

KENNETH SCHMITT
Town Supervisor

TOWN OF CARMEL
TOWN HALL

ANN SPOFFORD
Town Clerk

SUZANNE MC DONOUGH
Town Councilwoman
Deputy Supervisor

60 McAlpin Avenue
Mahopac, New York 10541
Tel. (845) 628-1500 • Fax (845) 628-6836
www.carmelny.org

KATHLEEN KRAUS
Receiver of Taxes

MICHAEL A. BARILE
Town Councilman
JOHN D. LUPINACCI
Town Councilman
JONATHAN SCHNEIDER
Town Councilman

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

TOWN BOARD VOTING MEETING

Wednesday, April 4, 2018 7:00 pm

Pledge of Allegiance – Moment of Silence

Town Board Voting Meeting:

- Accept Town Board Minutes March 14, 21, 2018
- 1. Tabled Resolution: Authorizing Scheduling of Public Hearing On a Proposed Local Law Amending Chapter 89 of the Code of the Town of Carmel, Entitled "Freshwater Wetlands" (May 2, 2018)
- 2. Tabled Resolution: Amended Resolution Consenting to the Dedication of Highways – Kirkwood Estates
- 3. Res: Scheduling Public Hearing On a Proposed Local Law enacting Chapter 140 of the Code of the Town of Carmel entitled, "Towing and Storage" (May 2, 2018)
- 4. Res: Making Probationary Appointment of Senior Typist/Senior Office Assistant – Town of Carmel Recreation and Parks Department
- 5. Res: Accepting Proposal for Insurance
- 6. Res: Authorizing Award of Bid – Bus Transportation 2018 Summer Camp Program
- 7. Res: Adopting Amended Town of Carmel Organizational Chart
- 8. Res: Authorizing Budget Modifications #2018/01
- 9. Res: Authorizing Fund Balance Modifications – Office of the Town Comptroller
- 10. Amended Resolution Authorizing Chief of Police to Proceed with the Purchase of Police Vehicles
- 11. Res: In Opposition to Utilization of Pilot Program for New York State Owned Lands
- 12. Res: In Opposition to New York State Takeover of Taxation of Utility Property on Private Rights of Way
- 13. Res: Authorizing Advertisement for Bids
- 14. Res: Authorizing Replacement of Generator – Carmel Water District #8
- 15. Res: Reconstituting the Town of Carmel Cable TV Committee
- 16. Res: Amending and Adopting Town of Carmel Employee Handbook
- 17. Res: Authorizing Entry into Contracts
- **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. Police Chief Michael Cazzari, Lt. John Dearman - Personnel

RESOLUTION #1

TABLED RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at Town Hall, 60 Mc Alpin Avenue, Mahopac, New York 10541 on Wednesday May 5, 2018 at 7:00 p.m. or as soon thereafter that evening as possible on a proposed Local Law amending Chapter 89 of the Code of the Town of Carmel, entitled "Freshwater Wetlands"; and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized and instructed to publish and post the necessary notices in the official newspaper of the Town and on the Town bulletin board regarding this Public Hearing.

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 #2

TABLED AMENDED RESOLUTION CONSENTING TO THE DEDICATION OF TOWN HIGHWAYS – KIRKWOOD ESTATES

WHEREAS an application to dedicate Radnor Lane and Alan Road (aka Sprucetop Drive) in the Kirkwood Estates Subdivision to the Town of Carmel together with a Dedication and Release has been filed by Kirkwood Estates, LLC, and

WHEREAS the Town Highway Superintendent and the Town Engineer have recommended that the road be accepted for dedication,

NOW, THEREFORE, BE IT RESOLVED, in accordance with the provisions of Section 171 of the Highway Law of the State of New York, that the Town Board of the Town of Carmel hereby consents to the dedication of Radnor Lane and Alan Road (aka Sprucetop Drive) in the Kirkwood Estates Subdivision and hereby authorizes the Town Highway Superintendent to sign an Order Laying Out said Radnor Lane and Alan Road (aka Sprucetop Drive) in the Kirkwood Estates Subdivision as Town Highways upon being advised by the Town Counsel that all necessary documents required in connection with said dedication have been received; and

BE IT FURTHER RESOLVED that, upon the recommendation of the Highway Superintendent and the Town Engineering Consultant, the posting of a maintenance bond for said road is hereby waived since the top course of pavement has been in place for over one year.

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 #3

RESOLUTION AUTHORIZING RE-SCHEDULING OF PUBLIC HEARING

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the re-scheduling of a Public Hearing at Town Hall, 60 Mc Alpin Avenue, Mahopac, New York 10541 on Wednesday, May 5, 2018 at 7:00 p.m. or as soon thereafter that evening as possible on a proposed Local Law enacting Chapter 140 of the Code of the Town of Carmel, entitled "Towing and Storage"; and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized and instructed to publish and post the necessary notices in the official newspaper of the Town and on the Town bulletin board regarding this Public Hearing.

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 #4

RESOLUTION MAKING PROBATIONARY APPOINTMENT OF SENIOR TYPIST/ SENIOR OFFICE ASSISTANT IN THE OFFICE OF RECREATION AND PARKS

RESOLVED that the Town Board of the Town of Carmel hereby appoints Nancy L. Slattery to the position of Senior Typist/Senior Office Assistant at a CSEA Group 2 Step 1 salary level, on a probationary basis effective April 16, 2018, 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	_____	_____

RESOLUTION #5

RESOLUTION ACCEPTING PROPOSAL FOR INSURANCE

RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposal of the Spain Agency, Inc, Mahopac, NY to provide liability insurance to the Town of Carmel for the period of April 1, 2018 through March 31, 2019 in form as is on file in the office of the Town Supervisory, and

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized to sign all necessary documentation required to accept such 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	_____	_____



Spain Agency

Your Insurance Professionals Since 1922

A BROWN & BROWN COMPANY



Town of Carmel

Insurance Discussion: 3/28/18

Policy Period: 4/1/18 – 4/1/19

New York Municipal Insurance Reciprocal (NYMIR) Program – History/Highlights

- NYMIR originally started in 1993 with 26 founding Members in an effort to protect municipalities from the cycles and fiscal uncertainties of the traditional insurance marketplace. NYMIR is currently the largest Property & Casualty insurer of Municipalities in New York State with almost 900 Members (our reference list is enclosed). The Town of Carmel has been a NYMIR Member since 1996.
- Endorsed by the Association of Towns, Association of Counties and Conference of Mayors. The NYMIR policies provide tailor made coverage forms and extensions specifically designed to protect Municipalities (below are a few of the coverage advantages):
 1. Land Use Liability (regulatory takings)
 2. Sudden & Accidental Pollution Liability
 3. Sexual Misconduct Coverage
 4. Personal Identity Theft (3rd party coverage)
 5. Replacement Cost Valuation for police vehicles & heavy trucks 10 years or newer
 6. Legal expenses for Public Officials & Law Enforcement Liability claims are not part of the deductible.
 7. Free property appraisals on all buildings valued over \$50,000 (next appraisal scheduled for 2017)
- Non-profit insurance company fully regulated by the NYS Insurance Department. Subject to tri-annual audits and same capitalization/surplus requirements as traditional markets. Financially sound with over \$56 million in surplus and an A- (Excellent) rating with A.M. Best. NYMIR's mission is to deliver superior coverages, claims handling, risk management services and stable pricing.
- Extensive Risk Management and Loss Control Services designed to help mitigate future possible claims and educate Members on risk prevention. They conduct quarterly risk management

seminars as well as customized classroom training on various Municipal topics (i.e. Law Enforcement, Employment Practices, Playground Equipment, Risk Transfer, Workplace Violence, etc.).

- Specialized Claims Servicing and Defense of Claims. NYMIR employs and contracts with attorneys that have extensive legal backgrounds in dealing with municipal issues.

Current NYMIR Subscribers

The Spain Agency is the exclusive marketing and service representative for NYMIR in Westchester, Putnam and Dutchess Counties. NYMIR insures the following municipalities in our area:

<u>Westchester</u>	<u>Putnam</u>	<u>Dutchess</u>
Westchester County	Putnam County	Dutchess County
Town of Bedford	Town of Carmel	City of Beacon
Town of Lewisboro	Town of Kent	Town of Amenia
Town of Ossining	Town of Patterson	Town of Beekman
Town of Pound Ridge	Town of Putnam Valley	Town of Dover
Town of Rye	Town of Southeast	Town of East Fishkill
Rye Town Park Commission	Village of Cold Spring	Town of Fishkill
Town/Village of Mount Kisco		Town of Hyde Park
Village of Briarcliff Manor		Town of LaGrange
Village of Bronxville		Town of Red Hook
Village of Croton-on-Hudson		Town of Rhinebeck
Village of Irvington		Village of Fishkill
Village of Pleasantville		Village of Red Hook
Village of Port Chester		Village of Tivoli
Village of Rye Brook		Village of Millerton
Village of Sleepy Hollow		Town of Pine Plains
Town of Mamaroneck		Town of Pleasant Valley
Village of Tarrytown		Town of Washington
		Village of Millbrook
		Town of Clinton
		Town of Wappingers
		Village of Rhinebeck
		Town of Union Vale

Premium/Rating Comparison:

We are pleased to announce the Town's overall premiums for the 4/1/18-19 coverages are decreasing approximately 7% from \$455,349 to \$425,395 (breakout noted below):

Line of Business	Insurance Company	Expiring Premium 2017-2018	Renewal Premium 2018-2019
Property	NYMIR	\$63,278.60	\$59,619.34
General Liability	NYMIR	\$77,345.40	\$70,067.25
Boiler & Machinery	NYMIR	\$8,252.20	\$7,839.59
Equipment Floater	NYMIR	\$39,022.50	\$34,509.20
Business Auto	NYMIR	\$67,265.00	\$62,823.31
Public Officials	NYMIR	\$39,573.60	\$40,148.46
Law Enforcement	NYMIR	\$118,658.10	\$114,720.10
Umbrella	NYMIR	\$36,427.60	\$29,736.27
OCPs	NYMIR	\$550.00	\$550.00
Crime	Hartford	\$4,976.00	\$5,382.00
TOTAL PREMIUMS		\$455,349.00	\$425,395.52

RESOLUTION #6

RESOLUTION AUTHORIZING AWARD OF BID BUS TRANSPORTATION 2018 SUMMER CAMP PROGRAM

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for bus transportation for the 2018 summer camp program administered by the Town of Carmel Department of Recreation and Parks, as requested by Director of Parks and Recreation, James R. Gilchrist, and

WHEREAS such bids were received and opened on March 15, 2018 and a bid opening memo is on file with Town Clerk Ann Spofford, and

NOW THEREFORE BE IT RESOLVED that upon the recommendation of James R. Gilchrist, the Town Board hereby awards the aforesaid bid to Baumann & Son Buses, Inc., Ronkonkoma, New York, the lowest responsible bidder meeting the specifications for all bus trips scheduled by the Recreation and Parks Department for Summer 2018.

