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Introduction

This manual was developed to describe some of the expectations of our employees, and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee manual as soon as possible.

This manual is designed to acquaint you with the Town of Candor and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the manual. It describes many of your responsibilities as an employee and outlines the programs developed by Candor to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

The material in this manual should be considered as general guidelines regarding some of the Town of Candor policies, procedures and benefits. It is not intended to be a contract with the employee. Statements made in contracts with employees will supersede any information in this manual. All Town of Candor Highway Employees should also read their current Candor Highway Employees' Contract for additional information applicable to their positions.

No employee manual can anticipate every circumstance or question about policy. The Town of Candor reserves the right to revise, supplement or rescind any policies or portion of the manual from time to time as it deems appropriate.

Manual Acknowledgement

You are required to sign the acknowledgement statement on the last page of this manual and return it to the Supervisor/Superintendent. If you have any questions at any time regarding the contents of this manual please see your supervisor.

Code of Ethics

1. Definitions.

(a) "Town Officer or Employee" means an officer or employee of the Town, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a town officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

(b) "Interest" means a direct or indirect pecuniary or material benefit accruing to a town officer or employee as the result of a contract with the town. For the purposes of this code a town officer or employee shall be deemed to have an interest in the contract of (a) his spouse, minor children and dependents, except a contract of employment with the town, (b) a firm, partnership or association of which such officer or employee is a member or employee, (c) a corporation of which such officer or employee is an officer, director or employee and (d) a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.

(c) "Recusal" means that the official may not deliberate, vote or participate in any way in that matter. The official should disclose his conflict and remove him or herself from the board. He/she should not provide input regarding the matter from the audience in his/her capacity as a member of the public.

(d) Gifts do not include gifts from family members; attendance at local social events such as holiday festivities; benefits available to the general public; functions that officials routinely attend, such as the Chamber of Commerce events; and an event or activity fulfilling a public purpose.

2. Standards of Conduct. Every officer or employee of the town shall be subject to and abide by the following standards of conduct:

1. (a) Gifts. He shall not directly or indirectly, solicit any gift; or accept or receive any gift having a value of twenty five dollars or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.
2. (b) Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.
3. (c) Representation before one's own agency. He shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any town agency of which he is an officer, member or employee or of any town agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.

4. (d) Appearance of Impropriety
An official must avoid circumstances that compromise his ability to make decisions solely in the public interest or create an appearance of impropriety.
5. e) Conflicts of Interest
No Official may take action that provides a financial or other personal benefit to the official, relatives, customers, clients, an employer, or a person who has made campaign contributions to the official within a 12 month period.
6. (f) Disclosure of interest in legislation. To the extent that he knows thereof, a member of the town board and any officer or employee of the town, whether paid or unpaid, who participates in the discussion or gives an official opinion to the town board on any legislation before it shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.
7. (g) Investments in conflict with official duties. He shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his official duties.
8. (h) Recusal. An official must recues himself when faced with the above conflicts.
9. (i) Town Property and Resources. No employee may use town-owned property, assets or any resources for personal purposes or profit or to benefit any person. Use of these resources is restricted to the conduct of official business, for the benefit of all residents and to further an authorized public purpose.
10. (j) Nepotism
Spouses and other family members of the municipal official may not serve in positions whose duties conflict or appear to conflict within the duties of the official. They may not serve on a commission, board or body of which the official is a member.
11. (k) Private employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.
12. (l) Future employment. He shall not, after the termination of service or employment with the town, appear before any board or agency of the town in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

3. Nothing herein shall be deemed to bar or prevent the timely filing by a present or former town officer or employee of any claim, account, demand or suit against the town or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

4. Distribution of Code of Ethics. The supervisor shall cause a copy of this code of ethics to be distributed to every officer and employee of the town within thirty days after the effective date of this resolution. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

5. Relationship to other laws. The rules of ethical conduct provided by this resolution shall not conflict with, but shall be in addition to, any provision of Article 18 of the General Municipal Law or of any other

general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

6. Penalties. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law. **05/10/2011**

Section 1 Employee Criteria

ADA Employment Policy

It is the policy of the Town of Candor to fully comply with the provisions and spirit of the ADA 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 discrimination based on a person's relationship or association with a disabled individual. Reasonable accommodation is available to all qualified employees and applicants with disabilities, unless it imposes an undue hardship on the operations of a program.

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

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.

The Town of Candor has designated names, titles, addresses and telephone numbers of persons designated to accept discrimination claims and monitor compliance to monitor efforts to ensure the municipality's compliance with the ADA, and to receive complaints of discrimination against disabled persons. Any person who believes he or she is a victim of discrimination can direct a written complaint to

this person. This procedure is not intended to restrict an individual's rights to make a complaint to a federal or state agency.

The Town of Candor's policy is to investigate all such complaints thoroughly and promptly. To the fullest extent practical, the Town of Candor will keep complaints and their resolutions confidential. If an investigation confirms that discrimination has occurred, the Town of Candor will take corrective action, including any discipline that is appropriate up to and including immediate termination of employment. The Town of Candor will cooperate with any state or federal agency in the investigation of any complaints.

