

# Town of Wappinger

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## Employee Personnel Manual

**Adopted by the Town Board  
6/14/2010**

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## **INTRODUCTORY STATEMENT**

The purpose of this Handbook is to communicate the Town of Wappinger (the "Town") personnel policies and practices to all of our employees. This Handbook is for informational purposes only; none of its provisions are to be deemed a contract or to create a contractual relationship between you and the Town. It is extremely important that our employees understand the policies that relate to benefits, employment classifications, rules, regulations, pay policies, personnel practices, and work standards. Do not hesitate to contact your Department Head or the Town Supervisor if you have questions regarding any topic covered in this Handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the Town of Wappinger to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

This Handbook, however, cannot anticipate every situation or answer every question about employment. As the Town of Wappinger continues to grow, the need to change policies described in the Handbook may arise.

The Town therefore reserves the right to revise, interpret, supplement, or rescind any policies or portion of this Handbook. The employee benefits, personnel policies, procedures and rules of this manual will remain in effect until changed by any of the following: Town Board Resolution, changes in departmental rules, and/or enactment of federal, state or local legislation. Copies of any revisions will be distributed to all employees.

If your employment is covered by the terms of a collective bargaining agreement ("CBA"), this Handbook applies to you to the extent any provision does not contradict any portion of the CBA or is not a mandatory subject of bargaining under the Taylor law.

## **EFFECTIVE DATE**

This policy shall take effect upon final adoption by the Wappinger Town Board.

## **DEFINITIONS**

1. Town of Wappinger - For purposes of this Handbook, the term "Town of Wappinger" shall mean and refer to the "employer." Throughout this Handbook, the "Town of Wappinger" may also be referred to as the "Town," "we" or "our."
2. Town Board - For purposes of this Handbook, the term "Town Board" shall mean and refer to the "Town of Wappinger Town Board."
3. Town Supervisor - For purposes of this Handbook, the term "Town Supervisor" shall mean the Supervisor of the Town of Wappinger.
4. Unit Department Head - For purposes of this Handbook, the term "Unit Department Head" shall mean the official in charge, or liaison to any department, agency, or unit of government in the Town of Wappinger. This will also apply if such individual is acting, temporarily or provisionally, in the position of Unit Department Head as defined herein. "Unit Department Head" may also be referred to as "Department Head."
5. Supervisor - For purposes of this Handbook, the term "Supervisor" shall mean the individual who supervises a particular employee.

## 6. Other Terms

May:	Permissive.
Shall:	Mandatory
Anniversary Date:	Annual anniversary of the calendar date of hire (e.g., if hired on May 1, 1997, the first anniversary is May 1, 1998).
Scheduled Workdays:	Monday through Friday (inclusive), except where there is a paid holiday as hereinafter provided -- or other attendance arrangements based on the employee's position.
Workweek:	Consists of 5 workdays inclusive of paid holidays, or as determined by the employee's position.
Exempt Employee:	An employee who is exempt from the provisions of the Fair Labor Standards Act ("FLSA").
Non-Exempt Employee:	An employee who is covered by the overtime provisions of the FLSA.
Full-time:	Full-time employees are those who regularly work a minimum of 30 hours per week.
Part-time:	Part-time employees are those who regularly work no more than 30 hours per week.
Temporary:	Employees who are not assigned to probationary status and are appointed for a short time or a specific job which, at the time of appointment, will foreseeably be terminated prior to 1,000 hours of work. While they do receive all legally mandated benefits (such as Social Security and Workers' Compensation insurance), they are ineligible for most of the Town's other benefit programs.
Probationary:	Employees whose performance is being evaluated to determine whether further employment in a specific position or with the Town is appropriate. Employees who satisfactorily complete the probationary period will be notified of their new employment classification. Except as otherwise provided in the rules for the Classified Civil Service of Dutchess County, every permanent appointment shall include a probationary term of not less than eight and more than twenty-six weeks.

Eligible employee: An employee who is eligible to receive benefits as specifically enumerated in the provisions of this Handbook.

### **EXEMPT EMPLOYEES**

Includes all employees who qualify for exemption status under the FLSA, including, but not limited to:

- Assessor
- Building Inspector
- Town Attorney
- Town Accountant
- Zoning Administrator

### **ELECTED OFFICIALS**

Those officials who are elected or appointed to serve a specific term must take the Oath of Office for each term.

The following are elected officials in the Town:

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

### **APPOINTED OFFICIALS**

The following are appointed officials of the Town:

- Members of the Planning Board
- Members of the Zoning Board of Appeals
- Chairperson of the Recreation Commission
- Town Historian
- Any appointee as so designated by the Town Board

### **AMERICANS WITH DISABILITIES ACT (ADA)**

The Town does not discriminate against a qualified individuals with a disability who, with or without reasonable accommodation, can perform the essential functions of his/her employment position. It is the Town's policy to hire and to 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.

### **EQUAL EMPLOYMENT OPPORTUNITY**

The Town is an Equal Opportunity Employer. The Town does not discriminate on the basis of race, religion, color, sex, national origin, disability, sexual preference, marital status, or military status. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, compensation, promotion, transfer, training, leave of absence, and termination.

An employee should immediately report any perceived violation of this policy to the employee's Department Head or any member of the Town Board. All complaints of discrimination will be investigated discreetly and promptly. All employees who report discrimination, or who participate in an investigation of such conduct, will not suffer any adverse employment consequences as a result.

It is preferred, though not mandatory, that any complaint of discrimination be reported in writing. See "Claim of Discrimination Form" in the Appendix.

**Discrimination Complaint Procedure:** If any person believes he/she has been discriminated against, notice specifying the alleged discriminatory action must be provided to the Department Head or any member of the Town Board as soon as possible.

