

VILLAGE OF MASSENA

PERSONNEL POLICY MANUAL

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Village of Massena Personnel Policy Manual

Table of Contents

100	INTRODUCTION	100-1
101	Welcome Message	100-1
102	Definitions	100-1
103	The Purpose of this Personnel Policy Manual	100-2
104	Changes or Modifications	100-2
105	Employee Classifications	100-3
200	THE CIVIL SERVICE SYSTEM	200-1
201	The Unclassified and Classified Services	200-1
202	Civil Service Appointments	200-1
203	Examinations and Promotions	200-2
204	Veterans Credits	200-2
300	EMPLOYMENT MATTERS	300-1
301	Oath of Office	300-1
302	Procedure for Filling Vacancies	300-1
303	Probationary Period	300-2
304	New Employee Orientation	300-2
305	Personnel Records	300-3
306	Code of Ethics	300-3
307	Corrective Action and Discipline	300-4
308	Civil Service Law Section 75	300-7
309	Separation from Employment	300-9
400	OPERATIONAL POLICIES	400-1
401	Departmental Hours	400-1
402	Meal and Rest Breaks	400-1
403	Breaks for Nursing Mothers	400-2
404	Emergency Situations	400-2
405	Time Records	400-3
406	Purchasing / Credit Cards	400-4
407	Expense Reimbursement	400-4
408	Vehicle Usage	400-5

409	Driver's License / Insurance Requirements _____	400-6
410	Supplies, Tools and Equipment, and Fuel Usage _____	400-7
411	Telephone / Cell Phone Usage _____	400-7
412	Use of Communication Systems and Equipment _____	400-8
413	Social Media _____	400-10
414	Personal Appearance _____	400-12
415	Disclosure of Information _____	400-12
416	Maintenance of Work Area _____	400-13
417	Personal Property _____	400-14
418	Village Property _____	400-14
419	Unauthorized Work _____	400-15
420	Outside Employment _____	400-15
500	ABSENCE POLICIES _____	500-1
501	Attendance _____	500-1
502	Jury Duty Leave _____	500-2
503	Military Leave and Military Leave of Absence _____	500-2
504	Leave for Cancer Screening _____	500-3
505	Leave for Blood and/or Bone Marrow Donations _____	500-3
506	Bereavement Leave _____	500-4
507	Time Off To Vote _____	500-5
508	Family and Medical Leave Policy _____	500-5
600	COMPENSATION _____	600-1
601	Compensation Policy _____	600-1
602	Pay Period and Check Distribution _____	600-1
603	Payroll Deductions _____	600-1
604	Deferred Compensation Plan _____	600-2
700	EMPLOYEE BENEFITS _____	700-1
701	Holidays _____	700-1
702	Vacation Leave _____	700-1
703	Sick Leave _____	700-2
704	Personal Leave _____	700-2
705	Disclosure of Insurance Benefits _____	700-3
706	Health, Dental and Vision Insurance _____	700-4
707	Medical Insurance Buy-out _____	700-4
708	Health, Dental and Vision Insurance for Retirees _____	700-5

709	Continuation of Health Insurance Benefits (COBRA/NYS Continuation Coverage)	700-5
710	Life Insurance	700-6
711	Short-Term Disability Benefits	700-6
712	Workers' Compensation Benefits	700-7
713	Social Security	700-7
714	The New York State Employees' Retirement System	700-7
715	Police and Fire Retirement System	700-8
716	Employee Assistance Program	700-8
800	COMPLIANCE POLICIES	800-1
801	The Americans with Disabilities Act	800-1
802	Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace	800-2
803	Violence in the Workplace	800-10
804	Drug-Free Workplace / Drug Free Awareness Program	800-11
805	Controlled Substance and Alcohol Testing	800-13
806	Smoking	800-13
900	SAFETY	900-1
901	Workplace Safety	900-1
902	Hazard Communication Program	900-2
1000	COMMUNICATION PROCEDURES	1000-1
1001	Organizational Communications	1000-1
1002	Adverse Communications	1000-1
1003	Suggestions	1000-1
1004	Public Relations	1000-1
1005	Press Policy	1000-2
1006	Reporting of Improper Activities	1000-2
1100	DISPUTE RESOLUTION	1100-1
1101	Dispute Resolution Procedure	1100-1
1200	EMPLOYEE ACKNOWLEDGEMENT FORM	1200-1

100 INTRODUCTION

101 *Welcome Message*

We would like to welcome you and congratulate you on your appointment to a position with the Village of Massena. As a part of our team, you take on an extremely important role, that of serving the members of our community. Together, our mission is to provide cost-effective services that conform to the highest standards of quality.

This Personnel Policy Manual is designed to familiarize you with your employment and to help ensure government compliance, foster positive employee relationships, and contribute to the overall success of the Village in delivering services to the public effectively and efficiently.

Please keep in mind that this is only an overview of the Village's policies and procedures, employee benefits, and the Civil Service System. Specific questions concerning employment matters should be addressed to your Department Head.

We trust that you will find your employment with the Village of Massena to be both personally and professionally rewarding.

102 *Definitions*

For purposes of this Personnel Policy Manual, the following definitions shall apply:

Village of Massena – The Village of Massena may be referred to as the Village.

Village Board – The Village Board will mean the Village Board of the Village of Massena.

Elected Official – Elected Official will mean and refer to any of the following elected officials of the Village of Massena:

- Mayor
- Village Trustees
- Village Justice

Department Head – Department Head will mean the person in charge of any department, of the Village of Massena. This definition will be applicable in the event such person is serving in an acting, temporary, or provisional status in the position of Department Head.

Supervisor – Supervisor will mean the individual so designated by the Department Head to direct and inspect the performance of employees.

Employee – Employee will mean a person employed by the Village, including, but not limited to, a Department Head, supervisory employee, confidential employee, provisional employee, probationary employee, temporary employee, seasonal employee, trainee, or student intern, but not an independent contractor.

103 ***The Purpose of this Personnel Policy Manual***

Statement of Purpose – The purpose of this Personnel Policy Manual is to communicate the Village’s personnel policies and procedures to all employees and Elected Officials. It is extremely important that each employee understand the policies that relate to rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits. **This Personnel Policy Manual is not a contract of employment, express or implied, and should not be construed as such.** That is, employment can be terminated at any time at the will of either the employer or the employee, subject only to such procedural requirements as may be specified pursuant to New York State Civil Service Law, Village Law, collective bargaining agreement, or any other applicable law, rule, or regulation. The provisions and policies contained in this Personnel Policy Manual are intended to supersede any and all prior manuals, guidelines or related policies issued by the Village of Massena.

Unless otherwise required by law, the provisions of this Personnel Policy Manual are for Village use only and do not apply in any criminal or civil proceeding. The Personnel Policy Manual provisions shall not be construed as a creation of higher legal standard of safety or care. Notwithstanding the above, a violation of a Manual provision may form the basis for administrative action by the Village and any subsequent judicial or administrative proceeding.

Non-Union Group Agreements – The Village of Massena has four separate agreements with employees who are not represented by a collective bargaining agreement. These agreements include Management, Office Personnel, Recreation Management and Recreation Maintenance. In the event an expressed and explicit provision set forth in these agreements should conflict with any employee benefit, personnel policy, personnel procedure, or other provision set forth in this Personnel Policy Manual, the expressed and explicit provision of that agreement will control. Otherwise, unless expressly excluded herein, this Personnel Policy Manual will be applicable to all non-union employees.

Collective Bargaining Agreements – In the event an expressed and explicit provision set forth in a collective bargaining agreement between the Village of Massena and an employee organization as defined by the Public Employees’ Fair Employment Act (Taylor Law) should conflict with an employee benefit, personnel policy, personnel procedure, or other provision set forth in this Personnel Policy Manual, the expressed and explicit provision of the collective bargaining agreement will control. Otherwise, unless expressly excluded herein, this Personnel Policy Manual will be applicable to all union employees.

Police Department – This policy manual covers all police department employees. The Police Department has promulgated its own policies and procedures that govern uniformed officers. Police Department employees must refer to this manual for anything not covered by the Police Department’s internal policies and procedures. To the extent of any conflict between this Personnel Policy, and the Police Department’s internal policies and procedures, the internal policies and procedures of the Police Department will control.”

104 ***Changes or Modifications***

Rights of the Village Board – The Village Board reserves the right to interpret, change, modify, or eliminate any provision contained in this Personnel Policy Manual.

Governmental Actions – This Personnel Policy Manual is subject to alteration by resolutions of the Village Board, changes in Village and/or departmental rules, or changes in federal, state or local statutes, rules, or regulations. (This is not meant to be a comprehensive list).

Statutes, Laws and Ordinances – In the event a federal or state statute or a Village Law or ordinance should conflict with any provision contained in this Personnel Policy Manual, then such statute, law or ordinance will prevail.

105 Employee Classifications

For purposes of this Personnel Policy Manual, the following terms shall be defined as indicated. The definition provided for each of these terms applies only within the context of this Personnel Policy Manual. The meaning and use of these terms or similar terms may be different in the context of Civil Service Rules or a collective bargaining agreement.

Full-Time Employees – The term “full-time employee” will mean an employee who is regularly scheduled to work a minimum of thirty-seven and a half hours per week.

Part-Time Employees – The term “part-time employee” will mean an employee who is scheduled on a regular and on-going basis to work twenty hours or less per week.

Temporary Employees – The term “temporary employee” will mean an employee who is employed on an interim or sporadic basis, or who is employed to work on a special, emergency, or on-call basis for a specified period, consistent with the Civil Service Law as applicable.

Seasonal Employees – The term “seasonal employee” will mean an employee who is employed to work for a given season or portion thereof.

FLSA Non-Exempt Employees – The term “FLSA non-exempt employee” will mean an employee who is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

FLSA Exempt Employees – The term “FLSA exempt employee” will mean an employee who qualifies for an exemption from the minimum wage and overtime provisions of the Fair Labor Standards Act.

200 THE CIVIL SERVICE SYSTEM

The following is intended as a guide for informational purposes. The Civil Service Law and the *Rules for the Classified Civil Service of St. Lawrence County* shall govern regarding the jurisdictional classification of positions and the appointment and promotion of personnel.

201 *The Unclassified and Classified Services*

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

Classified Service – In accordance with Civil Service Law, the term “Classified Service” will include all Village employees who are subject to the *Rules for the Classified Civil Service of St. Lawrence County*. The Classified Service is divided into four jurisdictional classes:

- **Exempt** – those positions, other than unskilled labor positions, for which competitive or non-competitive examinations or other qualification requirements are not practicable (Civil Service Law, Section 41);
- **Competitive** – those positions for which it is practicable to determine merit and fitness by competitive examination;
- **Non-Competitive** – those positions not in the exempt class or the labor class for which it is not practicable to determine merit and fitness by competitive examination, but rather by a review of training and experience; and,
- **Labor** – unskilled labor positions, except those positions which can be examined for competitively.

202 *Civil Service Appointments*

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

- **Permanent** – an appointment to a vacant position in the Competitive Class from an eligible list established as a result of examination, following successful completion of a probationary term;
- **Provisional** – an appointment to a vacant position in the Competitive Class when there is not an appropriate eligible list. A provisional appointee must take an examination whenever it is scheduled. Thereafter, a permanent appointment will be made on the basis of the eligible list resulting from the examination; or
- **Temporary** – an appointment to a position in the Competitive Class for reasons including, but not limited to: emergency work projects; planned termination of the

position after a limited time; to replace an employee who is on a leave of absence; to fill a position funded through a temporary grant; or to fill a position vacated by the promotion of another employee until the employee who has been promoted receives permanent status.

203 Examinations and Promotions

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

Promotions – The Village will offer opportunities for advancement for those employees who qualify. An employee who wants to be promoted should become knowledgeable about the employee's present position and be aware of higher level positions for which the employee may be qualified.

204 Veterans Credits

Summary – An employee who is a veteran as defined by the Civil Service Law may be eligible to apply for veterans credits on a Civil Service examination. An employee who is a veteran should contact the St Lawrence Civil Service Department for details concerning these credits.

300 EMPLOYMENT MATTERS

301 *Oath of Office*

Requirement – Each Public Officer as defined in the Public Officers Law must take the Oath of Office in accordance Public Officers Law Section 10, which must be administered prior to commencing the duties of the office. Each official who is re-elected or re-appointed to a subsequent term must take the Oath of Office for each term.

Filing of Oath – The Oath of Office is filed in the Village Clerk's Office within thirty calendar days of the Public Officer's commencement of the term of office.

302 *Procedure for Filling Vacancies*

Statement of Compliance – The Village of Massena is an Equal Opportunity Employer. The Village complies with all applicable federal, state and local laws, rules, and regulations throughout the employee selection process, including, but not limited to, Public Officers Law, Village Law, Civil Service Law, Title VII, Human Rights Law, the Age Discrimination in Employment Act, and the Americans with Disabilities Act.

Notification of Vacancies – In the event there is a vacancy in a new or existing position which the Village intends to maintain, the vacancy may be advertised and/or posted and qualified individuals interviewed. The Village reserves the right to fill a position either internally or with an external candidate.

Employment Applications – The Village relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the Village's exclusion of the individual from further consideration for employment or disqualification if the conduct is discovered after employment commences.

Employment Reference and Background Checks – To ensure that individuals who are employed by the Village are well qualified and have a strong potential to be productive and successful, it is the policy of the Village to check the employment references of final applicants. In addition, final applicants will be required to complete a hold harmless statement and release in order for the Village to conduct appropriate background checks.

Pre-Employment Physicals / Drug Screening – When appropriate in accordance with the requirements of a particular position, the Village may require that an applicant undergo a medical examination (after receiving a conditional offer of employment) to determine fitness for duty. In doing so, the Village will comply with the provisions of the Americans with Disabilities Act. Additionally, all final applicants for a position to be tested for the presence of a controlled substance as a pre-qualifying condition to employment.

303 **Probationary Period**

Except as otherwise provided in a collective bargaining agreement, the *Rules for the Classified Civil Service of St. Lawrence County* provide for the following, which is applicable to employees and those appointed, promoted or transferred pursuant to the Civil Service laws. Employees not bound by Civil Service laws or collective bargaining agreements will have a probationary period of one (1) year. Additional provisions may also apply in accordance with those Rules.

Purpose of Probationary Period – The purpose of the probationary period is for an employee to become familiar with the specific duties and responsibilities of the employee's new position. The probationary period also provides the Department Head with an opportunity to evaluate the employee's job performance and potential for development in the position.

Length of Probationary Period – Except as otherwise provided in the above Rules or a collective bargaining agreement, every permanent appointment from an open-competitive list and every permanent appointment to a position in the non-competitive, exempt or labor class shall be for a probationary term of not less than two months nor more than twelve months. The length of the probationary period may be extended in accordance with the above Rules.

Successful Completion of Probationary Period – An employee's appointment will become permanent upon written notice that the probationary period has been successfully completed following the minimum period of service required. Or, the employee's appointment will become permanent upon the retention of the employee after completion of the maximum period of service required. **Except as otherwise provided by law or a collective bargaining agreement, completion of the probationary period does not necessarily confer rights or privileges in the position.**

Employment Status During Probationary Period – During the probationary period (at any time after the completion of the minimum probationary period and before completion of the maximum probationary period), an employee will be subject to demotion, suspension, or discharge at the Village's sole discretion. If the performance or conduct of an employee serving a probationary period who has been promoted or transferred from a permanent appointment (as defined by civil service regulations) is not satisfactory, the employee shall be returned to the employee's former permanent position prior to the end of the probationary period.

304 **New Employee Orientation**

Procedure – The purpose of the new employee orientation is to welcome new employees and to familiarize them with the Village and their job. The orientation process generally consists of, but is not limited to, a tour of the employee's assigned worksite, distribution and review of this Personnel Policy Manual, and enrollment in benefit plans, if applicable. In addition, the employee's Department Head is responsible for introducing the employee to co-workers, scheduling on-the-job training, and reviewing the job description and performance requirements of the position.

