

TOWN OF CHESTER

WARREN COUNTY, NEW YORK

EMPLOYEE HANDBOOK

THIS VERSION DATED: October 9, 2018



This Employee Handbook does not create employment or guarantee continuation of employment. It is provided for informational purposes only and may be revised at any time without notice at the sole option of the Town.

Town of Chester Employee Handbook

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100 INTRODUCTION

101 Effective Date; No Retroactive Effect

This Handbook shall become effective when a Resolution adopting it is passed by the Town Board. This Handbook shall have no retroactive effect. The Town Board of the Town of Chester passed a Resolution adopting this Handbook on November 14, 2001.

102 Purpose of this Handbook

The Purpose of this Handbook is to provide employees with detailed information regarding the terms and conditions of their employment.. Members of the CSEA Employee Bargaining Unit should read this Handbook in conjunction with the CSEA contract. If there is a conflict between a provision in this Handbook and the CSEA contract, the CSEA contract provision shall govern for employees in the Bargaining Unit.

This Employee Handbook does not create employment or guarantee continuation of employment. It is provided for informational purposes only and may be revised at any time at the sole option of the Town without notice.

200 EMPLOYMENT MATTERS

201 Oath of Office

All elected and appointed officials are required to take the Oath of Office within 30 days of the start of their term of office or appointment, which is administered prior to commencing work. Those officials who are elected or appointed to serve a specific term must take the Oath of Office for each term.

202 Personnel File

The Town maintains an Official Personnel File for every employee. This file contains two (2) separate sections which are explained below. All payroll & confidential records are kept in the Bookkeeper's Office and are controlled by the Supervisor and the Bookkeeper.

Payroll Records

Section 1 of the Official Personnel File contains all of the employee's original payroll records. These records include, but are not limited to, the following: Federal and State Withholding Tax Forms, Immigration Form 1-9 Forms, Retirement Enrollment/Waiver Forms, Health and Dental Insurance Enrollment/Waiver Forms, and garnishments.

Employee/Confidential Records

Section 2 of the Official Personnel File contains the original employee records, some of which are of a confidential nature. These records include, but are not limited to, the following: the Civil Service Employment Application, Report of Personnel Change Forms SD426), disciplinary and grievance notices, letters of commendation, probationary reports, performance appraisal forms, copies of job-required licenses and certificates, medical records, legal documents, such as discrimination claims, and drug and alcohol testing records. For security purposes, this file is locked at all times.

Employees wishing to view the contents of any of their Official Personnel File may do so only in the presence of an authorized Town official. Employees may not, however, remove any material contained therein. Whenever information is added to, or deleted from, any one of these files, the employee will be notified. Copies of records contained in these files will not be released without the written consent of the employee, unless State or Federal Laws require otherwise.

203 Change in Status

Employees are responsible for keeping the information in their Personnel Files up to date. Change of name, address, telephone number, personal status, number and age of dependents, beneficiary designations, and individuals to notify in case of emergency are very important for insurance, retirement and tax purposes, and must be reported immediately. Please notify your department head and the Bookkeeper's Office when changes occur in any of these or other matters.

204 Driver's Licenses

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 (C.D.L) must maintain that license throughout employment.

If you are required to possess a driver's license in order to perform certain job duties and responsibilities, you must notify your department head immediately if your license is suspended or revoked. The loss or suspension of your license may have an effect on your employment with the Town. If for any reason the Town's insurance company refuses to cover any employee, that employee will not be permitted to drive any Town-owned vehicle.

A CDL abstract may be required by the employer for new hires and such an abstract will be kept in the employee's permanent (confidential) record.

205 The Americans with Disabilities Act (ADA)

It is the Town's policy to comply with New York State and federal regulations concerning Americans With Disabilities Act. The major provisions of these regulations are described below. This information is provided for informational purposes only and should not be relied upon for a complete description of the benefits available to employees. The State and federal regulations

may change from time to time and the provisions in effect at the time that an employee is involved in a situation subject to these regulations will apply. Therefore, employees should consult the regulations themselves or seek professional assistance to review the current regulations applicable to their circumstances.

The Town of Chester does not discriminate against qualified individuals with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. It is the Town's policy to hire, promote, and maintain terms, conditions and privileges of employment in a manner which does not discriminate on the basis of a qualified individual's disability.

206 Equal Employment Opportunity

It is the Town's policy to comply with New York State and federal regulations concerning equal opportunity employment. The major provisions of these regulations are described below. This information is provided for informational purposes only and should not be relied upon for a complete description of the benefits available to employees. The State and federal regulations may change from time to time and the provisions in effect at the time that an employee is involved in a situation subject to these regulations will apply. Therefore, employees should consult the regulations themselves or seek professional assistance to review the current regulations applicable to their circumstances.

The Town of Chester is an Equal Opportunity Employer. We do not discriminate on the basis of race, color, sex, religion, age, national origin, marital status, disability or veteran status. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, transfer, leave of absence, compensation and training. Discrimination based on any of the above groups is strictly prohibited. Any employee who engages in such conduct is subject to appropriate disciplinary action in accordance with the applicable collective bargaining agreement or Civil Service Law (Section 75).

You are responsible for bringing any perceived violation of this policy to the attention of your department head immediately. If you are unable to discuss this matter with your department head, take your complaint directly to the Town Supervisor. The Town will promptly investigate all complaints of discrimination. No employees will be subject to discipline because they make a truthful claim of a perceived violation of the policy.

207 Fair Treatment Policy

It is our policy to treat all employees with fairness, respect and dignity. We will not tolerate harassment or discrimination of any kind in the workplace.

If you believe you have encountered any kind of harassment or discrimination in the workplace, you are responsible for advising your department head immediately. If you are unable to report this matter to your department head, you are responsible for taking your complaint directly to the Town Supervisor. -The Town will promptly investigate all complaints of harassment or discrimination. No employees will be subject to discipline because they make a truthful claim of a perceived violation of the policy.

208 Sexual Harassment

While all forms of harassment are prohibited, the Town of Chester has an explicit policy prohibiting the sexual harassment of its employees. Specifically, sexual harassment means unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when any or all of the following conditions exist:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or,
- When submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting that individual; or
- Has the purpose or effect of interfering unreasonably with an individual's work performance or is creating an intimidating, hostile, or offensive working environment.

The Town has the responsibility to maintain a workplace free of any form of sexual harassment. As such, we will not tolerate any actions by department heads or supervisory staff that threatens or insinuates, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development.

The responsibility for maintaining a workplace free of any form of sexual harassment is not limited to department heads or supervisory staff. All employees are prohibited from engaging in conduct including, but not limited to, the following:

- Sexual flirtations, touching, advances, or propositions;
- Verbal abuse of a sexual nature (e.g., swearing, jokes or comments of a sexual nature, etc.);
- Graphic or suggestive comments about an individual's dress or body;
- Using sexually degrading words to describe an individual, and/or;
- Displaying sexually suggestive objects or pictures in the workplace, including photographs, postcards or posters.

If you believe that you have experienced or witnessed sexual harassment in the workplace, you have a responsibility to report that behavior to your department head immediately. If you are unable to discuss this matter with your department head, take your complaint directly to the Town Supervisor, or another member of the Town Board. All complaints will be investigated discreetly and promptly. Any employee, supervisor, or department head who, after investigation, is found to have engaged in sexual harassment, will be subject to appropriate disciplinary action in accordance with the applicable collective bargaining agreement or Civil Service Law (Section 75).

Any employee who truthfully reports sexual harassment activities will not suffer adverse employment consequences as a result of rendering such complaint.

300 EMPLOYEE CLASSIFICATIONS

301 Elected Officials

All elected officials of the Town of Chester, including the following:

- Town Supervisor
- Town Board Members
- Town Justice
- Town Clerk
- Highway Superintendent

302 Union Employees

Positions represented by CSEA are identified in the collective bargaining agreement.

303 Non-Union Employees (Exempt)

Includes all employees who are not represented by a bargaining unit and who qualify for exemption status under the Fair Labor Standards Act (FLSA). These are employees exempted from receiving overtime payment requirements. This group of employees includes, but is not limited to, the following:

- Assessor
- Zoning Administrator
- Water Superintendent
- Animal Control Officer
- Youth Director
- Historian
- Sexton

304 Non-Union Employees (Non-Exempt)

Includes all employees who are not represented by a bargaining unit and who qualify for coverage under the Fair Labor Standards Act (FLSA). These are hourly employees who are entitled to overtime pay when they work more than 40 hours in a week

305 Other Employee Classifications

More information regarding employee classification is found in Section 900 – The Civil Service System.

400 OPERATIONAL POLICIES

401 Departmental Hours

All full time employees work a minimum of thirty (30) hours a week on a year-round basis. Each employee shall have a thirty (30) minute unpaid lunch break. The particular work schedule in each department may vary, depending upon the particular needs and requirements of the department.

402 Flex-Time

Flex-time is governed by the mutual needs and consent of the department head and the employee. Flex-time generally consists of "core-time", during which the department is open and available to the public, and "flexible time", when the hours of starting and finishing work may be requested by the employee and approved by the department head. Flex time schedule exceeding one month must be approved by the Town Board.

The Town Supervisor should be notified by a department head when permanent flex time schedules are instituted in his or her department.

403 Emergency Closings

The Town buildings and facilities shall remain open during all normal business hours. During periods of inclement weather and other emergencies, the Town Supervisor may direct that certain employees who perform non-essential services may leave their job and will be paid for a minimum of four (4) hours or the time worked, whichever is greater.

404 Breaks

Generally, employees may be allowed a paid break period of up to fifteen (15) minutes in the morning and fifteen (15) minutes in the afternoon. Break periods must be approved by the department head in accordance with the needs and requirements of each department.

405 Time records

All employees, except for elected and appointed officials and exempt employees under the Fair Labor Standards Act, are required to complete a time record in order to receive payment for time worked and/or authorized paid leave taken, in a given week. The following guidelines have been established for employees required to complete a time record.

1. All paid and unpaid absences must be recorded.
2. Time records must be verified and signed by the department head. A verified copy must be forwarded to the Bookkeeper's Office by 12:00 noon on Monday, for payroll computation, or in cases of a Monday holiday, by 10:00 A.M. on Tuesday.

3. An employee who uses a time clock must be present to punch in and out. Another employee cannot do it for them. Falsifying or altering your time sheet, or the time sheet of another employee, or completing a time sheet for another employee, is strictly prohibited, and can lead to disciplinary action, up to and including dismissal, in accordance with the applicable collective bargaining agreement or Civil Service Law (Section 75).
4. Any errors in time records should be immediately brought to the attention of your department head. The department head will make and initial the correction.
5. Unless prior approval has been obtained from the department head, arriving early or leaving late for the employee's own convenience is not to be included in working time, provided that the employee performed no pre-approved authorized or specified duties for the Town during such intervals.
6. In extenuating circumstances where employees are not able to complete their own time records, the department head is authorized to complete the time sheet on behalf of the employee.