Any person who believes he/she has been discriminated against may also file a complaint with:

Dutchess County Equal Employment Opportunity Officer  
22 Market Street  
Poughkeepsie, NY 12601  
(845) 485-9998

OR

New York State Division of Human Rights  
8 John Walsh Boulevard, Suite 204  
Peekskill, NY 10566  
(914) 788-8050

OR

United States Equal Employment Opportunity Commission  
33 Whitehall Street, 5th floor  
NY, NY 10004  
(800) 669-4000

## **EMPLOYEE CONDUCT**

To assure orderly operations and provide the best possible work environment, the Town expects employees to follow rules of conduct that will protect the interests and safety of all employees and the Town community.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are some examples of infractions of rules of conduct that may result in discipline up to and including termination of employment. This list is not all-inclusive, and the Town reserves the right to discipline or terminate employees as it deems appropriate. Department Heads may establish additional examples of infractions of rules of conduct for their areas.

Theft or inappropriate removal or possession of property.

Falsification of timekeeping records.

Working under the influence of alcohol or illegal drugs.

Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating Town vehicles or equipment.

Fighting or threatening violence in the workplace.



Negligence or improper conduct leading to damage of Town or taxpayer property.  
Violation of safety or health rules.  
Smoking in prohibited areas.  
Sexual or other unlawful harassment.  
Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace.  
Excessive absenteeism or tardiness, or any absence without notice.  
Unauthorized use of telephones, mail system or other Town equipment.  
Violation of personnel policies.  
Unsatisfactory performance or conduct.

## **STANDARDS OF CONDUCT**

Every employee of the Town shall be subject to and abide by the following standards of conduct:

- A. Gifts. Shall not directly or indirectly solicit any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promises or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence the employee or could reasonably be expected to influence him/her in the performance of any official duty or was intended as a reward for any official action.
- B. Confidential information. Shall not disclose confidential information acquired in the course of any official duty or use such information to further his/her personal interest.
- C. Representation before one's own agency. Shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency of which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.
- D. Representation before any agency for a contingent fee. Shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of employee's municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- E. Disclosure of interest in legislation. To the extent that he/she knows thereof, a member of the Town Board and any of its officers or employees (whether paid or unpaid) who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest in such legislation.
- F. Investments in conflict with official duties. Shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with his/her official duties.
- G. Private employment. Shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties for the Town.
- H. Future employment. Shall not, after the termination of service or employment with the Town, appear before any board or agency of the Town in relation to any case, proceeding or application in which

he/she personally participated during the period of his/her service or employment or which was under his active consideration.

### **ATTENDANCE AND PUNCTUALITY**

To maintain a safe and productive work environment, the Town expects employees to be reliable and punctual in reporting for work. Absenteeism and tardiness place a burden on other employees and on the Town. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their Department Head as soon as possible in advance of the anticipated tardiness or absence. If the Department Head is unavailable, the employee shall notify the Supervisor's office to maintain accurate payroll records.

Absence from duty includes: Vacation, Sick Leave, Compensatory Time, Personal Time, Jury Duty and Leave of Absence.

Poor attendance and excessive tardiness are disruptive and may lead to disciplinary action, up to and including termination of employment.

### **PROBATIONARY PERIOD**

The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The Town uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the Town may end the employment relationship at any time during the probationary period, with or without cause.

During the probationary period, new employees are eligible for those benefits that are required by law, such as Workers' Compensation insurance and Social Security. They may also be eligible for other Town provided benefits, subject to the terms and conditions of each benefit program.

Employees should read the information for each specific benefit program for the details on eligibility requirements.

All employees appointed to a permanent position in the labor class, competitive, non-competitive and exempt class must successfully complete a probationary period of not less than (8) eight or no more than (26) twenty-six weeks.

### **OFFICE TELEPHONE USE**

To assure effective telephone communications, employees should always speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

Personal calls to or from work should be avoided if possible. We recognize that there are instances when a personal call must be made. In this circumstance the call should be timed for a regular break period and kept to the minimum time required. Employees may be required to reimburse the Town for any charges resulting from their personal use of the telephone.

Best efforts shall be made to return all telephone calls within twenty-four (24) hours.

## **CELL PHONE USE**

Cell phones are made available to certain Town personnel. It is understood that if an employee chooses not to use or accept a Town cellular phone, he/she must sign a waiver that they will not be reimbursed for any use of a personal cell phone for Town business. As with telephones, cell phones made available by the Town shall not be used for personal calls, unless there is an emergency or other extenuating circumstance(s).

New York State law prohibits the use of hand-held cellular telephones while driving a motor vehicle.

## **COMPUTER UTILIZATION**

The computer system, including all software and hardware, is the exclusive property of the Town, and shall not be utilized for personal means. The purpose of the computer system is to undertake functions pertaining to Town business.

At no time shall any employee access any website or conduct any computer activity that is inconsistent with the business of the Town.

Computer access shall be limited to authorized personnel only. Any suspicious or inappropriate computer activity, including e-mails with questionable content, shall be promptly reported to the Supervisor's office.

## **VEHICLE USEAGE**

**Driver's Licenses:** Any employee, who is required to drive either a Town-owned vehicle, or his/her personal vehicle to conduct business on behalf of the Town, must possess at the time of appointment and must maintain throughout employment a valid New York State driver's license. In addition, employees who operate vehicles requiring a Commercial Driver's License (CDL) must maintain this license throughout employment.

If you are required to possess a driver's license in order to perform certain job duties and responsibilities, you must notify your Department Head or the Town Supervisor immediately if your license is suspended or revoked. A suspension or revocation of your license may affect your continued employment with the Town.

Town vehicles are to be used for Town business only, which includes, but is not limited to, normal workday duties, on-call duties outside of normal workday hours, and Town emergencies.

The Town logo shall remain on Town vehicles at all times.

All Town Hall employee vehicles will be parked in back of the Town Hall during business hours except those assigned to elected officials and the Fire Inspector. Highway and Recreation vehicles shall be parked at their respective places of assignment.

Except for the Town Supervisor's vehicle, no unauthorized personnel are allowed in Town vehicles without prior approval by the appropriate Supervisor. Only the Town official assigned to the vehicle is authorized to operate it.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as traffic and parking violations, can result in a disciplinary review action or termination of employment.

Employees are responsible for paying fines or other penalties for traffic violations involving Town vehicles.

Seat belts must be worn at all times, and any accident must be reported to the Town Supervisor within 24 hours of occurrence.

