



GENERAL PERSONNEL POLICY AND PROCEDURES HANDBOOK

**TOWN OF HOMER
31 NORTH MAIN STREET HOMER, NY 13077
(607) 749-4581**

INTRODUCTION

1 PURPOSE

The Employee Handbook communicates the Town's personnel policies to employees and Elected Officials, covering rules, regulations, procedures, work standards, classifications, compensation, and benefits. It is not a contractual agreement, and employment can be terminated at any time by either party, subject to legal requirements. The Handbook supersedes prior manuals and guidelines and is intended for internal use only. Violations may result in administrative action.

2 TOWN BOARD AUTHORITY

The Town Board retains authority to interpret, amend, or remove any provision within this Employee Handbook.

3 AMENDMENTS

This policy may be amended by Town Board resolutions or legislation without exhaustive enumeration. Departmental rules may supplement this handbook where appropriate.

4 STATUTES, LAWS, AND ORDINANCES

If federal, state, or local rules conflict with this handbook, those statutes, laws, or ordinances will take precedence.

CIVIL SERVICE CLASSES AND APPOINTMENTS

5 CIVIL SERVICE

The Civil Service Law, the Civil Service Rules for Cortland County, and any Civil Service Laws adopted by the Town of Homer shall govern regarding the jurisdictional classification of positions and the appointment and promotion of personnel.

6 UNCLASSIFIED AND CLASSIFIED SERVICES

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

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

- Exempt – those positions, other than unskilled labor positions, for which competitive or non-competitive examinations or other qualification requirements are not practicable (Civil Service Law, Section 41);

- Competitive – those positions for which it is practicable to determine merit and fitness by competitive examination;
- Non-Competitive – those positions not in the exempt class or the labor class for which it is not practicable to determine merit and fitness by competitive examination, but rather by a review of training and experience; and,
- Labor – unskilled labor positions, except those positions which can be examined for competitively.

7 CIVIL SERVICE APPOINTMENTS

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

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

8 EXAMINATIONS AND PROMOTIONS

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

Promotions – The Town will offer opportunities for advancement for those employees who qualify. In the event the position is in the Competitive Class, a qualified employee must normally take a promotional examination and the above “one of three” rule will apply. An employee who wants to be promoted should become knowledgeable about the employee’s present position and be aware of higher-level positions for which the employee may be qualified.

9 VETERANS CREDITS

An employee who is a veteran as defined by the Civil Service Law may be eligible to apply for veterans' credits on a Civil Service examination. An employee who is a veteran should contact the Cortland County Department of Human Resources for details concerning these credits.

GENERAL EMPLOYEMENT

10 WORKING HOURS AND BREAKS

- a. Hours -Working hours will be set by the Department Head and will be governed by the season of the year. Generally, the established hours are forty (40) hour week plus over time as needed. The Department Head may require an employee to work additional hours beyond the employee's normal workday and workweek for overtime. An employee must receive prior approval from the employee's Department Head before working additional hours. For accurate payroll and record keeping, Highway Employees shall clock in and out each day either on a traditional mechanical time clock or on a computer designated for time keeping.
- b. Meals and Breaks - An employee who works more than six hours in a given day will receive an unpaid, duty-free meal break not to exceed thirty minutes. Meal break schedules shall be approved at the discretion of the Department Head. Rest breaks must also be approved by the Department Head. If rest breaks are permitted, they are counted as "time worked".

11 ABSENCES

You must notify the Department Head of an absence by starting time. Please try to give as much early notice as possible. Employees who are absent from work for three (3) consecutive workdays in which they were scheduled to work without giving proper notice or receiving proper authorization will be considered to have voluntarily resigned from employment with the Town of Homer.

12 SAFETY

Report all injuries, no matter how slight, to your supervisor immediately. Report any unsafe conditions to the Department Head. Employees are prohibited from operating any truck, machine or other equipment unless specifically authorized to do so by the Department Head. Safety guards installed in hazardous areas or machines are not to be removed. Other safety protocols shall be adopted at the discretion of, and enforced by, the Department Head to ensure the safety of Town employees.

