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copy.*

**TOWN OF STILLWATER
EMPLOYEE PERSONNEL MANUAL
2nd EDITION
Updated 20 March 2013**



**(THIS REVISED MANUAL SUPERSEDES ALL
PREVIOUS WRITTEN/VERBAL POLICIES)**

Originally Adopted by the Town Board:

Resolution #188
of 2008

Readopted by the Town Board:

Resolution #21
of 2013

TOWN OF STILLWATER
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I. INTRODUCTION

A. WELCOME FROM THE TOWN SUPERVISOR

On behalf of the Stillwater Town Board, I welcome you as a new Employee with the Town of Stillwater. You have joined a proud heritage of ardent employees who have helped build and maintain Stillwater as a premier Historic Town. Our future is in your hands.

This Employee Personnel Manual is designed to familiarize you with the benefits, procedures and policies of employment with the Town. Please keep in mind that it is only an overview of Town procedures, employee benefits and Civil Service rights; and specific questions concerning this document should be addressed to your Department Head.

The benefits, procedures and policies set forth in this Manual can be modified, revoked, or added to at any time concurrent with the Town Board of the Town of Stillwater and CSEA approval. No other personnel have the authority to alter the policies. All revisions will be distributed by the Town Clerk's Office by a memorandum to all employees. Any revisions will substitute and replace prior benefits, procedures and policies and become a part of the Manual. All employees will become subject to the new addition, deletion, or change regardless of the date of hire. The Manual will also be available to employees in electronic format for those who have access to a computer. Neither the text of the Manual, nor that of any policy or procedure statement of the Town, is intended to be, or should be construed as, a contract of employment or as a contract guaranteeing continued employment.

It is recognized that our Town Highway employees are members of the CSEA Local 1000, and as such, the Town has entered into a contract with said Union. This contract outlines specific items effecting employees within the Highway Department that may differ from the policies outlined within this Manual. Should an employee conflict arise from any difference in policy between the contract and this manual, the contract will take precedent.

Your job is an important one. You are working for all the residents of the Town of Stillwater. Performing your duties to the best of your ability will be personally rewarding, and at the same time will project a professional image to the people we all serve.

II. PERSONNEL POLICIES

A. EQUAL OPPORTUNITY EMPLOYER

The Town of Stillwater is an Equal Opportunity Employer. We do not discriminate on the basis of race, color, national origin, religion, sex, marital status, age, disability, veteran status or sexual orientation. This policy applies to all terms and conditions of employment, including, but not limited to hiring, placement, promotion, termination, layoff, transfer, leave of absence and compensation. Discrimination based on any of the above groups is strictly prohibited. We encourage you to bring any perceived violation of this policy to the attention of your Department Head immediately. If you are unable to discuss this matter with your Department Head, take your complaint directly to the Town Supervisor or Deputy Supervisor. All complaints of discrimination will be investigated discreetly and promptly. The Town has designated the Town Supervisor as Civil Rights Officer as required by the Federal Civil Rights Act.

B. ACCOMMODATIONS FOR THE DISABLED

In accordance with Americans with Disability Act and the New York State Human Rights Law, the Town of Stillwater does not discriminate against qualified individuals with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. It is our 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. All applicants and employees have the right to request reasonable accommodation for their disability and such requests should be made by the applicant or employee and be directed to the Town Supervisor.

C. AUTHORIZED ALIEN STATUS AND CITIZENSHIP

The Immigration Reform and Control Act of 1986 requires that all employees hired on or after November 6, 1986, must be either a United States citizen or an alien lawfully authorized to work in the United States. All employees hired on or after November 6, 1986 will be required to complete Section 1 of the Employment Eligibility Verification Form, designated as Form I-9. The Town will verify identity and employment eligibility by viewing required documents and completing Section 2 of the I-9 form. An employee's completed I-9 Immigration Form will be filed in the Town Clerk's Office. No employee or candidate for employment will be discriminated against on the basis of citizenship, authorized alien status, place of origin, physical, cultural or linguistic characteristics, accent or manner of speaking.

D. AFFIRMATIVE ACTION POLICY

It is the policy of the Town of Stillwater to provide equal employment opportunity to all people without regard to race, color, national origin, religion, sex, marital status, age, disability, veteran status or sexual orientation. The Town Supervisor and the Town Board are personally committed to assuring that the Town acts affirmatively to develop avenues of entry and mobility for minorities, women, individuals having disabilities and veterans through the following activities:

- Development of programmatic approaches to the elimination of any unjust exclusionary employment practices, policies and consequences.
- Development of educational and training programs for all employees, with due emphasis on our goal of upgrading minorities, women, individuals with disabilities and veterans (*).
- Development of personnel practices, policies and career ladders to assist and encourage upward mobility of employees restricted to lower levels.
- Development of additional mechanisms, as necessary, for swift and judicious resolution of problems of human rights discrimination consistent with our policy and other applicable legal statutes.

The Town of Stillwater's Affirmative Action policy conforms to all relevant Federal and State non-discrimination and Affirmative Action regulations, including but not limited to: the Civil Rights Act of 1964 as amended, the Rehabilitation Act of 1973, the Vietnam Era Veteran's Readjustment Act of 1974 and the New York State Human Rights Law. It applies equally to all job classifications and titles in the Town and all types of appointments under the Town's jurisdiction. It governs all of the Town's employment policies, practices and actions including but not necessarily limited to: recruitment, employment, disciplinary actions, rate of pay, or other compensation, advancement, reclassification, reallocation, promotion, demotion and all employee benefits.

* For purposes of our Affirmative Action Policy, the term "veteran" applies to those veterans defined by the Civil Service Law as having special preferences with respect to seniority and examination credits.

E. HIRING POLICIES

Department Heads must request new positions from the Town Board. The request will include a job description and new position duties statement, describing the duties of the position and specific qualifications for the position. Upon approval from the Town Board, the Department Head will forward to the Town Clerk, who will then submit a copy to the Saratoga County Personnel Department for Civil Service classification of the position. Upon receipt of County review and approval, the position can be advertised through the Town Clerk's office.

All prospective applicants for Town positions must complete a job application form or submit a copy of their resume. Application forms of selected applicants shall be forwarded to the Town Clerk and then sent to the Saratoga County Personnel Department. A copy of the application and resume will also be placed in the employee's personnel file.

Department Heads and/or the Town Clerk will be responsible for obtaining the necessary releases and conducting reference checks. Background checks will also be performed for all positions that handle cash, have any contact with children or operate machinery, with the Town reserving its right to expand this requirement based upon the duties of other positions. All pertinent job references and educational requirement shall be verified as well as any other requirements for the position. A written report concerning reference checks will be placed in the employee's personnel file.

A Payroll Certification and Report of Personnel Change Form must be completed for all changes of personnel in existing positions.

All Department Heads must be a resident of the Town. Preference shall be given to Town residents for all other positions in evaluating applicants of similar qualifications. The Town Board reserves the right to waive these residency requirements if they determine it is in the best interest of the Town.

The spouses, parents, brothers, sisters and children of Elected Officials or Department Heads are ineligible to be hired for a full or part-time permanent position in the Town of Stillwater after the effective date of the adoption of this Employee Personnel Manual. Employees hired or appointed before the effective date of this policy will not be affected in their present positions. The Town Board reserves the right to waive the relational restrictions if they determine it is in the best interest of the Town.

No questions shall be so framed during any application or interview process as to elicit information concerning the political opinions or affiliations of any applicant and all disclosures shall be discountenanced by the Department Head. No discrimination shall be exercised in favor of any applicant because of political opinions or affiliations.

F. EMPLOYMENT REFERENCE POLICY

It is the Town's policy to provide only the following information relating to employment reference checks:

- Employment dates of the individual
- Description of the job duties performed by the individual
- Salary or hourly wage of the individual

Furthermore, all employment reference inquiries should be directed to the Town Supervisor.

G. SEXUAL HARASSMENT POLICY

Sexual Harassment is illegal and a violation of the Civil Rights Act of 1964. The Town is committed to the policy that sexual harassment is prohibited in each and every work place in which Town employees work or conduct business. Conduct which constitutes sexual harassment will not be tolerated from any Town employee or any one else who is present in a Town workplace, and will be treated as an act of employee misconduct.

Sexual harassment is unwelcome sexual advances, 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 condition of an individual's employment; OR
2. Submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting the person rejecting or submitting to the conduct; OR
3. The conduct has the purpose or effect of interfering with an affected person's work performance, or creating an intimidating, hostile or offensive working environment.

Sexual harassment is a form of sex discrimination which is a violation under Title VII of the Civil Rights Act of 1964, EEOC guidelines and the New York State Human Rights Law. Every Town employee is entitled to a work environment uninterrupted by sexual harassment.

Guidelines:

- The Town will formulate and maintain a Sexual Harassment Policy and Report Procedure. A copy of that policy shall be furnished to all employees by the Town Clerk's Office upon an employee's commencement of employment in the Town.
- Each new employee will be advised of that policy and procedure at the employee orientation.
- A copy of the Sexual Harassment Policy will be prominently displayed in the work place of each Town Building.
- All employees, including supervisory personnel, shall be required to attend a sexual harassment training session at least once in every three years.

Procedures:

- All complaints shall be made to one of the following persons: the Town Supervisor or Deputy Supervisor.
- While complaints may initially be made either orally or in writing, all complaints will be reduced to writing on a complaint form provided by the Town for that purpose and be made available to the Town Supervisor or Deputy Supervisor.
- The employee must sign the complaint form.
- The person handling the complaint will inform the employee that the investigation will commence immediately; that discretion will be used but confidentiality cannot be promised; that the alleged offender will be questioned as to their side of the story; that witnesses and other employees of the Town may be questioned; and that appropriate action against the accused will occur if they are found to be guilty. The Town's Sexual Harassment Policy should be reiterated, and the employee should be advised to report additional incidents if the conduct continues.
- All complaints of sexual harassment will be reported to the Town Board.
- The employee shall be assured that retaliation for the reporting of complaints of sexual harassment will not be tolerated, and that any such retaliatory conduct should be reported.
- All investigations will be made promptly and thoroughly. The person investigating the complaint will prepare a written report of the investigation. At the conclusion of the investigation, a copy of the complaint and of the investigation will be furnished to the Town Supervisor.
- The investigatory procedure shall be fully documented, noting the date, time, place and remarks about the incident.
- The accused employee shall be notified privately of the charges against them and given the opportunity to respond to those charges.
- The person investigating the complaint shall interview witnesses and other personnel who may have knowledge of the complaint or other instances of sexual harassment.
- If the person conducting the investigation concludes, whether by the admission by the accused employee or by the facts disclosed by the investigation, that the conduct constituting sexual harassment has occurred, appropriate action shall be taken in accordance with the Town's disciplinary procedures and the New York State Civil Service Law.
- If the person conducting the investigation is unable to determine whether the actions alleged in the complaint occurred, the accused employee will be informed that the investigation was inconclusive, but that if the complaint is later proven true, or if similar activity to that alleged in the complaint is found to occur, appropriate disciplinary action will occur. The accused employee will also be advised that it is against Town policy for any acts of retaliation against the complaining employee to occur.
- If the person conducting the investigation determines that the conduct

occurred, both the complainant and the offender will be advised of that determination and that appropriate action under the disciplinary policies of the Town will occur.