**The following procedures must be adhered to by employees assigned to Town vehicles:**

1. Vehicles will be fueled at the Town Highway Garage whenever possible. If a vehicle is fueled elsewhere, a gas receipt is to be submitted to the Accounting Department within one (1) week of the expenditure. The receipt must show the amount of fuel purchased, dollar amount, vehicle license number, and odometer reading.
2. It will be the driver's responsibility to keep the vehicle clean and to ensure that proper fluid levels are maintained (oil, transmission fluid, brake fluid, antifreeze, power and steering fluid, etc.).
3. Routine vehicle maintenance and repairs will be done at the Highway Garage, unless directed otherwise by the Town Board. In the event of accidents outside the Town, where the repair cost exceeds \$100, call the Highway Superintendent or Supervisor for approval to make the repair.
4. Employees who are assigned vehicles are responsible to ensure proper maintenance (oil and filter change) is performed every 3,000 miles or every six months, whichever comes first -- along with all other routine maintenance stated in the vehicle maintenance manual. If repairs are required due to neglect, the individual assigned the vehicle may be asked to pay for such repair and/or risk losing the use of the vehicle.
5. Any noticeable vehicle defects must be reported to the driver's Department Head immediately.

**FIREARMS**

Town employees are not allowed to carry firearms while working. Firearms are not allowed in any Town vehicle or on any Town premises except for municipal, County or State police authorized to be armed while conducting official business at a Town facility.

**SMOKING**

In keeping with the intent to provide a safe and healthful work environment, smoking in the workplace, including buildings and vehicles, is prohibited. This policy applies equally to all employees, residents, and visitors.

**DRESS CODE**

It is understood that each employee shall be dressed appropriately for their position and shall maintain a clean and neat appearance at all times.

**NON-HARASSMENT**

**Policy:** Harassment in the workplace is unlawful. This includes sexual harassment as well as harassment based on age, race, color, ethnicity, physical or mental disability, national origin and/or religion. Such prohibited conduct has no legitimate business purpose and may expose not only the Town, but also the individuals involved in such conduct, to significant liability under the law.

The Town prohibits any form of harassment of its employees and applicants for employment by any person. We will take all steps necessary toward eliminating such conduct from our workplace.

**Prohibited Conduct:** Employees are entitled to work in an environment free from sexual harassment and from any offensive conduct of a sexual nature, whether verbal, physical or otherwise. Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, regardless of the motivation for such conduct.

No attorney, employee or other person providing service to the Town shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, compensation, advancement, assigned duties, or any other term or condition of employment or career development.

Employees are also entitled to work in an environment that is free from any harassment of a non-sexual nature. Such conduct includes slurs, epithets, threats, derogatory comments, unwelcome jokes and/or distribution of printed materials based on age, race, color, ethnicity, physical or mental disability, national origin and/or religion.

Any employee who, after investigation, is found to have engaged in or permitted any form of harassment will be subject to discipline up to and including discharge.

### **Responsibilities:**

All employees shall:

- Refrain from all conduct considered harassing.
- Report complaints of any harassment to the Supervisor or any member of the Town Board.

The Town shall:

- Investigate promptly each complaint and, where the investigation confirms the allegation of such harassment, take appropriate corrective action.
- Be sensitive to the confidential nature of these matters and to the privacy of the parties involved in such complaints.
- Not take any retaliatory action against an employee because he/she makes a report of harassment or cooperates in any investigation of harassment.

### **DISCIPLINARY REVIEW**

When the Supervisor or a Town Board member determines that an employee's performance has been inadequate, or that an employee has engaged in misconduct, the Town may find it necessary to take disciplinary action. Generally, employees will be given the opportunity to correct their behavior. Some types of misconduct, however, require immediate termination. In most cases, the employee's Supervisor shall document the problem in a counseling memorandum, discuss the problem with the employee, and retain the memorandum in the employee's personnel file.

Any memorandum placed in an employee's personnel file shall be signed by the Supervisor, and by the employee, whose signature indicates that they have had the opportunity to review the document. If the employee refuses to sign the document, the Supervisor may place the record in the employee's file with the signature of a Board member who can witness that the document was presented to the employee, with an opportunity for the employee to review the document.

Employees shall retain all applicable contractual and statutory rights in any disciplinary proceeding.



## CODE OF ETHICS

**Purpose:** Pursuant to the provisions of §806 of the General Municipal Law, the Town Board recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained, and if public confidence is to be maintained in our unit of local government. These rules shall serve as a guide for official conduct of the officers and employees of the Town. The rules of ethical conduct of this section shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Definitions: As used in this section, the following terms shall have the meanings indicated:

Interest - A direct or indirect pecuniary or material benefit accruing to the municipal officer or employee as a result of a contract with the Town. For the purposes of this section, a municipal officer or employee shall be deemed to have an interest in the contract of his spouse, minor children and dependents, except a contract of employment with the Town; a firm, partnership or association of which such officer or employee is a member or employee; a corporation of which such officer or employee is an officer, director or employee; and a corporation, any stock of which is owned or controlled directly or indirectly by such officer or employee.

Municipal Officer or Employee - An officer or employee of the Town, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer firefighter or civil defense volunteer, except a Chief Engineer or Assistant Chief Engineer.

Distribution of Code of Ethics

The failure of any officer or employee to receive such copy of this Handbook shall have no effect on the duty of compliance with this code or the enforcement of the provisions thereof.

**Penalties for offenses:** In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

### Board of Ethics

- A. There is hereby established a Board of Ethics of the Town, consisting of five (5) members to be appointed by the Town Board, who shall serve without compensation and at the pleasure of the Town Board. A majority of such members shall be persons other than officers or employees of the Town, but shall include at least one (1) member who is an elected or appointed officer or employee of the Town.
- B. Each member of the Board of Ethics shall be appointed for a term of five (5) years. The terms shall be staggered so that one (1) member is appointed each year.

**Powers and Duties:** The Board of Ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law of the State of New York and shall render advisory opinions to the officers and employees of the Town with respect to said Article 18 of the General Municipal Law and any Code of Ethics adopted pursuant to said Article, under such rules and regulations as the Board may prescribe. In addition, the Board may make recommendations with respect to the drafting and adoption of a Code of Ethics or amendments thereto upon the request of the Town Board.

