

# TOWN OF WAPPINGER



## Employee Personnel Manual

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Adopted 12/8/2025

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# TOWN OF WAPPINGER



## TOWN SUPERVISOR

JOSEPH D. CAVACCINI

## TOWN HALL

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## OFFICE OF THE TOWN SUPERVISOR

### Welcome!

On behalf of all in our Wappinger Town Government, I would like to extend a warm welcome to you as the newest member of our team. We are thrilled to have you join us and begin this exciting journey in your new role.

As a valued employee, you play an essential part in ensuring the efficient and effective delivery of services that directly impacts the nearly 30,000 residents who call Wappinger home. Our Administration's mission is to serve our community with integrity, transparency, and dedication, and your role is vital in making that mission a reality.

Whether your work supports public safety, infrastructure, community services, administration, or any of the many areas that help our Town function, the contributions you make will strengthen not only the services we provide, but the overall well-being of our community.

The success of our local government depends on the collaboration and teamwork of more than 20 departments, offices, and divisions, along with the 100 hardworking employees and officials who make up the Town of Wappinger workforce. The information provided to you in this Handbook has been carefully crafted to ensure your experience as a co-worker is one that is fair, educational, and fulfilling. You are now part of a team committed to supporting one another in our shared mission to enhance the quality of life for all who live here.

Please know that you are joining a dedicated and passionate group of individuals who care deeply about their work and the difference it makes. Together, we will continue to build on the progress our town has made and expand the services and opportunities available to our residents.

Once again, on behalf of our Town Board and your new co-workers, welcome to the Town of Wappinger. We look forward to working with you and seeing all that you will accomplish in your new role.

Respectfully,

A blue ink signature of Joseph D. Cavaccini.

Joseph D. Cavaccini, Town Supervisor

## INTRODUCTORY STATEMENT

The purpose of this Handbook is to communicate the Town of Wappinger (the “Town”) personnel policies and practices to all of our employees. This Handbook is for informational purposes only; none of its provisions are to be deemed a contract or to create a contractual relationship between you and the Town. It is extremely important that our employees understand the policies that relate to benefits, employment classifications, rules, regulations, pay policies, personnel practices, and work standards. Do not hesitate to contact your Department Head, Town Supervisor, or Human Resources if you have questions regarding any topic covered in this Handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the Town of Wappinger to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

This Handbook, however, cannot anticipate every situation or answer every question about employment. As the Town of Wappinger continues to grow, the need to change policies described in the Handbook may arise.

The Town therefore reserves the right to revise, interpret, supplement, or rescind any policies or portion of this Handbook. The employee benefits, personnel policies, procedures and rules of this manual will remain in effect until changed by any of the following: Town Board Resolution, changes in departmental rules, and/or enactment of federal, state or local legislation. Copies of any revisions will be distributed to all employees.

If your employment is covered by the terms of a collective bargaining agreement (“CBA”), this Handbook will apply to you to the extent any provision does not contradict any portion of the CBA or is not a mandatory subject of bargaining under the Taylor law.

#### EFFECTIVE DATE

This policy shall take effect upon final adoption by the Wappinger Town Board.

## DEFINITIONS

1. Town of Wappinger - For purposes of this Handbook, the term "Town of Wappinger" shall mean and refer to the "employer." Throughout this Handbook, the "Town of Wappinger" may also be referred to as the "Town," "we" or "our."
2. Town Board - For purposes of this Handbook, the term "Town Board" shall mean and refer to the "Town of Wappinger Town Board."
3. Town Supervisor - For purposes of this Handbook, the term "Town Supervisor" shall mean the Town Supervisor of the Town of Wappinger.
4. Department Head - For purposes of this Handbook, the term "Department Head" shall mean the official in charge, or liaison to any department, agency, or unit of government in the Town of Wappinger. This will also apply if such individual is acting, temporarily or provisionally, in the position of Department Head as defined herein.
5. Other Terms

Shall:	Mandatory
Anniversary Date:	Annual anniversary of the calendar date of hire (e.g., if hired on May 1, 2020, the first anniversary is May 1, 2021).
Scheduled Workdays:	Monday through Friday (inclusive), except where there is a paid holiday as hereinafter provided -- or other attendance arrangements based on the employee's position.
Workweek:	Consists of 5 workdays inclusive of paid holidays, or as determined by the employee's position.
Exempt Employee:	An employee who is designated exempt from the provisions of the Fair Labor Standards Act ("FLSA") and ineligible for overtime pay.
Non-Exempt Employee:	An employee who is covered by the overtime provisions of the FLSA.
Full-time:	Full-time employees are those who regularly work a minimum of 35 hours per week.
Part-time:	Part-time employees are those who regularly work no more than 17.5 hours per week.
Temporary:	Employees who are not assigned to probationary status and are appointed for a short time or a specific job which, at the time of appointment, will foreseeably be terminated prior to 1,000 hours of work. While they do receive all legally mandated benefits (such as Social Security and Workers' Compensation insurance), they are ineligible for most of the Town's other benefit programs.
Probationary:	Employees whose performance is being evaluated to determine whether further employment in a specific position or with the Town is appropriate. Employees who satisfactorily complete the probationary period will be notified of their new employment classification. Except as otherwise provided in the rules for the Classified Civil Service of Dutchess County, every permanent appointment shall include a probationary term of not less than eight and more than twenty-six weeks. An employee who is eligible to receive benefits as specifically enumerated in the provisions of this Handbook.
Eligible employee:	

## EXEMPT & NON-EXEMPT EMPLOYEES

The Town classifies positions as exempt or non-exempt in accordance with the Fair Labor Standards Act (FLSA).

- Exempt employees are paid on a salary basis and are not eligible for overtime. Exempt status is determined by job duties and FLSA criteria, not job title.
- Non-exempt employees are paid on an hourly basis and are eligible for overtime for all hours worked over 40 in a workweek.

Employees will be informed of their classification at the time of hire, and any changes will be communicated in writing. Questions about your classification should be directed to the Town Supervisor or Personnel Administrator.

## ELECTED OFFICIALS

Those officials who are elected or appointed to serve a specific term must take the Oath of Office for each term. The following are elected officials in the Town:

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

## APPOINTED OFFICIALS

Appointed officials serve a specific term must take the Oath of Office for each term. The following are appointed officials in the Town:

- Deputy Town Supervisor
- Deputy Superintendent of Highways
- Town Comptroller
- Receiver of Taxes
- Town Assessor
- Town Historian
- Chief Court Clerk
- Court Clerks
- Secretary to the Supervisor
- Secretary to the Superintendent of Highways
- Bookkeeper to the Supervisor
- Deputy Town Clerk(s)
- Deputy Receiver of Taxes
- Dog Control Officer
- Members of the Bureau of Fire Prevention
- Members of the Planning Board
- Members of the Zoning Board of Appeals
- Members of the Board of Assessment Review
- Any appointee as designated by the Town Board

## AMERICANS WITH DISABILITIES ACT (ADA)

The Town does not discriminate against qualified individuals with disabilities or pregnancy-related

conditions who, with or without reasonable accommodation, can perform the essential functions of their positions. It is the Town's policy to recruit, hire, promote, and maintain all terms and conditions of employment in a manner that does not discriminate on the basis of disability or pregnancy-related condition.

In compliance with the Americans with Disabilities Act (ADA) and the New York State Human Rights Law, the Town will provide reasonable accommodations to qualified individuals, unless doing so would create an undue hardship as defined by law.

Employees who believe they may need a reasonable accommodation should contact the Personnel Administrator. You may be asked to provide information necessary to determine eligibility and possible accommodations, which may include documentation from your healthcare provider. Such requests will be limited to the information required for these determinations. All medical information will be kept confidential and maintained in a separate medical file.

Department Heads who receive an accommodation request, verbal or written, must immediately notify the Personnel Administrator for assistance in handling the request.

## **EQUAL EMPLOYMENT OPPORTUNITY**

The Town is an Equal Opportunity Employer. Employment decisions are made without regard to age, race, creed, color, religion, sex or gender (including transgender status, gender identity, and gender expression), sexual orientation, pregnancy, national origin, disability, genetic information or characteristics, marital status, familial status, status as a victim of domestic violence, military status, or any other protected category under federal, state, or local law. This policy applies to all terms and conditions of employment, including but not limited to recruitment, hiring, placement, compensation, promotion, transfer, training, leave of absence, and termination.

Any person who believes he/she has been discriminated against may also file a complaint with:

Dutchess County Equal Employment Opportunity Officer

22 Market Street

Poughkeepsie, NY 12601

(845) 485-9998

OR

New York State Division of Human Rights

8 John Walsh Boulevard, Suite 204

Peekskill, NY 10566

(914) 788-8050

OR

United States Equal Employment Opportunity Commission

33 Whitehall Street, 5th floor

NY, NY 10004

(800) 669-4000

## **EMPLOYEE CONDUCT**

To maintain orderly operations and provide a safe, productive, and respectful work environment, the Town expects all employees to conduct themselves in a professional and responsible manner.

Because it is not possible to list every type of misconduct, the examples below represent behaviors that may result in disciplinary action, up to and including termination of employment. This list is not all-inclusive, and the Town reserves the right to address other conduct it deems inappropriate. Department

Heads may also establish additional rules for their respective areas.

Examples of Prohibited Conduct include:

- Theft, unauthorized removal, or misuse of Town or employee property.
- Falsification of records, including timekeeping or employment documents.
- Reporting to work under the influence of alcohol or illegal drugs.
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs while on duty, on Town property, or while operating Town vehicles/equipment.
- Fighting, threatening, or engaging in violent or abusive behavior.
- Negligence or reckless conduct while on duty that causes damage to Town, taxpayer, or employee property.
- Violating safety or health rules or engaging in unsafe practices.
- Smoking or vaping is prohibited on all town property including and not limited to town vehicles.
- Sexual harassment or any other form of unlawful harassment or discrimination.
- Possession of dangerous or unauthorized materials (e.g., firearms, explosives) in the workplace.
- Excessive absenteeism, tardiness, or failure to provide required notice of absence.
- Unauthorized or inappropriate use of telephones, email, computers, mail systems, or other Town equipment.
- Violating personnel policies or departmental procedures.
- Poor performance or other unsatisfactory conduct.

## STANDARDS OF CONDUCT

Every employee of the Town shall be subject to and abide by the following standards of conduct:

- A. Gifts. Shall not directly or indirectly solicit any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promises or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence the employee or could reasonably be expected to influence him/her in the performance of any official duty or was intended as a reward for any official action. Any gifts received from members of the public should be reported to the Town Supervisor and/or a Town Board member.
- B. Confidential information. Employees shall not disclose confidential information acquired in the course of any official duty or use such information to further his/her personal interest. Violation of this policy may lead to dismissal of employment.
- C. Representation before one's own agency. Employees shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency of which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.
- D. Representation before any agency for a contingent fee. Employees shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of employee's municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- E. Disclosure of interest in legislation. To the extent that he/she knows thereof, a member of the Town Board and any of its officers or employees (whether paid or unpaid) who participates in the

discussion or gives official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest in such legislation.

- F. Investments in conflict with official duties. Employees shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with his/her official duties.
- G. Private employment. Employees shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties for the Town.
- H. Future employment. Employees shall not, after the termination of service or employment with the Town, appear before any board or agency of the Town in relation to any case, proceeding or application in which he/she personally participated during the period of his/her service or employment or which was under his active consideration.

#### **ATTENDANCE AND PUNCTUALITY**

To maintain a safe, efficient, and productive work environment, the Town expects all employees to be reliable and punctual in reporting for work. Each employee is responsible for arriving on time, ready to begin work at their scheduled start time, and for accurately recording all time worked on the Town's electronic timekeeping system.

Employees must notify their Department Head as soon as possible if they anticipate being late or absent. If the Department Head is unavailable, employees must contact the Personnel Administrator to ensure accurate payroll and attendance records. Unacceptable attendance practices include:

- Repeatedly clocking in late or failing to be ready to work at the scheduled start time.
- Leaving work early without appropriate prior approval.
- Failing to notify a Department Head or the Town Supervisor's office of an absence or tardiness ("no call/no show").
- Providing false or misleading information about attendance.
- Misusing timekeeping systems, including clocking in or out for another employee.