All new employee paperwork must be submitted to the payroll department prior to the employees start date. Failure to do so will result in a delayed start date or delayed paycheck.

305 Personnel Records

Policy Statement – It is the policy of the Village to balance its need to obtain, use, and retain employment information with a concern for each employee’s privacy. To this end, the Village will endeavor to maintain only that personnel information necessary for the conduct of the Village’s business or required by federal, state, or local law. Personnel records will be maintained for current and past employees in order to document employment related decisions and comply with government record keeping and reporting requirements.

Content – The personnel records maintained by the Village include, but are not limited to, Employment Applications, Report of Personnel Change Forms; copies of job-required licenses and certificates, Federal and State Withholding Tax Forms, Retirement Enrollment/Waiver Forms, Health Insurance Enrollment/Waiver Forms, probationary reports, grievance notices, counseling memoranda, and notices of discipline.

Location of Files – All original personnel records for current employees will be kept in the Village Treasurer’s Office and maintained and controlled by the Village Treasurer’s Office.

Employment Eligibility Verification (I-9) Forms – All Employment Eligibility Verification (I-9) Forms will be kept in a separate file apart from the employee’s personnel file.

Medical Records – All employee medical records will be kept in a separate folder within file apart from the employee’s personnel file and will be maintained and controlled by the Village Treasurer’s Office.

Substance Testing Records – All employee substance testing records will be maintained and controlled by the Village Clerk.

Change in Status – An employee must notify the Village Treasurer’s Office of a change of name, address, telephone number, marital status, number and age of dependents, beneficiary designations, and individuals to notify in case of emergency.

Review of Personnel Files – Access to personnel files is limited. A current employee may review the contents of the employee’s own personnel file by submitting a written request to the Village Treasurer with the review to be scheduled at a mutually convenient time. An authorized official must be present when the employee inspects the file. An employee may not copy, remove, or place any material in the employee’s personnel file without the approval of the Village Treasurer.

306 Code of Ethics

Policy Statement – The Village has adopted a Code of Ethics which governs the ethical conduct of Village officials and employees. This Code is set forth in its entirety in Chapter 31 of the Village Code.

Distribution – Every Village officer and employee shall be furnished a copy of the Code of Ethics within ten days after entering upon the duties of his or her position; however, failure of any Village officer or employee to receive a copy shall have no effect on the duty of compliance with this Code or on the enforcement of its provisions.

307 Corrective Action and Discipline

Policy Statement – It is the policy of the Village of Massena that certain rules and regulations regarding employee behavior are necessary for the benefit and safety of all employees, the efficient operation of the Village, and the delivery of services to residents of the Village. Any conduct that interferes with operations or that discredits the Village will not be tolerated. Each employee must conduct oneself in a positive manner so as to promote the best interests of the Village. Corrective action is necessary when an employee has demonstrated performance deficiencies, or has violated a policy, rule, regulation, or procedure. Corrective action may include counseling or initiating formal disciplinary action against an employee.

Communication – Open and candid communications with all employees is an important aspect of the Village of Massena's on-going employee relations. When a rule, policy, or procedure is violated, the employee's Department Head, or other designated supervisor, will review the specific nature of the violation with the employee. The employee's input is extremely important to ensure that all facts have been considered.

Counseling – Counseling employees, as opposed to initiating formal disciplinary action, may be the appropriate first step in addressing performance deficiencies or misconduct. The purpose of counseling is to inform the employee of such deficiencies or misconduct, discourage its recurrence, and inform the employee of the consequences if the behavior is repeated. When performance deficiencies are the issue, the performance standards of the job should be reviewed, along with specific examples of how the employee is not meeting those standards. Where appropriate, goals for improvement may be established, along with a time frame for achieving them. The counseling will be documented in writing and the employee will be required to acknowledge receipt by signing the memorandum. Any employee who fails to follow a supervisor's directive to sign the counseling memorandum to acknowledge receipt will be subject to disciplinary action.

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

Investigations – Where appropriate, an investigation will be conducted by the proper supervisor or other designated individual(s) in order to gather all pertinent information and to ensure that all the facts are considered. The investigation may include, among other things, interviews with the employee and any witnesses or other involved parties, and review of documents and materials. Employees who are participants in an investigation are not allowed to disclose the content or particulars of the investigation unless otherwise authorized. All employees who are called upon to participate in an investigation are required to fully cooperate in the process and respond truthfully to all questions posed.

Failure to do so will subject the employee to appropriate corrective action. The Village reserves the right to suspend an employee while an investigation is conducted.

During the investigation process, a union employee who appears to be a potential subject of disciplinary action may undergo questioning. Such employee will have the right to representation by the employee's certified or recognized employee organization under Civil Service Law Article 14 and will be given advanced notice of such right. In the event the employee requests representation, the employee will be allowed a reasonable period of time to obtain such representation. In the event the employee is unable to obtain such representation within a reasonable period of time, the employer will have the right to then question the employee.

Procedures – Employees covered by **Civil Service Law Section 75** shall be disciplined in accordance with the procedures contained therein. (Refer to Section 308 of this Personnel Policy Manual). An employee who is a member of a collective bargaining unit should refer to the collective bargaining agreement regarding the disciplinary procedure.

Prohibited Conduct – Any employee who, after investigation, is found to have committed any of the actions listed below will be subject to corrective action, up to and including termination of employment. This list is illustrative only and does not limit the Village's right to impose discipline in other appropriate cases.

- Willful violation of Village's rules, policies, and procedures.
- Harassing (including sexual harassment), intimidating, coercing, threatening, assaulting, or creating a hostile environment against another employee, Elected Official, resident of the Village, supplier, visitor, or any other person, whether on or off Village premises.
- Engaging in any action that is in violation of the Village's Workplace Violence Prevention Policy.
- Possession of any weapon or dangerous instrument (including knives with over a three inch blade, firearms, and explosives) on Village property or in Village vehicles, except for those employees who are required as a condition of employment to bear a weapon.
- Possession, use, distribution/sale, or being under the influence of alcohol or controlled substances during hours of work or while on Village property or in Village vehicles. (Possession, use or being under the influence of alcohol by an off-duty, legally able Village employee on Village property is allowable while attending an event or a partaking in or observing recreational activities.)
- Willful or deliberate abuse, destruction, defacement, or misuse of Village property or the property of another employee, Elected Official, resident of the Village, supplier, visitor, or any other person.
- Theft or unauthorized possession, use, or removal of Village property or the property of another employee, Elected Official, resident of the Village, supplier, visitor, or any other person.
- Falsification or alteration of any records or reports including but not limited to employment applications, time records, work records, medical reports, absence reports, work-related injury reports, and claims for benefits provided by the Village.
- Preparation or manipulation of another employee's time record.

- Acts of sabotage, including the work of another employee.
- Making false statements about another employee, Elected Official, resident of the Village, supplier, visitor, or any other person. This includes knowingly making false accusations against another individual as to allegations of discrimination, sexual harassment or other harassment which is in violation of Village policy or applicable law.
- Insubordination or willful refusal to comply with the lawful order or instruction of a supervisor or Department Head.
- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities.
- Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment, in such a way that jeopardizes the safety of the employee, another employee, Elected Official, resident of the Village, supplier, visitor, or any other person.
- Offensive or unprofessional behavior that is contrary to the Village's best interest, or any conduct that does not warrant public trust.
- Committing any violation of the law either on or off duty or on or off the work site that compromises or adversely effects the employee's fitness or ability to perform assigned job duties.
- Unauthorized expenditure of Village funds.
- Illegal gambling while on duty.
- Willful work slow down, work stoppage, or interfering with or restricting the performance of another employee or in any other way interfering with Village operations.
- Careless or negligent use or operation of equipment, including vehicles and machinery.
- Unauthorized absences or failure to give proper notice of an absence or tardiness.
- Excessive tardiness and/or absences except those absences covered by state and/or federal statutes.
- Leaving work area without permission, as defined by the Department Head.
- Failure to adhere to the personal appearance and hygiene/dress code policy.
- Sleeping on the job
- Personal activity during paid work time without the express permission of the Department Head.
- Use of personal listening devices (e.g. cellphones with headphones / earbuds) during paid work time without the expressed permission of the Department Head. (Note: use of such devices is permitted during meal breaks and authorized rest breaks.
- Disruptive, loud, or boisterous behavior or horseplay in the workplace.
- Abusive language in the workplace, including racial slurs and epithets.

- Posting, removing, or defacing of notices, signs, or other written material without prior approval.

308 Civil Service Law Section 75

Summary – New York State Civil Service Law Section 75 establishes disciplinary procedures for covered employees. Section 75 affords a covered employee the opportunity for a hearing when charges of incompetence or misconduct have been made against the employee by the Village.

Union Employees – An employee who is a member of a collective bargaining unit should refer to the collective bargaining agreement regarding the disciplinary procedure.

Covered Employees – In accordance with Civil Service Law, the following employees are generally covered under Section 75:

- A newly hired employee who has not completed the minimum probationary period as specified in the *Rules for the Classified Civil Service of St. Lawrence County*;
- An employee holding a position by permanent appointment in the **Competitive Class** of the classified Civil Service;
- An employee holding a position in the **Non-Competitive** or **Labor Class** other than a position designated in the *Rules for the Classified Civil Service of St. Lawrence County* as confidential or requiring the performance of functions influencing policy, who since the employee's last entry into service has completed at least five years of continuous service in the Non-Competitive or Labor Class in a position or positions not so designated in the rules as confidential or requiring the performance of functions influencing policy;
- An employee holding a position by permanent appointment or employment in the Exempt, Competitive, Non-Competitive, or Labor Class who is a qualified veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, except when such an employee holds the position of private secretary, cashier, or deputy of any official or department. Specifically, the employee must have been honorably discharged or released under honorable circumstances from the armed forces of the United States having served therein as such member in time of war as defined in Section 85 of the New York State Civil Service Law, or the employee must be an exempt volunteer firefighter as defined in the General Municipal Law.

Questioning Rights for Union Employees - During the investigation process, a union employee who is covered under Section 75 and who appears to be a potential subject of disciplinary action may undergo questioning. Such employee will have the right to representation by the employee's certified or recognized employee organization under Civil Service Law Article 14, and will be given advanced notice, in writing, of such right. In the event the employee requests representation, the employee will be allowed a reasonable period of time to obtain such representation. In the event the employee is unable to obtain such representation within a reasonable period of time, the employer will have the right to then question the employee.

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

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

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

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

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

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

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

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

described in the charges would, if proved in a court of appropriate jurisdiction, constitute a crime.

Filing Requirements – In the event the employee is found to be guilty, a copy of the charges, the employee's written answer, a transcript of the hearing, and the determination will be filed in the employee's personnel folder. A copy will also be filed with the St. Lawrence County Civil Service Department).

309 Separation from Employment

Notice of Resignation (Employees) – An employee who intends to resign from employment must submit a written resignation to the employee's Department Head at least two weeks before the date of resignation is to be effective.

Completion of Notice Period – When a resignation notice is provided by an employee, the Village reserves the right to waive some or all of the notice period.

Notice of Resignation (Village Officers) – A Village Officer (as defined by Public Officers Law) must resign by delivering a written notice to the Village Clerk. If no effective date is specified, the office becomes vacant immediately upon delivery of the notice to the Village Clerk. If a Village Officer wishes to resign at some future date, the Village Officer may specify a resignation date. However, if the resignation date is more than thirty days after delivery of the notice to the Village Clerk (ninety days for Justices), the resignation will become effective thirty days after such delivery (ninety days for Justices).

Notice of Resignation (Village Clerk) – The Village Clerk who intends to resign must submit a written resignation to the Village Board at least thirty calendar days before the date of resignation is to be effective.

Exit Interviews – Exit interviews are normally conducted by a Department Head. The exit interview provides an opportunity to discuss a number of items including employee benefits, COBRA eligibility, changing of computer passwords, and return of Village property (including but not limited to cellphones and protective cases, all electronic devices, uniforms, etc.). During the exit interview, employees are encouraged to give suggestions, concerns and constructive recommendations.

400 OPERATIONAL POLICIES

401 *Departmental Hours*

Normal Hours of Operation – The normal hours of operation are established by the Village Board. An employee's Department Head will establish the employee's work schedule, which may differ from the normal hours of operation depending upon the particular needs and requirements of the department. The Village Board reserves the right to approve all employee work schedules, except where otherwise prohibited by applicable State or Village Law.

Union Employees – The work schedules for union employees shall be governed by the applicable collective bargaining agreement.

402 *Meal and Rest Breaks*

Meal Breaks (Union Employees)– An employee who is a member of a collective bargaining unit should refer to the applicable collective bargaining agreement regarding meal breaks.

Meal Breaks (Non-Union Employees) – An employee who works more than six hours and no more than eight hours in a given day will receive a paid, duty-free meal break not to exceed thirty minutes.

Scheduling of Meal Breaks – Scheduling of meal breaks must be approved by the Department Head in accordance with the needs and requirements of the department. Meal breaks must normally be taken in the middle of the employee's workday.

Observance of Meal Breaks – In accordance with New York State regulations, an employee who works more than six hours in a given day is required to take the scheduled meal break. An employee is not allowed to work through the meal break to make up lost work time or to leave work early. In addition, the meal break may not be taken at the end of an employee's workday in order to leave work before the normal quitting time.

Approval of Rest Breaks – Rest breaks must be approved by the employee's Department Head in accordance with the needs and requirements of the department. Unless otherwise specified by departmental rules, all rest breaks must be taken at the work-site and may not exceed the time allowed.

403 **Breaks for Nursing Mothers**

Summary –The Village of Massena provides a supportive environment to enable breastfeeding employees to express milk during work hours for up to three years post childbirth. Breastfeeding employees who choose to continue providing milk for their infants after returning to work shall receive Milk Expression Breaks, A Place to Express Milk and Access to a Refrigerator.

- **Milk Expression Breaks** - Breastfeeding employees are allowed to breastfeed or express milk during work hours using their normal breaks and mealtimes. For time that may be needed beyond the usual break times, employees may use personal leave or may make up the time as negotiated with their supervisors
- **A Place to Express Milk** - A private room (not a toilet stall or restroom) shall be available for employees to express milk. The room will be located in the building that the employee works in; private and sanitary; and have an electrical outlet. If employees prefer, they may also breastfeed or express milk in their own private offices, or in other comfortable locations agreed upon in consultation with the employee's supervisor.
- **Access to a Refrigerator** - Employee will be provided access to a refrigerator to store expressed milk.

Employee Responsibility - It is the responsibility of the employee to communicate with supervisors if they wish to express milk during the workday prior to returning to work from maternity leave. Also, the employee shall keep supervisors informed of her needs so that appropriate accommodations can be made.

404 **Emergency Situations**

Closing Procedures – In the event that extraordinary weather conditions or other emergencies develop prior to the beginning of the workday, the Mayor may authorize the closing of non-emergency operations, or, if extraordinary weather conditions or other emergencies develop during a workday, the Mayor may direct that certain employees who perform non-essential services leave work.

Payment of Wages – Pay for FLSA exempt employees will not be affected by an emergency closing. Pay for FLSA non-exempt employees will be in accordance with the provisions below:

- **During Work** – A full-time employee who is directed to leave work due to an emergency closing will be paid for the remainder of the employee's normal workday at the employee's regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime. A part-time, temporary or seasonal employee who is directed to leave work due to an emergency closing will not be paid for the remainder of the employee's normal workday. Such employee may choose to make up the time at a later date if agreed to by the Department Head. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.
- **Prior to Reporting to Work** – If a determination is made to close operations prior to the start of a workday, the Mayor will initiate notification to all affected employees. A full-time employee who is directed not to report to work due to an emergency closing

will be paid for the employee's normal workday at the employee's regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime. A part-time, temporary or seasonal employee who is directed not to report to work will not be paid for the workday. Such employee may choose to make up the time at a later date if agreed to by the Department Head. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

Inclement Weather – Employees are expected to report to work and remain at work during inclement weather conditions unless otherwise notified by the Village. Employees should use their own discretion in determining whether they can commute safely to work due to inclement weather. When the Mayor has not officially shut down operations, an employee who does not report to work or requests to arrive at work late or leave work early due to inclement weather must obtain authorization from his or her Department Head prior to doing so. The employee must use paid vacation or personal leave, if available, or take the time off without pay. If an FLSA exempt employee has no paid leave benefits available, the employee will only be docked if a full workday is taken.