## HEALTH INSURANCE

**1. Regular Employees:** The Town offers a choice of paid health plans for eligible full-time employees. Medical coverage shall begin as of the first day of the first full month following a new employee's date of hire.

All full-time Town employees and their eligible family members will be provided health benefits under the Town Board approved available medical plan at no cost to employees. Employees declining such coverage are eligible to receive a semiannual reimbursement from the Town based on 50% of the lowest cost plan being offered to employees -- prorated for the first year of employment, and yearly thereafter. Payments shall be made in June and December of each year.

**2. Health Insurance for Retired Employees or Surviving Spouses:** Retired employees with sufficient Town service credit, or their surviving spouses, shall have the option to elect contributory health insurance coverage from the Town based on the following schedule:

Town Service (Years)	Town Share of Coverage	
	Individual	Dependent
10 - 14	35%	20%
15 - 19	50%	35%
20 - 24	60%	45%
25 or more	70%	50%

**3. Health Insurance for Retired Elected Officials:** Elected officials who retire from Town government, and are receiving NYS Retirement or NYS Retirement Disability benefits, and have sufficient Town Retirement service credit with Town government may elect to subscribe to contributory health insurance coverage from the Town based on the following schedule:

Town Service (Years)	Town Share of Coverage	
	Individual	Dependent
10 - 14	35%	20%
15 - 19	50%	35%
20 - 24	60%	45%
25 or more	75%	50%

## VACATION

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. For full-time employees the amount of paid vacation time provided each year increases with the length of their employment as shown in the following schedule. Vacation is earned on the employee's anniversary date of hire and on a non-cumulative basis as follows:

After 6 months to 12 months	1 week
After 1 year and up to 5 years	2 Weeks Annually
On the 5 <sup>th</sup> year anniversary	3 Week Annually
On the 10 <sup>th</sup> year anniversary	4 Week Annually
On the 15 <sup>th</sup> year anniversary	5 Weeks Annually

Approval: Vacation shall be scheduled so as not to interfere with the operation of the department to which the employee is assigned. The vacation request shall be submitted to the Department Head at least two weeks in

advance of the requested time off. When a conflict of dates prohibits proper staffing for any department, vacations will be assigned according to seniority. Any vacation request exceeding three weeks will require a recommendation from the Department Head, and Town Board approval. Vacation pay for full-time employees will consist of the employee's regular rate of pay for the vacation period.

Unused Vacation: Employees may carry to the subsequent year(s) a maximum of 15 unused vacation days.

Permanent Part-time Employee Vacation: Vacation time for permanent part-time employees (work week not exceeding 17.5 hours, or 900 hours during any given calendar year) shall be earned as follows after the first year of service:

- 550 hours or less – 21 hours
- 551 hours to 900 hours – 42 hours

## **PERSONAL LEAVE**

Each full-time employee will receive six (6) paid Personal Leave days annually. Such days will require prior approval from the Department Head, and shall be granted unless the needs of the Town dictate otherwise. Personal days are earned at a rate of one day for every two months (Jan. 1, March 1, May 1, July 1, Sept 1, Nov. 1.) Personal Leave may be used in increments of a whole or a partial day. Personal time may not be added to the employee's scheduled vacation.

## **SICK LEAVE**

Sick Leave is defined as an absence from duty due to illness or injury. Full-time employees accrue one day of sick leave pay per month. Sick time taken in excess of 12 days in one year of service will be without compensation, unless additional sick time has been accumulated from prior years. Employees may accumulate up to a maximum of 166 sick days. Any employee on sick leave for more than three days must get a doctor's statement verifying the medical condition.

While on sick leave, no employee shall be engaged in any outside work or employment whatsoever -- during the same period that the employee should have been working. Unauthorized use of sick leave may result in disciplinary action up to and including termination.

## **FAMILY & MEDICAL LEAVE ACT**

**I. Purpose.** The purpose of this policy is to describe your rights and obligations under the Family and Medical Leave Act of 1993 ("FMLA"). The FMLA and this policy address job protection, pay, benefit coverages, and other perquisites of employment that eligible employees will receive when they are absent from work for the following events:

- § Employee's serious health condition
- § Birth of a child
- § Placement of a child for adoption or foster care
- § Serious health condition of a spouse, child or parent

This policy will remain in effect only if the Town employs 50 or more employees within a 75-mile radius.

**II. Definitions.** This FMLA policy adopts the FMLA's definitions, as interpreted in the U.S. Department of Labor's FMLA regulations, of family leave, spouse, child, parent, adoption, foster care, family member, serious health condition, or other terms used in both this leave policy and the FMLA.



**III. Eligible Employees.** In order to be eligible for FMLA leave, an employee must have:

- § Worked at least 12 months for the Town; and
- § Worked at least 1,250 hours (approximately 24 hours per week) during the 12 months before the leave begins.

**IV. Leave Duration:**

- A. 12 Weeks. The maximum amount of FMLA leave is 12 weeks during the measuring period.
- B. Measuring Period. The measuring period will be 12 months, measured backwards from the date an employee uses any FMLA leave, or any sick leave for any reason described in section I of this FMLA Policy.
- C. Birth, Adoption, and Foster Care Limitation. For the birth of a child or placement of a child for adoption or foster care, an employee can only use FMLA leave within 12 months of the date of birth or placement.
- D. Early Termination of Leave. The Town can terminate FMLA leave before an employee uses 12 weeks of FMLA leave when an employee gives unequivocal notice of intent not to return to work.

**V. Job Protection While on Family Leave.** While an employee is on FMLA leave, the Town will not terminate the employee for being absent from work and will hold the employee's job open until the employee returns from leave. Alternatively, the Town will offer the employee an equivalent job with equivalent pay, benefits, and terms and conditions of employment on return from leave. An employee is not entitled to return if the Town has eliminated the employee's job during the leave as a result of reorganization, a reduction in force, or for any other reason permitted under or through interpretation of the FMLA.