Poor attendance, excessive tardiness, or repeated failure to clock in on time may result in progressive discipline, up to and including termination of employment.

#### **HOURS OF WORK**

Except where otherwise set forth in an applicable collective bargaining agreement, the normal business hours for Town Hall employees are Monday through Friday, 8:30 a.m. to 4:00 p.m., totaling 35 hours a week. Highway employees hours are Monday through Friday, 7:00 a.m. to 3:00 p.m., totaling 40 hours a week. Part time employees will work a maximum of 17.5 hours per week.

Buildings and Grounds employees hours are Monday through Friday, 6:30 a.m. to 3:00 p.m., 40 hours a week. The Town may implement seasonal hours for Buildings and Grounds, during which the schedule will shift to 7:00 a.m. to 3:30 p.m., while maintaining a 40-hour workweek. Employees will be notified in advance when seasonal hours will begin and end.

Certain positions may require employees to work outside of these standard hours, including evenings, weekends, or holidays, depending on the needs of the Town. Employees assigned to work outside normal

business hours will be compensated in accordance with their established pay rate and applicable wage and hour laws.

## TIMEKEEPING

Employees should accurately record all time worked on the Town's electronic time-keeping system. Time worked is all time actually spent on the job or performing assigned duties. Employees should also record the beginning and ending time of any split shift or departure from work for personal reasons. Accurate record of time worked is essential to calculate employee pay and benefits. Overtime work must always be approved by the Department Head before it is performed. Overtime incurred without advance authorization may subject an employee to disciplinary action. Altering, falsifying or tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment. Employees must approve their own timecard for the prior week by 10:00 a.m. every Monday. Department Heads must approve timecards for their direct reports by 11:00 a.m. every Monday and submit them to Payroll.

## PAYROLL

Employees are paid weekly, every Friday. Each paycheck will include earnings for all work performed during the previous workweek, which runs from Sunday through Saturday.

The standard workweek for full time employees is 35 hours, except Highway and Buildings and Grounds who work 40 hours. Any hours worked beyond 35 hours, up to 40 hours in a workweek, are paid at the employee's regular straight-time rate. Overtime pay, calculated at one and one-half (1.5) times the regular rate, is only applied to hours worked over 40 in a workweek, in accordance with the Fair Labor Standards Act (FLSA) and applicable labor laws. Paid Time Off (PTO) hours are included in the calculation of overtime for eligible employees.

### Pay Deductions

By law, the Town is required to make certain deductions from every employee's paycheck. These include applicable federal and state income taxes, Social Security and Medicare taxes, and any mandated retirement contributions.

The Town also offers optional benefits beyond those required by law. Employees may voluntarily authorize payroll deductions to cover the cost of these programs. No deductions for voluntary benefits will be made without the employee's written authorization, and employees may revoke that authorization at any time by notifying the Town in writing. If you have questions regarding deductions from your paycheck or how your pay was calculated, please contact the Personnel Administrator for assistance.

## MEAL AND BREAK PERIODS

In accordance with applicable labor laws and collective bargaining agreements, employees are entitled to an unpaid daily lunch break of one-half hour. Each workday, full-time employees are also provided with a 15-minute rest period for every four consecutive hours worked. Lunch and break periods shall be scheduled and assigned by the Department Head to ensure proper staffing and operational coverage. The one-half hour lunch break is automatically deducted from the employee's timecard each day.

If an employee is unable to take their scheduled lunch or rest break, they must notify their Department Head as soon as possible. The Department Head is responsible for informing the Personnel Administrator so that the employee's time and pay are recorded correctly, ensuring compliance with labor laws and proper compensation.

Employees are expected to take their assigned lunch and break periods as scheduled to maintain health, safety, and productivity. In certain circumstances, due to operational needs or emergency situations, employees may need to adjust their lunch or break schedule. These adjustments must be coordinated with the Department Head to ensure proper coverage and compliance with labor regulations.

#### **WEATHER AND EMERGENCY CLOSINGS**

The Town Supervisor is authorized to close all Town offices and departments under extreme inclement weather conditions or other emergencies. Employees who are dismissed during their work shift shall be compensated for the balance of the shift as though there were no dismissal. Employees who choose to remain at their work site shall receive no extra compensation.

All Town employees are included in the closure order except those engaged in emergency snow removal services, or other essential services.

#### **PROBATIONARY PERIOD**

The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The Town uses this period to evaluate employee capabilities, work habits, and overall performance.

During the probationary period, new employees are eligible for those benefits required by law, such as Workers' Compensation insurance. They may also be eligible for other Town-provided benefits, subject to the terms and conditions of each benefit program, including health insurance, dental/vision insurance, and life insurance. Employees should contact the Personnel Administrator regarding details on eligibility requirements for specific benefits.

All employees appointed to a permanent position in the labor class, competitive, non-competitive, or exempt class must successfully complete a probationary period of a minimum of eight weeks and no more than 26 weeks, as set forth in the applicable Dutchess County Civil Service Law.

#### **PERFORMANCE EVALUATION**

Each Department Head shall perform an annual performance evaluation on their direct reports in accordance with the standards in this handbook. The Town Supervisor is responsible for completing evaluations for all Department Heads. The annual performance evaluation shall be submitted by January 31<sup>st</sup> of each calendar year to the Town Supervisor. Department Heads will be provided annually with the Town's performance evaluation form and guidelines by the Personnel Administrator.

#### **OFFICE TELEPHONE STANDARDS**

To ensure effective communication and professional service, employees are expected to use Town telephones in accordance with the standards provided by the Town Supervisor. Employees should confirm information with callers, speak respectfully at all times, and end calls only after the caller has done so. Best efforts should be made to return all work-related telephone calls within twenty-four (24) hours.

#### **TELEPHONE USE**

Use of a personal phone or other electronic device during work hours is to be avoided. If a personal call is necessary, it should be limited in duration, made during a scheduled break whenever feasible, and must

not interfere with work responsibilities. The Town understands that emergencies may occur; in such cases, individuals trying to reach an employee may contact the Town Supervisor's Office, and the employee will be notified promptly.

### **TOWN-ISSUED CELL PHONE USE**

Cell phones are made available to certain Town personnel. It is understood that if an employee chooses not to use or accept a Town cellular phone, he/she understands that they will not be reimbursed for any use of a personal cell phone for Town business. As with telephones, cell phones made available by the Town shall not be used for personal calls, unless there is an emergency or other extenuating circumstance(s).

The Town owns all Town-issued cell phones, and employees do not have an expectation of privacy with respect to activity on a Town-issued cell phone. The Town reserves the right to search or otherwise access any information on or related to a Town-issued cell phone. New York State law prohibits the use of hand-held cellular telephones while driving a motor vehicle.

### **COMPUTER & TECHNOLOGY UTILIZATION**

The Town's computer systems, software, hardware, and all Town-issued electronic devices (including computers, laptops, tablets, and cell phones) are the exclusive property of the Town and are to be used solely for Town business. Personal use is not permitted unless specifically authorized.

Employees are responsible for safeguarding any equipment issued to them by the Town. This includes taking reasonable measures to protect devices from loss, theft, or damage, and ensuring that they are used in accordance with Town policies.

In addition, employees are responsible for safeguarding the information accessed or stored on Town systems. Employees must:

- Use secure passwords and protect them from disclosure.
- Enable two-factor authentication whenever available.
- Avoid accessing websites or engaging in computer activities inconsistent with Town business.
- Report immediately any suspicious activity, unusual behavior, or technical issues with Town-issued devices to IT personnel.

Computer access is limited to authorized personnel only. Any suspicious or inappropriate computer activity, including emails with questionable or offensive content, must be promptly reported to the Town Supervisor's Office or IT personnel. Employees should have no expectation of privacy when using Town-issued computers, devices, email, or systems. The Town reserves the right to access, monitor, or review any data, files, communications, or activity conducted on or related to Town-owned devices or networks.

### **USE OF ARTIFICIAL INTELLIGENCE (AI) TOOLS AND CONFIDENTIAL INFORMATION**

Employees may occasionally use artificial intelligence (AI) tools to assist with tasks such as drafting content, summarizing information, or generating ideas. While AI can be a helpful resource, it is important to use these tools responsibly and with caution. Although AI may be utilized in the assistance of certain tasks, the employee remains responsible for the final work product, including any errors.

Verification of AI-Generated Content:

- AI-generated content may be inaccurate, incomplete, or biased. Employees must always verify information from AI tools before using it in reports, communications, or any official documents.

- Critical decisions, legal documents, financial information, or other business-sensitive materials should never rely solely on AI output.

**Handling Sensitive or Confidential Information:**

- Employees must not input confidential, proprietary, or personally identifiable information (PII) into AI tools.
- Examples of prohibited information include but are not limited to: employee personal data, customer or vendor details, financial records, and intellectual property.
- Sharing sensitive information with AI systems could violate privacy regulations and company policy and may pose a security risk.

**Responsible Use:**

- AI tools should be used as supportive aids, not replacements for professional judgment, human review, or standard verification procedures.
- When in doubt about whether information can be shared with AI or how to verify AI output, consult your Department Head or IT personnel.

By adhering to these guidelines, employees help maintain the accuracy, security, and integrity of company information while leveraging AI responsibly.

**VEHICLE USEAGE**

Any employee, who is required to drive either a Town-owned vehicle, or his/her personal vehicle to conduct business on behalf of the Town, must possess at the time of appointment and must maintain throughout employment a valid New York State driver's license. In addition, employees who operate vehicles requiring a Commercial Driver's License (CDL) must maintain this license throughout employment.

Employees must comply with all motor vehicle laws and regulations when operating any vehicle for Town business. This includes, but is not limited to, obeying traffic signals, speed limits, seat belt requirements, and prohibitions against distracted or impaired driving.

If you are required to possess a driver's license to perform certain job duties and responsibilities, you must notify your Department Head or the Town Supervisor immediately if your license is suspended or revoked. A suspension or revocation of your license may affect your continued employment with the Town. The Town reserves the right to utilize the NYS LENS program to confirm an employee's maintenance of a valid driver's license during pre-employment review and throughout employment when a driver's license is a requirement for the position. The Town's use of such a program does not change an employee's obligation to notify the Town if their license is suspended or revoked.

Town vehicles are to be used for Town business only, which includes, but is not limited to, normal workday duties, on-call duties outside of normal workday hours, and Town emergencies. The Town seal shall remain on Town vehicles at all times, except for elected officials due to safety concerns. New York State issued license plates are to remain on vehicles at all times as they denote them as Town vehicles.

All Town Hall employee vehicles will be parked in back of the Town Hall during business hours except those assigned to elected officials. Highway and Buildings and Grounds vehicles shall be parked at their respective places of assignment.

Except for the Town Supervisor's and Town Superintendent of Highways' vehicle, no unauthorized personnel are allowed in Town vehicles without prior approval by the Town Supervisor. Only the Town

official assigned to the vehicle is authorized to operate it. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as traffic and parking violations, can result in a disciplinary review action or termination of employment. Employees are responsible for paying fines or other penalties for traffic violations involving Town vehicles. Any accidents or violations that occur while using a Town vehicle must be reported to the Town Supervisor's office immediately.

The following procedures must be adhered to by employees assigned to Town vehicles:

1. Vehicles will be fueled at the Town Highway Garage whenever possible. If a vehicle is fueled elsewhere, a gas receipt is to be submitted to the Accounting Department Comptroller's Office within one (1) week of the expenditure. The receipt must show the amount of fuel purchased, dollar amount, vehicle license number, and odometer reading.
2. It will be the driver's responsibility to keep the vehicle clean and to ensure that proper fluid levels are maintained (oil, transmission fluid, brake fluid, antifreeze, power and steering fluid, etc.).
3. Routine vehicle maintenance and repairs will be done at the Highway Garage or Buildings and Grounds facility, unless directed otherwise by the Town Board. In the event of accidents outside the Town, where the repair cost exceeds \$100, call the Highway Superintendent of Highways or Town Supervisor for approval to make the repair.
4. Employees who are assigned vehicles are responsible to ensure proper maintenance (oil and filter change) is performed every 3,000 miles or every six months, whichever comes first - along with all other routine maintenance stated in the vehicle maintenance manual. If repairs are required due to neglect, the individual assigned the vehicle may be asked to pay for such repair and/or risk losing the use of the vehicle.
5. Any noticeable vehicle defects must be reported to the driver's Department Head immediately Buildings and Grounds Department and/or Highway Department mechanics.