BE IT FURTHER RESOLVED that upon review of insurance certificates in form acceptable to Town Counsel, Town Supervisor, Kenneth Schmitt, is hereby authorized to execute any other and further documentation necessary to accept such bid and contract for said services.

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 #7

RESOLUTION ADOPTING AMENDED TOWN OF CARMEL ORGANIZATIONAL CHART

RESOLVED that the Town Board of the Town of Carmel hereby adopts and ratifies the Town of Carmel Organizational Chart as amended, in form as attached hereto and made part hereof, effective immediately.

Resolution

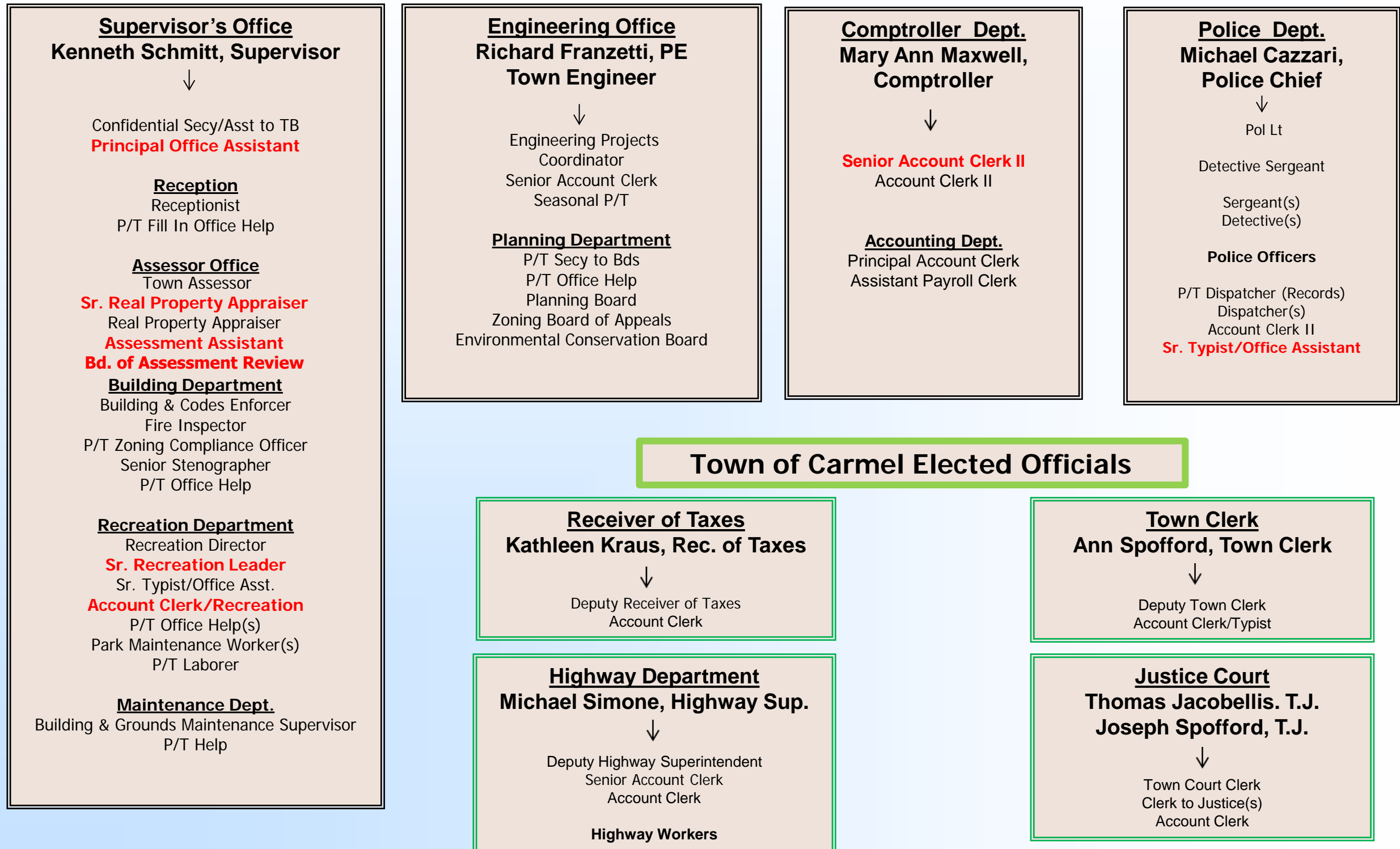
Offered by: _____

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 Organizational Chart

Town Supervisor & Carmel Town Board



RESOLUTION #8

RESOLUTION AUTHORIZING BUDGET MODIFICATIONS

WHEREAS the Town Comptroller MaryAnn Maxwell has reviewed the proposed Budget Modifications/Revisions for the period ending February 28, 2018 with the Town Board which are detailed and explained on the attached Budget Revisions Schedule #2018/01;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the Budget Modifications/Revisions for the period ending February 28, 2018 as shown itemized on schedule # 2018/01, which is attached hereto, incorporated herein 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
BUDGET REVISIONS JANUARY-FEBRUARY 2018 - #2018/01

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION		INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
GENERAL FUND					
1	100.1680.0020	INFORMATION TECHNOLOGY		9,168.00	
	100.1680.0021	DATA IMAGING EQUIPMENT		45,000.00	
	100.1990.0040	CONTINGENCY		94,435.00	
	100.3120.0027	POLICE OTHER EQUIPMENT		25,000.00	
	100.3120.0027	POLICE OTHER EQUIPMENT		6,000.00	
	100.3120.0047	POLICE OTHER CONFERENCE TRAINING		10,000.00	
	100.7110.0022	PARK SPECIAL EQUIPMENT		65,215.00	
	100.7117.0040	CAMARDA PARK CONT EXPENSE		24,000.00	
	100.7999.0040	PARK CAPITAL IMPROVEMENTS		100,000.00	
	100.1989.9909	APPROPRIATED FUND BALANCE ENCUMBRANCES	*	378,818.00	
		- RECORD ENCUMBRANCES FORWARD INCREASING BUDGET			
2	100.3120.0027	POLICE OTHER EQUIPMENT		20,000.00	
	100.1989.3389	STATE AID - POLICE SPECIAL EQUIPMENT	*	20,000.00	
		- PROVIDE FOR FUNDING OF PLATE SPECIFIC VIDEO SURVEILLANCE SYSTEM			
3	100.7020.0019	REC ADMIN STAFF OTHER PAY		21,628.00	
	100.1989.9877	FUND BALANCE FOR COMPENSATED ABSENCES	*	21,628.00	
		- PROVIDE FOR RETIREE PAYOUT OF BENEFIT TIME ACCRUED			
4	100.1410.0013	TOWN CLERK TEMPORARY STAFF		3,000.00	
	100.1610.0013	CENTRAL SERVICES - TEMPORARY STAFF			3,000.00
		- TRANSFER FOR TEMPORARY STAFF IN TOWN CLERK'S OFFICE			
5	100.1620.0012	BUILDING STAFF OVERTIME		3,500.00	
	100.1620.0080	BUILDING EMPLOYEE BENEFITS			3,500.00
		- TRANSFER FOR BUILDING STAFF OVERTIME			
6	100.5010.0046	HIGHWAY ADMIN CONTRACTS		525.00	
	100.5132.0045	HIGHWAY BUILDING CLEANING		500.00	
	100.5010.0086	RETIREE'S HEALTH INSURANCE			1,025.00
		- TRANSFER FOR MISC HIGHWAY EXPENSES			
HIGHWAY FUND					
7	500.5110.0019	GENERAL REPAIR PAID ABSENCES		11,585.00	
	500.5010.9877	FUND BALANCE FOR COMPENSATED ABSENCES	*	11,585.00	
		- PROVIDE FOR RETIREE PAYOUT OF ACCRUED BENEFIT TIME			
8	500.5130.0041	MACHINERY/EQUIPMENT CAPITAL EXPENSE		100,000.00	
	500.5010.9909	APPROPRIATED FUND BALANCE ENCUMBRANCES	*	100,000.00	
		- RECORD ENCUMBRANCES FORWARD INCREASING BUDGET			
9	500.5140.0012	WEEDS AND BRUSH OVERTIME		25,000.00	
	500.5142.0012	SNOW REMOVAL OVERTIME		75,000.00	
	500.5010.9888	SNOW RESERVE FUND	*	100,000.00	
		- PROVIDE FOR OVERTIME DUE TO THE NOR'EASTERS			
10	500.5130.0046	EQUIPMENT LEASES AND RENTALS		5,900.00	
	500.5110.0083	WORKERS COMPENSATION INSURANCE			5,900.00
		- TRANSFER FOR HIGHWAY LEASES			
CARMEL FIRE PROTECTION DISTRICT #1					
11	301.3410.0045	DRY HYDRANT EXPENDITURES		56,000.00	
	301.3410.9909	APPROPRIATED FUND BALANCE ENCUMBRANCES	*	56,000.00	
		- RECORD ENCUMBRANCES FORWARD INCREASING BUDGET			

TOWN OF CARMEL
BUDGET REVISIONS JANUARY-FEBRUARY 2018 - #2018/01

[illegible]

RESOLUTION #9

RESOLUTION AUTHORIZING FUND BALANCE MODIFICATIONS OFFICE OF THE TOWN COMPTROLLER

WHEREAS the Town Comptroller has reviewed the Draft Year End Fun Balance Analysis for years 2011-2017 with the Town Board which are detailed and explained on the attached Schedule;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the increase of reserves for the Compensated Absence Reserve Fund and Designated for Capital Projects Fund under General Fund, as well as the increase of the Reserve for Snow Removal/Roads Under Highway Fund for the years 2011-2017, as shown itemized on the schedule is attached hereto, incorporated herein 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
GENERAL AND HIGHWAY FUND COMBINED FUND EQUITY (YEARS 2011-2017)