500 ABSENCE POLICIES

501 Tardiness

Employees are expected to report to work on time each day. Tardiness can create a hardship for other employees as well as for the public we serve. Because of this, chronic tardiness is not acceptable and may be cause for disciplinary action, up to and including dismissal, in accordance with the applicable collective bargaining agreement or Civil Service Law (Section 75) (see Disciplinary Action chapter of this Handbook). If you are going to be late, you must notify your supervisor thirty (30) minutes before your scheduled starting time.

502 Notification of Absence

Employees must call their supervisor each day of absence and indicate the reason for such absence, except in the following instances:

- The absence was pre-authorized
- The absence is a pre-authorized extended one with a projected return date

Employees who leave their assignment during the work day must notify their supervisor prior to leaving.

If employees know in advance that they will be absent, they must notify their supervisor, who can approve reasonable absence requests.

503 Military Leave

The Town recognizes the importance of the Military Reserve and National Guard, and will permit full-time employees the use of military leave for active duty for up to thirty (30) calendar days in a calendar year. The Town will grant such leave and pay the difference between the employee's regular salary and the amount of military pay. Military Leave beyond the thirty (30) calendar days in a calendar year will be without pay. Accumulated vacation time can be used for any time in excess of the thirty (30) calendar days.

A copy of the orders sent by the military unit must be immediately provided to the Town when it is received by the employee in order for the employee to receive pay. Such orders will be kept in the employees permanent file.

The Town complies with all government regulations concerning employees who enlist in the military or who are called for active duty.

504 Jury Duty

Full-time employees and elected and appointed officials called to perform their civic responsibility of jury duty are provided with full pay and benefits during the period of service, except that any pay received from the Court for jury duty shall be deducted from the amount to be paid by the Town. Part-time, temporary or seasonal employees will be paid in accordance with Judiciary Law Sections 519 and 520. All employees will be allowed to retain any moneys received for mileage, meals and/or motels.

Employees released early from jury duty are expected to return to work, if two or more hours remain in their work day. In these instances, employees are allotted time to return home and prepare themselves for work.

The Town understands the demands of jury service and wants to insure that you are able to perform your responsibility. However, it is important that you do not take advantage of this situation and show consideration for fellow employees by completing work responsibilities to the fullest extent possible.

505 Family and Medical Leave Act

Policy

It is the policy of the Town to grant up to 12 weeks of family and medical leave during any rolling 12-month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA) and/or up to 26 weeks of leave in any 12-month period in compliance with the expansion of FMLA under The Support for Injured Servicemembers Act of 2007. 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. This policy supersedes any and all Policies or Resolutions addressing the same or similar subject matter.

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 employer for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive, provided a break-in-service does not exceed seven years (unless the break-in-service is due to National Guard or Reserve military service obligation). For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of the week or if the employee is on leave during the week.
2. The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

Type of Leave Covered

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

1. The birth of a child and in order to care for that 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 (children must be under age 18 unless incapable of self-care because of physical or mental disability)
4. The serious health condition of the employee (described below in C.3)
5. A qualifying military exigency (a covered family member's active duty or call to active duty in the National Guard or Reserves in support of a contingency operation)
6. To care for an injured or ill Servicemember

Definitions and Requirements

1. Child refers to a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis.
2. Spouse refers to a husband or wife as defined or recognized under state law for purposes of marriage under the state where the employee resides, including same-sex marriages.
3. Employee's Serious Health Condition: An employee may take leave because of a serious health condition that makes the employee unable to perform at least one of the essential functions of the employee's position. The County considers all responsibilities listed under "Typical Work Activities" sections of a job description as "essential" functions.

A serious health condition is defined as an illness, injury, impairment or mental condition that involves:

- a. Incapacity or treatment connected with in-patient care (overnight stay) in a hospital, hospice or residential medical care facility, including any period of incapacity; or
- b. Continuing treatment by a health care provider which includes one or more of the following:
 - i. A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
 - ii. treatment two or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); or

- iii. one treatment by a health care provider (i.e., an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy); or
- iv. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
- v. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
- vi. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
- vii. Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

If an employee takes Paid Time Off (PTO) (PTO is defined at Warren County as sick, vacation, personal time or a floating holiday) for a condition that progresses into a serious health condition and the employee requests FMLA leave for the same condition as provided under this policy, the Town may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

- 4. Qualifying Military Exigency: An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty in the National Guard or Reserves, or who is already on active duty in the National Guard or Reserves may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave, except that the person does not have to be a minor. Reasons related to the call-up or service may include items such as:
 - Short-notice deployment,
 - Military events and related activities,
 - Arranging for childcare and school activities,
 - Addressing financial and legal arrangements,
 - Attending certain counseling sessions,
 - Rest and recuperation,
 - Post-deployment activities, and
 - Additional activities where the employer and employee agree to the leave.

The leave may commence as soon as the individual receives the call-up notice. This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a rolling 12-month period.

Employees requesting this type of FMLA leave must provide proof of the qualifying family member's call-up or active military service in the National Guard or Reserves and other documentation as requested before leave is granted.

Employees requesting leave based on a qualifying family member's short notice deployment leave (deployment with 7 days or less notice) must provide proof of the qualifying family member's deployment with the National Guard or Reserves before leave is granted. Requests

under this section will not require additional documentation and are not to exceed 7 days.

Employees requesting leave based on a qualifying family members short-term Rest and Recuperation (“R & R”) leave from a deployment with the National Guard or Reserves must provide proof of the qualifying family member’s “R & R” leave before leave is granted. Requests under this section will not require additional documentation and are not to exceed 5 days.

5. To Care for an Injured or Ill Servicemember: This leave may extend to up to 26 weeks in a rolling 12-month period for an employee whose spouse, son, daughter, parent or next-of-kin is injured or recovering from an injury suffered while on active military duty and who is unable to perform the duties of the Servicemember’s office, grade, rank or rating. Next-of-kin is defined as the closest blood relative of the injured or recovering Servicemember. An employee is also eligible for this type of leave when the family Servicemember is receiving medical treatment, recuperation or therapy, even if the Servicemember is on temporary disability retired list.

Employees requesting this type of FMLA leave must provide certification of the family member or next-of-kin’s injury, recovery or need for care. This certification is not tied to a serious health condition as for other types of FMLA leave. This is the only type of FMLA leave that may extend an employee’s leave entitlement beyond 12 weeks to 26 weeks. Other types of FMLA leave are included with this type of leave for a maximum of 26 weeks.

Calculation of Employee Leave Years

An eligible employee can take up to 12 weeks (26 weeks to care for an injured or ill Servicemember) under this policy during any 12-month period. The employee may take FMLA leave in consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the work week or work day, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 work weeks (or 26 work weeks to care for an injured or ill Servicemember) over a rolling 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 (or 26) weeks of available leave with the balance remaining being the amount the employee is entitled to take at that time.

If a married couple both work for the Town, if both are eligible for FMLA, and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent in-law) with a serious health condition, the married couple may only take a combined total of 12 weeks of leave (or combined 26 weeks of leave to care for an injured or ill Servicemember).

Requesting a FMLA Leave of Absence – Process and Requirements

To request a FMLA leave of absence contact the Supervisor or your Department Head will provide you with applicable forms and information about your rights and responsibilities under FMLA. You must give notice of the need for a FMLA leave of absence at least thirty (30) days before any foreseeable leave. If thirty (30) days’ notice is not practical because of an emergency

or other circumstance, the leave should be requested as soon as possible (within two business days of learning of the need for leave).

In all cases, employees will be required to complete an appropriate Certification form, which will be provided by Human Resources. The employee must respond to this request within fifteen (15) days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of the leave request. If the certification is deficient or incomplete, the employee will be given seven (7) days to cure the deficiencies and return the form to the Supervisor's office. The leave request may be denied if the employee either fails to return the form by the seventh (7th) day, or returns the form without adequate corrections or clarifications.

To request a leave for a serious health condition on a continuous or intermittent basis, you will be required to submit information from an appropriate health care provider confirming the existence of the serious health condition and other relevant information. The Town will provide you with a medical Certification of Health Care Provider for Serious Health Condition form for this certification.

Periodic reports and additional physician certifications may also be required during leave. The Town may, at its own expense, require a second (or third) opinion regarding a medical certification. If you fail to provide timely certifications, your leave request may be delayed or denied.

For a serious health condition of your family member, a medical certification about the needed care for the family member, information about the care of the family member, and an estimate of the time needed must be provided from the eligible family member's physician. The Town will provide you with a medical Certification of Healthcare Provider for Family Member's Serious Health Condition form for this certification.

For care of an injured Servicemember, a medical certification about the needed care for the Servicemember, information about the care for the Servicemember, relationship to the Servicemember, and an estimate of time needed must be provided from the Servicemember's physician. Human Resources will provide you with a medical Certification for Serious Injury or Illness of a Current Servicemember form for this certification.

For a qualifying exigency, a copy of the Servicemember's orders will be necessary to prove the active duty status or impending call to active duty status in support of a contingency operation. In addition, an estimate of time needed must be provided by the employee. Human Resources will provide you with a Certification for Qualifying Exigency form for this certification.

The Town will provide you with a notification within five days of receiving your complete Certification. The notification will specify whether your leave request was approved, or reason for denial, as applicable.

Any misrepresentation in FMLA certifications and/or re-certifications presented to the County may result in disciplinary action up to and including termination of employment.

Taking Time Off Under an Approved FMLA Leave of Absence – Process and

Requirements

Employees are required to report all absences under approved FMLA both to their Supervisor and Department Head.

1. Continuous Leave - Employees taking continuous leave may report the entire absence at once. Employees taking continuous leave, that are approved to return to work prior to the original leave end date, must notify their Supervisor and Department Head so that their hours may be accurately adjusted. A medical doctor's release to return to work will be required for those who are on leave for their own serious medical condition.
2. Intermittent Leave - Employees taking intermittent leave must report each absence to the Supervisor and Department Head. Failure to report your absences to both parties may result in disciplinary action.

When FMLA Leave is requested due to the employee's own serious health condition, the employee must use any accrued sick leave prior to approval for non-paid leave.

When FMLA Leave is requested due to any of the remaining 5 types (see B. Type of Leave Covered on page 1) of leave, the employee must comply with the Sick Leave and/or Medical Leave provisions of their Collective Bargaining Agreement.

Intermittent Leave

Intermittent or a reduced schedule leave must be scheduled so as not to unduly disrupt the Town or Department operations whenever possible. The employee must reach agreement with the Supervisor and Department Head before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary. If the employee has an approved or pending intermittent leave, and have a planned absence, the employee will be required to report that absence to the appropriate management representative (Supervisor and Department Head) 30 days prior to the absence, if possible. If 30 days' notice is not possible, the employee must report the absence in a timely manner to their Supervisor and Department Head.

The minimum permissible increment of FMLA time off is one hour. Employees may not take FMLA leave time in less than one hour increments. During those one-hour increments of FMLA time, employees will not be permitted to work even if they only needed 15 minutes of time off (such as late arrivals, for example).

Employees taking intermittent FMLA leave are required to follow the Town's established attendance and call-off procedures unless it is not reasonably possible. If it is not reasonably possible, then employees taking intermittent FMLA leave will be required to notify their Supervisor or if not available the Department Head of the special circumstances under which they could not comply as soon as reasonably possible. Failure to report absences with the required attendance/tardiness reporting guidelines without sufficient showing of special circumstances may result in disciplinary action.

