOLUTION SETTING RATES FOR 2018 HIGHWAY DEPARTMENT TEMPORARY HELP

RESOLVED that the Town Board of the Town of Carmel hereby sets the following rates for Highway Department temporary help for fiscal year 2018:

- Private Plowers (minimum 2500 Series Truck/1 Ton Truck with plow) - \$60.00/hour
- Drivers (Labor only in Town trucks) - \$30.00/hour

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#16

RESOLUTION DESIGNATING COUNCIL MEMBERS AS LIAISONS TO SPECIAL COMMITTEES

BE IT RESOLVED that the Town Board of the Town of Carmel hereby designates the following Town Council Members as liaisons for the following purposes:

Councilman Michael Barile – Liaison to Police Department, Special Legal Counsel, other Governmental Agencies including County, State and School Districts, and Libraries, Lake Park District Advisory Boards (Casse, Secor, Teakettle Spout & Mahopac)

Councilwoman Suzanne McDonough – Liaison to Planning Board, Recreation, Cable TV Advisory Board, Other Governmental Agencies including County, State and School Districts, Liaison to the Hamlet of Carmel Civic Association and the local Chambers of Commerce

Councilman John Lupinacci – Liaison to Police Department, Highway Department Recreation, and Special Legal Counsel, other Governmental Agencies including County, State and School Districts, and Libraries all Administrative Boards to include Planning, Zoning, ECB, ARB, Ethics Board and Libraries and all Lake Park District Advisory Boards (Casse, Secor, Teakettle Spout & Mahopac),

Councilman Jonathan Schneider – Liaison to Highway Department, Administrative Boards to include Zoning, ECB, ARB and Ethics Board, Liaison to Hamlet of Carmel Civic Association, and other Government agencies including County, State and School Districts, and the local Chambers of Commerce

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#17

RESOLUTION APPOINTING CHAIRMAN TOWN OF CARMEL PLANNING BOARD

RESOLVED that the Town Board of the Town of Carmel hereby appoints Harold Gary as Chairman of the Town of Carmel Planning Board for the year 2018.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	NO
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#18

RESOLUTION APPOINTING VICE CHAIRMAN TOWN OF CARMEL PLANNING BOARD

RESOLVED that the Town Board of the Town of Carmel hereby appoints Craig Paeprer as Vice-Chairman of the Town of Carmel Planning Board for the year 2018.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	NO
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#19

RESOLUTION MAKING APPOINTMENT TO TOWN OF CARMEL PLANNING BOARD

RESOLVED that the Town Board of the Town of Carmel hereby appoints Anthony Giannico to the Town of Carmel Planning Board for a term commencing, January 1, 2018 and expiring December 31, 2024.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	NO
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#20

RESOLUTION APPOINTING CHAIRMAN TOWN OF CARMEL ZONING BOARD OF APPEALS

RESOLVED that the Town Board of the Town of Carmel hereby appoints John Maxwell as Chairman of the Town of Carmel Zoning Board of Appeals for the year 2018.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	NO
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#21

RESOLUTION APPOINTING VICE-CHAIRMAN TOWN OF CARMEL ZONING BOARD OF APPEALS

RESOLVED that the Town Board of the Town of Carmel hereby appoints Philip Aglietti as Vice-Chairman of the Town of Carmel Zoning Board of Appeals for the year 2018.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#22

RESOLUTION MAKING APPOINTMENT TO TOWN OF CARMEL ZONING BOARD OF APPEALS

RESOLVED that the Town Board of the Town of Carmel hereby appoints William Rossiter the Town of Carmel Zoning Board of Appeals for a term commencing, January 1, 2018 and expiring December 31, 2022.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	NO
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#23

RESOLUTION APPOINTING CHAIRMAN TOWN OF CARMEL ENVIRONMENTAL CONSERVATION BOARD

RESOLVED that the Town Board of the Town of Carmel hereby appoints Robert Laga as Chairman of the Town of Carmel Environmental Conservation Board for the year 2018.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#24

RESOLUTION APPOINTING VICE-CHAIRMAN TOWN OF CARMEL ENVIRONMENTAL CONSERVATION BOARD

RESOLVED that the Town Board of the Town of Carmel hereby appoints Nicholas Fannin as Vice-Chairman of the Town of Carmel Environmental Conservation Board for the year 2018

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	NO
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#25

RESOLUTION SETTING SALARIES FOR FISCAL YEAR 2018 FOR CERTAIN OFFICIALS OF THE TOWN AND FOR EMPLOYEES OF THE TOWN NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT

RESOLVED that the Town Board of the Town of Carmel hereby sets the salaries for fiscal year 2018 for the following officials and employees of the Town not covered under the terms of a Collective Bargaining Agreement: Town Comptroller, Receiver of Taxes, Town Justices, Town Engineer, Director of Parks & Recreation, Town Assessor, Deputy Town Clerk, Deputy Highway Superintendent, Deputy Receiver of Taxes, Confidential Secretary to the Supervisor/Assistant to the Town Board, at the amounts set forth in the 2018 budget as adopted.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#26

RESOLUTION MAKING PERMANENT APPOINTMENT OF SENIOR RECREATION LEADER IN THE TOWN OF CARMEL RECREATION AND PARKS DEPARTMENT

RESOLVED that the Town Board of the Town of Carmel hereby permanently appoints Nina Kallmeyer as Senior Recreation Leader on a permanent basis effective immediately subject to the provisions of the CSEA Collective Bargaining Agreement and Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#27

RESOLUTION MAKING PROMOTIONAL APPOINTMENT OF SENIOR REAL PROPERTY APPRAISER IN THE TOWN OF CARMEL ASSESSOR'S OFFICE

RESOLVED that the Town Board of the Town of Carmel hereby appoints Brian Scott McMillan to Senior Real Property Appraiser in the Town of Carmel Assessor's Office retroactive to January 1, 2018, on a promotional probationary basis subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#28

RESOLUTION MAKING PROBATIONARY APPOINTMENT OF ASSESSMENT ASSISTANT TOWN OF CARMEL ASSESSOR'S OFFICE

RESOLVED that the Town Board of the Town of Carmel hereby appoints Nancy Jack to the position of Assessment Assistant retroactive to January 1, 2018, on a probationary basis subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	NO
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#29

RESOLUTION CREATING JOB CLASSIFICATION OF SENIOR ACCOUNT CLERK II IN THE TOWN OF CARMEL COMPTROLLER'S OFFICE AND MAKING PROMOTIONAL APPOINTMENT

RESOLVED that the Town Board of the Town of Carmel hereby creates the job classification of Senior Account Clerk II in the Town of Carmel Comptroller's Office and appoints Michelle Tenefrancia to said position, retroactive to January 1, 2018 at a CSEA Group 8 Step 1 salary level on a promotional probationary basis and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#30

RESOLUTION MAKING APPOINTMENTS TO TOWN OF CARMEL LAKE CASSE PARK DISTRICT ADVISORY BOARD

RESOLVED that the Town Board of the Town of Carmel hereby appoints the following residents to the Town of Carmel Lake Casse Park District Advisory Board for a term commencing retroactive to January 1, 2018 and expiring December 31, 2018

Jon Aquina
Amanda Guszack
Stacey Ann Kelly
Kim Kugler
William Siclari
Scott Sterbens
Mario Viscovich

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#31

RESOLUTION MAKING APPOINTMENTS TO TOWN OF CARMEL LAKE MAHOPAC PARK DISTRICT ADVISORY BOARD AND SUB COMMITTEE

RESOLVED that the Town Board of the Town of Carmel hereby appoints the following residents to the Town of Carmel Lake Mahopac Park District Advisory Board for a term commencing retroactive to January 1, 2018 and expiring December 31, 2018

Edward A. Barnett

Jay Crawford

Charles Langlitz

James Maxwell

John Maxwell

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby appoints the following residents to the Town of Carmel Lake Mahopac Park District Sub- Advisory Committee for a term commencing retroactive to January 1, 2018 and expiring December 31, 2018

Robert Frenkel

William Frumkin

Joseph Massaro

Bert Melchner

Mark Robertson

William D. Spain, Jr.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#32

RESOLUTION AUTHORIZING ATTENDANCE OF OFFICERS AND EMPLOYEES TO ATTEND THE ASSOCIATION OF TOWNS CONFERENCE

WHEREAS the Annual Meeting and Training School of the Association of Towns is to be held in New York, NY from February 18th through the 21nd, 2018; and

WHEREAS in the past, the information and training available at said meeting and the seminars conducted there have proved to be helpful to Town Officers and employees in the performance of their duties and it is in the best interest of the Town of Carmel to have certain of its officers and employees attend such meeting and training schools;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the following officers and employees of the Town to attend the Association of Towns Conference in New York, NY and that the reasonable and necessary expenses of said persons be reimbursed by the Town upon audit and approval by the Town Comptroller to the extent reserved in the 2018 Conference and Seminars line of the Court Budget:

Joseph Spofford – Town Justice

Thomas Jacobellis – Town Justice

Patricia Genna – Court Clerk

Francine Schmansky – Account Clerk

Marie Paprocki – Clerk to Town Justice

Lisa Laquidara – Clerk to Town Justice

BE IT FURTHER RESOLVED that the entire Town Board of the Town of Carmel is also authorized to attend the Association of Towns Conference in New York, NY and that their reasonable and necessary expenses be reimbursed by the Town upon audit and approval by the Comptroller's Office.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	NO
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#33

RESOLUTION DESIGNATING TOWN OF CARMEL DELEGATE AT THE 2018 ASSOCIATION OF TOWNS ANNUAL BUSINESS SESSION

RESOLVED that Supervisor Kenneth Schmitt is hereby designated as the voting delegate and Councilman Michael Barile is hereby designated as the alternate voting delegate of the Town of Carmel to the 2018 Annual Business Session of the Association of Towns of the State of New York to be held in New York City from February 18th through the 21st, 2018 and are hereby authorized to cast the vote of the Town of Carmel pursuant to Section 6 of Article III of the Constitution and By-Laws of said Association.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#34

RESOLUTION ADOPTING TOWN OF CARMEL 2018 SUBJECT MATTER LIST AND OFFICE RETENTION SCHEDULE

RESOLVED that, upon the recommendation of Ann Spofford, Town Clerk, the Town Board of the Town of Carmel hereby adopts the Town of Carmel 2018 Subject Matter List and Record Retention Schedule as pre-filed with the Town Clerk.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	NO
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#35

RESOLUTION AUTHORIZING EXECUTION OF MEMBER AGREEMENT ENDORSEMENT WITH NEW YORK STATE MUNICIPAL WORKERS' COMPENSATION ALLIANCE

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town Supervisor Kenneth Schmitt to execute the member agreement endorsement form with New York State Municipal Workers' Compensation Alliance (NYMWCA) in connection with the provision of workers compensation insurance coverage to the Town of Carmel for 2018

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#36

RESOLUTION FOR REVIEW AND RENEWAL OF THE TOWN OF CARMEL PROCUREMENT POLICY

WHEREAS Section 104-b of the General Municipal Law requires the governing body of every municipality to annually review their Official Procurement Policy, for the purchase of all goods and services which are not required by law to be publicly bid; and

WHEREAS the Town Board deems that no revisions are necessary at this time,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel hereby renews the Procurement Policy which is attached hereto and made a part of hereof and designates the Town Comptroller's Office to distribute the policy to all department heads; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby designates the responsible purchasing agents and titles as set forth within the aforesaid policy.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

TOWN OF CARMEL

PROCUREMENT POLICY AND PROCEDURES

(Revised December 2017)

The following sets forth the policies and procedures of the Town of Carmel to meet the requirements of General Municipal Law, (GML) Sections 103 and 104.

PURPOSE

Goods and services which are required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public monies, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost, and to guard against favoritism, improvidence, extravagance, fraud and corruption. The Purchasing Policy confirms the commitment of The Town of Carmel to ensure that its purchases of goods and services are made legally, fairly, prudently, competently, and at the lowest possible cost offered by responsible vendors. This Purchasing Policy, General Municipal Law Sections 103 and 104, and the State Comptroller's Financial Management Guide subsection 8, provide guidance to those involved in the purchasing process. The Town of Carmel adopts the following Purchasing Policy statements in accordance with Section 104b of the General Municipal Law (GML).

I. ANALYZE THE PROPOSED PROCUREMENT/PURCHASE

Generally, the official(s) responsible for making the particular procurement will make the initial determination of whether competitive bidding is required as follows:

- Determine whether it is expected that over the course of the fiscal year, the Town will spend in excess of the competitive bidding thresholds for the same or similar items or services.
- Determine whether an item is available under State or County contract.
- For legal issues regarding the applicability of competitive bidding requirements, verify with the Town Legal Counsel, as appropriate
- In the case of an emergency, determine that the statutory criteria are met (see GML, §102[4])
- In the case of a lease, determine that a document is a true lease and not an installment purchase contract
- In the case of a sole source, determine that the item is required in the public interest, has no reasonable equivalent and is in fact available only from one source.
- In the case of a combination of professional services and a purchase, determine whether the professional service is the predominate part of the transaction and is inextricably integrated with the purchase.

CATEGORIES OF PROCUREMENTS/PURCHASING

This chart identifies the procurement/purchasing categories subject to the Competitive Bidding Requirements of Section 103 GML or the Town Procurement Policy required by Section 104-b GML and where further information can be found.

Procurement Category	Subject to Competitive Bidding (§103)	Procurement Policy (§104-b)	Reference Law
Purchase and Public Works Contracts:			
1. Purchase Contract – Above \$20,000	X		103 GML
2. Purchase Contract – Below \$20,000		X	104 GML
3. Contract for Public Work – Above \$35,000	X		103 GML
4. Contract for Public Work – Below \$35,000		X	104 GML
Procurement Exempt from GML §103 and §104-b			
5. Agencies for Blind or Severely Handicapped, etc.		X	175-b SFL
6. Correctional Institutions		X	184 CL
7. State Contract		X	104 GML
8. County Contract		X	103(3) GML
Procurement Exempt from GML §103 and 104b			
9. Emergencies (See section below)		X	103(4) GML
10. Sole Source (See section below)		X	103(4) GML
11. Professional Services		X	103(4) GML
12. True Leases		X	103(4) GML
13. Insurance		X	103(4) GML
14. Second-Hand Equipment from Another Government		X	103(6) GML

Statutory Exceptions from These Policies and Procedures. Exceptions include procurements made pursuant to General Municipal Law, Section 103(3) (through county contracts) or Section 104 (through state contract), State Finance Law, Section 175-b (from agencies for the blind or other severely handicapped, special employment programs for the mentally ill or veteran's workshops), and Correction Law, Section 186 (articles manufactured in correctional institutions).