- Once the appropriate action to be taken has been determined, both the complainant and the offender shall be advised of the action, in writing.

H. CODE OF ETHICS

The Town of Stillwater Code of Ethics was implemented in accordance Article 18 of NYS General Municipal law. The Town Code can be found in Part 1, Chap. 19 of the Town's, "eCode360" found on the Town Web site. All employees will be provided a copy of the Ethics Town Law for review and are required to sign an ethics form. This form will be re-accomplished yearly or as prescribed by the Town Ethics Law. Notification for Ethics Form renewal will be sent from the Town Clerk's Office or Supervisor's office.

I. ALCOHOL AND DRUG FREE WORKPLACE

It is the intent of the Town of Stillwater to provide to all employees an alcohol and drug free workplace. Our policy regarding the work related effects of alcohol and drug use and the unlawful possession of controlled substances on Town premises is as follows:

1. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is our intent and obligation to provide an alcohol and drug free, healthful, safe and secure work environment.
2. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on Town premises or while conducting Town business off Town premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination and may have legal consequences.
3. The Town recognizes alcohol and drug dependency as an illness and a major health problem. The Town also recognizes alcohol and drug abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to use our health insurance plans, as appropriate.
4. Employees must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off Town premises. A report of a conviction must be made within five (5) days after the convictions (this requirement is mandated by the Drug-Free Workplace Act of 1988). Employees must also, as a condition of employment, report any alcohol related convictions occurring on or off Town premises. Should an employee be convicted of a criminal drug

or alcohol related offense, the Town may impose disciplinary action, up to and including termination, within thirty (30) days of learning of such a conviction.

J. SUBSTANCE TESTING POLICY

The Town of Stillwater has adopted a Substance Testing Policy that is in compliance with the "Omnibus Transportation Employee Testing Act of 1991, Controlled Substances and Alcohol Use and Testing" as outlined by the Department of Transportation in 49 CFR Parts 40, 382, and 391 of the Code of Federal Regulations. The purpose of this policy is to reduce accidents resulting from an employee's use of controlled substances and alcohol, thus reducing fatalities, injuries and property damage.

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

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

K. FAMILY AND MEDICAL LEAVE ACT POLICY

The Town of Stillwater has adopted a Family and Medical Leave Policy in accordance with the Family and Medical Leave Act of 1993 (FMLA). FMLA requires that all public agencies, including state, local and federal employers, and local education agencies to adopt a policy that entitles an eligible employee, as defined by FMLA, to take up to 12 weeks of unpaid, job-protected leave in a 12 month period for specified family and medical reasons.

Employee Eligibility

To be eligible for FMLA benefits, an employee must:

- work for a covered employer
- have worked for the employer for a total of 12 months
- have worked at least 1,250 hours over the previous 12 months
- work at a location where at least 50 employees are employed by the employer within 75 miles

Leave Entitlement

The Town will grant an eligible employee up to a total of 12 workweeks of unpaid leave during any calendar year for one or more of the following reasons:

- for the birth or care of the newborn child of the employee;
- for placement with the employee of a son or daughter for adoption or foster care;
- to care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- to take medical leave when the employee is unable to work because of a serious health condition;

Under some circumstances, employees may take FMLA leave intermittently - which means taking leaves in blocks of time, or by reducing their normal weekly or daily work schedule.

- If FMLA leave is for birth and care or placement for adoption or foster care, use of intermittent leave is subject to the Town Board's approval.
- FMLA leave may be taken intermittently; whenever medically necessary, to care for a seriously ill family member, or because the employee is seriously ill and unable to work.

Employees seeking to use FMLA leave are required to provide 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. The Town will provide a written response to the employee's request summarizing the reason and length of the request, if the request is eligible under FMLA, whether any periodic reports or medical certifications are required, the amount of any accrued paid leave that will have to be substituted for unpaid FMLA leave, employees obligation for their share of the health insurance premium and any other applicable information required by FMLA.

During the period of the unpaid FMLA leave, the Town will continue to pay for health insurance benefits to, or on behalf of, the employee for up to 12 weeks including all accrued paid leave time required to be substituted. The employee may continue health benefits beyond the 12 weeks if the employee pays the entire premiums while on leave subject to the approval of the Town Board.

Upon termination of authorized FMLA leave, the employee will be reinstated without interruption of service, rights, or benefits.

Any questions regarding the implementation of this policy should be directed to the Town Supervisor. This manual outlines the general provisions of FMLA for reference purposes only. The FMLA should be referred to for specific inquiries and procedures.

L. SMOKING POLICY

The following smoking policy applies to all Town employees:

1. Smoking shall be prohibited in all Town facilities which shall include outside entrance ways.
2. Smoking shall be prohibited within 100 feet of the Town's fuel tanks.
3. Smoking shall be prohibited in all Town vehicles.

Any questions concerning the implementation of this smoking policy should be directed to the appropriate Department Head.

Visitors must observe this smoke-free policy. Department Heads and Town employees are responsible for visitors' compliance with the Town's smoke-free policy. Visitors who smoke will be requested to extinguish the cigarette, cigar, pipe, etc. and will be informed of the policy. Refusal to do so will constitute a violation of the policy and may result in removal from the facility.

M. SAFETY

Your personal safety and the safety of your co-workers are important aspects of your job. Most accidents can be prevented by exercising caution, good judgment, common sense, and by using the proper safety equipment. The personal and public losses resulting from accidents are extremely high. Therefore, safety is everyone's business. The Town is committed to providing a workplace that is free of safety and health hazards, preventing property damage and financial loss due to accidents, and complying with Federal, State and local safety and health regulations.

As a Town employee you should be aware of the exit routes in each Town facility. You should also be aware of the location of fire extinguishers, fire pull alarms and automatic electronic defibrillators (if available), and your responsibility to contact the appropriate emergency responders if an emergency situation is discovered.

In the case of a fire, please evacuate the facility promptly and assemble at a safe distance in front of the facility. The Senior Department Head of each facility should provide guidance and instruction in the event of an emergency, check all rooms if possible to ensure that all individuals have been evacuated and verify that all individuals have been accounted for in the safe area. Do not re-enter the facility until you have been instructed to do so by the emergency responders.

In the case a Town employee witnesses or discovers a Hazardous Materials incident, the only action to be taken is to notify the emergency responders by dialing 911 and then evacuating the scene.

All job related accidents and injuries must be reported to your Department Head

immediately. Department Head's are responsible for completing and submitting to Saratoga County and the Town Bookkeeper's Office a Saratoga County Self-Insurance Plan Report of Accident Investigation by Supervisor or Department Head form. Non-employee accidents and injuries must be reported on a Town of Stillwater Accident Reporting Form - Non-Employee and submitted to the Supervisor's Office. Copies of both forms are available from your Department Head or the Town Supervisor's Office.

Please keep your eyes open for any working conditions or work procedures which you would consider to be potentially dangerous and report these to your Department Head immediately.

N. CARE OF EQUIPMENT AND SUPPLIES

The equipment and supplies you need to do your work properly are provided by the Town, but your use of them determines whether the Town is getting its money's worth. Misuse and waste increase the cost of government. As an employee, you have an obligation to the taxpayer to use your equipment and supplies wisely and to properly clean and maintain these items. Equipment and supplies provided by the Town remain the property of the Town. Accordingly, the Town reserves the right to search Town property at any time with or without notice.

O. VEHICLE, TOOL AND EQUIPMENT USAGE POLICY

The Town recognizes that there are occasions for employees to drive a Town vehicle in order to conduct Town business. Employees in certain job titles are also required to use tools and/or operate equipment in the normal performance of their job duties. The following set of guidelines is established to insure both the safety of employees as well as the efficient use of taxpayers' money.

1. Personal use of Town vehicles is strictly prohibited, except in cases of emergency.
2. All employees who regularly operate a Town vehicle or machinery should complete a New York Safety Driving Course before they are granted authorization to use any Town vehicle. The Town will schedule and cover the costs associated with this course for all Town employees whose primary job duties rely on the operation of vehicles and equipment. Department Heads will be responsible for ensuring their respective departments are adequately staffed during the times the courses are offered. Additionally, time spent on this course will be considered work time for these employees since it is mandated by the Town. Upon completion of the course, a copy of the certificate will be filed in the employee's personnel file.
3. Any employee caught operating and/or using a Town vehicle, piece of equipment, or tools in a reckless or negligent manner is subject to disciplinary

action, including dismissal.

4. Any employee who is required to drive a Town vehicle or operate a personal vehicle to conduct Town business must notify his/her department head immediately if he/she receives a conviction for a moving violation.
5. Alcoholic beverages or drug related paraphernalia are prohibited in any Town vehicle, piece of equipment, or on any Town premises.
6. Any authorized employee wishing to use a Town vehicle must seek prior approval from the appropriate department head. If a Town vehicle is not available, employees may be required to use their own vehicle to complete the job task.
7. Use of Town tools, equipment or facilities is permissible with Highway Superintendent or Town Supervisor approval.
8. Members of the various Boards of the Town wishing to use a Town vehicle must seek prior permission from the appropriate Department Head.
9. Seat belts are to be worn by all drivers and passengers in Town owned vehicles.
10. As a general rule, Town vehicles may not be taken home or driven for personal use. Positions which have been designated as "on call" positions are permitted to take vehicles home in order to expedite response time. Non-business use is not permitted. In accordance with IRS regulations, commuter value will be added as earned income to the employees W-2 at the end of the year unless the vehicle has been designated as a qualified exempt vehicle in accordance with IRS regulations. A report summarizing commuting usage should be submitted to the Bookkeepers Office on a monthly basis.
11. Any employee who is operating a Town or personal vehicle, to conduct Town business, shall be prohibited from using a wireless phone while driving unless they use a hands free device. Employees are required to pull over and park the car when engaged in conversation on a wireless phone without a hands free device.
12. Employees who use their own vehicle to conduct Town business will be reimbursed a mileage rate established by the Town Board.
13. The Town owns two fuel pumps, one diesel and one regular, which are located at the Highway Department. These pumps provide fuel for all Town owned vehicles and equipment. Employees are prohibited from dispensing fuel for their personal use. The Highway Superintendent is responsible for monitoring the Town's fuel usage. To assist the Highway Superintendent, the Town has installed an Automated Fuel Management System which monitors fuel usage. This System records the fuel dispensed by date, time, vehicle and number of gallons pumped. The Highway Superintendent takes monthly readings and performs fuel usage reconciliation.