This directive is for municipal use only and does not apply in any criminal or civil proceeding. The municipal 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 directive will only form the basis for municipal administrative sanctions. Violations of law will form the basis for civil and criminal sanctions and a recognized judicial setting.

05/10/2011

Equal Employment Opportunity Policy

The Town of Candor is an Equal Opportunity Employer. Discrimination on the basis of race, color, sex, religion, age, national origin, marital status, disability or veteran status will not be tolerated.

This policy applies to all terms and conditions of employment, including but not limited to employment advertising, hiring, placement, compensation, training, promotion, demotion, termination, layoff, transfer, disciplinary actions, leave of absence or any other benefits. Discrimination based on any of the above is strictly prohibited and any supervisor, administrator or employee who engages in or tolerates such behavior is subject to disciplinary action in accordance with the Civil Service Law, collective bargaining agreements or any other applicable State or Federal Laws.

If an employee believes they have encountered violations of this policy, they may advise their Department Head. In addition, an employee can file a written complaint with Names, Titles, Addresses and Telephone Numbers of Persons Designated to Accept Complaints within (30) calendar days of the incident. Retaliation against the complainant will not be tolerated. False accusations will be treated as a disciplinary offense and will result in the same level of punishment as that applied to one who engages in such behavior.

The Town of Candor's policy is to investigate all such complaints. If an investigation confirms that a violation has occurred, the Town of Candor will take corrective action, including any discipline that is appropriate up to and including immediate termination of employment.

This directive is for municipal use only and does not apply in any criminal or civil proceeding. The municipal 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 directive will only form the basis for municipal administrative sanctions. Violations of law will form the basis for civil and criminal sanctions and a recognized judicial setting.

05/10/2011

Employee Classifications

Full-time is an employee who is scheduled to work eight (8) hours a day and 40 hours a week. A full-time employee may be paid either hourly or by salary. Full-time employees are eligible for employee benefits. For specific details read individual contracts.

Probationary: Employees who are intended to become full-time are initially hired on a probationary status. When an employee is hired, the first six (6) months of employment will be considered a probationary period. Probationary employees are not eligible for employee benefits.

Part-time is an individual who is paid on an hourly basis for less than full-time. Part-time employees are not eligible for employee benefits. Part-time employees are eligible to purchase Health Insurance coverage with the employee bearing the full cost of the premium.

Temporary Employees are hired for a specific period of time with the understanding that they are not intended to attain full-time status. Temporary employees are not eligible for employee benefits.

Seasonal Employees are hired for the "season", generally summer. Seasonal employees are not eligible for employee benefits.

Appointed Individuals work at the pleasure of the Appointing Official.

Town Officials with the exception of the Town Clerk and the Highway Superintendent are not eligible for employee benefits. Health Insurance will be provided to the Highway Superintendent and Town Clerk providing he/she works a minimum of 30 hours a week.

Wages

Wages of the Highway Employees are outlined in the Highway Employees Contract. Salaries of non-highway employees are established at the Organizational meeting at the beginning of each year or are set through individual contract. The following people are appointed on an annual basis at the Organizational Meeting: Deputy Town Supervisor, Constable, Tax Collector/Vital Statistics Registrar, Deputy Clerk, Deputy Tax Collector & Deputy Registrar, Dog Control Officer, Deputy Dog Control Officer, Bookkeeper & Budget Officer, Dep. Bookkeeper, Computer Technician, Historian, Deputy Historian, Planning Board Clerk, Court Clerk, Deputy Court Clerk, Custodian, Planning Board Chairman, Records Clerk, Town Engineer. The Attorney for the Town, the Code Enforcement Officer, and the Town Assessor are employees under individual contracts and their salaries are set at the Organizational meeting.

Pay Schedule

Bi-weekly

Contractual Highway Employees
Highway Superintendent
Assessor
Town Clerk
CEO/Building Inspector

Monthly

Supervisor
Attorney
Justice
Court Clerk
Deputy Court Clerk
Dog Control Officers
Deputy Town Clerk
Planning Board Clerk
Bookkeeper
Deputy Bookkeeper
Bookkeeper Trainer
Cleaners

Quarterly

Town Board Members
Planning Board Members

Direct Deposit

The Town has the availability of Direct Deposit for paychecks. Employees are requested to not use more than two banks if they wish to divide their pay check.

Direct Deposit has many benefits. If you are out sick, no one needs to come in to pick up your check. If you are one who only gets paid quarterly, you don't have to wait for the check to arrive in the mail. The possibility of a check being lost, stolen, or destroyed and needing to be replaced is removed. If you are Direct Deposit, you still receive a document with the tax and totals information for your records. You may also have the option of having a partial Direct Deposit. You can designate a set amount to be deposited with the balance

being in a check. Forms can be picked up from the Highway Superintendent, Town Supervisor, Town Clerk or Town Bookkeeper and turned in with Payroll information.