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Emergency Situations provision set forth above and should refer to the applicable collective bargaining agreement.

405 Time Records

Policy Statement – Time records provide a means of accurately accounting for time worked and authorized paid leave taken by employees. The Village uses various methods to collect this important information as outlined below:

- **Village Hall** – Village Hall employees complete a timesheet and submits it to their Department Head for review and approval. Employees must record all time worked and paid leave taken. The timesheets must be submitted to the Treasurer's Office on a weekly basis by deadline as determined by the Treasurer's Office.
- **Department of Public Works** – DPW employees are required to punch a timecard. The information from the timecards is entered onto pay data sheets and submitted to the Treasurer's Office for processing. Employees must punch their own timecard
- **Recreation Department** – The Recreation Director (or designee) prepares the payroll for employees and submits the completed payroll to the Treasurer's Office for processing on deadline as determined by the Treasurer's Office.
- **Police Department** – The Police Chief (or designee) prepares the payroll for employees and submits it to the Treasurer's Office for processing by deadline as determined by the Treasurer's Office
- **Fire Department** – The Fire Foreman (or designee) prepares the payroll and submits it to the Treasurer's Office for processing by deadline as determined by the Treasurer's Office.

Correction of Errors – An employee must immediately bring errors in time records to the attention of the employee’s Department Head who will investigate the matter and make and initial the correction once the error has been verified.

Falsification of Time Records – An employee who, after investigation, is found to have falsified or altered a time record, or the time record of another employee, or completed a time record for another employee, will be subject to disciplinary action. In extenuating circumstances where an employee is not able to complete the employee’s own time record, the Department Head may complete the time record on behalf of the employee.

406 Purchasing / Credit Cards

Policy Statement – The Village has established an official procurement policy and a credit card policy that must be followed without exception. No employee shall make purchases for the Village, or use the Village’s name to make purchases, or use a Village credit card unless so authorized by the employee’s Department Head and in adherence to the procedures set forth in these policies.

407 Expense Reimbursement

Policy Statement – Upon proper authorization of the Village Board, an employee or Elected Official will be reimbursed for expenses associated with carrying out Village business, including, but not limited to, meals, lodging, mileage, parking, highway tolls, and training and registration fees. A voucher with all required documentation and corresponding itemized receipts must be submitted to the Village Treasurer’s Office for the reimbursement to be processed.

Expense Approval – Each employee is expected to exercise reasonable judgment when incurring charges that will be submitted for reimbursement. Prior approval from the Mayor will be required for significant or non-standard expenditures. The Mayor reserves the right to reject reimbursement requests that are deemed unreasonable or inappropriate.

Meals - The total per day allowance will be no greater than \$50.00. Each meal will be reimbursed separately and only by itemized receipt. All dollar limits include gratuities and exclude reimbursement for alcoholic beverages. The following are the per diem limits for specific meals:

- Breakfast \$10.00
- Lunch \$10.00
- Dinner \$30.00

Travel - The preferred method of travel is by Village owned vehicle using the Village’s credit card or gas card as appropriate. Advance Department Head approval is required for any other method. If the Village credit card is not available, reimbursement for gas and approved incidentals will be by itemized receipt.

Mileage - In the rare event that a Village vehicle is not available, and an employee is authorized to travel by personal vehicle, the Village will pay the actual mileage of the trip at the reimbursement rate set by the IRS at the time of travel. All travel by personal vehicle must be pre-approved by the Mayor.

Lodging - The Village will pay for overnight lodging as approved by the Mayor. The employee, officer or agent of the Village may stay at the hotel designated as the official site of the event.

Village Credit Card - If using the Village credit card for any of the above purposes, and the charge exceeds any of the above allowable limits, the employee is to reimburse the Village for the excess amount within seven (7) days of the employee's return. In all cases, the credit card must be turned in to the Department Head issuing the card on the next Village business day.

Education and Training – Upon proper authorization of the Mayor, an employee will be reimbursed for training courses that are directly related to the employee's present job. Employees must first seek approval from their Department Head before the request is presented to the Mayor.

408 Vehicle Usage

Policy Statement – All vehicles and related equipment of the Village of Massena are owned and maintained for the purpose of conducting official business of the Village. Said vehicles and equipment may not be used for the personal use or private gain of any official or employee, nor for any other purpose which is not in the general public interest.

Standards – For the purpose of compliance with this policy, the following standards must be met at all times:

- Village vehicles and related equipment must remain under the general administrative jurisdiction and direction of the Department Head to which it is assigned.
- As a general rule, Village vehicles may not be taken home or driven for personal use, with exception of de minimus use. Positions that are designated by the Village Board as "on call" positions are permitted to take vehicles home in order to expedite response time. "On call" positions include the following:
 - Police Chief
 - Police Lieutenant
 - Police Investigators
 - DPW Superintendent
 - Water Foreman
 - Street Foreman
 - Joint Recreation Director
- Village vehicles must always be operated in a safe and responsible manner and in compliance with all applicable motor vehicle and traffic laws in effect. Employees are responsible for any driving infractions or fines that result from their operation of Village vehicles and must report them to their Department Head. The Village is responsible and will pay for any fines which would typically be levied against the owner of the vehicle for infractions related to the vehicle itself.

- Any accident involving a Village vehicle, regardless of severity, must be reported immediately to the appropriate Department Head. The Department Head must file an accident report with the Mayor's Office within twenty-four hours.
- The use of a cell phone when driving on Village business must be compliant with all applicable laws and/or regulations.
- Village vehicles may not be used to transport persons who are not officials or employees of the Village of Massena, nor material not related to the conduct of official Village business, without direct authorization by the appropriate Department Head or the Mayor.
- Village vehicles must always be maintained in a safe and secure condition when not in use, including being locked and/or under direct observation; and all keys maintained under controlled and authorized jurisdiction of the appropriate Department Head.
- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on Village vehicles at any time, except those of a limited community service nature which have been authorized by the Village Board.

409 Driver's License / Insurance Requirements

Requirement – An employee who is required to drive either a Village-owned vehicle or the employee's own personal vehicle to conduct business on behalf of the Village, must possess at the time of appointment, and must maintain throughout employment, a valid New York State driver's license. Proof of such license must be on file with the Village. If a personal vehicle is used to conduct business on behalf of the Village, the employee is responsible for ensuring liability insurance coverage meeting NYS requirements is appropriately maintained.

Commercial Drivers – An employee who operates a vehicle which requires a Commercial Driver's License (CDL), must maintain such license throughout employment. Proof of such license must be on file with the Village. In accordance with the federal Commercial Motor Vehicle Safety Act of 1986, a commercial driver must notify the Village within thirty days of a conviction of any traffic violation (except parking), no matter where or what type of vehicle the employee was driving.

Loss of Driver's License – An employee who is required to possess a driver's license or CDL license in order to perform certain job duties and responsibilities must immediately notify the appropriate Department Head in the event the license is suspended or revoked. The loss or suspension of the driver's license or CDL license may affect the employee's continued employment with the Village, including termination of employment for inability to perform the duties of the job. The Village will utilize the NYS Department of Motor Vehicles' "License Event Notification Service" (LENS) to monitor activity that may negatively impact an employee's ability to maintain a required license. The NYS DMV LENS system will be utilized for all employees, including part-time and seasonal, if they are required to drive Village vehicles.

Insurability Standards – It shall be solely the responsibility of a Village employee to meet or exceed all insurability standards, as established from time to time by the Village Board or

the Village's insurance carrier, which are required for the use or operation of a Village vehicle.

410 Supplies, Tools and Equipment, and Fuel Usage

Supplies – All Village owned supplies must be used efficiently and not wasted. An employee may not use any Village supplies including, but not limited to, postage, paper, or office supplies for personal use.

Tools and Equipment – The employee must repair or replace any Village-owned tool or piece of equipment lost or damaged by the employee as a result of negligence or intentional misuse. An employee may not use any Village-owned tool or piece of equipment, including, but not limited to, fax machines, copiers and computer equipment for personal use. An employee may not use Village facilities, Village-owned tools or equipment to work on vehicles or trailers not owned by the Village.

Fuel – An employee may not use gasoline, fuel oil, or motor oil purchased by the Village for personal use.

411 Telephone / Cell Phone Usage

Guidelines – Telephone and Village provided cell phone usage must adhere to the following guidelines:

- An employee must answer promptly and speak in a clear, friendly and courteous tone.
- An employee must give the name of the department or office and one's own name. If the call is not for the employee who answers, the employee must transfer the caller to the correct party or take a message recording all pertinent information.
- If the call must be placed on hold, the employee who answered the call must return to the line frequently to confirm that the call is being transferred.
- An employee may not make or receive personal telephone or cell phone calls during work hours, except in an emergency or to check briefly on family matters.
- Use of a Village provided cell phone for personal text messaging during work hours is prohibited.
- An employee may not make or receive personal calls on a Village provided telephone or cell phone that will result in additional charges including but not limited to long distance calls or roaming charges to the Village, except in an emergency and/or with prior approval from the Department Head. The employee must reimburse the Village for the cost of the call.
- The use of Village issued cell phones is monitored to ensure no excessive or inappropriate use occurs.
- The use of a cell phone while driving on Village business must comply with all applicable laws.

Personal Cell Phone / Electronic Device Usage – Employees must adhere to the following guidelines regarding the use of personal cell phones. These guidelines do not apply to Village-owned cell phones that are issued for the specific use of an employee's job duties. Where the term cell phone is used in these guidelines, it shall be considered to include all types of portable electronic devices (e.g. iPads, Kindles, MP3 players, etc.)

- Cell phones may not be used for personal purposes during work hours except on a limited basis as outlined above, unless the employee is on an authorized break or has permission from a supervisor.
- Use of a cell phone for personal text messaging during work hours is permissible only on a limited basis for family matters; texting must not interfere with the performance of the employee's job duties.
- No excessive web browsing, inappropriate or music that is a distraction to others, or watching movies, or all other uses of cell phones will be allowed during working hours.

412 Use of Communication Systems and Equipment

Policy Statement – The purpose of this policy is to provide the following requirements for the use of Village-owned communication systems and equipment. Communication systems and equipment include but are not limited to computer systems, internet services, hardware, software, laptops, smart phones, cell phones, land-line phones, printers, facsimile machines, copiers, and scanning devices.

Property – All communication systems, equipment and files are the property of the Village. This includes the messages created, transmitted, and stored on such systems and equipment.

Usage – All communication systems and equipment are provided to an employee for the purpose of aiding that employee in the performance of the employee's job functions. All hardware and software used is to be supplied by the Village. No unauthorized or unlicensed hardware or software may be used or installed on any Village-owned computer. Any hardware or software necessary to perform job duties should be requested of the employee's Department Head.

Village's Right to Monitor Communication Systems and Equipment – There is no guarantee of privacy when using Village-owned communication systems and equipment. The Village reserves the right to enter, search, and monitor employee communication systems, equipment, and files, with or without advance notice, at any time in the normal course of business. Department Heads have the authority to inspect the contents of any Village communication systems, equipment, data/files, or electronic messages of their subordinates in the normal course of their supervisory responsibilities. In addition, the data/files of Department Heads and supervisors may be inspected by the Mayor in the normal course of duty. This applies to all information, messages, and files that are created, transmitted, downloaded, received, stored, or deleted on such systems, including items that are password protected. Additionally, the Village has the authority to monitor and record each web site, chat room, and newsgroup visited on the Internet, and every electronic message and file transfer into and out of the Village's network or communication service. The Village may also monitor each employee's Internet activity and usage patterns to ensure that the Village's resources are being utilized for appropriate business purposes.

Username and passwords are the property of the Village of Massena. An employee may be required to disclose their username and password to a Department Head at anytime.

Personal Use – Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Any non-business use should be incidental and occasional and must conform to all standards set forth in this policy. Any personal use that interferes with the performance of an employee's work or burdens or compromises the effectiveness of the Village's network and equipment is strictly prohibited.

Prohibited Uses – In addition to the requirements set forth above, the following uses of Village-owned communication systems and equipment are prohibited. This list is meant to be illustrative, and not exhaustive.

- Any illegal activity;
- Threats or harassment;
- Slander or defamation;
- Transferring, viewing, displaying, storing, distributing, editing, archiving, or recording of any discriminatory message, image, or material, or any obscene, graphic, or suggestive message, image, or material;
- Activity that is in violation of any provisions set forth elsewhere in this Personnel Policy Manual;
- Any unauthorized commercial activity;
- Accessing or attempting to access the data/files of another person, unless otherwise authorized as necessary in the course of performing Village business;
- Using or aiding in the unauthorized use of another person's password;
- Harming or destroying data/files (other than editing or deleting information in the normal course of one's job duties);
- Use of non-business software;
- Gambling;
- Use of entertainment software, such as games and puzzles;
- Installation or use of any hardware or software, not authorized by the Village;
- Installation or use of Village-owned hardware or software for any use that is not Village related business;
- Installation or use of any unauthorized or unlicensed hardware or software; and
- Installation of any software containing viruses.

Internet / Electronic Messaging Requirements

Eligibility – Internet / electronic messaging service may be provided to employees who can demonstrate a work-related reason to have access. Electronic messages (e-messages) include but are not limited to e-mails, text messages, blogs, direct messages and posting to social networking or other sites. Approval must be given by the employee's Department Head or supervisor, subject to further approval of the Mayor.

Proper Usage – In addition to the prohibitions set forth in the above paragraphs, any activities prohibited for any other general computer user are also prohibited with respect to Internet / e-messaging service usage. Employees are expected to communicate in a manner that will reflect positively on both themselves and the Village. Additionally, it is the responsibility of the employee to adhere to the following requirements:

- E-messaging must be used in a professional manner;

- Messages must not be threatening, insulting, obscene, abusive, or derogatory;
- Messages must not include content that constitutes workplace harassment including sexual harassment;
- Employees are responsible for saving any e-messages that they want to keep permanently or are subject to the Freedom of Information law;
- E-messages must not involve personal sales or solicitation or be associated with any for-profit outside business activity;
- E-messages must not involve personal not-for-profit solicitations;
- E-messages must not potentially embarrass the Village;
- Passwords should not be given to anyone other than the employee's Department Head or supervisor;
- Internet must not be used for the propagation of computer viruses;
- Internet must not be used for personal recreational activities (e.g. online games);
- Participation in non-business Internet chat groups, blogging or instant messaging is prohibited;
- As a security precaution, a workstation must not be left signed onto E-mail or the Internet while unattended for a long period of time (or overnight). Each employee must log off the network when not in use and power down at the end of the day;
- Employee Internet usage and e-messaging may be subject to filtering and may be monitored;
- Employees should be aware that deletion of any E-message or file does not truly eliminate that message or file from the system. All E-mail messages are stored on a central back-up system in the normal course of data management;
- Employees should ensure that no personal correspondence appears to be an official communication of the Village; and
- Employees may not use the Village's address for transmitting or receiving personal mail or use the Village's e-mail address for transmitting or receiving personal e-messages.
- The Village's Internet system constitutes public facilities and may not be used to support or oppose political candidates or ballot measures.

