

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

TOWN OF HOMER-GENERAL PERSONNEL POLICY AND PROCEDURES

HIGHWAY DEPARTMENT WORK RULES

**1. WORKING HOURS -**

Working hours will be set by the Highway Superintendent and will be governed by the season of the year. Generally the established hours are forty (40) hour week plus over time as needed.

**2. ABSENCES -**

You must notify the Highway Superintendent 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.

**SAFETY -**

Report **all** injuries, no matter how slight, to your supervisor **immediately**. Report any unsafe conditions to the Highway Superintendent. Employees are prohibited from operating any truck, machine or other equipment unless specifically authorized to do so by the Highway Superintendent. Safety guards installed in hazardous areas or machines are not to be removed.

**4. 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 Highway Superintendent two (2) weeks prior to taking their vacation. The Highway Superintendent may veto in cases of duplication if the department would be left dangerously shorthanded.

**5. PAYROLL -**

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

**6. HOLIDAYS -**

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

**7. SICK LEAVE -**

Employees are eligible to take sick leave after completing a three months probationary employment period. There are ten (10) days sick leave per 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.

**8. PERSONAL LEAVE**

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

**9. EMERGENCY LEAVE -**

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

**10. DRIVER'S LICENSE -**

All employees are required to possess an appropriate NYS Drivers License according to position.

**11. GENERAL RULES -**

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 Highway Superintendent.
- c. Sleeping on Town time.
- 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.

## GENERAL EMPLOYMENT MATTERS

### **12. OATH OF OFFICE -**

All elected and appointed officials are required to take the **Oath of Office**, which will be administered prior to commencing work and attested to by the Town Clerk. Those officials elected or appointed to serve a specific term **must** take the **Oath of Office for each term**.

### **13. EMPLOYEE SELECTION PROCESS -**

It is the Town's policy to hire the best available person whenever a vacancy occurs. Employment and promotional opportunities will be advertised and/or posted, and qualified individuals will be interviewed to fill vacancies as they occur.

Unless otherwise specified in the Town Law, the Highway Superintendent 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. 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, the Town will require all applicants to undergo a free medical examination by a healthcare professional of the Town's choice, and such medical examination may include drug and alcohol testing. An offer of employment and assignment to duties is contingent upon satisfactory results of such examination and testing.

### **14. RESIDENCY REQUIREMENT-**

The Town of Homer will give preference in appointment to qualified individuals who are residents of the Town.

**15. 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 Highway Superintendent an opportunity to evaluate the employee's job performance and to make recommendations for his/her future growth and development in the position. The Highway Superintendent, 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.

**PERSONNEL ADMINISTRATION**

**16. 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 (MS-426), Federal and State Withholding Forms, Immigration Form I-9, Retirement enrollment/Waiver Forms, Health and Dental Insurance enrollment Waiver Forms, Job-required licenses and certificates, training records, performance reviews, compensation records, and disciplinary and grievance notices, letters of appreciation and probationary reports.

**17. 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 Highway Superintendent. 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.

**18. MEDICAL -**

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 kept locked at all times.

**19. 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 1-9 forms on the first day of work. The Town maintains a confidential file of employees' 1-9 forms.

**20. CHANGES IN STATUS -**

Employees are responsible for updating their personnel records and should notify their supervisor or the Highway Superintendent, 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.

**21. DRIVER'S LICENSE-**

Any employee who is required to drive either a Town-owned vehicle or his/her personal vehicle to conduct business on behalf of the Town must possess at the time of appointment, and 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 any such employees have the appropriate licenses upon hire, and annually thereafter.

If you are required to possess a driver's license in order to perform certain job duties and responsibilities, you must notify your department head immediately if lack of your license may have an affect on your employment with the Town.

**22. 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.

**23. 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.

**24. 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.

**25. 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 Las 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.

**26. 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 at all times to conduct themselves in a positive manner so as to promote the best interests of the Town.

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 dismissal, in accordance with Civil Service Law Section 75.

Falsification of records or reports pertaining to, but not limited to, the following:

1. 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.
2. Threatening, intimidation, coercing, assaulting, fighting or interfering with coworkers, supervisors, department heads, or residents.
3. Engaging in any form of harassment, including sexual harassment.
4. Improper performance of job duties, or repeated failure to perform all duties assigned.
5. Refusal to obey instructions of a supervisor or department head or any other form of insubordination.
6. Careless or negligent use or operation of Town equipment and vehicles.
7. Willful or deliberate abuse, destruction, defacement, misuse or theft of Town property or removal of Town property.
8. Gambling on Town property.
9. Unauthorized sleeping on the job.
10. Violation and/or disregard of safety rules or safety practices.
11. Failure to wear assigned safety clothing or equipment.
12. Failure to adhere to personal appearance/dress code policy.
13. Repeated violations of Town policies, procedures or rules of conduct.
14. Leaving work area without permission as defined by the department head.
15. Habitual tardiness and/or absences.
16. Unauthorized absences/repeated failure to notify employer.
17. Possessing or using controlled substances or alcohol while on Town property.
18. Possession of illegal and/or unlicensed firearms or explosives on Town property or in Town vehicles.
19. Acts of sabotage or espionage.

## **27. GRIEVANCE PROCEDURES -**

In order 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 try to resolve any matter with their

department head. If the department head is unable to resolve the problem, the employee may discuss the situation with the Town Supervisor. If a resolution at this step is not satisfactory, a meeting may be requested with the employee's department head, the Town Supervisor and the Town Board. Every effort will be made to respond in writing to the employee's concerns within a reasonable period of time after such meeting. 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 and the Town Board 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.

### **DISCIPLINARY ACTIONS/PROCEDURES**

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

## **29. DISCIPLINARY PROCEDURES -**

- a. An employee who is subject to disciplinary action has the right to representation and shall be given a written notice by the department head of that right. If the employee requests representation, the department head shall allow the employee a reasonable period of time to obtain such representation. If the employee fails to obtain such representation within a reasonable period of time, the department head has the right to question the employee.
- b. The department head must give the employee a copy of any charges. The charges must state the reason for the disciplinary action.
- c. The employee will be allowed eight (8) days to respond in writing to any charges.
- d. A hearing shall be held by the department head and the Town Board. The Supervisor and the Town Board may designate in writing an individual or body to conduct the hearing in their place. Such designated individual or body shall be vested with all of the powers of the hearing officer or body and shall make a written record of the hearing. This record, together with recommendations, shall be forwarded to the department head and the Town Board for their review and decision.
- e. The employee is entitled to representation by counsel or other representative at the hearing.
- f. The burden of proving incompetence or misconduct shall be upon the person alleging the same.

## **30. DETERMINATION OF CHARGES**

Pending a hearing, an employee may be suspended without pay for a period not to exceed thirty (30) days. If an employee is found to be guilty of the charges after a hearing the penalty may consist of one (1) of the following:

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

And 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.