

**Personnel Policy & Procedures
for
Town of Forestburgh
Employees**



Adopted 12/1/, 2016

TABLE OF CONTENTS

Section 1	Purpose of the Rules	4
Section 2	Covered Employees	5
Section 3	Work Week	6
Section 4	Work Hours	7
Section 5	Holidays	8
Section 6	Vacation	9
Section 7	Sick Leave	10
Section 8	Personal Days	11
Section 9	Family and Medical Leave Act	12
Section 10	Leave of Absence	13
Section 11	Payroll	14
Section 12	Direct Deposit	15
Section 13	Salaries, Job Descriptions, and Probationary	16
Section 14	Retirement	17
Section 15A	Deferred Compensation Plan	18
Section 15B	Credit Union	18
Section 16	Federal and State Tax, Social Security and Medicare	19
Section 17	Group Health Insurance	20-21
Section 18	Health Insurance Upon Retirement Disability	22

Section 19	Workers Compensation	23
Section 20	Disability Insurance	23
Section 21	Progressive Discipline/Discharge	25
Section 22	Terminal Benefits	26
Section 23	Jury Duty	27
Section 24	Drug Policy Statement	28-31
Section 25	Return from Medical Leave of Absence/Workers Compensation	32
Section 26	Policy on Prohibition of Sexual Harassment	33-35
Section 27	Workplace Violence	36
Section 28	Smoking Policy	37
Section 29	E-mail & Electronic Communications	38-39
Section 30	Suspension of Rules	40
Section 31	Breast Cancer & Prostate Cancer Screening Policy	41-42
Section 32	Revisions or Additions of Rules	43
Section 33	Adoption of Personnel Policy & Procedures	44

SECTION 1: *PURPOSE OF THE RULES*

It is the policy of the Town of Forestburgh and the purpose of these rules to promote harmonious and cooperative relationships between the Town Government and its employees and to provide a simple, orderly and uniform system for the administration of leave time and other benefits for employees of the Town.

SECTION 2: *COVERED EMPLOYEES*

These rules shall apply to all employees of the Town, with the exception of Elected Officials, persons performing services for the Town under contractual circumstances, Town Attorney, union-represented employees whose working conditions and terms are covered by a collective bargaining agreement, part time employees working 20 hours or less per week and seasonal employees.

SECTION 3: *WORK WEEK*

HOURLY EMPLOYEES:

Hourly employees, excluding seasonal and part time, shall work five (5) days per week, six (6) hours per day, totaling a thirty (30) hour work week.

The **Highway Department's** normal work hours are 7:00 a.m. to 3:30 p.m. with an eight hour work day with a ½ hour lunch. Time accumulated by employees in excess of over forty (40) hours per week shall be considered overtime and shall be paid at a rate of one and one half (1 1/2) times the hourly rate adopted in the salary schedule by the Town Board.

SECTION 4: *HOURS: OFFICE EMPLOYEES*

Office employees shall work five (5) days per week, six (6) hours per day, 9:00 a.m. to 3:00 p.m., totaling a thirty (30) hour week. Employee hours may be adjusted in certain departments to varying times by Elected Officials and or Department Heads who have the legal direction and authority to do so.

SECTION 5: *HOLIDAYS*

LEGAL HOLIDAYS OBSERVED BY THE TOWN

**NEW YEARS DAY
LINCOLN'S BIRTHDAY
MEMORIAL DAY
LABOR DAY
GENERAL ELECTION DAY
THANKSGIVING DAY
1/2 DAY CHRISTMAS EVE
1/2 DAY NEW YEARS EVE**

**MARTIN LUTHER KING'S BIRTHDAY
WASHINGTON'S BIRTHDAY
INDEPENDENCE DAY
COLUMBUS DAY
VETERAN'S DAY
FRIDAY AFTER THANKSGIVING
CHRISTMAS DAY**

Whenever any of these holidays herein mentioned as being observed by the Town falls on a Sunday, the following Monday is designated as such holiday and whenever any of the holidays herein mentioned as being observed by the Town falls on a Saturday, the preceding Friday is designated as such holiday.

SECTION 6: *VACATION*

Under the following schedules, permanent, full time employees with less than one year's service shall be granted annual vacation time with pay effective on January 1st, the start of the next fiscal year, as follows:

After the first year's anniversary date, vacation time shall be credited to each entitled employee at the start of the fiscal year (January 1st) and is to be used during that year with the authorization of the Department Head.

Vacation time shall be credited to each entitled permanent, part time employee at the beginning of the fiscal year (January 1st) of the Town and to be taken as entitled by date of hire at half the full time schedule.

EMPLOYEES HIRED ON OR AFTER JANUARY 1, 2017

Employees employed One (1) year shall receive One (1) week – 30 hours

Employees employed Two (2) years shall receive Two (2) weeks – 60 hours

Employees employed Four (4) years shall receive Three (3) weeks – 90 hours

Employees employed Ten (10) years shall receive Four (4) weeks – 120 hours

Employees employed Twenty (20) years shall receive Five (5) weeks –150 hours

All vacation requests must be approved by the employee's Department Head or his/her Deputy at least one week in advance with due consideration for length of service and the operating needs of the Department.