** unaudited **

DESCRIPTION	2011	2012	2013	2014	2015	2016	2017	
GENERAL FUND								
RESERVE FOR PREPAID EXPENSES	532,604	490,430	514,577	450,029	393,897	389,280	408,839	
RESERVE FOR ENCUMBRANCES	23,453	65,147	55,713	89,518	118,210	152,275	378,818	
RESERVE FOR COMPENSATED ABS	600,000	800,000	1,000,000	1,000,000	1,000,000	1,440,000	1,615,000	* Increase need resolution
DESIGNATED FOR TAX CERTIORARI	300,000	600,000	770,000	770,000	770,000	770,000	770,000	
DESIGNATED FOR RETIREMENT CONTRIBUTIONS	-	160,000	200,000	200,000	200,000	200,000	200,000	
DESIGNATED FOR CAPITAL PROJECTS	-		200,000	500,000	500,000	750,000	1,000,000	* Increase need resolution
DESIGNATED RESERVE VEHICLE PURCHASES			80,000	150,000	150,000	150,000	150,000	
UNRESERVED DESIGNATED EQUITY-FY	300,000	400,000	400,000	400,000	400,000	400,000	400,000	
UNRESERVED DESIGNATED EQUITY - SUBSEQUENT YEARS BUDGET	250,000	-	-		-	-	-	
UNRESERVED UNDESIGNATED EQUITY**	1,078,953	1,127,422	1,227,425	1,532,712	2,172,921	2,881,689	3,487,761	
TOTAL GENERAL FUND EQUITY	\$ 3,085,010	\$ 3,642,999	\$ 4,447,715	\$ 5,092,259	\$ 5,705,028	\$ 7,133,244	\$ 8,410,418	
HIGHWAY FUND								
RESERVE FOR PREPAID EXPENSES	226,467	85,875	123,500	117,500	112,500	97,000	128,875	
RESERVE FOR ENCUMBRANCES				100,000	150,000	150,000	100,000	
RESERVE FOR COMPENSATED ABSENCES	215,000	275,000	300,000	300,000	300,000	300,000	300,000	
RESERVE FOR SNOW REMOVAL/ROADS		250,000	350,000	500,000	450,000	600,000	750,000	* Increase need resolution
UNRESERVED DESIGNATED EQUITY	13,884	28,592	37,623	61,719	111,856	296,914	474,431	
UNRESERVED UNDESIGNATED EQUITY								
TOTAL HIGHWAY FUND EQUITY	\$ 455,351	\$ 639,467	\$ 811,123	\$ 1,079,219	\$ 1,124,356	\$ 1,443,914	\$ 1,753,306	
TOTAL GENERAL & HIGHWAY EQUITY	\$ 3,540,361	\$ 4,282,466	\$ 5,258,838	\$ 6,171,478	\$ 6,829,384	\$ 8,577,158	\$ 10,163,724	

Town of Carmel, New York
Copy of General Fund - Fund Balance Analysis
December 31, 2017

		Amount	Compensated Abs	Retirement Contribution Reserve	Committed for future budgets	Designated Tax Certs	Designated for future Capital Project	Designated Vehicle Purchases
Balance at	01/01/17	7,133,244 PY	1,440,000	200,000	400,000	770,000	750,000	150,000
Revenues	2017	19,348,020 TB	247,230	-	-	-	350,000	144,864
Expenses	2017	(18,070,846) TB	(72,230)	-	-	-	(100,000)	(144,864)
Balance at	12/31/17	8,410,418	1,615,000	200,000	400,000	770,000	1,000,000	150,000
			-	-	-	-	-	-

Fund Balance Analysis:

Nonspendable		
Prepaid expenditures	408,839 TB	Agrees to prepaid expenditures on balance sheet
Restricted		
Compensated Absences	1,615,000 TB	
Retirement Contribution Reserve	200,000 TB	
Committed		
Future budgets	400,000 TB	
Designated for future capital projects	1,000,000 TB	
Designated for Vehicle Purchase	150,000 TB	
Assigned		
Designated for tax certs	770,000 TB	
Designated for subsequent years	- TB	
Encumbrances	378,818 TB	
Unassigned		
Unrestricted	3,487,761 TB	
	8,410,418	

Town of Carmel, New York
Copy of Highway - Fund Balance Analysis
December 31, 2017

		<u>Amount</u>	<u>Compensated Abs</u>	<u>Snow/ Ice Reserve</u>
Balance at	01/01/17	1,443,914 PY	300,000	600,000
Revenues	2017	8,489,764 TB	40,828	150,000
Expenses	2017	<u>(8,180,372) TB</u>	<u>(40,828)</u>	<u>-</u>
Balance at	12/31/17	<u>1,753,306</u>	<u>300,000</u>	<u>750,000</u>

- -

Fund Balance Analysis:

Nonspendable			
Prepaid expenditures	128,875 TB		
Restricted			
Compensated Absences	300,000 TB	300,000 PY	
Ice/Snow Reserve	750,000 TB	600,000 PY	
Assigned			
Designated for subsequent years	-		
Encumbrances	100,000 TB		
Unassigned			
Unrestricted	<u>474,431 TB</u>		
	<u>1,753,306</u>		

-

RESOLUTION #10

AMENDED RESOLUTION AUTHORIZING CHIEF OF POLICE TO PROCEED WITH THE PURCHASE OF POLICE VEHICLES

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Chief Of Police, Michael Cazzari to proceed to purchase two (2) new 2018 Dodge Charger all-wheel drive police vehicles from Robert Green Truck Division, Rock Hill, NY, at a unit cost not to exceed \$34,611.69 under Onondaga County #8771 Statewide Piggy Back Bid pursuant to General Municipal Law §103(16); and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby authorizes Chief of Police Michael Cazzari to proceed to purchase one (1) new 2018 Dodge Durango police vehicle from Robert Green Truck Division, Rock Hill, NY, at a unit cost not to exceed \$39,198.42 under Onondaga County #8771 Statewide Piggy Back Bid pursuant to General Municipal Law §103(16); and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign all necessary documents to purchase said vehicles from Robert Green Truck Division in accordance with their contract quotations dated January 2, 2018 and March 20, 2018;

BE IT FURTHER RESOLVED that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect the aforesaid purchase transactions authorized herein.

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 #11

RESOLUTION IN OPPOSITION TO UTILIZATION OF PILOT PROGRAM FOR NEW YORK STATE OWNED LANDS

WHEREAS, real property owned by the State of New York is currently assessed by the local municipality where the State-owned lands are located; and

WHEREAS, Governor Andrew Cuomo is proposing to convert the local assessment on State-owned lands into a Payment in Lieu of Taxes (PILOT) program based upon existing amounts to be increased each year by the allowable levy growth factor; and

WHEREAS, this proposed program will result in the loss of local assessment of State-owned lands as well as a loss of tax revenue to local municipalities due to changes in value not reflected in a PILOT agreement;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby states its strenuous opposition to the conversion of the assessment of State-owned lands via imposition of the PILOT program proposed by Governor Cuomo and instead supports the maintenance of local control over the assessment of State-owned property; and

BE IT FURTHER RESOLVED, that Town Clerk Ann Spofford is hereby authorized to transmit a certified copy of this resolution to Governor Andrew Cuomo, Senator Terence Murphy and Assemblyman Kevin Byrne.

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 #12

RESOLUTION IN OPPOSITION TO NEW YORK STATE TAKEOVER OF TAXATION OF UTILITY PROPERTY ON PRIVATE RIGHTS OF WAY

WHEREAS, utility property located in private rights of way in the State of New York is currently assessed by the local municipality where such utility property is located; and

WHEREAS, the New York State Legislature is considering legislation directing the Commissioner of Taxation and Finance to submit a report analyzing the economic policy and legal objectives that would be served by an assessment ceiling program for all Public Utility mass property within the State; and

WHEREAS, this proposed program will result in the New York State takeover of the assessment of utility program located in private rights-of-way;

WHEREAS, this proposed program will result in the loss of local assessment of utility property in private rights-of-way, as well as a possible loss of tax revenue to local municipalities due to the program not adequately reflecting the value of such property;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby states its strenuous opposition to the proposed takeover by New York State of the assessment of utility property located in private rights-of-way and instead supports the maintenance of local control over the assessment of such utility property; and

BE IT FURTHER RESOLVED, that Town Clerk Ann Spofford is hereby authorized to transmit a certified copy of this resolution to Governor Andrew Cuomo, Senator Terence Murphy and Assemblyman Kevin Byrne.

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 #13

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS

RESOLVED that Town Engineer Richard J. Franzetti, P.E. is hereby authorized to advertise for bids for the reconstruction of Sycamore Park Tennis Courts and Basketball Courts; and

BE IT FURTHER RESOLVED that upon finalization and completion of bid specifications, the Town Engineer is to furnish detailed specifications for the above to the Town Clerk Ann Spofford which are to be used in conjunction with the Town's general bid conditions and specifications.

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 #14

RESOLUTION AUTHORIZING REPLACEMENT OF GENERATOR – CARMEL WATER DISTRICT #8

RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #8 hereby determines that a public emergency exists with respect to the emergency generator failure and the loss of standby power at the Crest Road pump station in Carmel Water District #8 during the recent series of winter storm events; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the purchase of a 60KW Generac generator unit from Gentech, Ltd., New Windsor, NY at a cost not to exceed \$25,890.00 and in accordance with the quotation dated March 6, 2018; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to accept the proposal and authorize the actions contained herein; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization.

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 #15

RESOLUTION RECONSTITUTING THE TOWN OF CARMEL CABLE TV COMMITTEE

RESOLVED that the Town Board of the Town of Carmel hereby reconstitutes the Carmel Cable TV Committee and hereby appoints the following persons to the Committee to serve at its pleasure:

Armanda Famiglietti
Gordon Lee Updergraff
Frances Monaco
Robert Shanil

BE IT FURTHER RESOLVED that Frank Monaco is hereby appointed Chairperson of said committee.

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 #16

RESOLUTION AUTHORIZING AMENDMENTS AND ADOPTING TOWN OF CARMEL EMPLOYEE HANDBOOK

RESOLVED THAT the Town Board of the Town of Carmel hereby authorizes amendments and adoption of the Town of Carmel Employee Handbook 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	_____	_____

DRAFT UPDATE 3/29/18

TOWN OF CARMEL

EMPLOYEE HANDBOOK

Originally Adopted ~~By~~by Resolution of the Town Board on October 16, 2002

~~Amended By Resolution of the Town Board on August 19, 2006~~

~~Amended By Resolution of the Town Board on August 7, 2013~~

~~Amended By Resolution of the Town Board on November 20, 2013~~

~~Amended By Resolution of the Town Board on April 1, 2015~~

Re-adopted as fully updated and revised on **DATE**

Prepared By:

Style Definition: TOC 2: Font: Arial, Space Before: 6 pt

Formatted: Font: Not Bold, Condensed by 0.15 pt

Formatted: Indent: Left: 0", Tab stops: Not at -0.5" + -0.13" + -0.06" + 3.25"

Formatted: Not Highlight

Formatted: Font: Not Bold

Formatted: Indent: Left: 0", Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0", Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0", Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Public Sector ~~HR~~Human Resource Consultants, LLC
14 Knollwood Drive
Glenville, ~~New York~~NY 12302

518.399.4512
www.publicsectorhr.org

Formatted: Border: Bottom: (No border), Tab
stops: Not at -0.5" + -0.13" + -0.06"

DRAFT UPDATE 3/29/18

Formatted: Not Highlight

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 **DATE**

Copyright © Public Sector HR Consultants LLC, Glenville, NY 12302

This employee handbook is copyrighted material and is intended only for the internal use of the Town of Carmel. The Town of Carmel may copy this employee handbook for distribution to its employees. The contents of this employee handbook may not be copied or reproduced in any form or by any means for any other individual or organization without the prior written permission of **Public Sector HR Consultants LLC.**