P. ELECTRONIC COMMUNICATIONS POLICY

The Town's electronic communication systems, including e-mail, computers (including Internet access), voice mail, fax machines, telephones, two-way radios and any other devices for communication, are Town property and are provided and intended for business purposes. Non-business use of Town communication systems is prohibited. Exceptions: Reasonable, incidental, and occasional use of the systems is permitted. See your respective Department Head for examples. Any personal use of the communication system that interferes with the performance of an employee's work or burdens or compromises the effectiveness of the communications system is strictly prohibited.

The Town may access its electronic communications systems and obtain the communications within the systems, with or without notice to users of the system, in the ordinary course of business when the Town deems it appropriate to do so. The reasons for which the Town may obtain such access include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and insuring that the Town's operations continue appropriately during an employee's absence.

No one may use electronic communications in a manner that may be construed by others as harassment or offensive based on race, national origin, sex, sexual orientation, age, disability, religious beliefs or any other characteristic protected by federal, state or local law.

Since our electronic communications systems are for Town business use only, these systems may not be used to solicit for religious or political causes, outside organizations or other personal matters unrelated to Town business.

No one may access, or attempt to obtain access, to another individual's electronic communications without appropriate authorization. All employees should utilize passwords, as programs permit, to protect the integrity of the communications systems.

Information security is everyone's responsibility. Information security incidents can cripple Town computers and cause a loss of public confidence. The Town and its employees have a responsibility to our citizens and business partners, both public and private, to safeguard the information with which we are entrusted. Any Town employee that believes a Town computer, network or program has been compromised should notify their Department Head and Town Supervisor immediately.

Further, unauthorized duplication of copyrighted computer software violates the law and is strictly prohibited.

Violators of the Electronic Communications Policy may be disciplined in accordance with the Town's disciplinary procedures or CSEA's.

Q. PUBLIC RELATIONS POLICY

In order to achieve our goal of effective public service, it is important to maintain good relations with the residents of our community. Remember these people are not only taxpayers, but are also our employers. Treat them as you would wish to be treated. Be courteous, patient and helpful. When conducting Town business on the telephone, be sure to follow these brief guidelines:

1. During office hours, answer phone or promptly return voice-mail messages.
2. Answer promptly, speaking in a clear, friendly and courteous tone.
3. Identify your office and yourself. If a call is not for you, be sure to transfer the caller to the correct party.
4. If you must hold a call, return to the line frequently so the caller will not think she/he has been forgotten.
5. Keep all calls as brief as possible.

The Town's telephones, including wireless, and voice mail systems are provided for the conduct of Town business. However, the Town recognizes that some non-business calls are necessary and, therefore, such calls are permitted on the condition that such calls should be limited in number and duration, and you should not abuse this privilege.

R. DRESS CODE

While it is not the Town's intention to dictate the personal wardrobe of the employees, the appearance and dress of employees are important in creating a favorable image supportive of the public confidence. In general, employees are encouraged to maintain their personal appearance in a manner which will reflect a good image to the public in accordance with the departmental rules and job requirements.

S. PERSONNEL RECORD

The Town maintains a personnel file for each employee. In order to assist the Town to carry out a variety of services to its employees, it is important to maintain accurate employee records. It is your responsibility to keep your records correct and up to date. Any change in address, name, phone number, family status or other information concerning you should be reported immediately to your Department Head and the Town Bookkeeper. An employee shall have the opportunity to review their official personnel record kept on file in the Town Supervisor's Office, in the presence of the Town Supervisor or Town Clerk. An employee should submit a request in writing to the Town Supervisor and a mutually convenient time will be arranged to review said

file. Such access shall not extend to confidential pre-employment reference material.

T. WORK DAY AND WORK WEEK

Work Week:

Work schedules for Town employees vary by Department, but the normal operating hours for the Town Hall and Town Court are Monday through Friday, 8:00 am to 4:00 pm. The Building and Planning Department, Assessor's Office and Bookkeeper's Office maintain hours from 8:00 am to 4:00 pm. All Town Department's work week begins on Monday. Department hours will be posted Outside the Building.

Work schedules for Highway Department employees vary considerably due to the nature of the services being provided to the public. These hours are as specified in the Union Contract.

Notification of Absence:

An employee who is absent from work for any reason shall directly notify their supervisor as early as possible. Such notification shall be given in advance unless conditions beyond the control of the employee make such advance notification impossible.

Tardiness:

Employees are expected to be at work on time, ready to perform the duties of their position. Continuity of service and coverage all rely on the dependability of staff being at work, on time, and prepared to perform the duties of their position. An employee, who is frequently tardy, shall be subject to progressive discipline. Furthermore, an employee who is late by 15 minutes or greater will only be paid for time they actually worked – subject to Department Head determination. If an emergency causes an employee to be tardy, the employee must directly notify their supervisor prior to the start of their shift. If it is not possible for an employee to notify the supervisor prior to the start of the shift, he/she must offer satisfactory evidence of the emergency to their supervisor upon arriving to work.

Inclement Weather and Emergency Situations:

The Town Hall and its various departments shall remain open during all normal business hours, including periods of inclement weather. The Town has adopted a Comprehensive Emergency Management Plan to address such emergency situations that may arise from severe weather or natural disaster, hazardous material incident, mass casualty, acts of terrorism, or other events. The Plan identifies staff, resources and supplies needed to maintain essential services and operation during any emergency situation while providing for the protection of life, health and safety of

Town residents and employees.

The Town Supervisor, in his absence the Deputy, will make final determinations, for release or authorize absences, of non-essential employees during emergencies.

The authority to close Town Offices or declare an emergency rests with the Town Supervisor.

U. PAY PERIOD

Employees are paid on either a bi-weekly, monthly or yearly basis depending on the job title with Thursday being the day that employees receive their paychecks.

Pay checks will either be given to the Department Head for distribution, given directly to the employee or mailed. Employees that want another party to pick-up their check must directly notify the Town Bookkeeper's office in advance. Employees also have the option/ability to choose automated deposit.

V. RECORD OF ATTENDANCE

Town Hall Employees:

Employees are responsible for maintaining and submitting their own attendance record and submitting it to their appropriate supervisor on a biweekly basis. Town employees may be paid only for actual time worked or entitled leave time. All leave time claimed shall be identified on the time record as to type (such as: vacation, sick, personal, bereavement, compensatory time, or holidays). Department heads must certify the correctness of all time recorded and forward the attendance record to the Bookkeeper's Office for processing. .

Highway Department Employees:

The Highway Department utilizes a time clock in order to monitor time and attendance. Each employee must swipe his own time badge. Any employee caught swiping, or tampering with, another employee's time badge may be subject to disciplinary action, including dismissal. For the employee's convenience only, employees are allowed to swipe in 10 minutes prior to their normal start time, with the normal work day beginning promptly at the scheduled start time. No employee should swipe in prior to ten minutes of their scheduled start time without supervisory approval or they may be subject to disciplinary action. In case of time clock failure, the Highway Superintendent will enter the correct times. Paid leave time will be entered on an employee's time record by the Highway Superintendent. Additionally, the Highway superintendent or designee will submit an original time record for each employee to the Bookkeeper on a bi-weekly basis.

Payroll Submission:

All payroll time records must be submitted no later than 10 a.m. on Monday of the payroll week. The Town Bookkeeper may grant an extension of this time limit upon request.

At Home Work:

Work that may be performed by a Town employee, at home, on a regular basis must be approved by the Town Board and will be reviewed on an annual basis on a case by case basis. Occasional, at home work, that is to be performed by an hourly or Full Time Town employee must be approved by the respective Department Head and the Town Bookkeeper should be informed. The employee's attendance record should also indicate the nature of the work.

W. BULLETIN BOARDS / ELECTRONIC MAIL

Bulletin boards / electronic mail are an important means of communication. All employees should check them daily for new information. A variety of notices containing pertinent information such as Civil Service exam announcements, job announcements, messages from the Town Supervisor or Department Heads, are regularly posted on the bulletin boards located in the Town Hall and the Highway Department or via electronic mail. Any employee wishing to post information on employee bulletin boards should first check with their Department Head.

X. EMPLOYEE GRIEVANCE PROCEDURE

In order to establish a more harmonious and cooperative relationship between Town employees, Department Heads and members of the Town Board, and to enhance the operations of the Town of Stillwater, an Employee Grievance Procedure has been established. This procedure is designed to provide a method whereby differences can be settled in a fair and efficient manner. Grievance procedures for Highway employees are outlined in the Union Contract.

Definitions:

1. Employee - Under the terms of this procedure, shall mean any person, excluding Elected Officials and Department Heads, employed by the Town of Stillwater.
2. Town Supervisor - Under the terms of this procedure, shall mean the elected Town Supervisor of the Town of Stillwater.
3. Department Head - Shall mean the director, administrator, or elected official in charge of any department, agency, or unit of government in the Town of Stillwater.

4. This will also apply if such an individual is acting or temporary in the position of Department Head as defined herein.
5. Immediate Supervisor - Shall mean the supervisor, officer or designee (whether acting or temporary) to whom the employee is directly responsible.
6. Staff - Shall mean any individual who is employed by the Town of Stillwater or who serves as a member on either the Planning Board or the Zoning Board of Appeals.
7. Grievance - Shall mean any claimed violation, misinterpretation or inequitable application of any existing laws, rules, regulations or policies which relate to or involve the employee in the exercise of the duties assigned. A grievance shall not be construed to relate to, nor shall any grievance claim be permitted concerning salary or other amount of basic compensation fixed by the Town Board by budget action or other resolution or Local Law except for administrative errors.

Procedures:

Step 1

The aggrieved employee, within ten (10) working days of the employee's knowledge that such grievance has occurred, shall orally present the grievance to his/her immediate supervisor. The immediate supervisor shall attempt to resolve the grievance and present his/her decision in writing to the employee within ten (10) working days. If such grievance is not satisfactorily resolved at Step 1, the aggrieved employee may proceed to Step 2. If the immediate supervisor and the Department Head are one in the same, the aggrieved employee may proceed directly to Step 3.

Step 2

Within ten (10) working days after a determination has been made at Step 1, the aggrieved employee may make a written request to the Department Head, with a copy to the immediate supervisor, for review and determination. The Department Head shall render his/her determination in writing within five (5) working days.

Step 3

The aggrieved person may, within ten (10) working days of the final determination by the Department Head, make a written request to the Town Supervisor, with a copy to the Department Head, for review and determination. The Town Supervisor shall meet with the aggrieved employee and attempt to gather all pertinent facts related to the grievance. A written decision shall be rendered by the Town Supervisor within ten (10) working days from the date of the meeting.

Appeal Hearing

If after Step 3 has been completed, and the aggrieved employee is not satisfied with the decision rendered by the Town Supervisor, the employee shall have the right to argue the grievance before an Appeal Panel. This panel shall consist of three members as follows:

1. A member from the Town Board, other than the Town Supervisor, mutually agreed upon by the Town Supervisor and the aggrieved employee.
2. A member from the Town of Stillwater staff, selected by the Town Supervisor.
3. A member of the Town of Stillwater staff, selected by the aggrieved employee.