13 VACATIONS

Full time employees are eligible for one-week of paid vacation after one full year of employment. After two full years employment, an employee is eligible for two (2) weeks of paid vacation. After ten years of employment an employee is eligible for three (3) weeks of paid vacation. All employees must notify the Department Head two (2) weeks prior to taking their vacation. The Department Head may veto in cases of duplication if the department would be

left shorthanded. Annual vacation days will accrue in full after the completion of the probationary period and on January 1st of each year thereafter.

14 PAYROLL

The Town Supervisor will explain payroll procedures for employees upon request. Town of Homer Highway employees are paid bi-weekly. **What about other employees?**

15 HOLIDAYS

There are ten (10) paid holidays per year: New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, July 4th, Labor Day; Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day.

16 SICK LEAVE

Employees are eligible to take sick leave after completing a probationary employment period. There are ten (10) days sick leave per calendar year allowed with pay. Unused sick leave may be carried over and allowed to accumulate, but only up to a total of thirty (30) days.

17 PERSONAL LEAVE

After completing the probationary period, employees are eligible to take two (2) days personal leave per year with pay. Personal leave time shall not be carried over from one year to the next.

18 EMERGENCY LEAVE

Three days emergency leave is allowed for a death in the family of a Town employee (spouse, mother, father, child, brother, sister, or spouse's mother or father), and one day for a death of spouse's brother or sister.

19 DRIVER'S LICENSE

All employees are required to possess an appropriate NYS Driver's License according to and as required by the employee's position and duties. If vehicle use is required for an employee to conduct work duties, proof of license must be on file with the Town. If a personal vehicle is used to conduct business on behalf of the Town, the employee is responsible for carrying liability insurance coverage meeting NYS requirements.

An employee who operates a vehicle which requires a Commercial Driver's License (CDL), must maintain such license throughout employment. Proof of such license must be on file with the Town. In accordance with the federal Commercial Motor Vehicle Safety Act of 1986, a commercial driver must notify the Town within thirty days of a conviction of any traffic violation (except parking), no matter where or what type of vehicle the employee was driving. An employee who is required to possess a driver's license or CDL license to perform certain job duties and responsibilities must immediately notify the appropriate Department Head in the event the license is suspended or revoked. Loss or suspension of a license may impact the employee's continued employment and could result in termination for an inability to complete work duties.

It is the responsibility of the employee to meet or exceed insurability standards of the Town's insurance carrier. If insurability standards are not met, an employee will not be permitted to operate any Town vehicles. An employee fails to meet insurability standards under the following circumstances: employee is convicted of a DWI/DWAI, reckless driving, license is suspended or revoked, and conviction for Hit and Run or Leaving the scene of an accident. This list is not exhaustive of all potential failures to meet insurability standards.

20 TOWN PROPERTY

An employee is responsible for any items or equipment issued by the town to the possession or control of the employee. These items include but are not limited to office equipment, tools, protective gear, keys, uniforms, phones, computers, and books. All Town issued property must be returned to the Town upon the employees last day of work.

21 UNAUTHORIZED WORK

An employee may not perform work for any entity other than the Town during the employee's authorized work hours. An employee may engage in outside work outside of Town work hours as long as such outside work does not interfere with the employee's performance standards, pose an actual or potential conflict of interest, or compromise the interests of the Town.

22 JURY DUTY

If a full-time or part-time employee is required to perform jury duty on a day the employee is scheduled to work, the employee will receive paid jury duty leave. Such leave will not be subtracted from any of the employee's leave credits. If the employee is paid a jury duty stipend from the court, the amount of the stipend must be reimbursed to the Town.

23 GROUNDS FOR DISCIPLINE (NOT EXHAUSTIVE)

The following actions are grounds for disciplinary action including termination:

- a. Intoxication or drinking on the job.
- b. Unauthorized use of Town vehicles, machinery, supplies, or other Town property without permission of the Department Head.
- c. Sleeping during work hours.
- d. Frequent tardiness.
- e. Irregular attendance, unreported absences.
- f. Falsifying records or reports, or on an application for employment.
- g. Refusal to obey legitimate instructions.
- h. Fighting.
- i. Violation of health rules or safety rules.
- j. Leaving the Town without permission during working hours.