**VI. Employment Termination.** The Town can terminate an employee and fill the employee's job if the employee fails to return to work after the employee has used 12 weeks of FMLA leave.

**VII. Pay During Family Leave.** The Town generally will not pay employees on FMLA leave. However, the Town requires that any accrued paid sick/personal time first be used for any FMLA leave. In addition, employees have the option of using their paid vacation days during FMLA leave. The Town will charge the time an employee uses paid sick/personal and/or vacation days against the employee's 12 weeks of job-protected leave under FMLA.

**VIII. Benefit Coverages During and After Leave.** As required by the FMLA, the Town will continue health coverage for an employee during FMLA leave. For an employee receiving pay (i.e., paid sick/personal days or paid vacation days) during the FMLA leave, the Town will continue to deduct the employee's health plan contributions from the employee's pay.

For an employee not receiving pay during FMLA leave, the Town will bill the employee for the employee's contribution. If the employee does not pay the premium within thirty (30) days, the employee's health insurance coverage may cease. If the Town pays any part of the employee's contribution, the employee must repay such contributions to the Town after the employee's FMLA leave expires.

If the employee does not return to work from FMLA leave for any reason other than the onset of a serious health condition or other circumstances beyond the employee's control, the Town has the right to collect its share of the health plan contributions paid on behalf of the employee during periods of unpaid family leave.

## **IX. Perquisites of Employment.**

- A. Overtime. For overtime calculation purposes, the Town will not count hours paid while an employee is on FMLA leave.
- B. Vacation or Personal Leave. To determine whether an employee satisfies service requirements for vacation or sick/personal leave, the Town will not count the time while the employee is on FMLA leave.
- C. Anniversary Date for Job Evaluations. The Town will not adjust an employee's annual evaluation date because of FMLA leave.

## **X. Leave Procedures**

### **A. Requesting Leave**

- 1. Notice. Employees must verbally notify the Department Head or Town Supervisor within one or two working days of learning the need for FMLA leave. If this is impractical, the employee must provide the verbal notice as soon as possible. The verbal notice must make the Department Head or Town Supervisor aware of the anticipated timing and duration of the leave. An employee must give 30 days advance notice for the following:
  - § An expected birth or placement of child for adoption or foster care.
  - § Planned medical treatment or need for leave for a family member with a serious health condition.
  - § Planned medical treatment or need for leave for employee's serious health condition.

If an employee fails to give 30 days' advance notice with no reasonable excuse for the delay, the Town may delay the employee's FMLA leave until at least 30 days after the date the employee gives notice of the need for leave.

When planning medical treatment, the employee must consult with the Department Head or Town Supervisor and make a reasonable effort to schedule leave so as not to disrupt unduly the Town's operation.

- 2. Certification of Health Care Provider. The Town has the right to furnish an employee with U.S. Department of Labor form WH 380 (Certification of Health Care Provider) to support a request for FMLA leave for the employee's serious health condition or to care for a family member's serious health condition.

Within 15 days after receiving the form, the employee must return the completed certification to the Department Head or Town Supervisor. If an employee fails to return the certification, the Town will consider the employee as absent without leave. The employee will then be subject to the Town's disciplinary policy for employees absent without leave.

- 3. Second and Third Certifications. The Town has the right to ask for a second certification if it has reason to doubt the original certification. The Town will pay for the employee to get the second certification from a health care provider selected by the Town. If

necessary to resolve a conflict between the original certification and the second certification, the Town has the right to ask for a third certification. The Town and employee will jointly select the third health care provider, and the Town will pay for the third certification. This third certification will be considered final.

4. Re-certification and Status Reports. The Town has the right to request re-certification by the employee's or family member's health care provider once every 30 days. The Town also has the right to require the employee to report periodically on the employee's status and intent to return to work.

#### B. Returning to Work

1. Notice. An employee returning from FMLA leave earlier than previously indicated must notify the Town at least two (2) workdays before the date the employee intends to return to work.
2. Fitness for Duty. The Town has the right to require similarly situated employees to present a fitness-for-duty certification from a health care provider, stating that the employee is able to return to work. Similarly situated means the employees are performing similar jobs and are suffering from similar serious health conditions.

#### **Enforcement**

The U.S. Department of Labor is authorized to investigate and resolve complaints of violations. An eligible employee may bring a civil action against an employer for violations.

The FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement that provides greater family or medical leave rights.

#### **For Additional Information**

Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

#### **Reservation of Rights**

The Town reserves the right to amend this FMLA policy at any time.

#### **BEREAVEMENT LEAVE**

Employees will be granted up to three (3) days off with pay for each occurrence involving the death of a family member (parent, spouse, sibling or child).

#### **VICTIMS OF CRIME LEAVE**

Employees will be granted unpaid time off to attend any legal obligation related to them being a victim of a crime as defined by any local, State or Federal legislation.

## **MATERNITY LEAVE**

Unless the employee is eligible for FMLA leave, Maternity Leave of Absence will be granted without pay for a period of three (3) months. Reinstatement will be at the salary for such position in effect at the time that the employee went on leave.

## **HOLIDAYS**

Town offices will be closed for business during the following holidays, and the list of holidays:

New Year's Day  
Martin Luther King's Birthday  
President's Day  
Good Friday  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Election Day  
Veterans Day  
Thanksgiving Day  
Thanksgiving Day Friday  
Christmas Day  
Floating Holiday as chosen by consensus of full-time employees

When any of the foregoing holidays fall on a Saturday, they shall be observed on Friday; holidays falling on Sunday will be observed on Monday.

## **MILITARY LEAVE**

The Town recognizes the importance of Military Reserve and National Guard and will permit an employee the use of military leave to perform ordered military duty. The Town will grant such leave with pay for up to twenty-two workdays or thirty calendar days in a calendar year, whichever is greater. Military leave beyond the twenty-two workdays or thirty calendar days in a calendar year will be unpaid. However, accumulated vacation leave may, at the employee's option, be used at any time during the leave. Such pay shall be provided only when the military duty falls on a regularly scheduled Town work day.