#### **FIREARMS AND WEAPONS**

Town employees are strictly prohibited from carrying or possessing firearms on Town property, unless expressly authorized by law. Firearms are not permitted in any Town vehicle or on Town premises, except by municipal, County, or State law enforcement officers who are authorized to be armed while conducting official business at a Town facility.

In addition to firearms, employees may not possess, use, or bring onto Town property or into Town vehicles any dangerous or unauthorized weapons. This includes, but is not limited to, knives (other than small pocketknives used for utility purposes), explosives, ammunition, or any device that could reasonably be considered a weapon or used to cause harm.

Violation of this policy will result in disciplinary action, up to and including termination of employment, and may also result in referral to law enforcement. The safety of employees, residents, and visitors is a top priority, and the Town maintains a zero-tolerance policy regarding weapons in the workplace.

#### **SMOKING/VAPING**

In keeping with the intent to provide a safe and healthy work environment, the Town is a smoke-free environment. In accordance with New York State Law (Clean Indoor Air Act) and Town Code §201-2, no individual (including employees, residents, and visitors) is allowed to smoke on any Town Property. In addition to a ban on smoking on Town property, smoking is also prohibited in all Town buildings, vehicles, parks, or any other place owned, operated, or maintained by the Town (excluding sidewalks on public roads). The term smoking is to be viewed broadly and includes vaporizers, tobacco, marijuana, or any other substance or means of inhalation.

## NON-DISCRIMINATION/HARASSMENT

The Town strictly prohibits sexual harassment and all other forms of unlawful harassment in the workplace. Harassment of any kind, whether verbal, physical, visual, or electronic, is against Town policy and will not be tolerated. All employees, as well as board members, elected officials, appointed officials, interns, volunteers, and independent contractors, are expected to understand and follow this policy in their day-to-day work and interactions with others.

Individuals who believe they have experienced or witnessed harassment are encouraged to report the matter promptly to their Department Head, the Personnel Administrator, or the Town Supervisor. All reports will be taken seriously, investigated promptly, and handled as confidentially as possible. Retaliation against any person who reports harassment or participates in an investigation is strictly prohibited. The Town is committed to maintaining a safe and respectful work environment for all individuals associated with its operations.

All employees are required to complete harassment prevention training in accordance with New York State law on an annual basis. This requirement applies to all staff, including elected and appointed officials, and must be completed as directed by the Town. The training will be coordinated by the Personnel Administrator. The training is designed to ensure a safe, respectful, and professional workplace environment for everyone.

For detailed information on prohibited conduct, reporting procedures, and the Town's commitments, employees and other covered individuals should refer to the Town's Anti-Discrimination, Sexual Harassment, and Other Prohibited Harassment Policy which can be found in the Appendix.

## DISCIPLINARY REVIEW

When the Town Supervisor, Superintendent of Highways, Town Clerk, Town Justices, or Department Head determine that their respective employee's performance is inadequate or that an employee has engaged in misconduct, the Town may take disciplinary action. Generally, employees will be given an opportunity to correct their behavior; however, certain types of misconduct may warrant immediate termination.

The Town may use a system of progressive discipline to address performance or conduct issues. This typically includes incrementally more severe actions in response to conduct deemed unsatisfactory, which may include:

1. Verbal Counseling – Informal discussion between the employee and Department Head to address concerns and clarify expectations.
2. Written Warning/Counseling Memorandum – Documentation of the issue, discussion with the employee, and retention in the personnel file.
3. Suspension – Temporary removal from duties without pay for serious or repeated violations.
4. Termination – Separation from employment for unresolved performance issues or severe misconduct.

The Town Board serves as the independent arbitrator for all disciplinary proceedings conducted under Section 75 of New York State Civil Service Law, including termination hearings. In this role, the Town Board is responsible for reviewing evidence, hearing testimony, and issuing a final determination.

After a 30-day suspension, if an employee is covered by Civil Service Law Section 75, the Civil Service Law process will be followed, according to the law.

In most cases, the employee's Department Head, in consultation with the Personnel Administrator, will

document the issue in a counseling memorandum, discuss the matter with the employee, and retain the memorandum in the employee's personnel file.

Any memorandum placed in an employee's file must be signed by the Department Head, Town Supervisor and by the employee. The employee's signature indicates that they have had the opportunity to review the document. If the employee refuses to sign, the Town Supervisor may still place the memorandum in the personnel file with a notation stating that the document was presented to the employee, the employee had an opportunity to review it, and the employee declined to sign. Employees retain all applicable contractual and statutory rights in any disciplinary proceeding.

#### **DRESS CODE**

Employees of the Town are acting as the Town's representatives in every interaction they have with the public while on duty. Given the public-facing nature of employment with the Town, each employee shall be dressed appropriately for their position while on duty. Although it is understood that certain positions with the Town require comfortable and safe clothing while on duty, it is still expected that employees are presentable.

Additional onus will be placed on employees who, as a result of their duties, go into the public in view of residents. Employees who are visible to the public or who are expected to go into businesses, homes, or other establishments within the Town will also be placed under higher scrutiny by the public. Given this fact, those employees are expected to present themselves in a professional manner. Again, it is understood that certain positions require comfortable and safe clothing, especially while working under certain weather conditions. However, if an employee's duties do not require them to dress in accordance with safety standards or to properly address the outdoor weather conditions, they will be expected to wear appropriate attire while out in the public. This means employees who are going into businesses, homes, or other establishments in the Town are expected to dress in business casual attire.

Prohibited attire includes t-shirts, jeans, shorts, spaghetti straps, tank tops, flip flops, sneakers, yoga pants, sweatpants, hoodies, sweatshirts, or any other casual attire. Excluded are the Highway Department, Recycle Center, Water and Sewer Billing Office Meter Readers, Buildings & Grounds Department, Dog Control Officer, Parks and Recreation seasonal employees, and Greenway Trail Wardens. These employees should be wearing Town issued/approved attire at all times while working.

Employees who work in Town Hall or other Town office spaces are expected to wear business-casual attire, unless there are certain "dress-down" days in which the employees are informed of in advance.

Employees who work in the following Town departments are expected to wear business-casual attire:

- Town Clerk's Office
- Town Supervisor's Office
- Comptroller's Office
- Code Enforcement Office and its divisions
- Assessor's Office
- Justice Court
- Receiver of Taxes Office
- Highway Department Administration
- Parks and Recreation Administration, including its facilities

The Town will consider accommodations to its dress code/expectations for employees with disabilities or religious beliefs that make it difficult for them to comply with these expectations unless doing so would

impose an undue hardship. Requests for accommodation can be made to the Personnel Administrator. Department Heads who receive a request for accommodation, whether written or verbal, must immediately notify the Personnel Administrator for assistance in responding to the request.

Additionally, the Town will not enforce any grooming/appearance expectations which target hairstyles associated with persons of a certain race or which have a disparate impact on employees of a certain race.

### **EMPLOYEE ID BADGES**

All Town employees are required to always wear their Town-issued identification badge while on duty or present in any Town facility or worksite. This policy applies to all departments and positions, whether working in an office, park, on the road, or in the field. Employees in the Highway Department and Buildings and Grounds Department may keep their badge securely on their person while performing labor-intensive tasks, provided they are wearing Town of Wappinger branded apparel. Wearing your identification badge:

- Ensures security and accountability across Town properties.
- Allows residents and fellow employees to easily recognize Town personnel.
- Promotes a professional image and helps maintain public trust.

Badges must be visibly displayed during working hours, except as noted above. Lost, damaged, or unreadable badges must be reported immediately to your Department Head or the Town Supervisor's Office so a replacement can be issued. The Town provides branded lanyards and retractable clip-style badge holders for employee use.

### **UNIFORM ALLOWANCE**

All employees in non-union non-seasonal titles in the Buildings and Grounds department shall be entitled to an annual (January 1 to December 31) clothing allowance not to exceed \$450/year on a reimbursement basis. To obtain reimbursement, an article of clothing must be necessary for the employee's job, approved in writing by the employee's Department Head or by the Town Supervisor, and any item for which reimbursement has been made by the Town shall not be worn for an employee's off-duty activities.

### **LONGEVITY**

Full-time employees defined by New York State Retirement System, not covered by a collective bargaining unit, will receive a longevity bonus based on total length of full-time service with the Town as set forth below.

- Five to nine years of service - \$1,000/year
- Ten to fourteen years of service - \$1,500/year
- Fifteen or more years of service- \$2,000/year

These amounts will not be added to the employee's base salary. These amounts are non-cumulative and will be paid in the first pay period following the employee's anniversary date for full-time service.

### **HEALTH INSURANCE**

1. **Regular Employees:** The Town offers a choice of approved health plans for eligible full-time employees. Medical coverage shall begin on the first day of the first full month following a new employee's date of hire. Full-time employees not covered by a collective bargaining unit will contribute 10% of the premium for the selected plan. Elected officials are not required to contribute towards health insurance premiums.

Employees (both full-time employees and elected officials) who decline Town-provided health insurance coverage are eligible to receive a buyout of \$1,000 per year for individual coverage or \$2,500 per year for family coverage, depending on the plan for which they would otherwise be eligible. The buyout will be prorated during the first year of employment and in any subsequent year in which the employee does not remain opted-out for the full buyout period. Payments will be issued in two installments, in June and December, and employees must be actively employed at the time of each payout to receive it. If two Town employees are married and enrolled together under a Town family medical plan or separate individual medical plan, they are not eligible for the buyout. Medical buyout provisions do not apply to dental and vision coverage.

2. **Health Insurance for Retired Employees or Surviving Spouses:** Employees who have retired from the Town and are collecting their pension through the New York State Local Retirement System, are eligible for health insurance benefits provided to active employees if they meet the following criteria. Retired employees must have sufficient Town service credit to elect contributory health insurance coverage from the Town based on the schedule below. Retired employees may carry their spouse on the insurance. Should the retired employee pass away while on the insurance, the surviving spouse may elect to continue the coverage following the Dependent Premium schedule.

Town Service (Years)	Town Share of Coverage	
	Individual Premium	Dependent Premium
10 - 14	35%	20%
15 - 19	50%	35%
20 - 24	60%	45%
25 or more	70%	50%

*Disclaimer: This policy applies to employees who retire on or after the date of adoption. Employees who retired prior to the adoption of this policy are not eligible under its terms.*

3. **Health Insurance for Retired Elected Officials or Surviving Spouses:** Elected Officials who have retired from the Town are eligible for health insurance benefits provided to active employees. To be eligible, the retired elected official must have served two 4-year terms, or four 2-year terms, and/or 8 years of Town elected service credit. Retired elected officials may carry their spouse on the insurance. Should the retired elected official pass away while on the insurance, the surviving spouse may elect to continue the coverage following the Dependent Premium schedule.

Elected officials are defined as Town Supervisor, Town Councilmembers, Town Clerk, Superintendent of Highways, and Town Justices.

The elected official is responsible for 15% of the individual and 15% of the dependent premium. The Town share is 85%.

*Disclaimer: This policy applies to elected officials who retire on or after the date of adoption. Employees who retired prior to the adoption of this policy are not eligible under its terms.*

#### VACATION TIME

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Full-time employees not covered by a collective bargaining agreement will receive paid vacation time according to the following schedule. Part time employees who work on average 17.5

hours a week, will receive paid vacation time at half of the full-time value. Vacation time is front loaded on January 1<sup>st</sup> and on a non-cumulative basis. If an employee receives a vacation allotment at the time of hire, they do not also accrue vacation under the standard accrual schedule; the allotment provided in the offer letter applies until the employee transitions onto the regular vacation accrual schedule.

6 months to 1 year	1 Week
After 1 year and up to 5 years	2 Weeks Annually
On the 5th year anniversary	3 Week Annually
On the 10th year anniversary	4 Week Annually
On the 15th year anniversary	5 Weeks Annually

Approval: Vacation shall be scheduled so as not to interfere with the operation of the department to which the employee is assigned. The vacation request shall be submitted to the Department Head at least two weeks in advance of the requested time off. When a conflict of dates prohibits proper staffing for any department, vacations will be assigned according to seniority. Any vacation request exceeding three weeks will require a recommendation from the Department Head. Vacation pay for full-time employees will consist of the employee's regular rate of pay for the vacation period.