EMERGENCIES. There are three basic statutory criteria to be met within this exception. These are

- (1) the situation arises out of an accident or other unforeseen occurrence or condition;
- (2) the circumstance affects public building, public property or the life, health, safety or property of the political subdivision's residents; and
- (3) the situation requires immediate action which cannot await competitive bidding.

Sole Source. With this exception, the town employee should document the unique benefits of the item as compared to other items available in the marketplace; that no other item provides substantially equivalent or similar benefits; and that, considering the benefits received, the cost of the item is reasonable, when compared to other products or services in the marketplace.

In addition, the responsible town employee must document that, there is no possibility of competition for the procurement and there is a sole source provider.

II. METHODS OF COMPETITION TO BE USED FOR NON-BID PROCUREMENTS

The Town Board of the Town of Carmel requires that the method to be used for seeking competition depends on the amount and type of procurement listed in the following chart.

TYPE AND AMOUNT OF PROCUREMENT	VERBAL QUOTES		WRITTEN QUOTES	OFFICIAL RFPS	EXCEPT EXEMPT
	0	3	AUTHORIZING RESOLUTION REQUIRED 3		
Purchase Contracts Below \$20,000					
200 – 999	X				
1,000 – 4,999		X			
5,000 – 9,999			X		
10,000 – 19,999				X	
Public Work Contracts Below \$35,000					
Under 1,000	X				
1,000 – 4,999		X			
5,000 – 19,999			X		
* 20,000 – 34,999				X	
Emergencies					X
Insurance					X
Professional Services				X	X
True Leases					X
Second-Hand Equipment from other Govts.					X
Sole Source Providers					X

* NOTES: THE TOWN WILL CONTINUE TO MONITOR PUBLIC WORK CONTRACTS FOR COMPETITIVE PRICING IN THE BID CATEGORY \$20,000 – \$34,999; FOR EXEMPTIONS, OFFICIAL REQUESTS FOR PROPOSALS (RFP'S) ARE STILL ENCOURAGED.

General Municipal Law, Section 104-b, subdivision 2, paragraph (b) requires that alternative proposals for goods and services be secured by the responsible employee by use of written requests for proposals, written quotations, verbal quotations or any other methods which further the objectives of Section 104-b.

III. DOCUMENT ACTIONS TAKEN

With respect to any Purchase Contract or Public Works Contract requiring verbal or written quotes pursuant to this policy, all quotes received must be submitted to the Comptroller's Office for review prior to any purchase or commencement of any public work.

Any purchase or public works contract \$4,999.00 or below in value, as well as certain purchase contracts and/or public works contracts for Highway Department, may be authorized for payment by General Resolution of the Town Board upon Audit and Review by the Town Comptroller.

Documentation of actions taken shall include board resolutions, memoranda, written quotes, telephone logs for verbal quotes, requests for proposals, contracts and other appropriate forms of documentation.

Distinguish between contracts for public works and purchase contracts. In general, purchase contracts involve the acquisition of commodities, materials, supplies or equipment, while contracts for public work

involve services, labor or construction. Each procurement must be reviewed on a case-by-case basis and a determination made as to what kind of contract is involved.

For other items not subject to competitive bidding, such as professional services, emergencies, purchases under State or County contracts or procurements from sole sources, documentation could include a memo to the files which details why the procurement is not subject to competitive bidding and include:

- a description of the facts giving rise to an emergency and a statement of how the situation meets the statutory criteria
- a description of the particular professional services and a statement of what general criteria apply
- copies of state or county contracts
- opinions of the municipal attorney
- a description of sole source items and how such determinations were made.

Verbal Quotations. The responsible employee should record at a minimum: date, item or service desired, price quoted, name of vendor, name of vendor's representative.

Written or Fax Quotations. Vendors should provide at a minimum: date, description of item or details of service to be provided, price quoted, name of contact.

Requests for Proposals. Public notice and a minimum number of professionals are contacted directly asking for the submission of written proposals. A request for proposals and evaluation of proposals should consider price plus other factors like experience, staffing and suitability for needs and may include negotiations on a fair and equal basis. The award should be the most advantageous to the Town.

NOTE:* TOWN LEGAL COUNSEL SHOULD REVIEW RFPS AND CONTRACTS TO BE EXECUTED WITH THE FIRM SELECTED.

IV. PROCUREMENT FROM OTHER THAN LOWEST RESPONSIBLE DOLLAR OFFERED

Whenever any contract is awarded to other than the lowest responsible vendor or contractor there must be justification and documentation of the reason why the purchase is in the best interest of the Town and otherwise furthers the purposes of Section 104-b.

For example, if a vendor submitting the lowest proposal has a history of not making deliveries on time or of delivering goods of inferior quality, such facts might be justification for taking other than the lower offer, but such decision must be documented with facts.

V. GOVERNING BOARD EXCEPTIONS

The Town Board sets forth the following circumstance where types of procurements for which it would not be in the best interests of the Town to solicit alternative proposals or quotations:

- emergencies where time is a crucial factor
- procurements for which there is no possibility of competition (sole source items)
- very small procurements for which solicitations of competition would not be cost effective.

VI. INPUT FROM OFFICERS INVOLVED IN PROCUREMENT

Comments concerning the policies and procedures shall be solicited from officers of the Town of Carmel therein involved in the procurement process from time to time, to be used in amending the policy when circumstances warrant changes.

VII. UPDATING THE POLICIES AND PROCEDURES

The Town Board shall annually review these policies and procedures. The Comptroller's Office shall be responsible for conducting an annual review of the Procurement Policy and for evaluation of the internal control structure established to ensure compliance with the procurement policy.

VIII. UNINTENTIONAL FAILURE TO COMPLY

The unintentional failure to fully comply with the provisions of General Municipal Law Section 104-b shall not be grounds to avoid action taken or give rise to a cause of action against the Town of Carmel or any officer or employee thereof.

IX. RESPONSIBLE PURCHASING AGENTS – NAMES AND TITLES

Pursuant to Chapter 402 of the Laws of 2007, effective January 1, 2016, as required under Section 104 of the NYS General Municipal Law, the Town is including the names of the municipal officials responsible for purchasing decisions, as follows:

<u>Position Title</u>	<u>Position Incumbent</u>
Town Supervisor	Kenneth Schmitt
Town Board	Michael Barile
Town Board	John Lupinacci
Town Board	Suzanne McDonough
Town Board	Jonathan Schneider
Town Justice	Joseph Spofford
Town Justice	Thomas Jacobellis
Court Clerk	Patricia Genna
Comptroller	Mary Ann Maxwell
Town Assessor	Glenn Droese
Town Clerk	Ann Spofford
Deputy Town Clerk	Phyllis Bourges
Receiver of Taxes	Kathleen Kraus
Deputy Receiver of Taxes	Gary Kiernan
Town Civil Engineer	Richard Franzetti
Town Engineering Project Coordinator	Robert Vara
Principal Clerk	Eileen Brennan
Highway Superintendent	Michael Simone
Deputy Highway Superintendent	Robert Erickson
Chief of Police	Michael Cazzari
Lieutenant	John Dearman
Codes Enforcer	Michael Carnazza
Director of Parks and Recreation	James Gilchrist

X. REIMBURSEMENT FOR EXPENSES \$15.00 OR LESS

From time to time a department head or employee attends a town business function or makes a minor purchase for which they lost a receipt, did not receive a receipt or forgot to obtain a receipt. Documentation representing what was paid for, how much was paid for it, that it was for town business, and the signature of the claimant verifying such will be acceptable in lieu of a receipt. The town reserves the right to reject such claim if claims lacking receipts become more frequent, or if it becomes known that receipts are readily available. Original receipts should be attached to claims for reimbursement whenever possible: regardless of the dollar amount.

#37

RESOLUTION ESTABLISHING SEASONAL/TEMPORARY AND PART-TIME WORKERS WAGE RATES

RESOLVED that the Town Board of the Town of Carmel hereby sets the Seasonal/Temporary-Full-Time Workers maximum wage rates for the following title effective January 1, 2018:

SEASONAL/TEMPORARY FULL TIME WORKERS

POSITION AND/OR TITLE

HOURLY WAGE RATE BASED ON CUMULATIVE HOURS OF SERVICE: 0-500 501-1000 1001-1500 1501-XXXX

Seasonal/Temp.	12.50	13.50	14.50	15.50
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Resolution

Offered by: _____

Seconded by: _____

Roll Call Vote

YES

NO

Michael Barile

Jonathan Schneider

John Lupinacci

Suzanne McDonough

Kenneth Schmitt

#38

RESOLUTION SETTING RATES FOR 2018 PART-TIME/TEMPORARY HELP

RESOLVED that the Town Board of the Town of Carmel hereby sets the following rates for part-time/temporary help in the following departments for fiscal year 2018:

<u>Department</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Comments</u>
Accounting	\$13.00/hr	\$22.00/hr	Commensurate with Experience
Assessor	\$13.00/hr	\$22.00/hr	Commensurate with Experience
Police	\$13.00/hr	\$22.00/hr	Commensurate with Experience
Town Clerk	\$13.00/hr	\$22.00/hr	Commensurate with Experience
Engineering	\$13.00/hr	\$22.00/hr	Commensurate with Experience
Recreation	\$13.00/hr	\$22.00/hr	Commensurate with Experience
Planning	\$13.00/hr	\$22.00/hr	Commensurate with Experience
Recycling	\$12.00/hr	\$15.00/hr	Commensurate with Experience

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

#39

RESOLUTION ACCEPTING PROPOSAL FOR PLANNING CONSULTING SERVICES

RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposal of Patrick Cleary of Cleary Consulting, Northport, NY, for the provision of planning consulting services, commencing immediately, for an annual sum not to exceed \$70,000.00, and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form and content satisfactory to counsel, Supervisor Kenneth Schmitt is authorized to execute a contract for said services and any other documentation necessary to accept the aforementioned proposal.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

**RESOLUTION AMENDING AND ADOPTING
TOWN OF CARMEL EMPLOYEE HANDBOOK**

RESOLVED THAT the Town Board of the Town of Carmel hereby amends and adopts the Town of Carmel Employee Handbook respectively, being in form as attached hereto and made a part hereof.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

TOWN OF CARMEL

EMPLOYEE HANDBOOK

Originally Adopted by Resolution of the Town Board on October 16, 2002
Re-adopted as fully updated and revised on January 3, 2018

Prepared By:
Public Sector Human Resource Consultants LLC
14 Knollwood Drive
Glenville, NY 12302
518.399.4512
www.publicsectorhr.org

TOWN OF CARMEL

EMPLOYEE HANDBOOK

Originally Adopted By Resolution of the Town Board on October 16, 2002
Re-adopted as fully updated and revised on January 3, 2018

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Town of Carmel Employee Handbook

Table Of Contents

100 INTRODUCTION

101	Welcome Message from the Town Supervisor _____	100-6
102	Definitions _____	100-7
103	The Purpose of this Employee Handbook _____	100-8

200 EMPLOYEE CLASSIFICATIONS

201	Full-Time Employees _____	200-1
202	Part-Time Employees _____	200-1
203	Temporary Employees _____	200-1
204	Seasonal Employees _____	200-1
205	FLSA Non-Covered Employees _____	200-1
206	FLSA Exempt Employees _____	200-1
207	FLSA Non-Exempt Employees _____	200-1

300 THE CIVIL SERVICE SYSTEM

301	The Unclassified and Classified Services _____	300-1
302	Civil Service Appointments _____	300-1
303	Examinations and Promotions _____	300-2
304	Veteran's Credits _____	300-2

400 EMPLOYMENT MATTERS

401	Oath of Office _____	400-2
402	Procedure for Filling Vacancies _____	400-2
403	Probationary Term _____	400-3
404	Corrective Action and Discipline _____	400-4
405	Civil Service Law Section 75 _____	400-8
406	Code of Ethics _____	400-10
407	Personnel File _____	400-10
408	Separation from Employment _____	400-11
409	Performance Review _____	400-12

500 OPERATIONAL POLICIES

501	Departmental Hours _____	500-12
-----	--------------------------	--------

502	Emergency Situations _____	500-13
503	Meal and Rest Breaks and Breaks for Nursing Mothers _____	500-14
504	Time Records _____	500-15
505	Bonding _____	500-16
506	Expense Reimbursement _____	500-16
507	Vehicle Usage _____	500-17
508	Driver's License / Insurance Requirements _____	500-7
509	Supplies, Tools and Equipment, and Fuel Usage _____	500-19
510	Telephone Usage _____	500-19
511	Use of Communication Systems and Equipment _____	500-20
512	Social Media _____	500-22
513	Personal Appearance _____	500-24
514	Solicitations/Distributions _____	500-24
515	Visitors _____	500-24
516	Purchasing _____	500-25
517	Maintenance of Work Area _____	500-25
518	Personal Property _____	500-26
519	Town Property _____	500-26
520	Unauthorized Work _____	500-26
521	Outside Employment _____	500-26
522	Disclosure of Information _____	500-27

600 ABSENCE POLICIES

601	Attendance _____	600-28
602	Jury Duty Leave _____	600-29
603	Military Leave and Military Leave of Absence _____	600-29
604	Bereavement Leave _____	600-30
605	Family and Medical Leave Policy _____	600-4
606	Leave for Cancer Screening _____	600-10
607	Leave for Blood Donations _____	600-10

700 COMPENSATION

701	Wage and Salary _____	700-38
702	Overtime and Compensatory Time (For Non-Union Employees) _____	700-38
703	Pay Period and Check Distribution _____	700-39
704	Payroll Deductions _____	700-39
705	Deferred Compensation Plan _____	700-40

800 EMPLOYEE BENEFITS

801	Holidays	800-40
802	Vacation Leave	800-41
803	Sick Leave	800-42
804	Personal Leave	800-43
805	Disclosure of Insurance Benefits	800-44
806	Medical Insurance	800-45
807	Medical Insurance Buy-out	800-46
808	Medical Insurance for Retirees	800-47
809	Dental Plan	800-48
810	Optical Plan	800-48
811	Continuation of Health Insurance Benefits (COBRA/NYS Continuation Coverage)	800-49
812	Short-Term Disability Benefits	800-50
813	Workers' Compensation Benefits	800-51
814	Unemployment Benefits	800-51
815	Social Security	800-51
816	The New York State Employees' Retirement System	800-52
817	Police and Fire Retirement System	800-52

900 COMPLIANCE POLICIES

901	Equal Employment Opportunity	900-1
902	The Americans with Disabilities Act	900-2
903	Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace	900-3
904	Violence in the Workplace	900-6
905	Drug-Free Workplace / Drug Free Awareness Program	900-7
906	Controlled Substance and Alcohol Testing	900-9
907	Smoking	900-9

1000 SAFETY

1001	Workplace Safety	1000-9
1002	Hazard Communication Program	1000-11

1100 COMMUNICATION PROCEDURES

1101	Organizational Communications	1100-12
1102	Adverse Communications	1100-1
1103	Suggestions	1100-13
1104	Public Relations	1100-13
1105	Reporting of Improper Activities	1100-13

1200 DISPUTE RESOLUTION

1201 Dispute Resolution Procedure _____ **1200-13**

1300 EMPLOYEE ACKNOWLEDGEMENT FORM _____ **1300-16**

100 INTRODUCTION

101 *Welcome Message from the Town Supervisor*

Allow me to extend a personal welcome and congratulations on your appointment to a position with the Town of Carmel. As a part of our team, you take on an extremely important role, that of serving the members of our community. Together, our mission is to provide cost-effective services that conform to the highest standards of quality.