PERSONNEL ADMINISTRATION

24 OATH OF OFFICE

Every Public Officer, as defined in the Public Officers Law, must undergo the Oath of Office procedure as outlined in Town Law Section 25 and Public Officers Law Section 10 before

assuming official duties. Additionally, officials re-elected or re-appointed to subsequent terms must repeat the Oath of Office for each new term. For original appointments or after an interruption of continuous service, all employees (excluding labor-class employees) must take an oath or alternate affirmation per Civil Service Law Section 62.

25 EMPLOYEE SELECTION PROCESS

It is the Town's policy to hire the best available person for a position whenever an employment vacancy occurs. Employment and promotional opportunities will be advertised and/or posted, and qualified individuals will be interviewed to fill vacancies as they occur. The Town reserves the right to fill a position either internally or with an external candidate. See sections 5 – 8 of this policy for Civil Service selection.

Unless otherwise specified in the Town Law, the Department Head has the authority to hire individuals to fill vacancies. The Town Board fixes all compensation.

The Town adheres to all federal, state, and local laws, rules, and regulations throughout the employee selection process and is an Equal Opportunity Employer. These include, but/are not limited to the Town Law, the Civil Service Law, the Equal Employment Opportunity Law, and the Americans with Disabilities Act.

Applicant's employment references will be verified prior to an offer of employment being made. Applicants must sign a hold harmless release and provide written authorization for the Town to request employment related information from former employers, personal references, and educational institutions, if deemed necessary.

After making a conditional offer of employment, all final applicants for a position that requires a commercial driver's license or equipment operation must consent to be tested for the presence of a controlled substance as a pre-qualifying condition to employment. An offer of employment and assignment to duties is contingent upon satisfactory results of such examination and testing.

26 EMPLOYMENT OF RELATIVES

A member of an employee's immediate family may be considered for employment by the Town if qualified. An immediate family member may not be hired if the employment would create a direct or indirect supervisory/subordinate relationship with the family member; or create an actual conflict of interest or the perception of a conflict. For purposes of this policy, "immediate family" includes the employee's spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee's household.

Employees who marry or become members of the same household may continue employment as long as there is not a direct or indirect supervisor/subordinate relationship between the employees, or an actual conflict of interest or the perception of a conflict of interest.

27 RESIDENCY REQUIREMENT

The Town of Homer will give preference in appointment to qualified individuals who are residents of the Town. Appointment to certain positions will require residency in the Town pursuant to state law.

28 PROBATIONARY PERIOD AND PERFORMANCE REVIEWS

Every permanent appointment to a position in the non-competitive, exempt list or labor class shall have a probationary period of not less than eight (8) nor more than twenty-six (26) weeks. This period gives the employee's supervisor and the Department Head an opportunity to evaluate the employee's job performance and to make recommendations for his/her future growth and development in the position. The Department Head, supervisors and employees are encouraged to discuss job performance on a regular basis. If, after an employee has served a minimum eight (8) weeks probationary period, the employee's performance or conduct during probation is not satisfactory, the individual may be dismissed from employment.

An employee's appointment will become permanent upon written notice that the probationary period has been successfully completed following the minimum period of service required. The employee's appointment may also become permanent upon the retention of the employee after completion of the maximum period of probationary service required.

29 PERFORMANCE REVIEWS

The purpose of this review is to evaluate employee performance. The performance appraisal will consider the employee's work quality, job knowledge, initiative, attendance, teamwork, conduct, and communication skills to evaluate over job performance. The employee's performance appraisal may be considered in determining a pay increase or as a factor in promotion or disciplinary action. An employee's performance will be evaluated prior to the end of a probationary period and once per year thereafter.

30 OFFICIAL PERSONNEL FILES

The Town maintains an official personnel file for every employee. It is kept and maintained by the Town of Homer Clerk and controlled by the Town. Employees must complete any employment-related forms required by government regulations and/or that are necessary for efficient Town operations. The files containing each employee's records include, but are not limited to, the following documents: Civil Service Employment Application, Report of Personnel Change forms (MSD-426), Federal and State Withholding Forms, Immigration Form I-9, Retirement enrollment/Waiver Forms, Health and Dental Insurance enrollment and Waiver Forms, job-required licenses and certificates, training records, performance reviews, compensation records, disciplinary and grievance notices, letters of appreciation, and probationary reports. Official Personnel Files shall be stored in safe keeping/locked storage at the Town office building and are not to be removed.