Employees may carry over up to 10 days of unused vacation time from one calendar year to the next. Any vacation time in excess of this 10-day rollover limit will be forfeited and will not be carried over or paid out, unless otherwise required by collective bargaining agreement.

Seasonal employees and paid interns are not eligible to receive vacation time.

#### **PERSONAL LEAVE**

Each full-time employee will receive six (6) paid Personal Leave days annually. Such days will require prior approval from the Department Head and shall be granted unless the needs of the Town dictate otherwise. Personal days are front loaded on January 1<sup>st</sup> of each year. Hourly employees may use personal time in increments of a quarter of an hour. Part time employees who work on average 17.5 hours a week, will receive paid personal time at half of the full-time value. Seasonal employees, student workers, and interns are not eligible to receive personal time.

Personal time must be used within the calendar year in which it is granted. Any unused personal time remaining at the end of the year will be forfeited and will not carry over, convert to sick time, or be paid out.

#### **SICK LEAVE**

Sick Leave is defined as an absence from duty due to illness or injury. Full-time employees accrue one day of sick leave pay per month. Sick time taken in excess of 12 days in one year of service will be without compensation, unless additional sick time has been accumulated from prior years. Any employee on sick leave for more than three consecutive days must provide a doctor's note to the Personnel Administrator to return to work. Hourly employees may use sick time in increments of a quarter of an hour.

Seasonal employees, student workers, and interns are not eligible to receive sick time.

While on sick leave, no employee shall be engaged in any outside work or employment whatsoever -- during the same period that the employee should have been working. Unauthorized or an inappropriate use of sick leave may result in disciplinary action up to and including termination.

### Grandfathered Sick Cap

Employees who were hired by the Town before 1/1/2026 will retain the maximum sick day cap of 166 days. Unused sick time may be carried over from year to year.

### New Employees Sick Cap

Employees hired by the Town after 1/1/2026 will have a sick day cap of 85 days. Unused sick time may be carried over from year to year.

Any sick time in excess of the cap that employee is eligible for will be forfeited and will not be carried over or paid out.

## PAID TIME OFF FOR EXEMPT EMPLOYEES

Salaried (exempt) employees classified under the Fair Labor Standards Act (FLSA) are expected to maintain their regular work schedule as established by their department. While minor adjustments to start or end times may be permitted on occasion with prior Town Supervisor approval, employees are generally expected to work their scheduled hours to ensure departmental coverage and continuity of operations.

### Paid Time Off (PTO):

- Exempt employees must use PTO in full-day increments. Partial-day PTO is not permitted except in exceptional circumstances approved in advance by the Town Supervisor.
- PTO requests should be submitted to the employee's direct supervisor in advance and are subject to approval based on operational needs.
- Employees are responsible for ensuring that work responsibilities are covered and deadlines are met during their absence.
- Exempt employees will still accrue PTO under the same guidelines as mentioned in this handbook.

This policy ensures compliance with federal wage and hour regulations while providing limited flexibility for employee scheduling. Employees should contact the Town Supervisor or the Personnel Administrator with questions regarding PTO or schedule adjustments.

## COMPENSATORY TIME

Hourly (non-exempt) employees who work beyond their standard scheduled workweek may be eligible for compensatory time. Additional pay for hours worked over 35 and up to 40 in a week will be paid at the employee's regular base pay rate. Compensatory time may also be used to offset regular hours in a future week. When an employee works overtime (hours over 40 in a work week), they may elect to receive compensatory time instead of overtime pay. In such cases, compensatory time will accrue at one and one-half (1½) times the number of overtime hours worked. All other rules in this section apply to overtime compensatory time. Salaried (exempt) employees are not eligible for compensatory time or overtime pay. Compensatory time must be used within 6 months of accrual date. Any unused compensatory time will be paid out.

## FAMILY & MEDICAL LEAVE ACT

The Town will provide Family and Medical Leave to its eligible employees. This policy provides employees with a general description of employee FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

### A. General Provisions

The Town will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

#### B. Eligibility

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

1. The employee must have worked for the Town for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations.
2. The employee must have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. The 1,250 hours do not include time spent on paid or unpaid leave. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

#### C. Type of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1. The birth of a child and in order to care for that child.
  - o Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.
2. The placement of a child for adoption or foster care and to care for the newly placed child.
3. To care for a spouse, child or parent with a serious health condition (described below).  
The provision that an employee is "needed to care for" a family member encompasses both physical and psychological care. It includes situations where, for example, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself or herself to the doctor, etc. The term also includes providing psychological comfort and reassurance, which would be beneficial to a child, spouse or parent with a serious health condition who is receiving inpatient or home care. You may be required to have your family member's health care provider certify that you are needed to provide assistance or that your presence would provide beneficial psychological comfort.

Children are defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability." 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.

#### 4. The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position. A qualifying serious health conditions as an illness, injury, or physical or mental condition that involves one or more of the following:

- o Overnight stay in a hospital, hospice or residential medical care facility;
- o Incapacity of more than three consecutive calendar days (not necessarily workdays) and continuing treatment by a health care provider (as defined by the FMLA regulations) or;
- o Incapacity due to a serious chronic disorder which requires periodic visits for treatment (for example asthma, diabetes, chronic back condition, multiple sclerosis, migraine

- headaches);
- Incapacity due to pregnancy or for prenatal care;
- Long term or permanent conditions under the continuing supervision of a health care provider, even if the employee is not receiving active treatment by the provider (such as Alzheimer's, severe stroke, terminal stages of an illness);
- An absence to receive multiple treatments for restorative surgery after an injury or for a condition that would likely result in a period of incapacity of more than three consecutive days if not treated.

Employees with questions about what illnesses are covered under this FMLA policy or under the Town's sick leave policy are encouraged to consult with the Personnel Administrator.

5. Qualifying exigencies leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:

- Short-notice deployment
- Military events and activities
- Child care and school activities
- Financial and legal arrangements
- Counseling
- Rest and recuperation
- Post-deployment activities, and
- Additional activities that arise out of active duty, provided that the Town and employee agree, including agreement on timing and duration of the leave.

Eligible employees are entitled to FMLA leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.

In order to care for a covered service member, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered service member.

- A. A "son or daughter of a covered service member" means the covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.
- B. A "parent of a covered service member" means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents "in law."
- C. The "next of kin of a covered service member" is the nearest blood relative, other than the covered service member's spouse, parent, son, or daughter

6. Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran. An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of

leave to care for that service member. Next of kin is defined as the closest blood relative of the injured or recovering service member.

#### D. Amount of Leave

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The Town will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the Town will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. The measuring period will be 12 months, measured backwards from the date an employee uses any FMLA leave. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a spouses both work for the Town and each wish to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent with a serious health condition, the spouses may only take a combined total of 12 weeks of leave. If spouses both work for the Town and each wish to take leave to care for a covered injured or ill service member, the spouses may only take a combined total of 26 weeks of leave.

#### E. Employee Status and Benefits During Leave

While an employee is on leave, the Town will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the Town will require the employee to reimburse the Town the amount it paid for the employee's health insurance premium during the leave period.

If the employee is on unpaid FMLA leave so that deductions for required health insurance contributions cannot be made through payroll, the employee must continue to make this payment, either in person or by mail. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave.

#### F. Employee Status After Leave

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider before returning to work. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms.

#### G. Use of Paid and Unpaid Leave

An employee who is taking FMLA leave may use sick, personal, and vacation leave prior to being eligible for unpaid leave. This leave will run concurrently with FMLA leave. The employee has the option to use other accrued leave after this leave has been exhausted at the employee's election. Disability leave, including workers' compensation leave (to the extent that it qualifies), will not run concurrently with FMLA.

Employees who are on unpaid status while using FMLA will not be eligible to accrue sick, personal and

vacation time. Upon their return from leave, personal and vacation time will be prorated if January 1<sup>st</sup> has passed while they were on leave.

#### **H. Intermittent Leave or a Reduced Work Schedule**

The employee may take FMLA leave in 12 consecutive weeks. Employees may also use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule, when the leave is medically necessary because of the employee's own serious health condition, to care for a spouse, parent or child with a serious health condition, or to care for a covered service member with a serious injury or illness. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period). Intermittent leave for the birth, adoption or placement of a child may be taken only upon agreement with the Town before the utilization of the leave.

#### **I. Certification**

The Town will require certification for the employee's serious health condition, to care for a family member with a serious health condition, for the qualifying exigency for military family leave, and/or the serious injury or illness of a covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

The Town may directly contact the employee's health care provider or family member's health care provider for verification or clarification purposes. Before the Town makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. The Town has the right to ask for a second opinion if it has reason to doubt the certification, at the Town's expense. If necessary to resolve a conflict between the original certification and the second opinion, the Town will require the opinion of a third doctor.

The Town will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

#### **J. Recertification**

The Town may request recertification no more frequently than every 30 days unless circumstances have changed significantly, or if the Town receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the Town may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The Town may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

#### **K. Notice**

When the need for the leave is foreseeable, the employee must provide the Town with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave as soon as possible. When the need for FMLA leave is not foreseeable, the employee must comply with the Town's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

#### **Reservation of Rights**

The Town reserves the right to amend this FMLA policy at any time.

## BREAST MILK EXPRESSION IN THE WORKPLACE

The Town adopted a Breastmilk Expression in the Workplace Policy on May 22, 2025, in compliance with New York State law. This policy ensures that employees have the right to reasonable break time and a private location to express breast milk during the workday. The Town is committed to supporting nursing employees and fostering a family-friendly workplace. This policy is available at the Town Clerk's office or the Personnel Administrator.

## BEREAVEMENT LEAVE

Employees will be granted up to five (5) days of paid leave for spouse, father, mother, child and non-step sibling. Three (3) days of paid leave will be granted for step-parent, brother in law, sister in law, father in law, mother in law, grandfather and grandmother.

To be approved for bereavement leave, employees must provide proof of the death, such as an obituary showing the relationship or a death certificate. If such documentation cannot be provided, bereavement leave may not be approved, and the employee will be required to use personal or vacation time for the absence.

## VICTIMS OF CRIME LEAVE

Employees will be granted unpaid time off to attend any legal obligation related to them being a victim of a crime as defined by any local, State or Federal legislation.

The Town will provide eligible employees with time off from work, without pay, for any of the following reasons:

- To comply with a subpoena to testify in a criminal proceeding (including time off to consult with the district attorney);
- To give a victim impact statement at a pre-sentencing proceeding;
- To give a statement at a sentencing proceeding;
- To give a statement at a parole board hearing.

You are eligible for time off under this policy if you are:

- The victim of the crime at issue in the proceedings;
- The victim's next of kin;
- The victim's representative if the victim is deceased as a result of the offense;
- A "Good Samaritan"; or
- Pursuing an application or the enforcement of an order of protection as provided under relevant law.

For purpose of this policy:

- Good Samaritan means someone who acts in good faith to apprehend a person who has committed a crime in his or her presence, to prevent a crime or an attempted crime from occurring, or to aid a law enforcement officer in effecting an arrest.
- Victim's representative means a person who represents or stands in the place of another person, including but not limited to, an agent, attorney, guardian, conservator, executor, heir, or parent of a minor.

If you are required to attend a criminal proceeding either as a witness or as a crime victim (or a close family member of a crime victim), you must notify your Department Head as soon as possible and at least one day before taking leave to make scheduling arrangements. The Town reserves the right to require

employees to provide proof of the need to attend the criminal proceedings to the extent authorized by law. The Town will not retaliate against employees who request or take leave in accordance with this policy.

#### **MATERNITY LEAVE**

Unless the employee is eligible for FMLA leave, Maternity Leave of Absence will be granted without pay for a period of three (3) months. If the employee is eligible for FMLA leave through the Town, then their right to leave will be under those provisions and this section does not create a right to leave in excess of that available under the FMLA for those employees. Reinstatement will be at the salary for such position in effect at the time that the employee went on leave. A request for Maternity Leave should be submitted to the Personnel Administrator as soon as reasonably possible but no less than 30 days before the leave is needed. The Town will not discriminate against or retaliate against employees who request or take leave in accordance with this policy.

An employee who is taking Maternity Leave may use sick, personal, and vacation leave prior to being eligible for unpaid leave. This leave will run concurrently with Maternity leave. Disability leave, including workers' compensation leave (to the extent that it qualifies), will not run concurrently with Maternity Leave.