Formatted: Tab stops: 3.25", Centered

Town of Carmel Employee Handbook

Table Of Contents

100	INTRODUCTION	100-1	Formatted: Font: Not Bold, Not All caps
101	Welcome Message from the Town Supervisor	100-1	Formatted: Tab stops: 0.46", Left + Not at 0.61"
102	Definitions	100-22	Field Code Changed
103	The Purpose of this Employee Handbook	100-33	
200	EMPLOYEE CLASSIFICATIONS	200-1	
201	Full-Time Employees	200-1	Formatted: Tab stops: 0.46", Left + Not at 0.61"
202	Part-Time Employees	200-1	Field Code Changed
203	Temporary Employees	200-1	Field Code Changed
204	Seasonal Employees	200-1	Field Code Changed
205	FLSA Non-Covered Employees	200-1	Field Code Changed
206	FLSA Exempt Employees	200-1	Field Code Changed
207	FLSA Non-Exempt Employees	200-1	Field Code Changed
300	THE CIVIL SERVICE SYSTEM	300-1	
301	The Unclassified and Classified Services	300-1	Formatted: Tab stops: 0.46", Left + Not at 0.61"
302	Civil Service Appointments	300-22	Field Code Changed
303	Examinations and Promotions	300-22	
304	Veteran's Credits	300-22	
400	EMPLOYMENT MATTERS	400-1	
401	Oath of Office	400-1	Formatted: Tab stops: 0.46", Left + Not at 0.61"
402	Procedure for Filling Vacancies	400-1	Field Code Changed
403	Probationary Period	400-2 <u>Term</u>	Field Code Changed
	<u>400-2</u>		
404	Corrective <u>Action and</u> Discipline	400-55	
405	Civil Service Law Section 75	400-10	Field Code Changed
406	Code of Ethics	400-1313	
407	Personnel File	400-1313	
408	Separation from Employment	400-1414	
409	Performance Appraisal	400-15 <u>Review</u>	
	<u>400-15</u>		

500 OPERATIONAL POLICIES **500-1**

501 Departmental Hours **500-1**

502 Emergency Situations **500-2**

503 Meal and Rest Breaks and Breaks for Nursing Mothers **500-4**

504 Time Records **500-5**

505 Bonding **500-6**

506 Expense Reimbursement **500-6**

507 Vehicle Usage **500-7**

508 Driver's License / Insurance Requirements **500-8**

509 Supplies, Tools and Equipment, and Fuel Usage **500-9**

510 Telephone Usage **500-10**

511 Computer Use of Communication Systems and Internet/On-Line Service Equipment **500-11**

512 Social Media **500-15**

513 Personal Appearance **500-16**

513514 Solicitations/Distributions **500-17**

514515 Visitors **500-17**

515516 Purchasing **500-17**

516517 Maintenance of Work Area **500-17**

517518 Personal Property **500-18**

518519 Town Property **500-19**

519520 Unauthorized Work **500-19**

520521 Outside Employment **500-20**

Field Code Changed

Field Code Changed

Formatted: Tab stops: 0.46", Left + Not at 0.61"

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Formatted: Tab stops: 0.46", Left + Not at 0.61"

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

522 Disclosure of Information **500-20**

600 ABSENCE POLICIES

601 Attendance **600-1**

Field Code Changed

601 Tardiness **600-1**

602 Notification of Absence **600-1**

603 Jury Duty Leave **600-3**

Formatted: Tab stops: 0.46", Left + Not at 0.61"

604 Military Leave and Military Leave of Absence **600-3**

Field Code Changed

605 Bereavement Leave **600-4**

Field Code Changed

606 Family and Medical Leave Policy **600-4-4**

Field Code Changed

606 Leave for Cancer Screening **600-11**

607 Leave for Blood Donations **600-11**

700 COMPENSATION **700-1**

701 Wage and Salary **700-1**

Field Code Changed

702 Overtime and Compensatory Time (For Non-Union Employees) **700-1**

Field Code Changed

703 Pay Period and Check Distribution **700-2**

Field Code Changed

704 Payroll Deductions **700-2**

Field Code Changed

705 Deferred Compensation Plan **700-3**

Formatted: Tab stops: 0.46", Left + Not at 0.61"

Field Code Changed

800 EMPLOYEE BENEFITS **800-1**

801 Holidays **800-1**

Formatted: Tab stops: 0.46", Left + Not at 0.61"

802 Vacation Leave **800-2**

Field Code Changed

803 Sick Leave **800-3**

Field Code Changed

804 Personal Leave **800-5**

Field Code Changed

805 Disclosure of Insurance Benefits **800-6**

Field Code Changed

806 Medical Insurance **800-7**

Field Code Changed

807 Medical Insurance Buy-out **800-8**

Field Code Changed

808 Medical Insurance for Retirees **800-9**

Field Code Changed

809 Dental Plan **800-10**

Field Code Changed

810 Optical Plan **800-10**

Field Code Changed

811 Continuation of Health Insurance Benefits (COBRA/NYS Continuation Coverage) **800-11**

Field Code Changed

812 Short-Term Disability Benefits **800-12**

Field Code Changed

813 Workers' Compensation Benefits **800-14**

Field Code Changed

814 Unemployment Benefits **800-14**

Field Code Changed

815 Social Security **800-14**

Field Code Changed

816 The New York State Employees' Retirement System **800-15**

Field Code Changed

817 Police and Fire Retirement System **800-15**

Field Code Changed

900 COMPLIANCE POLICIES 900-1

~~904~~ **901 Equal Employment Opportunity 900-1**

902 The Americans with Disabilities Act 900-2

~~902~~ **Equal Employment Opportunity 900-3**

903 Fair Treatment 900-4

~~904~~ **Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace 900-4**

904 Violence in the Workplace 900-9

905 Drug-Free Workplace / Drug Free Awareness Program 900-11

906 Controlled Substance and Alcohol Testing 900-13

907 Smoking 900-13

1000 SAFETY 1000-1

1001 Workplace Safety 1000-1

1002 Hazard Communication Program 1000-2

1100 COMMUNICATION PROCEDURES

1101 Organizational Communications 1100-1

~~1101~~ **Bulletin Board 1100-1**

1102 Adverse Correspondence 1100-1 Communications

1103 Suggestions 1100-1

1104 Public Relations 1100-1

1105 Reporting of Improper Activities 1100-2

1200 DISPUTE RESOLUTION 1200-1

1201 Dispute Resolution Procedure 1200-1

1300 EMPLOYEE ACKNOWLEDGEMENT FORM 1300-11

Field Code Changed

Formatted: Tab stops: 0.46", Left + Not at 0.61"

Field Code Changed

Formatted: Tab stops: 0.46", Left + Not at 0.61"

Field Code Changed

Field Code Changed

Field Code Changed

Formatted: Tab stops: 0.61", Left + Not at 0.46"

Field Code Changed

Field Code Changed

Field Code Changed

Formatted: Tab stops: 0.46", Left + Not at 0.61"

Field Code Changed

Field Code Changed

Formatted: Tab stops: 0.61", Left + Not at 0.46"

Field Code Changed

Formatted: Tab stops: 0.61", Left + Not at 0.46"

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*.

Formatted: Indent: Left: 0", Border: Top: (Single solid line, Auto, 0.5 pt Line width), Tab stops: 6.5", Right + Not at -0.5" + -0.13" + -0.06" + 3" + 6"

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, ~~in cooperation with the Personnel Committee~~, 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.

Formatted: Indent: Left: 0", Border: Top: (Single solid line, Auto, 0.5 pt Line width), Tab stops: 6.5", Right + Not at -0.5" + -0.13" + -0.06" + 3" + 6"

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

Formatted: Indent: Left: 0", Border: Top: (Single solid line, Auto, 0.5 pt Line width), Tab stops: 6.5", Right + Not at -0.5" + -0.13" + -0.06" + 3" + 6"

200 EMPLOYEE CLASSIFICATIONS

~~Except as otherwise provided in the collective bargaining agreements, for~~ Exclusively for the purposes of this Employee Handbook, the following terms shall be defined as follows: 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.

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

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.

Formatted: Indent: Left: 0", Border: Top: (Single solid line, Auto, 0.5 pt Line width), Tab stops: 6.5", Right + Not at -0.5" + -0.13" + -0.06" + 3" + 6"

|

Formatted: Indent: Left: 0", Border: Top: (Single solid line, Auto, 0.5 pt Line width), Tab stops: 6.5", Right + Not at -0.5" + -0.13" + -0.06" + 3" + 6"

300 THE CIVIL SERVICE SYSTEM

The following ~~sections are~~ intended ~~only to summarize the current status of the law. Should either the law or as a guide. The Civil Service Law and the Putnam County Civil Service Rules be modified so that this Employee Handbook is inconsistent with the law or rules, then the inconsistent provision of the Handbook will be deemed null and void.~~

Formatted: Font: Not Italic

~~Section 301, entitled "The Unclassified shall govern regarding the jurisdictional classification of positions and Classified Services"~~

~~Section 302, entitled "Civil Service Appointments"~~

~~Section 303, entitled "Examinations the appointment and Promotions" promotion of personnel.~~

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

~~Section 304, entitled "Veteran's Credits"~~

~~Section 403, entitled "Probationary Periods"~~

~~Section 405, entitled "Civil Service Law Section 75"~~

~~Section 604, entitled "Military Leave and Military Leave of Absence"~~

~~Unless specifically mentioned, the handbook provisions do not apply to Elected Officials.~~

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, ~~other than unskilled labor positions, identified as "exempt" by law or~~ for which competitive or non-competitive examinations ~~or other qualification requirements~~ are not practicable (Civil Service Law, Section 41);
- **Competitive** — those positions for which it is practicable to determine merit and fitness by competitive examination; ~~(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, ~~but rather by a review of training and experience;~~ ~~(Civil Service Law, Section 42);~~ and,
- **Labor** — unskilled labor positions, except those positions which can be examined for competitively. ~~(Civil Service Law, Section 43).~~

Formatted: Indent: Left: 0", Border: Top: (Single solid line, Auto, 0.5 pt Line width), Tab stops: 6.5", Right + Not at -0.5" + -0.13" + -0.06" + 3" + 6"

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 ~~of the top three~~ 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 ~~he~~ must be eligible for selection as described above. "one of three" will apply. An employee who wants to be promoted should become knowledgeable about the employee's present position and be aware of higher level positions for which the employee may be qualified.

304 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.~~ **Notification of Vacancies** ~~— In the event there is a vacancy in a new or existing position which the Town intends to maintain, the vacancy will be advertised and/or posted and qualified individuals interviewed.~~

~~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.

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

~~Employment Reference Checks~~ -- ~~To ensure that individuals who join the Town are well qualified and have a strong potential to be productive and successful, it is the policy of the Town to check the employment references of all applicants.~~

403 Probationary ~~Period~~ Term

Purpose of Probationary ~~Period~~ Term – The probationary ~~period~~term is ~~for in place to allow~~ an employee to become familiar with the specific duties and responsibilities of the employee's new position. The probationary ~~period~~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 ~~Period (Competitive Class)~~ 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 ~~Period~~ Term – An employee's appointment will become permanent upon written notice that the probationary ~~period~~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 ~~period~~term does not necessarily confer rights or privileges in the position.