**Direct Deposit Form Sample
Town of Candor**

Employee Name _____ **Date** _____
(please print)

1st Bank / CU Name _____

Bank Routing Number _____

Account Number _____

Checking _____ Savings _____

Amount of Deposit Full Check _____ or \$ _____ Set Amount

2nd Bank / CU Name _____

Bank Routing Number _____

Account Number _____

Checking _____ Savings _____

Amount of Deposit Balance of Check _____ or \$ _____ Set Amount

Employee Signature _____

I hereby authorize the Town of Candor to initiate credit entries for application to my account indicated below and the financial institution named ,hereinafter called FINANCIAL INSTITUTION, to credit the same to such account. I acknowledge that the origination of ACH transactions to my account must comply with the provisions of U.S. law.

This authority is to **remain in full force** and effect until the Town of Candor has received **written notification** from me of its **termination** in such time and manner as to afford the Town of Candor and the Institution a reasonable opportunity to act on it.

Print Name

Signature

Date

Evaluation

Performance reviews will be administered periodically by the employee's supervisor. The purpose of performance reviews is to communicate to the employee how their performance measures up to the standards that are expected and to identify where improvement may be needed.

The evaluation ordinarily takes place approximately every 12 months, generally coinciding with the employee's original date of hire. Evaluations are kept in the Personnel File.

Personnel Files

All non-highway employees will have a personnel file record in the Town Clerk's Office and maintained by the individual responsible for hiring or appointing the employee. Highway Employees will have personnel file records in the Highway Superintendent's Office and maintained by the Superintendent of Highways.

Included in this file will be:

1. (a) Record of employment
2. (b) New York State retirement information
3. (c) An annual evaluation record
4. (d) Qualifications - experience levels of Town equipment (Highway Employees)

Violations of this Handbook will on:

1. The first offense, bring a verbal reprimand and cause a written notice to this effect to be placed in the employee's personnel file. The employee will sign the notice to indicate awareness of its existence and a copy will be given to the employee. The employee may initiate a rebuttal if he disagrees with the notice and this will also be placed in the employee's personnel file.
2. The second violation will constitute grounds for a three (3) day suspension without pay.
3. The third violation will constitute grounds for a ten (10) day suspension without pay.
4. The fourth violation will constitute grounds for permanent dismissal without entitlement to sick pay or personal days.

05/24/2011

Section 2 Working Conditions

Drug Free Workplace Policy and Procedure

Policy Statement

The Town of Candor is dedicated to providing safe and efficient service to our community. Moreover, we are dedicated to providing a safe workplace for our employees.

In order to meet this goal, we hereby endorse the Federal Highway Administration substance abuse regulations. We will provide training, education and other assistance to our employees. Drug testing, in compliance with DOT regulations, is an integral part of our program. Noncompliance with this policy or violation of the regulations may result in severe disciplinary action including suspension or dismissal.

Employee Assistance Program

The Town has established an Employee Assistance Program (EAP) which includes education and training for drivers, supervisors and Town officials about controlled substances and alcohol.

The training program will cover the effects of controlled substance use on personal health, safety, and the work environment. Manifestations and behavioral changes that may indicate substance use and abuse will also be addressed. Documentation of these training sessions will be maintained.

Prohibitions

No driver shall report for duty within four (4) hours of consuming alcohol.

No driver shall use alcohol while on-duty.

No driver shall be on duty while having an alcohol concentration of 0.02 or greater.

No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment.

No driver shall use alcohol for eight (8) hours following an accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

No driver shall use controlled substances, except when pursuant to the instructions of a physician who has advised the driver that such use will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

Drug and Alcohol Testing Program

This testing policy applies to all employees requiring a commercial driver's license, as defined by the Department of Transportation Title 49 Code of Federal Regulations part 383.5.

Types of Tests

Drug testing for marijuana, cocaine, opiates, amphetamines, and PCP will be performed on urine specimens. Alcohol testing will be performed by means of breath testing devices approved by the National Highway Traffic Safety Administration. Testing procedures will comply with Federal Motor Carrier regulations 49 CFR Part 40. Individual test reports will be maintained in each employee's confidential file.

Six types of drug and alcohol tests are required under federal regulations: pre-employment, random, reasonable cause, return to duty, follow-up and post accident. In addition, testing may be done as part of the periodic physical exam.

1. All applicants for employment will submit to drug testing only.
2. Throughout the year, drivers are subject to unannounced testing on a random basis. The total number of random drug tests will equal or exceed 50% of the average number of commercial motor vehicle driver positions for which testing is required. The minimum alcohol testing rate will be 25%. Since drivers are chosen at random throughout the year, each individual driver may not be tested or may be tested once, twice or more in a given year.
3. A driver shall submit to testing, upon reasonable cause, when requested to do so by the Town. Conduct triggering testing under this part must be directly observed by a supervisor or Town official. The supervisor making this determination must have received training in the identification of behavior indicative of use of a controlled substance. Documentation of the driver's conduct shall be prepared and signed by the witness within 24 hours.
4. If a driver who violates this policy is allowed to return to duty, a test will be conducted prior to the performance of a safety-sensitive function. In addition, the driver will be subject to unannounced follow-up testing. The frequency of such tests will be prescribed by a substance

abuse professional and will consist of a minimum of six (6) tests in the first 12 months following the driver's return to duty.