A decision of the Appeal Panel shall be rendered in writing within ten (10) working days from the date of the hearing. This decision shall be binding among all parties involved.

Y. EMPLOYEE CONDUCT

Employee Responsibility:

It is the duty and the responsibility of every employee to be aware of and abide by existing rules, regulations and procedures of the Town. Each employee is responsible to perform their duties to the best of their ability and to the standards established for the position and by the Town. Employees are encouraged to take advantage of all learning opportunities available and request additional instruction when needed.

Management Responsibility:

Management must approach corrective measures in an objective manner. If the employee's performance of an assigned task is the issue, the Department Head should generally look to see that proper instructions, appropriate orientation and training have been given, and that the employee is aware of job expectations. Not only single incidents, but patterns of poor performance should be of concern as it is indicative of overall performance. If misconduct is the issue, the Department Head should take steps to make sure that the employee has been made aware of the Town's policies and procedures regarding the infraction. If in either case appropriate instruction or information was not communicated, a plan for such should be immediately developed and reviewed with the employee.

Employee Conduct:

The Town supports the use of periodic counseling, as needed, to address conduct issues such as poor work performance or misconduct before they reach the level of

formal disciplinary procedures. Through every day communication and through directive memos, employees are counseled on appropriate and inappropriate behavior. For employees who do not heed such communication, an individual counseling session may be necessary. Counseling can be verbal, in writing or a combination of both. Counseling is not considered discipline, but actually the first step before formal disciplinary procedures are initiated. Counseling should be constructive and should specify the problem area(s) and should explore different ways and methods of correcting the employee's behavior.

If the need arises to correct a situation in which an employee has violated any Town of Stillwater procedure, regulation or policy, appropriate disciplinary action may be taken depending on circumstances and in accordance with Civil Service Law (Section 75), if applicable.

Civil Service Law (Section 75):

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

Eligibility Criteria for Section 75 Protection

A person holding a position by permanent appointment in the Competitive Class of the Classified Civil Service; or

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

An employee holding a position in the Non-Competitive Class other than a position designated in the municipal rules as "confidential" or requiring the performance of functions influencing policy, who since his/her last entry into service completed at least five (5) years of continuous service in the Non-Competitive Class in a position or positions not so designated in the rules as confidential or requiring the performance of functions influencing policy.

Procedures:

- 1) Any employee who is subject to disciplinary action has the right to representation, and shall be given a written advanced notice by the Department Head of that right. If the employee requests representation, the Department

Head shall allow the employee a reasonable period of time to obtain such representation. If the employee is unable to obtain such representation within a reasonable period of time, the Department Head has the right to then question the employee.

- 2) The Department Head must give the employee a copy of the charges. These charges must state the reason for the disciplinary action.
- 3) The employee shall be allowed eight (8) days to respond in writing to the charges.
- 4) The hearing shall be held by the Town Board. The Town Board may, in writing, designate an individual or body to conduct the hearing in their place. Such designated individual or body shall be vested with all of the powers of the hearing officer and shall make a record of the hearing. This record, together with recommendations, shall be forwarded to the Town Board for their review and decision.
- 5) The employee is entitled to representation by counsel or other representative at the hearing.
- 6) The burden of proving incompetence or misconduct shall be upon the person alleging the same.

Suspension Without Pay Pending Determination of Charges and Penalties:

1. Pending the hearing, the employee may be suspended without pay for a period not to exceed thirty (30) days.
2. If the employee is found to be guilty of the charges, the penalty may consist of one of the following:
 - a) A reprimand
 - b) A fine not to exceed one-hundred dollars (\$100), to be deducted from the employee's pay
 - c) A suspension without pay not to exceed two (2) months.
 - d) Demotion in grade and title
 - e) Dismissal from Town employment
- 3) If the employee is found to be guilty, a copy of the charges, the employee's written answer thereto, a transcript of the hearing, and the determination shall be filed in the office of the department in which he/she is employed, and a copy filed with the Saratoga County Civil Service Department.
- 4) 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.
- 5) Notwithstanding any other provision of law, no removal or disciplinary proceeding shall be commenced more than eighteen (18) months after the occurrence of the alleged incompetence or misconduct complained of and described in the charges provided, however, that such limitation shall not apply where the incompetence or misconduct complained of and described in the charges would, if proved in a court of appropriate jurisdiction, constitute a

crime.

Disciplinary Procedures – Exempt Employees:

In the event that disciplinary charges are brought against an exempt employee of the Town, exempt employees may not be suspended without pay or otherwise docked in pay, either before or after a hearing, for any period of less than one full week or a multiple of one full week. Nor may exempt employees be subjected to disciplinary suspensions without pay or other salary deductions in any amount following a disciplinary hearing unless the employee is found to have violated a safety rule of major significance within the meaning of regulations issued by the U. S. Department of Labor. Nothing in this policy prohibits the Town from (a) suspending exempt employees without pay for periods of one full week, (b) suspending exempt employees without pay for violating safety rules of major significance, or (c) disciplining exempt employees in other ways which do not require an employee's salary to be reduced or docked.

Z. JOB TITLES AND CLASSIFICATIONS

The Town Board establishes all job titles including job descriptions, status, and weekly hours within the Town subject to classification by Saratoga County Personnel Department. The job titles are broken down into the following categories:

CATEGORY 1 - SALARIED EMPLOYEES

Salaried employees include Full-Time Employees working a minimum 40 hour work week and Part-Time Employees compensated on a monthly basis for their services provided.

CATEGORY 2 - HOURLY EMPLOYEES

Hourly employees include Full-Time Employees working 35 or 40 hour work weeks depending on their job title, Part-time and seasonal employees working less than 35 hours per week, Seasonal employees appointed to work less than 35 hours per week and paid a minimum of three hours per day.

CATEGORY 3 - ELECTED OFFICIALS

(Standard work day of 6 hours for NYS Retirement System Reporting)

Town Supervisor
Town Board Member
Town Justice

Tax Collector
Town Clerk
Highway Superintendent

CATEGORY 4 - COMMISSION/COMMITTEE/BOARD MEMBERS (VOLUNTEERS)

Board of Assessment Review
Planning Board
Zoning Board of Appeals
Emergency Preparedness Committee
Other Committees Established by the Town Board

AA WORKPLACE VIOLENCE POLICY

The Town is committed to providing, in so far as it reasonably can do so within available resources, a safe environment for working and conducting business. The Town will not tolerate acts of violence committed by or against Town employees, or members of the public, while on Town property or while performing Town business at other locations.

The word violence in this policy shall mean an act or behavior that:

- is physically abusive;
- a reasonable person would perceive as obsessively directed, e.g. intensely focused on a grudge, grievance, or romantic interest in another person, and reasonably likely to result in harm or threats of harm to persons or property;
- consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of an individual;
- would be interpreted by a reasonable person as carrying potential for physical harm to the individual;
- is a behavior, or action, that a reasonable person would perceive as menacing;
- involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
- consists of a communicated or reasonably perceived threat to destroy property.

Violent actions on Town property or facilities, or while on Town business, will not be tolerated or ignored. Any unlawful violent actions committed by employees or members of the public while on Town property, or while using Town facilities, will be prosecuted as appropriate. The Town intends to use reasonable legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to reasonably protect employees and members of the public.

The objective of this policy is to achieve the following:

- 1) reduce the potential for violence in and around the workplace;

- 2) encourage and foster a work environment that is characterized by respect and healthy conflict resolution; and
- 3) mitigate the negative consequences for employees who experience or encounter violence in their work lives.

In the interest of maintaining a workplace that is safe and free of violence, except as hereinafter provided, possession or use of dangerous weapons is prohibited on Town property, in Town vehicles or in any personal vehicle which is used for Town business. A dangerous weapon is any instrument capable of producing bodily harm, in a manner, under circumstances, and at a time and place that manifests intent to harm or intimidate another person or that warrants alarm for the safety of another person. Employees of the Town or other state and local government employees may possess a firearm on Town property if engaged in military or law enforcement activities.

Town employees are responsible for:

- refraining from acts of violence and for seeking assistance to resolve personal issues that may lead to acts of violence in the workplace; and
- reporting to department heads and supervisors any dangerous or threatening situations that occur in the workplace.

Employees are encouraged to report to their department heads/supervisors situations that occur outside of the workplace which may affect workplace safety, i.e., instances where protection orders have been issued, etc.

Department Heads and supervisors are responsible for assessing situations, making judgments on the appropriate response, and then responding to reports of or knowledge of violence and for initiating the investigation process. Further:

- Any report of violence, will be evaluated immediately and confidentially, and appropriate action will be taken, where possible, in order to protect the employee from further violence. Appropriate disciplinary action will be taken when it is determined that Town employees have committed acts of violence.
- Where issues of employee safety are of concern, department heads and supervisors should evaluate the workplace and make appropriate recommendations regarding a reasonable response.

The Town, in so far as is reasonably possible, is responsible for developing procedures that are designed to reasonably achieve:

- prompt and appropriate response to any act of violence;
- accountability among employees for acts of violence committed in the workplace;
- establishment of oversight of investigations of violence;
- establishment of a Crisis Management Team to provide immediate response to serious incidents;
- establishment of avenues of support for employees who experience violence;

- training of department heads, supervisors and other employees;
- evaluating the physical environment for safety and consider modifications; and
- communication of this policy and administrative procedures to employees, managers and supervisors.

The following are guidelines for dealing with acts of violence in the workplace:

- If the act or altercation constitutes an emergency, CALL 911 and then contact your immediate supervisor. In instances that are not emergency situations, contact your immediate supervisor.
- If possible, separate the parties involved in the violent altercation. If the parties cannot be separated, or it would be too dangerous to the employee or supervisor to attempt to separate the parties, CALL 911.
- Contact the appropriate Department Head.
- Excuse yourself from the individual's presence or the situation.
- Request assistance from another Town employee.
- The Department Head will contact the Town Supervisor, who will take responsibility for coordinating response to the incident.
- In instances that involve emergency situations, or criminal activity, the Town Supervisor will contact the Town Attorney and the Police Department. Incidents involving emergency situations and/or criminal activity will be referred to the Police Department for assessment and, if necessary, investigation.

In instances when it is not appropriate to refer an incident to the Police Department, the Town Supervisor in consultation with the Town Attorney, will evaluate the situation and make a decision regarding the need for an investigation and who will conduct the investigation.

BB. DOMESTIC VIOLENCE WORKPLACE POLICY

The Town is committed to working with employees who are victims of domestic violence to prevent abuse and harassment from occurring in the workplace and to provide appropriate support and assistance. No employee will be penalized or disciplined solely for being a victim of harassment in the workplace.

Domestic violence is abusive behavior that is physical, sexual, verbal, and/or psychological, intended to establish and maintain control over a partner. Domestic violence is a serious problem that affects people from all walks of life. It can adversely affect the well-being and productivity of employees who are victims, as well as their co-workers. Other effects of domestic violence in the workplace include increased absenteeism, turnover, health care costs, and reduced productivity.