Disclosure of Information - Employees must bear in mind that e-messages are not private, and its source is clearly identifiable. E-messages may remain part of the Village's business records long after they are deleted. Electronic records, including e-messages, are public records subject to state Freedom of Information Law and will be disclosed upon request unless an exemption to disclose is found to apply. In general, e-messages are subject to discovery in civil lawsuits.

Reliability – Users should be aware that because the internet is a collection of computer networks with no single central authority over information consistency, data is subject to inaccuracies. The Village is not responsible for loss or damage to a user's data or for the reliability of information that is obtained via the Internet service. Also, this information must be used in accordance with applicable copyright laws.

Reporting of Violations – Anyone with information as to a violation of this policy is to report said information to the employee's Department Head. Once the employee's Department Head is informed of the violation, a formal process, consistent with this Personnel Policy Manual and/or applicable law, will begin.

413 Social Media

Policy Statement – The purpose of the policy is to provide the framework for employee usage of Social Media, both inside and outside of the workplace. Social Media in general refers to internet based applications that allow for the creation and exchange of user generated content. Examples of Social Media include, but are not limited to: Facebook, Twitter, Tumblr, LinkedIn, Instagram, Pinterest, Reddit, Snapchat, YouTube, web blogs, and web based wikis whereby users can add, modify, or delete its content via a web browser.

Usage During Working Hours – Unless the use of Social Media is pertinent to Village business or authorized by a Department Head, employees are prohibited from using Social Media during working hours. This applies regardless of whether or not such usage occurs on Village-owned computers or communication equipment or a device personally owned by the employee.

Usage During Meal and Rest Breaks – All employees are strictly prohibited from accessing Social Media sites from Village-owned computers or communication systems. The only exception to this rule is when the use is directly pertinent to Village business.

Posting Content on Social Media (regardless of point of access) – The following uses of Social Media are prohibited. These terms pertain to content posted from computers or communication systems that are not Village owned, as well as those that are Village property. This list is meant to be illustrative, and not exhaustive.

- Disclosing confidential or proprietary information pertaining to matters of the Village that is not otherwise deemed accessible to the general public under the Freedom of Information Law (Public Officers Law Article 6, §§84-90).
- Matters which will imperil the public safety if disclosed.
- Promoting or endorsing any illegal activities.
- Threatening, promoting, or endorsing violence.
- Directing comments or sharing images that are discriminatory or insensitive to any individual or group based on race, religion, gender, disability, sexual orientation, national origin, or any other characteristic protected by law.
- Knowingly making false or misleading statements about the Village, or its employees, services, or Elected Officials.
- Posting, uploading, or sharing images that have been taken while performing duties as an agent of the Village, or while wearing Village uniforms – the only exception to this rule is when it is directly pertinent to Village business and such posting, uploading, or sharing of images is authorized in advance by the appropriate Department Head.
- Representing that an opinion or statement is the policy or view of the Village, or of any individual acting in their capacity as a Village employee or official, or otherwise on behalf of the Village, when that is not the case.
- Posting anything in the name of the Village or in a manner that could reasonably be attributed to the Village without prior written authorization from the applicable Department Head.
- Using the name of the Village or a Village e-mail address in conjunction with a personal blog or Social Media account.

An employee's Social Media usage must comply with Village policies pertaining to but not limited to Non-Discrimination and Harassment (including Sexual Harassment), Confidentiality and Violence in the Workplace. Any harassment, bullying, discrimination, or retaliation that would not be permissible in the workplace is not permissible between co-

workers online, even if it is done after hours, outside of the workplace, using computers or communication systems that are not Village-owned.

Notwithstanding the above, nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment. Nor is it meant to imply any restriction or diminishment of an employee's right to appropriately engage in protected concerted activity under law, including but not limited to NLRA Section 7 protected communications on non-work time. Village employees have the right to engage in or refrain from such activities as they choose.

Reporting of Violations – Anyone with information as to a violation of this policy is to report said information to the appropriate Department Head. Once the Department Head is informed of the violation, a formal process, consistent with this Personnel Policy Manual and/or applicable law, will begin.

414 *Personal Appearance*

Policy Statement – It is the policy of the Village that each employee's dress, grooming and personal hygiene should be appropriate to the work situation as determined by the Department Head or designee.

Standards – An employee must maintain a personal appearance in a manner that reflects a good image to the public. Acceptable personal appearance is an ongoing requirement of employment with the Village. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Employees should wear clothing that is appropriate for the particular work environment. The Department Head reserves the right to notify an employee if dress is deemed to be inappropriate.

Safety Clothing and Equipment – An employee may be required to wear safety clothing and equipment as directed by the Department Head. If such is the case, the employee must comply with all safety requirements.

Uniforms / Standard Clothing – An employee may be required to wear a uniform or standard Village issued clothing as directed by the Department Head and/or as provided in a collective bargaining agreement. If such is the case, the employee must comply with all requirements.

415 *Disclosure of Information*

Policy Statement – The Village of Massena promotes open government and complies with all requirements regarding public access to information. However, the Village recognizes that certain documents, records, and other information pertaining to Village operations and activities contain sensitive and confidential information about Village residents and others who do business with or on behalf of the Village and/or its residents. Such information cannot be photocopied, duplicated, discussed, or otherwise disclosed to any outside party except in accordance with the Freedom of Information Law or any other applicable laws and regulations. An employee is also prohibited from sharing or otherwise disclosing such information with other Village employees, family members or friends who do not have a Village business reason to have such information. This includes posting of such

information in any public forum (computer or otherwise) or on computer social networking sites.

Responsibility for Security of Confidential Information – Elected Officials, Department Heads and employees are responsible for maintaining the security of documents, records and other information that fall within their department operations. Any request from outside parties for disclosure of information under the Freedom of Information Law or any other applicable laws or regulations must be submitted to the Village Clerk.

Employee Personal Information – An employee should never provide a caller or visitor with confidential information regarding employees, including home addresses and personal telephone numbers. An employee should take the person's name and telephone number and inform the caller/visitor that a message will be forwarded to the employee.

416 Maintenance of Work Area

Policy Statement – It is the policy of the Village that work areas must be kept safe, clean and orderly at all times.

Employee Responsibility – Employees are responsible for maintaining their work area in a safe and orderly fashion. As such, each employee should, at a minimum, do the following:

- Place coats, boots, umbrellas and other items of clothing in designated areas so that work areas are not unnecessarily cluttered;
- Consume food or beverages only in designated areas so that work areas are kept free of food and related litter;
- Report any existing or potential workplace hazards and safety violations to the Department Head;
- Abide by the smoking policy as specified in this Personnel Policy Manual and in Chapter 275 (Tobacco Control Policy) in the General Code of the Village of Massena;
- Clean and store all tools and equipment and properly store any items, papers or confidential information in a manner prescribed by the Department Head.

Supervisory Responsibility – Supervisors are responsible for having their employees maintain their work areas according to the requirements of this policy. Each supervisor should:

- Make sure that aisles, floors and walls are free from debris and other unnecessary items;
- Monitor the facilities and equipment and issue maintenance requests where appropriate;
- Arrange for the removal of any items from the workplace that are not needed for the flow of business or the enhancement of employee comfort;

- Abide by and enforce the Village's smoking policy;
- Ensure the proper disposal of all trash and waste.

417 Personal Property

Policy Statement – It is the policy of the Village to ask each employee to refrain from bringing unnecessary or inappropriate personal property to work. The Village recognizes that an employee may need to bring certain items to work. However, employees should take care to ensure that personal property brought to the workplace does not disrupt work or pose a safety risk to other employees.

Personal Liability – An employee is expected to exercise reasonable care to safeguard personal items brought to work. Except as otherwise provided by a collective bargaining agreement, except as otherwise covered by the Village's liability and/or property damage insurance policies, the Village will not repair, replace, or reimburse an employee for the damage or loss of the employee's personal property. An employee bringing personal property to the workplace does so at one's own risk.

Storing Personal Belongings on Village Premises – An employee is prohibited from storing personal belongings such as motor vehicles, boats, trailers, televisions, computer equipment, etc. on Village premises. The Village reserves the right to have any such items removed at the owner's expense.

Security Inspections – Desks, lockers and other storage devices may be provided for the convenience of employees but remain the sole property of the Village. Accordingly, such storage devices, as well as any articles found within them, can be inspected by any agent or representative of the Village with a witness at any time, with or without notice. The inspection may or may not be made in the presence of the employee. The Village is not responsible for loss or damage to personal property placed in such storage devices.

418 Village Property

Employee Responsibility – An employee will be responsible for any item issued by the Village which is in the employee's possession and/or control, such as, but not limited to the following:

- Equipment, including Protective Equipment
- Identification Badges
- Keys
- Uniforms
- Communication Devices and related items
- Laptop computers and peripherals
- Books or other Reference Materials

Return of Property – All Village property must be returned to the Village before the employee's last day of work or when issued new or upgraded equipment.

419 *Unauthorized Work*

Policy Statement – An employee may not perform work for any entity other than the Village (or a participant in an authorized joint or shared services agreement) during the employee's authorized work hours or claim that Village work was done when such is not the case. Employees must devote their full scheduled shift to Village business, as assigned, including authorized work under any shared services agreement.

420 *Outside Employment*

Policy Statement – It is the policy of the Village that an employee may engage in outside work with written Department Head approval, if such outside work does not interfere with the employee's performance standards, pose an actual or potential conflict of interest, or compromise the interests of the Village.

Guidelines – The following guidelines have been established for an employee who engages in outside work.

- An employee will be judged by the same performance standards and will be subject to the Village's scheduling demands, regardless of any existing outside work requirements.
- If the Village determines that an employee's outside work interferes with the performance or the ability to meet the requirements of the Village as they are modified from time to time, the employee may be required to terminate the outside employment if the employee wishes to remain employed by the Village.
- No Village equipment, supplies, or other material may be used by an employee for purposes other than Village work.
- Outside employment that does or may constitute a conflict of interest is prohibited. An employee may not receive any income or material gain from any entity outside of the Village for materials produced or services rendered while performing the employee's Village job.
- An employee may not work on outside employment during any period which the employee is regularly scheduled to work for and is paid by the Village.
- A Village employee who engages in outside work must notify the person for whom the work is being performed that such work is being done on the employee's own time and that the employee is not representing the Village while performing such work.

Employee Responsibility – A Village employee who wishes to engage in outside work is responsible for ensuring that the above guidelines are maintained. Questions should be directed to the Department Head.

Union Employees – In addition to the above guidelines, an employee who is a member of a collective bargaining unit may be subject to rules and/or guidelines regarding outside employment as set forth in the collective bargaining agreement or rules of the department to which the employee is assigned.

500 ABSENCE POLICIES

501 Attendance

Except as otherwise provided by a collective bargaining agreement, the following procedure shall apply regarding absence from work:

Tardiness – An employee must be ready and able to work at the time the employee is scheduled to begin work. In the event an employee is unable to report to work at the scheduled time, the employee or responsible party, must notify the employee's Department Head prior to the employee's scheduled starting time or as soon thereafter as possible. The reason for tardiness and the expected time of arrival must be indicated to the Department Head.

Daily Notification – In the event an employee is unable to report to work, the employee or responsible party must notify the employee's Department Head, or designee, prior to each day of the absence and state the reason for the absence. In the event the absence was pre-authorized, this requirement will be adjusted according to circumstances.

Scheduled Absences – Requests for scheduled time off, such as the use of vacation leave and personal leave, must be approved by the Department Head in advance. All requests for time off are subject to approval by the employee's Department Head on a case-by-case basis.

Unscheduled Absences – An employee who is unable to report to work must contact the employee's Department Head prior to the employee's scheduled starting time or as soon thereafter as possible. The notification must be made to the Department Head, unless the Department Head has established alternative procedures. Notification requirements may be waived in cases of emergency.

Unexcused Absences – Notification of an absence to an employee's Department Head does not automatically mean the absence is authorized. Any time off from work that is without approval of an employee's Department Head is considered an unexcused absence. An unexcused absence is without pay and may result in disciplinary action, up to and including termination.

Early Departure – In the event an employee must leave work during the workday, the employee must receive permission from the employee's Department Head prior to leaving.

Leaving the Premises – An employee must obtain prior approval from the employee's Department Head to leave an assigned worksite during working hours due to a non-work-related reason. An employee who leaves an assigned worksite during the workday due to business reasons must notify the employee's supervisor in accordance with department policy.

Documentation of Absences – An employee may be required to provide appropriate documentation in justification of any absence. Documentation may include medical verification, which is required after three consecutive days of sick leave use.

502 ***Jury Duty Leave***

Jury Leave - In the event a full-time employee is required to perform jury duty on a day the employee is scheduled to work, the employee will receive paid jury duty leave. Such leave will not be subtracted from any of the employee's leave credits. An employee is obligated to notify the Commissioner of Jurors that the Village is paying the employee's full pay during jury duty. If the employee receives a jury stipend from the courts, such amount must be reimbursed to the Village. An employee can collect and keep any mileage or parking expense reimbursement that may be issued by the court system for performing jury duty.

Notification of Jury Duty – When an employee receives notice to report for jury duty, the employee must immediately submit a copy of the notice to the employee's Department Head.

Return to Duty – In the event the employee is released from jury duty on a given day and there are two or more hours remaining in the employee's scheduled workday, the employee must report to work. The employee will be allotted time to return home and prepare for work.

Accrual of Benefits – The Village will continue to provide health insurance benefits for an eligible employee during the jury leave. Vacation leave, sick leave and holiday benefits will continue to accrue during jury duty leave.

503 ***Military Leave and Military Leave of Absence***

Military Leave (New York State Law) – This section refers only to a paid leave for military service under New York State Law and does not affect an employee's entitlement to leave needed for military service under federal statute. The Village of Massena recognizes the importance of the Military Reserve and National Guard and will permit any employee the use of military leave to perform ordered military duty or required training. The Village will grant such leave with pay for up to twenty-two workdays or thirty calendar days in a calendar year, whichever is greater. Such 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. In accordance with applicable New York State law, the employee may keep all pay received for military service.

Military Leave of Absence (Federal Law) – An unpaid leave of absence for a period of up to the federal statutory limits will be granted to an employee to serve in any of the Armed Forces of the United States. The employee's accumulated vacation leave may, at the employee's option, be used at any time during such leave of absence.

Leave For Military Spouses (New York State Law) – In accordance with NYS Labor Law §202-i, the Village will grant an unpaid leave of absence of up to ten days to an employee (who works an average of twenty hours per week) whose spouse is a member of the armed forces of the United States, National Guard, or reserves who has been deployed during a period of military conflict, to a combat theater or combat zone of operations. This leave shall only be used when the employee's spouse is on leave from such deployment. This

does not preclude the employee's option to use available paid leave upon approval of the employee's Department Head.

504 Leave for Cancer Screening

Policy Statement – The Village of Massena complies with New York State Civil Service Law §159-b which entitles all Village employees, regardless of employment status, to paid leave to undertake screening for cancer. This leave will not be charged against any available sick, vacation, personal, compensatory or other leave accruals. This does not preclude an employee's option to use other available paid leave for this same purpose.

Allowance – An employee will be allowed four hours of paid leave per year for the purpose of undergoing a screening procedure for cancer. Such paid leave will be accrued as of January 1 each year. If the employee does not exercise his/her rights to the leave, those hours are not carried forward to the next year. The allowed leave time may include the travel time to and from the appointment and any subsequent follow up consultation visits. In addition, the allowed leave may be staggered throughout the year until the maximum allowance has been reached.

Scheduling – An employee must receive prior approval from the employee's Department Head to take leave for this purpose. The request for leave should be submitted to the Department Head in writing a minimum of two days in advance. The Department Head will have total discretion in the approval of this leave but will not unreasonably deny such request.

Documentation Requirements – If an employee applies for paid leave for a cancer screening procedure under this policy, documentation must be provided to the Department Head from the health care provider verifying that the absence from the workplace was for cancer screening. If an employee uses any other available leave for a cancer screening procedure, the provisions of the applicable leave policy (e.g. sick, personal, vacation, compensatory) will apply; there is no requirement in such a case to provide specific documentation regarding cancer screening.