Employees who are on Maternity Leave will not be eligible to accrue sick, personal and vacation time. Upon their return from leave, personal and vacation time will be prorated if January 1st has passed while they were on leave.

#### **BLOOD DONATION LEAVE**

The Town provides all full-time employees up to four hours of paid leave in any calendar year to donate blood. Employees must give reasonable notice to their Department Head of at least three working days of your intent to take leave to give blood. Documentation must be submitted to the Personnel Administrator.

#### **BONE MARROW LEAVE**

The Town provides all full-time employees up to four hours of paid leave in any calendar year to donate bone marrow. Employees must give reasonable notice to their Department Head of at least fourteen days of your intent to take leave to give blood. Documentation must be submitted to the Personnel Administrator.

#### **CANCER SCREENING LEAVE**

The Town provides all full-time employees up to four hours of paid leave in any calendar year to complete cancer screening. Employees must give reasonable notice to their Department Head of at least three working days of your intent to take leave to give blood. Documentation must be submitted to the Personnel Administrator.

#### **LEAVE OF ABSENCE**

A full-time employee who does not qualify for FMLA or disability leave may be granted a leave of absence without pay, subject to the Town Supervisor's approval, for a period of up to 12 months. Employees on a leave of absence for more than four weeks, and who are not covered by a collective bargaining agreement, will not receive medical, dental, or other Town-provided benefits during their leave. Employees on a leave of absence for more than four weeks may obtain health benefits through the Federal Health Care program. Leaves of absence shall not be considered as time worked for purposes of calculating length of service or paid time off accrual with the Town.

## HOLIDAYS

Town offices will be closed for business during the following holidays, and the list of holidays:

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Election Day
- Veterans Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Day
- Floating Holiday as chosen by consensus of full-time employees

When any of the foregoing holidays fall on a Saturday, they shall be observed on Friday; holidays falling on Sunday will be observed on Monday.

Part-time, seasonal, and temporary employees who would have normally been scheduled to work on an observed holiday will receive holiday pay for the hours they would have normally been scheduled, provided they work their closest regularly scheduled workday before and after the holiday.

Employees who are on an unpaid leave of absence will not be eligible for holiday pay. This does not include paid time off such as vacation, personal, and sick time.

## MILITARY LEAVE

Military Reserve and National Guard and will permit an employee the use of military leave to perform ordered military duty. The Town will grant such leave with pay for up to twenty-two workdays or thirty calendar days in a calendar year and for one continuous period of service, whichever is greater. 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. Such pay shall be provided only when the military duty falls on a regularly scheduled Town workday.

Subject to the terms, conditions and limitations of applicable plans for which the employee is otherwise eligible, health insurance benefits will be provided by the Town for the full term of the military leave of absence. Employees must continue to pay their portion of the required contribution for health insurance. If the employee fails to pay their portion, the insurance coverage may cease.

Vacation, sick leave, and holiday benefits will continue to accrue during a military leave of absence. Employees on two-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing for reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with all applicable state and federal laws. Eligible employees will be treated as though they were continuously employed for purposes of determining benefits based on length of service, such as rate of vacation accrual and job seniority rights.

In addition to the provisions above, unpaid military leaves of absence will also be granted to members of

the uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (with amendments) as well as all applicable state law including NYS Military Law.

The Town will not discriminate or retaliate against employees who request or take leave in accordance with this policy.

#### **Military Spouse Leave**

The Town provides up to 10 days of unpaid leave to employees who are the spouse of a military member who is home on leave during a period of military deployment. To be eligible for military spouse leave you must:

- Work an average of 20 or more hours per week; and
- Be the spouse of a member of the U.S. Armed Forces, National Guard, or Reserves who has been deployed during a period of military conflict to a combat theater or combat zone of operations.

A period of military conflict means a period of war declared by the U.S. Congress or a period during which a member of the Reserves is ordered to active duty under federal authority. If you need to take military spouse leave, notify the Personnel Administrator as soon as reasonably possible. The Town reserves the right to ask for documents supporting the need for leave.

You may elect to use any available paid time off for which you are eligible under Town policy for the purpose of taking military spouse leave, and such paid time off will run concurrently with the leave afforded under this policy.

The Town will not discriminate or retaliate against employees who request or take leave in accordance with this policy.

#### **JURY DUTY**

The Town encourages employees to fulfill their civic responsibilities by serving jury duty when required. Necessary time off will be granted for employees serving as jurors. Compensation will be provided for the first three days of jury duty, in accordance with New York State law. The Town will continue to provide health insurance benefits for the full term of the jury duty absence.

Employees must accept jury duty compensation for their jury service. The Town will compensate employees for jury duty at their regular rate of pay minus the amount of payments received for jury duty. The employee must notify the Town of the amount of payments received from the court for jury duty. Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence less the amount the employee receives as jury duty compensation.

Employees must show the jury duty summons to the Personnel Administrator as soon as possible and certainly prior to the commencement of jury duty. Employees are expected to report for work whenever the court schedule permits. Employees should remain in communication with their Department Head throughout their jury service to confirm their reporting time and make appropriate arrangements for reporting to work before or after their jury duty obligations. If an employee is released early or is not required to appear on a particular day, the employee is expected to report to work for the remainder of their scheduled workday.

#### **MILEAGE AND TRAVEL EXPENSES**

Mileage reimbursement for business use of employees' private vehicles will be paid at the applicable IRS

rate subject to the Town Supervisor's approval. Mileage reimbursement is appropriate only for functions related to Town business and in the event that a Town-owned vehicle is unavailable.

## RETIREMENT BENEFITS

### New York State and Local Retirement System (NYSLRS)

The Town participates in the New York State and Local Retirement System (NYSLRS). All full-time employees who meet the eligibility requirements established by NYSLRS will be enrolled in the system. Part-time and temporary employees may elect to enroll in the retirement system if they choose to. Payroll deductions for NYSLRS are determined by NYSLRS based on the employee's salary and applicable retirement plan provisions. Employees should refer to NYSLRS for detailed information on benefits, contributions, and retirement eligibility.

### Deferred Compensation Plan

The Town also offers an optional Deferred Compensation Plan for full-time employees. This program allows eligible employees to defer a portion of their salary for retirement savings on a tax-deferred basis. Participation in the Deferred Compensation Plan is voluntary, and employees may contact the Personnel Administrator for enrollment information and program details.

## WORKERS' COMPENSATION INSURANCE

The Town provides "statutory" Workers' Compensation benefits at no cost to employees. The program covers "work-related" injury or illness benefits as set forth by Workers' Compensation law. Medical benefits are unlimited and immediate. Income replacement (subject to statutory maximum) has a seven-day waiting period (if disability lasts fourteen days or more, benefits are provided from day one).

Employees who sustain work-related injuries or illnesses shall inform their Department Head immediately. A written report must be made to the Personnel Administrator. No matter how minor an on-the-job injury may appear, it must (by law) be reported immediately.

## EDUCATION POLICY

Attendance at job-related educational, technical or professional conferences or seminars will be at the discretion of the Town Supervisor.

## PERSONNEL FILES

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 and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment, subject to any applicable provisions of the Civil Service Law.

The Town maintains, solely for the mutual benefit of the employee and Town personnel, a file on each employee. The personnel file may include such information as the employee's job application, resume, records of training, documentation of performance evaluations and salary increases, disciplinary warnings, attendance records and other employment information.

It is the responsibility of each employee to promptly notify the Town of any changes in personnel data including tax withholding, personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports. All such information should be accurate and current at all times.

Personnel files are the property of the Town, and access to the information they contain is restricted to the Town Supervisor, Comptroller, and Personnel Administrator. Town Board members may review employee personnel files through the Town Supervisor's Office.

Employees may make an appointment with the Town Supervisor's Office to access their personnel file. The Town Supervisor or their designee will be present when the employee inspects the personnel file. The employee may not place into, or remove from, or destroy any material stored in the file without the approval of the Town Supervisor.

Personnel files do not contain health information. Such information is strictly confidential. The Town will take reasonable precautions to protect such information from inappropriate disclosure. Medical information shall be maintained in a separate confidential medical file. Employees have a responsibility to respect and maintain the confidentiality of employee medical records. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

The Town may maintain personnel files electronically to ensure the secure, accurate, and efficient management of employee records. This policy complies with New York State laws governing the maintenance, access, and confidentiality of personnel records. Personnel files are securely stored in electronic systems with access restricted to authorized personnel only. The Town implements safeguards, such as encryption and password protection, to prevent unauthorized access, tampering, or loss of records. The Town retains personnel files for the duration of employment and for the legally required period thereafter.

#### **EMPLOYEE RELATED FOIL POLICY**

In the event the Town receives a request for documents that pertains to an employee, this policy will govern the notification to be sent to said employee regarding the same. In the event that a negotiated procedure exists within a collective bargaining agreement, that procedure will control.

Upon receipt of a request for employee disciplinary records, the Town will notify the affected employee, in writing, immediately. In the event that request is made by the at-issue employee for their own records, notification will not be provided under this policy. As FOIL requires responses to be made within a certain time frame, a response may need to be issued before the employee is notified of the request. If a response has already been issued before the employee is notified of the request, they will be informed of that fact within the notification.

Any notification issued under this policy will be in writing and delivered to the employee either personally or by certified mail. In the event that the employee the request pertains to is no longer employed by the Town, reasonable efforts will be made to notify the former employee in the manner referenced above or through other reasonable means.

FOIL requires the Town to engage in a specific analysis of whether documents are to be released under the obligations contained within the statutory guidelines. Given the statutory mandates imposed on the Town, an employee will not be in a position to object to the release of documents. Although an employee will not be afforded an opportunity to object to the release of documents involving them, all responses to a request will be provided to the employee upon written request. Additionally, the Town will review all documents to determine whether release is required under FOIL, while also considering applicable exemptions to protect personal privacy. Should there be any questions relating to this policy, please contact the Town Supervisor's Office.

## DRUG-FREE WORKPLACE POLICY

The Town has a policy of maintaining a work environment that is free of substance abuse to protect the safety of the public and all employees. Any unlawful manufacture, distribution, dispensing, possession or use of a controlled substance during the course of work or while on Town property or work site is prohibited.

Consumption of alcohol is strictly prohibited for all who are on duty. No employee shall work or report to work while impaired by the use of alcohol or other substances. If you are using drugs prescribed by a doctor or other licensed practitioner which could affect your job performance, you must obtain a written statement from your attending physician specifying any work restrictions and provide to the Personnel Administrator prior to starting work under the influence of this drug.

While the use of marijuana has been legalized under some state laws for medicinal and/or recreational uses, it remains an illegal drug under federal law. The Town does not discriminate against employees solely on the basis of their lawful off-duty use of marijuana. You may not consume or be under the influence of marijuana during working hours or on Town premises. If you have a valid prescription for medical marijuana, refer to the Town's Disability Accommodation (ADA) policy for additional information. For employees who are CDL holders, marijuana in all forms remains prohibited on or off duty and CDL holders remain subject to drug testing for marijuana and other covered controlled substances under the Town's Controlled Substance and Alcohol Testing Policy.

The Town will provide, on a continuing basis, information on alcohol/substance abuse, as well as information on the attendant health and safety hazards. Any employee with an alcohol/substance abuse problem is urged to seek help and may obtain information regarding available treatment programs from the Town's Employee Assistance Program referenced in this handbook.

Any employee who is convicted of a violation of an alcohol related/criminal drug statute, which occurred at the workplace, or during the course of work, shall notify the Town Supervisor immediately of the conviction.

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 § 702 and § 703 of the Drug-Free Workplace Act.

Employees violating these policies shall be subject to criminal, civil, and disciplinary penalties. Distribution, purchase, sale or attempted purchase or sale of a controlled substance at the workplace will, without exception, result in actions to terminate the employee or the individuals involved.

An employee who, after investigation, is found to have violated this Policy may be referred for counseling or rehabilitation and satisfactory treatment, and will be subject to criminal, civil, and disciplinary penalties, up to and including termination from employment.