Employees who are perpetrators of domestic violence are also encouraged to seek

assistance. The Town will provide information regarding counseling and certified treatment resources.

The Town will not tolerate domestic violence including harassment of any employee or citizen while in Town offices, facilities, work sites, vehicles, or while conducting Town business. This includes the display of any violent or threatening behavior (verbal or physical) that may result in physical or emotional injury or otherwise places one's safety and productivity at risk.

Any employee, who threatens, harasses, or abuses someone at the workplace or from the workplace using any Town resources such as work time, workplace phones, fax machines, mail, e-mail, or other means may be subject to corrective or disciplinary action, up to and including dismissal. Corrective or disciplinary action may also be taken against employees who are arrested, convicted or issued a permanent injunction as a result of domestic violence when such action has a direct connection to the employee's duties as a Town employee.

All employees need to take seriously the problem of domestic violence and its effect in the workplace. The Town will take all reasonable measures to foster a safe working environment for all employees and citizens.

It is important that all employees know how best to respond to the effects of domestic violence in the workplace. The following clarifies roles for all staff.

Department Heads:

- Be aware of physical or behavioral changes in employees and consult with the Town Supervisor. Do not attempt to diagnose the employee.
- Be responsive when an employee who is either the victim or the perpetrator of domestic violence asks for help. Immediately contact the Town Supervisor for assistance.
- Maintain confidentiality. Information about the employee should only be given to others on a need-to-know basis.
- Work with the victim, the Town Supervisor, the District Attorney's Office, law enforcement, and community domestic violence programs, if necessary, to assess the need for and develop a workplace safety plan for the victim. If it is determined that other employees or citizens are at risk, it is essential to take measures to provide protection for them.
- Adjust the employee's work schedule and/or grant leave (sick, personal, vacation leave, compensatory time, or leave without pay) if the employee needs to take time off for medical assistance, legal assistance, court appearances, counseling, relocation, or to make other necessary arrangements to create a safe situation. Be sure to follow all applicable personnel rules and statutes.
- Maintain communication with the employee during their absence.

- Work with the Town Supervisor and Saratoga County Department of Personnel to assist the employee in finding other government employment if the employee needs to relocate for safety reasons.
- After consultation with the Town Supervisor, take any appropriate corrective disciplinary action against employees who: misuse Town resources to perpetrate domestic violence; harass, threaten, or commit an act of domestic violence in the workplace or while conducting Town business; or are arrested, convicted or issued a permanent injunction as a result of domestic violence when such action has a direct connection to the employee's duties as a Town employee.
- Post information about domestic violence in your work area. Have information available where employees can obtain it without having to request it or be seen removing it.
- Honor all civil and criminal protection orders. As appropriate, participate in court proceedings in obtaining protection orders on behalf of the employee.

Town Supervisor's Office:

- Provide a list of services available to victims and perpetrators of domestic violence.
- Be a resource to employees and department heads in addressing domestic violence situations.
- Work to develop a workplace safety plan to minimize the risk to the victim, other employees, and clients.
- Work with department heads to grant leave, adjust work schedules, or attempt to find continued employment for employees who are victims of domestic violence.
- Maintain confidentiality. Information about the employee should only be given to others on a need-to-know basis.

Options for Employees Who Are Victims, Perpetrators or Have Concerns of Domestic Violence:

- Contact the Town Supervisor for assistance.
- Tell a trusted co-worker or department head, and ask for help.
- Contact Domestic Violence Services, 480 Broadway, LL20, Saratoga Springs, New York 12866, (518) 583-0280.
- Contact the 24-hour Domestic Violence Hotline at (800) 942-6906 or (518) 584-8188
- Contact the National Domestic Violence Hotline: 1-800-799-SAFE, TTY 1-800-787-3224.
- Call the local police.
- Notify your Department Head of the possible need to be absent and find out your leave options. Be clear about your plan to return to work and maintain

communications with your department head during your absence. If necessary, make alternate arrangements for receiving your paycheck.

- If appropriate and safety is a concern, submit a recent photograph of the abuser and a copy of your protection order to your department head.

Possible Components of a Workplace Safety Plan:

- Consider obtaining civil and criminal orders for protection and make sure that they remain current and are in hand at all times. A copy should be provided to all department heads if there is a concern about the abusive partner coming to the work site.
- The employee should consider providing a picture of the perpetrator.
- An emergency contact person should be identified should the employer be unable to contact the employee.
- Identify a contact person for the employee to reach when needed.
- Review the employee's parking arrangements for possible changes.
- Consider changing the employee's work schedule.
- Consider what steps need to be taken to provide for the safety of other employees and citizens.
- Consider having the employee's telephone calls screened at work.

CC. TRAVEL AND MEAL POLICY

The Town of Stillwater's travel and meal policy applies to all elected officials, employees and appointed board/committee members seeking reimbursement from the Town for all reasonable, necessary and appropriate transportation, meal and travel related costs incurred in connection with approved Town activities.

The purpose of this policy is to establish the parameters and procedures relating to transportation, meal and travel related cost reimbursement. Employees and officials are expected to use good judgment when incurring transportation, meal and travel related costs, as well as promptly and correctly reporting such expenses. Department Heads are responsible for reviewing and approving travel expense reports to certify expenses are reasonable and in accordance with established practices. Approved expense reports should then be forwarded to the Bookkeeper's Office for a final review and payment. Town employees will be paid for actual time worked and for actual time spent traveling to the destination outside the Town when on approved Town business. This policy is intended to outline the Town's general parameters and procedures relating to transportation, meal and travel related costs subject to the interpretation of the Town Board and opinions issued by the NYS State Comptroller's office. If established practices and policies are not complied with, the Town will not be responsible for reimbursement.

The following general rules apply to all Town expenses incurred for transportation,

meal and travel related costs incurred in connection with approved Town activities for which reimbursement is expected:

A) Transportation

Actual and necessary transportation expenses are generally reimbursable and these may include the cost of public transportation. When an employee or official uses their private automobile, the Town will reimburse the individual a mileage allowance for the use of their private automobile for each mile actually and necessarily traveled. The amount of such allowance will be determined annually by the Town Board. All requests for mileage reimbursement should include the following (1) starting point(s), (2) destination point (s), (3) mileage, and (4) computation of the reimbursable amount. In addition to the mileage allowance, the Town will reimburse employees and officials for actual and necessary parking fees and tolls. Costs incurred in commuting from home to the usual place of work are considered private expenses and, therefore, are not reimbursable. Vehicle moving or parking violation tickets are the sole responsibility of the vehicle operator and will not be reimbursed by the Town.

B) Meals

Meal expenses may not be reimbursed unless the employee or official is traveling outside the regular work area on official Town business. Employees and officials will be reimbursed on the basis of 1) actual expenses or 2) per diem. For each trip, one method or the other is to be used - - they cannot be intermingled.

1. Actual Expenses - Reasonable expenses for three meals per day with a supporting detailed receipt are reimbursable for employees and officials for out-of-Town travel. Expenditures for the purchase of alcoholic beverages may not be considered a proper and necessary expense of the Town. Gratuities are reimbursable provided that they are reasonable. Original receipts should document the date, place, meal (breakfast, lunch, dinner) and cost, including tip.
2. Per Diem - In place of reimbursement for actual meal expenses, the Town may choose to distribute flat meal allowances (per diems) to traveling employees. Per Diem rates will be in accordance with the rates established by the Internal Revenue Service. Per diems are advantageous when a group of people are traveling together on a Town-related business. Per diems need not be supported by meal receipts. Travel advances may be obtained upon written request.

Reimbursement for the cost of meals consumed by employees, officials, and community leaders may be reimbursed if it is determined that the lunch or dinner meeting will promote a valid local government purpose. (ie., a luncheon with other government officials or community leaders for discussion or negotiation of a matter

properly before the board for action.) The claim for reimbursement should state the names of the guests and topics discussed. Expenditures for the purchase of alcoholic beverages may not be considered a proper and necessary expense of the Town.

C) Lodging

An employee or an official performing official duties may be reimbursed for any necessary lodging expenses incurred during travel outside of the Town for any extended period of time if the travel is approved by the Town Board. A supporting detailed receipt is required for reimbursement.

D) Conferences and Training Schools

All necessary expenses of travel, meals, lodging, and tuition fees incurred in connection with conferences and training schools shall be documented and submitted in the same manner as other travel expenses. All overnight conferences and training schools must be approved by the Town Board.

E) Non-Reimbursable Expenses

Personal expenses that are not reimbursable include, but are not limited to, bar bills, personal entertainment (movies, theater, sporting events, etc.), personal purchases of goods and services, magazines, newspapers, toiletries, hotel amenities (in-room movies, exercise facilities), personal telephone charges, first class travel, cost attributable to spouses, guests and family members that accompany the traveler on a trip, flight insurance, valet services, costs incurred by failure to cancel reservations (hotel or transportation) and undocumented travel expenses.

DD. PRIVACY POLICY

The Town of Stillwater recognizes our employees' and citizens' rights to privacy. In achieving this goal, the Town has adopted the following basic principles:

Employee Privacy

1. The collection of employee information will be limited to that which the Town needs for business and legal purposes.
2. The confidentiality of all personal information in our records will be protected.
3. All in-house employees involved in record keeping will be required to adhere to these policies and practices. Violations of this policy may result in disciplinary action in accordance with the Town's personnel policy.
4. Internal access to employee records will be limited to those employees having an authorized, business-related need-to-know. Access may also be given to

third parties, including government agencies, pursuant to court order or subpoena, or the Freedom of Information Act.

5. The Town will refuse to release personal information to outside sources without the employee's written approval, unless legally required to do so.

Citizen Privacy

The Town of Stillwater, which includes its elected officials, employees and appointed board members, will only "release" ("release" being defined as disclosing in any way, whether in writing or by electronic transmission or verbally) any information concerning our citizens finances and financial history, health and health history, criminal history or other information that might be on file to other government agencies and emergency service providers who require the released information be disclosed in order for the Town to affect, administer, or enforce a transaction authorized by the citizen or in order to comply with the Freedom of Information Act. All Town officials, employees and appointed board members will be required to adhere to these policies and practices. Violations of this will result in disciplinary action in accordance with the Town's personnel policy.

EE. POLITICAL ACTIVITY IN THE WORKPLACE

The Town of Stillwater recognizes the importance of the election process, our citizens' participation in this process and the need for Town of Stillwater employees from engaging in any political activity that might call into question the Town's impartiality with respect to handling election issues. In achieving this goal, the Town has adopted the following policy:

1. No employee of the Town of Stillwater shall engage in political campaign-related activities on town time, except as required by official duties, such as answering inquiries from the public. This prohibition shall not apply while an employee is on approved vacation or approved leave. This prohibition shall not apply to activities engaged in during the personal time of an employee.

2. No employee of the Town of Stillwater shall use any town property in connection with political campaign activities. It is strictly prohibited to schedule political campaign-related meetings or to conduct political-related meetings in town office space, even if after normal working hours.