It is the Departments Head's responsibility to inform the Supervisor's Office of any Vacation time, Personal leave or Sick leave for the Department Head or any employee in the Department.

If a holiday falls during a vacation period, it shall not be considered as part of the vacation time.

Vacation accruals may not be carried over from year to year, except when the need of the Department necessitates such carry over and then only upon the Supervisor's recommendation to the Town Board.

SECTION 7: *SICK LEAVE*

Each permanent full time employee shall be credited sick leave at the rate of one (1) day per month for a total of twelve (12) days per year after being hired and during the first year of employment.

When an employee takes sick leave he/she must notify or have someone notify his/her Department Head or the Supervisor's Office of the illness.

The Department Head, Department Deputy and/or the Supervisor shall request a Doctors Verification of the employee's illness after the employee is absent more than three (3) work days.

Sick leave is to be used by the employee for his or her personal illness or injury. If the employee absenteeism is patterned or abusive, disciplinary action will be taken.

SECTION 8: *PERSONAL DAYS*

All permanent full time employees after one (1) year of service shall be allowed up to three (3) personal days leave with pay per year. All employees employed by the Town after January 1st and on or before April 30th shall be credited with three (3) personal leave days (24 hrs) on the date of hire. All employees employed by the Town after May 1st and on or before August 31st shall be credited with two (2) personal leave days (16 hrs).

Personal days are granted for personal business, birthdays and religious observance, in addition to accumulated vacation time.

No personal days shall be taken as an extension of Vacation time unless the employee has received prior approval from the Department Head or Department Deputy.

The request for a personal day shall be made to the Department Head or Department Deputy at least one day in advance, and the request is always subject to the approval of the Department Head or Department Deputy.

Personal days cannot be carried over, accumulated or used as part of a buyout upon termination.

SECTION 9: *FAMILY AND MEDICAL LEAVE ACT*

The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

Twelve workweeks of leave in a 12-month period for:

the birth of a child and to care for the newborn child within one year of birth;

the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;

to care for the employee's spouse, child, or parent who has a serious health condition;

a serious health condition that makes the employee unable to perform the essential functions of his or her job;

any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" **or** twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

SECTION 10:

LEAVE OF ABSENCE

An employee, after one year of service, may request a leave of absence from his/her position for a period not to exceed six (6) months for just cause, provided the Department Head is able to provide proper coverage of the Department.

A request for leave of absence must be in writing to the Department Head allowing ample time prior to the effective date for the Department Head to present the request to the Supervisor for recommendation to the Town Board for approval or denial.

Such leave shall be unpaid except for any accrued vacation and/or personal days. Benefit days shall not accrue during such leave and the employee must pay for his/her Hospitalization Plan except when approved by the Town Board as a Medical Leave of Absence.

In case of serious illness or non-job related disability, up to one year unpaid medical leave of absence may be granted with Town Board approval. Employees salary will not be paid or benefits accrued during this period but their hospitalization coverage shall remain in effect

SECTION 11:

PAYROLL

All records of hours worked and leave time used by employees shall be reviewed by the Supervisor and/or Payroll Clerk on a monthly basis.

All time records submitted for payroll shall be reviewed and signed by the Department Head or Deputy Department Head and submitted to the Payroll Clerk no later than 9:00 a.m. on the Monday preceding pay day.

Payroll checks are dated Wednesday and are available Wednesday morning.

SECTION 12:

DIRECT DEPOSIT

Payroll Direct Deposit is available for all full-time and permanent part-time employees. Appropriate forms must be completed and submitted to the Payroll Clerk on a timely basis.

Direct Deposit is an electronic computer transaction where an employee's funds are automatically deposited to the financial institution(s) of the employee's choice.

Each pay period, when the payroll is processed locally, a computer file will be sent to our bank. This file will then be sent to the Automated Clearing House (ACH), which is a system that interconnects all participating financial institutions. Your transactions will be routed to your bank thru the ACH, and then processed by your bank into your account.

SECTION 13:

***SALARIES, JOB DESCRIPTIONS AND
PROBATIONARY***

All new employees hired shall receive a starting salary as set forth in the adopted prevailing salary schedule. At the time of hire they shall be informed that the probationary period for all new hires is six (6) months. Probationary employment is considered employment at will.

Salary increases, if any, are given based on the Town's fiscal year and in accordance with the salary schedule adopted by the Town Board for any given year.

Any new position must be established by the Town Board and job descriptions for any and all positions shall generally follow.

All job descriptions must conform to Town Law and the official Civil Service Job Specifications as adopted by the Sullivan County Personnel Office and subject to their approval. For exempt class positions and/or other positions for which there are no Civil Service specifications, the Town shall prepare a description of the duties performed in the position.