5. The employer will test for alcohol and drugs as soon as possible after an accident, if the driver receives a citation for a moving traffic violation related to the accident or there is a fatality. The alcohol test should be performed within two (2) hours of the accident. If not tested within two (2) hours, the driver may be tested for alcohol up to eight (8) hours following the accident. The drug test will be performed within 32 hours of the accident.

Procedures for Drug Test

Drug testing is done by means of urine collection and analysis. The specimen will be collected by trained personnel in accordance with DOT regulations. The specimen is divided into two (2) separate containers (the primary sample and the split sample) and sealed in a tamper-evident container and shipped to a NIDA-certified lab for testing. Laboratory test results are reported to the medical review office (MRO). Before reporting a positive test to the employer, the MRO will attempt to contact the driver to discuss the test results. If the MRO is unable to contact the driver directly, the MRO will contact the employer's Drug Program Administrator who will contact the employee. If there is no legitimate explanation for the positive test, the MRO will report the test as positive. If there is a valid explanation for the positive test other than illegal drug use, the MRO will report the test as negative. A test showing the presence of a medication which the employee used in accordance with a valid prescription will be considered a negative test.

In the event of a positive drug test, the employee has the right to request that the split sample be sent to a different certified lab for testing. This request must be made within 72 hours of the time the driver was informed of the results by the MRO. The split sample test is to be paid for by the employee. If the second test comes back negative, the employee will be reimbursed.

Procedures for Alcohol Tests

Certified breath alcohol technicians will perform these tests using evidential breath testing devices. If the test shows a result of less than 0.02, the test is considered negative. If the alcohol concentration is 0.02 or greater, a confirmation test must be conducted. The confirmation test will be performed fifteen minutes after the initial test and the results of this test determine what actions will be taken.

Consequences of a Positive Test

1. Applicants for employment who test positive for drugs will not be hired.
2. Any employee who tests positive for alcohol at a level of 0.04 or higher or who tests positive for drugs will be removed from service and be referred to a substance abuse professional (SAP). The SAP will determine what assistance, if any, the employee needs in resolving the problem. A second positive test will result in the employee being dismissed.
3. If a driver tests positive for alcohol and the test is between 0.02 and 0.04, the driver must be removed from duties for 24 hours. No other action will be taken against the driver based solely on test results showing an alcohol concentration less than 0.04. This day off will be without pay.
4. If the test is positive the employee may demand to have an independent analysis of the split sample made. Such analysis shall be at the expense of the employee unless the analysis is negative, in which case the Town shall reimburse the employee for the cost of such analysis.
5. Any employee who fails a test and is required to participate in a rehabilitation program will be responsible for any costs incurred in such participation. The costs of evaluations, rehabilitation, and return-to-duty tests shall also be at the employee's expense. The Town will pay for follow-up testing after the employee returns to duty. A written letter from the Rehabilitation Program stating that employee is fit to return to work will be required before returning to duty. However, the Town does not guarantee the rehiring of an employee after completing rehabilitation.
6. Any employee required to be evaluated and participate in a rehabilitation program may, at the employee's option, exhaust any or all of his/her sick time, vacation, and personal leave while participating in the program. No other compensation will be paid by the Town.
7. The Town will continue to pay its share of the employee's health plan premium during active participation in a rehabilitation program unless the employee is terminated.
8. Any employee refusing to enter a rehabilitation program or failing to successfully complete a rehabilitation program shall be dismissed from employment.

Consequences of Refusing a Drug or Alcohol Test

The consequences of refusing a test are the same as testing positive.

Rehabilitation

In order to be eligible to return to duty after a positive drug test or an alcohol level of 0.04 or higher, a driver must complete the course of rehabilitation prescribed by the substance abuse professional and undergo a return-to-duty test with a negative result. After returning to work, the driver must continue in an after-care program and be subject to follow-up testing.

05/10/2011

Cell Phone Usage

There shall be no personal use of Town cell phones.

05/10/2011

Hazard Communication

The operator/highway employee will list on a trouble sheet any and all problems he discovers with respect to Town of Candor Highway equipment.

The Highway Superintendent shall see that all equipment shall be maintained so as to be in safe condition.

Any unsafe equipment will be removed from service until the problems are corrected.

General Safety Rules

- When in doubt about the safe and proper way of doing a job, or if you have any questions about the safety of your work, consult your supervisor.
- Do not attempt to operate a machine you are unfamiliar with.
- Check your tools frequently and report, repair or replace those that are worn or broken.
- Keep hazardous materials in their proper containers.
- Be familiar with the location and proper use of fire extinguishers. Be familiar with fire exits and exit routes.
- When lifting, use your legs as much as possible. Seek assistance with odd-shape, or over-weighted objects.
- Use caution on all wet surfaces. Clean up spills.
- Demonstrate good judgment by not creating potentially dangerous situations. Warn fellow workers of any potential hazards. Report all unsafe conditions to your supervisor.
- Use the safety equipment provided for the job.