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

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

I trust that you will find service with the Town of Carmel rewarding and I look forward to working with you.

102 **Definitions**

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

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 Carmel:

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

Town Supervisor – For purposes of this Employee Handbook, “Town Supervisor” will mean the Town Supervisor of the Town of Carmel. 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 Carmel. 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.

Department Supervisor – For purposes of this Employee Handbook, “Department Supervisor” or “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 *Putnam County Civil Service Rules and Appendices*.

103 ***The Purpose of this Employee Handbook***

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

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

Previous Employee Handbook – Unless otherwise specified, this Employee Handbook supersedes and replaces any previous Employee Handbooks used by the Town. This Employee Handbook also replaces and supersedes all employment-related policies and procedures on any subject addressed by this Employee Handbook, with the exception of matters addressed by collective bargaining agreements.

Changes or Modifications – The Town Board reserves the right to interpret, change, modify, or eliminate any provision contained in this Employee Handbook. In addition, this Employee Handbook is subject to alteration by resolutions of the Town Board, changes in Town and/or departmental rules, or changes in federal, state or local statutes, rules, or regulations. (This is not meant to be a comprehensive list).

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

Collective Bargaining Agreements – In the event an employee benefit, personnel policy, personnel procedure, or other provision set forth in the Employee Handbook conflicts with the collective bargaining agreement or with past practice, the collective bargaining agreement or past practice will control. Otherwise, unless expressly excluded herein, this Employee Handbook will be applicable to all employees.

Police Department – For the purposes of some of the policies stated in this Employee Handbook, the Police Department, under the direction of the Town Board, has the authority to promulgate its own policies and procedures. If a policy stated in this Employee Handbook differs from a rule, regulation or policy established by the Police Department, the latter shall supersede.

Questions – Any questions regarding any topic covered in this Employee Handbook should be directed to your Department Head.

200 EMPLOYEE CLASSIFICATIONS

Exclusively for the purposes of this Employee Handbook, the following terms shall be defined as indicated. The definition provided for each of these terms applies only within the context of this Employee Handbook. The meaning and use of these terms or similar terms may be different in the context of Civil Service Rules or a collective bargaining agreement.

201 *Full-Time Employees*

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

202 *Part-Time Employees*

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

203 *Temporary Employees*

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

204 *Seasonal Employees*

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

205 *FLSA Non-Covered Employees*

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

206 *FLSA Exempt Employees*

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

207 *FLSA Non-Exempt Employees*

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

300 THE CIVIL SERVICE SYSTEM

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

301 *The Unclassified and Classified Services*

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

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

- **Exempt** – those positions identified as “exempt” by law or for which competitive or non-competitive examinations are not practicable (Civil Service Law, Section 41);
- **Competitive** – those positions for which it is practicable to determine merit and fitness by competitive examination (Civil Service Law, Section 44);
- **Non-Competitive** – those positions not in the exempt class or the labor class for which it is not practicable to determine merit and fitness by competitive examination, (Civil Service Law, Section 42); and,
- **Labor** – unskilled labor positions, except those positions which can be examined for competitively. (Civil Service Law, Section 43).

302 *Civil Service Appointments*

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

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

a position funded through a temporary grant; or to fill a position vacated by the promotion of another employee until the employee who has been promoted receives permanent status.

303 *Examinations and Promotions*

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

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

304 *Veteran's Credits*

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

400 EMPLOYMENT MATTERS

401 *Oath of Office*

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

402 *Procedure for Filling Vacancies*

Statement of Compliance – The Town of Carmel complies with all applicable federal, state and local laws, rules, and regulations throughout the employee selection process, including, but not limited to, the Public Officers Law, Town Law, Civil Service Law, Title VII,

New York State Human Rights Law, Family and Medical Leave Act, and the Americans with Disabilities Act, and is an Equal Opportunity employer.

Identifying Vacancies – Each Department Head shall notify the Town Supervisor promptly of an actual or projected vacancy. The Town Supervisor, in conjunction with the Town Board, will determine if the vacancy is to be filled; whether the position is to be filled as a full-time, part-time or temporary/seasonal position; ensure that Town procedures and civil service requirements are followed; and determine if the position is funded with appropriations by the Town Board.

Employment Applications – The Town shall maintain a current job application form. All persons desiring employment with the Town of Carmel must complete the application. 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. Applications will only be accepted for current job vacancies or potential vacancies. All applications will be kept on file for three years after a selection has been made, and the application of the person selected will be made part of his/her personnel file. All applications shall be signed by the person applying, verifying that the information contained therein is true. Any misrepresentations, falsifications, or material omissions in any of this information or data provided on the application may result in the Town's exclusion of the individual from further consideration for employment or disqualification and termination of employment if the conduct is discovered after employment commences.

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

Fingerprinting -- With the exception of those individuals who are under the age of eighteen and applying for seasonal employment, all applicants for full- and part-time employment within the Town of Carmel are required to submit fingerprints and information required for the Department of Criminal Justice Services to process their fingerprints.

Residency Preference – In the event there is a vacancy in a new or existing position which the Town intends to maintain, the Town reserves the right to give preference to qualified applicants who are residents of the Town.

403 Probationary Term

Purpose of Probationary Term – The probationary term is in place to allow an employee to become familiar with the specific duties and responsibilities of the employee's new position. The probationary term also provides the Department Head with an opportunity to evaluate the employee's job performance and potential for development in the position.

Length of Probationary Term – Except as otherwise provided in the *Putnam County Civil Service Rules and Appendices*, every permanent appointment from an open-competitive list and every original appointment to a position in the non-competitive,

exempt or labor class shall be subject to satisfactory completion of a probationary term of not less than twenty-six (26) weeks nor more than fifty-two (52) weeks.

Length of Probationary Term (Police Officers Only) – The probationary term for the position of Police Officer shall not be less than twenty-six (26) weeks or more than seventy-eight (78) weeks. The probationary term shall be seventy-eight (78) weeks unless the probationer is notified of successful completion of their probationary term at an earlier date, but in no event may the probationary term be less than twenty-six (26) weeks.

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

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

Successful Completion of Probationary Term – An employee's appointment will become permanent upon written notice that the probationary term 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 term does not necessarily confer rights or privileges in the position.

Failure to Successfully Complete Probationary Term – In the event the employee's performance or conduct is not satisfactory, the Town may dismiss the employee from employment at any time after the completion of the minimum probationary term and before completion of the maximum probationary term. If the performance or conduct of an employee serving a probationary term who has been promoted or transferred is not satisfactory, the employee shall be returned to the employee's former permanent position at the end of the probationary term.

Unionized Employees – Town employees covered by a collective bargaining agreement should refer to their collective bargaining agreement, because where conflicts arise contractual terms and practices govern.

404 *Corrective Action and Discipline*

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

performance deficiencies, or has violated a policy, rule, regulation, or procedure. Corrective Action may include counseling or initiating formal disciplinary action against an employee.

Forms of Discipline – Employees covered by **Civil Service Law Section 75** and/or **Town Law Section 155** shall be disciplined in accordance with the provisions contained therein. (Refer to Section 406 of this Employee Handbook). The disciplinary action for unionized employees will be in accordance with the applicable collective bargaining agreement. In **normal circumstances**, the Town endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. The Town does, however, retain the right to discipline employees in any manner it sees fit. When appropriate, a counseling session will precede disciplinary action. Progressive discipline will include written warnings, suspension without pay, or termination of employment, depending on the circumstances. The Town does not guarantee that one type of discipline will precede another. Furthermore, the Town reserves the right to suspend an employee while an investigation is conducted.

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

Counseling – Counseling employees, as opposed to initiating formal disciplinary action, may be the appropriate first step in addressing performance deficiencies or misconduct. The purpose of counseling is to inform the employee of such deficiencies or misconduct, discourage its recurrence, and inform the employee of the consequences if the behavior is repeated. When performance deficiencies are the issue, the performance standards of the job should be reviewed, along with specific examples of how the employee is not meeting those standards. Where appropriate, goals for improvement may be established, along with a timeframe for achieving them. The counseling will be documented in writing and the employee will be required to acknowledge receipt by signing the memorandum.

Discipline – The purpose of disciplinary action is to impose penalties for performance deficiencies or misconduct. The Town endorses a policy of progressive discipline which includes, but may not be limited to, documented verbal reprimand, letters of reprimand, suspension without pay, or termination of employment, depending on the circumstances. The Town retains the right to "skip" disciplinary steps or forego progressive discipline in its entirety if the situation so warrants. The Town retains the right to discipline employees in any manner it sees fit.

Investigations – Where appropriate, an investigation will be conducted by the proper supervisor or other designated individual in order to gather all pertinent information and to ensure that all the facts are considered. Employees who are participants in an investigation are not allowed to disclose the content or particulars of the investigation except to their collective bargaining representative if applicable, or unless otherwise authorized. The investigation may include, among other things, interviews with the employee and any witnesses or other involved parties, and review of documents and materials. All employees who are called upon to participate in an investigation are required to fully cooperate in the process and respond truthfully to all questions posed. Failure to do so will subject the employee to appropriate corrective action up to and including termination of employment. The Town reserves the right to suspend an employee while an investigation is conducted.

During the investigation process, a unionized employee who appears to be a potential subject of disciplinary action may undergo questioning. Such employee will have the right to representation by the employee's certified or recognized employee organization under Civil Service Law Article 14, and will be given advanced notice of such right. In the event the employee requests representation, the employee will be allowed a reasonable period of time to obtain such representation. In the event the employee is unable to obtain such representation within a reasonable period of time, the employer will have the right to then question the employee.

Procedures – Employees covered by **Civil Service Law Section 75** and/or **Town Law Section 155** shall be disciplined in accordance with the provisions contained therein. Disciplinary action for **unionized employees** will also be in accordance with the applicable collective bargaining agreement.

Prohibited Conduct – Any employee who, after investigation, is found to have violated the policies, procedures, rules, or regulations outlined in this Employee Handbook or those established by the employee's department, or who is found to have committed any of the actions listed below will be subject to corrective action, up to and including termination of employment. This list is illustrative only and does not limit the Town's right to impose discipline in other appropriate cases.

- Any violation of Town's rules, policies, and procedures.
- Harassing (including sexual harassment and harassment based on other protected status), intimidating, coercing, threatening, assaulting, or creating a hostile environment against another employee, Elected Official, resident of the Town, supplier, visitor, or any other person, whether on or off Town premises.
- Engaging in any action that is in violation of the Town's Workplace Violence Prevention Policy.
- Possession of any weapon or dangerous instrument (including knives with over a three inch blade, firearms, and explosives) on Town property or in Town vehicles, except for those employees who are required as a condition of employment to bear a weapon.
- Possession, use, distribution/sale, or being under the influence of alcohol or controlled substances during hours of work or while on Town property or in Town vehicles.
- Willful or deliberate abuse, destruction, defacement, or misuse of Town property or the property of another employee, Elected Official, resident of the Town, supplier, visitor, or any other person.
- Theft or unauthorized possession, use, or removal of Town property or the property of another employee, Elected Official, resident of the Town, supplier, visitor, or any other person.
- Falsification or alteration of any records or reports including but not limited to employment applications, time records, work records, medical reports, absence reports, work-related injury reports, and claims for benefits provided by the Town.
- Preparation or manipulation of another employee's time record.
- Acts of sabotage, including the work of another employee.

- Making false statements about another employee, Elected Official, resident of the Town, supplier, visitor, or any other person. This includes knowingly making false accusations against another individual as to allegations of discrimination, sexual harassment or other harassment which is in violation of Town policy or applicable law.
- Insubordination or refusal to comply with the lawful order or instruction of a supervisor or Department Head.
- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities.
- Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment, in such a way that jeopardizes the safety of the employee, another employee, Elected Official, resident of the Town, supplier, visitor, or any other person.
- Offensive or unprofessional behavior, or any conduct that does not warrant public trust.
- Committing any violation of the law either on or off duty or on or off the work site that implicates the employee's fitness or ability to perform assigned job duties.
- Unauthorized expenditure of Town funds.
- Illegal gambling while on duty.
- Willful work slowdown, work stoppage, or interfering with or restricting the performance of another employee or in any other way interfering with Town operations.
- Careless or negligent use or operation of equipment, including vehicles and machinery.
- Unauthorized absences or failure to give proper notice of an absence.
- Excessive tardiness and/or absences except those absences covered by state and/or federal statutes or Town policies.
- Leaving work area without permission, as defined by the Department Head.
- Failure to adhere to the personal appearance/dress code policy.
- Sleeping on the job, unless authorized by a Department Head or supervisor.
- Personal activity during paid work time without the express permission of the Department Head.
- Use of personal listening devices (e.g. iPods/MP3 players, etc., with headphones / earbuds) during paid work time without the expressed permission of the Department Head. (Note: use of such devices is permitted during meal breaks and authorized rest breaks.
- Disruptive, loud, or boisterous behavior or horseplay in the workplace.
- Abusive language in the workplace, including racial slurs and epithets.
- Posting, removing, or defacing of notices, signs, or other written material without prior approval.