Upon the hiring of a new employee for a position, the Department Head or Supervisor shall review with the employee the specifications for their position and provide a verbal explanation of the duties to be performed in the position and have the new employee sign a form indicating that he/she fully understands the job duties and specifications. The department head will also distribute the Town of Forestburgh Policy and Procedures manual to the new employee and the new employee will sign a form indicating that he/she has received the manual.

The Town Board shall be notified at the end of each month of all new employees, termination, and/or salary changes in a monthly report.

SECTION 14:

RETIREMENT

The Town of Forestburgh is enrolled in the New York State Employees Retirement System under Plan 75-I.

There are six (6) tiers to the retirement plan. Members of Tier 3 and Tier 4 contribute three percent (3%) of their gross wages based on NYS Employees Retirement System regulations. The 3% gross payroll deduction will end after Tier 3 & 4 employees have completed ten (10) years of service. Employees who join the retirement system on or after January 1, 2010 will become Tier five (5) members. Tier 5 members will contribute 3% of their gross earnings for the life of their career based on present NYS Employees Retirement System regulations. Tier 6 members will contribute between 3%-6% of their gross earnings for the life of their career based on present NYS Employees Retirement System regulations and salary. Tier one (1) and Tier two (2) members make no contributions to the Retirement System as a payroll deduction, payment is made in full by the Town of Forestburgh.

The Town of Forestburgh makes annual contributions to the Retirement System on behalf of the employees based on rates and amounts set by the New York State Employees Retirement System using employees gross salaries reported to the system monthly according to the State fiscal year.

Upon employment of a new employee, full time or part time, the Town is required to offer participation in the Retirement Plan. It is the option of a part time employee whether he or she elects in writing to join the New York State Employees Retirement System.

SECTION 15 A: ***DEFERRED COMPENSATION***

In addition to the New York State Retirement Plan, also available to any employee is Deferred Compensation Plan approved by New York State. If an employee elects to participate in the Plan, it is through employee contributions only as a payroll deduction from the employee's gross salary. A minimum amount of contribution is established and set by the Provider.

SECTION 15 B: ***CREDIT UNION***

A credit union payroll deduction is available to any permanent employee who completes the necessary forms and submits them to the Payroll Department prior to the payroll being effectuated.

SECTION 16:

***FEDERAL AND STATE TAX, SOCIAL SECURITY
AND MEDICARE***

A new employee upon employment and all employees annually must file with the Town Payroll Clerk a withholding W-4 Form. The W-4 Form authorizes the Payroll Clerk to withhold from the employee's gross salary Federal Tax and State Tax based on the number of exemptions the employee claims. If an employee states he or she is tax exempt on the W-4 Form no withholdings are withheld from the employee's gross salary. If an employee wishes to change the number of his or her exemptions a new W-4 must be filed.

SOCIAL SECURITY

All employees of the town will have Social Security withheld from their Gross Salary.

MEDICARE

All employees of the Town will have Medicare withheld from their Gross Salary.

SECTION 17:

***POLICY REGARDING THE PROVISION OF
HEALTH INSURANCE BENEFITS TO OFFICERS
AND EMPLOYEES***

1. Except as provided herein, no officer, elected or appointed, and no employee of the Town of Forestburgh shall be provided health insurance benefits at the expense of the Town. However, nothing contained herein shall prohibit any such officer or employee from participating in and obtaining health insurance coverage through the Town, provided that the expense of such coverage is borne solely by the officer or employee.

2. Any employee who is a member of collective bargaining unit and employed by the Town pursuant to the terms of a collective bargaining agreement with such collective bargaining unit shall be provided such health insurance benefits as may be called for in such collective bargaining agreement, subject to the terms and conditions thereof.

3. A person holding the office of Town Clerk, who entered such office prior to December 31, 1993, shall be provided at the Town expense full family coverage health benefits during all times that such person holds such office, including any terms of office which may commence subsequent to December 31, 1993. A person holding the office of Town Clerk, who first entered such office after December 31, 1993, shall be provided at Town expense Individual coverage health insurance benefits during all times that such person hold such office. A person who has held the office of Town Clerk for 15 years or more and who (a) has reached the age of 55 years and (b) is collecting retirement benefits from New York State Employees Retirement System shall be provided, during the remainder of such persons lifetime, at town expense, the same type of health insurance coverage (i.e. either individual or family) as such person was entitled to receive during the time such person held the office of Town Clerk. In the event a person is eligible for retiree family health insurance coverage pursuant to this policy predeceases his or her spouse, such surviving spouse shall be entitled to individual health insurance coverage during the remainder of his or her lifetime commencing from the time the deceased eligible person would have been entitled to begin receiving such benefits.