If an employee would otherwise be required to work overtime (such as mandatory overtime), but cannot do so because of FMLA leave, the overtime hours the employee would have worked also count as FMLA leave. If overtime is voluntary, the overtime an employee is not able to work because of FMLA leave does not count as FMLA leave.

Holidays are counted as FMLA leave if the employee is on FMLA leave the entire week in which a holiday falls. If the employee takes FMLA leave for less than a full workweek in which a holiday falls, the holiday does not count as FMLA leave.

The Town may temporarily reassign an employee on an intermittent or reduced schedule basis to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care, if in the Town's judgment, better accommodates the leave.

For the birth, adoption or foster care of a child, the Town and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

The Town will request re-certification of qualifying FMLA reasons as often as permitted by law. Failure to produce such recertification may result in denial of the leave request. As permitted by law, the Town may contact the employee's health care provider to authenticate or clarify FMLA certifications and /or re-certifications.

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, provided the employee continues to pay his or her portion of the health care premiums.

Under current policy, the employee pays a portion of the health care premium. While on paid leave (i.e. using sick time in conjunction with FMLA), the Town will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make these payments, to the Town. The payments must be received by the 15th day of each month. If payment is not received by the 30th of each month, it will result in termination of coverage. The Town's Benefit Broker will provide 15 days' notification prior to the employee's loss of coverage.

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.

Procedure for Returning to Work Following Leave for Serious Health Condition for the Employee

Employees returning to work following leave for their own serious health conditions are required to provide a complete and sufficient Return-to-Work and Fitness for Duty Certification, which must be completed by the health care provider in conjunction with review of the employee's job description and physical demands. The physician must indicate the employee is able to resume the major and essential functions of the job. The County considers all responsibilities listed under "Typical Work Activities" sections of a job description as "essential" functions.

The Return-to-Work and Fitness for Duty Certification form and job description may be obtained from your Supervisor, Department Head or Human Resources. This Return-to-Work and Fitness for Duty Certification must be submitted within 15 days of, and no later than two days prior to the anticipated return to work date.

If the Return-to-Work and Fitness for Duty Certification is incomplete or insufficient, the employee will be given seven calendar days to cure the deficiencies. Failure to provide Return-to-Work and Fitness for Duty Certification in the 15-day time period or to cure deficiencies within the seven-calendar day period without reasonable explanation will result in the employee not permitted to return to work.

Employees who have a disability under the ADA may be provided reasonable accommodations or extensions of leave and should refer to the Warren County Americans with Disabilities Act (ADA) Policy. A copy of which is available on our website; see Resolution 356 of 2013, or contact the Self-Insurance Department.

Employee Status after Leave

An employee who takes leave under this policy will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same in terms of pay, benefits and working conditions.

The County may choose to exempt certain key employees from this requirement and not return them to the same or similar position. Key employees are defined as Management, Non-Bargaining Unit, salaried employees who are among the highest paid 10 percent of all employees.

Maximum Leave of Absence and Termination of Employment

If you fail to return to work on the first day after your FMLA leave expires, New York State Civil Service Law Sections 71 or 73 may be initiated. Job restoration is guaranteed for up to 12-weeks of FMLA leave, except under circumstances provided by law. The County's PTO allocations for Vacation, Personal Leave and Floating Holidays may be used at the conclusion of FMLA with prior approval of the Supervisor and Department Head.

Employment While Out on Leave

An employee's inability to perform job duties while out on FMLA or any other authorized leave of absence for the County, is assumed to extend to any other job duties the employee may have outside of the County employment as indicated in the employee's medical certification.

If you are not on an approved FMLA Leave or you give a false or non-validated reason for a leave of absence, termination of employment will be pursued through New York State Civil Service Law Section 75.

600 COMPENSATION

601 Pay Period

Salaried employees shall be paid semi-monthly. Hourly employees are paid on a weekly basis. The payroll period is Monday through Sunday. Paychecks are distributed and direct deposits are made to employees on Thursday. Zoning and Planning Board members are paid once a month. If a holiday falls on a Thursday, the paycheck will be distributed or deposit made on the preceding Wednesday.

The Town offers a direct deposit option, whereby money is deposited into the employee's bank account on Thursday of the pay week. If you are interested in having your paycheck directly deposited into your account, please contact the Bookkeeper's Office. The Town reserves the right to limit the number of banks to which direct deposits will be made.

602 Authorized Check Pick-Up

Authorized check pick-up by other than the employee must be agreed to in advance, in writing, between the employee and the Bookkeeper's office. The Bookkeeper will in turn notify the Department Head.

603 Payroll Deductions

In compliance with government regulations, the Town of Chester deducts the required portion of each' employee's pay for Federal, State and Social Security Tax. Any deductions authorized by the employee, such as: insurance premiums, retirement system contributions, union dues, Christmas Clubs, Deferred Compensation, U.S. Savings Bonds, or other employee authorized deductions, will be noted on the paycheck.

604 Expense Reimbursement

All purchases made by employees must be pre-authorized. Pre-authorized expenses will be reimbursed to employees upon submission of a voucher and proper documentation forms and corresponding receipts. These expenses include, but are not limited to, meals, lodging, parking, mileage and tolls.

Prior approval of the Town Board is required for expenses of attendance at training conferences and seminars in order for the expenses to be reimbursed. General Municipal Law Section 77-b requires that expenses be limited to actual and necessary expense and reimbursement is subject to limitations and rates set by the Town Board. After the fact ratification of attendance is not permitted by General Municipal Law Section 77-b.

The Town of Chester follows the rules for reimbursement of expenses as set forth in the New York State Comptroller's Local Government Management Guide. That management guide is available in the bookkeeper's office.

605 Mileage Reimbursement

Employees who are authorized to use their own vehicle to conduct Town business will be reimbursed a mileage rate established by the Town Board. That rate has generally been established by the Town Board as the rate established and revised by the Internal Revenue Service for business mileage deductions.

606 Overtime Pay and Compensatory Time

It is the Town's policy to request and/or authorize overtime pay or compensatory time only when absolutely necessary. All overtime and compensatory time must be pre-approved by the Highway Superintendent for Highway Department employees or the Town Supervisor for all other employees.

Union Employees

Union employees who are required by their department head to work in excess of a standard work day set forth in the CSEA Agreement with the Town or forty (40) hours in a work week are eligible to receive overtime pay or compensatory time. The eligibility and calculation for overtime and compensatory time varies with respect to holidays, vacations, emergency situations, etc. Bargaining unit employees should refer to the union contract regarding the details for overtime pay and compensatory time.

Non-Union Employees

Non-union employees who are entitled to overtime pay and compensatory time who work in excess of forty (40) hours in a work week, have the option of payment at time plus one-half or compensatory time off at time plus one-half. However, compensatory time off must be used in the pay period immediately following the week it was earned. Unused compensatory time off will be paid as overtime at time plus one-half at the end of the week immediately following the week it was earned. The subsequent time sheet should have the unused time added to the weekly total and approved by the department head prior to submission of the time sheet to the Bookkeeper's Office. Employee time sheets should clearly mark overtime to be carried over as compensatory time. Time sheets which are not clearly marked for carryover will automatically be paid by the Bookkeeper's Office. No adjustments will be allowed.

607 Longevity Pay

Longevity pay is given to eligible CSEA employees per the terms of their union contract.

608 Uniforms/Uniform Service

The Town pays an allowance for purchase of uniforms for CSEA employees in accordance with the CSEA contract. Details regarding uniforms and uniform service allowance are outlined in the CSEA contract. If the employee chooses to wear uniforms which have not been required or authorized by Town Board Resolution, then the employee must pay the full cost of such uniforms.

700 EMPLOYEE BENEFITS

The Town offers full-time employees and full time elected officials (except councilmen and councilwomen) a comprehensive benefit package, including medical insurance, vacation, sick time, personal days, holidays set forth herein and bereavement leave. To be considered full time, an employee or official must be a mandatory member of the "New York State and Local Retirement System" (30 hour or more standard work week 52 weeks per year).

Permanent part-time employees receive vacation, sick-time, personal days, holidays and bereavement leave on a pro-rated basis.

Temporary seasonal employees do not receive any of the benefits specified above, however they are provided with benefits as required by law.

For purposes of defining eligibility for benefits, full-time, permanent part-time and temporary/seasonal employees are defined as follows:

Full-Time: Employees who work a minimum of thirty (30) hours per week on a permanent and continuous annual basis and the Town Assessor, pursuant to the Cooperative Assessing Agreement between the Town and the Town of Warrensburg.

Permanent Part Time: Employees who work twenty (20) hours per week, but less than thirty (30) hours per week on a permanent and continuous annual basis.

Temporary/Seasonal: Employees who work less than twenty (20) hours per week or who are employed less than 40 weeks per year or on a seasonal basis, regardless of the number of hours worked per week.

701 Health Insurance

The Town provides all full-time employees (as defined in Section 700) with a Health Insurance Plan. Coverage is provided for eligible spouses and eligible dependent children of full time employees and eligible elected officials .

Health Insurance - Employee Contributions

Current Town policy is to pay the health insurance premiums in full. It is expected that in the future the Town will require employees who choose health insurance offered by the Town to contribute a percentage of the total premium for health insurance. If a "Cafeteria Plan" is established by the Town Board such contribution may be made on a pre-tax basis, at the option of the employee.

Health Insurance for Retired Employees

Full-time employees who retire from the Town of Chester may be eligible to receive a health insurance benefit for themselves and their spouses. To be eligible for such coverage, the retiree (employee) must be age fifty-five (55) or older, eligible to receive a pension from the New York Employees Retirement System, and have at least ten (10) years of service with the Town if hired before January 1, 2016 or twenty (20) years if hired after January 1, 2016. Such health insurance shall continue until the death of such retiree (employee) as long as the retiree makes any required contributions on the same basis as required from time to time of current full time employees. Upon the death of such retiree, health insurance coverage for the retiree's spouse may be elected by the spouse within 60 days according to COBRA regulations at the spouse's expense (see section 702).

Health Insurance - General Information

Enrollment of eligible new employees is not automatic. If more than one health insurance plan is offered, new employees must make a selection from one of the health insurance plans within his/her first five (5) work days in order that coverage may be effective as of the first day of employment. Information booklets and enrollment forms will be provided by the Bookkeeper's Office.

It is the responsibility of each employee to:

1. Study the informational material that is provided and select one of the available plans.
2. Select individual or family coverage.
3. Complete enrollment forms and return them on time.

Providers are prepared to answer questions regarding the coverage provided and other related services that may be available. Phone numbers are included in the pamphlets. The Bookkeeper is ready to assist employees with the administrative and operational aspects of the Employee Health Insurance Program.

Keeping Coverage Up To Date

In order to keep his/her coverage up to date, the employee must notify the Bookkeeper if any of the following conditions occur:

1. Your Family Unit Changes:
 - a) You marry or divorce
 - b) You acquire a dependent
 - c) You no longer have eligible dependents
 - d) Your dependent loses eligibility
 - e) You no longer wish to provide coverage for a dependent
 - f) You have a disabled dependent
 - g) You or a covered dependent becomes eligible for Medicare benefits because of disability, although under age 65
 - h) Your spouse dies.