This list is not intended to be comprehensive and does not limit the Town's right to impose discipline in other appropriate cases.

405 Civil Service Law Section 75

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

Unionized Employees – Employees covered by a collective bargaining agreement are disciplined in accordance with such agreement where discipline is addressed by those agreements.

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

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

Questioning Rights for Unionized Employees – During the investigation process, a unionized employee who is covered under Section 75 and who appears to be a potential subject of disciplinary action may undergo questioning. Such employee will have the right to representation by the employee's certified or recognized employee organization under Civil Service Law Article 14, and will be given advanced notice, in writing, of such right. In the event the employee requests representation, the employee will be allowed a reasonable period of time to obtain such representation. In the event the employee is unable to obtain such representation within a reasonable period of time, the employer will have the right to then question the employee.

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

- **Notice of Discipline** – An employee subject to discipline will be provided with a written Notice of Discipline (NOD) which will contain all charges and specifications.
- **Employee Answer** – The employee will have eight calendar days to respond to the charges. The employee's response must be in writing.
- **Disciplinary Hearing** – Unless there is a stipulation of settlement between the Town and the employee, the Appointing Authority will designate a hearing officer in accordance with Civil Service Law Section 75. The hearing officer will set the time and place for the hearing. The hearing officer will make a record of the hearing which will be submitted to the Appointing Authority, with the hearing officer's recommendations, for review and decision.

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

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

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

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

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

Filing Requirements – In the event the employee is found to be guilty, a copy of the charges, the employee's written answer, a transcript of the hearing, and the determination will be filed in the office of the department in which the employee is employed. A copy will also be filed with the Putnam County Personnel Department.

406 Code of Ethics

Policy Statement – The Town Board of the Town of Carmel recognizes that there are rules of ethical conduct for Elected Officials and employees which must be observed if a high degree of moral conduct is to be continued and if public confidence is to be maintained in our unit of local government. The proper operation of the Town government requires that its officers and employees be independent, impartial, objective, unbiased and responsible to the people of the Town of Carmel; that public office not be used for personal gain; that public officers and employees maintain the highest standards of integrity and discharge faithfully the duties of their office, regardless of personal considerations; and that the public have confidence in the officers and employees thereof. It is the purpose of this Code of Ethics to promulgate these rules of ethical conduct for the officers and employees of the Town of Carmel. The rules shall not conflict with, but shall be in addition to, any prohibitions of Article 18 of the General Municipal Law and any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Distribution of New Code of Ethics – The Town of Carmel distributes a copy of the Code of Ethics to all employees and Elected Officials and requires a signed acknowledgement of its receipt and agreement. Any revisions to the code will be distributed likewise.

407 Personnel File

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

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

Location of Files – All original personnel records for current employees will be kept in and controlled and maintained by the Office of the Comptroller, or any other person as appointed by the Town Board. Police Department personnel files will be controlled and maintained by the Chief of Police pursuant to Public Officers Law and any collective bargaining agreement.

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

Medical Records – All employee medical records will be kept in a separate file apart from the employee's personnel file in the Personnel and Benefits Office and will be maintained and controlled by the Office of the Comptroller, or any other person as appointed by the Town Board. ***For security purposes, these files will be locked at all times.***

Substance Testing Records – All employee substance testing records will be kept in a separate file apart from the employee's personnel file in the Highway Department Office and will be maintained and controlled by the Highway Superintendent. ***For security purposes, these files will be locked at all times.***

Change in Status – An employee must immediately notify the Office of the Comptroller, or any other person as appointed by the Town Board, of a change of name, address, telephone number, marital status, number and age of dependents, beneficiary designations, and individuals to notify in case of emergency.

Employee Access – An employee may inspect and copy the contents of the employee's own personnel file. Inspections by employees must be requested in writing to the Office of the Comptroller, or any other person as appointed by the Town Board, and will be scheduled at a mutually convenient time. An authorized official must be present when the employee inspects the file. The employee may not remove or place any material in the file without the approval of the Town Supervisor. Copies of records contained in an employee's personnel file may not be released to a third party without the written consent of the employee absent a subpoena, unless federal, state or local laws require otherwise. Copies of records contained in the personnel files of police officers may not be released absent a court order (New York Civil Rights Law § 50-a).

408 *Separation from Employment*

Notice of Resignation (Employees) – An employee who intends to resign from employment must submit a written resignation to the employee's Department Head at least two weeks before the date of resignation is to be effective. The Department Head will provide notification of the resignation to the Town Supervisor and the Town Board.

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

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

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

Final Paycheck – Employees receive their final paycheck on the next regularly scheduled payday. The final paycheck may include payment for accumulated vacation, sick, and other benefits, if applicable.

409 *Performance Review*

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

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

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

Unionized Employees – Town employees covered by a collective bargaining agreement should refer to their collective bargaining agreement, because where conflicts arise contractual terms and practices govern.

500 OPERATIONAL POLICIES

501 *Departmental Hours*

Normal Hours of Operation – The Town Board and/or Town Supervisor will establish the days and hours the Town will conduct business and/or perform services. An employee's Department Head will establish the employee's work schedule, which may differ from the normal hours of operation depending upon the particular needs and requirements of the department. The Town Board reserves the right to approve all employee work schedules, except where otherwise prohibited by applicable Law.

Flex-Time – An employee may begin and/or end a given workday at a time approved by the Department Head. Such "flex-time" must normally be during the time the department is open and available to the public. The employee's use of "flex-time" will be governed by the mutual needs and consent of the Department Head and the employee. The Town Supervisor and the Town Board reserve the right to approve all "flex-time" schedules.

Department Head Absences – Department Heads have duties that may require them to be absent from their offices at certain times during the day. In the event that a Department Head is absent from the office, basic consumer/taxpayer forms should be readily available for distribution and/or collection. It is the Department Head's responsibility to determine

what services are to be provided and to provide for complete coverage of these basic services during scheduled business hours.

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

Refusal to Work Additional Hours – An employee who, after investigation, is found to have refused to work additional hours as directed will be subject to appropriate disciplinary action, up to and including termination of Town employment.

Unionized Employees – Town employees covered by a collective bargaining agreement should refer to their collective bargaining agreement, because where conflicts arise contractual terms and practices govern.

502 *Emergency Situations*

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

Closing Impact on Compensation – Pay for FLSA non-covered or exempt employees will not be affected by an emergency closing. Pay for FLSA non-exempt employees will be in accordance with the provisions below:

- **During Work** – A full-time employee who is directed by the Town Supervisor to leave work due to an emergency closing will be paid for the remainder of the employee's normal workday at the employee's regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime. A part-time, temporary, or seasonal employee who is directed to leave work due to an emergency closing will not be paid for the remainder of the employee's normal workday. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.
- **Prior to Reporting to Work** – If a determination is made to close operations prior to the start of a workday, the Town Supervisor will initiate notification to all affected employees. A full-time employee who is directed not to report to work due to an emergency closing will be paid for the employee's normal workday at the employee's regular rate of pay. A part-time, temporary, or seasonal employee who is directed not to report to work will not be paid for the workday. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.
- **Inclement Weather** (not applicable to Police or Highway Department employees) – Employees are expected to report to work and remain at work during inclement weather conditions unless otherwise notified by the Town. Employees should use their own discretion in determining whether they can commute safely to work due to inclement

weather. When the Town Supervisor has not officially shut down operations, an employee who does not report to work or requests to arrive at work late or leave work early due to inclement weather must inform his or her Department Head prior to doing so. The employee must use paid vacation, personal leave, or compensatory time, if available, or take the time off without pay. If an FLSA exempt employee has no paid leave benefits available, the employee will only be docked if a full workday is taken.

Unionized Employees - Town employees covered by a collective bargaining agreement should refer to their collective bargaining agreement, because where conflicts arise contractual terms and practices govern.

503 Meal and Rest Breaks and Breaks for Nursing Mothers

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

Scheduling of Meal Breaks – Scheduling of meal breaks must be approved by the Department Head in accordance with the needs and requirements of the department. Meal breaks must normally be taken in the middle of the employee's workday. Unless otherwise directed by the Department Head, an employee may leave the work-site during the meal break.

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

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

Breaks for Nursing Mothers to Express Breast Milk – Employees who are nursing mothers shall be allowed to use a reasonable break (generally between twenty to thirty minutes) in addition to the employee's meal and rest breaks to express milk for a nursing child. The Town will provide this break at least once every three hours if requested by the employee. This provision applies to nursing mothers for up to three years following childbirth. The Town will make a reasonable effort to provide a room or location other than the restroom or toilet stall, within walking distance to the employee's work space, or other location in close proximity to work so that nursing mothers can express in private. An employee wishing to avail herself of this break is required to give the Town advance notice, preferably prior to the employee's return to work following the birth of her child, to allow the Town an opportunity to establish a location and to schedule leave time for multiple employees, if needed.

Unionized Employees – Town employees covered by a collective bargaining agreement should refer to their collective bargaining agreement, because where conflicts arise contractual terms and practices govern.

504 Time Records

Policy Statement – All employees are required to use the electronic biometric time-keeping system and review their time and pay records.

Procedures – Employees must comply with the following time-keeping procedures:

- Employees must scan in at the beginning of their work day and scan out at the end of their work day;
- All time records must be verified and signed by the Department Head and;
- Time records must be submitted by the Department Head to the Office of the Comptroller, or any other person as appointed by the Town Board, by Friday at 10:00 a.m., except that Highway Department employees must submit time records by Wednesday at 12:00 noon.

Review Your Pay Stub

We make every effort to ensure our employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to our attention, we will promptly make any corrections necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please contact your Department Head or the Town Supervisor.

Non-exempt Employees

If you are classified as a non-exempt employee, you must verify on your pay stub that the reported hours worked are complete and accurate. Your reported hours must accurately reflect all regular and overtime hours worked, any absences, late arrivals, early departures and meal breaks. If your time record is not accurate, notify your supervisor immediately. When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week.

Unless you are authorized by your supervisor, you should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless you are authorized to do so and that time is recorded on your time card. Employees are prohibited from performing any “off-the-clock” work. “Off-the-clock” work means work you may perform but fail to report on your time record. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including discharge.

Falsification of Time Records – An employee who, after investigation, is found to have falsified or altered a time record, or the time record of another employee, or completed a time record for another employee, will be subject to disciplinary action. In extenuating

circumstances where an employee is not able to complete the employee's own time record, the Department Head may complete the time record on behalf of the employee.

It is also a serious violation of our policy for any employee, or manager to instruct another employee, to incorrectly or falsely report hours worked or alter another employee's time card to under- or over-report hours worked. If any manager or employee instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to your Department Head or the Town Supervisor.

Arriving at Work Before or Leaving After Scheduled Work Hours –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.

505 *Bonding*

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

506 *Expense Reimbursement*

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

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

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

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

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

Unionized Employees – Town employees covered by a collective bargaining agreement should refer to their collective bargaining agreement, particularly regarding the Education and Training and Required Membership Fees, because contractual terms and practices govern.

507 Vehicle Usage

Policy Statement – All vehicles and related equipment of the Town of Carmel are owned and maintained for the purpose of conducting official business of the Town. Said vehicles and equipment may not be used for the personal use or private gain of any official or employee, nor for any other purpose which is not in the general public interest. Town vehicles are operated by employees with the permission and at the discretion of the Department Head and the Town Board, which can be revoked at any time, with or without notice.

Also, please recognize that the public is observing when Town vehicles are being operated. Please ensure that cars are operated safely and kept clean and presentable at all times.

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

- Town vehicles and related equipment must remain under the general administrative jurisdiction and direction of the Department Head to which it is assigned.
- Town vehicles must be assigned to specific Town officials and employees for specific purposes and tasks. Said vehicles may not be used for any unauthorized purpose nor to conduct personal, private, or non-Town related business.
- Town vehicles assigned to the Town Supervisor, Highway Superintendent, Deputy Highway Superintendent, Town Engineer, Director of Building and Codes Enforcement, and certain authorized Police Department personnel may additionally be used for travel between home and work or in the event of an emergency.
- Town vehicles must always be operated in a safe and responsible manner, and in compliance with all applicable traffic laws in effect. Employees are responsible for any driving infractions or fines that result from their operation of Town vehicles, and must report them to their Department Head.
- In the event of an accident, regardless of severity, the employee involved must complete an accident report and submit it to the employee's Department Head within twenty-four hours. The Department Head must initiate notification to the insurance carrier and submit a copy of the accident report to the Town Supervisor's Office.
- The use of a cell phone when driving on Town business must be compliant with all applicable laws and/or regulations.
- Town vehicles must always be maintained in a safe and secure condition when not in use, including being locked and/or under direct observation; and all keys maintained under controlled and authorized jurisdiction of the appropriate Department Head. All

tools and equipment unrelated to operation and maintenance of the vehicle must be removed from Town vehicles after the vehicle has been used.

- Town vehicles must be kept clean, and cleaned of any trash or debris after usage.
- Town vehicles must be locked after usage.
- **Smoking is not permitted in any Town vehicle at any time.**
- **Eating is not permitted in any Town vehicle at any time.**
- In the event a Town vehicle must travel outside the limits of the Town of Carmel, the Department Head or Department Supervisor must receive prior approval from the Town Board; either on a case by case basis or as a comprehensive approval for specified purposes.
- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on Town vehicles at any time, except those of a limited community service nature which have been authorized by the Town Board.

Unionized Employees – Town employees covered by a collective bargaining agreement should refer to their collective bargaining agreement, because where conflicts arise contractual terms and practices govern.