4. A person holding the office of Town Highway Superintendent, who entered such office prior to December 31, 1993, shall be provided at Town expense full family coverage health benefits during all times that such person holds such office, including any terms of office which may commence subsequent to December 31, 1993. A person holding the office of Town Highway Superintendent who first entered such office after December 31, 1993, shall be provided at the Town expense individual coverage health insurance benefits during all times that such person holds such office. A person who has held the

office of Town Highway Superintendent for 15 years or more and who (a) has reached the age of 55 years and (b) is collecting retirement benefits from the New York State Employees Retirement System shall be provided, during, the remainder of such person's lifetime, at Town expense, the same type of health insurance coverage (i.e. either individual or family) as such person was entitled to receive during the time such personnel the office of Town Highway Superintendent. In the event a person eligible for retiree family health insurance coverage pursuant to this policy predeceases his or her spouse, such surviving spouse shall be entitled to individual health insurance coverage during the remainder of his or her lifetime commencing from the time the deceased eligible person would have been entitled to begin receiving such benefits, all time served by a person as an employee of the Town Highway Department prior to first entering the office of Town Highway Superintendent shall be included.

5. Any person who is not an employee of the Town at the time of the adoption of this policy, but is being provided health insurance benefits by the Town, at Town expense, by reason of being a retiree or spouse of a retiree, shall continue to receive such benefits at Town expense during the remainder of his or her lifetime.

6. Any person who has served as an elected official of the Town for at least four years shall have the privilege of continuing or obtaining health insurance coverage through the Town, at such person's own expense, after such person no longer holds such elected office.

7. **Effective December 31, 2015**, all new employees will pay a fifteen percent (15%) contribution for their health insurance coverage with no buy out. (**Board Resolution #_____**)

DENTAL/VISION INSURANCE

Dental and Vision Insurance is included as part of the Group Insurance Plan and premiums for coverage for active employees shall be paid in the same manner as the Group Health Insurance Plan.

Retirees may continue Dental coverage as follows:

1. Retirees shall pay 100% of the cost of the plan.

SECTION 18:

***HEALTH INSURANCE UPON RETIREMENT
DISABILITY***

For any employee with more than ten (10) years of aggregate service who retires under disability, the Town shall pay the full cost of health insurance coverage under the Health Plan for six (6) months from the date of the disability retirement. The employee may continue the Health Plan upon retirement provided that he/she pays the full premium.

SECTION 19: *WORKERS COMPENSATION*

The Town provides workers compensation through the Sullivan County Self-Insurance Office, County Government Center, Monticello, New York 12701.

Every job related injury must be reported in writing to the Town Department Head or their designee at the earliest possible time that circumstances allow.

As soon as the job related injury becomes known to the Department Head or their designee, they are required to immediately complete a standard Incident Report, and forward this completed form to the Sullivan County Self-Insurance Office or their designee.

Questions about workers compensation that can be not be answered by a Department Head or appropriate administrative staff of the Town may be directed to the administrator of the Sullivan County Self-Insurance Office.

EMPLOYEES HIRED AFTER JANUARY 1, 2016

An employee who is absent from work because of a non-job related disability or job related injury will be carried on payroll for one year. Benefit days will not accrue during this period but their hospitalization coverage shall remain in effect.

Provided the employee is unable to return to work and remains unable to perform the essential duties of his or her position with reasonable accommodations by the employer, at the end of one year the employee may be terminated. Medical insurance will be available under COBRA at the former employee's expense.

SECTION 20:

DISABILITY INSURANCE

All employees of the Town of Forestburgh are covered by disability insurance for non-job related illnesses or injuries for a period up to six months. Forms may be obtained in the Town Clerks Office.

SECTION 21:

PROGRESSIVE DISCIPLINE/DISCHARGE

Anyone who qualifies under Civil Service is subject to Section 75 of the Civil Service Law for removal and discipline. If not qualified under Civil Service, an employee, after satisfactorily completing the probationary period may be disciplined or discharged for just cause. The employee must first be given oral notice of the nature of the unsatisfactory job performance and the corrective action to be taken. If the unsatisfactory performance continues, the employee shall be given written notice thereof and the corrective action to be taken. A copy of the written notice shall be filed with the Town Supervisor for the employee's personnel file and a copy shall be given to the Town Board. If the unsatisfactory performance still continues with no improvement on the employee's part, the employee may be placed on suspension for a period of time to be determined by the Department Head and the Town Board, except in the case of serious infractions which may result in the immediate discharge of the employee. Continued unsatisfactory performance after a suspension shall be deemed adequate grounds for discharge.

Any and all action taken must be properly documented and the Department Head must review the case in question with the Supervisor and Town Board before discharge of an employee.

SECTION 22:

TERMINAL BENEFITS

After one year of employment and provided an employee has given proper notice of his/her decision to leave employment at least two weeks in advance, such employee shall be entitled to terminal benefits as follows (to be verified by employee time sheets):

1. Accrued vacation
2. Compensatory time

SECTION 23:

JURY DUTY

All Town Employees who are employed full time shall receive trial jury leave up to twenty (20) days and grand jury leave as required. Such leave is allowed and credited only for the day or portion thereof that such service is required. The jury fee is \$40 per day for all New York State Courts and for Town and Village courts. If the employee receives payment for service it must be turned over to the Town of Forestburgh.