2. Your Status Changes:
 - a) You are going to retire from your Participating Agent
 - b) You are going on Leave Without Pay
 - c) You have questions about COBRA
 - d) You want to cancel your health insurance coverage to obtain dependent status under your spouse's coverage
 - e) You will become eligible for Medicare within the next four (4) months

3. You Have Questions:
 - a) Concerning your family's eligibility for health insurance coverage
 - b) About changing your type of coverage (Family or Individual)
 - c) Your Employee Benefit I.D. Card is lost or damaged
 - d) You or a dependent did not receive your Employee Benefit I.D. Card
 - e) You want to know how to coordinate your benefits with Medicare

4. Other:
 - a) You want to cancel your coverage
 - b) Your home address changes
 - c) You would like a Participating Provider Directory

702 Continuation of Benefits (COBRA)

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) offers employees, spouses and dependent children the ability to continue existing health insurance coverage, completely at their own expense, under certain qualifying conditions. It is the Town's policy to comply with New York State and federal regulations concerning this matter. The major provisions of these regulations are described below. This information is provided for informational purposes only and should not be relied upon for a complete description of the benefits available to employees. The State and federal regulations may change from time to time and the provisions in effect at the time that an employee is involved in a situation subject to these regulations will apply. Therefore, employees should consult the regulations themselves or seek professional assistance to review the current regulations applicable to their circumstances.

Employees have an election period of sixty (60) days after the occurrence of a qualifying event. Employees must be enrolled in the Town's health insurance plan at the time the qualifying condition occurs. This option must be taken at the time of separation or change of dependent status, and is in effect for a period of eighteen (18), twenty-nine (29) or thirty-six (36) months, depending upon specific circumstances.

Employees separated from employment, or whose coverage is discontinued as a result of a reduction in their hours, are qualified for coverage continuation for eighteen (18) months after the date of such occurrence. Former spouses and dependent children of employees who are no longer eligible to be covered on the Town plan, and of retired employees, are eligible for coverage for thirty-six (36) months. Certain disabled employees are eligible for twenty-nine (29) months.

If the required premium is not received by the Town at the time specified, the coverage will cease.

703 Dental Insurance

Dental insurance coverage is not available through the Town of Chester except as required by the Affordable Care Act for families with children through the age of 19 years.

704 Prescription Insurance

The current health insurance contracts of the health insurance plans offered by The Town provide prescription drug insurance for full-time employees and their eligible dependents. CSEA bargaining unit employees should consult their CSEA contract for details of the bargaining unit plan.

705 Holidays

All non-union full-time employees and elected and appointed officials are eligible for the following paid holidays. Permanent part-time employees receive holiday pay on a pro-rated basis. Temporary/seasonal employees are not entitled to receive paid holidays.

- New Year's Day
- President's Day
- Memorial Day
- Independence Day
- Labor day
- Martin Luther King Day
- Veteran's Day
- Election Day
- Thanksgiving Day and the following Friday
- Christmas Day
- Floating Holiday

Holiday Observance

When a holiday falls on a Saturday, the day of observance shall be on the preceding Friday. When a holiday falls on a Sunday, the day of observance shall be on the following Monday.

Union employees will receive holiday compensation in accordance with their union contract.

706 Vacation Policy

All full time non-union employees shall receive vacation in accordance with the schedule listed below. Union employees receive vacation days as provided in their contract. Permanent part-time employees receive vacation leave on based on their standard work day and work week. Temporary/seasonal employees are not entitled to receive vacation days.

AFTER COMPLETION OF:	VACATION (DAYS)
1 year of service	10
2 years of service	11
3 years of service	12
4 years of service	13
5 years of service	14
6 years of service	15
7 years of service	16
8 years of service	17
9 years of service	18
10 years of service	19
11 years of service	20

Vacation Accrual and Usage

Vacation credits are computed on the employee's anniversary date of hire. Employees shall request vacation time by completing a vacation request form and submitting it to their Department head at least three (3) days prior to the first vacation day of the request. Department heads have absolute discretion in the approval of an employee's vacation schedule.

Vacation Carry-Over

All employees are encouraged to use vacation leave in the twelve (12) month period immediately following the day in which it is earned. Vacation is not allowed to be accumulated or carried over from year to year, without the approval of the Town Board. However, vacation leave which is earned but unused due to Town request of the employee or denial of requested vacation time shall be paid in cash as of the last pay period in the twelve (12) months in which the employee could have taken such vacation, and shall not be paid, taken, used or credited at any other time or in any other manner.

Payment for Unused Vacation

Any employee who is terminated, laid-off, resigns or retires from the Town will be entitled to receive cash payment for unused vacation to which he/she is properly entitled. In any other circumstances, employees shall neither be entitled to nor provided with any payment for unused vacation.

707 Sick Leave Policy

The Town provides sick leave benefits for eligible full-time employees to be used only in cases of personal illness. Permanent part-time employees receive sick leave based on their standard work day/work week. Temporary/seasonal employees are not entitled to receive paid sick leave benefits.

Sick leave is an earned privilege and should be treated as one. Proper use of sick leave makes good sense. Accumulated sick leave means a paycheck when you cannot work and need it most.

Sick Leave Accrual and Accumulation

All full-time employees except CSEA employees earn sick leave at the rate of four (4) hours per month. Sick leave may be accumulated to a maximum of four hundred eighty (480) hours and may be taken in two (2) hour increments. CSEA employees sick time is set forth in the CSEA contract. Sick leave is credited in hours on the first day of the month in which entitlement occurs and shall be recorded on the first Monday of the month.

Advance Notice to Use Sick Leave

Unless otherwise specified in the CSEA contract, all employees must notify their department head or supervisor at least thirty (30) minutes prior to the time that the work shift commences of their request to use sick leave. If an employee fails to give proper notice, he or she shall not be compensated for sick leave for that day.

Physician's Verification

A department head may, at the end of an employee's use of three (3) consecutive sick days, request a physician's verification of an employee's illness or continued illness. Failure to produce such documentation may result in the employee being docked for those days if it has been found the employee has been abusing the use of sick leave.

Separation from Employment

If an employee is terminated, laid-off, or resigns from the Town, the balance of any unused sick leave is automatically lost.

Sick Leave at Time of Retirement

At time of retirement, full time employees, will receive cash payment at the regular rate of pay for one-third of accumulated sick leave, up to a maximum accumulation of four hundred eighty (480) sick leave hours.

Sick Leave Bank

In the event of an employee's catastrophic illness or injury which causes the employee to exhaust all of his/her sick leave, personal leave, vacation leave, floating holidays and comp time, if any, other employees may donate up to ten percent (10%) of their sick leave benefits to that individual. Town Board approval is not required for these transfers.

708 Personal Leave Policy

The Town provides personal leave for full-time employees for their personal use. Full-time employees receive three (3) personal leave days at the completion of each year of continuous employment. Permanent part-time employees receive personal days on a pro-rated basis. Temporary/seasonal employees are not entitled to receive paid personal leave.

The use of personal leave by an employee must be pre-authorized by the department head. Employees must give at least a one (1) day notice to their supervisor of their intent to use personal leave.

Personal leave cannot be accumulated or carried over into the following year. Unused personal leave shall not be paid in cash at any time.

Personal leave may be taken in two (2) hour increments.

709 Bereavement Leave Policy

In the case of a death in the family, full-time non-union employees are granted a certain number of paid bereavement days which do not have to be subtracted from any of the employee's leave balances. The number of bereavement days allowed is outlined below. Permanent part-time employees receive bereavement leave on a pro-rated basis. Temporary/seasonal employees are not entitled to receive paid bereavement leave.

EMPLOYEE'S FAMILY MEMBER	BEREAVEMENT LEAVE DAYS ALLOWED
Wife	5
Husband	5
Mother	5
Step-Mother	5
Father	5
Step-Father	5
Daughter	5
Son	5
Step-Daughter	5
Step-Son	5
Sister	5
Brother	5
Mother-in-Law	2
Father-in-Law	2
Daughter-in-Law	2
Son-in-Law	2
Grandmother	1
Grandfather	1
Granddaughter	1
Grandson	1
Sister-in-Law	1
Brother-in-Law	1

Bereavement Leave commences the date of notice of the death of the family member and is to be taken in consecutive calendar days. Union bargaining unit employees should refer to their union contract for bereavement leave policies.

CSEA employees bereavement leave policy is set forth in the CSEA contract.

710 Workers' Compensation

Workers' Compensation benefits, including payment of medical costs and replacement of lost wages up to the regulated maximum, are provided for all eligible employees who suffer a job

related injury. The cost of Workers' Compensation is paid entirely by the Town. If the employee claims sick leave for the absence, the Worker's Compensation benefits attributable to the sick leave days must be reimbursed to the Town, but the pro-rata sick leave will be computed by the Town and restored to the employee's available sick leave days.

It is the employee's responsibility to submit a written report of the injury to his/her department head within forty-eight (48) hours of the accident in order to ensure prompt coverage of the claim. In the event of the employee's incapacitation, the department head will complete and submit the required forms on behalf of the injured employee.

711 Disability Insurance

All full-time and permanent part-time Town employees are covered by New York State Disability Insurance at no cost to the employee. The employee has the option of using accumulated leave time in the event of disability. Elected officials are not covered according to the Town of Chester's insurer.

712 Unemployment Insurance

Unemployment Insurance is available to those individuals who are ruled eligible for benefits by the State Department of Labor and have served the appropriate waiting period. The cost of this coverage is paid entirely by the Town.

713 Social Security

Social Security Benefits are available for retirement, survivor's benefits, and medical costs under qualifying conditions, as determined by the Federal Social Security Administration Office. Employee contributions to Social Security (FICA) are matched by the Town. In addition, the Town reimburses to employees who retire from the Town the amount deducted for Medicare from Social Security payments.

714 The New York State Employees Retirement System (ERS)

The Town offer's the New York State Employees Retirement System Plan (ERS) for all employees. This plan provides eligible employees with a pension upon retirement from service. An employee has a vested right to retirement benefits after the number of years of service provided in the ERS depending on Tier level in effect when employee joined the ERS. In the event that an employee leaves after the number of years required to vest), prior to retirement age, he/she may receive a benefit at retirement age related to those years as a government employee. Any employee who plans to retire should submit written notification to his/her department head at least one year before the date of his/her retirement.

Membership in the New York State Employee's Retirement System is either **mandatory** or **optional**:

1. **Mandatory Membership:** Anyone who began employment with the State of New York or with a participating employer, on or after July 27, 1976, is required to enroll in ERS if he or she is considered to be a full-time employee. Employment is considered full-time unless:
 - a. The employee' standard work week is less than 30 hours per week; or
 - b. The annual compensation for the position is less than the State's minimum wage multiplied by 2,000 hours; or
 - c. The person is employed in a position which will be terminated within one year of its commencement; or
 - d. The position is either provisional or temporary under Civil Service Law; or
 - e. The position is held on a less than 12 month per year basis. (i.e., temporary/seasonal employees).