508 *Driver's License / Insurance Requirements*

Requirement – An employee who is required to drive either a Town-owned vehicle or the employee's own personal vehicle to conduct business on behalf of the Town, must possess at the time of appointment, and must maintain throughout employment, a valid New York State driver's license. Proof of such license must be on file with the Town. If a personal vehicle is used to conduct business on behalf of the Town, the employee is responsible for ensuring liability insurance coverage meeting NYS requirements is appropriately maintained.

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

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

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

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

Tools and Equipment – The employee must take care of Town-owned tools or pieces of equipment. Employees who lose, misuse or damage Town-owned tools or pieces of equipment as a result of negligence or intentional misuse are subject to disciplinary action, up to and including termination of Town employment. An employee may not use any Town-owned tool or piece of equipment, including, but not limited to, fax machines, copiers and computer equipment, for personal use. An employee may not use Town facilities, Town-owned tools or equipment to work on vehicles or trailers not owned by the Town or for any other personal purposes.

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

510 *Telephone Usage*

Guidelines – It is important to maintain good relations with the residents of the Town. When conducting Town business on the telephone, an employee must abide by the following guidelines:

- An employee must answer promptly and speak in a clear, friendly and courteous tone.
- An employee must give the name of the department or office and one's own name. If the call is not for the employee who answers, the employee must transfer the caller to the correct party or take a message recording all pertinent information.
- During office hours, each employee is responsible for there being at least one employee in the department or office to answer telephones. If the department or office has a limited staff, arrangements must be made with another department or office for telephone coverage or an answering device must be in operation.
- Collect calls may not be accepted without the approval of the Department Head or Department Supervisor.
- An employee may not make personal calls, except in an emergency or to check briefly on family matters.
- An employee may not make personal calls on a Town provided telephone or cell phone that will result in additional charges to the Town, except in an emergency and/or with prior approval from the Department Head. The employee must reimburse the Town for the cost of the call. Employee's personal cell phones should not be used when it interferes with work performance. Cell phone use can be reviewed and can be prohibited by the Department Supervisor.

511 **Use of Communication Systems and Equipment**

Policy Statement – The purpose of this policy is to provide the following requirements for the use of Town-owned communication systems and equipment. Communication systems and equipment include but are not limited to computer systems, internet services, hardware, software, laptops, tablets, smart phones, cell phones, land-line phones, printers, facsimile machines, copiers, and scanning devices.

Property – All communication systems, equipment and files are the property of the Town. This includes the messages created, transmitted, and stored on such systems and equipment.

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

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

Personal Use – Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Any non-business use should be incidental and occasional and must conform to all standards set forth in this policy. Any personal use that interferes with the performance of an employee's work or burdens or compromises the effectiveness of the Town's network and equipment is strictly prohibited. The Town reserves the right to prohibit the personal use of Town communication system where personal use is excessive, improper, or violates Town policy.

Prohibited Uses – In addition to the requirements set forth above, the following uses of Town-owned communication systems and equipment are prohibited. This list is meant to be illustrative, and not exhaustive.

- Any illegal activity;
- Threats or harassment;

- Slander or defamation;
- Transferring, viewing, displaying, storing, distributing, editing, archiving, or recording of any discriminatory message, image, or material, or any obscene, graphic, or suggestive message, image, or material;
- Activity that is in violation of any provisions set forth elsewhere in this Employee Handbook;
- Any unauthorized commercial activity;
- Accessing or attempting to access the data/files of another person, unless otherwise authorized as necessary in the course of performing Town business;
- Using or aiding in the unauthorized use of another person's password;
- Harming or destroying data/files (other than editing or deleting information in the normal course of one's job duties);
- Use of non-business software;
- Gambling;
- Use of entertainment software, such as games and puzzles;
- Installation or use of any hardware or software, not authorized by the Town;
- Installation or use of Town-owned hardware or software for any use that is not Town related business;
- Installation or use of any unauthorized or unlicensed hardware or software; and
- Installation of any software containing viruses.

Internet / Electronic Messaging Requirements

Eligibility – Internet / electronic messaging service may be provided to employees who can demonstrate a work-related reason to have access. Electronic messages (e-messages) include but are not limited to e-mails, text messages, blogs, instant messages and posting to social networking or other sites. Approval must be given by the employee's Department Head or supervisor, subject to further approval of the Town Supervisor.

Proper Usage – In addition to the prohibitions set forth in the above paragraphs, any activities prohibited for any other general computer user are also prohibited with respect to Internet / e-messaging service usage. Employees are expected to communicate in a manner that will reflect positively on both themselves and the Town. Additionally, it is the responsibility of the employee to adhere to the following requirements:

- E-messaging must be used in a professional manner;
- Messages must not be threatening, insulting, obscene, abusive, or derogatory;
- Messages must not include content that constitutes workplace harassment including sexual harassment;
- E-messaging may not be used to transmit chain letters;
- Employees are responsible for saving any e-messages that they want to keep permanently;
- E-messages must not involve personal sales or solicitation or be associated with any for-profit outside business activity;
- E-messages must not involve personal not-for-profit solicitations;
- E-messages must not potentially embarrass the Town;
- Passwords should not be given to anyone other than the employee's Department Head or supervisor;
- Internet must not be used for the propagation of computer viruses;
- Internet must not be used for personal recreational activities (e.g. online games);

- Participation in non-business Internet chat groups, blogging or instant messaging is prohibited;
- As a security precaution, a workstation must not be left signed onto E-mail or the Internet while unattended for a long period of time (or overnight). Each employee must log off the network when not in use and power down at the end of the day;
- Employee Internet usage and e-messaging may be subject to filtering and may be monitored;
- Employees should be aware that deletion of any E-message or file does not truly eliminate that message or file from the system. All E-mail messages are stored on a central back-up system in the normal course of data management;
- Employees should ensure that no personal correspondence appears to be an official communication of the Town; and
- Employees may not use the Town's address for transmitting or receiving personal mail or use the Town's e-mail address for transmitting or receiving personal e-messages.

Disclosure of Information - Employees must bear in mind that e-messages are not private and its source is clearly identifiable. E-messages may remain part of the Town's business records long after they are deleted. Electronic records, including e-messages, are public records subject to state Freedom of Information Law and will be disclosed upon request unless an exemption to disclose is found to apply. In general, e-messages are subject to discovery in civil lawsuits.

Reliability – Users should be aware that because the internet is a collection of computer networks with no single central authority over information consistency, data is subject to inaccuracies. The Town is not responsible for loss or damage to a user's data or for the reliability of information that is obtained via the Internet service. Also, this information must be used in accordance with applicable copyright laws.

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

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

512 Social Media

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

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

on Town-owned computers or communication equipment or a device personally owned by the employee.

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

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

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

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

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

Notwithstanding the above, nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment. Nor is it meant to imply any restriction or diminishment of an employee's

right to appropriately engage in protected concerted activity under law. Town employees have the right to engage in or refrain from such activities as they choose.

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

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

513 *Personal Appearance*

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

Standards – An employee must maintain a personal appearance in a manner that reflects a good image to the public. 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, athletic clothing, novelty buttons, and similar items of casual attire since this clothing does not present a businesslike appearance.

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

514 *Solicitations/Distributions*

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

During Working Hours – An employee may not distribute literature or solicit other employees during working hours.

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

515 *Visitors*

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

516 Purchasing

Policy Statement – It is the policy of the Town to authorize certain individuals to make purchases on behalf of the Town. No employee shall make purchases for the Town, or use the Town's name to make purchases, unless so authorized by the Town Board. The Town has adopted an official procurement policy which must be adhered to by all personnel.

517 Maintenance of Work Area

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

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

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

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

- Make sure that aisles, floors and walls are free from debris and other unnecessary items;
- Monitor the facilities and equipment and issue maintenance requests where appropriate;
- Arrange for the removal of any items from the workplace that are not needed for the flow of business or the enhancement of employee comfort;
- Abide by and enforce the Town's no-smoking policy;
- Ensure the proper disposal of all trash and waste.

518 *Personal Property*

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

Personal Liability – An employee is expected to exercise reasonable care to safeguard personal items brought to work. The Town will not repair, replace, or reimburse an employee for the damage or loss of the employee's personal property. An employee bringing personal property to the workplace does so at one's own risk.

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

519 *Town Property*

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

- Equipment, including Protective Equipment
- Communication Devices
- Laptop computers and peripherals
- Identification Badges
- Keys
- Uniforms
- Books or other Reference Materials, including this Employee Handbook

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

520 *Unauthorized Work*

Policy Statement – An employee may not perform work for any entity other than the Town during the employee's paid work hours, or claim that Town work was done when such is not the case. Employees must devote their full scheduled shift to Town business, as assigned.

521 *Outside Employment*

Policy Statement – It is the policy of the Town that an employee may engage in outside work as long as such outside work does not interfere with the employee's performance standards, pose an actual or potential conflict of interest, or compromise the interests of the Town. Each employee must also comply with provisions of the Town Code of Ethics with respect to outside employment.

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

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

Notification of Outside Employment – A Town employee who wishes to engage in outside work should discuss the matter with the Department Head to ensure that the above guidelines are maintained.

Unionized Employees – Town employees covered by a collective bargaining agreement should refer to their collective bargaining agreement, because where conflicts arise contractual terms and practices govern.

522 *Disclosure of Information*

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

in any public forum (computer or otherwise) or on computer social networking sites (Facebook, etc.)

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

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

600 ABSENCE POLICIES

601 Attendance

The following procedures shall apply regarding absence from work:

Tardiness – An employee must be ready and able to work at the time the employee is scheduled to begin work. In the event an employee is unable to report to work at the scheduled time, the employee must notify the employee's Department Head prior to the employee's scheduled starting time. The reason for tardiness and the expected time of arrival must be indicated to the Department Head.

Daily Notification – In the event an employee is unable to report to work, the employee must notify the employee's Department Head each day of the absence and state the reason for the absence. In the event the absence was pre-authorized, this requirement will be waived.

Scheduled Absences – Requests for scheduled time off, such as the use of vacation leave and personal leave, must be approved by the Department Head in advance. All requests for time off are subject to approval by the employee's Department Head on a case-by-case basis.

Unscheduled Absences – In the event an employee is unable to report to work, the employee must notify the appropriate supervisor prior to the employee's scheduled reporting time. Notification requirements may be waived in cases of emergency. This procedure must be followed to receive sick leave pay.

Unexcused Absences – Notification of an absence to an employee's Department Head does not automatically mean the absence is authorized. Any time off from work that is without approval of an employee's Department Head is considered an unexcused absence. An unexcused absence is without pay and may result in disciplinary action, up to and including termination.

Early Departure – In the event an employee must leave work during the workday, the employee must seek permission from the employee's Department Head prior to leaving.

Leaving the Premises – An employee must obtain prior approval from the employee's Department Head to leave an assigned worksite during working hours due to a non-work

related reason. An employee who leaves an assigned worksite during the workday due to business reasons must notify the employee's supervisor in accordance with department policy.

Documentation of Absences – An employee may be required to provide appropriate documentation in justification of any absence. Documentation may include medical verification.

Unionized Employees -- Town employees covered by a collective bargaining agreement should refer to their collective bargaining agreement, because where conflicts arise contractual terms and practices govern.

602 *Jury Duty Leave*

The following procedure shall apply regarding jury duty:

Jury Leave – In the event a full-time employee is required to perform jury duty on a day the employee is scheduled to work, the employee will receive paid jury duty leave. Such leave will not be subtracted from any of the employee's leave credits. A part-time, temporary or seasonal employee shall receive paid jury duty leave if the employee is scheduled to work for the Town on the day the jury duty is served. An employee is obligated to notify the Commissioner of Jurors that the Town is paying the employee's full pay during jury duty. An employee can collect and keep any mileage expense reimbursement that may be issued by the court system for performing jury duty.

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

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

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

Unionized Employees -- Town employees covered by a collective bargaining agreement should refer to their collective bargaining agreement, because where conflicts arise contractual terms and practices govern.

603 *Military Leave and Military Leave of Absence*

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

employee's option, be used at any time during the leave. In accordance with applicable New York State law, the employee may keep all pay received for military service.

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

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

604 Bereavement Leave

Eligibility – In the event of a death of a full-time employee's family member, the employee may take a paid leave of either four or two consecutive days (see below) from the employee's regularly scheduled work. Such leave will not be subtracted from any of the employee's leave credits. A part-time, temporary, or seasonal employee is not eligible for paid bereavement leave but may be allowed to take time-off without pay provided the employee has prior approval from the Department Head.

Leave Period – Bereavement leave will be granted as shown below:

Deceased Family Member:	Days of Leave:
Spouse	Four days
Mother / Father / Step-parent	Four days
Brother / Sister	Four days
Child / Stepchild	Four days
Member of Employee's Household	Four days
Mother/Father-in-law	Four days
Brother/Sister-in-law	Four days
Grandchild	Four days
Grandparent	Four days

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

Unionized Employees -- Town employees covered by a collective bargaining agreement should refer to their collective bargaining agreement, because where conflicts arise contractual terms and practices govern.

605 **Family and Medical Leave Policy**

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

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

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

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

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

- Upon the birth of the employee's child and to care for the newborn child;
- Upon the placement of a child with the employee for adoption or foster care and to care for the newly placed child;
- To care for the employee's spouse, son, daughter or parent who has a serious health condition;
- Because of the employee's own serious health condition which makes the employee unable to perform one or more of the essential functions of his or her job; and
- Because of any qualifying exigency (refer to Qualifying Exigency Leave below) arising out of the fact that the employee's spouse, son, daughter or parent is on active duty or

has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

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

Qualifying Exigency Leave – Eligible employees who have a covered family member serving in either the National Guard or the Reserves are provided with up to 12 work weeks of FMLA job-protected leave for "any qualifying exigency" that arises while the covered family member is on active duty or called to active duty status in support of a contingency operation. The regulations identify eight categories for which an eligible employee may use FMLA leave under this qualifying exigency provision:

- *Short-notice deployment*: a covered military member is notified of an impending call or order to active duty 7 or less days before deployment;
- *Military events and related activities*: (a) to attend any official ceremony, program, or event sponsored by the military that is related to active duty; or (b) to attend family support or assistance programs or informational briefings sponsored by the military;
- *Childcare and school activities*: (a) to arrange for childcare when active duty necessitates a change in childcare arrangements; (b) to provide childcare on an urgent basis when the urgency arises from active duty status; (c) to enroll in a new school or daycare because of active duty; or (d) to attend meetings at a school or daycare for a child of a covered service member due to circumstances arising from active duty;
- *Financial and legal arrangements*: (a) to make or update financial arrangements to address a covered military member's absence while on active duty; or (b) to act as a covered military member's representative before a federal, state, or local agency to obtain or arrange military service benefits while a covered service member is on active duty;
- *Counseling*: to attend counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of a covered service member if the need for counseling arises from active duty or the call to active duty;

- *Rest and recuperation*: to spend up to 5 days of leave with a covered military member who is on short-term, temporary, rest and recuperation leave;
- *Post-deployment activities*: (a) to attend arrival ceremonies, reintegration briefings and events, and other official ceremonies sponsored by the military for a period of 90 days after the termination of active duty status; or (b) to address issues that arise from the death of a covered military member while on active duty status; or
- *Additional activities*: a catch-all designed to address any other event that may arise out of active duty or a call to active duty status, provided that such leave is agreed upon by the employer and employee.