Subject to the terms, conditions and limitations of applicable plans for which the employee is otherwise eligible, health insurance benefits will be provided by the Town for the full term of the military leave of absence. Employees must continue to pay their portion of the required contribution for health insurance. If the employee fails to pay their portion, the insurance coverage may cease.

Vacation, sick leave, and holiday benefits will continue to accrue during a military leave of absence.

Employees on two-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing for reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with all applicable state and federal laws.

Eligible employees will be treated as though they were continuously employed for purposes of determining benefits based on length of service, such as rate of vacation accrual and job seniority rights.

## **JURY DUTY**

The Town encourages employees to fulfill their civic responsibilities by serving jury duty when required. Necessary time off will be granted for employees serving as jurors. Compensation will be provided pursuant to New York State law. The Town will continue to provide health insurance benefits for the full term of the jury duty absence.

Employees must accept jury duty compensation for their jury service. The Town will compensate employees for jury duty at their regular rate of pay minus the amount of payments received for jury duty. Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence less the amount the employee receives as jury duty compensation. Employee classifications that qualify for paid jury duty leave are Full-time employees, and Full-time probationary employees.

Employees must show the jury duty summons to their Department Head as soon as possible. Of course, employees are expected to report for work whenever the court schedule permits.

Either the Town or the employee may request an excuse from jury duty if, in the Town's judgment, the employee's absence would create serious operational difficulties.

## **LEAVE OF ABSENCE**

1. A full-time employee may be granted a leave of absence without pay subject to Town Board approval, for a period of up to 12 months.
2. Employees who are on a Leave of Absence for more than four weeks, and are not covered by a collective bargaining agreement, will not receive medical, dental or other benefits provided by the Town during their leave.
3. Employees on a Leave of Absence for more than four weeks may obtain health benefits through the Federal Health Care program.
4. Leaves of Absence shall not be considered time worked for purposes of calculating length of service with the Town.

## **LUNCH AND BREAK PERIODS**

Employees are entitled to an unpaid daily lunch break of one-half hour.

Each workday, full-time employees are provided with a 15- minute rest period for every four consecutive hours of work. Employees' lunch and break periods shall be assigned by the Department Head.

## **PAYROLL**

Employees are paid weekly on Fridays. Each paycheck will include earnings for all work performed for that week through the end of the previous payroll period. The pay week runs from Sunday through Saturday.

## **WORKDAYS (WORKING HOURS)**

The regular employee work day is seven hours from 8:30 a.m. through 4 p.m., and the work week is 35 hours. The part-time week is a maximum of 17.5 hours weekly. Seasonal workers will not exceed 900 hours on the job per year.

## **TIMEKEEPING**

Employees should accurately record all time worked on the Town's electronic time-keeping system. Time worked is all time actually spent on the job or performing assigned duties. Employees should also record the beginning and ending time of any split shift or departure from work for personal reasons. Accurate record of time worked is essential to calculate employee pay and benefits.

Overtime work must always be approved by the Department Head before it is performed.

Altering, falsifying or tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

## **PAY DEDUCTIONS**

The law requires that the Town make certain deductions from every employee's compensation. Among these are applicable federal and state income taxes. The Town also must deduct Social Security and Medicare taxes, and mandated retirement contributions.

The Town offers benefits beyond those required by law. Employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs.

If you have questions concerning why deductions were made from your paycheck or how they were calculated, the Town Supervisor can assist in having your questions answered.

## **COMPENSATORY TIME**

Compensatory time is any extra time worked beyond the normal 35-hour week. Additional pay for compensatory time shall be at the employee's regular base pay rate for all hours over 35 and up to 40 in a week. Otherwise, compensatory time may also be used by the employee to offset regular hours in a future week, but must be used within 60 days of the date earned or it will be paid at the applicable rate. (The Supervisor may waive any restriction within which compensatory time must be taken.)

In the event an employee works overtime as defined below, the employee may elect compensatory time rather than payment. In such instance the compensatory time will be one and one-half (1½) times the amount of overtime worked. All other rules set forth in this section shall apply to such compensatory time.

## **OVERTIME**

Except for emergency situations, all overtime hours worked must be pre-approved by the Department Head. Overtime incurred without advance authorization shall require the authorization of the Town Board prior to payment.

In accordance with the NYS Department of Labor, covered employees who work overtime must be paid at a rate that is one and one-half (1½) times their regular hourly rate of pay.

For Town employees not covered by a collective bargaining agreement, this overtime rate applies solely to all time over 40 hours in a payroll week.

## **MILEAGE AND TRAVEL EXPENSES**

Mileage reimbursement for business use of employees' private vehicles will be paid at the applicable IRS rate subject to Town Board approval. Mileage reimbursement is appropriate only for functions related to Town business and in the event that a Town-owned vehicle is unavailable.

## **NEW YORK STATE RETIREMENT**

The Town provides a retirement benefit to all full-time employees through the New York State Retirement System. Details may be obtained from the Town Supervisor's office.

## **UNEMPLOYMENT INSURANCE**

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

## **WORKERS' COMPENSATION INSURANCE**

The Town provides "statutory" Workers' Compensation benefits at no cost to employees. The program covers "work-related" injury or illness benefits as set forth by Workers' Compensation law. Medical benefits are unlimited and immediate. Income replacement (subject to statutory maximum) has a seven-day waiting period (if disability lasts fourteen days or more, benefits are provided from day one).

Employees who sustain work-related injuries or illnesses shall inform their Supervisor immediately. A written report must be made by the Supervisor. No matter how minor an on-the-job injury may appear, it must (by law) be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

## **PERFORMANCE EVALUATION**

Each Department Head shall perform an annual performance evaluation in accordance with the standards adopted by the Town Board. The annual performance evaluation shall be completed prior to the first business day in December for consideration and review by the Town Board.

## **PROPERTY RETURN**

Employees are responsible for all Town property, materials, or written information issued to them or in their possession or control. All such property must be returned by employees on or before their last day of work or sooner if requested by the Town.

## **COBRA (Consolidated Omnibus Budget Reconciliation Act)**

Employees who are being terminated or whose work hours are being reduced to a level for which health benefits are not available are able to retain insurance coverage from their employer's insurance carrier for up to 36 months after the event. You will be provided written notice of your COBRA rights when applicable.