31 VIEWING OF PERSONNEL FILES

Employees wishing to view the contents of their Official Personnel File may do so by putting their request in writing to the Town Clerk. After receiving approval, an employee may review

his/her file but only in the presence of the Town Supervisor or the Department Head. Employees may not, however, remove any material contained therein or place any documents in the file without the approval of the authorized official. An employee will be notified whenever information is added to or deleted from his/her file. Copies of records contained in the official personnel files will not be released without the written consent of the employee unless federal, state, or local laws require otherwise.

32 INSURANCE

At the end of the probationary period the eligible employee will be offered enrollment into the current Town Health Insurance coverage. Employee medical information is confidential and will be kept in a separate file apart from the employee's Official Personnel File. This file will be locked at all times.

A full-time employee is currently provided with short-term disability coverage. An Elected Official, part-time, temporary, or seasonal employee is not eligible for paid short-term disability coverage. This benefit is to supplement loss of time from work due to a qualified non-job-related illness or injury. Disability payments will be in accordance with the terms of the policy.

The Town will pay the full premium for short-term disability coverage for each eligible employee and the insurance company makes the determination of whether an employee is eligible for short-term disability benefits.

33 IMMIGRATION FORMS

The Town requires documentation of each employee's identity and eligibility to work in the United States upon hire. Employees must complete Immigration and Naturalization Service I-9 forms on the first day of work. The Town maintains a confidential file of employees' I-9 forms.

34 CHANGES IN STATUS

Employees are responsible for updating their personnel records and should notify their supervisor or the Department Head, in writing on a Change of Status Form, of a change in name, address, telephone number, emergency contact, insurance beneficiary, insurance enrollment changes, tax withholding status, and dependent status. This list is not all-inclusive. The Town shall not be responsible for errors resulting from an employee's failure to update changes in this information.

35 DRIVER'S LICENSE

Any employee who is required to drive either a Town-owned vehicle or a personal vehicle to conduct business on behalf of the Town must possess at the time of appointment, and 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 have and maintain this license throughout employment. The Town will verify that every such employee has the appropriate licenses upon hire, and annually thereafter.

If you are required to possess a driver's license to perform certain job duties and responsibilities, you must notify your department head immediately of any changes of status of your license that may affect your employment with the Town.

36 NO CALL/ NO SHOW POLICY

Employees who are absent from work for three (3) consecutive workdays when they were scheduled to work, without giving proper notice or receiving proper authorization, will be considered to have voluntarily resigned from employment with the Town of Homer.

37 RESIGNATION

Employees who wish to resign employment by the Town must submit a written resignation to their department head at least ten (10) working days before the date of resignation. The department head will submit the letter of resignation to the Town Board. All Town property must be returned to the Town prior to the employee's last day of employment.

Employees receive their final paycheck on the next regularly scheduled payday. Any accumulated vacation leave credits or personal time will be paid out in a separate check that will follow the final paycheck.

An employee who resigns, retires, or is laid off will receive cash payment for unused vacation leave to which the employee is properly entitled at the employee's then current rate of pay. An employee whose employment with the Town is terminated due to a resignation, lay-off, or disciplinary discharge will not receive cash payment for unused sick leave.

38 AMERICANS WITH DISABILITIES ACT (ADA)

The Town of Homer does not discriminate against qualified individuals with disabilities 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.

39 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Town is an Equal Opportunity Employer, and does 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, and any employee who engages in such conduct is subject to appropriate disciplinary action in accordance with Civil Service Law Section 75.

Employees are encouraged to bring any perceived violation of this policy to the attention of their department head or to the Town Supervisor immediately. If you are unable to discuss the matter with your department head or the Town Supervisor, take your complaint directly to the

Town Board. All complaints of discrimination will be investigated discreetly and promptly, and your employment will not be affected by reporting such matters.

40 RULES OF CONDUCT

It is the policy of the Town of Homer that certain rules and regulations regarding employee behavior are necessary for the efficient operation of the Town, for the benefit and safety of all employees and the delivery of services to residents of the Town. Conduct that interferes with operations, that discredits the Town or that is offensive to residents or coworkers will not be tolerated. Employees are expected to conduct themselves in a positive manner so as to promote the best interests of the Town.