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

- **Serious Health Condition** will mean an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility including any period of incapacity (as contained in the Federal Regulations), or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider, including, but not limited to:
 - * A period of incapacity of more than three consecutive calendar days and any subsequent treatment or period of incapacity that also involves continuing treatment by a health care provider;
 - * A period of incapacity due to pregnancy or prenatal care;
 - * A period of incapacity or treatment for such incapacity due to a chronic serious health condition. A “chronic serious health condition” requires periodic visits to a health care provider for treatment. The term “periodic visit” constitutes 2 or more appointments with a health care provider over the course of one year;
 - * A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
 - * A period of absence to receive multiple treatments, including any period of recovery, by a health care provider, or by a provider of health care services under orders of or on referral by a health care provider, for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.
- **Health Care Provider** will mean and refer to a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or any other person defined in the FMLA regulations capable of providing health care services.

- **Family Member** will mean and refer to:
 - * **Spouse** – husband or wife as defined or recognized under State law for purpose of marriage;
 - * **Parent** – biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a child as defined in directly below. This term does not include an employee's parents "in law";
 - * **Child** – biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis*, who is either under age eighteen, or age eighteen or older and "incapable of self-care (as defined in the Federal Regulations) because of a mental or physical disability". Persons who are "*in loco parentis*" include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

Notification Requirements – If the need for leave is foreseeable, the employee must give notice, in writing, to the Department Head at least thirty calendar days prior to the commencement date of the unpaid leave. The employee must complete the Family And Medical Leave Act Request Form and forward the completed form to the Office of the Comptroller for review. The failure of an employee to give thirty days' notice of foreseeable leave with no reasonable excuse for the delay may result in the delay of the employee taking the FMLA leave until thirty days from the date of notice. When the need for leave is unforeseeable, verbal notice to the employer will be sufficient.

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

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

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

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

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

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

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

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

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

- **Use of Accrued Paid Leave Credits** – An employee taking leave for the **birth, adoption or foster placement of a child, to care for a spouse, child or parent with a serious health condition or military caregiver leave** must first use all available sick and vacation leave credits during the authorized FMLA leave. In intermittent leaves, sick and vacation leaves must be used in increments permitted under applicable Town policies or the employee's collective bargaining agreement, or taken as unpaid leave. Use of these leave credits does not extend the maximum allowable period specified by FMLA regulations.

For leaves taken due to the **employee's own serious health condition**, the employee must first use all vacation and sick leave credits and short-term disability benefits (if applicable,) which will be included in the maximum twelve-workweek period. In intermittent leaves, sick and vacation leaves must be used in increments permitted under applicable Town policies or the employee's collective bargaining agreement, or taken as unpaid leave. In the event that the paid leave credits are greater than the maximum twelve-workweek period, an employee may use paid leave credits to **extend** the leave of absence beyond the twelve-workweek period, **up to a maximum of one year**. If, after the completion of the one-year leave of absence, the employee is medically unable to return to work (as determined by a health care provider) and the employee has leave credits remaining, the Town Board may authorize an extension of the employee's leave of absence until such benefits are exhausted. However, job reinstatement beyond the one-year leave of absence is not automatic and will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *Putnam County Civil Service Rules*.

- **Accrual of Paid Leave Credits** – An employee will continue to accrue vacation and sick leave and receive holiday pay during the portion of the leave that is paid. **Paid leave is defined as leave during which the employee continues to use accumulated paid vacation and sick leave.** After all such paid leave is exhausted, the remaining leave of absence is unpaid. An employee will not earn paid vacation or sick leave or receive holiday pay for any holidays that may occur during an unpaid leave of absence.

- **Medical Insurance** – During the period of authorized FMLA designated leave, an employee's eligibility status for medical insurance coverage will not change. All employee contributions (if any) must be paid on a timely basis in order to maintain the continuous coverage of benefits. Contributions will be at the same level as if the employee was working. Coverage will cease if payments are not made within a thirty-calendar day grace period of the due date. Premium payments or policy coverage are subject to change. In the event the employee fails to return to work after the authorized leave of absence period has expired, provisions of COBRA (see Section 811) will apply. In addition, the Town may recover the premium that it paid for maintaining the coverage during any period of the unpaid leave except for the following circumstances:
 - * The continuation, recurrence, or onset of a serious health condition of the employee or the employee's eligible family member with proper medical certification; or,
 - * Circumstances beyond the employee's control, such as: parent chooses to stay home with a newborn child who has a serious health condition; employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's work-site; the employee is laid off while on leave.

Workers' Compensation and Short-Term Disability Benefits – Leaves taken under the Workers' Compensation Law or the Town's Short-Term Disability Policy may invoke the FMLA if the employee meets the eligibility criteria outlined in the eligibility section and the Town designates such leave as FMLA leave and properly notifies the employee of such designation. In accordance with the FMLA, if an employee has elected to receive workers' compensation benefits or short-term disability benefits, the Town cannot require the employee to substitute paid leave credits during this period of leave. If the workers' compensation leave or short-term disability leave has been properly designated as FMLA leave by the Town, it can be counted against the employee's FMLA leave.

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

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

- **Job Restoration** – At the conclusion of the leave of absence, (except for leaves beyond a one-year period) the employee, provided that the employee returns to work immediately following such leave, will be restored to the position the employee held when the leave began, or an equivalent position with equivalent benefits, pay and working conditions. For authorized leave of absences beyond the one-year period, job restoration will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *Putnam County Civil Service Rules and Appendices*.
- **Medical Statement** – Before resuming employment, an employee must submit a statement from the employee's health care provider indicating that the employee is able to return to work either with or without restrictions. The Town reserves the right to have

the employee examined by a physician selected and paid for by the Town to determine the employee's fitness to return to work either with or without restrictions. Failure to return to work when required may be considered a voluntary termination.

- **Early Return** – An employee who intends to return to work earlier than anticipated must notify the Department Head at least five business days prior to the date the employee is able to return. The Department Head shall in turn notify the Town Supervisor.

606 *Leave for Cancer Screening*

Policy –The Town of Carmel complies with New York State Civil Service Law which entitles all Town employees paid leave to undertake screening for breast cancer (under Section 159-b) and prostate cancer (under Section 159-c). This paid leave will not be charged against any available sick, vacation, personal, compensatory or other leave accruals.

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

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

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

607 *Leave for Blood Donations*

Policy –The Town of Carmel complies with New York State Labor Law Section §202-j which entitles Town employees who work an average of twenty hours or more per week to a leave of absence for the purpose of making a blood donation. This leave of absence will not be charged against any available sick, vacation, personal, compensatory or other leave accruals. The leave allowed under this policy is unpaid, however, this does not preclude an employee's option to use available paid leave for this same purpose.

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

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

700 COMPENSATION

701 *Wage and Salary*

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

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

Longevity Bonus – An employee shall be eligible to receive a longevity bonus in accordance with the schedule established by the Town Board, provided the employee has not received an unsatisfactory evaluation. The bonus will be at the discretion of the Town Board. The bonus will be paid in a lump sum on the employee's anniversary date.

Unionized Employees – An employee who is a member of a collective bargaining unit is not covered by the Wage and Salary provisions set forth above and should refer to the applicable collective bargaining agreement.

702 *Overtime and Compensatory Time*

Authorization – A Department Head may require an employee to work additional hours beyond the employee's normal workday and workweek. An employee must receive prior approval from the employee's Department Head or Department Supervisor before working additional hours. Unauthorized overtime work is prohibited and may result in disciplinary action.

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

FLSA Non-Covered and Exempt Employees – In accordance with the Fair Labor Standards Act, FLSA non-covered and exempt employees will not be paid for overtime for any hours worked in excess of the employee's normal workday or workweek.

Credit for Paid Leave – Personal leave, vacation leave, sick leave, bereavement leave, holidays, jury duty leave, and military leave will be included as time worked for the purpose of computing overtime.

Compensatory Time (FLSA Non-Exempt Employees) – With pre-authorization from the Department Head, a non-exempt employee will have the option of receiving "compensatory time" in lieu of paid overtime. When a non-exempt employee chooses to receive compensatory time, the employee will be credited with the equivalent of one and one-half hours for all authorized time worked over forty hours in a given workweek. An employee may accumulate no more than seventy hours in compensatory time credits. Employees

with seventy hours of accumulated compensatory time shall be paid at one and one-half times the employee's regular hourly rate for any overtime hours worked.

Compensatory Time (FLSA Non-Covered and Exempt Employees) – With pre-authorization from the Department Head, an exempt or non-covered employee will have the option of receiving “compensatory time” for hours worked beyond the normally scheduled workweek. When such employee chooses to receive compensatory time, the employee will be credited with the equivalent of the applicable overtime rate for all authorized time worked over forty hours in a given workweek. An employee may accumulate no more than twenty-four hours in compensatory time credits per year, and may carry-over a maximum of twenty-four hours of compensatory leave credits from one calendar year to the next. For employees hired on or after November 1, 2017, maximum accumulation of compensatory time hours is 240 hours. Upon separation from employment, an employee shall be paid their straight hourly rate for accumulated compensatory time up to a maximum of twenty-four hours accumulated per year. For employees hired on or after November 1, 2017, the maximum total accumulation for payout upon separation of employment is 240 hours.

Unionized Employees – An employee who is a member of a collective bargaining unit is not covered by the Overtime provisions set forth above and should refer to the applicable collective bargaining agreement.

703 Pay Period and Check Distribution

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

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

Distribution – The Office of the Comptroller will deliver paychecks to the Department Heads for further distribution to employees.

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

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

704 Payroll Deductions

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

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

705 *Deferred Compensation Plan*

Summary – The Town of Carmel 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 Office of the Comptroller.

800 EMPLOYEE BENEFITS

801 *Holidays*

Designated Holidays – The Town of Carmel will observe the following holidays:

1. New Year’s Day
2. Martin Luther King’s Birthday
3. Lincoln’s Birthday
4. President’s Day
5. Good Friday
6. Memorial Day
7. Independence Day
8. Labor Day
9. Columbus Day
10. Veterans’ Day
11. Thanksgiving Day
12. Day after Thanksgiving
13. Christmas Day

Eligibility – A full-time employee is eligible for holiday pay at the employee’s regular rate of pay. A part-time, temporary, or seasonal employee is not eligible for holiday pay.

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

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

Assigned to Work on a Holiday – A full-time FLSA non-exempt employee who is required to work on a designated holiday will receive holiday pay plus wages at the employee’s regular rate of pay. A part-time, temporary, or seasonal employee who works on a designated holiday will be paid at the employee’s regular rate of pay.

Unionized Employees -- Town employees covered by a collective bargaining agreement should refer to their collective bargaining agreement, because where conflicts arise contractual terms and practices govern.

802 *Vacation Leave*

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

Allowance – A full-time employee will be credited with paid vacation leave in accordance with the vacation schedule below. Vacation Leave is based on the average number of hours an employee is normally scheduled to work each week. An employee may take vacation leave only after it has been credited. Vacation leave will be credited on the employee's anniversary date of hire.

- A full time employee who completes one year of continuous service will receive two weeks of paid vacation leave
- A full time employee who completes three years of continuous service will receive three weeks of paid vacation leave
- A full time employee who completes five years of continuous service will receive four weeks of paid vacation leave
- A full time employee who completes ten years of continuous service will receive five weeks of paid vacation leave

Continuous Service – Continuous Service shall mean uninterrupted service. An authorized leave of absence without pay, or a resignation followed by reinstatement within one year following such resignation, shall not constitute an interruption of continuous service. Vacation is earned only for monthly pay periods during which an employee is in full pay status for at least fifteen working days during such monthly pay period.

Scheduling – In order to plan for staffing needs, vacation requests must be submitted by the end of April each year. Town Hall employees should submit vacation requests to the Town Supervisor; all others should submit vacation requests to the applicable Department Head. The Town Supervisor or Department Head will have total discretion in the approval of vacation leave. Vacation leave credits may not be used in increments of less than one-half day.

Accumulation – With approval by the Town Supervisor or Town Board, an employee may accumulate a maximum of five days of vacation leave credits for carry over to the following year.

Holiday During Scheduled Vacation – In the event a designated holiday occurs on an employee's normal workday and the employee is on paid vacation, the employee will

receive holiday pay for the day and the employee's vacation leave credits will not be charged for that day.

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

Unionized Employees -- Town employees covered by a collective bargaining agreement should refer to their collective bargaining agreement, because where conflicts arise contractual terms and practices govern.

803 Sick Leave

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

Allowance – A newly hired employee will be credited with one and one-quarter days of paid sick leave on the first day of each month during the initial calendar year of employment. Thereafter, a full-time employee will be credited with fifteen days of paid sick leave each January 1. An employee may take sick leave only after it has been credited.

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

Accrual During Leaves of Absence – An employee will be credited with sick leave credits while on a paid leave of absence, but not while on an unpaid leave of absence.

Proper Use of Sick Leave – Sick leave is provided to protect an employee against financial hardship during an illness or injury. An employee may use sick leave credits for personal illness or injury that inhibits the employee's work. Sick leave credits may not be used in increments of less than one hour.