Seasonal Employees are eligible to receive paid jury leave. The Town must pay \$40.00 per day for the first 3 days served as per regulations of the current State Law. Part time permanent employees shall receive trial jury leave up to twenty (20) days and Grand Jury leave as required. These employees will be paid an amount equal to the amount that they would have earned had they not been required to report for jury duty.

SECTION 24: DRUG FREE POLICY STATEMENT FOR TOWN EMPLOYEES POLICY STATEMENT

Town of Forestburgh is dedicated to providing safe transportation to our residents. Moreover, we are dedicated to providing a safe workplace for our employees. In order to meet this goal, we hereby endorse the Federal Highway Administration substance abuse regulations.

We will provide training, education and other assistance to our employees. Drug testing in compliance with DOT regulations, is an integral part of our program. Non-compliance with this policy or violation of the regulations may result in severe disciplinary action including suspension or dismissal.

EMPLOYEE ASSISTANCE PROGRAM

The Town has established an Employee Assistance Program (EAP) which includes education and training for drivers, supervisors and Town officials about controlled substances.

The training program, at least 60 minutes long, will cover the effects of controlled substance use on personal health, safety and the work environment. Manifestations and behavioral changes that may indicate controlled substance and abuse will also be addressed. Documentation of these training sessions will be maintained.

DRUG TESTING PROGRAM

This policy applies to all employees, to include elected or appointed officials, driving a town vehicle as defined in NYS Department of Motor Vehicles Articles 19-A, Vehicle and Traffic Law Special Regulations for bus drivers or any vehicle weighing 26,000 lbs or greater.

Type of Drug Tests

Urine specimens will be tested for marijuana, cocaine, opiates, amphetamines and PCP. Five types of drug testing are performed: pre-employment, random, periodic, reasonable cause and post-accident.

1. All applicants for employment to operate a Town vehicle must submit to a urine drug test.
2. Throughout the year, covered drivers are subject to unannounced testing while on-duty, on a random basis. The total number of random tests will equal or exceed 50% of the average number of commercial motor vehicle

driver positions for which testing is required. Since drivers are chosen at random throughout the year, each individual driver may not be tested or be tested once, twice or more in a given year.

3. Drug testing may be performed at the time of the periodic medical examination.
4. A driver shall submit to testing, upon reasonable cause, when requested to do so by the Town. Conduct triggering testing under this part must be directly observed by at least two supervisors or Town officials, if feasible. If not feasible, only one supervisor or town officer need witness the conduct. The witness must have received training in the identification of behaviors indicative of use of a controlled substance. Documentation of the drivers conduct shall be prepared and signed by the witnesses within 24 hours.
5. A driver shall provide a urine sample after a "reportable accident" within 32 hours. A driver will be removed from service until such sample is taken. If the driver is hospitalized and cannot provide a specimen within 32 hours he/she must provide the necessary authorization for the Town to obtain hospital records for the employee's blood and/or urine results with respect to controlled substances and alcohol. Testing must be carried out in accordance with DOT regulations.

Procedures

Drug testing is done by means of urine collection and analysis. The specimen will be collected by trained personnel in accordance with DOT regulations. The specimen is divided into two separated bottles (the primary sample and a "split" sample), sealed in tamper-evident containers and shipped to a NIDA-certified lab for testing. Laboratory test results are reported to the medical review office (MRO). Before reporting a positive test to the Town, if the MRO is unable to contact the driver directly, the MRO will contact the Town's Drug Program Administrator who will contact the employee. If no legitimate explanation for the positive test is found, the MRO will report the test as positive. If there is a valid explanation for the positive test other than illegal drug use, the MRO will report the test as negative. The driver has 72 hours after being informed of a positive test to request that the split sample be tested at another NIDA-certified lab. The cost of the test is the responsibility of the employee, however the Town will reimburse the employee for the re-test if it tests negative.

CONSEQUENCES OF A POSITIVE DRUG TEST

1. Applicants for employment who test positive for drugs will not be hired.
2. Any employee who tests positive is medically unqualified to operate a commercial motor vehicle, and will be immediately removed from service (terminated) without pay, but may use accrued time.

The Town will furnish the suspended driver with a referral to a substance abuse professional who will determine what assistance, if any, the employee needs in resolving the problem. After completing the course of rehabilitation prescribed by the substance abuse professional and undergoing a return to duty drug test with a negative result, the employee may apply to return to duty if a position is open. After returning to work, the driver must continue in an after-care program and be subject to the follow-up testing.

The cost of evaluation, rehabilitation and follow-up drug tests are the responsibility of the employee. Furthermore, the Town does not guarantee that an employee will be re-hired after completing rehabilitation.