Failure to Successfully Complete Probationary ~~Period~~ 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 ~~period~~term and before completion of the maximum probationary ~~period~~term. If the performance or conduct of an employee serving a probationary ~~period~~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 ~~period~~term.

Formatted: Default, Indent: Left: 0.5"

Formatted: Font: Arial, 11 pt

Formatted: Font: Arial, 11 pt

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 ~~union~~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.

Formatted: Font: Not Bold

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 ~~extremely~~ important to ensure that all of the facts have been considered. ~~After such a review, corrective action is discussed with the employee and the management involved.~~

Formatted: Tab stops: Not at 0.44"

Corrective Action Notice – ~~Employees are given the opportunity to agree or disagree with the results and write a brief statement on the corrective action notice, if desired.~~

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 engaged in misconduct committed any of the actions listed below will be subject to disciplinary corrective action in accordance with this policy, Civil Service Law Section 75, or the collective bargaining agreement, as applicable. Employees will be subject, up to disciplinary action for engaging in misconduct and including, but not limited to, termination of employment. This list is illustrative only and does not limit the Town's right to impose discipline in other appropriate cases.

- ~~Falsification of any records or reports, employment applications, medical reports, time records, work-related records, absence from work, injuries on the job, claims for benefits provided by the Town;~~
- ~~Intimidation, coercion, threatening, or assault of, or fighting or interfering with, other employees, Elected Officials, residents of the Town; or any other person;~~
- ~~Engagement in any form of discrimination or harassment, including sexual harassment;~~
- ~~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

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06" + 0.44" + 0.5"

Formatted: Font: Not Bold

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: Not at -0.5" + -0.13" + -0.06"

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.

~~Improper performance of job duties or repeated failure to perform assigned duties and responsibilities;~~

~~Refusal to obey instructions of a Department Head or Department Supervisor or any other form of insubordination;~~

~~Careless or negligent use or operation of equipment, including vehicles and machinery;~~

~~Willful or deliberate abuse, destruction, defacement, misuse, or theft of Town property or removal of Town property without permission;~~

~~Illegal gambling on Town property;~~

~~Sleeping on the job, unless authorized by a Department Head or Department Supervisor;~~

~~Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment;~~

~~Failure to adhere to the personal appearance/dress code policy;~~

~~Repeated violations of Town policies, procedures or prohibited conduct;~~

~~Leaving work area without permission, as defined by the Department Head;~~

~~Excessive tardiness and/or absences except those absences covered by state and/or federal statutes;~~

~~Unauthorized absences or repeated failure to give proper notice;~~

~~Possession or use of controlled substances or alcohol while on Town property or in Town vehicles;~~

- 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; ~~or (amended August 19, 2006).~~

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.

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Font: Bold

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Bulleted + Level: 1 + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06" + 0.5"

Formatted: Font: 8 pt

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06"

- 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

Formatted: Indent: Left: 0.5", Bulleted + Level: 1 + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06" + 0.5"

Formatted: Font: 8 pt

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt, Not Bold

Formatted: Font: Not Bold

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06"

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

Formatted: Indent: Left: 0.5", Bulleted + Level: 1 + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06" + 0.5"

Formatted: Font: 8 pt

Formatted: Font: Not Bold

Formatted: Tab stops: 0.75", Left + Not at -0.5" + -0.13" + -0.06"

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.

~~Employees Not Covered by Section 75~~ — ~~The following employees are not covered under Section 75:~~

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

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

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

~~Disciplinary Procedure~~ – Except as otherwise provided by a collective bargaining agreement, **Questioning Rights for Unionized Employees** – During the following disciplinary procedure shall apply to employees covered by Civil Service Law Section 75.

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

~~An employee covered under Section 75 who at the time of questioning~~ **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.

Formatted: Font: Not Bold

Formatted: Indent: Left: 0", Tab stops: 0", Left

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Bulleted + Level: 1 + Aligned at: 0" + Tab after: 0.25" + Indent at: 0.25", Tab stops: 0.75", Left + Not at -0.5" + -0.13" + -0.06" + 0.25"

Formatted: Font: 6 pt

- **Employee Answer** — The employee will have eight calendar days to respond to the charges. The employee's response must be in writing.

Formatted: Font: 6 pt

- **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 designation must be in writing.~~ The hearing officer will set the time and place for the hearing. The hearing officer will make a record of the hearing which will be submitted to the Appointing Authority, with the hearing officer's recommendations, for review and decision.

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

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:

- ~~Written reprimand~~ **Reprimand**;

Formatted: Font: 8 pt

- Fine not to exceed one hundred dollars which will be deducted from the employee's pay;

Formatted: Font: 8 pt

- Suspension without pay not to exceed two months;

Formatted: Font: 8 pt

- Demotion in grade and title; or

Formatted: Font: 8 pt

- Termination from Town employment.

Formatted: Font: 8 pt

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

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

Filing Requirements — In the event the employee is found to be guilty, a copy of the charges, the employee's written answer, a transcript of the hearing, and the determination will be filed in the office of the department in which the employee is employed. A copy will also be filed with the 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 ~~memorandum~~ memoranda, letters of acclamation, and probationary reports.

Location of Files — All original personnel records for current employees will be kept in ~~the Personnel and Benefits 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 ~~Officer's~~ 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 ~~Town Accountant~~ 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.***

Formatted: Font: 8 pt

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.***

Formatted: Font: 8 pt, No underline

Change in Status — An employee must immediately notify the Office of the Comptroller, or any other person as appointed by the Town Accountant 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.

Formatted: Font: 8 pt

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 ~~Town Accountant~~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.

Formatted: Font: 8 pt

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).

Formatted: Font: 8 pt

Notice of Resignation (Town Clerk) ~~—The~~ 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.

Formatted: Font: 8 pt

Exit Interviews — Exit interviews are normally conducted by the ~~Personnel~~Town Supervisor and ~~Benefits Office/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.

Formatted: Font: 8 pt, Not Bold

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.

Formatted: Font: 8 pt

Formatted: Tab stops: Not at 0.5"

409 **Performance ~~Appraisal~~ Review**

~~This Section is reserved for future use.~~

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 no more than once per calendar year to provide the employee with positive feedback or recommendations for improvement or both, depending upon circumstances.

Formatted: Highlight

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 ~~State or Town~~ 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 Union Work Additional Hours — Employees are expected to work additional hours in emergencies as required by their supervisors. An employee who, after investigation, is found to have refused to work additional hours in an emergency as directed will be subject to appropriate disciplinary action, up to and including termination of Town employment. For purposes of this section, an emergency should affect public safety or the ability of the Town to perform an essential service.

Unionized Employees — ~~The work schedules of Town~~ employees covered by a collective bargaining agreement ~~shall be governed by the applicable~~ should refer to their collective bargaining agreement, because where conflicts arise contractual terms and practices govern.

Formatted: Indent: Left: 0.5", Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Font: Bold, Highlight

Formatted: Highlight

Formatted: Highlight

502 Emergency Situations

~~The following section only applies to non-union employees.~~

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 ~~Affect~~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. ~~Such employee may choose to make up the time at a later date agreed to by the Department Head.~~ 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. ~~Such employee may choose to make up the time at a later date agreed to by the Department Head.~~ An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

~~**Union Employees** – An employee who is a member of a collective bargaining unit is not covered by the Emergency Situations provisions set forth above and should refer to the applicable collective bargaining agreement.~~

- **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.

Formatted: Font: Not Bold

Formatted: Indent: Left: 0.5", First line: 0"

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***

Formatted: Font: Bold

~~The following section only applies to non-union employees.~~

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.

~~**Union Employees** — An employee who is a member of a collective bargaining unit is not covered by the Meal and Rest Breaks provisions set forth above and should refer to the applicable collective bargaining agreement.~~

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 complete and sign an individual time record showing the daily hours worked~~ use the electronic biometric time-keeping system and review their time and pay records.

Procedures ~~—An employee required to complete a time record—~~ Employees must comply with the following time-keeping procedures:

- ~~• Time records must be completed by the close of each workday;~~
- ~~All time worked, including~~ Employees must scan in at the beginning ~~and ending time, must be recorded~~ of their work day and scan out at the end of their work day;
- ~~• All paid and unpaid leaves of absence must be recorded;~~
- ~~• Employees must complete their own time record;~~
- ~~The time record~~ records must be verified and signed by the Department Head, and;
- ~~The time record~~ Time records must be submitted by the Department Head to the Office of the Comptroller, or any other person as appointed by the Town Accountant Board, by Friday at 10:00 a.m., except that Highway Department employees must submit time records by Wednesday at 12:00 noon.

Correction of Errors ~~—An employee must immediately bring errors in time records to the attention of the employee's Department Head who will investigate the matter and make and initial the correction once the error has been verified~~ **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

Formatted: Line spacing: single

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.

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

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

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.

Formatted: Indent: Left: 0.5", Bulleted + Level: 1 + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06" + 0.5"

Formatted: Font: 8 pt, Not Bold

Formatted: Font: Not Bold

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** — An employee who is a member of — Town employees covered by a collective bargaining unit is not covered by agreement should refer to their collective bargaining agreement, particularly regarding the Education and Training and Required Membership Fees provisions set forth above, because contractual terms and should refer to the applicable collective bargaining agreement 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 ~~the~~ 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.

Formatted: Font: Not Bold

- 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. Any tools or equipment left in a Town vehicle must be stowed and locked in the trunk of the vehicle. Where the vehicle has no trunk, tools or equipment left in the vehicle must be covered or otherwise hidden from view when the vehicle is not in use to discourage theft.

Formatted: Indent: Left: 0.5", No bullets or numbering

Formatted: Not Highlight

- Town vehicles must be kept clean, and cleaned of any trash or debris after usage.

- Town vehicles must be locked after usage.

Formatted: List Paragraph, No bullets or numbering

- 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.

Formatted: List Paragraph, No bullets or numbering

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.

Formatted: No bullets or numbering

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 ~~repair~~take care of or replace any Town-owned ~~tools~~ or ~~pieces~~ of equipment ~~lost~~. Employees who lose, misuse or damaged by the employee 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.
- ~~• If the call must be placed on hold, the employee who answered the call must return to the line frequently to confirm that the call is being transferred;~~
- 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. ~~Employees~~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 Computer/Use of Communication Systems and Internet/On-Line Service/Equipment

Policy Statement — The purpose of this policy is to provide guidance the following requirements for the use of Town-owned computer/communication systems and internet/on-line service.

Formatted: Right: -0.13", Tab stops: 0.5", Left + Not at -0.5" + -0.13" + -0.06"

Computer Systems

equipment. Communication

Property — All computer 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.

Formatted: Body Text, Indent: Left: 0.5", Right: -0.13", Tab stops: 0.5", Left

Property — All communication systems, equipment and files are the property of the Town of Carmel.

Formatted: Body Text, Indent: Left: 0.5", Right: -0.13", Tab stops: 0.5", Left

Authority — Department Heads have the authority to inspect. This includes the contents of any computer equipment, data/files, or electronic mail ("e-mail") of their subordinates in the normal course of their supervisory responsibilities. In addition, the data/files of Department Heads and Department Supervisors may be inspected by the Town Supervisor in the normal course of duty messages created, transmitted, and stored on such systems and equipment.