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

Accumulation – An employee may accumulate sick leave credits to a maximum of two hundred days.

Separation of Employment – An employee whose employment with the Town is terminated due to a disciplinary discharge will not receive cash payment for unused sick leave.

A full-time employee employed by the Town prior to January 1, 2014 who is separated from Town service for any reason other than disciplinary discharge is eligible to receive cash payment for accumulated unused sick leave in accordance with the schedule below:

Years of Employment:	*Portion of Accumulated Days for which Reimbursement will be made:
After 5 years of continuous service	40%
After 10 years of continuous service	50%
After 15 years of continuous service	60%
After 20 years of continuous service	75%

A full-time employee with a starting date of January 1, 2014 or later who is separated from Town service for any reason other than disciplinary discharge is eligible to receive cash payment for accumulated unused sick leave in accordance with the schedule below:

Years of Employment:	*Portion of Accumulated Days for which Reimbursement will be made:
After 5 years of continuous service	40%
After 10 years of continuous service	50%

*The number of days for which payment shall be made shall be rounded up to the next full day, if the percentage applied to the accumulation results in a fractional part of a day. Payments shall be made at the employee's then current base rate of pay without addition of overtime, etc.

Death of Employee – If an employee with at least five years of continuous service dies while employed by the Town of Carmel, the employee's beneficiary would receive payment for accumulated unused sick leave in accordance with the schedule applicable for cashing in unused sick leave upon separation. In the event that an employee has not reached the tenth anniversary, the 40% reimbursement of accumulated sick leave would be paid.

Retirement Credit – The Town Board has elected to provide Section 41 (j) of the Retirement and Social Security Law which allows credit for a portion of accumulated sick leave at the time of retirement.

Unionized Employees -- Town employees covered by a collective bargaining agreement should refer to their collective bargaining agreement, because where conflicts arise contractual terms and practices govern. Town employees covered by a collective bargaining agreement are subject to the Proper Use of Sick Leave or Abuse of Sick Leave policies.

804 Personal Leave

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

Allowance – A full-time employee will be credited with three days of paid personal leave on each January 1. Personal leave is based on the average number of hours an employee is

normally scheduled to work each week. An employee may take personal leave only after it has been credited.

New Employee – A new employee will be credited with three (3) days of paid personal leave if the date of hire is in the first quarter, two (2) days of paid personal leave if the date of hire is in the second quarter, and one (1) day of paid personal leave if the date of hire is in the third quarter. No personal leave if the date of hire is in the fourth quarter. Thereafter, the employee will be credited with three (3) days of paid personal leave on each subsequent January 1.

Proper Use of Personal Leave – An employee may use personal leave credits to conduct personal business which cannot be conducted outside of normal working hours, non-emergency medical and dental appointments, and for personal emergencies. In no event may personal leave credits be used on the scheduled workday immediately prior to or following a holiday or vacation; in lieu of sick leave or other leaves of absences, except to extend bereavement leave. Personal leave credits may not be used in increments of less than one-half day.

Scheduling – An employee must receive prior approval from the employee's Department Head to take personal leave. The Department Head will have total discretion in the approval of personal leave.

Accumulation – With approval by the Town Supervisor or Town Board, an employee may accumulate a maximum of three days of personal leave credits for carry over to the following year.

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

Unionized Employees -- Town employees covered by a collective bargaining agreement should refer to their collective bargaining agreement, because where conflicts arise contractual terms and practices govern. Town employees covered by a collective bargaining agreement are covered by the Proper Use of Personal Leave and Scheduling policies.

805 *Disclosure of Insurance Benefits*

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

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

Plan Documents – Benefits are administered according to applicable government regulation, benefit plan documents, insurance carrier master policy, or Town policy. Should

there be a discrepancy between the information presented in this Employee Handbook and the benefit plan document, the plan document governs. The Town Board is responsible for compliance with all applicable laws and regulations. The Town Board may, at its discretion, change carriers and/or offer alternative insurance plans for non-union employees. Changes in carriers and/or plans for unionized employees shall be in accordance with collective bargaining agreements and/or procedures.

Changes in Benefits – Any benefit offered by the Town to employees not represented by unions or Elected Officials is subject to change by resolution of the Town Board.

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

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

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

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

806 Medical Insurance

Eligibility – The Town will make available medical insurance coverage to each full-time employee, Elected Officials, and their eligible family members. A part-time, temporary, or seasonal employee is not eligible for medical insurance coverage.

When Coverage Begins – Coverage will begin on the first day of the month following either the employee's date of hire, or for Elected Officials, the first day of office, provided all eligibility requirements of the insurance plan are met.

When Coverage Ends - Coverage ends on the last day of the month that an employee or Elected Official separates from Town service. Separation from service includes lay-off, termination, resignation or death of the employee or Elected Official. Continuation of coverage for eligible employees, Elected Officials and their eligible dependents is available in accordance with COBRA provisions.

Premium Payment – The type of coverage and amount of the insurance premium an employee or Elected Official is required to contribute is established by resolution of the Town Board. This may be stated as a specific dollar amount or as a percentage of the premium cost. Factors such as date of hire or commencement of office, and type of

coverage may be considered when determining the required premium contribution. Employees and Elected Officials shall pay their contributions for individual or family coverage via payroll deduction. Contribution amounts are subject to change by resolution of the Town Board. Full details are available from the Accounting Office.

Changes in Premium Contributions – The percentage and/or contribution amount of the insurance premium an employee or Elected Official is required to contribute is subject to change by resolution of the Town Board. The Town Board will provide six (6) weeks written notice of such change.

Unionized Employees – An employee who is a member of a collective bargaining unit is not covered by the Medical Insurance provisions set forth immediately above and should refer to the applicable collective bargaining agreement.

807 *Medical Insurance Buy-out*

Eligibility and Payment – Full-time employees and Elected Officials who are eligible to be enrolled in the Town's medical insurance, and who voluntarily withdraw from or do not enroll in the Town's medical insurance plan on or after January 1, 2014 shall receive:

- 1) Five thousand dollars (\$5,000.00) on the first day of the thirteenth (13th) month following the month of withdrawal and every twelfth (12th) month thereafter if they were receiving or were eligible for family coverage and provided that they remained uncovered under the Town's plan for the twelve (12) consecutive months immediately preceding any payment due; or
- 2) Two thousand five hundred dollars (\$2,500.00) on the first day of the thirteenth (13th) month following the month of withdrawal and every twelfth (12th) month thereafter if they were receiving or were eligible for individual coverage and provided that they have remained uncovered under the Town's plan for the twelve (12) consecutive months immediately preceding any payment due.

Elected Officials who receive medical insurance provided by the Town are not eligible for the payments described above. Full-time Town employees who receive medical benefits through a spouse employed by the Town only qualify for the Medical Insurance Buy-out payment in #2 above for employees eligible for individual medical insurance coverage.

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

The medical insurance buy-out payment is in addition to the compensation and/or salary to which the employee is otherwise entitled, and will be treated as part of the employee's gross income and will be subject to the appropriate withholding for income and payroll tax purposes. Payments made to an employee under the provisions of this buy-out option are excluded from NYS Retirement System earnings calculations.

Reinstatement – If an employee chooses to re-enroll in the Town's health insurance plan, a written notice must be provided to the Principal Account Clerk during the open enrollment period in order for coverage to be effective the following January 1. In the event the

employee loses coverage under the alternate insurance plan, coverage under the Town's plan may be resumed in accordance with the provisions specified in the plan documents, provided that the employee meets all eligibility requirements of the plan.

Unionized Employees – An employee who is a member of a collective bargaining unit is not covered by the Medical Insurance Buy-out provisions set forth immediately above and should refer to the applicable collective bargaining agreement.

808 Medical Insurance for Retirees

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

Eligibility – To be eligible for coverage, a retired employee or Elected Official must be age fifty-five or older, and must have at least fifteen years of continuous service with the Town. In addition, the employee or Elected Official must have applied for and been granted a bona-fide retirement benefit from the New York State Employees' Retirement System. A non-union, uniformed police officer shall be eligible for coverage upon reaching twenty years of service or after being granted bona-fide retirement benefits with the Police Retirement System; no minimum age requirements will apply.

Plan – The Town Board may, through resolution, change the medical insurance plan at any time, including, but not limited to, type of coverage, retiree contributions, and type of carrier.

Premium Payment – For each eligible retiree, the Town will pay the same percentage of the premium for individual or family medical insurance coverage, as the case may be, that the Town was paying at the time of retirement.

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

No Change from Single to Family Coverage in Retirement -- Employees on single health insurance coverage when they retire may not change to family health insurance during their retirement.

Medicare Part B Reimbursement – The Town will reimburse an eligible retiree and the retiree's spouse for the cost of the Medicare Part B premium. Such reimbursement will cease for both the retiree and the retiree's spouse upon the death of the retiree. Reimbursement will also cease for a spouse upon legal separation or divorce. The Town Board may, at its discretion and in accordance with plan documents, modify or eliminate this reimbursement for any retiree or retiree's spouse.

Unionized Employees – An employee who is a member of a collective bargaining unit is not covered by the Medical Insurance for Retirees provisions set forth immediately above and should refer to the applicable collective bargaining agreement.

809 *Dental Plan*

Eligibility – The Town will make available a dental plan to each full-time employee, Elected Officials, and their eligible family members. A part-time, temporary or seasonal employee is not eligible for this plan.

When Coverage Begins – Coverage will begin thirty calendar days after the date of hire, or for Elected Officials, the first day of office, provided the employee or Elected Official meets all eligibility requirements of the dental plan. Coverage ceases upon separation from Town service for any reason, including retirement.

Premium Payment – The Town will pay the full premium for an individual or family dental plan, as the case may be.

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

Unionized Employees – An employee who is a member of a collective bargaining unit is not covered by the Dental Plan provisions set forth immediately above and should refer to the applicable collective bargaining agreement.

810 *Optical Plan*

Eligibility – The Town will make available an optical plan to each eligible employee and Elected Official. A part-time, temporary or seasonal employee is not eligible for this plan.

When Coverage Begins – Coverage will begin on the employee's first day of employment or for Elected Officials, the first day of office, provided all eligibility requirements of the optical plan are met.

Premium Payment – The Town will contribute a fixed amount, as determined by the Town Board on a periodic basis, towards the premium for each eligible employee and Elected Official. Any difference between the Town's contribution and the actual premium cost of the optical plan shall be the obligation of the employee or Elected Official.

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

Unionized Employees – An employee who is a member of a collective bargaining unit is not covered by the Optical Plan provisions set forth immediately above and should refer to the applicable collective bargaining agreement.

811 Continuation of Health Insurance Benefits (COBRA/NYS Continuation Coverage)

Summary – 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.

NYS Continuation Coverage – 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.

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

Period of 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.

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

- Termination of the covered employee’s (or 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 Elected Official.
- Divorce or legal separation from a covered employee or 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 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.

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

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

812 Short-Term Disability Benefits

Eligibility – A full-time employee is provided with short-term disability coverage in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid short-term disability coverage. This benefit is to supplement loss of time from work due to a qualified non-job related illness or injury.

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

Disability Payments – Disability payments will be in accordance with the terms of the policy. The duration of disability benefits is dependent upon a physician's certification and consistent with the terms of the policy. There may be a waiting period before an employee can become eligible for disability payments. Full details regarding the policy currently in effect are available from Office of the Comptroller.

Premium Payment – The Town will pay the full premium for disability coverage for each eligible employee.

Reporting of Illness or Injury – The employee must submit a written report of the illness or injury on the proper application form to the employee's Department Head and the Office of the Comptroller within twenty-four hours of the occurrence. The Office of the Comptroller will provide the employee with the necessary forms. Proper medical certification will be required and must be submitted with the application form.

Use of Sick Leave Credits – An employee may draw from the employee's sick leave credits in conjunction with disability payments to equal, but not exceed, the employee's regular daily rate of pay.

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

Unionized Employees – An employee who is a member of a collective bargaining unit should refer to their collective bargaining agreement regarding application of Short-Term Disability Benefits.

813 *Workers' Compensation Benefits*

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

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

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

Reporting of Injury – The employee must report any accidental injury arising out of and in the course of employment to the Department Head immediately after the occurrence of the injury. The Department Head will notify the Office of the Comptroller who will complete and submit the required forms within thirty (30) days.

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

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

814 *Unemployment Benefits*

Coverage – The Town will make available unemployment benefits to each eligible employee ruled eligible for benefits under New York State Labor Law.

815 *Social Security*

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

816 *The New York State Employees' Retirement System*

Summary – The Town will make available the New York State Employees' Retirement System pension plan to each eligible employee. An employee is eligible for service retirement benefits after completion of the required minimum period of creditable public sector service (either five or ten years depending on tier).

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

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

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

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

817 *Police and Fire Retirement System*

Summary – The Police and Fire Retirement System covers all sworn personnel in the Police Department. It is mandatory for all full-time and part-time police officers to become members of the Police and Fire Retirement System effective on the first day of employment.

900 COMPLIANCE POLICIES

901 *Equal Employment Opportunity*

Policy Statement – The Town of Carmel is an Equal Opportunity Employer. The Town does not unlawfully discriminate on the basis of race, color, religion, creed, sex, gender, sexual orientation, gender identity or expression, age, national origin, ancestry, ethnicity, citizenship, disability, marital status, familial status, pregnancy, application to or present membership in the uniformed services, veteran status, arrest or conviction record, genetic information, predisposition or carrier status, domestic violence victim status, or any other protected class or status. Likewise, the Town prohibits employees, Elected Officials, vendors, suppliers, visitors, customers, and any other non-employee from discriminating against Town employees based on these protected groups. Discrimination based on any of the above is strictly prohibited. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, compensation, promotion, transfer, training, leave of absence, and termination.

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

Prohibition Against Retaliation – Retaliation against any employee who brings a written or verbal complaint of discrimination or who assists or participates in the investigation of such a complaint is strictly prohibited. The Town will not tolerate or permit adverse treatment of employees because they report discrimination or provide information related to such complaints, or who otherwise oppose an unlawful employment practice. Any employee who participates in the procedure may do so without fear of retaliation. Violations of this policy may result in disciplinary action up to and including termination of employment.