3. A driver involved in a fatal accident who tests positive for drugs shall be terminated and disqualified by issuance of a letter of disqualification for a period of one year. The Town does not guarantee that the employee will be re-hired after the one year disqualification period.

CONSEQUENCES OF A REFUSING A TEST ARE THE SAME AS TESTING POSITIVE

Alcohol Regulations

No driver shall report for duty within four hours of consuming alcohol.

No driver shall be on duty while having an alcohol concentration of 0.04 or greater.

No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment.

No driver shall use alcohol while on-duty.

No driver shall use alcohol for 32 hours following an accident on the job, or until after he/she undergoes a post-accident alcohol test, whichever occurs first.

Alcohol Testing

Alcohol testing will be performed under the same situations as drug testing: pre-employment, random, reasonable cause or post-accident. The random testing rate for alcohol will be at least 25%.

Alcohol testing will be performed by certified Breath Alcohol Technicians using evidential breath testing devices as defined under Federal Motor Carrier

regulations, 49 CFR Part 40. If the test shows a result less than 0.02 or greater, a confirmation test must be conducted. The confirmation test will be performed fifteen minutes after the initial test and the results of this test determine what actions will be taken.

CONSEQUENCES OF ALCOHOL MISUSE

If the test result is between 0.02 and 0.04, the driver must be removed from driving or performing safety-sensitive duties for 24 hours. No other action will be taken against the driver based solely on test results showing an alcohol concentration less than 0.04.

If the test result is 0.04 or higher, the driver will be suspended. The employee will be placed on unpaid leave of absence and be referred to a substance abuse professional who will determine what assistance, if any, the employee needs in resolving the problem. After completing the course of rehabilitation prescribed by the substance abuse professional and undergoing a return-to-duty drug test with a negative result, the employee may apply to return to duty if a position is open. After returning to work, the driver must continue in an after-care program, at the expense of the employee, and be subject to follow-up testing at the expense of the employer. Furthermore, the Town does not guarantee that an employee will be re-hired after completing rehabilitation.

SECTION 25:

***RETURN FROM MEDICAL LEAVE OF ABSENCE /
WORKERS COMPENSATION***

Any employee who is returning from a medical leave of absence or workers compensation must submit a release from his/her physician and a statement that they are physically capable to perform all their job duties. If an employee returns to work with limitations of duty, they may do so only if their immediate supervisor has a position available whereby they can perform the duties with such restrictions.

SECTION 26 TOWN OF FORESTBURGH POLICY ON PROHIBITION OF SEXUAL HARASSMENT

I. BACKGROUND

Harassment on the basis of a person's sex by a supervisor, co-worker or other person is a discriminatory practice which violates Title VII of the Civil Rights Act of 1964 and regulations passed by the United States Equal Employment Opportunity Commission. Aside from being illegal, sexual harassment undermines the integrity of individual work relationships and damages the morals of the entire work force.

II. POLICY

It is the policy of the Town of Forestburgh that employees are entitled to work in an environment free from all forms of illegal discrimination including that which is based upon a person's sex. Accordingly, any practice or activity which constitutes sexual harassment is strictly forbidden within Town work places and shall, if substantiated in accordance with this policy, result in disciplinary action.

III. PROHIBITED CONDUCT

- A. Definition. Sexual harassment is defined as any unwelcome sexual advance, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
 - 1. Submission to such conduct is made either explicitly or implicitly a term or conditions of a person's employment; or
 - 2. Submission to or rejection of such conduct by a person is used as a basis for employment decisions affecting that person; or
 - 3. Such conduct has the purpose or effect of unreasonably interfering with a person's performance; or
 - 4. Such conduct creates an intimidating, hostile or offensive work environment.
- B. Sanctions. Sexual harassment is a serious violation of the work rules of this government, and, if proven, shall be grounds for the imposition of discipline. Potential sanctions for the offense shall range from a minimum of a five (5) day suspension without pay to termination, in the discretion of the Town Board, depending upon the following:
 - 1. The individual facts of any given case; and
 - 2. The employment record of the person committing such harassment.

IV. EMPLOYEE RIGHTS. Any employee who believes that another employee in a sexual harassment may file a complaint within a reasonable period of time after the event (normally not more than 180 days).

V. RETALIATION PROHIBITED. No person filing a complaint under this policy or who legitimately assists another in the prosecution of any such complain shall be subjected to retribution or retaliation of any kind for doing so.

VI. FILING COMPLAINTS.

A. Filing of Complaints. All complaints of sexual harassment shall be filed with either an immediate supervisor or the Town Supervisor.