505 Leave for Blood and/or Bone Marrow Donations

Policy Statement – The Village of Massena complies with New York State Labor Law §§202-a and 202-j which entitle Village employees who work an average of twenty hours or more per week to time off from work to donate blood and/or to undergo a medical procedure to donate bone marrow. This leave of absence will not be charged against any available sick, vacation, personal, compensatory or other leave accruals. The leave allowed under this policy is unpaid, however, this does not preclude an employee's option to use available paid leave for these purposes.

Blood Donation Allowance – An employee will be allowed a leave of absence of up to three hours per year under this policy. Such leave will be accrued as of January 1 each year. If the employee does not exercise his/her rights to this leave, those hours are not carried forward to the next year. The allowed leave may include the travel time to and from the appointment. The Village may require the employee to provide proof of blood donation.

Bone Marrow Donation Allowance – An employee may take leave in order to donate bone marrow as well as to recover from the procedure and for resulting medical care. The employee’s physician will determine the amount of leave required by the employee. However, the leave need not exceed 24 work hours unless additional leave is agreed to by the Village. There is no limitation on how frequently an employee may take such leave. The Village may require the employee to provide proof of bone marrow donation.

Scheduling – An employee must receive prior approval from the employee’s Department Head to take leave for this purpose. The request for leave should be submitted to the Department Head in writing a minimum of two days in advance. The Department Head will have total discretion in the approval of this leave but will not unreasonably deny such request.

506 **Bereavement Leave**

Except as otherwise provided by a collective bargaining agreement or a non-union group agreement, the following policy shall apply regarding bereavement leave:

Eligibility – In the event of a death of a full-time employee’s immediate family member, the employee may take a paid leave for up to three days from the employee’s regularly scheduled work. Such leave must fall within one seven consecutive day period encompassing either the death or the funeral (or memorial) service. Such leave will not be subtracted from any of the employee’s leave credits. One day may be carried over for a future burial date. A part-time, temporary, or seasonal employee is not eligible for paid bereavement leave but may be allowed to take time-off without pay provided the employee has prior approval from the Department Head.

Definition of Immediate Family – For purpose of bereavement leave, “immediate family member” will mean the following, and will include such relatives in a step-family relationship:

- Spouse
- Parent
- Mother-in-law
- Daughter-in-law
- Sister-in-law
- Grandparent
- The employee's same-sex committed partner* or the child, parent or other relative (categorized above) of the committed partner
- Child
- Sibling
- Father-in-law
- Son-in-law
- Brother-in-law
- Grandchild

**Defined under NYS Civil Rights Law §79-n, same-sex committed partners are those who are financially and emotionally interdependent in a manner commonly presumed of spouses*

507 **Time Off To Vote**

Policy Statement – The Village encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If an employee is unable to vote in an election during non-working hours, arrangements can be made to permit voting during the workday.

Procedures – An employee should request time off to vote from their supervisor at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled in a manner which causes the least disruption to departmental operations.

508 **Family and Medical Leave Policy**

Statement of Compliance – The Village of Massena complies with the provisions of the Family and Medical Leave Act (FMLA) and Civil Service Law when administering leaves under this policy.

Summary – FMLA entitles an eligible employee to a maximum of twelve workweeks (defined by the employee's normal workweek) of job-protected, unpaid leave in any twelve month period for certain family and medical reasons. The twelve-month period is calculated as the twelve month period measured forward from the date of the employee's first FMLA leave usage. The FMLA also provides an eligible employee with up to twenty-six weeks of *Military Caregiver Leave* to care for a covered service member (limited to a single twelve-month period). At the conclusion of a leave of absence under the FMLA, the employee will be restored to the position the employee held when the leave began or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment, provided the employee returns to work immediately following such leave.

Eligibility – To be eligible for an unpaid leave under FMLA, an employee must meet the following requirements:

- The employee must have worked for the Village for at least twelve months as of the first date of requested leave (these need not be consecutive);
- The employee must have worked for the Village for at least 1,250 hours during the previous twelve months prior to the date the leave commences; and
- The employee must work at or report to a worksite which has fifty or more employees or is within seventy-five miles of worksites that taken together have a total of fifty or more employees.
- Spouses who both work for the Village are allowed a combined maximum of twelve workweeks of leave for the birth or care of a newborn child, adoption or foster care of a child and to care for such newly placed child, or the serious health condition of a parent, during any twelve month period.

Types of FMLA Leave - Eligible employees will be afforded up to twelve workweeks of unpaid leave under **FMLA** under the following circumstances:

- Upon the birth of the employee's child and to care for the newborn child;
- Upon the placement of a child with the employee for adoption or foster care and to care for the newly placed child;
- To care for the employee's spouse, son, daughter or parent who has a serious health condition*;
- Because of the employee's own serious health condition which makes the employee unable to perform one or more of the essential functions of his or her job*; and
- Because of any qualifying exigency (refer to Qualifying Exigency Leave below) arising out of the fact that the employee's spouse, son, daughter or parent is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

***Intermittent Leave** - Leaves for these purposes may be taken on an intermittent basis as certified by the employee's or family member's health care provider.

Military Caregiver Leave - Eligible employees will be afforded up to twenty-six weeks of leave to care for the employee's spouse, son, daughter, parent, or nearest blood relative who is a recovering service member. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active-duty that may render the person unable to perform the duties of the member's office, grade, rank or rating. This leave shall only be available during a single twelve-month period. During this single twelve-month period, the employee shall be entitled to a combined total of twenty-six workweeks of caregiver leave described in this section and the **Types of FMLA Leave** section described above. Nothing in this paragraph shall be construed to limit the availability of FMLA leave provided under the **Types of FMLA Leave** section above. For the purposes of this type of leave, "nearest blood relative" shall include the following in order of priority: a relative who has been granted legal custody of the covered service member, brothers, sisters, grandparents, aunts, uncles and first cousins, or a specific blood relative who has been designated as a service member's caregiver. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members are considered to be next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously.

Qualifying Exigency Leave – Eligible employees who work for the Village may take up to 12 workweeks of unpaid, job-protected leave in a 12-month period for a "qualifying exigency" arising out of the foreign deployment of the employee's spouse, son, daughter, or parent. FMLA leave for this purpose is called qualifying exigency leave. Qualifying exigencies may arise when the employee's spouse, son, daughter, or parent who is a member of the Armed Forces (including the National Guard and Reserves) and who is on covered active duty or has been notified of an impending call or order to covered active duty. (Covered active duty is further defined in Department of Labor regulations.) For purposes of qualifying exigency leave, an employee's son or daughter on covered active duty refers to a child of any age.

The Department of Labor has identified nine broad categories of qualifying exigencies. If the military member is on covered active duty, the employee may take FMLA leave for the following qualifying exigencies:

- Issues arising from the military member's short notice deployment (i.e., deployment within seven or less days of notice). For a period of up to seven days from the day the military member receives notice of deployment, an employee may take qualifying exigency leave to address any issue that arises from the short-notice deployment.
- Attending military events and related activities, such as official ceremonies, programs, events and informational briefings, or family support or assistance programs sponsored by the military, military service organizations, or the American Red Cross that are related to the member's deployment.
- Certain childcare and related activities arising from the military member's covered active duty, including arranging for alternative childcare, providing childcare on a nonroutine, urgent, immediate need basis, enrolling in or transferring a child to a new school or day care facility. Note: The employee taking FMLA qualifying exigency leave does not need to be related to the military member's child. However, (1) the military member must be the parent, spouse, son or daughter of the employee taking FMLA leave, and (2) the child must be the child of the military member (including a child to whom the military member stands in loco parentis).
- Certain activities arising from the military member's covered active duty related to care of the military member's parent who is incapable of self-care, such as arranging for alternative care, providing care on a non-routine, urgent, immediate need basis, admitting or transferring a parent to a new care facility, and attending certain meetings with staff at a care facility, such as meetings with hospice or social service providers. Note: The employee taking FMLA qualifying exigency leave does not need to be related to the military member's parent. However, (1) the military member must be the parent, spouse, son or daughter of the employee taking FMLA leave, and (2) the parent must be the parent of the military member (including an individual who stood in loco parentis to the military member when the member was a child).
- Making or updating financial and legal arrangements to address a military member's absence while on covered active duty, including preparing and executing financial and healthcare powers of attorney, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), or obtaining military identification cards.
- Attending counseling for the employee, the military member, or the child of the military member when the need for that counseling arises from the covered active duty of the military member and is provided by someone other than a health care provider.
- Taking up to 15 calendar days of leave to spend time with a military member who is on short-term, temporary Rest and Recuperation leave during deployment. The employee's leave for this reason must be taken while the military member is on Rest and Recuperation leave.
- Certain post-deployment activities within 90 days of the end of the military member's covered active duty, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military, and

addressing issues arising from the death of a military member, including attending the funeral.

- Any other event that the employee and employer agree is a qualifying exigency.

Definitions – The following terms are fully defined in the Federal Regulations on the Family and Medical Leave Act, 29 CFR Part 825. For the purpose of this policy, the following definitions will apply:

- **Serious Health Condition** will mean an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility including any period of incapacity (as contained in the Federal Regulations), or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider, including, but not limited to:
 - * A period of incapacity of more than three consecutive, full calendar days and any subsequent treatment or period of incapacity that also involves continuing treatment by a health care provider;
 - * A period of incapacity due to pregnancy or prenatal care;
 - * A period of incapacity or treatment for such incapacity due to a chronic serious health condition. A “chronic serious health condition” requires periodic visits to a health care provider for treatment. The term “periodic visit” constitutes 2 or more appointments with a health care provider over the course of one year;
 - * A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
 - * A period of absence to receive multiple treatments, including any period of recovery, by a health care provider, or by a provider of health care services under orders of or on referral by a health care provider, for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.
- **Health Care Provider** will mean and refer to a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or any other person defined in the FMLA regulations capable of providing health care services.
- **Family Member** will mean and refer to:
 - * **Spouse** – means husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either: (1) was entered into in a State that

recognizes such marriages; or (2) if entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

- * **Parent** – biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a child as defined in directly below. This term does not include an employee's parents "in law".
- * **Child** – biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis*, who is either under age eighteen, or age eighteen or older and "incapable of self-care (as defined in the Federal Regulations) because of a mental or physical disability". Persons who are "*in loco parentis*" include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

Notification Requirements – If the need for leave is foreseeable, the employee must give notice to the Department Head at least thirty calendar days prior to the commencement date of the unpaid leave. This notice may be written or verbal, however, additional medical certification may be required for final approval of the absence as qualifying under the FMLA. The failure of an employee to give thirty days' notice of foreseeable leave with no reasonable excuse for the delay may result in the delay of the employee taking the FMLA leave until thirty days from the date of notice. When the need for leave is unforeseeable, notification must be provided as soon as possible and practical.

Extension of Original Leave Request – In the event the employee needs to extend the duration of the leave beyond the time frame originally approved, the employee must notify the Department Head seeking approval for the extension.

Status Reports – The employee must periodically update the appropriate Department Head as to the employee's status and intent to return to work.

Certification of Health Care Provider – The employee may be required to produce a medical certification issued by a health care provider which supports the need for a leave under this policy. When required, the employee must provide a copy before the leave begins, or if the leave was unforeseeable, no later than fifteen calendar days from the date the certification was requested. Failure to submit medical certification may jeopardize the employee's eligibility for an unpaid leave of absence and/or the ability to return to work. Medical certification forms are available from the Treasurer's Office. The medical certification must include:

- The date the medical condition began;
- The probable duration of the medical condition;
- Pertinent medical facts; and,
- An assertion that the employee is unable to perform the employee's essential job functions or that the employee is needed to care for a family member for a specified period of time.

The Village of Massena reserves the right to request a second opinion by another health care provider. The Village will pay for the second opinion. In the event a conflict occurs between the first

and second opinion, the Village may, again at its own expense, obtain a third opinion from a health care provider approved jointly by the Village and the employee. This third opinion will be final and binding.

Leave for the Birth, Adoption or Foster Care Placement of a Child – Leave for the birth of a child or the placement of a child for adoption or foster care must conclude within twelve months from the date of the birth or placement.

Certification for Adoption/Foster Care – An employee must produce proper certification from the appropriate agency for an unpaid leave for the adoption or foster care of a child.

Employment Restrictions During Leave of Absence – While on an approved leave, the employee may not be employed by another employer during the same hours that the employee was normally scheduled to work for the Village of Massena.

Benefits During a Leave of Absence – For the purpose of this policy, the following will apply:

- **Use of Accrued Paid Leave Credits** – An employee taking leave for the **birth, adoption or foster placement of a child, to care for a spouse, child or parent with a serious health condition or military caregiver leave** must first use all available vacation leave and in-lieu time during the authorized FMLA leave. Employees have the option of using paid sick leave if caring for a spouse, child or parent who has a serious health condition. Use of these leave credits does not extend the maximum allowable period specified by FMLA regulations.

For leaves taken due to the **employee's own serious health condition**, the employee must first use all vacation, sick leave and in-lieu time, which will be included in the maximum twelve-workweek period. However, in the event that the paid leave credits are greater than the maximum twelve-workweek period, an employee may use paid leave credits to **extend** the leave of absence beyond the twelve-workweek period, **up to a maximum of one year**. If, after the completion of the one-year leave of absence, the employee is medically unable to return to work (as determined by a health care provider) and the employee has leave credits remaining, the Village Board may authorize an extension of the employee's leave of absence until such benefits are exhausted. However, job reinstatement beyond the one-year leave of absence is not automatic and will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *Rules for the Classified Civil Service of St. Lawrence County*.

- **Accrual of Paid Leave Credits** – Unless otherwise stated in a CBA, an employee will continue to accrue vacation and sick leave and receive holiday pay during the portion of the leave that is paid. **Paid leave is defined as leave during which the employee continues to use accumulated paid vacation and sick leave.** After all such paid leave is exhausted, the remaining leave of absence is unpaid. An employee will not earn paid vacation or sick leave or receive holiday pay for any holidays that may occur during an unpaid leave of absence.
- **Medical Insurance** – During the period of authorized FMLA designated leave, an employee's eligibility status for medical insurance coverage will not change. All employee contributions (if any) must be paid on a timely basis in order to maintain the continuous coverage of benefits. Contributions will be at the same level as if the

employee was working. Coverage will cease if payments are not made within a thirty-calendar day grace period of the due date. Premium payments or policy coverage are subject to change. In the event the employee fails to return to work after the designated period of FMLA leave has been exhausted, the employee may continue coverage with responsibility for payment of the full premium amount under COBRA. In addition, the Village may recover the premium that it paid for maintaining the coverage during any period of the unpaid leave except for the following circumstances:

- * The continuation, recurrence, or onset of a serious health condition of the employee or the employee's eligible family member with proper medical certification; or,
- * Circumstances beyond the employee's control, such as: parent chooses to stay home with a newborn child who has a serious health condition; employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's work-site; the employee is laid off while on leave.

Workers' Compensation and Short-Term Disability Benefits – Leaves taken under the Workers' Compensation Law or the Village's Short-Term Disability Policy may invoke the FMLA if the employee meets the eligibility criteria outlined in the eligibility section and the Village designates such leave as FMLA leave and properly notifies the employee of such designation. If the workers' compensation leave or short-term disability leave has been properly designated as FMLA leave by the Village, it can be counted against the employee's FMLA leave.

Return to Work – The following conditions for returning to work will apply:

- **Job Restoration** – At the conclusion of the leave of absence, (except for leaves beyond a one-year period) the employee, provided that the employee returns to work immediately following such leave, will be restored to the position the employee held when the leave began, or an equivalent position with equivalent benefits, pay and working conditions. For authorized leave of absences beyond the one-year period, job restoration will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *Rules for the Classified Civil Service of St. Lawrence County*.
- **Medical Statement** – Before resuming employment, an employee must submit a statement from the employee's health care provider indicating that the employee is able to return to work either with or without restrictions. Failure to return to work when required may be considered a voluntary termination.
- **Early Return** – An employee who intends to return to work earlier than anticipated must notify the Department Head at least two business days prior to the date the employee is able to return. The Department Head shall in turn notify the Mayor.