## **CALCULATION OF BENEFITS TO TERMINATED EMPLOYEE**

Upon termination of employment for any reason, benefits related to personal, sick and vacation time shall be calculated as follows:

1. Employees shall not be compensated for unused sick time.
2. Employees shall be compensated for all unused vacation time.
3. Employees shall be compensated for all unused personal time on a calendar year basis.
4. Employees shall be compensated for all authorized and unused comp time.

## **EDUCATION POLICY**

Attendance at job-related educational, technical or professional conferences or seminars will be at the discretion of the Town Supervisor. If attendance is to exceed one work day or cost more than \$100.00, Town Board approval will also be required.

## **PERSONNEL FILES**

The Town relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment, subject to any applicable provisions of the Civil Service Law.

The Town maintains, solely for the mutual benefit of the employee and Town personnel, a file on each employee. The personnel file may include such information as the employee's job application, resume, records of training, documentation of performance evaluations and salary increases, disciplinary warnings, attendance records and other employment information.

It is the responsibility of each employee to promptly notify the Town of any changes in personnel data including tax withholding, personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports. All such information should be accurate and current at all times.

Personnel files are the property of the Town, and access to the information they contain is restricted. Generally, only the Town Supervisor, immediate Supervisor and Town Board members are allowed to do so.

With reasonable advance notice, employees may review their own personnel files in the Town offices and in the presence of an individual appointed by the Town to maintain the files.

Personnel files do not contain health information. Such information is strictly confidential. The Town will take reasonable precautions to protect such information from inappropriate disclosure. Employees have a responsibility to respect and maintain the confidentiality of employee medical records. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

Employees with questions or concerns about life-threatening illnesses are encouraged to contact their Supervisor for information and referral to appropriate services and resources.



## **EMPLOYEE RELATIONS**

If employees have concerns about work conditions or compensation and/or benefits, they are strongly encouraged to voice these concerns openly and directly to their Supervisor.

Our experience has shown that when employees deal openly and directly with Supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. The Town Board believes the Town amply demonstrates its commitment to employees by responding effectively to employee concerns.

## **PERSONAL SAFETY ON THE JOB**

Occasionally, residents will visit the Town Hall with a concern, and may be quite upset. If an employee feels he/she is being subjected to threatening or aggressive behavior by a visitor, the employee should inform the individual that he/she will seek a Department Head to help resolve the issue. If the Department Head is not immediately available, or the visitor remains dissatisfied after speaking to the Department Head, an immediate call should be directed to the Town Supervisor for intervention.

When there is an escalating situation arising from agitated visitors, should the regular Department Head be unavailable, employees are authorized to notify any other Department Head regarding the situation, or the Town Supervisor and/or other employees. Co-workers should not simply be spectators if visitors exhibit aggressive behavior. In many circumstances, the presence of another employee(s) or person in authority serves as a deterrent to belligerent behavior.

Last but not least, employees may call 911 for emergency assistance if they deem a visitor's outburst to be harmful or potentially dangerous.

## **HOLIDAY DECORATIONS**

Each year, during the winter holiday season, numerous fires result because of the flammability of Christmas trees and decorations. Persons constructing displays or supervising such installations are urged to observe the following precautions:

1. Live Evergreen Christmas trees and decorations (i.e., wreaths, boughs, etc.) are not permitted in Town buildings.
2. Imitation trees are allowable, provided they are fireproof or fire retardant. Trees should not be placed in hallways, stairways, or near doors used for exits. Do not drape trees with flammable decorations. Do not have tree lights on overnight.
3. When utilizing other types of decorations (paper, plastic, etc.), do not attach or conceal emergency/protective devices (fire alarm pull stations, heat/smoke detectors, fire extinguisher, etc.) with decorations. All such decorations should be labeled fireproof, fire resistant, or fire retardant. Do not place decorations on counters or tables where lighted cigarettes are liable to touch the decorations.

## **DUAL EMPLOYMENT**

Dual employment is defined as the undertaking of additional employment beyond the defined full-time duties of an employee of the Town. Dual employment is permitted subject to the following:

1. All employees must report any additional employment arrangements to their Department Head and the Town Supervisor.

2. In no case may a full-time employee of the Town hold another full-time position without the express consent of the Town Board.
3. No full-time or part-time employee of the Town may undertake other employment which interferes with the performance of their obligations for the Town.
4. The Town Board, in accord with Civil Service guidelines, shall solely determine the scope of an employee's job obligations to the Town.

### **SOLICITATION**

In an effort to assure a productive and harmonious work environment, persons not employed by the Town may be limited in their ability to solicit or distribute literature in the workplace at any time for any purpose. Generally, salespeople should be directed to the Town Supervisor. Upon the Town Supervisor's approval, employees will be allowed to accept advertising novelties of negligible value and widespread distribution.

The posting of written solicitations on Town bulletin boards is restricted. These bulletin boards display important information, and employees should consult them frequently for:

- Affirmative Action statements
- Employee announcements
- Internal memoranda
- Job openings
- Town Board announcements
- Workers' Compensation insurance information
- State disability insurance/unemployment insurance information

If employees have a message of interest to the workplace, they must submit it to the Town Supervisor for approval. The Town Clerk will post all approved messages.

### **CONTROLLED SUBSTANCE AND ALCOHOL TESTING**

**Statement of Compliance:** The Town Board has adopted a Controlled Substance and Alcohol Testing Policy that is in compliance with the "Omnibus Transportation Employee Testing Act of 1991" ("OTETA"). The purpose of this policy is to maintain employee productivity, reduce absences from work, and reduce accidents resulting from an employee's use of controlled substances and alcohol, thus reducing fatalities, injuries and property damage.

**Covered Employees:** The Town's Controlled Substance and Alcohol Testing Policy applies to all covered drivers as defined by the federal regulations and includes all employees who drive motor vehicles (as defined in §282.107 of the OTETA) requiring a commercial driver's license to operate, in addition to employees who are assigned a Town-owned motor vehicle. A full copy of all applicable rules and regulations is available at the U.S. Department of Transportation website at [www.dot.gov/ost/dapc](http://www.dot.gov/ost/dapc). The Policy shall also apply to all other Town employees on a "for cause" basis.