NOTE: Persons who are appointed to a permanent, full-time position on a probationary basis are mandatory members of the ERS effective on the date of the probationary appointment.

2. **Optional Membership:** All Town employees have the right to join the ERS. To exercise this option, employees must complete an ERS application form which can be obtained from the Bookkeeper's Office. Any employee who is not mandated to join the ERS and who chooses not to join, must complete an ERS waiver of enrollment form. If you have any questions regarding the retirement plan, please contact the Bookkeeper.

800 SAFETY

801 Safety Procedures

To be successful, a safety program must foster awareness of injury and illness prevention on the part of all employees. It also requires cooperation in all safety and health matters. Only through such a cooperative effort can a safety program be administered. Our objective is to reduce the number of injuries and illnesses to an absolute minimum. Our safety program includes, but is not limited to, the following:

- Providing mechanical and physical safeguards to the maximum extent possible.
- Conducting inspections to find and eliminate unsafe working conditions or practices, to control health hazards, and to comply with the safety and health standards for every job.
- Training all employees in good safety and health practices.
- Providing necessary personal protective equipment and instructions for its use and care.
- Developing and enforcing safety and health rules and requiring that employees cooperate with these rules as a condition of employment.
- Investigating, promptly and thoroughly, every accident to find out what caused it and to correct the problem so that it won't happen again.
- Providing First Aid kits and fire extinguishers in various locations throughout our buildings and facilities.

All employees are encouraged to attend safety trainings as provided by the Town and the Warren County Self-Insurance Program.

Accident Plan

In the case of an accident, stop work immediately and take the following steps:

1. Eliminate the immediate cause of the accident.
2. Provide aid to the injured person and summon for assistance.

3. Call your department head immediately. If the accident appears serious, call an ambulance.
4. Take steps to prevent a second accident.

Accident Reporting Procedures

1. When an accident occurs which results either in the loss of an employee's work time, or in the provision of medical care to an employee, the employee's supervisor must complete an *Employer's Report of Injury Form(C-2)*. This form must be submitted to the Bookkeeper's Office within six (6) days of the accident.
2. When an accident occurs which does not result in the loss of an employee's work time, or in the provision of medical care to the employee, the employee's supervisor must complete a *Supervisor's Report of Incident Form*. This form must be submitted to the Bookkeeper's Office within six (6) work days of the accident.
3. A log of injuries will be maintained by the Bookkeeper's Office and retained for five (5) years following the end of the calendar year to which it relates.
4. A copy of this log, which includes totals and information for the year, will be posted in each department or areas where notices to employees are customarily posted.

To protect all employees, and to safeguard equipment and property, it is our policy that no employee will perform any type of work until he/she fully understand the correct operation and possible hazards involved, safety procedures, and the necessity of safety equipment. The Department Head or Safety Officer is responsible for an employee receiving adequate training. Accidents can be prevented through use of reasonable precautions and the practice of safe working habits.

802 Hazard Communication Program

The Town considers Hazard Communication and the prevention of workplace injuries and illnesses to be of prime importance. Accident control involves the safety and well-being of our employees.

We are committed to providing a safe and healthy work environment. We comply with all Federal, State and local laws regarding hazard recognition, accident prevention, and working conditions.

This portion of our comprehensive safety program has been prepared to comply with the requirement of Title 29 of the Code of Federal Regulations 1926.59.

It is intended to ensure that all information necessary for the safe use, handling and storage of hazardous chemicals be made available to employees.

The following are guidelines for the identification of chemical hazards and the preparation and proper use of containers, labels, placards, and other types of warning devices.

Chemical Inventory

The Town maintains an inventory of all known chemicals in use. A chemical inventory list is available from your supervisor.

Container Labeling

All chemicals on site will be stored in their original or approved containers with a proper label attached. Any container not properly labeled shall be given to the supervisor for labeling or proper disposal.

Workers may dispense chemicals from original containers only in small quantities intended for immediate use. Any chemical leftover must be returned to the original container or to the supervisor for proper handling.

No unmarked containers of any size are to be left in the work area unattended.

The Town will rely on manufacturer applied labels whenever possible, and will ensure that these labels are maintained. Containers that are not labeled or on which the manufacturer's label has been removed, will be re-labeled.

The Town will ensure that each container is labeled with the identity of the hazardous chemical contained and any appropriate hazard warnings.

Material Safety Data Sheets (MSDS)

Employees working with a Hazardous Chemical may request a copy of the material safety data sheet (MSDS). MSDS are available on file. A standard chemical reference is also available to provide immediate reference for chemical safety.

Employee Training

Employees will be trained to work safely with hazardous chemicals. This training program covers the following areas:

1. The methods used to detect the release of hazardous chemicals in the workplace
2. The physical and health hazards of chemicals and the measures used to protect employees
3. Safe work practices
4. Emergency responses to the exposure of hazardous chemicals
5. The proper use of personal protective equipment

Information will also be provided on Hazard Communication Standards, including labeling and warning systems, and an explanation of the use of Material Safety Data Sheets.

Personal Protective Equipment (PPE)

Required Personal Protective Equipment (PPE) is available from your supervisor. Employees may be required to wear special safety equipment as directed by the supervisor. Employees must comply with the supervisor's request. Any employee who does not follow the supervisor's instruction is in violation of PPE requirements and may be subject to disciplinary action.

Depending on job duties, employees must routinely wear protective devices, such as gloves, as directed by the supervisor.

Emergency Response

Any incident of overexposure or spill of a hazardous chemical/substance must be reported to your supervisor at once. The supervisor will be responsible for insuring that proper emergency response actions are taken in leak/spill situations.

Hazards of Non-Routine Tasks

Department heads will inform employees of any special tasks that may arise which would involve possible exposure to hazardous chemicals.

Review of safe work procedures and use of required PPE will be conducted prior to the start of these tasks. Where necessary, areas will be posted to indicate the nature of the hazard involved.

900 THE CIVIL SERVICE SYSTEM

901 The Merit System

It is written in the New York State Constitution that all appointments and promotions in the civil division, thereof, should be based on merit and fitness and so far as practicable after competitive examination. As a Town employee, you are now part of this merit system.

902 The Unclassified and Classified Services

All positions in the Town are included in either the Unclassified or Classified Service. An explanation of these two services is as follows:

1. **Unclassified Service** - Consists of those employees, among others, who are elected officials and/or members of boards or commissions.
2. **Classified Service** - Includes all other Town employees who are subject to the rules and regulations of the Warren County Civil Service Commission. The Classified Service is divided into four (4) jurisdictional classes:

- a. Competitive - those positions for which it is practicable to determine merit and fitness by competitive examinations.
- b. Non-Competitive - those positions for which it is not practicable to ascertain the merit and fitness of applicants by competitive examination, but rather by a review of training and experience.
- c. Exempt - those positions for which competitive or non-competitive examinations or other qualification requirements are not practicable.
- d. Labor - those positions which require no specific minimum requirements.

903 Veteran's Credits

If you are a veteran, you may be eligible to apply for veteran's credit on a Civil Service examination. Veteran's credits may be added to a passing score, and may be used for appointment purposes only once. Veterans are encouraged to contact the Warren County Civil Service Commission for details concerning these credits.

904 Eligible Lists

Candidates who pass an examination are placed on an eligible list in the order of their passing mark. Permanent appointments from this list must be in compliance with Civil Service Law.

905 Appointments

The following types of appointments are made to positions which are classified as Competitive:

1. **Permanent** - employees in the competitive class who are appointed to vacant positions from an eligible list established as a result of examination and who successfully complete the probationary term.
2. **Provisional** - appointments made whenever there is not an appropriate eligible list available for filling a vacancy in the competitive class. Provisional appointees are required to take an examination whenever it is scheduled. At such a time, the provisional appointee will be required to compete with all other qualified applicants on terms which give no advantage to the incumbent. A permanent appointment will thereafter be made on the basis of the eligible list resulting from the examination. Employees appointed provisionally for non-promotional positions have no Civil Service protection.
3. **Temporary** - temporary appointments may be made in the competitive class for a variety of reasons including: a need for emergency work; planned termination of a position in a short time; an employee is on a leave of absence; the position is funded through a temporary grant; or in cases where an employee has been appointed to a position vacated through the promotion of another employee. Until the employee who has been promoted receives permanent status, the other employee's status remains temporary. Temporary

appointments may be for a period of up to twelve (12) months. Since the temporary job falls within the scope of the competitive class, it is subject to the following provisions:

- a. A temporary appointment for one (1) to three (3) months may be made without referring to an eligible list.
- b. A temporary appointment for three (3) to six (6) months may be made by selection of anyone on an eligible list.
- c. A temporary appointment for more than six (6) months may be made if the candidate is among the top three (3) candidates and is willing to accept a temporary position, or if a current eligible list does not exist for that particular position.

906 Examinations and Promotions

Competitive Class positions in the Town are filled by examinations. Candidates are ranked according to their performance on the examination. The names of the top three (3) applicants are sent to the appointing officer who then chooses one (1) of the three to fill the position. The Town offers opportunities for advancement for those who qualify. Normally, qualified employees must take a promotional examination, in which case the above "rule of three" would apply. Employees wishing to advance in their careers are encouraged to become quite knowledgeable about their present position and be aware of higher level positions for which they may be qualified.

907 Probationary Period

Non-Union Employees

All employees appointed to a permanent position in the competitive, non-competitive, and labor class must successfully complete a probationary period. The length of the probationary period for permanent appointments, promotions, transfers and reinstatements is outlined in the Warren County Civil Service Rules. All permanent appointments from an open-competitive list and every original permanent appointment to a position in the non-competitive, exempt or labor class, have a probationary period of not less than (8) eight or no more than (26) twenty-six weeks.

Union Employees

The probationary period for union employees is outlined in the union contract.

If an employee's performance or conduct during probation is not satisfactory, the individual may be dismissed or returned to her/his previous position in Town service.

The probationary period is necessary for an employee to become familiar with the specific duties of a particular job. This period also allows the department head an opportunity to observe the employee's work performance and to make recommendations for his/her future growth and development in the position.

1000 TOWN POLICIES AND PROCEDURES

1001 Personal Appearance/Dress Code

While it is not the Town's intention to dictate the personal wardrobe of its workforce, the appearance and dress of employees are important in creating a favorable image supportive of the public confidence. In general, employees are encouraged to maintain their personal appearance in a manner which will reflect a good image to the public. In addition, all safety clothing must be worn by those employees required to do so by their department head.

1002 Drug-Free Workplace Policy

The Town Board, in the interest of providing a safe work environment and a healthy productive workforce, has adopted the following Drug-Free Workplace Policy, which is consistent with the Federal "Drug-Free Workplace Act of 1988":

Statement

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is strictly prohibited in all work places and work sites of Town employees. Any person who violates this prohibition may be referred for counseling or rehabilitation and satisfactory treatment or be subject to disciplinary action, up to and including dismissal, even for the first offense.