3. No employee of the Town of Stillwater shall use his or her official status with the Town of Stillwater to influence political campaign-related activities or to confer support for or indicate opposition to a candidate or measure at any level of town government.

4. No employee of the Town of Stillwater may be involved with political campaign-related telephone calls, letters, meetings, or other political campaign-related activities on town time. Requests by employees to switch to alternative work schedules or to take vacation in order to accommodate political campaign functions,

will be judged in the same manner and on the same basis as any other requests of this nature (i.e., existing needs of the office and discretion of the department head).

5. The receipt or delivery of political campaign contributions or photocopies thereof on town property is strictly prohibited, as is the use of office time or town resources (e.g., intra-office mail or fax machine) to solicit or transmit political campaign contributions.

6. No employee of the Town of Stillwater may authorize any person to use his or her affiliation with the Town of Stillwater in an attempt to suggest that the employee's support or opposition to a nomination or an election for office or a ballot measure is of an "official," as distinguished from private, character.

7. No employee of the Town of Stillwater may display political campaign-related buttons, posters, or similar materials in areas visible to individuals who are in public areas of town offices; nor may an employee of the Town of Stillwater display political campaign-related posters or other materials on windows facing out of a town office building.

8. No employee of the Town of Stillwater may use official authority or influence for the purpose of interfering with or attempting to affect the results of an election or a nomination for any public office.

9. No employee of the Town of Stillwater may directly or indirectly coerce or solicit contributions from subordinates in support of or in election or nomination for office or a ballot measure.

10. An employee who is paid either partially or fully with federal funds, including the Help America Vote Act of 2002 (HAVA), is subject to the provisions of the Federal Hatch Act, and is, therefore, prohibited from being a candidate for public office in a partisan election, as defined in the Federal Hatch Act.

III. EMPLOYEE BENEFITS

The following is a general explanation of the Town's Employee Benefits Program. As noted in the introduction, benefits set forth in this Manual can be modified, terminated, or added to at any time at the sole discretion of the Town Board of the Town of Stillwater and coordination with CSEA. Some benefit programs, for Town Highway Employees, are governed under the Local Union Contract.

Unless otherwise noted, only those employees who are appointed to work a minimum of thirty-five (35) hours per week on a full-time basis are eligible for benefits. If an employee is employed on a full-time basis, goes part-time (less than 35 hours/week) and then is re-appointed on a full-time basis within a one year period, seniority continues for purposes of accruing all benefits. If the employee is re-appointed after a one year period, that employee is treated as if he/she were a new hire for purposes of accruing benefits.

Upon determination by the Town Board, after a thorough review of the position for

which an elected position has been determined to be full time, an elected official may be deemed entitled to full time health and dental insurance benefits afforded other full time employees. Elected officials are not eligible for unemployment insurance.

A. SOCIAL SECURITY

All Town employees are covered by Social Security, and a deduction for this is made from each individual's salary. The Town pays a matching share. Social Security payments are in addition to the pension you will receive from the New York State Employee's Retirement System if you are entitled to retirement benefits. Social Security provides a retirement allowance for you and your dependent spouse, a survivor's allowance for children under the age of 18, or for dependent parents, and disability benefits for you if disabled before age 62. The amounts payable to you under Social Security depend upon your past earnings. Questions regarding your Social Security benefits may be directed to the nearest Social Security Administration Office.

B. NEW YORK STATE EMPLOYEES' RETIREMENT SYSTEM

The Town of Stillwater offers the New York State Employees' Retirement System (ERS) to all Town employees. The ERS provides employees with a regular income upon retirement from service. An employee has a vested right to retirement benefits after five full years of eligible public sector service. In the event that an employee leaves after five years of service, prior to retirement age, they may receive a benefit at retirement age related to those years as a government employee.

Membership in the ERS is either mandatory or optional:

1. **Mandatory Membership:** Anyone who began employment with the State of New York or with a participating employer, on or after July 27, 1976, is required to enroll in ERS if he or she is considered to be a full-time employee. Employment is considered full-time unless:
 - a. The person works less than 35 hours per week; or
 - b. The annual compensation for the position is less than the State's minimum wage multiplied by 2,000 hours; or
 - c. The person is employed in a position which will be terminated within one year of its commencement; or
 - d. The position is either provisional or temporary under Civil Service Law; or
 - e. The position is held on a less than 12 month per year basis. (i.e., seasonal employees).

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

this probationary appointment.

2. Optional Membership: All Town employees have the right to join the ERS. To exercise this option, employees must complete an ERS application form which can be obtained from the Bookkeeper's Office.

3. The ERS contains five (6) separate Tiers. The Tier level determines the contribution, if any, required of the employee. Generally, the date the employee joined the Retirement System is used to determine the benefits provided under the retirement plan.

4. Inquiries regarding the ERS should be directed to the Office of the New York State Employees' Retirement System, which is located at the Governor Smith State Office Building, Albany, New York, 12244 or visit their web site.

C. UNEMPLOYMENT INSURANCE

All Town employees are provided with unemployment insurance by the Town subject to the provisions of the New York State Department of Labor, Division of Unemployment Insurance.

D. WORKER'S COMPENSATION

All Town employees are covered by the Worker's Compensation Law which provides compensation for injuries or illness which are sustained as a direct result of performing your job. Should you become injured on the job, inform your supervisor immediately. Any condition requiring medical care should be attended to without delay.

In the event that an employee covered by any of the Town's health insurance plans is unable to work because of an injury covered by worker's compensation, the Town will continue to provide health insurance for three (3) months following the date of the injury. At the end of three (3) months, the Town Board may grant additional months of health insurance coverage after a review of the employee's situation.

E. OVERTIME PAY AND COMPENSATORY TIME

It is the Town of Stillwater's policy to request and/or authorize overtime. Overtime Pay and Compensatory Time, for Highway Employees, is outlined in the Local Union Contract. Full time employees are entitled to time and one-half for every hour worked beyond their normal assigned hours. This additional time worked can be paid or earned and used as compensatory time. Department Heads can approve over time. Every work week shall begin on Sunday and end on the following Saturday. All other employees will normally receive compensatory time In lieu of overtime pay, unless

additional pay for extended hours worked is approved by the Supervisor and notification to the Town Board. Compensatory time shall be calculated using the same formula applied for overtime pay. Compensatory time earned/used should be recorded on the employee's time attendance record submitted to the Town Bookkeeper.

F. VOLUNTEER EMERGENCY RESPONDERS

Employees that are volunteer emergency responders will be permitted to respond to a fire or emergency during the normal work day without any reduction of their normal pay at the discretion of the Department Head. This provision applies to emergency situations only and is not intended to apply to administrative or other duties that are able to be performed during non-Town working hours. Additionally, the following conditions must also apply:

- a. The employee must be an active volunteer for either an emergency ambulance service or for a fire company in the Town of Stillwater.
- b. The call for assistance must come from an ambulance service or fire company located in the Town of Stillwater.
- c. During work hours the employee must first notify their Department Head before responding to the call.
- d. If there is no crucial need for the employee to remain at work then the employee will be allowed to leave work to respond to the call.
- e. If the call occurs during non-work hours and the emergency extends into normal working hours, every effort should be made by the employee to notify their Department Head as soon as is reasonable.
- f. Once the emergency is over, the employee shall return to work during normal works hours.
- g. The Town of Stillwater shall not be liable in any way for employees who respond to calls in accordance with this policy.

For employees who are American Red Cross-certified emergency service volunteers, the Town will provide paid leave for 20 days per year for time spent participating in authorized disaster relief services.

G. DEFERRED COMPENSATION

The Town has adopted a Deferred Compensation Plan in accordance with Section 457 of the Internal Revenue Service Code. The plan is available to all employees and permits the employee to defer a portion of their salary until future years, usually after retirement. The deferred portion of the employee's salary is held in trust and generates earnings tax free until withdrawn. Additional information regarding the deferred compensation plan can be obtained from the Bookkeeper's Office. The Town participates in other plans available in the Bookkeeper's Office.

H. CLOTHING ALLOWANCE

The Town provides clothing allowance for Highway employees in accordance with the Local Union Contract. The Highway Superintendent Officer is allowed a clothing allowance of \$300 plus up to \$150 for Special safety shoes or boots. The Building Inspector and Code enforcement are allowed up to \$300 for foul weather gear and safety boots.

The Town will provide hard hats and safety vests that meet OSHA standards for all non-clerical employees. This equipment shall be worn as needed for purposes of safety. It is the employee's responsibility to wear safety equipment at appropriate times without further directions from the Highway Superintendent or other department head.

I. VACATION

a. The following vacation schedule shall apply to all employees, **except Highway employees**, who have been appointed to work a minimum of thirty-five (35) hours per week on a full-time basis. Elected officials do not receive any paid vacation.

LENGTH OF SERVICE	VACATION (DAYS)
1 years through 5 years of service	10
6 years through 10 years of service	15
11 years through 19 years of service	20
20+ years of service	25

Additionally, full time employees that are volunteer firefighters or emergency medical services volunteers and who have earned a year of service credit under the respective volunteer service award program in a calendar year will be awarded 5 additional vacation days for that year of service credit in the following calendar year. Each year the Town will determine who qualifies for this additional vacation benefit based upon a review of the service award program point listings.

b. Scheduling: (Highway Employees see Local Union Contract)

Every employee must be given the opportunity to take their full amount of vacation time every year, provided, however that the Department Head must approve all vacation schedules. Employees are expected to submit their vacation schedule requests to their Department Head at least three weeks in advance. A Department Head may disapprove a proposed vacation schedule if, in his/her opinion, it interferes

with the functioning of the department. Department Heads must notify the Town Supervisor in writing when he/she will be taking a vacation.

c. Deferment of Vacation Time: (Highway Employees see Local Union Contract)

All vacation time due in a given calendar year must generally be taken during that calendar year. Days of vacation which are not used in a calendar year may be deferred, at the discretion of the Department Head, but in no event will an employee be allowed to defer more than one week (5 days) in any calendar year, unless approval has been granted by the Town Board. Requests to defer more than 5 days must be submitted to the Town Supervisor prior to December 1st who will then forward the request to the Town Board. Furthermore, no employee will be allowed to accumulate deferred vacation of more than two weeks (10 days) at the end of any calendar year. Accumulated deferred vacation in excess of two weeks (10 days) is automatically lost. Deferred vacation time can be paid in a lump sum at the request of an employee and approval of the Town Board.

Note: Exceptions to the above policy can be approved by the Town Board on a Case by Case basis.

d. Vacation Time Including a Paid Holiday: (Highway Employees see Local Union Contract)

Whenever a vacation period includes a paid holiday, the time off for that day shall be considered a holiday rather than a day of vacation.

e. Illness, Layoff, Leave of Absence or Military Service: (Highway Employees see Local Union Contract)

An employee may, at his/her own option, designate any portion of time which the employee is absent from work for illness, layoff, leave of absence, or military service as paid vacation time, up to the amount of paid vacation time due to the employee in the year in question.

f. Payment of Unused Vacation: (Highway Employees see Local Union Contract)

Any employee who is terminated, laid-off, resigns or retires from the Town is entitled to receive a cash payment for unused vacation to which he/she is properly entitled and has earned. Any employee who leaves the Town's employ during the year will have any vacation used but unearned deducted from their final payroll check.