### **DRUG-FREE WORKPLACE POLICY**

The Town and its officials recognize that substance abuse poses a serious problem. We will continue our policy of maintaining a work environment that is free of substance abuse to protect the safety of the public and all employees.

Any unlawful manufacture, distribution, dispensing, possession or use of a controlled substance during the course of work or while on Town property or work site is prohibited.

The use or possession of alcoholic beverages on Town property or worksite is prohibited with the exception of special events or ceremonies where the Board has granted approval. Regardless, consumption of alcohol is strictly prohibited for all who are on duty.

No employee shall work or report to work while impaired by the use of alcohol or other substances. If you are using drugs prescribed by a doctor or other licensed practitioner which could affect your job performance, you must obtain a written statement from your attending physician specifying any work restrictions, and give to your Supervisor prior to starting work under the influence of this drug.

The Town will provide, on a continuing basis, information on alcohol/substance abuse, as well as information on the attendant health and safety hazards.

Any employee with an alcohol/substance abuse problem is urged to seek help and may obtain information regarding available treatment programs from the Dutchess County Personnel Office or the DC Counseling Center.

Any employee who is convicted of a violation of an alcohol related/criminal drug statute, which occurred at the workplace, or during the course of work, shall notify their Supervisor within five days of the conviction.

Employees violating these policies shall be subject to criminal, civil, and disciplinary penalties.

Distribution, purchase, sale or attempted purchase or sale of a controlled substance at the workplace will, without exception, result in actions to terminate the employee or the individuals involved.

## **DRUG-FREE WORKPLACE**

**Statement of Compliance:** The Federal Drug-Free Workplace Act of 1988 is applicable to all recipients of Federal grants. In order to receive federal funds, the Town must certify to the granting Federal agency that it will provide a drug-free workplace in accordance with the legislation. As a recipient of Federal grants, the Town hereby complies with the requirements of the Drug-Free Workplace Act by adopting the following policy and drug-free awareness program:

**Policy Statement:** It is the policy of the Town that the unlawful manufacture, distribution, dispensation, possession, or use of an illegal controlled substance as defined in the Federal Act is prohibited on the job and at all sites.

**Implementation of Policy:** This policy will be provided to all employees and officials of the Town through distribution of this Handbook.

**Sanctions:** An employee who, after investigation, is found to have violated this prohibition may be referred for counseling or rehabilitation and satisfactory treatment, and will be subject to criminal, civil, and disciplinary penalties, up to and including termination from employment.

**Employee Responsibilities:** As a condition of the Town receiving Federal grant moneys, each employee must abide by this policy and notify his/her Department Head or the Town Supervisor of any criminal drug statute conviction for a violation occurring in the workplace within five calendar days of the conviction.

**Town Responsibilities:** The Town will notify the granting federal agency within ten days after receiving notice from an employee of such a conviction or otherwise receiving actual notice of such conviction. In addition, within thirty calendar days of receiving notice of a conviction, the Town will take disciplinary action against the employee and/or require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program pursuant to §702 and §703 of the Drug-Free Workplace Act.

### **EMPLOYEE ASSISTANCE PROGRAM**

The Employee Assistance Program (EAP) is a benefit available to all employees of the Town and their families. EAP helps employees cope with personal problems which negatively affect their lives and which might intrude upon their jobs. Emotional stress, family disintegration, financial and/or legal difficulties, alcoholism, drug abuse and marital disruption not only impair an employee's personal life, but workplace productivity as well. Such problems can be addressed and treated with appropriate help.

EAP is a confidential information, assessment and referral service. It is not a counseling service, nor does it provide treatment. The only exceptions to confidentiality are: (1) when the information is required by law to be disclosed; (2) where there is a reasonable belief that an employee's conduct places him or her or another person in imminent threat of bodily harm; or (3) when there is reasonable cause to suspect child abuse has been or will be committed.

Using the referral services of EAP is not a condition of employment.

Depending upon the nature of the problem, employees seeking assistance are referred to a program, service or agency within the community for appropriate counseling or assistance. Employees also may be approached by their immediate Supervisors, whose responsibility includes identifying chronic job performance problems. The Department Head may recommend that the employee contact EAP. This is known as a "supervisory referral."

Employees may contact an EAP coordinator at the suggestion of a third party, such as a family member, union representative, friend, coworkers or clergy. It is important to remember that the final decision to contact the Employee Assistance Program lies with the employee. EAP is a voluntary option.

### **WEATHER AND EMERGENCY CLOSINGS**

The Supervisor is authorized to close all Town office and departments under extreme inclement weather conditions or other emergencies.

Employees who are dismissed during their work shift shall be compensated for the balance of the shift as though there were no dismissal. (Employees who choose to remain at their work site shall receive no extra compensation.)

All Town employees are included in the closure order except those engaged in emergency snow removal services, or other essential services.

**EMPLOYEE ACKNOWLEDGMENT FORM**

The Employee Handbook, a copy of which I acknowledge has been provided to me, describes important information about the Town of Wappinger employee policies, and I understand that I should consult my Department Head or the Town Supervisor regarding any questions I may have.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the Handbook may occur without prior notice to me. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Town of Wappinger Board has the ability to adopt any revisions to the policies in this Handbook.

The descriptions of the various medical benefit plans are intended as brief introductions. A more thorough explanation of the plans is available through the Town Supervisor's office.

I acknowledge that this Handbook is neither a contract of employment nor a legal document. I have received the Handbook, and I understand that it is my responsibility to read and comply with the policies contained in this Handbook and any revisions made to it, and a copy of this acknowledgment will be placed in my personal file.

\_\_\_\_\_  
EMPLOYEE'S SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMPLOYEE'S NAME (TYPED OR PRINTED)

FOR THE TOWN OF WAPPINGER

\_\_\_\_\_  
SIGNATURE, TITLE

\_\_\_\_\_  
DATE