Employee Assistance

In establishing a drug-free workplace, it is the Town's policy to work with employees suffering from drug abuse so that they will receive assistance necessary to overcome their dependency. Any employee seeking such assistance is encouraged to contact his/her department head to discuss the situation before problems begin to surface in the workplace. Any disclosures made by an employee will be treated as strictly confidential by the department head. The employee's decision to seek assistance will not be used as the basis for disciplinary action or used against the employee in any disciplinary proceeding.

Employee Responsibilities

As a condition of the Town receiving Federal grant moneys, every employee must abide by this policy and notify his/her department head of any criminal drug conviction occurring in the workplace, within five (5) days of the conviction.

Town Responsibilities

The Town will notify the granting federal agency within ten (10) days after receiving notice from an employee of such a conviction or otherwise receiving actual notice of such conviction.

1003 Substance Testing Policy

The Town of Chester has adopted a Substance Testing Policy that is in compliance with the "Omnibus Transportation Employee Testing Act of 1991, Controlled Substances and Alcohol Use and Testing" as outlined by the Department of Transportation in 49 CFR Parts 40, 382, and 391 of the Code of Federal Regulations. The purpose of this policy is to reduce accidents resulting

from an employee's use of controlled substances and alcohol, thus reducing fatalities, injuries and property damage.

The Town of Chester's Substance Testing Policy applies to all employees who drive commercial motor vehicles requiring a commercial driver's license to operate. The Substance Testing Policy defines many important details of our program, such as testing implementation, prohibitions and consequences, procedures, costs, and disciplinary action. All covered employees will receive a written copy of this policy and will be required to sign an Employee Acknowledgment Form. This form shall be placed in the employee's personnel file.

Employment Non-Discrimination Policy

The Town of Chester will not discriminate against driver applicants or drivers because of past drug or alcohol abuse, as long as the applicant demonstrates he/she has received appropriate treatment and tests negative for drug use. It is the current use of alcohol and drugs that will not be tolerated in our workforce.

1004 Smoking and Open Burning Policy

The following smoking and open burning policy applies to all Town employees:

1. Smoking is prohibited in the Town Municipal Center (unless a separate smoking area is designated by the Town Board).
2. Smoking shall be prohibited in Town vehicles occupied by more than one person unless all occupants of such vehicles agree that smoking may be permitted.
3. Open flames of any kind, including candles, are prohibited in the Town Municipal Center.

Any questions concerning this smoking and open burning policy should be directed to the Town Supervisor.

1005 Telephone and Computer Use

In order to achieve our goal of effective public service, it is important to maintain good relations with the residents of our community. Remember these people are not only taxpayers, but are also our employers. When conducting Town business on the telephone, be sure to follow these brief guidelines:

1. During office hours, be sure someone is always in your office to answer the telephone. if your department has a limited staff, make arrangements with another department for telephone coverage or make sure an answering device is in operation.
2. Answer promptly, speaking in a clear, friendly and courteous tone. Identify your office and yourself.
3. If a call is not for you, be sure to transfer the caller to the correct party.

4. If you must hold a call, return to the line frequently so the caller will not think she/he has been forgotten.
5. Personal long distance calls are strictly prohibited.
6. Employees are prohibited from accepting collect calls without the approval of the department head or supervisor.
7. Employees are limited in the personal use of our telephones except in the case of emergencies, or to check briefly on family matters.

Personal Cell Phone Use

Use of personal cell phones shall be limited so as not to interfere with your work tasks. Be considerate of your coworkers and do not interfere with their ability to carry their tasks as well.

When using Town vehicles and equipment cell phones shall not be used, as per New York State regulations.

Computer Use

All employees who use the Town's computers, computer system, and Internet connection must read and sign the Town of Chester Computer Usage Policy as found in Appendix C.

1006 Unauthorized Work

Employees are expected to perform work only for the Town during the work shift. Any employee who performs unauthorized work, claims that Town work has been done when such is not the case, or performs any act of fraud or deceit, will be subject to disciplinary action, up to and including dismissal, in accordance with the applicable collective bargaining agreement or Civil Service Law (Section 75).

Employees may only work at the Town Municipal Center during regular business hours. An employee wishing to work at the Municipal Center at any other time must obtain prior authorization from his/her immediate Supervisor.

1007 Vehicle Usage Policy and Procedures

This policy applies to all employees who use a Town vehicle to conduct business on behalf of the Town.

Vehicles which have been purchased by the Town of Chester are intended for use by Town employees in the performance of their official duties, and are not to be used for personal transportation. In situations where the performance of official duties requires that the employee be on call and available at all times other than the normal work day, it may be financially advantageous and in the best interest of the Town to allow the employee to use a Town vehicle

for travel between their official domicile and their job site to ensure a rapid response in emergency situations.

In situations where an employee is required to use a Town vehicle for travel between their official domicile and their job site the Town will consider the associated costs as compensation and withhold all appropriate taxes according to the federal and state tax code.

1. Vehicles purchased' by the Town are intended for use by Town employees in the performance of their official duties, and are not intended to be used for personal transportation.
2. All Town vehicles will be clearly identified as such, and will display the Town Seal on the front doors.
3. In situations where an employee's official duties require them to be on call and available at times other than the normal work day, employees may be allowed, by Town Board Resolution, to use a Town vehicle for travel between their official domicile and their job site in order to ensure a rapid response in emergency situations.
4. The Town Supervisor will identify on an annual basis all Town employees who are authorized to drive Town vehicles.
5. The Town supervisor will identify on an annual basis those Town employees authorized the use of Town vehicles for travel between their official domicile and their job sites. This list will include:
 - a) The name of the authorized employee, and
 - b) Those job responsibilities which require the employee to have a Town vehicle available at times other than the normal work day.

The list of authorized employees will be maintained in the Town Supervisor's office and will be available for public inspection during normal business hours.

6. Employees who are authorized to use a Town vehicle for travel between their official domicile and their job sites will:
 - a) Annually sign a statement indicating that they understand the Town's policy on the use of Town vehicles for personal transportation,
 - b) Maintain a daily log detailing their use of the vehicle to travel between their official domicile and their job sites.
 - c) Submit to the Bookkeeper a copy of their daily log for each calendar month to allow for the calculation and withholding of the appropriate taxes, and

7. The Town will maintain copies of the daily logs submitted by each employee and will report to the Town Supervisor on an annual basis:
 - a) Aggregate use by each authorized employee, and
 - b) Amounts withheld from employee compensation to meet the federal and state tax code.

8. While operating a Town vehicle, Town employees will
 - a) Possess a valid operator's license,
 - b) Obey all vehicular traffic laws,
 - c) Require all passengers to be properly secured through the use of seat belts,
 - d) Refrain from any use or activity which could be construed as political in nature,
 - e) Refrain from the consumption of all alcoholic beverages, and
 - f) Operate the vehicle in a safe and courteous manner.

Use of Town Vehicles - Emergency Calls

When Town vehicles are used to respond to Volunteer Fire Department calls or Emergency Squad calls for assistance, the employee operating the Town vehicle shall not use and shall not install or add to the vehicle, lights, flashing lights, and/or sirens or other devices commonly not present on the vehicle or authorized as part of its use as a Town Vehicle.

Out-Of-Town Meetings

Town vehicles shall be used whenever possible by employees for travel while on official Town business. Prior approval must be obtained from the Town Supervisor before a personal vehicle may be used for official Town business. All employees must have prior approval from the Town Board in order to attend meetings which are either out-of-state or more than two hundred (200) miles from the Town office building. All employees must have prior approval from the Town Supervisor to attend meetings which are more than one hundred (100) but less than two hundred (200) miles from the Town office building.

Expenses for travel, meals, lodging, etc. must be pre-approved at least fifteen (15) days in advance by the Town Supervisor in order to be reimbursed after audit by the Town Board. Reimbursed expenses are not to exceed the amount budgeted for such meetings by the Department. Tax exemption certificates are available in the Bookkeeper's Office.

Questions regarding the Vehicle Usage Policy should be directed to the Town Supervisor's office.

1008 Supplies, Tools and Equipment, and Fuel Usage Policies

Supplies

In order to ensure the proper use of taxpayer's money, all Town owned supplies must be used efficiently and not wasted. Employees are not permitted personal use of any Town supplies, such as postage, paper and other office supplies, gasoline and motor oil.

Tools and Equipment

The Town supplies employees with the necessary tools and/or equipment necessary to perform their job duties. It is the responsibility of the employee to use these items wisely. Any tool or piece of equipment lost or damaged by the employee as a result of negligence or intentional misuse will be the employee's responsibility to have replaced or repaired. Employees are not allowed personal use of any tool or piece of equipment, including, but not limited to, fax machines, copiers and computer equipment, except as is allowed to the general public. Work on private vehicles using the Town Garage, tools and equipment is strictly prohibited.

Fuel

The Town obtains gasoline from a fuel pumping station owned by Warren County located in the Town of Horicon and diesel fuel from a fuel pump owned by the Town of Chester located at the Highway garage. These pumps provide fuel for vehicles authorized the use of Town fuel for Town business. Employees are prohibited from dispensing fuel for their personal use.

Violations of the above policy will result in disciplinary action, up to and including dismissal, in accordance with the applicable collective bargaining agreement or Civil Service Law (Section 75)

Acquisition and Disposition

The acquisition of Town property, supplies and equipment shall be done in accordance with the Town's procurement policy and according to General Municipal Law Sections 103 and 104-b. Only items reasonably necessary to the performance of Town functions shall be purchased. Town Board approval may be required.

Attached as Appendix A is a copy of the Town of Chester purchasing policy which all Town employees shall follow. Un-needed, surplus or worn-out property of the Town shall not be converted to personal use. It shall be declared surplus and sold by the Town Board. in a manner which results in the full salvage value being paid to the Town.

Purchase kickbacks, vendor incentives to officers and employees in order to influence procurement. "Under the table" sale or disposition of Town property, whether surplus of otherwise, shall not be tolerated and shall result in disciplinary action, up to and including removal from office, and may result in criminal charges.

The only exceptions to this policy are those found in General Municipal Law Section 802.

1009 Disciplinary Action

If the need arises to correct a situation in which an employee has violated Town policies or regulations, appropriate disciplinary action may be administered in accordance with the

applicable collective bargaining agreement or, for non-union employees, Civil Service Law (Section 75).

Civil Service Law (Section 75)- (Non-Union Employees Only)

Section 75 of the Civil Service Law states that eligible civil service employees may not be removed or otherwise subjected to disciplinary action except for incompetence or misconduct shown after a hearing upon stated charges.

Eligibility Criteria for Section 75 Protection

The following employees are covered under Section 75:

1. A person holding a position by permanent appointment in the Competitive Class of the Classified Civil Service; or
2. A person holding a position by permanent appointment or employment in the Classified Service who was honorably discharged or released under honorable circumstances from the armed forces of the United States after having served therein as such member in time of war as defined in Section 85 of the Civil Service Law, or who is an exempt volunteer firefighter as defined in the General Municipal Law, except when a person described in this paragraph holds the position of private secretary, cashier or deputy of any official or department; or
3. An employee holding a position in the Non-Competitive Class other than a position designated in the municipal rules as "confidential" or requiring the performance of functions influencing policy, who since his/her last entry into service completed at least five (5) years of continuous service in the Non-Competitive Class in a position or positions not so designated in the rules as confidential or requiring the performance of functions influencing policy.