Formatted: Right: -0.13", Tab stops: 0.5", Left + Not at -0.5" + -0.13" + -0.06"

Usage — All computer/communication systems, hardware, and software/equipment are provided to an employee are provided for the purpose of aiding that employee in the performance of the employee's job functions. All hardware and software used is to be supplied by the Town of Carmel. 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 guidelines/requirements set forth above, the following uses of Town-owned computers/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 messages/message, image, or graphical images/material;
- Activity that is in violation of any provisions set forth elsewhere in this Employee Handbook;
- Any unauthorized commercial activity; ~~Commercial activity is limited to designated terminals. If a user is unsure whether a terminal is available for commercial use, the employee should ask the Department Head;~~
- 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 owned/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/On-Line Service / Electronic Messaging Requirements

Eligibility — Internet/on-line / 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 ~~Department supervisor,~~ subject to further approval of the Town Supervisor.

"Netiquette" (Internet Etiquette) — ~~Employees are expected to communicate in a manner that will reflect positively on both themselves and the Town of Carmel.~~

Prohibited Uses—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/~~on-line service usage, / 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:

Formatted: Tab stops: 0.5", Left + Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", First line: 0", Tab stops: 0.5", Left + Not at -0.5" + -0.13" + -0.06"

Formatted: List 3, Indent: Left: 0.5", Bulleted + Level: 1 + Aligned at: 0" + Tab after: 0.25" + Indent at: 0.25", Tab stops: 0.75", Left + Not at 0.25" + 1.25"

Formatted: Indent: Left: 0.5", Bulleted + Level: 1 + Aligned at: 0" + Tab after: 0.25" + Indent at: 0.25", Tab stops: 0.75", Left + Not at -0.5" + -0.13" + -0.06" + 0.25" + 1.25"

Formatted: Tab stops: 0.5", Left + Not at -0.5" + -0.13" + -0.06"

Formatted: Tab stops: 0.5", Left + Not at -0.5" + -0.13" + -0.06"

- **Reliability**—The Town of Carmel 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 disclosure 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/on-line service. Also, this information must be used in accordance with applicable copyright laws.

Security—There is no guarantee of privacy of data/files, including e-mail, on Town-owned computers. As stated herein, all files are subject to inspection by Department Heads and Department Supervisors. Any employee who is required to have a password must submit that password to the employee's Department Head in a sealed envelope.

Procedure 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

Formatted: Indent: Left: 0.5", First line: 0", Tab stops: 0.5", Left + Not at -0.5" + -0.13" + -0.06"

Formatted: Tab stops: 0.5", Left + Not at -0.5" + -0.13" + -0.06"

Formatted: Tab stops: 0.5", Left + Not at -0.5" + -0.13" + -0.06"

employee's Department Head is informed of the violation, a formal process, consistent with this Employee Handbook, ~~applicable collective bargaining agreement~~ 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.

Formatted: Indent: Left: 0.5", Tab stops: 0.5", Left + Not at -0.5" + -0.13" + -0.06"

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 – The dress code for employees who work in Town Hall and interact with the public is business casual. All other employees ~~a employee~~ must maintain a personal appearance in a manner consistent with their work duties 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.

513

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.

514515 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.

515516 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.

~~516~~

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.

517518 Personal Property

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

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

Security Inspections – Desks, lockers and other storage devices may be provided for the convenience of employees but remain the sole property of the Town. Accordingly, such storage devices, as well as any articles found within them, can be inspected by any agent or representative of the Town at any time, with or without notice. The inspection 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.

518

Formatted: Font: Not Bold

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.

~~519~~520 Unauthorized Work

Policy Statement — An employee may not perform work for any entity other than the Town during the employee's ~~tour of duty~~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.

Formatted: Font: Not Bold

Formatted: Tab stops: 0", Left

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06" + 0"

520521 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 — ~~In addition to the above guidelines, an employee who is a member of Town employees covered by a collective bargaining unit may be subject to rules and/or guidelines regarding outside employment as set forth in the agreement should refer to their~~ collective bargaining agreement ~~or rules, 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 to which the 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 ~~is assigned~~ 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.

Formatted: Tab stops: Not at -1" + -0.5" + -0.13" + -0.06"

600 ABSENCE POLICIES

601 Attendance

The following procedures shall apply regarding absence from work:

Tardiness

~~**Notification of 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 ~~at~~ 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.

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

~~602~~ **Notification of Absence**

~~Except as otherwise provided by a collective bargaining agreement, the following procedure shall apply regarding absence from work:~~

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.

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

~~**Notification of Sick Leave**~~ – In the event an employee must take sick leave **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.

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

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 prior to leaving in accordance with department policy.

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

~~603~~ — Jury Duty Leave

~~Except as otherwise provided~~

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, ~~the~~ 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:

Formatted: Right: -0.19"

Formatted: Font: 8 pt

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.

Formatted: Font: 8 pt

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.

Formatted: Font: 8 pt

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.

604 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

Formatted: Right: -0.19"

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 ~~effect~~**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.

Formatted: Font: Not Bold

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.

605

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.

Union/Non-Unionized Employees -- ~~An employee who is a member of --~~ Town employees covered by a collective bargaining unit is not covered by the Bereavement Leave provisions set forth above and agreement should refer to the applicable refer to their collective bargaining agreement. ~~The Supervisors in the Police Department that are non-unionized will receive benefits at least at the minimum of the negotiated Police Contract. (Amended November 20, 2013), because where conflicts arise contractual terms and practices govern.~~

Formatted: Font: Bold

606

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 ~~a rolling~~ calculated as the twelve month period measured ~~backward~~ forward from the date of the employee's first FMLA leave usage. ~~The FMLA also provides an eligible employee uses any FMLA leave 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 ~~working~~ 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 ~~before~~ as of the first date of requested leave ~~request~~ (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 ~~of Carmel~~ 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 Unpaid FMLA Leave - ~~An eligible employee~~ Eligible employees will receive an be afforded up to twelve workweeks of unpaid leave under FMLA under the following circumstances:

- ~~• Inability of the employee to perform one or more of the essential functions of the employee's job due to the employee's own serious health condition;~~
- 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; ~~or~~
- To care for the employee's spouse, child, son, daughter or parent who has a serious health condition;

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Tab stops: Not at -1.63" + -1" + -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Tab stops: Not at -1.63" + -1" + -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Tab stops: Not at -1.63" + -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: Not at -1.63" + -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Tab stops: Not at -1.63" + -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: Not at -1.63" + -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Tab stops: Not at -1.63" + -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: Not at -1.63" + -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Font: Bold

Formatted: Indent: Left: 0.5", Tab stops: Not at -0.5" + -0.13" + -0.06" + 0" + 0.5"

- 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

Formatted: Indent: Left: 0.5", Bulleted + Level: 1 + Aligned at: 0.75" + Tab after: 1" + Indent at: 1", Hyphenate, Tab stops: 0.75", Left + Not at -0.5" + -0.13" + -0.06" + 0" + 0.5" + 1"

Formatted: Font: Not Bold

Formatted: Indent: Left: 0.5", Bulleted + Level: 1 + Aligned at: 0.75" + Tab after: 1" + Indent at: 1", Tab stops: 0.75", Left + Not at 0" + 1"

Formatted: Font: 11 pt

Formatted: Tab stops: Not at 0" + 0.5"

Formatted: Font: 11 pt

Formatted: Indent: Left: 0.75", Hanging: 0.25", Tab stops: 1", Left

Formatted: Tab stops: Not at 0" + 0.5"

Formatted: Font: 11 pt

Formatted: Indent: Left: 0.75", Hanging: 0.25", Tab stops: 1", Left

Formatted: Tab stops: Not at 0" + 0.5"

Formatted: Font: 11 pt

Formatted: Indent: Left: 0.75", Hanging: 0.25", Tab stops: 1", Left

Formatted: Tab stops: Not at 0" + 0.5"

Formatted: Font: 11 pt

Formatted: Indent: Left: 0.75", Hanging: 0.25", Tab stops: 0.75", Left + Not at -1.25" + -0.5" + -0.13" + -0.06"

Formatted: Tab stops: Not at 0" + 0.5"

Formatted: Indent: Left: 0.5", Tab stops: Not at -1.25" + -0.5" + -0.13" + -0.06"

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 ~~son or daughter~~ 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 ~~and Department Head~~ must complete the Family And Medical Leave Act Request Form and forward the completed form to the ~~Town Accountant~~ 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 ~~Town Accountant~~ 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,

Formatted: Indent: Left: 0.75", Hanging: 0.25", Tab stops: 0.75", Left + Not at -1.25" + -0.5" + -0.13" + -0.06"

Formatted: Tab stops: 1", Left + Not at -0.5" + -0.13" + -0.06" + 0" + 0.5"

Formatted: Indent: Left: 0.75", Hanging: 0.25", Tab stops: 1", Left + Not at -0.5" + -0.13" + -0.06" + 0" + 0.5"

Formatted: Tab stops: 1", Left + Not at -0.5" + -0.13" + -0.06" + 0" + 0.5"

Formatted: Indent: Left: 0.75", Hanging: 0.25", Tab stops: 1", Left + Not at -0.5" + -0.13" + -0.06" + 0" + 0.5"

Formatted: Tab stops: 1", Left + Not at -0.5" + -0.13" + -0.06" + 0" + 0.5"

Formatted: Font: Not Bold

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06" + 0"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Tab stops: Not at -0.5" + -0.13" + -0.06"

- 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 ~~be taken~~ 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 ~~unpaid~~ 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 or, 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 which will during the authorized FMLA leave. In intermittent leaves, sick and vacation leaves must be included used in the maximum twelve weeks of leave. The substitution of paid leave for increments permitted under applicable Town policies or the employee's collective bargaining agreement, or taken as unpaid FMLA leave. Use of these leave credits does not extend the twelve-week 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-~~weekworkweek~~ period. ~~However, in~~ 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-~~weekworkweek~~ period, an employee may use paid leave credits to **extend** the leave of absence beyond the twelve-~~weekworkweek~~ 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 ~~and/or short-term disability benefits~~ 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*.

Formatted: Indent: Left: 0.5", Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Tab stops: Not at -0.56" + -0.5" + -0.13" + -0.06"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06" + 0"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Font: Not Bold

Formatted: Justified, Tab stops: Not at -0.63" + -0.5" + -0.13" + -0.06"

Formatted: Font: Not Bold

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Font: Bold

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

- **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.

Formatted: Indent: Left: 0.5", Tab stops: Not at -0.5" + -0.13" + -0.06"

- **Medical Insurance** — During the period of authorized ~~paid or unpaid~~ FMLA designated leave ~~of absence~~, 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:

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Tab stops: Not at -0.5" + -0.13" + -0.06"

- * 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.