J. HOLIDAYS (Highway Employees see Local Union Contract)

Fourteen (14) paid holidays shall be granted to all employees who have been appointed to work a minimum of thirty-five (35) hours per week. Elected officials do not receive any paid holidays. The holiday schedule is as follows:

- | | |
|---------------------------|----------------------------|
| 1. New Year's Day | 8. Columbus Day |
| 2. Martin Luther King Day | 9. Election Day |
| 3. President's Day | 10. Veteran's Day |
| 4. Good Friday | 11. Thanksgiving Day |
| 5. Memorial Day | 12. Day After Thanksgiving |
| 6. Independence Day | 13. Christmas Day |
| 7. Labor Day | 14. Employee's Birthday |

Holiday Observance: (Highway Employees see Local Union Contract)

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

Emergency Situation: (Highway Employees see Local Union Contract)

In the event that an emergency situation arises, as determined at the sole discretion of the department head, all employees will work during the period of the emergency regardless as to whether this period includes one of the paid holidays listed above.

Absenteeism: (Highway Employees see Local Union Contract)

No employee will be paid for a paid holiday if he/she is absent from work on the working day before or the working day after the paid holiday, unless he/she is on an approved leave day. A department head, in his/her discretion, may require a physician's verification that the employee was in fact ill on the day in question.

Religious Holidays: (Highway Employees see Local Union Contract)

The Town recognizes that there may be religious holidays (other than those already designated as holidays) that employees would like to observe. It is possible to arrange these holidays as scheduled vacation days, authorized absences without pay or personal time off. Requests for time off to observe religious holidays must be approved by the Supervisor.

K. SICK LEAVE (Highway Employees see Local Union Contract)

a. Sick leave benefits are provided for employees in case they are ill and unable to work. Sick leave is an earned privilege and should be treated as one. Sick leave is NOT to be considered as additional personal or vacation time. Any pattern of abuse of this provision will be cause for disciplinary action. In order to be eligible to earn sick leave, employees must have been appointed to work a minimum of 35 hours per week on a full-time basis.

- Town employees shall receive (1) day of sick leave per month.
- Sick leave may be accumulated, by all employees, with an unlimited maximum of accumulation of sick days.
- If an employee is retiring, that employee may use up to fourteen (14) sick leave days prior to the effective retirement date.

b. The Town will provide, effective January 1, 2013, Section 41J of the New York State Retirement System effective January 1, 2013. This benefit extends an employee's service period for retirement purposes for a maximum of 165 days applied on a calendar day basis. Additional service credit cannot be used to meet eligibility requirements for retirement purposes.

c. Sick Leave as Days of Employment:

All allowed sick leave shall be considered for all purposes as continuing service, for the accumulation of vacation time or additional sick leave.

d. Physician's Verification:

A Department Head may, at any time, in his/her discretion, request a physician's verification of an employee's illness or continued illness. The Department Head may require that the employee be examined by a physician selected by the Town, at the Town's expense.

e. Separation from Employment:

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

g. SICK LEAVE INCENTIVE - Employees with over twenty (20) years of service with the Town and are eligible to retire may choose sick leave severance pay or a combination of "b." above and this Section. This severance pay will be calculated at one

(1) day for every four (4) days of sick leave earned, times the base hourly wage up to a maximum of \$10,000.

For example, an employee has 210 days of sick leave accumulated at retirement, divide 210 by 4 = 52.5 days. Multiply 52.5 by 8 hours = 420. Then, multiply 420 hours x \$24 (average hourly rate) = \$10,080. In this case, the employee exceeded the maximum severance by \$80.00.

L - LEAVE DONATION PROGRAM

PROGRAM DESCRIPTION

The intent of the Leave Donation Program is to provide a means of assisting employees who, because of long-term personal illness, having exhausted their accrued leave credits and would otherwise be subject to a severe loss of income during a continuing absence from work.

ELIGIBILITY CRITERIA – DONORS

In order to donate vacation/sick credits, an employee must be employed by the Town of Stillwater having a minimum balance of at least ten (10) days remaining after making the donation based on the donor's work schedule.

ELIGIBILITY CRITERIA – RECIPIENTS

In order to receive donated leave credits, an employee must:

1. Be eligible to earn leave credits.
2. Be absent due to a non-occupational personal illness or disability for which medical documentation satisfactory to management is submitted as required.
3. Have exhausted all leave credits.
4. Must not have had any disciplinary actions or unsatisfactory performance evaluations within the employee's last three (3) years of employment with the Town of Stillwater.

RESTRICTION ON DONATIONS

Credits must be donated in full-day units. There is no limit on the number of times an

eligible donor may make a donation. Donated credits not used by recipients are kept in a sick leave bank for future use.

There is no maximum number of days which a recipient employee may accept, provided, however, that donated credits cannot be used to extend employment beyond the point it would otherwise end by operation of law, rule, or regulation. There is no maximum number of donors from whom an eligible employee may accept donations.

An employee's continuing eligible to participate in this program must be reviewed by the Town Supervisor at least every thirty (30) days and more frequently, if appropriate, based on current standards as to what constitutes satisfactory medical documentation.

USE OF DONATED CREDITS

Donated credits may be used, at the employee's option, in fifteen (15) minute increments, after exhaustion of all leave credits with the approval of the Town Supervisor.

SOLICITATIONS

Donations may be requested by the recipient employee and solicited by the Town Supervisor to all Town employees.

ADMINISTRATION ISSUES

The Town of Stillwater is responsible for verifying medical documents, reviewing eligibility requirements, approving and processing donations, confirming employee acceptance of donations and transferring credits. The Town Supervisor, in coordination with the unit president, is authorized to deny requests for participation in the leave donation program.

M. PERSONAL LEAVE

In order to be eligible to earn personal leave, employees must have been appointed to work a minimum of 35 hours per week on a full-time basis. Department Heads shall have absolute discretion as to the granting of personal leave. No Department Head shall allow an employee the use of personal leave if that employee has a zero balance. If, however, an employee is granted the use of personal leave and it is later determined that he/she does not have any such leave left, then the leave should be charged to the employee's vacation or compensatory time balance, if any. If the employee does not have any vacation or compensatory time balance, then the leave shall be unpaid.

During the first year of service personal leave benefits are earned from their full-time employment date until the beginning of the following calendar year as follows:

AFTER COMPLETION OF	PERSONAL LEAVE (DAYS)
1 month of service	1
3 months of service	2
5 months of service	3
7 months of service	4
9 months of service	5
Yearly there after	5

Thereafter, on the first day of each calendar year eligible employees personal leave banks are credited with 5 personal leave days. Although personal leave is added to the leave bank on January 1st of the calendar year, it is considered earned during the subsequent year on a pro-rata monthly basis.

If an employee does not use accumulated Personal Leave by the end of the year in which it is earned, the remaining personal leave can be carried over into the following year and is added to the accumulated sick leave balance.

Separation from Employment:

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

N. LEAVE WITHOUT PAY

The Town Board may grant an employee a leave without pay upon the employee's written request. Such request must be made to the Town Board through the appropriate Department Head. The Department Head will forward the request to the Town Board, along with his or her recommendation. The Town Board shall have the final approval in the granting of such requests.

O. BEREAVEMENT LEAVE (Highway Employees see Local Union Contract)

In the case of a death in the immediate family, full-time employees who are appointed to work a minimum of thirty-five (35) hours per week will be granted five (5) paid working days off for bereavement, which do not have to be subtracted from any of their leave balances. Immediate family member of the employee shall mean any one of the following:

Wife	Daughter	Mother	Sister
Husband	Son	Father	Brother

In the case of a death of certain extended family members of the employee or his/her spouse, full-time employees who are appointed to work a minimum of thirty-five (35) hours per week, will be granted three (3) paid working days for bereavement, which do not have to be subtracted from any of their leave balances. These extended family members of the employee or spouse shall mean any one of the following:

Grandmother	Mother-in-Law	Daughter-in-Law
Grandfather	Father-in-Law	Son-in-Law

In the case of a death of other extended family members of the employee or his/her spouse, full-time employees who are appointed to work a minimum of thirty-five (35) hours per week, will be granted one (1) paid working day for bereavement, which does not have to be subtracted from any of their leave balances. This group of extended family members of the employee or spouse shall mean any one of the following:

Sister-in-Law	Grandmother-in-Law
Brother-in-Law	Grandfather-in-Law

Employees who miss work due to the death of relatives not defined above must use other paid leave, such as personal or vacation time. Bereavement Leave commences the day after the death and is to be taken in consecutive working days.

The Town Supervisor at his discretion can allow additional bereavement leave based on extenuating personal situations. The leave in question will not exceed 3 days.

P. JURY DUTY (Highway Employees see Local Union Contract)

Employees, who are appointed to work a minimum of thirty-five (35) hours per week and are called to perform their civic responsibility of jury duty, will be paid.

Employees who are employed on a part-time basis will not receive compensation from the Town of Stillwater while serving on jury duty.

Employees released early from jury duty are expected to return to work if two or more hours remain in their work day. In these instances, employees are allotted time to return home and prepare themselves for work. The Town understands the demands of jury service and wants to insure that you are able to perform your responsibility. However, it is important that you do not take advantage of this situation and show consideration for fellow employees by completing work responsibilities to the extent possible.

Q. MILITARY LEAVE

Employees who are a member of a military reserve units and are required to go on active duty shall be entitled to leave, at a pay rate of the difference between the employee's normal pay and the military pay for such time as is necessary to fulfill such military obligations, but not exceeding 30 days per calendar year. Payment shall not be made to such employee unless a copy of the military orders is submitted with the pay voucher on which time is claimed. Health insurance coverage will be continued during military leave.

R. DISABILITY BENEFITS

The Town shall provide disability coverage for all employees who are appointed to work a minimum of thirty-five (35) hours per week, excluding elected officials except the Town Clerk and the Town Highway Superintendent. Disability benefits are pursuant to the Disability Benefits Law of the State of New York. A Department Head may, at any time, in his/her discretion, request a physician's verification of an employee's disability. The Department Head may also require that the employee be examined by a physician selected by the Town, at the Town's expense. Employees have the option of using all of their sick leave prior to receiving disability payments. There shall be no duplication of payments from disability insurance and sick leave benefits.

Employees are entitled to use sick leave or disability benefits for the period of maternity disability on the same basis as any other non-job-related illness or injury. Sick leave or disability benefits may be used for pregnancy-related disability as certified by a medical doctor for up to six (6) weeks from the date of delivery unless an additional disability results from complications. There shall be no duplication of payments from disability insurance and sick leave benefits.