- Eye protection is required on any job involving eye injury potentials.
- Hearing protection must be worn in any area or with any equipment known or suspected of high noise levels.
- Wear appropriate footwear for your task.
- Material Safety Data Sheets (MSDS) for "toxic substances" are kept on premises. They are available to you at all times. Be familiar with the purpose for and the location of these documents. Ask the Superintendent/Supervisor to familiarize you.
- Report all injuries, no matter how minor, to your supervisor immediately. It may be deemed necessary to make a formal, written statement of the incident/injury

Safety meetings will be held periodically. Remember, the way you work can directly impact the safety of others. Always take the safer path.

Sexual Harassment Policy

Sexual harassment is a form of gender discrimination and is a violation of state and federal civil rights laws. It is the policy of this municipality to strongly oppose and prevent any form of discrimination. We recognize that any employee's ability to perform his or her job may be adversely affected by harassment based on sex. Therefore, this policy has been prepared to aid our employees in understanding and helping to prevent sexual harassment.

The Equal Employment Opportunity Commission defines sexual harassment as "unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature" when:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or; submission to or rejection of such conduct by an individual is used as the basis for employment decisions, such as promotion, transfer, or termination, affecting such individual, or; such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or otherwise offensive working environment, or; such conduct created an intimidating, hostile or offensive work environment.

Sexual harassment can include abusive verbal language related to an employee's sex, sexually oriented comments about an individual's body that are unwelcome and/or reasonably interfere with an employee's

work performance or create an intimidating, hostile, or offensive working environment; displays of obscene printed or visual material; and physical contact, such that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment.

Any employee who believes that another employee is initiating sexual harassment may file a written complaint with Names, Titles, Addresses and Telephone Numbers of Persons Designated to Accept Sexual Harassment Claims within (30) calendar days of the incident. Retaliation against the complainant will not be tolerated. Due to the serious and private nature of this offense, false accusations of sexual harassment are and will be treated as a disciplinary offense and will result in the same level of punishment as that applied to one who engages in such behavior.

The policy of the Town of Candor is to investigate all such complaints. If an investigation confirms that harassment has occurred, the Town of Candor will take corrective action, including any discipline that is appropriate up to and including immediate termination of employment.

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

05/10/2011

Smoking Policy

All buildings are non-smoking areas. Employees who wish to smoke may do so out of doors during their breaks.

05/10/2011

Grievance Procedure for Town of Candor Highway Employees Contract (also referred to as appendix A)

Definition

A grievance is defined as an employee's dissatisfaction with the application or implementation of the provisions of an agreement or of any applicable law, rule, regulation, or policy of the Town governing the terms and conditions of employment.

Representation

At all stages of a grievance proceeding, the employee may be represented and advised by a representative of the Town of Candor Highway Employees Association, hereinafter called the Association.

Procedure

Step 1 Within ten (10) work days giving rise to the alleged grievance or within ten (10) work days of the date when the employee becomes aware that the agreement or any applicable law, rule, regulation, or policy may have been violated he/she and his/her representative, if any, may discuss the alleged grievance informally with the employee's Deputy Highway Superintendent/Contract Representative. The Deputy Highway Superintendent/Contract Representative shall render his verbal decision within three (3) work days thereafter.

Step 2 If dissatisfied with the decision under Step 1, the employee may, within five (5) work days thereafter, present his/her grievance in writing to the Highway Superintendent, stating briefly the nature of the grievance and the remedial action desired. Within three (3) work days after receipt of such written grievance, the Superintendent shall meet with the employee and his/her representative, if any, for an informal discussion of the grievance. Within five (5) work days after conclusion of the discussion or discussion, the Superintendent shall prepare a written memorandum briefly stating the nature of the grievance, a summary of the discussion and his decision with reasons therefore, and shall furnish copies of such memorandum to all parties concerned.

Step 3 If dissatisfied with the decision under Step 2, the employee may, within ten (10) work days after receipt of the memorandum of decision, submit his grievance in writing to the Town Supervisor, who shall promptly refer the same to the Grievance Committee of the town Board. Within fifteen (15) work days after submission of the grievance to the Supervisor, the Grievance Committee shall conduct a hearing on at least three (3) work days notice to all parties concerned. At the hearing, the employee may present witnesses and may cross examine adverse witnesses. Within five (5) work days following the conclusion of the hearing, the Grievance Committee shall submit its finding and recommendations in writing to the Town Board. The Town Board shall then render a decision with respect to the grievance not later than five (5) work days after its next regular meeting, or any special meeting, following receipt of the report of the Grievance Committee.

Access to Records

The Town will, upon request, furnish to the employee or his/her representative, information from official records which have a bearing on his/her grievance. In addition, they will be provided full access to and, where feasible, extracts or copies of all relevant records, rules, regulations or official directives.

Unauthorized Use or Misuse of Town Equipment

Unauthorized use or misuse of Town equipment shall be deemed cause for dismissal, including scheduled lube and oil changes on assigned equipment. The operator will list on a trouble sheet any and all problems he discovers with respect to the equipment. Any unsafe equipment will be removed from service until the problems are corrected.