600 COMPENSATION

601 *Compensation Policy*

Union Employees – Union employees should refer to the applicable collective bargaining agreement regarding compensation, including rates of pay, annual pay increases, longevity schedules and the provisions governing overtime and compensatory time.

Non-Union Group – The Village Board shall establish the rate of pay for non-union employees. Each Non-Union Group Agreement establishes the annual pay increases, longevity schedules and the provisions governing overtime and compensatory time.

602 *Pay Period and Check Distribution*

Payroll Period – Normally, employees are paid on a weekly basis. An employee's paycheck will be based on the amount earned during the preceding payroll period. Certain employees may be paid on a different schedule as established by the Village Board.

Payday – Under normal circumstances, paychecks will be issued on a Thursday. In the event the payday is a designated holiday, paychecks will be distributed on the previous workday.

Distribution – The Treasurer's Office will deliver paychecks to the Department Heads for further distribution to employees.

Direct Deposit – The Village provides a direct deposit option for employees. If elected, the paycheck will be deposited directly into the employee's account at the designated financial institution. The employee must submit a signed, written authorization for direct deposit to the Treasurer's Office.

Authorized Check Release – The Department Head will not release a paycheck to anyone other than the employee unless the employee has submitted a signed, written authorization with the Treasurer's Office.

603 *Payroll Deductions*

Statutory Deductions – The required portion of an employee's pay for federal and state taxes, and any other deduction required by law, will be deducted from the employee's paycheck. Such deductions will be noted on the paycheck.

Voluntary Deductions – Payroll deductions provided through the Village's payroll system will be made from an employee's paycheck when authorized by the employee. Such deductions will be noted on the paycheck.

604 *Deferred Compensation Plan*

Summary – The Village of Massena has established a Deferred Compensation Plan whereby a portion of an employee’s salary may be voluntarily withheld and invested. The money saved is paid out to the employee at a later date, generally during retirement years. Neither the deferred amount nor earnings on investments are subject to current Federal and State Income Taxes. Taxes become payable when the deferred income plus earnings are distributed to the employee, presumably at retirement when the tax bracket may be lower. A description of the plan may be obtained from the Treasurer’s Office.

700 EMPLOYEE BENEFITS

701 *Holidays*

Union Employees – Union employees should refer to the applicable collective bargaining agreement regarding paid holidays.

Non-Union Group – Each Non-Union Group Agreement specifies the holiday schedule for employees covered under said agreement.

Part-time, Temporary and Seasonal Employees – A part-time, temporary, or seasonal employee is not eligible for paid holidays.

702 *Vacation Leave*

Union Employees – Union employees should refer to the applicable collective bargaining agreement regarding vacation leave.

Non-Union Group – Each Non-Union Group Agreement specifies the vacation leave schedule for employees covered under said agreement.

Part-time, Temporary and Seasonal Employees – A part-time, temporary, or seasonal employee is not eligible for paid vacation leave.

Date Credited – Employees eligible to earn paid vacation leave will be credited on January 1 of each year. An employee may take vacation leave only after it has been credited.

Continuous Service – Continuous Service shall mean uninterrupted service. An authorized leave of absence without pay, or a resignation followed by reinstatement within one year following such resignation, shall not constitute an interruption of continuous service. However, the duration of the absence from work without pay will be excluded from the computation of length of continuous service. Vacation is earned only for monthly pay periods during which an employee is in full pay status for at least fifteen working days during such monthly pay period.

Scheduling – An employee must receive prior approval from the employee's Department Head to take vacation leave.

Holiday During Scheduled Vacation – In the event a designated holiday occurs on an employee's normal workday and the employee is on paid vacation, the employee will receive holiday pay for the day and the employee's vacation leave credits will not be charged for that day.

Separation of Employment – An employee who resigns, retires or is laid off will receive cash payment for unused vacation leave to which the employee is properly entitled at the employee's then current rate of pay. To be eligible to receive this payment, an employee who is to resign or retire must give written notice at least two weeks in advance of the last day of employment. In cases of death of an employee, the Village will pay an employee's designated beneficiary for any unused vacation leave.

703 Sick Leave

Union Employees – Union employees should refer to the applicable collective bargaining agreement regarding sick leave eligibility, crediting, accumulation and proper use.

Non-Union Group – Each Non-Union Group Agreement establishes the sick leave provisions for employees covered under said agreement.

Part-time, Temporary and Seasonal Employees – A part-time, temporary, or seasonal employee is not eligible for paid sick leave.

Accrual During Leaves of Absence – Unless otherwise stipulated in a CBA, an employee will be credited with sick leave credits while on a paid leave of absence, but not while on an unpaid leave of absence.

Notification of Sick Leave – In the event an employee must take sick leave, the employee or responsible party must notify the Department Head prior to the employee's scheduled reporting time or shortly thereafter. The notification must be made to the Department Head, unless the Department Head has established alternative procedures. Except when an extended sick leave absence has been authorized, the employee must notify the employee's Department Head each day of the absence. These procedures must be followed to receive paid sick leave.

Medical Verification – The Village may require medical verification of an employee's absence if the Village perceives the employee is abusing sick leave, or has used an excess amount of sick leave, or when an employee is absent for more than three consecutive workdays due to an illness or injury. The Village reserves the right to require medical verification of an employee's ability to resume work duties, with or without restrictions, following an absence due to an injury or illness resulting in physical impairment(s). If an employee is on an authorized leave of absence, the provisions of the Family and Medical Leave Policy in this Personnel Policy Manual shall apply.

Abuse of Sick Leave – An employee who, after investigation, is found to have abused the use of sick leave or falsifies supporting documentation, will be subject to disciplinary action.

704 Personal Leave

Union Employees – Union employees should refer to the applicable collective bargaining agreement regarding personal leave.

Non-Union Group – Each Non-Union Group Agreement specifies the personal leave provisions for employees covered under said agreement.

Part-time, Temporary and Seasonal Employees – A part-time, temporary, or seasonal employee is not eligible for paid personal leave.

Scheduling – An employee must receive prior approval from the employee's Department Head to take personal leave. The Department Head will have total discretion in the approval of personal leave.

Accumulation – An employee may not accumulate personal leave credits. Any personal leave credits remaining unused at close of business on the last day of the fiscal or calendar year, depending on the Agreement or Collective Bargaining Agreement, will be canceled.

Separation of Employment – An employee whose employment with the Village is terminated for any reason, including retirement, will not receive cash payment for unused personal leave.

705 Disclosure of Insurance Benefits

Summary – The following is a brief description of the insurance benefits currently offered by the Village to eligible employees. Eligibility for benefits is dependent upon a variety of factors, including employment classification and length of service. The description of the benefits provided is only an overview. The plan documents or specific government regulation provide a full description of the specific benefit.

Plan Administrator – The Village has a Health Benefit Administrator (“HBA”) who is responsible for all communications and disclosures concerning Village benefits and is available to answer questions concerning the benefit plans. A description of each of the plans may be obtained from the HBA’s Office.

Plan Documents – Benefits are administered according to applicable government regulation, benefit plan documents, insurance carrier master policy, or Village policy. Should there be a discrepancy between the information presented in this Personnel Policy Manual and the benefit plan document, the Village Board has the discretionary authority to determine eligibility for benefits and to interpret the plan’s terms. The Village Board is responsible for compliance with all applicable laws and regulations. The Village Board may, at its discretion, change carriers and/or offer alternative insurance plans for non-union employees. Changes in carriers and/or plans for union employees shall be in accordance with collective bargaining negotiations and/or procedures.

Waiver of Benefits – An employee who is eligible to participate in any of the available insurance plans but who elects not to participate, must sign an appropriate waiver of enrollment form.

Enrollment Information – The HBA’s Office will provide the employee with the enrollment forms and assist with the administrative and operational aspects of the various insurance plans. Enrollment in a benefit plan is not automatic. Employees must complete the appropriate enrollment forms and applicable payroll deduction authorizations in order to receive benefits.

Changes in Status – Employees whose status changes from full-time to part-time are notified of the changes to their Village benefits. This notification contains all legally mandated information regarding applicable benefits, including COBRA health insurance continuation. An employee must immediately notify the HBA’s Office in the event that the employee has a change in marital or family status that may affect coverage, such as marriage, divorce, legal separation, death of a spouse or dependent, acquiring or losing a dependent, changes in address.

Beneficiary – Under some of the Village’s benefit plans, each employee must designate a beneficiary for the employee’s death benefits. This designation must be made in writing and on the form provided by the plan Administrator.

706 Health, Dental and Vision Insurance

Eligibility – The Village currently offers health, dental and vision insurance coverage to each full-time employee and their eligible dependents as specified in each of the collective bargaining agreements or non-union group agreements. Elected Officials and part-time, temporary, or seasonal employees are not eligible for health, dental or vision insurance coverage.

When Coverage Begins – Coverage will begin on the employee's first day of employment, provided all eligibility requirements of the insurance plan are met.

When Coverage Ends – Coverage ends on the last day of the month in which the employee separates from employment. Coverage may continue for such eligible employees in accordance with COBRA regulations. Coverage will continue for eligible retirees in accordance with the applicable collective bargaining agreement or non-union group agreement and plan documents.

Premium Payment (Full-Time Employees) – The amount of the premium an eligible employee is required to pay is specified in each of the collective bargaining agreement or non-union group agreements.

Section 125 Plan – Any medical insurance contribution premiums paid by an employee or Elected Official may be deducted on a pre-tax basis in accordance with IRS Section 125.

707 Medical Insurance Buy-out

Eligibility – The Village currently offers a buy-out for an eligible employee who waives coverage under the Village's medical insurance plan as specified in each of the collective bargaining agreements or non-union group agreements. Elected Officials, and part-time, temporary, or seasonal employees are not eligible for this buy-out.

Method and Form of Payment – Payment of the buy-out will be made on a weekly basis as part of the employee's gross earnings and will be subject to the appropriate withholding for income and payroll tax purposes. Payments made to an employee under the provisions of this buy-out option are excluded from NYS Retirement System earnings calculations.

Reinstatement – In the event the employee loses coverage under the alternate medical insurance plan, the employee may resume coverage under a medical insurance plan made available through the Village. Coverage will become effective in accordance with the provisions specified in the plan documents, provided that the employee meets all eligibility requirements of the insurance plan.

708 Health, Dental and Vision Insurance for Retirees

Coverage – The Village currently offers health insurance coverage to an eligible full-time employee who retires from the Village as specified in each of the collective bargaining agreements or non-union group agreements. Coverage is also currently available for eligible dependents (includes spouse) if they were covered under the Village’s health insurance plan at the employee’s date of retirement. Elected Officials and part-time, temporary, or seasonal employees are not eligible for retiree health, dental or vision insurance coverage.

Continuation of Coverage Upon Death, Divorce– In the event the retiree predeceases the dependents, the dependents may continue health insurance coverage in accordance with plan documents and COBRA provisions. Coverage of a dependent at the time of divorce is in accordance with plan documents and COBRA provisions.

Premium Payment – The amount of the premium an eligible retiree is required to pay is specified in each of the collective bargaining agreement or non-union group agreements.

709 Continuation of Health Insurance Benefits (COBRA/NYS Continuation Coverage)

Summary – The federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) offers “qualified beneficiaries” the right to continue existing health insurance coverage, completely at their own expense, under certain qualifying conditions. **All required premiums and administrative fees must be paid in a timely manner in order for coverage to continue.**

NYS Continuation Coverage – For purposes of this policy, references to COBRA will be considered to incorporate the requirements for “Continuation Coverage” set forth in NYS Insurance Law, which provides enhancements over and above the provisions of COBRA.

Eligibility – An individual is a “qualified beneficiary” if the individual is covered under a group health plan on the day before a qualifying event as either a covered employee or the spouse or dependent child of a covered employee. A child who is either born to or who is placed for adoption with the covered employee during a period of COBRA coverage is also a “qualified beneficiary” entitled to COBRA coverage.

Period of Coverage – COBRA coverage is in effect for a period of **up to thirty-six months**, following any qualifying event. The COBRA requirements do not put any limit on the number of times a qualified beneficiary may be entitled to COBRA continuation coverage.

Qualifying Events – If a qualified beneficiary loses coverage under a group health plan as a result of a “qualifying event,” the qualified beneficiary is entitled by COBRA to the continuation of group health insurance coverage at the qualified beneficiary’s own expense. Any of the following circumstances are considered to be qualifying events:

- Termination of the covered employee’s employment for any reason except gross misconduct.
- The covered employee's loss of eligibility to participate due to reduced work hours.

- When a covered employee is on a leave of absence due to military service obligations.
- Death of a covered employee.
- Divorce from a covered employee.
- A covered dependent ceases to be a "dependent child" under the health insurance plan.
- A covered dependent child's loss of eligibility to participate in the insurance plan due to the covered employee becoming covered by Medicare as a result of total disability or choosing Medicare in place of the insurance plan at age sixty-five.

Change in Beneficiary Status – An employee must notify the HBA's Office within sixty calendar days of a divorce or when a dependent is no longer eligible for insurance due to the age limitations or educational status requirements established by the insurance plan. The Village will not be responsible for any loss of coverage resulting from failure by the employee to give notification of such an event.

Enrollment Information – The HBA's Office will provide the employee with the enrollment forms and assist with the administrative and operational aspects of COBRA. **Enrollment is not automatic. The employee must complete the necessary enrollment forms and return all COBRA forms to the HBA's Office within the time indicated.** If the required forms or premium payments are not received at the time specified, medical insurance coverage will cease.

710 Life Insurance

Eligibility – The Village will make available life insurance coverage to each full-time employee and eligible spouse and dependents as specified in each of the collective bargaining agreements or non-union group agreements. Coverage begins upon completion of three months of continuous service, provided all eligibility requirements of the insurance plan are met. Elected Officials and part-time, temporary, or seasonal employees are not eligible to participate in the life insurance plan.

711 Short-Term Disability Benefits

Eligibility – A full-time employee is currently provided with short-term disability coverage for a non-job-related injury or illness as specified in each of the collective bargaining agreements or non-union group agreements. Elected Officials, part-time, temporary, or seasonal employees are not eligible for paid short-term disability coverage.

Disability Payments – Disability payments will be in accordance with the terms of the policy. The duration of disability benefits is dependent upon a physician's certification and consistent with the terms of the policy. There may be a waiting period before an employee can become eligible for disability payments. Full details regarding the policy currently in effect are available from Treasurer's Office.

Premium Payment – Employees may be required to contribute an amount as specified in each of the collective bargaining agreements or non-union group agreements.

Reporting of Illness or Injury – The employee must submit a written report of the illness or injury on the proper application form to the Treasurer’s Office as soon as possible upon becoming aware of the need to apply for short-term disability benefits. The Treasurer’s Office will provide the employee with the necessary forms.

Medical Insurance Coverage – The Village will continue medical insurance coverage for the employee in accordance with the provisions of the Family and Medical Leave Policy in this Personnel Policy Manual.

712 Workers' Compensation Benefits

Coverage – The Village will make available Workers’ Compensation benefits, including payment of medical costs and replacement of lost wages up to the regulated maximum, to each eligible employee who suffers an accidental injury arising out of and in the course of employment, as determined by the Workers’ Compensation Board. Eligibility for coverage is determined by applicable Workers’ Compensation regulations. Each of the collective bargaining agreements and the non-union group agreements specifies any additional workers’ compensation benefits that are provided.

When Coverage Begins – Coverage will begin on the employee’s first day of employment, provided the employee meets all eligibility requirements.