Procedures

1. Any employee who is subject to disciplinary action has the right to representation, and shall be given a written advanced notice by the department head of that right. If the employee requests representation, the department head shall allow the employee a reasonable period of time to obtain such representation. If the employee is unable to obtain such representation within a reasonable period of time, the department head has the right to then question the employee.
2. The department head must give the employee a copy of the charges. These charges must state the reason for the disciplinary action.
3. The employee shall be allowed eight (8) days to respond in writing to the charges.
4. The hearing shall be held by the department head and the Town Board. The Town Supervisor and the Town Board may, in writing, designate an individual or body to conduct the hearing in their place. Such designated individual or body shall be vested with all of the powers of the hearing officer and shall make a record of the hearing. This record,

together with recommendations, shall be forwarded to the department head and the Town Board for their review and decision.

5. The employee is entitled to representation by either counsel or other such representative at the hearing.
6. The burden of proving incompetence or misconduct shall be upon the person alleging the same.

Suspension Without Pay Pending Determination of Charges

Pending the hearing, the employee may be suspended without pay for a period not to exceed thirty (30) days.

Penalties

If the employee is found to be guilty of the charges, the penalty may consist of one of the following:

- a. A reprimand
- b. A fine not to exceed one-hundred dollars (\$100.00), to be deducted from the employee's pay
- c. A suspension without pay not to exceed two (2) months
- d. Demotion in grade and title
- e. Dismissal from Town employment

If the employee is found to be guilty, a copy of the charges, the employee's written answer thereto, a transcript of the hearing, and the determination shall be filed in the office of the department in which he/she is employed, and a copy filed with the Warren County Civil Service Commission. If the employee is found to be not-guilty, he/she shall be restored to his/her position with full pay for the period of suspension, less the amount of any unemployment insurance benefits that he/she may have received during such period.

Notwithstanding any other provision of law, no removal or disciplinary proceeding shall be commenced more than eighteen (18) months after the occurrence of the alleged incompetence or misconduct complained of and described in the charges provided, however, that such limitation shall not apply where the incompetence or misconduct complained of and described in the charges would, if proved in a court of appropriate jurisdiction, constitute a crime.

1010 Rules of Conduct

In addition to the policies, procedures, rules and regulations outlined in this Handbook or established by individual departments, the following, not meant to be all inclusive, are job related actions that may result in disciplinary action, up to and including dismissal, in accordance with

the applicable collective bargaining agreement or, for non-union employees, Civil Service Law (Section 75).

1. Falsification of any reports, pertaining to absence from work, illness, injuries on the job, or claims for benefits provided by the Town.
2. Threatening, intimidating, coercing or interfering with fellow employees, supervisors or department heads.
3. Improper performance of job or repeated failure to perform all duties assigned.
4. Refusal to obey instructions of supervisor or department head or any other form of insubordination.
5. Careless or negligent use or operation of Town equipment and vehicles.
6. Abuse or deliberate destruction of Town property or removal of Town property.
7. Violation and/or disregard of safety rules or safety practices.
8. Repeated violations of rules of conduct.
9. Leaving work area without permission, as defined by the department head.
10. Habitual tardiness and/or absences.
11. Unauthorized absence; repeated failure to notify employer.
12. Theft of Town property, conversion of Town property to any individual's personal use, receipt of kickbacks, or other personal gain in connection with the acquisition or disposition of Town property

1011 Code of Ethics

The citizens of the Town of Chester desire and require accountability of those individuals who perform responsible functions on behalf of the Town government. Any conflict of interest on the part of Town officials and/or employees is harmful to the Town government and reflects unfavorably on those associated with that government. Therefore, the Town of Chester has adopted a Code of Ethics. A copy of the Code of Ethics is attached to this Handbook as Appendix B. All Town officials and employees are required to comply with the Code of Ethics. You are encouraged to review and become familiar with this law and discuss any questions you may have with your department head.

Conflicts of interest of municipal officers and employees are further regulated by General Municipal Law Sections 800 through 813.

Penalties for Offenses

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of the Town's Code of Ethics may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

1012 Grievance Procedures (CSEA Only)

In order to promote a harmonious and cooperative relationship between employees, department heads and members of the Town Board which will enhance the operation of the Town, the union contract contains a set of procedures to provide for the orderly settlement of differences in a fair and equitable manner, and a resolution of differences at the earliest possible stage. Employees covered by CSEA should become familiar with the grievance procedures outlined in the union contract.

1013 Solicitations/Distributions

Without department head approval, solicitations or distributions of literature to co-workers by Town employees during working hours is prohibited. Such materials do not need department head approval if distributed during non-working hours.

1014 Resignations

Employees who consider resigning should discuss that possibility with their department head before making a final decision. If a decision to resign is made, employees should submit a written resignation to their department head at least two (2) weeks before the date of resignation.

ACKNOWLEDGMENT OF RECEIPT OF EMPLOYEE HANDBOOK

I, _____ hereby acknowledge receipt of the Town of Chester Employee Handbook, version dated _____. I understand that the Employee Handbook does not create employment or guarantee continuation of employment, but is provided for informational purposes only and may be revised at any time without notice at the sole option of the Town.

Date: _____

By: _____
(PRINT NAME)

APPENDIX A TO EMPLOYEE HANDBOOK

TOWN OF CHESTER PROCUREMENT POLICY

WHEREAS, Section 104-b of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML, section 103 or any other law; and

WHEREAS, comments have been solicited from those officers of the town who are involved with procurement; NOW, THEREFORE, be it

RESOLVED: That the Town of Chester (Warren County) does hereby adopt the following procurement policies and procedures:

1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML section 103. Every Town Officer, Board, Department head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.
2. All purchases of a) supplies or equipment which will exceed \$20,000 in the fiscal year, or b) public works contracts over \$35,000 shall be formally bid pursuant to GML, section 103.
3. All estimated purchases of:
 - a. Less than \$20,000 but greater than \$10,000 require a written request for a proposal (RFP) and written/fax quotes from two (2) vendors.
 - b. Less than \$10,000 but greater than \$1,500 require an oral request for the goods and/or fax quotes from two (2) vendors.
 - c. Less than \$1,500 are left to discretion of the Town Supervisor or Highway Superintendent.
4. All estimated public works contracts of
 - a. Less than \$35,000 but greater than \$20,000 require a written RFP and written/fax proposals from two (2) contractors.
 - b. Less than \$20,000 but greater than \$5,000 requires a written RFP and oral/fax proposals from two (2) contractors.
 - c. Less than \$5,000 are left to the discretion of the Town Supervisor or Highway Superintendent
5. Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

6. All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.
7. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.
8. A good-faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document *the* attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.
9. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:
 - a. Acquisition of professional services;
 - b. Emergencies;
 - c. Sole source situations;
 - d. Goods purchased from agencies for the blind or severely handicapped if total order is within 15% of lowest quote;
 - e. Goods purchased from correctional facilities;
 - f. Goods purchased from another governmental agency;
 - g. Goods purchased at auction;
 - h. Goods purchased for less than \$1,500;
 - i. Public works contracts for less than \$5,000;
 - j. County and State Contract purchases.
10. Upon execution of Inter-municipal Agreement, the Town will procure commodities through Warren County.
11. Contractors and the applicable County Department must check prevailing wage schedules for each project on the 1st of each month. The Department of Labor posts corrections to each schedule (when applicable), and both parties must be informed of all updates to ensure proper payment to Contractor's employees, and for the purpose of checking certified payrolls.
12. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practical.

APPENDIX B TO EMPLOYEE HANDBOOK

TOWN OF CHESTER CODE OF ETHICS

RESOLUTION TO ADOPT CODE OF ETHICS

WHEREAS, the State of New York has adopted a Code of Ethics suitable for the ethical conduct of Town, City, Village and County employees, Therefore, be it **RESOLVED**, that the Town Board of the Town of Chester adopt the State Code of Ethics as adopted by the State Legislature under Chapter 1019 Municipal Codes of Ethics, and be it further **RESOLVED**, that a copy of this resolution together with the Code be filed with the State Comptroller.

Voted upon by roll call vote with the following results:

Howard Swan AYE	Charles Leggett AYE
Laura Sanders AYE	Ernest Cunningham absent
Floyd Wells AYE	So carried.

CODE OF ETHICS OF TOWN OF CHESTER

A local law establishing standards of conduct for officers and employees of the Town of Chester.

Be it enacted by the Town Board of the Town of Chester, County of Warren, as follows:

Section I. Pursuant to the provisions of section eight hundred six of the General Municipal Law, the Town Board of the Town of Chester, County of Warren, recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this local law to promulgate these rules of ethical conduct for the officers and employees of the Town of Chester, County of Warren. The rules of ethical conduct of this local law as adopted, shall not conflict with, but shall be in addition to any prohibition of article eighteen of the general municipal law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Section 2. Definition. (a) "Municipal Officer or Employee" means an officer or employee of the Town of Chester, County of Warren, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer. (b) "Interest" means a pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

Section 3. Standards of Conduct. Every officer or employee of the Town of Chester, County of *Warren*, shall be subject to and abide by the following standards of conduct:

- a) Gifts. He shall not directly or indirectly, solicit any gift, or accept or receive any gift having a value of \$25 or more, Whether in the form of money, services, loan, travel, entertainment,

hospitality, thing or promise, or any other form under circumstances in which it could reasonable be inferred to the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.

- a) Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.
- b) Representation before one's own agency. He 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 is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.
- c) Representation before one's own agency. He 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 his municipality, where by his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- d) Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Town Board and any officer or employee of the Town of Chester, County of Warren, 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 he has in such legislation.
- e) Investments in conflict with official duties. He 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 official duties.
- f) Private employment. He 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 official duties.
- g) Future employment. He shall service or employment with any board or agency of the in relation to any case, p he personally participated or employment or which was not, after the termination of such municipality, appear before Town of Chester, County of Warren, roceeding or application in which during the period of his service under his active consideration.

Section 4. Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Town of Chester, or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Section 5. Distribution of Code of Ethics. The Supervisor of the Town of Chester, County of Warren, shall cause a copy of this code of ethics to be distributed to every officer and employee of the Town of Chester, County of Warren, within 30 days after the effective date of this local law. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

Section 6. Penalties. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or

removed from office or employment, as the case may be, in the manner provided by law.

Section 7. Effective date. This local law shall take effect 10 days after it is filed as provided in section twenty-seven of the municipal home rule law.

Approved, July 8th, 1970 - Town Board Meeting as RESOLUTION #56 (1970)

APPENDIX C TO EMPLOYEE HANDBOOK

TOWN OF CHESTER COMPUTER USAGE POLICY

INTRODUCTION

The computer, software, Internet connection and e-mail system supplied by Town of Chester for use by Town of Chester officials and/or employees is owned and/or licensed for use by Town of Chester.