## CONTROLLED SUBSTANCE AND ALCOHOL TESTING

The Town Board has adopted a Controlled Substance and Alcohol Testing Policy in compliance with the Omnibus Transportation Employee Testing Act of 1991 (OTETA) and all applicable U.S. Department of Transportation (DOT) regulations. This Policy applies to all covered drivers as defined by federal regulations, including any employee who operates a "commercial motor vehicle" (as defined in § 382.107 of OTETA) that requires a Commercial Driver's License (CDL). These employees are subject to DOT-

mandated drug and alcohol testing, including pre-employment, random, post-accident, reasonable suspicion, return-to-duty, and follow-up testing. A full copy of applicable DOT rules and regulations is available at the U.S. Department of Transportation website at [www.dot.gov/ost/dapc](http://www.dot.gov/ost/dapc).

#### Employees Operating Town Vehicles

In addition to CDL-required drivers, the Town reserves the right to require drug and/or alcohol testing for any employee who operates a Town-owned vehicle, regardless of CDL status. Testing for these employees may occur under the following circumstances:

- Reasonable Suspicion/For Cause: When there is a reasonable, documented belief that an employee may be under the influence of drugs or alcohol while operating, or preparing to operate, a Town vehicle.
- Post-Accident Testing: When an employee operating a Town vehicle is involved in an accident, incident, or unsafe occurrence resulting in injury, property damage, or raising safety concerns.
- Return-to-Duty or Follow-Up Testing: When required as part of a corrective action plan following a drug- or alcohol-related violation.

The Town does not conduct random drug or alcohol testing for non-CDL employees unless permitted by law. All testing will be conducted in accordance with applicable state and federal regulations and Town policy.

#### Other Town Employees – For-Cause Testing

All other Town employees who do not operate Town vehicles may be subject to for-cause testing when the Town has reasonable suspicion that the employee may be impaired at work.

### EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) is a benefit available to all employees of the Town and their families at no cost. EAP helps employees cope with personal problems which negatively affect their lives and which might intrude upon their jobs. Emotional stress, family disintegration, financial and/or legal difficulties, alcoholism, drug abuse and marital disruption not only impair an employee's personal life, but workplace productivity as well. Such problems can be addressed and treated with appropriate help.

EAP is a confidential information, assessment and referral service. It is not a counseling service, nor does it provide treatment. The only exceptions to confidentiality are: (1) when the information is required by law to be disclosed; (2) where there is a reasonable belief that an employee's conduct places him or her or another person in imminent threat of bodily harm; or (3) when there is reasonable cause to suspect child abuse has been or will be committed. Using the referral services of EAP is not a condition of employment.

Depending upon the nature of the problem, employees seeking assistance are referred to a program, service or agency within the community for appropriate counseling or assistance. Employees also may be approached by their Department Head or the Town Supervisor, whose responsibility includes identifying chronic job performance problems. The Department Head may recommend that the employee contact EAP. This is known as a "supervisory referral."

Employees may contact an EAP coordinator at the suggestion of a third party, such as a family member, union representative, friend, coworkers or clergy. It is important to remember that the final decision to contact the Employee Assistance Program lies with the employee. EAP is a voluntary option.

### EMPLOYEE RELATIONS

If employees have concerns about work conditions or compensation and/or benefits, they are strongly

encouraged to voice these concerns openly and directly to their Department Head. Employees may also discuss concerns with the Town Supervisor, Personnel Administrator, and/or a Town Board member.

## **SOLICITATION**

In an effort to ensure a productive and harmonious work environment, persons not employed by the Town may be limited in their ability to solicit or distribute literature in the workplace at any time for any purpose. Generally, salespeople should be directed to the Town Supervisor. Upon the Town Supervisor's approval, employees will be allowed to accept advertising novelties of negligible value and widespread distribution. The posting of written solicitations on Town bulletin boards is restricted. These bulletin boards display important information, and employees should consult them frequently for:

- Affirmative Action statements
- Employee announcements
- Internal memoranda
- Job openings
- Town Board announcements
- Workers' Compensation insurance information
- State disability insurance/unemployment insurance information

If employees have a message of interest to the workplace, they must submit it to the Town Supervisor for approval. The Town Clerk and/or Personnel Administrator will post all approved messages.

## **PERSONAL SAFETY ON THE JOB**

Occasionally, residents will visit the Town Hall with a concern. If an employee feels he/she is being subjected to threatening or aggressive behavior by a visitor, the employee should inform the individual that he/she will seek a Department Head to help resolve the issue. If the Department Head is not immediately available, or the visitor remains dissatisfied after speaking to the Department Head, an immediate call should be made to the Town Supervisor for intervention.

When there is an escalating situation arising from agitated visitors, should the Department Head be unavailable, employees must notify the Town Supervisor immediately. If a co-worker is a spectator and observes someone exhibiting aggressive behavior, the co-worker can safely intervene to deescalate the situation. In many circumstances, the presence of another employee(s) or person in authority serves as a deterrent to belligerent behavior.

Last but not least, employees may call 911 for emergency assistance if they deem a visitor's outburst to be harmful or potentially dangerous. The Town also maintains a Workplace Violence Prevention Plan.

## **DUAL EMPLOYMENT**

Dual Employment may not have an adverse effect on an individual's employment with the Town. As such, the Town must ensure that any outside employment engaged in by Town employees would not interfere with the proper execution of their duties for the Town. To that end, the Town Supervisor must approve any dual employment engaged in by its full-time employees. Dual employment is defined as the undertaking of additional employment or elected positions beyond the defined full-time duties of an employee of the Town.

## **SEPARATION FROM EMPLOYMENT**

Separation from employment may occur voluntarily, such as through resignation or retirement, or

involuntarily, such as through termination or layoff. Employees are encouraged to provide notice of resignation in writing to their Department Head and the Town Supervisor.

Employees in an exempt/salaried role (FLSA classification) are required to provide 4 weeks notice, in writing. Employees in a non-exempt/hourly role are required to provide 2 weeks notice, in writing. If an employee does not provide proper notice, they will not be eligible for PTO payout.

#### Return of Town Property

Upon separation, employees must return all Town property, including but not limited to keys, ID cards, electronic devices, computers, tablets, cell phones, vehicles, documents, and any other equipment or materials issued by the Town to the Town Supervisor's Office. Failure to return Town property may result in deductions from the final paycheck to cover the replacement cost, to the extent permitted by law.

#### Final Pay

Employees will receive their final paycheck in accordance with New York State law. This will include payment for all earned wages and accrued, unused Paid Time Off (PTO), if applicable and as calculated below, subject to the Town's policies.

#### Calculation of Benefits

Upon voluntary resignation, retirement or lay-off for any reason, benefits related to personal, sick and vacation time shall be calculated as follows:

- Employees shall be compensated for all unused accrued sick time.
- Employees shall be compensated for all unused accrued vacation time.
- Employees shall be compensated for all unused accrued personal time on a calendar year basis.
- Employees shall be compensated for all authorized and unused comp time.

If the employee resigns from their employment as above prior to earning their full vacation time, the employer shall pay the employee, as the case may be, for the employee's vacation on a pro-rated basis in accordance with the number of months worked.

Upon involuntary termination for any reason, benefits related to personal, sick and vacation time shall be calculated as follows:

- Employees shall not be compensated for unused accrued sick time.
- Employees shall not be compensated for unused vacation time.
- Employees shall not be compensated for unused personal time on a calendar year basis.
- Employees shall be compensated for all authorized and unused comp time.

#### Health Benefits and COBRA

Employees who are covered under the Town's group health insurance plan may be eligible for continuation of coverage under the federal COBRA law. Information regarding COBRA, including eligibility, enrollment procedures, and payment of premiums, will be provided by the Personnel Administrator at the time of separation.

#### Exit Procedures

The Town may conduct an exit interview to discuss final pay, benefits, return of property, and other transition matters. Employees are encouraged to provide feedback regarding their employment experience, which may be used to improve workplace policies and practices.

**Post Employment Reference Requests**

It is the Town's policy to confirm dates of employment and job title only if requested by prospective employers. The employer must provide a release of information form signed by the employee. Employees must forward any requests for employment verification to the Personnel Administrator.

# APPENDIX

## ANTI-DISCRIMINATION, SEXUAL HARASSMENT, AND OTHER PROHIBITED HARASSMENT POLICY

It is the policy of the Town to provide and maintain a work environment which is free from unlawful discrimination and harassment, including sexual harassment, based on sex (with or without sexual conduct, and including self-identified or perceived sex or gender, gender identity, gender expression or transgender status), sexual orientation, race, color, religion, national origin, age, disability, genetic information or predisposing genetic characteristic, marital status, familial status, military status, domestic violence victim status, and any other class protected by law. Discrimination or harassment based on these protected characteristics (collectively referred to as “discriminatory harassment”) is a form of unlawful discrimination and is prohibited in each and every work environment and each and every situation which directly impacts the work environment.

The Town will take appropriate steps to prevent and correct unlawful discriminatory harassment and discrimination as defined by federal, state and local law (if applicable.) All persons have a legal right to a workplace free from sexual harassment. This right can be enforced by filing a complaint internally with the Town, and/or with a government agency or in court under federal, state or local anti-discrimination laws.

The Town considers discrimination, discriminatory harassment (including sexual harassment) and other conduct prohibited by this Policy to be a form of employee misconduct and considers this type of misconduct to be a serious offense which will not be tolerated. In New York, harassment does not need to be severe or pervasive to be illegal.

All employees, elected officials, appointed officials, interns, volunteers, and non-employees are required to work in a manner that prevents harassment, including sexual harassment, in the workplace. Any employee, elected official, intern, volunteer, or non-employee in the workplace who engages in discrimination, harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.

All employees, elected officials, appointed officials, interns, volunteers, and non-employees are encouraged to report any harassment or behaviors that violate this Policy. The Town will provide a complaint form for the reporting of harassment and to file complaints. Managers and supervisors are **required** to report **any** complaint that they receive, or any harassment that they observe or become aware of in the workplace. Confronting the harasser is not required but is encouraged if the complainant feels it is possible and safe to do so. Anyone covered by this Policy has the right to file a good faith complaint without first communicating with the offender. Allegations of discrimination, discriminatory harassment and sexual harassment will be investigated thoroughly and if substantiated, will be met with appropriate corrective and/or disciplinary action commensurate with the seriousness of the offense(s), and in accordance with the parameters of applicable collective bargaining agreements and/or state law.

The Town will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever the Town or its supervisory or managerial personnel receives a complaint about sexual harassment or retaliation, or otherwise knows of possible sexual harassment occurring. The Town will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment or retaliation is found to have occurred. All persons covered by this Policy, including managers and supervisors, are required to cooperate with any internal investigation of sexual

harassment.

## **I. SCOPE**

- A. Who is covered by this Policy?** This policy applies to all applicants, employees, elected officials, appointed officials, interns (paid or unpaid), volunteers, contractors, and other non-employees conducting business with the Town.
- B. What does this Policy prohibit?** This policy prohibits discriminatory harassment, sexual harassment, discrimination, and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to the Town (e.g., an outside vendor, consultant, other non-employee or citizen).
- C. Where can discrimination or harassment occur?** Conduct prohibited by this Policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.
- D. All information gathered during an investigation of a complaint will be handled in a confidential manner, to the extent possible.**
- E. This Policy does not preclude the filing of discrimination, sexual harassment, discriminatory harassment or retaliation complaints with the New York State Division of Human Rights (DHR), the Federal Equal Employment Opportunity Commission (EEOC), or the pursuing of any other remedies as permitted by law.**

## **II. DEFINITIONS OF PROHIBITED CONDUCT**

### **A. Discrimination**

Discrimination on the basis of any protected characteristic is prohibited. Discrimination includes any adverse employment action (termination, failure to hire, demotion, failure to promote, etc.) taken on the basis of sex (with or without sexual conduct, and including gender identity, gender expression or transgender status), race, color, religion, national origin, age, disability, genetic information or predisposing genetic characteristic, marital status, familial status, military status, domestic violence victim status, and any other class protected by law.

### **B. Discriminatory Harassment**

Harassment on the basis of any protected characteristic is prohibited. Under this policy, prohibited discriminatory harassment is verbal or physical conduct that is offensive to or shows hostility or aversion toward an individual because of a protected class or characteristic, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassment is prohibited when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace (including through e-mail) of written or graphic material that denigrates or shows hostility or aversion toward an individual or group, based on an individual's

protected class.

### C. Sexual Harassment

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status. Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the Town's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts.