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

902 ***The Americans with Disabilities Act***

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

Reasonable Accommodation – Reasonable accommodation is available to all qualified employees and applicants with disabilities, unless it imposes an undue hardship on the Town and/or operations of a program. The Town may require medical documentation or other information necessary to verify the existence of the disability and the need for accommodation. Following receipt of an accommodation request, the Town will meet with the requestor to discuss and identify the precise limitations resulting from the disability and the potential accommodation(s) that the Town might make to help overcome those limitations.

The Town will determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodations(s), and the accommodation's impact on Town operations.

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

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

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

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

Policy Statement – It is the policy of the Town of Carmel to promote a productive work environment and to prohibit conduct by any employee that disrupts or interferes with another’s work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with this goal, the Town of Carmel is committed to educate employees in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to provide an effective means of eliminating such discrimination and harassment from the workplace. Any conduct that discriminates against, denigrates or shows hostility or aversion towards a person on the basis of race, color, religion, creed, sex, gender, sexual orientation, gender identity or expression, age, national origin, ancestry, ethnicity, citizenship, disability, marital status, familial status, pregnancy, application to or present membership in the uniformed services, veteran status, arrest or conviction record, genetic information, predisposition or carrier status, domestic violence victim status, or any other protected class or status is strictly prohibited. In short, the Town will not tolerate any form of discrimination or harassment, including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such harassment in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and harassment, including sexual harassment, without any risk of retaliation against an employee who, in good faith, files such complaint.

Applicability of Policy – This policy applies to all Elected Officials, employees, supervisors, and Department Heads, whether employed full or part-time, temporary or seasonal, whether elected or appointed and regardless of compensation level, and all personnel in a contractual relationship with the Town. Depending on the extent of the Town’s exercise of control, this policy may be applied to the conduct of non-Town employees with respect to harassment of Town employees in the workplace.

Supervisory Responsibility – Department Heads and supervisory personnel are responsible for ensuring a work environment that is free from discrimination and harassment, including sexual harassment. Supervisors must take immediate and appropriate corrective action when instances of discrimination or harassment come to their attention in order to assure compliance with this policy.

Prohibited Activity – No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any person. Employees shall not make offensive or derogatory comments based on race, color, sex, religion, national origin, or any other protected status either directly or indirectly to another person. Employees shall not produce offensive or inappropriate written materials or electronic communications (e.g. letters, e-mail or text messages, or graffiti.) These are examples of harassment that are a prohibited form of discrimination under State and Federal employment law and also considered misconduct subject to disciplinary action by the Town; it is not intended to be a comprehensive list and does not limit the Town’s ability to take disciplinary action in other appropriate instances.

Definition of Sexual Harassment – This policy places special attention on the prohibition of sexual harassment in the workplace. Sexual advances that are not welcome, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made, either explicitly or implicitly, a term of condition of an individual's employment; OR
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, such as promotion, transfer, or termination, affecting such individual; OR
- 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 refers to behavior that is not welcome, that is personally and objectively offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with an employee's work performance and/or effectiveness or creates an intimidating, hostile or offensive working environment. Exposure to such conduct that serves to alter the terms and conditions of employment is prohibited by this policy and state and federal law.

Forms of Sexual Harassment – Specific forms of behavior that the Town of Carmel considers sexual harassment and which are prohibited include, but are not limited to, the following:

- Quid pro quo threats or promises by a supervisor (loss of job or promise of job, promotion, or other employment benefit).
- Verbal harassment of a sexual nature related to an employee's gender, including sexual innuendoes, slurs, sexual slurs, suggestive, derogatory, insulting or lewd comments or sounds, whistling, jokes of a sexual nature, sexual propositions and/or threats.
- Sexually oriented comments about an employee's body that are unwelcome and/or unreasonably interfere with an employee's work performance or create an intimidating, hostile, or offensive working environment.
- Any sexual advance that is unwelcome or any demand for sexual favors.
- Sexually suggestive written, recorded or electronically transmitted material, showing or displaying pornographic or sexually explicit objects or pictures, graphic commentaries, leering or obscene gestures in the workplace such that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment.
- Physical contact of any kind which is not welcome, including touching, grabbing, hugging, fondling, jostling, petting, pinching, coerced sexual intercourse or sexual relations, assault or intentional brushing up against a person's body.

Reporting of Discrimination and Harassment (including Sexual Harassment) – Employees are encouraged to report incidents of harassment (including sexual harassment) to their Department Head and/or Town Supervisor as soon as possible after their occurrence. If the employee's Department Head is believed to be involved in the incident, or if the employee is not comfortable in addressing the matter with the Department Head, the report should be made directly to the Town Supervisor. If the Town Supervisor is the source of the alleged harassment, the employee should report the problem to a Town Board member. Employees who believe they have been discriminated against or harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their immediate supervisor, their Department Head, the Town Supervisor, or any member of the Town Board. Employees who work during off-hours are encouraged to contact their supervisor, their Department Head, the Town Supervisor, or any member of the Town Board at home if these individuals do not work during the employee's shift.

Discrimination and Harassment (including Sexual Harassment) Complaint Form – To ensure that all discrimination and harassment complaints are managed appropriately, effectively and in accordance with the Town's policy, discrimination and harassment complaints, including sexual harassment complaints, will be recorded in writing by using the Town sanctioned Complaint Form. These forms can be obtained from the Town Supervisor's Office. If needed, additional guidance can be obtained from the Town Supervisor's Office. Affected employees, however, are not required to use the Complaint Form to report alleged harassment.

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

Investigation of Complaint –The Town Supervisor will convene with the Town Board in executive session to determine the appropriate individual(s) to conduct the investigation. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident(s) occurred. Any complaints received will be investigated promptly, thoroughly, and in as impartial a manner as possible. All employees are required to cooperate in an investigation, if so directed.

Employee or Elected Official Defense – Any employee or Elected Official charged with discrimination or harassment, including sexual harassment, will be afforded a full and fair opportunity to offer and present information in their defense. Such information will be confidential to the extent possible.

Employee Rights – Nothing in this policy should be construed as in any way limiting employees' rights to use the grievance procedure contained in their collective bargaining agreement or to file a formal complaint with appropriate state or federal agencies responsible for administering anti-discrimination laws.

Disciplinary Action – Any employee or official who is found to have committed an act of workplace discrimination or harassment, including sexual harassment, will be subject to disciplinary action, up to and including termination of employment, as provided by Town operating procedures, including Civil Service Law Section 75, or the disciplinary procedures

contained in a collective bargaining agreement. Any Elected Official who violates this policy will be subject to remedial action as provided for and/or allowed under NYS Public Officers Law, as well as any other applicable statutes. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, to the extent that the Town is empowered to take such action.

Prohibition Against Retaliation – Retaliation against any employee who brings a written or verbal complaint of discrimination or harassment or who assists or participates in the investigation of such a complaint is strictly prohibited. The Town will not tolerate or permit adverse treatment of employees because they report discrimination or harassment or provide information related to such complaints. Any employee who participates in the procedure may do so without fear of retaliation. Violations of this policy may result in disciplinary action up to and including termination of employment.

904 *Violence in the Workplace*

Policy Statement – The Town of Carmel is committed to providing its employees (defined throughout the remainder of this program manual as civil service, contractual, department heads, appointed and elected officials) a work environment that is safe, secure, and free of harassment, threats, intimidation and violence. “Violence” includes physically harming another, fighting, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking of engaging in those activities. The Town also considers the safety of its residents, vendors, contractors, and the general public (collectively referred to as “visitors” throughout the remainder of this program manual) to be of paramount importance and strives to provide them the same type of protections while on Town property.

The Town will not tolerate any acts of violence and will take all reasonable and practical measures to prevent violence and protect employees and visitors from acts of violence. This includes threatening or violent actions by:

1. Employees directed against other employees or Town property.
2. Employees directed against visitors.
3. Visitors directed against Town employees or Town property or facilities.
4. Individuals who are conducting Town business in an off-property location.

Prohibited Conduct – Employees are prohibited from possessing firearms or weapons of any kind while on Town premises; in Town vehicles while conducting business for the Town; or at work sites, or any other location during working hours or while representing the Town, regardless of whether the person is licensed to carry the weapon. Weapons include guns, knives (knives required for completion of job duties are to be identified and approved by the Hazard Reduction Team identified on page six of this manual), explosives, and other items with the potential to inflict harm. The only exceptions are law enforcement personnel and security personnel. If any employee has knowledge of another employee's possession of a weapon, that knowledge should be reported to a supervisor or Department Head as soon as possible.

Reporting Requirements – Any and all incidents of workplace violence must be promptly reported in accordance with the reporting procedure outlined in the Workplace Violence Prevention Program manual (a copy is available from the Town Supervisor's Office.)

Workplace Violence Prevention Program – Enforcement of this policy will be accomplished through the implementation of a Workplace Violence Prevention Program, and by complying with the requirements of the NYS Workplace Violence Prevention Act, as set forth in NYS Labor Law Section 27-b. A copy of the Town's Program can be obtained from the Supervisor's office. A general review of this program will be conducted every year, upon a workplace violent incident reported or change in operations or physical structure of any building evaluated.

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

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

905 *Drug-Free Workplace / Drug Free Awareness Program*

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

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

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

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

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

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

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

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

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

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

Dangers of Drug Abuse in the Workplace

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

1. Declining Performance

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

2. Increased Costs

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

3. Absenteeism and Tardiness

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

4. Damaged Relationships

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

906 *Controlled Substance and Alcohol Testing*

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

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

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

907 *Smoking*

Policy Statement – It is the policy of the Town to prohibit smoking in all Town buildings and all Town vehicles.

1000 SAFETY

1001 *Workplace Safety*

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

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

Safety Program – The Town’s safety program includes, but is not limited to, the following:

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

Home Front Security Plan – The Town of Carmel has adopted a Home Front Security Plan. All Department Heads will receive a copy of this plan and will be responsible for its implementation as it applies to their area of responsibility.

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

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

Accident Reporting Procedures – In the event an accident occurs in the workplace or in the course of employment, the following procedures will apply:

- When an accident occurs which results either in the loss of an employee’s work time, or in the provision of medical care to an employee, the employee must immediately notify the Department Head who will in turn notify the Town Supervisor. The Department Head must complete an *Employer’s Report of Injury Form (C-2)* and submit it according to operating procedures.
- When an accident occurs which does not result in the loss of an employee’s work time, or in the provision of medical care to the employee, the employee must immediately notify the Department Head who will in turn notify the Town Supervisor. The Department Head must complete a *Supervisor’s Report of Incident Form*.
- The Office of the Comptroller must keep a log of the injury or illness for five years following the end of the calendar year to which it relates. A copy of this log, which

includes totals and information for the year, must be posted in each department or areas where notices to employees are customarily posted.

1002 Hazard Communication Program

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

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

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

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

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

- Methods used to detect the release of hazardous chemicals in the workplace;
- Physical and health hazards of chemicals and the measures used to protect employees;
- Safe work practices;
- Emergency responses to the exposure of hazardous chemicals;
- Proper use of personal protective equipment; and

- Hazard Communication Standards, including labeling and warning systems, and an explanation of the use of Safety Data Sheets.

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

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

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

1100 COMMUNICATION PROCEDURES

1101 *Organizational Communications*

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

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

1102 *Adverse Communications*

Policy Statement – An employee who receives any communication of a negative nature directed to the Town, or to any of its officers or employees in their official capacity, shall immediately notify and/or forward the communication to the appropriate Department Head. The term "communication" shall refer to both written and verbal communications, and includes, but is not limited to, memoranda, faxes, messages, letters, legal notices, e-mails, summonses and other communications.

1103 *Suggestions*

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

1104 *Public Relations*

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

1105 *Reporting of Improper Activities*

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

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

1200 DISPUTE RESOLUTION

1201 *Dispute Resolution Procedure*

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

Definition of Dispute – For the purpose of this Employee Handbook, a “dispute” will mean a claimed violation, misinterpretation or inequitable application of any of the provisions of

this Employee Handbook. In addition, the term “dispute” shall not apply to any matter as to which the Town is without authority to act. Examples of matters that may be considered appropriate disputes under this policy include:

- A belief that Town policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee;
- Treatment considered unfair by an employee, such as coercion, reprisal, harassment, or intimidation;
- Alleged discrimination because of race, color, sex, age, religion, national origin, marital status, or disability (discrimination and harassment claims may also be pursued under the *Equal Employment Opportunity* and *Non-Discrimination and Harassment (including Sexual Harassment) in the Workplace* policies); and
- Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, salary, or seniority.

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

Within seven working days after receiving the dispute, the employee’s immediate supervisor will meet with the employee to discuss and attempt to resolve the matter.

Step Two – In the event the informal dispute is not resolved at Step One, or the employee reasonably believes that the employee cannot present the dispute to the employee’s immediate supervisor, the employee may submit the matter to the employee’s Department Head. The dispute must be submitted, in writing, within seven working days from receiving the Step One response, or when the response should have been received or if Step One is not utilized for the above reason, within seven working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge. The Department Head will forward a copy of the dispute to the Town Supervisor.

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

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

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

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

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

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

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

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

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

Unionized Employees – An employee who is a member of a collective bargaining unit should refer to the applicable collective bargaining agreement to determine if the employee's dispute (grievance) may be subject to the grievance procedure contained in the employee's collective bargaining agreement.

1300 EMPLOYEE ACKNOWLEDGEMENT FORM

Detach and place in employee's personnel file.

TOWN OF CARMEL

EMPLOYEE HANDBOOK ACKNOWLEDGMENT

I hereby acknowledge that I have received a copy of the ***Town of Carmel Employee Handbook*** outlining the rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits of the Town of Carmel. 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 Carmel reserves the right to interpret, change or modify any section of the Employee Handbook at any time.

I understand that if I am covered by a collective bargaining agreement, in the event an employee benefit, personnel policy, personnel procedure, or other provision set forth in the Employee Handbook conflicts with the collective bargaining agreement or with past practice, the collective bargaining agreement or past practice will control. Otherwise, unless expressly excluded herein, this Employee Handbook will be applicable to all employees.

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

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

Employee name (please print)

Department Head Name (please print)

Employee Signature

Department Head Signature

Date of Signature

Date of Signature