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

In addition to violations of the policies, procedures, rules, and regulations outlined in this Handbook, or established by individual departments, the following which are not meant to be all inclusive, are job related actions that may result in disciplinary action, up to and including termination, in accordance with Civil Service Law Section 75.

- a. Falsification of records or reports pertaining to, but not limited to, the following:
Employment applications, medical reports, production records, time records, shipping or receiving records, absences from work, injuries on the job, claims for benefits provided by the Town.
- b. Threatening, intimidation, coercing, assaulting, fighting, or interfering with coworkers, supervisors, department heads, or residents.
- c. Engaging in any form of harassment, including sexual harassment.
- d. Improper performance of job duties, or repeated failure to perform all duties assigned.
- e. Refusal to obey instructions of a supervisor or department head or any other form of insubordination.
- f. Carelessness or negligent use or operation of Town equipment and vehicles.
- g. Willful or deliberate abuse, destruction, defacement, misuse or theft of Town property or removal of Town property.
- h. Gambling on Town property.
- i. Unauthorized sleeping on the job.
- j. Violation and/or disregard of safety rules or safety practices.
- k. Failure to wear assigned safety clothing or equipment.
- l. Failure to adhere to personal appearance/dress code policy.
- m. Repeated violations of Town policies, procedures, or rules of conduct.
- n. Leaving work area without permission as defined by the department head.
- o. Habitual tardiness and/or absences.

- p. Unauthorized absences/repeated failure to notify employer.
- q. Possessing, using, or being under the influence of a controlled substance or alcohol while on Town property.
- r. Possession of illegal and/or unlicensed firearms or explosives on Town property or in Town vehicles.
- s. Acts of sabotage or espionage.

41 GRIEVANCE PROCEDURES

To promote a harmonious and cooperative relationship between employees, department heads and members of the Homer Town Board which will enhance the operation of the Town, a set of grievance procedures has been established. Employees are encouraged to resolve any matter with their department head. If the department head is unable to resolve the problem, the employee may informally discuss the situation with the Town Supervisor. If a resolution at this step is still not satisfactory, employees shall have an opportunity to appeal the decision to the Town Supervisor, in writing, within five (5) workdays. The Town Supervisor, the Town Board, and the department head will review the employee's concerns and will render a final decision in writing to the employee within a reasonable period of time.

No employee or department head will be subject to retaliation for bringing grievance matters to the attention of management, the Town Supervisor, or the Town Board. Employees covered by Civil Service Law Section 75 shall be disciplined in accordance with the procedures contained therein.

DISCIPLINARY ACTIONS/PROCEDURES

42 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 Civil Service Law Section 75, which provides 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. The following employees are covered under Section 75:

- a. A newly hired employee who has not completed the minimum probationary period as specified in the Civil Service Rules for Cortland County;
- b. An employee holding a position by permanent appointment in the Competitive Class of the classified Civil Service;
- c. An employee holding a position in the Non-Competitive or Labor Class other than a position designated in the Civil Service Rules for Cortland County as confidential or requiring the performance of functions influencing policy, who since the employee's last entry into service has completed at least five years of continuous service in the Non-Competitive or Labor Class in a position or positions not so designated in the rules as confidential or requiring the performance of functions influencing policy;

- d. An employee holding a position by permanent appointment or employment in the Exempt, Competitive, Non-Competitive, or Labor Class who is a qualified veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, except when such an employee holds the position of private secretary, cashier, or deputy of any official or department. Specifically, the employee must have been honorably discharged or released under honorable circumstances from the armed forces of the United States having served therein as such member in time of war as defined in Section 85 of the New York State Civil Service Law, or the employee must be an exempt volunteer firefighter as defined in the General Municipal Law.