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

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

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

Sexual harassment also occurs when a person in authority tries to offer job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Anyone subject to and/or covered by this Policy who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

## **Examples of sexual harassment**

Sexual harassment under the law and prohibited by this Policy may include, but is not limited to, the following prohibited conduct:

- Physical assaults of a sexual nature, such as:
  - Touching, pinching, patting, grabbing, brushing against another person's body or poking another person's body; rape, sexual battery, molestation or attempts to commit these assaults (which should be reported to local authorities as promptly as is possible); or
  - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges.)
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other employment benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities; or
  - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate or treated negatively simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should look or act, including:
  - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
  - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace or in a work-related gathering or setting.
  - This extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling;
  - Intentional misuse of an individual's preferred pronouns; or
  - Creating different expectations for individuals based on their perceived identities;
  - Dress codes that place more emphasis on women's attire;
  - Leaving parents/caregivers out of meetings.

## **D. Other Types of Prohibited Harassment**

Harassment may include conduct (both overt and subtle) that demeans another person or shows hostility toward an individual because of a protected characteristic. Prohibited harassment on the basis of race, color, national origin, ancestry, religion, creed, physical or mental disability (including pregnancy-related conditions), marital or familial status, age, genetic information, predisposition or carrier status, military or veteran status, domestic violence victim status, known relationship or association with any member of a protected class, or any other protected basis, includes behavior similar to sexual harassment, such as:

- Verbal conduct such as threats, epithets, derogatory comments, or slurs;
- Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures
- Written conduct such as authoring threatening, derogatory, or offensive letters, invitations, or correspondence;
- Physical conduct such as assault, unwanted touching, or impeding or blocking normal movement;
- Conduct via electronic media such as email, text messages or social media; and
- Retaliation for reporting harassment or threatening to report harassment.

This policy prohibits not only behavior that constitutes unlawful harassment, but also other inappropriate or unprofessional behavior that may reasonably be considered offensive or otherwise objectionable. Such behavior will be subject to disciplinary action, up to and including termination of employment. Although the Town respects the right of individuals to access and use social media and engage in social networking on their own time, any use of such forms of electronic expression to harass, discriminate, or retaliate is unlawful and prohibited by this policy.

#### **E. Retaliation**

Retaliation against any individual for making a discriminatory or any harassment complaint or assisting in the investigation of such a complaint is prohibited by law and under this Policy. Unlawful retaliation can be any adverse employment action, including being discharged, disciplined, discriminated against, or any action that would keep or discourage anyone covered by this Policy from coming forward to make or support a claim of discrimination or discriminatory harassment. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Any employee, intern, volunteer, and non-employee who believes they have been subjected to retaliation should report this conduct in accordance with the same reporting procedures as are outlined below. These complaints of retaliation will be investigated in accordance with the same procedures utilized and described below. Individuals also may file complaints of retaliation with the federal or state enforcement agencies (EEOC or New York State Division of Human Rights.)

Any individual found to have engaged in retaliation as defined in this Policy may be subject to disciplinary action up to and including termination, and/or other corrective or remedial action as necessary and permitted by an applicable collective bargaining agreement or state law.

### **III. REPORTING PROCEDURES AND RESPONSIBILITIES**

#### **A. Reporting Procedures**

**Preventing harassment is everyone's responsibility.** If an employee, intern, volunteer, or non-employee who witnesses or is subjected to a situation which he/she believes constitutes discriminatory harassment in violation of this Policy, the Town recommends that the person confront the harasser directly and advise the harasser that his/her behavior is not welcomed and will not be tolerated.

If an employee, intern, volunteer or non-employee who witnesses or is subjected to a situation which he/she believes constitutes discrimination or discriminatory harassment, he/she should file a complaint with Human Resources or the Office of the Comptroller. Anyone who witnesses or becomes aware of potential instances of discrimination or harassment should also report such behavior to Human Resources or the Office of the Comptroller.

Although encouraged, note that neither this Policy nor state or federal law requires that an individual tell an alleged harasser to stop his/her actions. Failure to do so does not preclude the individual from filing a complaint of discriminatory harassment. Individuals should feel free to keep written records of any actions which may constitute harassment, including time, date, location, names of others involved, witnesses (if any), and who said or did what to whom.

Complaints may be made verbally or in writing. **If made verbally, the complaint must be reduced to writing by the individual to whom it was reported.** The written report must be given to Human Resources. A form for submission of a written report is attached to this policy, and individuals are encouraged, but not required, to use this form. Individuals who are reporting discrimination or harassment on behalf of other employees, interns, volunteers or non-employees should use the complaint form and note that it is submitted on another person's behalf.

## **B. Employee Responsibilities**

All employees, interns and volunteers are responsible for refraining from discrimination, discriminatory harassment or retaliation in the workplace. Anyone who witnesses discrimination, discriminatory harassment or retaliation may notify the person responsible that their behavior is inappropriate, and in any and all events, should notify Human Resources.

## **C. Supervisory Responsibilities**

All managerial and supervisory personnel of the Town shall be responsible for enforcing this Policy and shall have particular responsibility for ensuring that the work environment under their supervision is free from discrimination, discriminatory harassment, and retaliation. Failure of a manager or supervisor to comply with this responsibility may result in disciplinary action.

**All managerial and supervisory personnel who receive complaints of, observe directly, or otherwise become aware of or suspect that discrimination, discriminatory harassment or retaliation is occurring, will be responsible for immediately forwarding such complaints, in writing, to Human Resources.**

Supervisors and managers will be subject to discipline (or other remedial or appropriate action) for failing to report suspected discriminatory harassment or otherwise knowingly allowing the harassment to continue. Supervisors and managers will also be subjected to discipline (or other remedial or appropriate action) if found to have engaged in discrimination, discriminatory harassment, or retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

## **D. Employer Responsibilities**

The Town will conduct periodic training on the issues surrounding discrimination, discriminatory harassment, its effects and its appearances, and the role and responsibility of employees and managerial/supervisory personnel in preventing incidents of discrimination and harassment.

The Town will also distribute this Policy to all employees, interns and volunteers, and ensure that it is distributed to new employees when they are hired.

The Town will also provide training for those representatives of the Town responsible for conducting investigations of harassment (including sexual harassment) regarding proper investigation techniques, including trauma-informed protocols for investigations.

#### **E. Bystander Intervention**

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is **required** to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

### **IV. INVESTIGATION AND RESPONSE PROCEDURES**

Discrimination and discriminatory harassment complaints will be investigated. The Human Resources representative and/or their designee(s) will conduct a prompt and thorough investigation commencing immediately and completed as soon as possible. The investigation will be confidential to the greatest extent possible.

Any employee, volunteer, intern or non-employee may be required to cooperate as needed in an investigation of suspected discriminatory harassment. As further set forth herein, the Town will not tolerate retaliation against those who file complaints, support another's complaint, or participate in the investigation of a complaint.

The nature and extent of an investigation may vary on a case by case basis dependent upon the circumstances and extent of the allegations. Generally, investigations should be conducted in accordance with the following steps:

- Upon receipt of complaint, the Human Resources representative or their designee will conduct an immediate review of the allegations, and take interim actions, as appropriate. If the complaint is oral, encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, prepare a Complaint Form or other write up of the complaint based on the oral reporting.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses.
- Create (at a minimum) written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - Recommendation(s) for the final resolution of the complaint, together with any recommendations for corrective or remedial actions to be taken.
- Keep the written documentation and associated documents in the employer's records.

Once the investigation is completed, the Human Resources representative or their designee will make a Final Determination as to whether the Policy has been violated.

The Human Resources representative or their designee shall promptly notify the complainant of the Final Determination, and also inform the complainant of their right to file a complaint or charge with the DHR or EOC, or in an appropriate court.

If a complaint of discriminatory harassment, other harassment, or retaliation is determined to be founded, the Town will take disciplinary and/or corrective action in accordance with law and/or an applicable collective bargaining agreement. The Human Resources representative will be responsible for overseeing the implementing of any corrective or remedial actions deemed necessary.

If disciplinary charges are filed against an employee on the grounds that the Town has determined the employee is guilty of discrimination, discriminatory harassment or retaliation, the accused employee may exercise his/her rights through the disciplinary procedure provided for in his/her collective bargaining agreement, or state law, if applicable.

## **V. FALSE REPORTS**

Reporting of a false complaint is a serious act. In the event it is found that an individual bringing the complaint has knowingly made false allegations, the Town may take appropriate remedial action and/or disciplinary action in accordance with the provisions of applicable collective bargaining agreement and/or state law.

## **VI. EXTERNAL REMEDIES**

Sexual harassment is not only prohibited by the Town; it is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process described in this policy, individuals may also choose to pursue legal remedies with the following governmental entities at any time.

The New York State Division of Human Rights (DHR) enforces the Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., which applies to employers in New York State and protects employees, paid or unpaid interns and non-employees providing services in the workplace pursuant to a contract, regardless of immigration status. A complaint alleging a violation of the HRL may be filed either with DHR, subject to a one-year statute of limitations, or in New York State Supreme Court, subject to a three-year statute of limitations. The DHR will investigate the complaint to determine if unlawful harassment occurred. If unlawful harassment is found after a hearing, the DHR or the court may award relief, which may include requiring your employer to take action to stop the harassment, and redress the damage caused by paying monetary damages, attorney's fees and civil fines. DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458; (718) 741-8400; [www.dhr.ny.gov](http://www.dhr.ny.gov). The DHR can be contacted at (888) 392-3644. More information about filing a complaint is available at [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint). The website has a complaint form and contact information for DHR's regional offices across New York State. Call the DHR sexual harassment hotline at 1-800-HARASS3 for more information about filing a sexual harassment complaint.

The United States Equal Employment Opportunity Commission (EEOC) enforces federal antidiscrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An employee must file a charge with the EEOC within 300 days from the conduct giving rise to the complaint. The EEOC also investigates complaints, but does not hold hearings or award relief. The EEOC may take other action including pursuing cases in federal court on behalf of complaining parties or issuing a Right to Sue Letter that allows an individual to pursue their claims in federal court. Federal courts may award remedies if discrimination is found to have occurred. The EEOC can be contacted at 1-800-669-4000 (1-800-669-6820 (TTY)), via email at [info@eeoc.gov](mailto:info@eeoc.gov), or by visiting their website at [www.eeoc.gov](http://www.eeoc.gov). If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

## **VII. LIABILITY**

Any employee who engages in conduct that violates this policy, including any supervisor, manager, or other member of management who knew about such conduct but took no action to stop it, may be subject to disciplinary action, up to and including termination, and may also be held personally liable. Any manager or supervisor who failed to report such conduct as required by this policy may also be subject to disciplinary action, up to and including termination. The Town does not consider conduct in violation of this policy to be within the course and scope of employment or the direct consequence of the discharge of one's duties. Accordingly, to the extent permitted by law, the Town reserves the right not to provide a defense or pay damages assessed against employees for conduct in violation of this policy. This policy will be provided to all employees and posted prominently in all work locations, to the extent practicable, and provided to employees upon hiring. Individuals who have questions or concerns about this policy should contact their supervisor or the Human Resources representative.

### **Harassment Reporting Form**

This form is designed to assist individuals making a report under the Town of Wappinger's Anti-Discrimination, Sexual Harassment, and Other Prohibited Harassment Policy (the "Policy"). If you believe you are being or have been subjected to conduct in violation of the Policy, or witness or otherwise become aware of such conduct, you are expected to report such, either verbally or in writing. It is the Town's policy to promptly and thoroughly investigate such reports. If you wish to make a written report, you may use this form to do so. After completing this form, you should submit it to the Human Resources representative in person or via email. If you are more comfortable reporting verbally or in another manner, you are welcome to do so. For information concerning alternate avenues of reporting, please refer to the Policy. The Town prohibits retaliation against any individual who opposes a discriminatory practice, makes a good faith report of discrimination or harassment, or who participates in an investigation of such a report. Your cooperation in truthfully completing this form and providing as much accurate information as possible will enable us to investigate and respond to these matters more efficiently.