Premium Payment – The Village will pay the full premium for Workers’ Compensation coverage for each eligible employee.

Reporting of Injury – The employee must report any accidental injury, whether seeking medical treatment or not, arising out of and in the course of employment to the Department Head immediately after the occurrence of the injury. The Department Head will complete and submit the required forms to the Village Clerk’s office within three days of notification. The employee must also complete an “Employee Claim Form C-3” and submit it directly to the Workers’ Compensation Board.

Medical Insurance Coverage – The Village will continue medical insurance coverage for the employee in accordance with the provisions of the Family and Medical Leave Policy in this Personnel Policy Manual.

713 Social Security

Summary – Social Security benefits are available for retirement, survivor's benefits, and medical costs under qualifying conditions, as determined by the Federal Social Security Administration Office. Employee contributions to Social Security (FICA) are matched by the Village.

714 The New York State Employees' Retirement System

Summary – The Village will make available the New York State Employees’ Retirement System pension plan to each eligible employee and Elected Official. An employee or Elected Official is eligible for service retirement benefits after completion of the required

minimum period of creditable public sector service (either five or ten years depending on tier.)

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

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

Optional Membership – An Elected Official who is not mandated to join may join the Retirement System. Such Elected Official will be informed, in writing, that the Elected Official may join the Retirement System and will acknowledge receipt of such notice by signing a copy thereof and returning it to the Treasurer's Office. If the Elected Official elects to join the Retirement System, the Elected Official must complete the application form and any other necessary documentation and return it to the Treasurer's Office.

Waiver of Enrollment – A part-time, seasonal and temporary employee who is not mandated to join the Retirement System, and who chooses not to join, must complete a waiver of enrollment form.

715 Police and Fire Retirement System

Summary – The Police and Fire Retirement System covers all sworn personnel in the Police and Fire Department. All full-time and part-time police officers and fire department employees must become members of the Police and Fire Retirement System effective on the first day of employment, unless otherwise excepted in accordance with the provisions of that plan.

716 Employee Assistance Program

Summary – The Village currently provides an Employee Assistance Program (EAP) for full-time employees and their immediate family members. This program provides counseling services on a confidential basis, helping to discover solutions to stressful problems. These problems may be related to issues at home, in the community or in the workplace. Common concerns addressed by the program include, but are not limited to, depression, anxiety, bereavement, marriage and family issues, domestic violence, anger, substance abuse, financial stress and divorce. There is no cost to the employee or family member for these services.

Part-time, Temporary, or Seasonal Employees – A part-time, temporary, or seasonal employee is not eligible to participate in this program.

How to Access the Program – An employee may contact the Village Clerk or the Employee Assistance Program directly for further information. The program is currently administered by the following:

REACHOUT of St. Lawrence County Inc.

P.O. Box 5051
Potsdam, NY 13676

(315) 265-2442 (crisis and information helpline available 24 hours a day)

800 COMPLIANCE POLICIES

801 *The Americans with Disabilities Act*

Policy Statement – It is the policy of the Village of Massena to comply fully with the provisions and spirit of the Americans with Disabilities Act and ensure equal employment opportunity for all qualified persons with disabilities. All employment practices, such as recruitment, hiring, promotion, demotion, layoff and return from layoff, compensation, job assignments, job classifications, paid or unpaid leave, fringe benefits, training, employer-sponsored activities, including recreational or social programs, will be conducted so as not to discriminate unlawfully against persons with disabilities. This also extends to prohibit unlawful discrimination based on a person's relationship or association with a disabled individual. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) along with work assignments, classifications, seniority, leave, and all other forms of employment compensation or advantage.

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

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

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

Notification of Policy Violations – An employee should immediately report any perceived violation of this policy to the employee's Department Head. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported in writing to the Mayor or any member of the Village Board. All complaints of possible violations will be investigated discreetly and promptly. An employee who reports a possible violation will not suffer adverse employment consequences as a result of making the complaint. This procedure is not intended to restrict an individual's rights to make a complaint to a federal or state agency.

Application of Policy – This policy is for Village use only and does not apply in any criminal or civil proceeding. This policy shall not be construed as a creation of higher legal standard of safety or care in an evidential sense with respect to third party claims. Violations of this policy will only form the basis for Village administrative action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

802 Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace

Policy Statement – It is the policy of the Village of Massena to promote a productive work environment and to prohibit conduct by any Elected Official, Appointed Members of Boards and Commissions, or employee (as defined in Section 103 of the Personnel Policy Manual) that disrupts or interferes with another’s work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with this goal, the Village is committed to educate Elected Officials and employees in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to provide an effective means of eliminating such discrimination and harassment from the workplace. In short, the Village does not tolerate any form of discrimination or harassment, including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such activity in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and harassment, including sexual harassment, without any risk of repercussion to any individual covered by this policy who, in good faith, files such complaint.

Applicability of Policy – This policy applies to all Elected Officials, Appointed Members of Boards and Commissions, employees, supervisors, and Department Heads, whether employed full or part-time, temporary or seasonal, paid or unpaid interns, volunteers, independent contractors and those employed by companies contracting to provide services in the workplace. Depending on the extent of the Village’s exercise of control, this policy may be applied to the conduct of non-Village employees with respect to harassment of Village employees in the workplace.

Prohibited harassment (including sexual harassment) is not limited to the physical workplace itself. It can occur while Elected Officials, employees or other individuals covered by this policy are traveling for Village business or at Village sponsored events or parties. Calls, texts, emails, and social media usage by employees or other individuals covered by this policy can constitute workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Prohibited Activity – No Elected Official, employee or other individuals covered by this policy shall engage in any of the following:

- **Harassment:** Unwanted, unreasonable verbal or physical conduct directed toward or affecting another person that disturbs, frightens, insults, threatens, intimidates, demeans, or offends that other person, that continues or is repeated after a request to cease, and that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual’s work performance; or 3) otherwise adversely affects an individual’s employment opportunities. Harassment includes offensive or inappropriate images or written materials or electronic communications (e.g. letters, e-mail, text messages, or graffiti) as well as bias-based harassment and sexual harassment (see below).
- **Bias-Based Harassment:** Harassment that denigrates, offends or shows hostility or aversion toward an individual on the basis of sex, (including gender identity or expression and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing

characteristics, domestic violence victim status, or any other protected status. Bias-based harassment includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written, electronic, or graphic material that denigrates, ridicules, objectifies, or shows hostility, aversion or contempt toward an individual or group and that is placed on walls, bulletin boards, lockers or elsewhere on or in the Village's premises, vehicles, or equipment, or is circulated in the workplace, including through electronic means.

- **Discrimination:** The Village of Massena is an Equal Opportunity Employer. The Village does not unlawfully discriminate on the basis of sex, (including gender identity or expression and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Unlawful discrimination based on membership in these categories is prohibited by applicable federal, state, or local laws. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, assignments, compensation, promotion, transfer, training, leave of absence, and termination.

Definition of Sexual Harassment – This policy places special attention on the prohibition of sexual harassment in the workplace.

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of Sexual Harassment - The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or expression and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Prohibition Against Retaliation – Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a claim of discrimination or harassment, including sexual harassment. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Unlawful retaliation against any employee who has engaged in "protected activity" is strictly prohibited by this policy as well as (where applicable) federal, state, and local law. Protected activity occurs when a person has:

- made a complaint of harassment or discrimination, either internally or with any anti-discrimination agency;

- opposed harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or management of harassment or discrimination;
- reported that another employee has been subjected to harassment or discrimination;
- encouraged a fellow employee to report harassment or discrimination;
- participated in a workplace investigation regarding harassment or discrimination;
- testified or assisted in a proceeding involving harassment or discrimination under the Human Rights Law or other anti-discrimination laws.

Even if the alleged discrimination or harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of discrimination or harassment.

Reporting of Discrimination and Harassment (including Sexual Harassment) – Reports of alleged discrimination and/or harassment (including sexual harassment) or retaliation may be made verbally or in writing. A form for the submission of a written complaint is attached to this policy and individuals are encouraged to use this form. If an individual chooses to submit a verbal complaint, such complaint will be recorded by the receiver of this complaint on this form. Employees are encouraged to report incidents of discrimination, harassment (including sexual harassment), or retaliation to their Department Head and/or the Mayor as soon as possible after their occurrence. If the employee's Department Head is believed to be involved in the incident, or if the employee is not comfortable in addressing the incident with the Department Head, the report should be made directly to the Mayor. If the Mayor is believed to be involved in the incident or the employee is not comfortable reporting the incident to the Mayor, the employee should report the incident to a member of the Village Board. Employees who believe they have been discriminated against or harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their immediate supervisor, their Department Head, the Mayor, or any member of the Village Board. Employees who work during off-hours are encouraged to contact their supervisor, their Department Head, the Mayor, or any member of the Village Board at home if these individuals do not work during the employee's shift. Non-employees are encouraged to report incidents of alleged discrimination and harassment (including sexual harassment) to either the Department Head of the department where services are being provided, the Mayor, or a member of the Village Board.

Supervisory Responsibility – Supervisory personnel must make every effort to ensure a work environment that is free from discrimination and harassment, including sexual harassment. Any Department Head or supervisor who receives a complaint or information about suspected prohibited activity (as outlined above), observes behavior that may constitute prohibited activity, or for any reason suspects that prohibited activity is occurring, is required to report such suspected prohibited activity to the Mayor, or any member of the Village Board.

In addition to being subject to corrective action or discipline if they engaged in prohibited activity themselves, supervisory personnel will be subject to discipline for failing to report suspected prohibited activity or otherwise knowingly allowing prohibited activity to continue.

Supervisory personnel will also be subject to corrective action or discipline for engaging in any form of retaliation prohibited by this policy.

Investigation of Complaint – The Village Attorney, in consultation with the Village Board, will determine the appropriate individual(s) to conduct the investigation. All complaints pursuant to this policy, whether reported in verbal or written form, will be investigated promptly, thoroughly, and in as impartial a manner as possible. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. All employees are required to cooperate in an investigation, if so directed. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation. All relevant materials, including all electronic communications, documents, emails or phone records that are relevant to the allegations will also be considered. A written report will be prepared documenting the results of the investigation. The individual who reported the complaint and the individual about whom the complaint was made will be notified of the final determination.

Confidentiality – Complaints of discrimination and harassment, including sexual harassment, will be handled and investigated promptly and in a manner that is as impartial and confidential as possible. In no event will information concerning a complaint be released by the Village to third parties or to anyone within the Village employment who is not directly involved in the investigation or handling of the complaint unless otherwise required by law.

Corrective Action and Discipline – Any employee who is found to have violated any aspect of this policy will be subject to corrective or disciplinary action, up to and including termination of employment, as provided by Village operating procedures, including Civil Service Law Section 75, or a collective bargaining agreement. Any Elected Official who violates this policy will be subject to remedial action as provided for and/or allowed under NYS Public Officers Law, as well as any other applicable statutes. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, to the extent that the Village is empowered to take such action.

Legal Protections and External Remedies – Nothing in this policy should be construed as in any way limiting employees' rights to file a formal complaint with the appropriate state or federal agencies responsible for administering anti-discrimination laws. Complainants should be aware that time restrictions may apply and need to be considered. Aside from the Village's internal process, employees may also choose to pursue legal remedies with the following governmental entities at any time.

New York State Division of Human Rights (DHR)

The Human Rights Law (HRL) applies to employers in New York State with regard to harassment and protects employees and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with DHR if they have already filed an HRL complaint in state court. Filing an internal complaint with the Village does not extend the time limits to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment. An attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate the complaint and determine whether there is probable cause to

believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring the Village to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

Contact the Massena Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the Massena Police Department.

VILLAGE OF MASSENA
COMPLAINT FORM
DISCRIMINATION AND HARASSMENT (INCLUDING SEXUAL HARASSMENT)

This form is to be used to document any complaint of alleged discrimination and/or harassment, including sexual harassment, as outlined in the policy. Once you complete this form, please submit it to the appropriate individual as outlined in the policy. If you are more comfortable reporting the allegations verbally or in another manner, refer to your policy for guidance. Once you submit this complaint, the Village will commence an investigation pursuant to its policy.

Name of Complainant:	Department:
Name(s) of individual engaging in alleged discrimination and/or harassment including sexual harassment:	Department:
Describe the specific incident of discrimination and/or harassment alleged. Describe each incident separately, including dates, times and locations. If you cannot remember exact dates, times or locations, provide approximations. Use additional pages if necessary.	
Are there others who may have witnessed this alleged discrimination and/or harassment? If so, provide their name(s).	

Are there others who may have experienced similar alleged discrimination and/or harassment by the individual named above? If so, provide their name(s).

Did you tell anyone about your experience after the alleged incident(s)? If yes, provide their name(s).

Did you speak to the individual named in this report about the alleged discrimination and/or harassment? If yes, what was his or her response?

Complainant Signature*: _____

Date: _____

Print Name: _____

Job Title: _____

*I understand that the Village of Massena prohibits any individual from retaliating against me for filing a complaint and that I am to report such retaliation pursuant to the Village's policy.

Signature of Person Receiving Complaint: _____

Date: _____

Print Name: _____

Job Title: _____

803 Violence in the Workplace

Policy Statement – The Village of Massena is committed to providing its employees with a work environment that is safe, secure, and free from violence. The Village also considers the safety of its residents, vendors, contractors, and the general public (collectively referred to as ‘visitors’ in this policy) to be of paramount importance and strives to provide them the same type of protections while on Village property.

Workplace Violence Prevention Program – In accordance with the New York State Workplace Violence Prevention Act, the Village of Massena has developed a Workplace Violence Prevention Program. As a part of this program, the Village conducted a comprehensive risk evaluation of the entire workplace and will conduct annual reviews to identify risk factors that may increase the likelihood of workplace violence and implement appropriate measures to minimize or eliminate these hazards. In order to achieve this goal, the Village encourages the participation and cooperation of employees and their authorized employee representative(s). A copy of the program is available in the Village Clerk’s Office.

Prohibited Conduct – The Village has zero tolerance for violence of any kind in the workplace, including but not limited to, physical assault (e.g., hitting, pushing), threatening, intimidating, or aggressive behavior, or verbal abuse or harassment. In addition, employees and visitors are prohibited from possessing firearms or weapons (e.g., guns, knives, explosives, and other items with the intention to inflict harm) in the workplace, even if licensed to carry the weapon. The only exceptions are law enforcement and authorized security personnel. An employee who has knowledge that a coworker or visitor possesses a weapon on Village property must report this to a Department Head or the Mayor immediately.

For the purpose of this program, the workplace is defined as any location away from an employee’s home, either permanent or temporary, where the employee performs any work-related duty in the course of employment. This includes, but is not limited to, Village-owned buildings and surrounding perimeters, parking lots, work sites, clients’ homes, and traveling to and from work assignments.

Reporting Requirements – Any incident of workplace violence or imminent danger must be promptly reported to the Department Head or the Mayor.

Policy Violations – Violations of this policy will result in appropriate remedial, disciplinary, and/or legal action, according to the circumstances.

Prohibition Against Retaliation – An employee will not be subject to criticism, reprisal, retaliation, demotion, disciplinary action, or other adverse employment action for making a good faith report of acts pursuant to this program.

804 **Drug-Free Workplace / Drug Free Awareness Program**

Policy Statement – It is the policy of the Village of Massena that the unlawful manufacture, distribution, dispensation, possession, or use of an illegal controlled substance as defined in the Federal Drug-Free Workplace Act, is prohibited on the job or at the workplace.

Coverage – The Village of Massena’s Drug-Free Workplace Policy pertains to all individuals who are employed by the Village of Massena.