B. Investigation.

1. Complaints filed under this policy shall be promptly and thoroughly investigated by the Town Supervisor or an individual designated by the Town Board in the event the Town Supervisor is unable to perform this function due to circumstances surrounding the complaint.
2. Upon completions of the investigation, the Town Supervisor shall prepare a comprehensive report addressing all allegations in the complaint and objectively documenting all relevant factual findings of the investigation. The investigation report shall contain neither conclusions concerning the complaint nor recommendations as to disposition.
3. The investigative report shall be presented to the Town Board upon completion and within fifteen (15) days after receipt of the complaint. This time requirement may be extended by the Town Board, in writing, upon request of the investigator and good cause shown for such an extension.

VII. ADJUDICATION

A. All complaints of Sexual Harassment shall be adjudicated by the Town Board.

B. Upon receipt of the completed investigative report, the Town Board shall conduct an administrative hearing at which the report shall be presented and considered. Hearings shall be conducted before a court reporter empowered to take testimony under oath. The court reporter shall require all witnesses to provide testimony under oath and shall prepare a verbatim transcription/recording of the proceedings which shall serve as the official record of the hearing.

C. The accused employee shall be notified, in writing, at least ten (10) days before the hearing of the complaint and the underlying allegations. The accused employee may request one (1) postponement of the hearing upon receipt of the notice by the accused employee. The accused employee shall have the right to hire counsel to represent him/her in the adjudication process.

D. The accused employee shall be entitled to attend the hearing and testify on his or her behalf, and shall be entitled to confront and cross examine the employee who filed the complaint. IN the event that the

complainant elects not to attend the administrative hearing and upon objection from the accused deemed innocent of the allegations.

- E. The accused employee shall be entitled to call witnesses on his or her behalf and to introduce evidence which bears upon the issues presented by the complaint and investigative report.
- F. At the conclusion of the hearing, or within five (5) days thereafter, the Town Board shall make findings concerning the innocence or guilt of the accused of the offense of sexual harassment.
- G. A finding of guilt must be supported by substantial, credible evidence that;
 - 1. The facts alleged by the complainant occurred are true; and
 - 2. Those facts constitute sexual harassment within the meaning of this policy; and
 - 3. The accused is the person who committed the acts amounting to sexual harassment.

VIII. RESPONSIBILITY.

- A. Supervisors. Each supervisor has a responsibility to maintain the work place free of sexual harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading or exploitative sexual treatment.
- B. Town Supervisor. It is responsibility of the Town Supervisor to:
 - 1. Provide information to managers and supervisors regarding this policy specifically, and sexual harassment generally; the gravity of such behavior; and the procedure to be employed in the event a complaint of sexual harassment is made or conduct amounting to sexual harassment is observed.
 - 2. Provide necessary training to managers and supervisors in order to reduce the likelihood of sexual harassment in the work place.

IX. FALSE ACCUSATIONS. Due to the serious and private nature of this offense, accusations of sexual harassment that are proven false are, and will be treated as, a disciplinary offense and will result in the same level of punishment as that applied to one who engages in such behavior, after a hearing.

**ADOPTED AS THE POLICY OF THE TOWN OF FORESTBURGH BY
RESOLUTION OF TOWN BOARD.**

SECTION 27: *WORKPLACE VIOLENCE*

Workplace Violence Prevention Policy & Incident Reporting

The Town of Forestburgh is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Town of Forestburgh property will be thoroughly investigated, and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that was designed to identify the workplace violence hazards our employees could be exposed to. Other tools that were utilized during this process included establishing a committee made up of management and Authorized Employee Representatives who will have an ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. The Town of Forestburgh has identified response personnel that include a member of management and an employee representative. If appropriate, the Town of Forestburgh will provide counseling services or referrals for employees.

All Town of Forestburgh personnel are responsible for notifying and submitting an incident report, which is available in the Finance Office, to the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Contact Person: _____

SECTION 28:

SMOKING POLICY

The Clean Air Act (1989), and subsequent amendments, prohibits or severely restricts smoking in non-domestic buildings throughout the State of New York where people are employed.

Article 13-E, of Chapter 45, Title 13 of the NYS Public Health Law, which has recently been amended to provide new prohibitions and restrictions, requires a revision to and restating the Town of Forestburgh Policy on smoking.

Effective 12/1/16 the smoking of tobacco, in any form, shall be prohibited within all Town facilities including vehicles. This prohibition applies to all areas of all Town buildings including corridors, outdoor areas within thirty (30) feet of the building and covered outdoor seating areas.

The NYS Department of Health is charged with the enforcement of the NYS Clean Indoor Air Act and may impose penalties in the form of fines up to \$2,000 for each offense.

Therefore, the Town prohibition of smoking in or immediately adjacent to Town buildings shall be strictly adhered to by all Town employees and the public without exception. Failure to comply with this policy on the part of any Town employee may result in administrative action.