### **INFORMATION ABOUT YOU**

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

Home Address: \_\_\_\_\_

Work Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

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

Preferred Communication Method (please circle one): Phone Email In person

### **INFORMATION ABOUT YOUR SUPERVISOR**

Immediate Supervisor's Name: \_\_\_\_\_

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

Work Phone: \_\_\_\_\_ Work Email: \_\_\_\_\_

Work Address: \_\_\_\_\_

### **INFORMATION CONCERNING SUSPECTED POLICY VIOLATION**

1. Your report concerns:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Work Email: \_\_\_\_\_

Work Address: \_\_\_\_\_

Relationship to you (circle one): Supervisor Subordinate Co-Worker

2. Please describe the conduct or incident(s) that is/are the basis of this report and how the conduct is affecting you and your work. Describe each act or incident separately including dates, times, locations and your reaction and/or action(s) taken in response. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Why do you believe the conduct or incident(s) described above violate(s) the Policy?

4. Is the conduct continuing? (please circle one)      Yes      No

5. Please list the name and contact information of any witnesses or individuals that may have information related to your report:

6. Are there any documents or other evidence of the conduct or incident? If so, please describe and/or attach.

7. What is your desired outcome of the investigation?

Upon receipt of this notification, Human Resources will contact you. Every effort will be made to assure that confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action. For additional information, please refer to the Policy.

*The information provided in this report is true, accurate and complete. I am willing to cooperate fully in the investigation of this report and provide whatever evidence Town of Wappinger deems relevant.*

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

## CODE OF ETHICS/BOARD OF ETHICS

The Town has adopted a Code of Ethics (Chapter 20 of the Town Code) which is included herein for reference and applies to Town employees as set forth therein

### Chapter 20 of Town Code – Code of Ethics

#### § 20-1. Legislative intent.

Article 18 of the General Municipal Law prohibits the officers and employees of a municipality from having certain conflicts of interest. Specifically, § 806 of the General Municipal Law requires the governing body of each county, city (other than the City of New York), town, village, school district and fire district to adopt a Code of Ethics that sets forth guidance for its elected officials, officers and employees of the standards of conduct reasonably expected of them. The Code of Ethics adopted by a governing body of a municipality must set forth standards of conduct for the guidance of the officers and employees of the municipality with respect to disclosure of interests in legislation before the local governing body, the holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed appropriate and advisable.

#### § 20-2. Purpose.

The Town Board acknowledges and emphasizes that the officers and employees of the Town of Wappinger hold their positions to serve and benefit the public and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Town Board of the Town of Wappinger recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. It is the intention of the Town Board to establish those standards by the adoption of this chapter.

#### § 20-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**BOARD** — The Town Board of the Town of Wappinger and any committee, administrative board appointed by the Town Board (e.g., Planning Board, Zoning Board of Appeals), commission, or other agency, body or department comprised of two or more municipal officers or employees.

**CODE** — This Code of Ethics.

**INTEREST** — A direct or indirect financial or material benefit but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the outstanding stock or owns or controls more than a five-percent interest of any corporation, partnership, limited partnership, limited liability company or other business entity.

**MUNICIPAL OFFICER OR EMPLOYEE** — A paid or unpaid officer or employee of the Town of Wappinger, including, but not limited to, the members of any municipal board, whether elected or appointed.

**MUNICIPALITY** — The Town of Wappinger. The word "municipal" refers to the municipality.

**RELATIVE** — A spouse, domestic partner (as defined in New York State law), parent, stepparent, sibling, stepsibling, sibling's spouse, child, child's spouse, stepchild, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

#### **§ 20-4. Applicability.**

- A. This Code of Ethics applies to the municipal officers and employees of the Town of Wappinger and shall supersede any prior municipal Code of Ethics previously adopted by the Town of Wappinger. The provisions of this Code of Ethics shall apply in addition to all applicable state and local laws relating to conflicts of interest and ethics, including, but not limited to, Article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the Town of Wappinger.
- B. This Code of Ethics shall not apply to any consultants employed by the Town Board, Planning Board, Zoning Board of Appeals, or other agency or department, including, but not limited to, engineers, attorneys, environmental consultants, accountants, auditors, or other professional consultants employed by the Town in an independent capacity.
- C. Notwithstanding the foregoing and to the extent permitted by law or regulation, any consultant employed by the Town must disclose any interest or affiliation the consultant has with any individual or business entity when such individual or business entity has a matter pending before the Town or any of its boards, agencies or departments and the consultant, in the performance of his or her duties, must render professional advice or give an opinion to the Town in connection with such pending matter.

#### **§ 20-5. Prohibition on use of municipal position for personal or private gain.**

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

#### **§ 20-6. Disclosure of interest in legislation and other matters.**

- A. Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.
- B. The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.
- C. In the case of a person serving in an elective office, the disclosure shall be filed with the Town Board. In all other cases, the disclosure shall be filed with the person's supervisor, or if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having

the power to appoint to the person's position. In addition, in the case of a person serving on a municipal board or committee, a copy of the disclosure shall be filed with such board or committee. Any disclosure made to such board or committee shall be made publicly at a meeting of the board or committee and must be included in the minutes of the meeting. Copies of all disclosures shall also be filed with the Town Clerk.

**§ 20-7. Recusal and abstention.**

- A. No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.
- B. In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:
  - (1) If the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or
  - (2) If the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy, or if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.
  - (3) If the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

**§ 20-8. Prohibition inapplicable; disclosure, recusal and abstention not required.**

- A. This code's prohibition on use of a municipal position (§ 20-5), disclosure requirements (§ 20-6), and requirements relating to recusal and abstention (§ 20-7) shall not apply with respect to the following matters:
  - (1) Adoption of the municipality's annual budget;
  - (2) Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
    - (a) All municipal officers or employees;
    - (b) All residents or taxpayers of the municipality or an area of the municipality; or
    - (c) The general public; or
  - (3) Any matter that does not require the exercise of discretion.
- B. Recusal and abstention shall not be required with respect to any matter:

- (1) Which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by § 20-7 of this code;
- (2) Which comes before a board when either New York State law or the Town's rules require a super majority of the board's total membership to undertake any affirmative action and such recusal or abstention will result in less than the required number of members to take affirmative action to adopt or pass any resolution or local law.
- (3) Which comes before a municipal officer when the officer would be prohibited from acting by § 20-7 of this code and the matter cannot be lawfully delegated to another person.

**§ 20-9. Investments in conflict with official duties.**

- A. No municipal officer or employee may acquire the following investments:
  - (1) Investments that can be reasonably expected to require more than sporadic recusal and abstention under § 20-7 of this code; or
  - (2) Investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.
- B. This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:
  - (1) Real property located within the municipality and used as his or her personal residence;
  - (2) Less than 5% of the stock of a publicly traded corporation; or
  - (3) Bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

**§ 20-10. Private employment in conflict with official duties.**

No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

- A. Can be reasonably expected to require more than sporadic recusal and abstention pursuant to § 20-7 of this code;
- B. Can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;
- C. Violates § 805-a, Subdivision 1 c or d of the General Municipal Law; or
- D. Requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

**§ 20-11. Future employment.**

- A. No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise

of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.

- B. For a period of one year following termination of service as a municipal officer or employee, no municipal officer or employee may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.
- C. No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

#### **§ 20-12. Personal representations and claims permitted.**

This code shall not be construed as prohibiting a municipal officer or employee from:

- A. Representing himself or herself, or his or her spouse or minor children, before any of the Board's committees or agencies of the Town; or
- B. Asserting a claim against any of the Board's committees or agencies of the Town on his or her own behalf or on behalf of his or her spouse or minor children.

#### **§ 20-13. Use of municipal resources.**

- A. Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel and the municipality's money, vehicles, equipment, materials, supplies or other property.
- B. No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:
  - (1) Any use of municipal resources authorized by law or municipal policy;
  - (2) The use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or
  - (3) The occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.
- C. No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.
- D. No municipal officer or employee shall use Town of Wappinger stationery except in the normal course of business of the Town of Wappinger. Under no circumstances shall Town of Wappinger stationery be used by any officer or employee for personal or private use unrelated to the normal course of business of the Town of Wappinger.

#### **§ 20-14. Interests in contracts.**

- A. No municipal officer or employee may have an interest in a contract that is prohibited by § 801 of the General Municipal Law.
- B. Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by § 803 of the General Municipal Law.

#### **§ 20-15. Nepotism.**

Except as otherwise required by law:

- A. No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board unless such relative was reelected as a municipal officer or employee prior to the adoption of this Code of Ethics or prior to the municipal officer having assumed municipal duties.
- B. No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties unless such relative was reelected as a municipal officer or employee prior to the adoption of this Code of Ethics or prior to the municipal officer having assumed municipal duties.

#### **§ 20-16. Political solicitations.**

- A. No municipal officer or employee shall directly or indirectly attempt to compel, compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.
- B. No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.
- C. The Town Board may regulate political contributions in contracts for professional services that are not subject to competitive bidding in a manner consistent with constitutional rights of free speech and political association and that are not in conflict with any general laws of the State of New York.

#### **§ 20-17. Confidential information.**

No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

#### **§ 20-18. Gifts.**

- A. No municipal officer or employee shall solicit, accept or receive a gift in violation of § 805-a, Subdivision 1 a, of the General Municipal Law as interpreted in this section.
- B. No municipal officer or employee may directly or indirectly solicit any gift.

- C. No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of \$75 or more when:
  - (1) The gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;
  - (2) The gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or
  - (3) The gift is intended as a reward for any official action on the part of the officer or employee.
- D. For purposes of this section, a "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed \$75 must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.
- E. A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.
- F. A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding 12 months.
- G. This section does not prohibit any other gift, including:
  - (1) Gifts made to the municipality;
  - (2) Gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;
  - (3) Gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;
  - (4) Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
  - (5) Awards and plaques having a value of \$75 or less which are publicly presented in recognition of service as a municipal officer or employee or other service to the community; or
  - (6) Meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

### **§ 20-19. Board of Ethics.**

- A. There is hereby established a Board of Ethics consisting of five members, to be appointed by the Town Board, all of whom shall reside in the Town of Wappinger and who shall serve without compensation and at the pleasure of the Town Board of the Town of Wappinger. A majority of such members shall be persons other than Town employees but shall include at least one member who is an elected or appointed Town employee of the Town of Wappinger.
- B. Such members of the Board of Ethics shall serve without compensation for a term of two years commencing with the January following the general election of Town Board members, but at the pleasure of the Town Board.
- C. The members of such Board of Ethics shall be recommended by a Councilmember or the Supervisor.
- D. The Town Board shall appoint the members of the Board of Ethics and designate the Chairperson thereof.
- E. Members of the Board of Ethics may not serve on any Board other than the Town Board. §

### **20-20. Duties of Board of Ethics.**

- A. The Board of Ethics shall render advisory opinions to the officers and employees of the Town of Wappinger with respect to any matter identified in Article 18 of the General Municipal Law and this code. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the Board of Ethics may prescribe.
- B. The opinions of the Board of Ethics shall be advisory and confidential, and in no event shall the identity of the Town employee or Board member be disclosed except to authorized persons and agencies.
- C. The Board of Ethics shall have subpoena powers and may solicit the advice of legal counsel employed by the Board of Ethics or, if none, the Town's legal counsel.
- D. In addition, the Board of Ethics may make recommendations with respect to the drafting and adoption of a Code of Ethics, or amendments thereto, upon the request of the Town Board.

### **§ 20-21. Posting and distribution.**

- A. The Town Clerk must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality's control. The code must be posted within 10 days following the date on which the code takes effect. An amendment to the code must be posted within 10 days following the date on which the amendment takes effect.
- B. The Town Clerk must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the Town of Wappinger.

- C. Every municipal officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgements must be filed with the Town Clerk, who must maintain such acknowledgements as a public record.
- D. The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal officer or employee to receive a copy of this Code of Ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

**§ 20-22. Promulgation of rules and regulations; recordkeeping.**

The Board of Ethics, upon its formation, shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings.

**§ 20-23. Use of Town funds for budgetary purposes.**

The Town Board shall annually appropriate enough moneys from the general Town funds for the maintenance of, and for advisory services to, the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of the Town moneys except within the appropriations provided herein.

**§ 20-24. Enforcement.**

Any municipal officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

**§ 20-25. Severability.**

The provisions of the local law creating this chapter are separable, and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this chapter or their application to other persons or circumstances. It is hereby declared to be the legislative intent of the Town Board of the Town of Wappinger that this chapter would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein and if such person or circumstance to which the local law or part thereof is held inapplicable had been specifically exempt therefrom.