Violence in the Workplace Policy

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

Workplace Violence Prevention Program – In accordance with the New York State Workplace Violence Prevention Act, the Town of Candor has developed a Workplace Violence Prevention Program. As a part of this program, the Town 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 measures to minimize or eliminate these hazards. In order to achieve this goal, the Town encourages the participation and cooperation of employee representative(s).

Prohibited Conduct - The Town has zero tolerance for violence of any kind in the workplace, including, but not limited to, physical assault e.g., hitting, pushing), threatening, or intimidating behavior, or verbal abuse or harassment. An employee who has knowledge that a coworker or visitor possesses a weapon on Town property must report this to a Department Head or Supervisor 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, Town-owned buildings and surrounding perimeters, parking lots, work sites, and traveling to and from work assignments.

Reporting Requirements – Any incident of Workplace violence or imminent danger must be promptly reported to the Highway Superintendent, if it involves a Highway Employee, and the Town Supervisor's Office.

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, discrimination, disciplinary action, or other adverse employment action for making a good faith report of acts pursuant to this policy.

05/10/2011

Section 3 Employee Benefits

Claiming Mileage

Mileage may be claimed by elected, full time, part time or contractual people as permitted in the organizational meeting or a subsequent contract. Mileage can be claimed for use of a personal vehicle for Town use when there is no Town vehicle provided and/or available for use.

Mileage cannot be claimed for driving to or from work/Board Meetings. Mileage should not be claimed for driving on a personal trip even if while on that trip an incidental item is picked up for the Town. For reimbursement purposes mileage needs to be submitted within 60 days.

If anticipating reimbursement, a mileage log must be kept to include the date, purpose, starting and ending point with odometer reading, and resulting mileage. Log sheets can be obtained from the Clerk or the Supervisor.

01/01/2010

Meal Reimbursement Policy

Meals will only be reimbursed when there is an overnight required in conjunction with a conference or meeting.

05/10/2011

Disability Insurance

Disability Insurance for highway employees and the Code Enforcement Officer will be provided by the Town. The Town will assume full cost of the program.

FMLA

Employees who have worked for the Town of Candor for at least 12 months and for more than 1250 hours over the previous 12 months are eligible for Family Medical Leave as provided by Federal Law. Family Medical Leave is generally unpaid leave for one of the following reasons:

1. For an employee's serious health condition
2. The birth, adoption, or foster care placement of a child
3. Caring for a sick spouse, child, or parent with serious health condition

Employees must use paid medical days and may use vacation days which they are entitled to take at the time of the leave. Vacation days may not be taken during the time an employee is receiving disability benefits. These days will be paid on normal paydays.

The employee's health coverage will be maintained during the leave if the employee continues to make the required contributions to the health plan. An eligible employee can take up to 13 weeks of leave

under this plan during any 12 month period. Employees taking leaves under this plan will be able to return to the same job.

Health Insurance Policy

11-22-2011

Health insurance will be provided to all fulltime employees with the cost being borne as negotiated in each year's contract. **Full-time is defined as working a minimum of 40 hours per week for the Town.**

Part-time employees will be eligible to purchase coverage with the employee bearing the full cost of the premium.

All employees will contribute toward their health insurance at the same rate as negotiated with the Highway Employees.

All employees shall be eligible for membership in the **BC/BS prescription Plan** which shall require the employee to pay \$5 per prescription for generic prescriptions, \$15 for name brand prescriptions and \$30 for name brand prescriptions that are new to the market.

Employees shall be eligible for **Prime Blue Dental** Classes I & II.

An Employee or Retiree who elects to carry Individual Health Insurance Coverage can carry Family Dental Coverage by paying the difference between the Family and the Individual Dental Insurance Rates.

Health Insurance will be provided to the Highway Superintendent and Town Clerk providing he/she works a minimum of 40 hours a week. These are working hours, not posted hours. The Town Board may from time to time require a work log to verify that the minimum 40 hours per week worked are being met. The same contributions will be paid toward Health Insurance as are paid by all other Town Employees. Any other elected official requesting to be on the Town Health Insurance must pay 100% of the Premium.

All non-contractual employees who have health insurance will have deductions taken out of their bi-weekly pay checks.

Health insurance coverage will be provided to **those who retire while employed** by the Town and have a minimum of 10 years of uninterrupted full time service at the time of retirement. An employee

who opts for the insurance buyout will be eligible for health insurance through the Town when he/she becomes eligible to retire even if he/she does not have Town health insurance at that time.

All employees retiring on or after January 1, 2004, and are eligible for health insurance upon retiring, will contribute to the Town for health insurance commensurate with rates of current employees.

Upon the death of an employee or retiree, the spouse will have the option of continuing their health insurance with the Town with the full cost to be borne by the spouse.

This agreement supersedes all previous language related to health insurance.