When an employee is out on disability, health benefits will continue for a period of up to three (3) months after commencement of the leave for the covered employee. At the end of three (3) months, the Town Board may grant an additional three (3) months of health coverage after a review of the employee's situation. Thereafter, such employee may continue their health benefits if the entire premium is paid by the employee while on leave.

S. HEALTH INSURANCE (Highway Employees see Local Union Contract)

The Town of Stillwater provides all eligible employees with a health insurance plan, which is determined annually. Eligible employees are defined as those who are appointed to work a minimum of thirty-five (35) hours per week unless grandfathered by previous arrangements and approved by Town Board resolution, and employed on a year round basis. Coverage is provided for spouses and children of eligible employees. Employees that are ineligible

based upon the Town's criteria have the option of participating in the Town's health insurance plans with the employee responsible for one hundred percent (100%) of the cost. The Town of Stillwater offers the following health insurance plans: MVP & CDPHP

Health Insurance Premium Payment Agreements

The Town of Stillwater will offer health insurance coverage to an employee who works a minimum of 25 hours per week, pursuant to General Municipal Law #92-A and will become effective on the first day of the month of hire.

- Coverage for eligible employees working less than 35 hours per week will be employee paying 50% and the Town paying 50%. If the employee requests other coverage (example: family) the employee will pay 100% of additional costs.

- Coverage for employees working 35 hours or more per week, and hired prior to 1 April 2013, will be employee paying 15% and town paying 85% for both single and family.

- Coverage for employees working 35 hours or more per week, and hired after 1 April 2013, will be paying 20% and town paying 80% for both single and family.

- Coverage for Elected Officials, except those elected prior to 2013, working a full time position, will be paying 20% and town paying 80% for both single and family. Those elected prior to 2013, are working full time and re-elected in follow-on years, will have the premium paid 100% by the town.

- (per Resolution #189 dated 12/2002 – The employees offered insurance prior to 2/2002 are grandfathered into this policy).

All premium payments will be automatically paid through payroll deductions or paid in advance by check.

Health Insurance – General Information

Enrollment in any of the Town's health insurance plans for eligible new employees is not automatic. Information booklets and enrollment forms will be provided by the Supervisor's Office.

It is the responsibility of each employee to:

1. Study the informational material that is provided
2. Select individual or family coverage.
3. Complete enrollment forms and return them within 5 days of the hire date.

The provider is prepared to answer questions regarding the coverage and other related services that may be available. Phone numbers are included in the pamphlets. The Supervisor's Office is ready to assist employees with the administrative and operational aspects of any of the health insurance plans.

Keeping Your Coverage Up to Date

To keep your coverage up to date, please notify the Supervisor's Office of any of the following:

Your Family Unit Changes:

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

Your Status Changes:

- a. You are going to retire from your Participating Agent.
- b. You are affected by a layoff.
- c. You are going on Leave without Pay.
- d. You have questions about COBRA.
- e. You want to cancel your health insurance coverage to obtain dependent status under your spouse's coverage.
- f. You will become eligible for Medicare within the next four (4) months.
- g. You want to enroll for health insurance coverage and previously opted out under the Town's health insurance plans.

Other:

- You want to cancel your coverage.
- You would like a Participating Provider directory.

T. HEALTH INSURANCE FOR RETIREES (Highway Employees see Local Union Contract)

The Town will provide health insurance coverage for retirees if all of the following eligibility requirements are met:

Employees, at the time of their retirement, must have been employed on a full-time continuous basis for a minimum of ten (10) years, by the Town of Stillwater. Full-time basis, for purposes of this policy, is defined as a minimum of thirty-five (35) hours per week.

Employees must be age 55 or older and must be eligible to receive a pension from the New York State Retirement System.

NOTE: Employees who meet the eligibility requirements are eligible for coverage at the time of retirement even if they had previously opted out of the health insurance program.

Premium Payment Agreements for Retirees

If, at the time of retirement, an employee was required to pay a percentage of the monthly health insurance premium, he/she must continue to pay this cost as a retiree, unless stipulated by separate contract. This pertains to full time employees and full time elected officials.

Health Insurance for Spouses of Retirees

The Town will provide health insurance for the spouses of eligible retirees. Upon the death of a retiree, the surviving spouse may continue coverage in the health insurance plan, however, he or she will be required to contribute 50% of the monthly premium. Additionally, spouses of employees retiring after December 31, 1997 who elect a health care provider other than the designated health care plan will be responsible for the premium difference.

U. CONTINUATION OF BENEFITS (COBRA)

The Town of Stillwater recognizes the Consolidated Omnibus Budget Reconciliation Act (COBRA) which offers full-time employees, spouses and dependent children the ability to continue existing health insurance coverage, at their own expense, as long as certain qualifying conditions have been met. These qualifying conditions are as follows:

1. Death of the covered employee;
2. Termination or reduction of hours of the employee;
3. Divorce or legal separation of the employee and spouse;
4. The employee's becoming eligible for Medicare benefits;
5. The termination of the covered employee's child as a dependent under the plan.

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

<u>QUALIFYING EVENT</u>	<u>LENGTH OF COVERAGE</u>
Death of employee	36 months
Termination / reduction of hours	18 months
Divorce or legal separation	36 months
Eligibility for Medicare benefits	36 months
Termination of dependent child's coverage	36 months
see ** below 29 months	

** In the case of a qualified beneficiary who is determined to have been disabled at the time of the qualifying event, any reference to continuation coverage of 18 months is extended to 29 months.

- The availability of continuation coverage automatically terminates in cases where:
 1. An individual fails to pay the premiums to the Town of Stillwater within thirty (30) days of the due date of the premium, causing the premium to lapse.
 2. The beneficiary of the continuation coverage commences coverage under another group health plan either through employment or remarriage.
 3. The beneficiary for the continuation coverage becomes eligible for Medicare.

Should a qualifying event occur while you are employed by the Town of Stillwater, we will notify you of your rights under COBRA within fourteen (14) days of the date of your qualifying event. You have a total of sixty (60) days from the date of the qualifying event to elect continuation coverage. If you choose to receive continuation coverage, you will be required to immediately pay the premiums for prospective coverage from the date of your election.

Any questions regarding COBRA should be directed to the Supervisor's Office.

V. DENTAL INSURANCE (Highway Employees see Local Union Contract)

The Town of Stillwater provides all eligible employees with a dental insurance plan. Eligible employees are defined as those employees who are appointed to work a minimum of thirty-five (35) hours per week, employed on a year round basis. Employees that are ineligible based upon the Town's criteria have the option of participating in the Town's dental insurance plan with the employee responsible for one hundred percent (100%) of the cost. Dental insurance coverage terminates at the time of the employee's retirement or separation from the Town of Stillwater.

Dental Insurance Premium Payment Agreements

For all employees hired prior to January 1, 2002, the Town will contribute one hundred percent (100%) of the cost of the dental insurance premium. Dental insurance coverage terminates at the time of the employee's retirement or separation from the Town of Stillwater.

All premium payments will be automatically paid through payroll deductions or paid in advance by check.

W. SAVINGS PLANS

Savings and insurance plans are available to all employees with various companies. Contact the Bookkeeper for information.

X. EMPLOYEE EDUCATION SUPPORT

The Town recognizes that certain educational programs can enhance job performance and efficiencies. Employees wishing enrollment into any educational program must submit a request to the Town Supervisor with appropriate justification. Upon approval by the Supervisor and concurrence of the Town Board, the Town may provide program funding and time off with pay to complete requested training.

IV. THE CIVIL SERVICE SYSTEM

A. THE MERIT SYSTEM

It is written in the New York State Constitution that appointments and promotions in the Classified Service of the civil division, thereof, should be based on merit and fitness as provided in the Civil Service Law of the State of New York. As a Town of Stillwater employee, if your position falls within the Classified Service, you are part of the Merit System.

B. THE UNCLASSIFIED AND CLASSIFIED SERVICES

All positions in the Town of Stillwater are including in either the Unclassified or Classified Service.

1. **Unclassified Service** – Consists of those positions, among others, that are Elected Offices or that are part of Boards or Commissions.
2. **Classified Service** – Includes those positions which are subject to the New York State Civil Service Law and the Saratoga County Civil Service Rules. The Classified Service is divided into four (4) Jurisdictional Classifications:

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

C. VETERAN'S CREDITS

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

D. ELIGIBLE LISTS

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

E. APPOINTMENTS

The following types of appointments are made to positions, which are in the Competitive Class:

1. **Permanent** – Employees in the Competitive Class who are appointed to vacant positions from an eligible list established as a result of examination and who successfully complete the probationary term.
2. **Provisional** - Appointments made whenever there is not an appropriate eligible list available for filling a vacancy in the Competitive Class. Provisional appointees are required to take an examination whenever it is scheduled. At such a time, the provisional appointee will be required to compete with all other qualified applicants on terms, which give no advantage to the incumbent. A permanent appointment will thereafter be made on the basis of the eligible list resulting from the examination. Employees appointed provisionally for non-promotional positions have no Civil Service protection.

3. **Temporary** – Temporary appointments may be made in the Competitive Class for a variety of reasons including:
- a. A need for emergency work.
 - b. Planned termination of a position in a short time.
 - c. An employee is on a leave of absence.
 - d. The position is funded through a temporary grant.
 - e. An employee has been appointed to a position vacated through the promotion of another employee. The employee's status remains temporary until the employee who has been promoted receives permanent status.

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

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

F. EXAMINATIONS AND PROMOTIONS

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

G. PROBATIONARY PERIOD

All employees appointed to a permanent position in the competitive, non-competitive and labor class must successfully complete a probationary period.

While not serving a formal probationary period, individuals appointed to temporary or provisional positions in the Town of Stillwater are evaluated periodically. The length of the probationary period for permanent appointments, promotions and reinstatements is established by Saratoga County Civil Service Rules and Regulations. Upon successful completion of the required probationary period, the employee is permanently retained. If an employee's performance or conduct during probation is not satisfactory, the individual may be dismissed or returned to his/her previous position in Town service.

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

H. RESIGNATIONS

Any employee who is considering resigning from Town service should discuss that possibility with his or her department head before making a final decision.

If a decision to resign is made, the employee must submit a written resignation to the department head at least two weeks before the date of resignation. An exit interview will be conducted by the Town Board.

I. REINSTATEMENTS

Permanent employees who resign from competitive class positions and request to be rehired within one (1) year from the date they left the payroll may be reinstated in the same job title without examination. Such reinstatement is not mandatory and requires approval by the Town Board and the Saratoga County Personnel Officer.

V. CONCLUSION AND ACKNOWLEDGMENT

CONCLUSION

In general, we have mentioned benefits, procedures and responsibilities. Now, we need to emphasize again the most important component, that is, the Town of Stillwater taxpayers. In order to retain the confidence of those we serve, we want to assure that our excellent reputation continues by always giving the best service.

ACKNOWLEDGMENT

I, _____, acknowledge that I have received a copy of the Town of Stillwater Employee Personnel Manual dated **20 March 2013**

Employees Signature

Date