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06" + 0.5"

Formatted: Indent: Left: 1", Tab stops: Not at -0.5" + -0.13" + -0.06" + 0.5"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06" + 0.5"

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 ~~and the employee is prohibited from electing to use paid leave credits during such 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.

Formatted: Font: Not Bold

Formatted: Body Text Indent

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Font: Bold

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:

Formatted: Normal

Formatted: Tab stops: Not at -0.75" + -0.5" + -0.13" + -0.06"

- **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

Formatted: Indent: Left: 0.5", Tab stops: 0.75", Left + Not at -1.63" + -0.56" + -0.5" + -0.13" + -0.06"

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.

Formatted: Font: Italic

- **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.

Formatted: Indent: Left: 0.5", Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Tab stops: Not at -0.5" + -0.13" + -0.06"

Extension of Unpaid 606 Leave of Absence 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 ~~who wants an extension of~~ will be allowed four hours of paid leave per year for the ~~leave originally requested~~ 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 ~~notify~~ receive prior approval from the employee's Department Head ~~at least~~ 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 business days ~~from the date the change occurred which necessitates the change in leave time.~~ The Town Board reserves the right to approve all leave extensions in advance. The Department Head will have total discretion in the approval of this paid leave, but will not unreasonably deny such request.

Formatted: Indent: Left: 0.5", Right: -0.19", No bullets or numbering

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.

Formatted: Font: 8 pt

Formatted: Right: -0.19", Tab stops: Not at -0.5" + -0.13" + -0.06"

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.

~~Union~~**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. ~~(Amended August 7, 2013)~~

702 *Overtime and Compensatory Time (For Non-Union Employees)*

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. ~~An employee is not entitled to Unauthorized overtime pay for additional hours worked without proper authorization 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 ~~all~~ 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. ~~An employee must use all Employees with seventy hours of accumulated compensatory leave credits within the calendar year in which they are earned or receive cash payment time shall be paid at the end of the calendar year at one and one-half times the employee's then current regular hourly rate of pay 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. ~~An employee, 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 ~~accrued~~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.

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

~~Union~~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 ~~Town Accountant~~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 ~~Town Accountant~~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 ~~Town Accountant~~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 ~~Town Accountant~~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** — An employee who is a member of -- Town employees covered by a collective bargaining unit is not covered by the Holidays provisions set forth above and agreement should refer to the applicable refer to their collective bargaining agreement. The Supervisors in the Police Department that are non-unionized will receive benefits at least at the minimum of the negotiated Police Contract. (Amended November 20, 2013), because where conflicts arise contractual terms and practices govern.~~

Formatted: Font: Bold

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** — An employee who is a member of -- Town employees covered by a collective bargaining unit is not covered by the Vacation Leave provisions set forth immediately above and agreement should refer to the applicable refer to their collective bargaining agreement. The Supervisors in the Police Department that are non-unionized will receive benefits at least at the minimum of the negotiated Police Contract. (Amended November 20, 2013), because where conflicts arise contractual terms and practices govern.~~

Formatted: Font: Bold

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 ~~be~~ not be used in increments of less than one (1) hour. (Amended April 1, 2015)

Formatted: Font: Not Bold, Not Italic

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, ~~in accordance with current CSEA contract or negotiations otherwise.~~

Separation of Employment – ~~A non-union~~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%

~~(Amended August 7, 2013)~~

*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** – An employee who is a member of a collective bargaining unit is not-- Town employees covered by the Sick Leave provisions set forth immediately above, except for Proper Use of Sick Leave, and a collective bargaining agreement should refer to the applicable refer to their collective bargaining agreement. The Supervisors in the Police Department that, because where conflicts arise contractual terms and practices govern. Town employees covered by a collective bargaining agreement are non-unionized will receive benefits at least at the minimum of the negotiated Police Contract. (Amended November 20, 2013) subject to the Proper Use of Sick Leave or Abuse of Sick Leave policies.~~

Formatted: Font: Bold

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 ~~upon 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. ~~An employee may take personal leave only after it has been credited.~~

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.

Union/Unionized Employees – ~~An employee who is a member of-~~ 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 unit ~~is not~~ agreement are covered by the ~~Personal Leave~~ provisions set forth immediately above, ~~except for~~ Proper Use of Personal Leave and Scheduling, and should refer to the applicable collective bargaining agreement. ~~The Supervisors in the Police Department that are non-unionized will receive benefits at least at the minimum of the negotiated Police Contract. (Amended November 20, 2013) policies.~~

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Font: Bold

805 Disclosure of Insurance Benefits

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

Plan Administrator — The ~~Town Accountant~~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 ~~Town Accountant~~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 ~~Town Board has the discretionary authority to determine eligibility for benefits and to interpret the plan's terms.~~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 ~~union~~unionized employees shall be in accordance with collective bargaining ~~negotiations~~agreements and/or procedures.

Changes in Benefits — Any benefit offered by the Town to ~~non-union~~ employees not represented by unions or Elected Officials is subject to change by resolution of the Town Board. ~~Changes in benefits for union employees shall be in accordance with collective bargaining negotiations and/or procedures.~~

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

Enrollment Information — The ~~Town Accountant~~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 ~~Town Accountant~~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.

~~**Premium Payment** — The Town will pay the full premium for individual or family medical insurance coverage, as the case may be, for each eligible full-time employee and Elected Officials. Effective January 1, 2014, the Town will fix the level and amount of contribution paid by the Town and each Town employee and Elected Official whose term commences on or after January 1, 2014. Town employees~~
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. ~~(Amended August 7, 2013)~~

~~**Union**~~**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.

Formatted: Font: Not Bold

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

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~~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~~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.

Formatted: Indent: Left: 0.75", Tab stops: 1", Left

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.

Formatted: Indent: Left: 0.5"

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. ~~(Amended August 7, 2013)~~ Payments made to an employee under the provisions of this buy-out option are excluded from NYS Retirement System earnings calculations.

Formatted: Font: 8 pt

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, ~~the employee may resume coverage under a medical insurance plan made available through the Town. Coverage will become effective~~ 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 ~~insurance~~ 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.

~~Union~~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.

Formatted: Font: Not Bold

Formatted: Tab stops: 0", Left

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.

~~Union~~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.

~~Union~~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~~Elected Official, the spouse of a covered employee or ~~elected-official~~Elected Official, or a dependent child of a covered employee or ~~elected-official~~Elected Official. A child who is either born to or who is placed for adoption with the covered employee or ~~elected-official~~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 ~~and for a limited time as described below. The COBRA requirements do not put any limit on the number of times a qualified beneficiary may be entitled to COBRA continuation coverage. COBRA coverage is in effect for a period of up to eighteen, twenty nine, or thirty-six months, depending upon any of the following. Any of the following circumstances are considered to be~~ qualifying events:

- ~~An eighteen-month continuation will be available to a qualified beneficiary in the event~~Termination of the covered employee’s (or ~~elected-official’s~~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.
- ~~A twenty-nine-month continuation will be available to a qualified beneficiary in the event that the qualified beneficiary is disabled, per a determination under the Social Security Act, or becomes disabled within the first sixty days of COBRA coverage. The qualified beneficiary must provide the plan administrator with notice of the disability within sixty days of the determination of the disability by Social Security and before the end of the original eighteen-month COBRA coverage period. The qualified beneficiary must notify the plan administrator of a determination by Social Security that the individual is no longer disabled within thirty calendar days of such determination.~~
- ~~A thirty-six month continuation will be available to a qualified beneficiary in the event of any one of the following:~~

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Not Italic

Formatted: Font: 11 pt, Not Italic

Formatted: Heading 2, Indent: Left: 0.5"

Formatted: Font: 11 pt, Not Bold, Not Italic

Formatted: Normal

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06" + 0" + 0.5"

Formatted: Indent: Left: 0.5", Tab stops: 0.75", Left + Not at -0.5" + -0.13" + -0.06" + 0" + 0.5"

• When a covered employee is on a leave of absence due to military service obligations.

*• Death of a covered employee or ~~elected official~~Elected Official.

*• Divorce or legal separation from a covered employee or ~~elected official~~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~~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; ~~or,~~

~~*• A covered dependent ceases to be a "dependent child" under the health insurance plan.~~

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

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

Enrollment Information – The ~~Town Accountant~~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

Formatted: Indent: Left: 0.5", Numbered + Level: 1 + Numbering Style: Bullet + Start at: 1 + Alignment: Left + Aligned at: 2" + Indent at: 2.25", Tab stops: 0.75", Left + Not at -0.5" + -0.13" + -0.06" + 0" + 0.5" + 1"

Formatted: Font: 9 pt, Not Bold

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06" + 0" + 0.5"

Formatted: Indent: Left: 0.5", Numbered + Level: 1 + Numbering Style: Bullet + Start at: 1 + Alignment: Left + Aligned at: 2" + Indent at: 2.25", Tab stops: 0.75", Left + Not at -0.5" + -0.13" + -0.06" + 0" + 0.5" + 1"

Formatted: Font: 9 pt, Not Bold

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06" + 0" + 0.5"

can become eligible for disability payments. Full details regarding the policy currently in effect are available from ~~Town Accountant~~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 ~~Town Accountant~~Office of the Comptroller within twenty-four hours of the occurrence. The ~~Town Accountant~~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.

~~Union~~**Unionized Employees** — An employee who is a member of a collective bargaining unit ~~is not covered by the Short-Term Disability Benefits provision set forth immediately above, and should refer to~~refer to the applicable~~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 ~~Town Accountant~~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.

~~**Union Employees** — An employee who is a member of a collective bargaining unit is not covered by the Use of Sick Leave Credits provision set forth immediately above, and should refer to the applicable collective bargaining agreement.~~

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~~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 ~~five years completion of the required minimum period~~ of creditable public sector service. ~~In the event an employee leaves after five years of service but prior to retirement age, such employee may receive a benefit at retirement age related to those years as a public sector employee. (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 ~~Town Accountant~~ 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 ~~Town Accountant~~ 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. ~~The Town will contribute 100% of the cost associated with this plan.~~ It is mandatory for all full-time and part-time police officers to become members of the Police and Fire Retirement System effective on the first day of employment.

Formatted: Normal

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.