Health Insurance Buy-out

Any employee eligible for family health insurance coverage, upon proof of coverage through their spouse's employer, and who opts to decline coverage through the Town, will be compensated by the Town at a rate of \$3,000 annually to be paid bi-weekly. An employee who opts for the insurance buyout will be eligible for health insurance through the Town when he/she becomes eligible to retire even if he/she does not have Town health insurance at that time provided the employee has had the necessary minimum of 10 years of uninterrupted full time service at the time of retirement. **5/01/2004**

Effective 11/9/10 the Town will no longer make **reimbursement for the Medicare Part B premium**

COBRA

A change in employment status that would result in loss of coverage may qualify an employee for benefit continuation under the provisions of the Consolidated Budget Reconciliation Act (COBRA).

Leave for Ordinary Disability-Civil Service Law Section 73

A covered employee on a non-job related disability leave may be terminated after a continuous absence of one year.

Health insurance may be continued through COBRA.

Leave Time

Sick leave: All full time employees shall earn one sick day of paid leave each month worked, for a total of twelve days per year with unlimited accumulation. It shall be the duty of a Town of Candor Employee to notify the Highway Superintendent or his designated representative, who may, at any reasonable hour, call at the employee's residence to investigate such illness. In event of absence by reason of illness for more than three consecutive days, the Highway Employee shall be required to furnish a physician's certificate of such illness and of his fitness to resume work before being permitted to return to his duties. Town of Candor employees other than Highway Employees shall contact their immediate supervisor and the Town Supervisor of their illness.

Personal Time: Each full time employee shall be entitled to a maximum of three days of personal leave for emergency situations, such as fire, accident, or illness affecting a member of the immediate family, provided that the Highway Superintendent or his designated representative approves, without deduction from salary or wages or from vacation, sick leave, or other allowance.

Bereavement Leave: Each full time employee shall be entitled to three days bereavement leave, without deduction from wages or vacation, sick leave or other allowance. This leave shall be granted in the event of the death of a spouse, child, parent, sister, brother, or in-law of an employee.

Vacation: All full time employees shall be entitled to annual vacation, with pay, based on the

<u>Length of Continued Service</u>	<u>Number of Weeks Off</u>
One to five years	2 weeks
Six years	2 weeks, 1 day
Seven years	2 weeks, 2 days
Eight to Fifteen years	3 weeks
Sixteen or more years	4 weeks

completion of the following length of service as of January 1 of each year:

All full time employees with less than one year of continued service as of January 1 will not be entitled to vacation as listed in the chart above,

but will be entitled to a pro-rated number of days of vacation on their 1st anniversary and thereafter based on the chart listed above.

- A. An employee hired January 1 through March 31 will be entitled to one (1) week and 2.5 days vacation on their first anniversary and two (2) weeks vacation on January 1 following their first anniversary.
- B. An employee hired April through June 30 will be entitled to one (1) week vacation on their first anniversary and two (2) weeks vacation on January 1 following their first anniversary.
- C. An employee hired July 1 through September 30 will be entitled to 2.5 days vacation on their first anniversary and two (2) weeks vacation on January 1st following their first anniversary.
- D. An employee hired October 1 through December 31 will be entitled to two (2) weeks vacation on January 1 following their first anniversary.

All Highway Employees must schedule vacation in advance and the request must be approved by the Highway Superintendent. The Highway Superintendent will approve all vacation times and only three employees will be off in any one week for vacation except during large game hunting seasons. Any exceptions will be by approval of the Superintendent of Highways. Other Town of Candor employees will schedule their vacation and get prior approval through the Town Supervisor.

Holidays: The following paid holidays shall be granted to all full time employees.

- 1. New Year's Day
- 2. Lincoln's or Washington's Birthday
- 3. Memorial Day
- 4. Independence Day
- 5. Labor Day
- 6. Veteran's Day
- 7. Thanksgiving Day
- 8. Friday following Thanksgiving
- 9. Christmas

Jury Duty

During the time that an employee is serving Jury Duty they will be paid the difference between his/her salary and the payment received from the Court.

Military Obligation

Yearly military obligations are recognized by the Town of Candor. During that time, an employee will be paid the difference between his/her salary and the military pay. Copies of the leave and earnings statement will be required to support any pay due.

The Town of Candor will honor the provisions of Section 317 of the New York State Military Law, as well as any applicable federal laws, concerning the re-employment rights of employees engaged in military service.

Retirement System

The Town shall continue to participate in the New York Employees Retirement System, under the so-called 1/60th Non-contributory Retirement Plan as provided by Section 75-i of the Retirement and Social Security Law, retroactive to 1938, for Tier 1 and Tier 2 members. Tier 3 employees (those employees hired between July 27, 1976, and before September 1, 1983) are covered under Article 14 and/or 15 and Tier 4 employees (those hired on or after September 1, 1983) are covered under Article 15 of the New York State Employees' Retirement System. Both of these plans are contributory.

Effective June 1, 2004, upon retirement, an employee's accumulated unused sick leave may be counted as additional service credit, as per Sec. 41J of the New York State Retirement System. See M-57 2004.

Tier 5 employees (those hired on or after January 1, 2010) are covered under Article 15. This is a contributory plan for the duration of employment.