43 DISCIPLINARY PROCEDURES

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

- a. Notice of Discipline – An employee subject to discipline will be provided with a written Notice of Discipline (NOD) which will contain all charges and specifications.
- b. Employee Answer – The employee will have eight calendar days to respond to the charges. The employee's response must be in writing.
- c. Disciplinary Hearing – Unless there is a stipulation of settlement between the Town and the employee, the employee is afforded the right to a hearing in accordance with provisions established by Civil Service Law Section 75. The hearing upon such charges shall be held by the officer or body having the power to remove the person against whom such charges are preferred, or by a deputy or other person designated by such officer or body in writing for that purpose. The Appointing Authority will designate a hearing officer in accordance with Civil Service Law Section 75. The designation must be in writing. The hearing officer will set the time and place for the hearing. The hearing officer will make a record of the hearing which will be submitted to the Appointing Authority, with the hearing officer's recommendations, for review and decision.

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

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

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

- a. Reprimand;

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

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

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

Filing Requirements – If an 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 Cortland County Civil Service Department. But 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 occurrence of the alleged incompetence or misconduct complained of and described in the charges which would, if proved in a court of appropriate jurisdiction, constitute a crime.

COMPLIANCE POLICIES MORE FULLY STATED

EQUAL EMPLOYMENT OPPORTUNITY

The Town of Homer is an Equal Opportunity Employer. The Town does not unlawfully discriminate on the basis of race, creed, color, national origin, sex, age, disability, marital status, or any other protected class or status against any employee or applicant for employment. The Town prohibits employees, Elected Officials, vendors, suppliers, visitors, customers, and any other nonemployee from discriminating against Town employees based on these protected groups. Discrimination based on any of the above is strictly prohibited. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, compensation, promotion, transfer, training, leave of absence, and termination.

An employee should immediately report any perceived violation of this policy to the employee's Department Head. In the event the employee is unable to discuss this matter with

the Department Head, the complaint should be reported in writing to the Town Supervisor or any member of the Town Board. All complaints of discrimination will be investigated promptly.

An employee who reports discrimination will not be penalized as a result of making the complaint. Retaliation against any employee who files a complaint of discrimination or participates in the investigation of such a complaint is prohibited. The Town will not permit adverse treatment of employees related to such complaints, or of those who otherwise oppose an unlawful employment practice. Violations of this policy may result in disciplinary action up to and including termination of employment as deemed necessary.

This policy is not intended to apply in any criminal or civil proceeding. This policy does not create a higher legal standard of safety or care in an evidential setting with respect to third party claims. Violations of this policy will only form the basis for Town administrative action. Violations of State and Federal law will form the basis for civil and criminal sanctions in a court of competent jurisdiction.

AMERICANS WITH DISABILITIES ACT

It is the policy of the Town of Homer to adhere to the provisions of the Americans with Disabilities Act and ensure equal employment opportunity for all qualified persons with disabilities. All employment practices will be conducted so as not to discriminate unlawfully against persons with disabilities. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) along with work assignments, classifications, seniority, leave, and all other forms of employment compensation.

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

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

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

An employee should report any perceived violation of this policy to the Town Supervisor or employee's department head. In the event the employee is unable to discuss this matter with

either individual, the complaint should be reported in writing to any member of the Town Board. All complaints of possible violations will be investigated promptly. An employee who reports a possible violation will not be penalized as a result of making the complaint. This procedure is not intended to restrict an individual's rights to make a complaint to a federal or state agency.

This policy is not intended to apply in any criminal or civil proceeding. This policy does not create a higher legal standard of safety or care in an evidential setting with respect to third party claims. Violations of this policy will only form the basis for Town administrative action. Violations of State and Federal law will form the basis for civil and criminal sanctions in a court of competent jurisdiction.

REPRODUCTIVE HEALTH DECISION MAKING

The Town of Homer complies with NYS Labor Law Section 203-e which prohibits discrimination or retaliation against employees based on an "employee's or a dependent's reproductive health decision making," including, but not limited to, the decision to use or access a particular drug, device, or medical service related to reproductive health.

The Town will not:

- a. Access an employee's personal information regarding the employee's or the employee's dependent's reproductive health decision making without the employee's prior informed written consent.
- b. Discriminate or retaliate against an employee with respect to compensation, terms, conditions, or privileges of employment based on the employee's reproductive health decision making, including but not limited to a decision to use or access a particular drug, device or medical service.
- c. Require an employee to sign a waiver or other document that denies the employee the right to make the employee's own reproductive decisions.