Formatted: Tab stops: Not at -0.5" + -0.13"
+ -0.06"

Formatted: Tab stops: Not at -0.5" + -0.13"
+ -0.06"

902 The Americans with Disabilities Act

Policy Statement – It is the policy of the Town of Carmel to ~~fully~~ 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 ~~duties~~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 discrimination will be investigated discreetly and promptly.~~ 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 ~~discrimination~~ 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. 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

Formatted: Font: Not Bold

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

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—Equal Employment Opportunity~~

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

Policy Statement ~~The Town of Carmel is an Equal Opportunity Employer. The Town does not discriminate.~~ 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, ~~color~~ creed, sex, gender, sexual orientation, gender identity or expression, age, national origin, ancestry, ethnicity, citizenship, disability, marital status, ~~or military~~ familial status. ~~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.~~

Formatted: Font: Not Bold

Notification of Policy Violations ~~An employee should immediately report 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 perceived violation of this policy to the employee's Department Head. In the event the employee other protected class or status is unable to discuss this matter with the Department Head, the complaint should be reported in writing to strictly prohibited. In short, the Town Supervisor or will not tolerate any member of the Town Board. All complaints form of discrimination will be investigated discreetly and promptly. An employee who reports discrimination will not suffer adverse employment consequences as a result of making the complaint.~~

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

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 Fair Treatment

Policy Statement ~~It is the policy of the Town to promote a productive work environment in which all employees are treated with fairness, respect, and dignity. The Town will not tolerate or harassment or discrimination of any kind in the workplace.~~

Notification of Policy Violations ~~An employee should immediately report any kind of harassment or discrimination in the workplace to the employee's Department Head. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported, in writing, to the Town Supervisor or any member of the Town Board. All complaints of discrimination will be investigated discreetly and promptly. An employee who reports harassment or discrimination in the workplace will not suffer adverse employment consequences as a result of making the complaint.~~

904 Sexual Harassment

Policy Statement — It is the policy of the Town of Carmel to promote a productive work environment. ~~As with discrimination involving race, color, national origin, religion, disability, age, marital status, or military status, the Town of Carmel prohibits sex discrimination, including sexual harassment of its employees in any form. No form of harassment will be tolerated. The Town, and~~ will take all steps necessary to prevent and stop the occurrence of ~~sexual~~ such harassment in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of ~~sexual discrimination and~~ harassment, ~~including sexual harassment,~~ without any risk of ~~repercussion to a complaining employee for filing a complaint of sexual harassment~~ ~~retaliation against an employee who,~~ in good faith, ~~files such complaint.~~

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Applicability of Policy — This policy applies to all ~~Town employees and~~ Elected Officials ~~regardless of supervisory level, 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 ~~sexual~~ 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 unsolicited, unwelcomed discrimination and intimidating harassment, including sexual overtures harassment. Supervisors must take immediate and appropriate corrective action, when instances of ~~sexual 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.

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06" + 1" + 2.5"

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 ~~or 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 ~~employees'~~ 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.

Formatted: Font: Bold

Formatted: Indent: Left: 0.5", First line: 0", Tab stops: Not at -0.5" + -0.13" + -0.06" + 2.5"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06" + 1"

Formatted: Indent: Left: 0.5", Hanging: 0.25", Bulleted + Level: 1 + Aligned at: 0.6" + Tab after: 0.94" + Indent at: 0.94", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06" + 0.94" + 1.25"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Hanging: 0.25", Bulleted + Level: 1 + Aligned at: 0.6" + Tab after: 0.94" + Indent at: 0.94", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06" + 0.94" + 1.25"

Formatted: Condensed by 0.15 pt

Formatted: Normal, Tab stops: Not at 1"

Formatted: Condensed by 0.15 pt

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06" + 0.5" + 1"

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.

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06" + 0.5" + 1"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06" + 0.5"

Formatted: Indent: Left: 0.5", Hanging: 0.25", Bulleted + Level: 1 + Aligned at: 0.6" + Tab after: 0.94" + Indent at: 0.94", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06" + 0.5" + 0.94" + 1.25"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06" + 0.5"

Formatted: Indent: Left: 0.5", Hanging: 0.25", Bulleted + Level: 1 + Aligned at: 0.6" + Tab after: 0.94" + Indent at: 0.94", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06" + 0.5" + 0.94" + 1.25"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06" + 0.5"

Formatted: Indent: Left: 0.5", Hanging: 0.25", Bulleted + Level: 1 + Aligned at: 0.6" + Tab after: 0.94" + Indent at: 0.94", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06" + 0.5" + 0.94" + 1.25"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06" + 0.5" + 1"

Formatted: Indent: Left: 0.5", Hanging: 0.25", Bulleted + Level: 1 + Aligned at: 0.6" + Tab after: 0.94" + Indent at: 0.94", Tab stops: 0.75", List tab + Not at -0.81" + -0.5" + -0.13" + -0.06" + 0.5" + 0.94" + 1.25"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Reporting of Discrimination and Harassment (including Sexual Harassment) –

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

Formatted: Font: Bold

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 a manner 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.

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Font: Bold

Formatted: Normal, Indent: Left: 0"

Investigation of Complaint – ~~Generally, The Town Supervisor will convene with the Town Board in executive session to determine the appropriate individual(s) to conduct the investigation of a complaint will be conducted by the complainant's Department Head or immediate Department Supervisor and. 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. ~~In those instances when a Department Head or Department Supervisor requests or requires assistance, or when the Department Head or Department Supervisor is named in the complaint or involved in the incident, the Town Board will appoint an individual to conduct the investigation~~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 ~~sexual discrimination or harassment, including sexual harassment,~~ will be afforded a full and fair opportunity to offer and present information in ~~the employee's~~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 ~~Dispute Resolution Procedure as described in this Employee Handbook or the Grievance Procedure~~grievance procedure contained in ~~the~~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 – ~~Intimidation, coercion, threats, reprisal or discrimination– Retaliation~~ against any employee who ~~in good faith~~ brings a written or verbal ~~sexual complaint of discrimination or harassment complaint~~ or who assists or ~~aids~~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. ~~Retaliation against any employee who has filed a sex discrimination or sexual harassment complaint is illegal and 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,

Formatted: Normal, Indent: Left: 0", Tab stops: Not at 0.5"

Formatted: Normal, Indent: Left: 0"

Formatted: Font: Not Bold

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Normal, Indent: Left: 0"

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.

Formatted: Tab stops: Not at -0.5" + -0.13"
+ -0.06"

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

Statement of 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.

Formatted: Font: 8 pt

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 the following this policy and drug-free awareness program:

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06" + 0.5"

Formatted: Font: Bold

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 Act, is prohibited on the job or at the workplace.

Formatted: Font: 8 pt

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Implementation of Policy – This policy will be distributed to all employees and officials of the Town.

Sanctions – The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is strictly prohibited in all workplaces and work sites. **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 dismissal from 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.

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06" + 0.5"

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.

Formatted: Font: 8 pt, Not Bold

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 ~~the~~ 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 ~~moral~~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

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

Formatted: Font: Italic, Underline

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Font: 8 pt

Formatted: Indent: Left: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Tab after: 1" + Indent at: 1", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06" + 1"

Formatted: Font: 8 pt

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.75", Tab stops: Not at -0.5" + -0.13" + -0.06" + 0.25"

Formatted: Font: 8 pt

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Hanging: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Tab after: 1" + Indent at: 1", Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.75", First line: 0", Tab stops: Not at -0.5" + -0.13" + -0.06" + 0.25"

Formatted: Font: 8 pt

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06" + 0.5"

Formatted: Indent: Left: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Tab after: 1" + Indent at: 1", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06" + 0.5" + 1"

Formatted: Font: 8 pt

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

- 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.

Formatted: Indent: Left: 0.75", First line: 0", Tab stops: Not at -0.5" + -0.13" + -0.06" + 0.25"

Formatted: Font: 8 pt

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Tab after: 1" + Indent at: 1", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06" + 1"

Formatted: Font: 8 pt

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.75", Tab stops: Not at -0.56" + -0.5" + -0.13" + -0.06" + 0" + 0.25"

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Normal

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 ~~Town Accountant~~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.

Formatted: Indent: Left: 0.5", Tab stops: Not at 0"

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.

~~Material~~ Safety Data Sheets (~~MSDS~~)-~~SDS~~) – An employee working with a Hazardous Chemical shall obtain a copy of the ~~Material~~ Safety Data Sheet (~~MSDS~~~~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 ~~Material~~ 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.

Formatted: Normal

1100 COMMUNICATION PROCEDURES

1101 ~~Bulletin Board~~Organizational Communications

~~Summary – Bulletin boards are located throughout Town buildings for communicating information to employees. An employee should check the~~
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.~~

~~Posting of Material – Except as otherwise provided by the~~
Posting of Material – Except as otherwise provided by the 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.

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

Formatted: Indent: Left: 0.5", Bulleted + Level: 1 + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5", Tab stops: 0.75", List tab + Not at -0.5" + -0.13" + -0.06" + 0.5"

Formatted: Font: 8 pt

Formatted: Font: Not Bold

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

1102 ~~Adverse Correspondence~~Communications

~~Written Communication Policy Statement – An employee who receives a memo, fax, message, letter, telegram, legal notice, e-mail, summons, or other form of any communication of a negative nature must immediately directed to the Town, or to any of its officers or employees in their official capacity, shall immediately notify and/or forward the documentcommunication 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.~~

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

Formatted: Tab stops: Not at -0.5" + -0.13" + -0.06"

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.

Formatted: Indent: Left: 0.5", Tab stops: 0.75", Left

Formatted: Indent: Hanging: 0.25", Tab stops: 0.75", Left

Formatted: Indent: Left: 0.5", Tab stops: 0.75", Left

Formatted: Indent: Hanging: 0.25", Tab stops: 0.75", Left

Formatted: Indent: Left: 0.5", Tab stops: 0.75", Left

Formatted: Indent: Hanging: 0.25", Tab stops: 0.75", Left

Formatted: Indent: Left: 0.5", Tab stops: 0.75", Left

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.

Formatted: Footer, Space Before: 0 pt, Line spacing: single, Border: Top: (Single solid line, Auto, 0.5 pt Line width), Tab stops: 6.5", Right

Formatted: Font: 11 pt, Not Italic

Formatted: Footer, Space Before: 0 pt, Line spacing: single, Border: Top: (Single solid line, Auto, 0.5 pt Line width), Tab stops: 6.5", Right

Formatted: Font: 11 pt, Not Italic

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

[4810-5211-0930, v. 14840-7500-5521, v. 2](#)

Formatted: Top: 0.9", Header distance from edge: 0.38"

Formatted: Font: 8 pt

Formatted: Left, Line spacing: Exactly 9 pt

Formatted: Indent: Left: 0", Border: Top: (Single solid line, Auto, 0.5 pt Line width), Tab stops: 6.5", Right + Not at -0.5" + -0.13" + -0.06" + 3" + 6"

RESOLUTION #17

RESOLUTION AUTHORIZING ENTRY INTO CONTRACTS

WHEREAS appropriations have been made in the 2018 Town Budget for entry into various contracts for the provision of various services to the Town of Carmel, and

WHEREAS said contracts are on file in the office of the Town Supervisor for the inspection and review of all Town Board members,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the Town Supervisor to enter into and execute, on behalf of the Town, contracts with the following contractors for the services indicated in an amount not to exceed that set forth below:

<u>Contractor</u>	<u>Services</u>	<u>Not to Exceed Amount</u>
Mahopac Falls Volunteer Fire Department, Inc.	Fire Protection-Fire Protection Dist. #1	\$ 753,460.00
Carmel Volunteer Ambulance Corps	Ambulance Services- Carmel Ambulance District #1	\$ 150,000.00
North Salem Volunteer Ambulance Corps	Ambulance Services- Carmel Ambulance District #1	\$ 12,800.00

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	_____	_____