While our direct connection to the Internet offers a cornucopia of potential benefits, it can also open the door to some significant risks to our data and systems if we do not follow appropriate security discipline. As presented in greater detail that may mean preventing machines with sensitive data or applications from connecting to the internet entirely, or it may mean that certain users must be prevented from using certain Internet features like file transfers. The overriding principle is that security is to be everyone's first concern. An Internet user can be held accountable for any breaches of security or confidentiality.

Certain terms in this policy should be understood expansively to include related concepts. Document covers just about any kind of file that can be read on a computer screen as if it were a printed page, including HTML files read on an Internet browser, any file meant to be accessed by a word processing or desk-top publishing program or its viewer, or the files prepared for the Adobe Acrobat reader and other electronic publishing tools. Graphics includes photographs, pictures, animations, movies, or drawings. Display includes monitors, flat-panel active or passive matrix displays, monochrome LCDs, projectors, televisions and virtual-reality tools.

All employees granted Internet access with Town facilities will be provided with a copy of this policy. All internet users must sign the statement at the end of this policy.

INTERNET POLICY PROVISIONS

Management and Administration

1. No employee should have any expectation of privacy as to his or her Internet usage. Periodic review of Internet activity will analyze usage patterns to assure that Town Internet resources are devoted to maintaining the highest levels of productivity.
2. We reserve the right to inspect any and all files downloaded from the Internet and stored in private areas of our network in order to assure compliance with policy.
3. The display of any kind of sexually explicit image or document on any Town system is a violation of our policy on sexual harassment. In addition, sexually explicit material may not be archived, stored, distributed, edited or recorded using our network or computing resources.
4. This Town's Internet facilities and computing resources must not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, city, province or other local jurisdiction in any material way. Use of any Town resources for illegal activity is grounds for disciplinary action, and we will cooperate with any legitimate law enforcement activity.

5. Any software or files downloaded via the Internet into the Town network become the property of the Town. Any such files or software may be used only in ways that are consistent with their licenses or copyrights.
6. No employee may use Town facilities knowingly to download or distribute pirated software or data.
7. No employee may use the Town's Internet facilities to deliberately propagate any virus, worm, Trojan horse, or trap-door program code.
8. No employee may use the Town's Internet facilities knowingly to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.
9. Each employee using the Internet facilities of the Town shall identify himself or herself honestly, accurately and completely (including one's Town affiliation and function where requested) when participating in chats or newsgroups, or when setting up accounts on outside computer systems.
10. The Town retains the copyright to any material posted to any forum, newsgroup, chat or World Wide Web page by any employee in the course of his or her duties.
11. Employees are reminded that chats and newsgroups are public forums where it is inappropriate to reveal confidential Town information. Employees releasing protected information via a newsgroup or chat - whether or not the release was inadvertent - will be subject to disciplinary action as outlined in existing policies and procedures.
12. Use of Town Internet access facilities to commit infractions such as misuse of Town resources, sexual harassment and misappropriation or theft of related properties are also prohibited by general Town policy.
13. E-mail is a strategic business tool to facilitate communication between employees and other business organizations. Town of Chester's e-mail systems are Town owned or licensed property and are intended to be used for official Town business. All messages sent or received via e-mail are Town property. It is against Town policy to use e-mail for any unlawful endeavor.

Additional Provisions:

1. The Town will provide Internet access to those employees who demonstrate a legitimate business need.
2. Since a wide variety of materials may be deemed offensive by colleagues, suppliers or the general public, it is a violation of Town policy to store, view, print or redistribute any document or graphic file that is not directly related to the user's job or the Town's business activities.
3. The Town will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries and archives on individuals' Internet activities.
4. Employees with Internet access must take particular care to understand the copyright, trademark, libel, slander and public speech control laws of all agencies in which this Town maintains a business presence, so that our use of the Internet does not inadvertently violate any laws which might be enforceable against us.
5. Employees with Internet access may download software with direct business use, after Department Head approval and review by the Supervisor's office, and must arrange to have such software properly licensed and registered. Downloaded software must be used only under the terms of its license.
6. Employees with Internet access may not use Town Internet facilities to download entertainment software or games.
7. Employees with Internet access may not use Town Internet facilities to download images or videos unless there is an explicit business related use for the material.

8. Employees with Internet access may not upload any software licensed to the Town or data owned or licensed by the Town without explicit authorization from the Department Head responsible for the software or data.
9. Any form of computerized gambling is prohibited.
10. Employees requiring access to otherwise prohibited websites may gain access after Department Head approval and review by the Supervisor's office.
11. Any on-line presence and its content must first be approved by the Department Head, Town Supervisor and Town Board with oversight of the Department. Subsequent changes/updates to content will require the same approval.

Technical

1. User ID's and passwords help maintain individual accountability for Internet resource usage. Any employee who obtains a password or ID for an Internet resource must keep that password confidential. Town policy prohibits the sharing of user /D's or passwords obtained for access to Internet sites.
2. Employees should schedule communications-intensive operations such as large file transfers, video downloads, mass e-mailings and the like for off-peak times and only after approval from.

Security

1. The Town has installed a variety of security systems to assure the safety and security of the Town's networks. Any employee who attempts to disable, defeat or circumvent any Town security facility will be subject to immediate disciplinary action.
2. Files containing sensitive Town data cannot be transferred without Department Head approval and, if approved, information must be encrypted prior to distribution via the Internet.
3. Computers that use their own modems to create independent data connections sidestep our network security mechanisms. An individual computer's private connection to any outside computer can be used by an attacker to compromise any Town network to which that computer is attached. That is why any computer used for independent dial-up or leased-line connections to any outside computer or network must be physically isolated from the Town's internal networks. (Major on-line services such as CompuServe and America Online, and content providers such as Lexis-Nexis, can be accessed via firewall-protected Internet connections, making insecure direct dial-up connections generally unnecessary).
4. Only those Internet services and functions with documented business purposes for this Town will be enabled at the Internet firewall.

Password Policy

All passwords used by employees to accessing Town network, data or information systems must meet or exceed the standards defined by the NYS Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) in the publication P03-002 V2.1 Information Security Policy;

As such the following specific criteria must be met:

1. Passwords are not to be written down or stored in an unencrypted form
2. Temporary passwords must be changed upon first use
3. Passwords must be a minimum of 8 characters in length

4. Passwords must be changed at least every 90 days
5. A password cannot be reused for a minimum of one year
6. Passwords must also meet the following requirements
7. They do not contain all or part of the user's account name or common word
8. Passwords must contain characters from each of the following 3 categories:
 - English uppercase characters (A through Z)
 - English lowercase characters (a through z)
 - Base 10 digits (0 through 9)

Please read and sign the following statement and return to the Supervisor's office.

"I have received a written copy of **Town of Chester's Computer Usage Policy**. I fully understand the terms of this policy and agree to abide by them. I realize that the Town's security software may record for management use the Internet address of any site that I visit and keep a record of any network activity in which I transmit or receive any kind of file. I acknowledge that any message I send or receive has the potential to be recorded and stored in an archive file for management use. I know that any violation of this policy could lead to disciplinary action or even criminal prosecution. I understand that any use of Town owned, leased or licensed computer equipment and/or software for Internet access constitutes consent to monitoring, recording and inspection of downloaded files and e-mail, as set forth in this policy."

Signed **Date**

Print Name **Department**

APPENDIX D TO THE EMPLOYEE HANDBOOK

Town of Chester Sexual Harassment Policy

RESOLUTION TO ADOPT SEXUAL HARASSMENT POLICY

RESOLUTION NO. 180 OF 2018: ADOPT THE REVISED SEXUAL HARASSMENT POLICY AND PROVIDE TRAINING IN-HOUSE ACCORDING TO MANDATED DEADLINES

WHEREAS, NYS requires employers, including the Town of Chester, to adopt an anti-sexual harassment policy and provide for training, and

WHEREAS, the Town Board has reviewed and adapted the Sexual Harassment Policy as provided by NYS with the addition of "unwanted" added to page 3 before touching under Physical assaults of a sexual nature, such as;

BE IT RESOLVED, the Town Board adopts the revised Sexual Harassment Policy and will provide training in-house according to mandated deadlines.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 180 of 2018 was **ADOPTED**.

AYE 4 NO 0

Introduction:

Town of Chester is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. Town of Chester has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Town of Chester's commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with Town of Chester, or with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. Town of Chester Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with Town of Chester.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Town of Chester has a zero-tolerance policy for such retaliation against anyone who, in good faith complains or provides information about suspected sexual harassment. Any employee of the Town of Chester who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern, or non-employee¹ working in the workplace who believes they have been subject to such retaliation should inform the Town of Chester Supervisor. Any employee, paid or unpaid

intern or non-employee who believes they have been a victim of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects the Town of Chester to liability for harm to victims of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be penalized for such misconduct.
5. Town of Chester will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Town of Chester will provide all employees a complaint form for employees to report harassment and file complaints.
7. Town Supervisor or Forman are **required** to report any complaint that they receive, or any harassment that they observe to Town of Chester Supervisor.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be posted prominently in all work locations and be provided to employees upon hiring.

What Is “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, sexual orientation, gender identity and the status of being transgender.

¹ A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

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 consists of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

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

Any employee who feels harassed should 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.

Examples of Sexual Harassment:

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical assaults of a sexual nature, such as:
 - Unwanted touching, pinching, patting, grabbing, brushing against another employee's body or poking another employees' body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

- Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;

- Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

What is “Retaliation”?

Unlawful retaliation can be any action that would keep a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- filed a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- complained that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Reporting Sexual Harassment:

Preventing sexual harassment is everyone’s responsibility. The Town of Chester cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-

employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to the Town of Chester Supervisor. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to the Town of Chester Supervisor.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a victim of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities:

All Department Heads, Managers or Supervisors who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Town of Chester Supervisor.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Complaint And Investigation Of Sexual Harassment:

All complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, and should be completed within 30 days. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Employees who participate in any investigation will not be retaliated against.

Investigations will be done in accordance with the following steps:

- Upon receipt of complaint, the Town of Chester Supervisor will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form 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 a 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
 - The final resolution of the complaint, together with any corrective actions action(s).
- Keep the written documentation and associated documents in the employer's records.
- Promptly notify the individual who complained and the individual(s) who responded of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who complained of their right to file a complaint or charge externally as outlined below.

Legal Protections And External Remedies:

Sexual harassment is not only prohibited by the Town of Chester but is also prohibited by state, federal, and, where applicable, local law.

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

Aside from the internal process at the Town of Chester, employees may also choose to pursue legal remedies with the following governmental entities **at any time**.

New York State Division of Human Rights (DHR):

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Town of Chester does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, www.dhr.ny.gov

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission (EEOC):

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections:

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the

New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml

Contact the Local Police Department:

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

RESOLUTION NO. 181 OF 2018: AMEND THE TOWN OF CHESTER EMPLOYEE HANDBOOK BY ADDING APPENDIX D SEXUAL HARASSMENT POLICY

WHEREAS, the Town Board has adopted a Sexual Harassment Policy,

BE IT RESOLVED, the Town of Chester Employee Handbook is amended by adding Appendix D Sexual Harassment Policy.

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 181 of 2018 was **ADOPTED**.

AYE 4 NO 0

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.