Compliance with Federal Drug-Free Workplace Act – The Federal Drug-Free Workplace Act of 1988 is applicable to all recipients of Federal grants. In order to receive federal funds, the Village 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 Village hereby complies with the requirements of the Drug-Free Workplace Act by adopting this policy and drug-free awareness program:

Prohibited Conduct – No employee shall use, sell, distribute, dispense, possess, or manufacture any alcoholic beverage, illegal drugs, or any other intoxicating substance not prescribed by a licensed health care professional, nor be under the influence of such, while on duty, at any job site or workplace, or in a Village vehicle, a vehicle leased for Village business, or a privately owned vehicle being used for Village business. 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 of employment. Any work-related accident or injury involving a Village vehicle, equipment, and/or property where it can be demonstrated that the use of alcohol, illegal drugs, or any other intoxicants may have been a contributing factor will result in disciplinary action which may include penalties up to and including termination of employment.

Use of Prescription and Over-the-Counter Drugs – Prescription drugs must be in the possession of the individual to whom the prescription was written, taken in the dosage prescribed, and maintained in their original containers. Employees in public safety or safety-sensitive positions must inform their supervisors of any prescription or legal, nonprescription (i.e., over-the-counter) drugs they are currently taking that could in any way affect or impair the employee's ability to perform the job safely. The legal use of prescribed and over-the-counter drugs is permitted on the job only if it does not impair an employee's ability to perform the job safely and if it does not affect the safety or well being of other individuals in the workplace.

Non-Discrimination Policy – The Village of Massena will not discriminate against an applicant or employee because of past substance abuse provided it can be demonstrated that the applicant/employee has received appropriate treatment and tests negative for controlled substance use.

Employee Assistance – It is the policy of the Village to work with an employee suffering from substance abuse so that the employee will receive assistance necessary to overcome dependency. An employee seeking such assistance is encouraged to contact the employee’s Department Head or the Village’s Employee Assistance Program to discuss the situation before problems begin to surface in the workplace. Any disclosures made by an employee will be treated as strictly confidential to the greatest extent practicable. The employee's decision to seek assistance will not be used as the basis for disciplinary action nor used against the employee in any disciplinary proceeding.

Employee Responsibilities – As a condition of the Village receiving Federal grant monies, each employee must abide by this policy and notify the employee’s Department Head of any criminal drug statute conviction for a violation occurring in the workplace within five calendar days of the conviction.

Village Responsibilities – The Village 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 Village 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 Sections 702 and 703 of the Drug-Free Workplace Act.

Drug-Free Awareness Program – It is the policy of the Village of Massena to maintain a drug-free workplace. In accordance with that policy, the Village is providing the following drug-free awareness information to raise employee awareness of the dangers associated with drug abuse in the workplace.

Dangers of Drug Abuse in the Workplace

Employees with chemical dependence problems have a major negative impact on productivity, staff morale, and labor/management relations. Their hidden illness is responsible for:

1. Declining Performance

- poor concentration
- confusion in following directions
- noticeable change in the quality of work
- inability to meet deadlines
- errors in judgment affecting the health and safety of others
- customer complaints and injuries

2. Increased Costs

- five times the average sick and accident benefits
- higher job turnover, replacement and training costs
- greater workers’ compensation and health insurance payments
- 3 to 5 times more on-the-job accidents
- unemployment claims

3. Absenteeism and Tardiness

- double the normal rate
- repeatedly being late for work and often leaving early
- extended lunch hours
- frequent illness and accidents both on and off the job

4. Damaged Relationships

- emotional outbursts, over-reaction to criticism, mood swings, complaints from co-workers, associates and the public often leading to damaged relations

805 *Controlled Substance and Alcohol Testing*

Statement of Compliance – The Village 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 reduce accidents resulting from an employee's use of controlled substances and alcohol, thus reducing fatalities, injuries and property damage.

Covered Employees – The Village's Controlled Substance and Alcohol Testing Policy applies to all covered drivers as defined by the federal regulations, which includes all employees who drive commercial motor vehicles (as defined in Sec. 382.107 of the OTETA) requiring a commercial driver's license to operate

Acknowledgment Form – A covered employee will receive a written copy of the Controlled Substance and Alcohol Testing Policy and must sign an Employee Acknowledgment Form. This form will be placed in the employee's personnel file.

806 *Smoking*

Policy Statement – In accordance with the NYS Clean Indoor Air Act, as well as Chapter 275 (Tobacco Control Plan) of the General Code of the Village of Massena, it is the policy of the Village to prohibit smoking in the workplace, which includes all Village buildings and all Village vehicles.

900 SAFETY

901 *Workplace Safety*

Policy Statement – Prevention of injury and illness in the workplace requires the cooperation of all employees in all safety and health matters. It is the policy of the Village to reduce the number of workplace injuries and illnesses to an absolute minimum. Accidents can be prevented through use of reasonable precautions and the practice of safe working habits.

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

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

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

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

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

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

- When an accident occurs which results either in the loss of an employee's work time, or in the provision of medical care to an employee, the employee must immediately notify the Department Head. The Department's Clerk or designee will complete an *Employer's Report of Injury Form (C-2F)*, and any other relevant reports or forms and submit it to the Village Clerk within three days of notice.
- When an accident occurs which does not result in the loss of an employee's work time, or in the provision of medical care to the employee, the employee must immediately notify the Department Head. The Department Clerk or designee will complete an Employer's Report of Injury (C-2F) and any other relevant reports/forms as a precautionary measure and submit to the Village Clerk within three days of notice. The Village Clerk will maintain appropriate documentation of the incident.
- The Village Clerk's Office will keep a log of the injury or illness for five years following the end of the calendar year to which it relates. A copy of this log, which includes totals and information for the year, must be posted in each department or areas where notices to employees are customarily posted.

902 Hazard Communication Program

Statement of Compliance – The Village of Massena is committed to providing a safe and healthy work environment and complies with all Federal, State and local laws regarding hazard recognition, accident prevention, and working conditions. The Village considers Hazard Communication and the prevention of workplace injuries and illnesses to be of prime importance.

Guidelines – The following guidelines for the identification of chemical hazards and the preparation and proper use of containers, labels, placards, and other types of warning devices must be adhered to:

- **Chemical Inventory** – The Village must maintain an inventory of all known chemicals in use. An employee may obtain the chemical inventory from the employee's supervisor or Department Head.
- **Container Labels** – All chemicals on a work-site must be stored in the original or approved containers with the proper label attached. The Department Head must ensure that each container is labeled with the identity of the hazardous chemical contained and any appropriate hazard warnings. The Village will rely on manufacturer applied labels whenever possible. A container that is not labeled or on which the manufacturer's label has been removed, must be properly labeled. A container not properly labeled must be given to the Department Head for labeling or proper disposal.
- **Dispensing Chemicals** – An employee may dispense chemicals from original containers only in small quantities intended for immediate use. Any chemical leftover must be returned to the original container or to the Department Head for proper handling. No unmarked containers of any size are to be left in the work area unattended.

Safety Data Sheets (SDS) – An employee working with a Hazardous Chemical shall obtain a copy of the Safety Data Sheet (SDS) and a standard chemical reference from the employee's Department Head.

Employee Training – An employee must be trained to work safely with hazardous chemicals. This training program must cover the following areas:

- Methods used to detect the release of hazardous chemicals in the workplace;
- Physical and health hazards of chemicals and the measures used to protect employees;
- Safe work practices;
- Emergency responses to the exposure of hazardous chemicals;
- Proper use of personal protective equipment; and
- Hazard Communication Standards, including labeling and warning systems, and an explanation of the use of Safety Data Sheets.

Personal Protective Equipment (PPE) – Depending on job duties, an employee must routinely wear protective devices, such as gloves and safety glasses, as directed by the supervisor. An employee who is required to wear special safety equipment as directed by the supervisor must comply with the supervisor's request.

Emergency Response – Any incident of overexposure or spill of a hazardous chemical/substance must immediately be reported to the employee's supervisor. The supervisor must insure that proper emergency response actions are taken.

Hazards of Non-Routine Tasks – The Department Head must inform employees of any special tasks that may arise which would involve possible exposure to hazardous chemicals. Review of safe work procedures and use of required PPE must be conducted prior to the start of these tasks. Where necessary, areas will be posted to indicate the nature of the hazard involved.

1000 COMMUNICATION PROCEDURES

1001 Organizational Communications

Summary – The Village Board is committed to assuring effective communications between the Board and employees. The success of Village operations is dependent upon a set of common interests and goals that are achieved through teamwork, sharing of ideas, and effective communications of our short-term and long-term plans. From time to time, information and updates will be distributed to employees. All employees are encouraged to discuss this information with their Department Head should there be any questions.

Methods of Communication – Information will be communicated to employees in a variety of ways, including general and departmental meetings, e-mail distributions, memos and other written correspondence, notices distributed with paychecks, and posting of information. Employees should check bulletin boards frequently to keep informed on changes in employment matters and other items of interest. Except as otherwise provided by a collective bargaining agreement, all material to be posted on bulletin boards, including memos and announcements, must have the prior approval of the appropriate Department Head.

1002 Adverse Communications

Policy Statement – An employee who receives any communication of a negative nature directed to the Village, or to any of its officers or employees in their official capacity, shall immediately notify and/or forward the communication to the appropriate Department Head. The term “communication” shall refer to both written and verbal communications, and includes, but is not limited to, memoranda, faxes, messages, letters, legal notices, e-mails, summonses and other communications.

1003 Suggestions

Policy Statement – Giving and receiving feedback is encouraged in order to promote a positive, productive, and cooperative atmosphere. Employees should notify their supervisor or Department Head of any suggestions which may be valuable to the Village’s productivity and success. All suggestions will be carefully reviewed and may be implemented if feasible.

1004 Public Relations

Policy Statement – The courteous, professional treatment of members of the public by all employees helps to build confidence among the citizens we serve. We require all employees to make every effort to represent the Village in a polite and professional manner.

1005 Press Policy

Policy Statement – All requests for information directed to a Village employee from the media (e.g. television, radio, newspaper) regarding any aspect of Village affairs must be referred to the employee's Department Head. The Department Head should use cautionary judgment in responding and notify the Mayor's Office of the request. If the request is concerned with something of a sensitive nature, the Mayor should be notified prior to the release of any statement or information.

1006 Reporting of Improper Activities

Policy Statement – Any employee who witnesses or becomes aware of an inappropriate action, improper financial circumstance, inappropriate use of Village funds or property, safety issue, or other matter that appears to be improper, should immediately make their Department Head or supervisor, the Mayor, or any Village Board member aware of the issue. When an imminent and serious danger to public health or safety exists, an employee may see fit to immediately report violations to law enforcement or other applicable governing body. Even if you are in doubt about what you witnessed or were made aware of you should report the matter.

Retaliation – Under Section 75-B of New York State Civil Service Law, New York State Public Sector Whistleblower Law, an employee, who in good faith, discloses to a governmental body information regarding a violation of law, a substantial and specific danger to the public health or safety, or an improper governmental action which the employee reasonably believes to be true, shall be protected from any adverse personnel action including, but not limited to: termination, disciplinary action, or changes in compensation. Any Village employee or officer who commits or condones any form of retaliation against anyone who in good faith reports alleged misconduct will be subject to discipline up to, and including, termination.

1100 DISPUTE RESOLUTION

1101 *Dispute Resolution Procedure*

Policy Statement – The Village Board has established a set of procedures to provide for the orderly resolution of differences at the earliest possible stage and to promote a harmonious and cooperative relationship between employees, Department Heads and members of the Village Board which will enhance the overall operation of the Village. The Village will attempt to resolve all work-related complaints that are appropriate for handling under this policy.

Definition of Dispute – For the purpose of this Personnel Policy Manual, a “dispute” will mean a claimed violation, misinterpretation or inequitable application of any of the provisions of this Personnel Policy Manual. In addition, the term “dispute” shall not apply to any matter as to which the Village is without authority to act. A few examples of matters that may be considered appropriate disputes under this policy include:

- A belief that Village policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee;
- Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, salary, or seniority.

Step One – An employee who claims to have a dispute may present the dispute to the employee’s Department Head. The dispute must be submitted, in writing, within seven working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge. The dispute will specify the date of submission, the name of the aggrieved employee, the date the dispute arose, the nature of the dispute, the provision of the Personnel Policy Manual that was allegedly violated and a statement of facts, times, dates, and the remedy sought.

Within seven working days after receiving the dispute, the employee’s Department Head will meet with the employee to discuss and attempt to resolve the matter.

Step Two – In the event the informal dispute is not resolved at Step One, or the employee reasonably believes that the employee cannot present the dispute to the employee’s Department Head, the employee may submit the matter to the Mayor. The dispute must be submitted, in writing, within seven working days from receiving the Step One response, or when the response should have been received or if Step One is not utilized for the above reason, within seven working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge.

Within seven working days after receiving the dispute, the Mayor will meet with the employee to discuss and attempt to resolve the matter. Within seven working days from the meeting, the Mayor will issue a written response.

Step Three – In the event the employee is not satisfied with the response at Step Two, the employee may submit the matter to the full Village Board by filing a Request for Hearing with the Village Clerk. The Request for Hearing must be submitted, in writing, within seven working days from receiving the Step Two response, or when the response should have been received. The Request for Hearing will include a written statement of the dispute as outlined in Step One of this Procedure.

The Village Board will set the time and place for the hearing. All decisions rendered by the Village Board will be final and binding.

Time Limits – The employee must adhere to the time limits set forth in this dispute procedure. In the event the employee does not advance the dispute to the next step within the established time limit, the dispute will be considered withdrawn and no further appeal will be accepted. The time limits may be extended by mutual agreement provided the extension is in writing, dated and signed by the employee and the person who is to receive the dispute.

Final Decisions – Final decisions on disputes will not be precedent-setting or binding on future disputes unless they are stated as official Village policy.

Proper Use of Dispute Resolution Procedure – Employees will not be penalized for proper use of the dispute resolution procedure. However, it is not considered proper use if an employee raises a dispute in bad faith or solely for the purposes of delay or harassment, or repeatedly raises meritless disputes. Implementation of the dispute procedure by an employee does not limit the right of the Village to proceed with any disciplinary action that is not in retaliation for the use of this procedure.

Refusal to Proceed with Dispute – The Village Board may, at its discretion, refuse to proceed with any dispute it determines is improper or baseless under this policy.

Union Employees – An employee who is a member of a collective bargaining unit should refer to the applicable collective bargaining agreement to determine if the employee's dispute (grievance) may be subject to the grievance procedure contained in the employee's collective bargaining agreement.

1200 EMPLOYEE ACKNOWLEDGEMENT FORM

Detach and place in employee's personnel file.

VILLAGE OF MASSENA

PERSONNEL POLICY MANUAL ACKNOWLEDGMENT

I hereby acknowledge that I have received a copy of the ***Village of Massena Personnel Policy Manual*** outlining the rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits of the Village of Massena. I further acknowledge that I have read, or will read, the contents of the Personnel Policy Manual and will contact my Department Head or the Mayor if I have any questions.

I understand that the Personnel Policy Manual is not meant to create a contract of employment, nor should it be construed as creating a contract of employment and that the Village Board of the Village of Massena reserves the right to interpret, change or modify any section of the Personnel Policy Manual at any time. Except as otherwise provided by law, I understand that I am an employee at will.

I understand that, if I am covered by a collective bargaining agreement between the Village of Massena and an employee organization as defined by the Public Employees' Fair Employment Act, in the event an expressed and explicit provision set forth in a collective bargaining agreement should conflict with an employee benefit, personnel policy, personnel procedure, or other provision set forth in the Personnel Policy Manual, the expressed and explicit provision of the collective bargaining agreement will control. Otherwise, unless expressly excluded herein, the Personnel Policy Manual is applicable to all employees.

I agree to abide by the personnel policies, procedures, rules and regulations outlined in the Personnel Policy Manual.

I understand that the Personnel Policy Manual and the changes contained herein are intended to supersede all prior manuals and guidelines issued by the Village of Massena, and may be changed from time to time, by the Village of Massena.

Employee name (please print)

Employee Signature

Date of Signature