SECTION 29:

E-MAIL AND OTHER ELECTRONIC COMMUNICATIONS

All electronic and telephonic communications systems, communications and information transmitted by, received from, or stored in these systems is the property of the Town of Forestburgh and as such are to be primarily used for job-related purposes. The use of any software and business equipment, including, but not limited to facsimiles, telecopiers, computers, and copy machines for ***limited personal use may be allowed if approved by your Department Head and does not interfere with your job duties.***

Employees are not permitted to use a code, access a file, or retrieve any stored communication unless authorized to do so or unless they have received prior clearance from an authorized Town of Forestburgh representative. All pass codes are the property of the Town of Forestburgh. No employee may use a pass code or voice-mail access code that has not been issued to that employee or that is unknown to the Town. Moreover, improper use of the E-mail system (e.g., spreading offensive jokes or remarks) will not be tolerated.

Employees who violate this policy are subject to disciplinary action, up to and including termination.

To ensure that the use of electronic and telephonic communications systems and business equipment is consistent with the Town's legitimate business interests, authorized representatives of the Town of Forestburgh may monitor the use of such equipment from time to time. This may include listening to stored voice-mail messages.

As a condition of employment and continued employment, employees are required to sign an E-mail and voice-mail acknowledgement form (see sample for following this policy statement). Applicants are required to sign this form as a condition of continuing employment with the Town, or on acceptance of an employment offer by the Town of Forestburgh.

E-MAIL AND VOICE-MAIL EMPLOYEE ACKNOWLEDGEMENT FORM

I understand that all electronic communication systems and all information transmitted by, received from, or stored in these systems are the property of the Town of Forestburgh. I also understand that these systems are to be used for job-related purposes although limited personal use may be allowed if approved by my Department Head and does not interfere with my job duties. I have no expectation of privacy in connection with the use of this equipment or with the transmission, receipt, or storage of information in this equipment.

I agree not to use a code, access a file, or retrieve any stored communication unless authorized. I acknowledge and consent to the Town of Forestburgh monitoring my use of this equipment at any time at its discretion. Such monitoring may include printing and reading all E-mail entering, leaving, or stored in these systems, and listening to my voice-mail messages in the ordinary course of business.

Name of employee (Please print)

Signature _____ Date _____

Name of Management Witness (Please print)

Signature _____ Date _____

SECTION 30:

SUSPENSION OF RULES

Portions of these rules may be suspended in whole or in part for the duration of an emergency and to the extent made necessary by the nature of the emergency upon approval of the Town Board, acting upon the recommendation of a Department Head.

SECTION 31:

Breast Cancer and Prostate Cancer Screening Policy

1. PURPOSE

The Town of Forestburgh recognizes that early detection for breast cancer and prostate cancer is a priority for diagnosis and treatment for its employees. Although there is currently no cure for breast cancer or prostate cancer, the need for ample time to undergo routine breast cancer and prostate cancer screening will be afforded by this policy without detriment or prejudice to the employees, officers, supervisors and department heads who benefit from this program. The scope of this policy is for full and part time, male and female employees, officers, supervisors and department heads of the Town of Forestburgh.

2. POLICY

New York Civil Service Law Section 159-b and 159-c entitles Town of Forestburgh employees, officers, supervisors and department heads excused leave not to exceed four hours on an annual basis, to undertake screening for breast cancer and prostate cancer. This excused leave will not be charged against the individual's sick, vacation, personal, compensatory or other time accruals. The individual will be compensated at their regular hourly rate, not exceeding four (4) hours per annum, in accordance with this policy.

The four (4) hours of excused paid time off is in effect from the time period starting January 1st through December 31st, and subsequently thereafter, the employee will be entitled to four (4) hours paid time off per annum accrued every January 1st. If the employee does not exercise his/her rights to the four (4) hours of excused paid leave, those hours are not carried forward to the next year. The four (4) hours of excused time may include travel time to and from the appointment and any subsequent follow up consultation visits. In addition, the four (4) hours of excused time may be staggered throughout the year until the maximum time has been reached. Any additional time exceeding the annual four (4) hours of paid leave must be compensated by use of sick time or other accruals.

Anyone exercising his/her rights to this optional benefit must give his/her supervisor or department head ample notice of such appointment and request for leave.

Additionally, documentation must be provided to the supervisor or department head from the health care provider stating the absence from the workplace was

for breast cancer or prostate cancer screening, the name of the employee and the date and time of the screening. The employee's rights to confidentiality pursuant to HIPAA must be maintained by the supervisor or department head by destroying any documentation immediately after verifying the leave was for breast cancer or prostate cancer screening.

3. PERSONS COVERED BY POLICY

This policy applies to all full or part-time officers, supervisors, department heads and employees of the Town of Forestburgh.

SECTION 32:

REVISIONS OR ADDITIONS OF RULES

These rules may be revised or additions made to at any time by the majority approval of the Town Board. The Town Clerk will notify all affected employees of any revisions or additions.

SECTION 33:

ADOPTION OF

Upon adoption by the Town Board of these policies and procedures a copy shall be provided to each current employee of the Town.

A copy of these policies and procedures shall be provided to all new employees of the Town at the time they are hired.

These policies and procedures shall take effect immediately upon adoption by the Town Board.