The law gives an employee the right to bring a civil action in any court of competent jurisdiction against an employer alleged to have violated the law per NYS Labor Law Section 203.

WORKPLACE VIOLENCE

The Town of Homer is committed to providing its employees with a safe work environment that is free from violence.

The Town has a zero-tolerance policy for violence of any kind in the workplace, including but not limited to, physical assault, threatening, intimidating, or aggressive behavior, or verbal abuse or harassment. In addition, employees and visitors are prohibited from possessing firearms or weapons in the workplace, even if licensed to carry the weapon. The only exceptions are law enforcement and authorized security personnel. An employee who has knowledge that a coworker or visitor possesses a weapon on Town property must report this to a supervisor immediately. Any incident of workplace violence or imminent danger must be promptly

reported to the Department Head or the Town Supervisor. Violations of this policy will result in appropriate disciplinary and/or legal action, based on the circumstances.

DRUG-FREE WORKPLACE

The unlawful manufacture, distribution, possession, or use of an illegal controlled substance as defined in the Federal Drug-Free Workplace Act, is prohibited on the job or at the workplace. The Town's Drug-Free Workplace Policy pertains to all individuals who are employed by the Town.

Employees are prohibited from using, selling, distributing, dispensing, possessing, or manufacturing alcoholic beverages, marijuana, illegal drugs, or any other intoxicating substances while on duty, at any job site or workplace, or in any Town vehicle, leased vehicle for Town business, or privately owned vehicle used for Town business. Additionally, employees must not be under the influence of such substances. Violation of this policy may result in referral for counseling or rehabilitation and appropriate treatment, as well as potential criminal, civil, and disciplinary consequences, including termination of employment. Furthermore, any work-related accident or injury involving a Town vehicle, equipment, or property where the use of alcohol, marijuana, illegal drugs, or other intoxicants is proven to be a contributing factor will lead to disciplinary action, up to and including termination of employment. The legal use of prescribed and over-the-counter drugs is permitted on the job only if it does not impair an employee's ability to perform the job safely and if it does not affect the safety or well-being of other individuals in the workplace.

WORKPLACE SAFETY

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

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

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

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

take the following steps:

- Provide aid to the injured person and seek assistance;
- Eliminate the immediate cause of the accident;
- If the accident appears serious, call 911; and
- Notify the Department Head immediately; and
- Take steps to prevent additional accidents.

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

- When an accident occurs which results either in the loss of an employee's work time, or in the provision of medical care to an employee, the employee must immediately notify the Department Head who will in turn notify the Town Supervisor. The Supervisor or designee must complete an Employer's Report of Injury Form (C-2F) and submit according to operating procedures.
- When an accident occurs which does not result in the loss of an employee's work time, or in the provision of medical care to the employee, the employee must immediately notify the Department Head who will in turn notify the Town Supervisor.

NEW YORK STATE RETIREMENT

The Town will make available the New York State Employees' Retirement System pension plan to each eligible employee and eligible Elected Official. An employee or elected official is only eligible for service retirement benefits as per the eligibility rules of the employee's Tier as assigned by the NYS Retirement System.

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

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

Optional Membership – An employee or Elected Official who is not mandated to join may join the Retirement System. Such employee or Elected Official will be informed, in writing, that the employee or Elected Official may join the Retirement System and will acknowledge receipt of such notice by signing a copy thereof and returning it to the Town Clerk or Clerk's designee. If

the employee or Elected Official elects to join the Retirement System, the employee or Elected Official must complete the application form and return it to the Clerk or designee.

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

I hereby acknowledge that I have received a copy of the Town of Homer General Personnel Policy and Procedures Handbook. I further acknowledge that I have read, or will read, the contents of the Personnel Policy and will contact my department head or the Town Supervisor if I have any questions.

I understand that this Personnel Policy is intended to supersede all previous personnel manuals issued by the Town of Homer. In addition, the Town reserves the right to interpret, change or modify any section of this policy.

Employee Name (Printed)

Employee Signature

Date of Signature

OTHER POLICIES/UPDATES TO CONSIDER IN THE FUTURE

Code of Ethics

Emergency Situations – weather, remote work, wages, procedure, etc

Emergency Disease Preparedness Plan

Vehicle Usage

Family and Medical Leave / Workers Comp