Unemployment Compensation

Unemployment insurance is provided by means of commitment of a fund reserved for the purpose of assuring coverage to employees. Upon termination, if an employee believes they are eligible for unemployment compensation, they should report to the local New York State Department of Labor Office to file a claim for benefits. Benefits are paid directly by the State, and the State is in turn reimbursed by the Town of Candor. Eligibility is determined by New York State.

Worker's Compensation and Civil Service Law Section 71

Employees who sustain injuries arising out of, and in the course of, employment with the Town of Candor are covered under Workers' Compensation. Benefits will be in line with New York State requirements for such coverage. An employee suffering work incurred injury or illness must report that status to the Superintendent/Supervisor and the New York State Workers Compensation Board.

A covered employee who is disabled due to an injury that is compensable under the Worker's Compensation Law is entitled to a cumulative unpaid leave of absence, while actually disabled, for a period of one year unless the employee is found to be permanently disabled from performing the duties of the job.

Section 4 Emergency

Emergency Operations Plan for the Town of Candor

Preface

1. A wide variety of emergencies caused by nature or man may result in the loss of life or property to the citizens of the Town of Candor.
2. The Town of Candor government must provide the leadership and direction to prevent, mitigate and respond to these emergencies or disasters.
3. To meet these responsibilities the Town of Candor will implement this plan in the event of an emergency or disaster.

4. It shall be the responsibility and duty of the senior elected official, or their successor, to declare the existence of such an emergency condition.
5. National Incident Management System (NIMS) principle will be followed by the Town in any response and/or recovery phase of any disaster or emergency.

Town of Candor Disaster Response Plan

Purpose

The purpose of this plan is to minimize disasters and their effects, provide for effective local responses when disasters occur and facilitate local recovery.

Authority

The New York State Executive Law Article 2-B. Under this law, the Town of Candor is authorized to prepare a Disaster Plan to enable it to deal effectively with potential disaster situations.

Statutory authority is given to the Town Supervisor to designate and be responsible for an emergency situation occurring or affecting the Town of Candor. The Town Supervisor or their successor is the only person who may request assistance from the next higher level of government. For the Town of Candor the next higher level of government would be the Tioga County Governing body.

A line of succession shall be set up to designate who shall act as the agent for the Town of Candor when the Town Supervisor is unavailable or their arrival constitutes an unacceptable delay. Said designee may, under those conditions where the Town Supervisor is unavailable or his/her arrival constitutes an unacceptable delay, issue a declaration of emergency, which shall be followed by the steps required by Article 2-B.

Line of Succession

1. Town Supervisor
2. Deputy Town Supervisor
3. Any Available Town Councilmember

Preparedness

The Town Supervisor shall, in consultation with others, which he/she deems appropriate, make such plans as he/she deems necessary to prevent and minimize the effects of disaster. These steps shall include, but not be limited to;

- a. Identification of potential disasters and disaster sites.
- b. Recommend disaster prevention projects.
- c. Suggest revisions and additions to building and safety codes and other lands use programs.
- d. Take such other measures as reasonably can be taken to prevent disasters or mitigate their impact.

Mobilization

The Emergency Operations Center (EOC) shall be located at the Town of Candor Town Hall, located at 101 Owego Road, Candor and Alternate Emergency Operations Center (AEOC) shall be located at the Town of Candor Fire Department, 74 Owego Road Candor. The Town Supervisor shall assess all information received from any/all town departments, Tioga County Sheriff's Office, New York State Police, Tioga County Emergency Management Office and any/all Town Board Members. The Town Supervisor may declare an emergency or disaster after all information is assessed.

Responsibilities

The Town Supervisor is responsible for the conduct of the disaster operations within his/her political subdivision. The Town Supervisor shall resource any and all facilities, equipment, supplies, personnel and other resources of the political subdivisions in such manner as may be necessary or appropriate to cope with the disaster. The Town Supervisor shall direct the activities of all agencies within the political subdivision against the effects of the emergency. The Town Supervisor will utilize services of the Emergency Operations Center and its staff for implementation of necessary measures to achieve

emergency operations. The Town Supervisor may appoint an Emergency Coordinator to coordinate the operation of the EOC and to coordinate emergency response.

The Town Board members shall take all appropriate steps to prepare for any disaster or emergency and shall generally be responsible for the implementation of this and any other emergency preparedness plans. The EOC staff is not limited to those listed below nor are all those listed required.

- a. Town Supervisor
- b. Deputy Town Supervisor
- c. Town Councilmember
- d. Town Councilmember
- e. Town Councilmember
- f. Town Attorney
- g. Town Clerk
- h. Code Enforcement Officer
- i. Town of Candor Highway Superintendent
- j. Tioga County Sheriff or his/her designee
- k. New York State Police Station Commander or his/her designee
- l. Town of Candor Fire Department Chief and/or Weltonville Fire Department Chief and/or their designee

Sequence of Actions

The Town Supervisor, Town Board members, Highway Superintendent, Town Clerk and other personnel as designated will assemble at the EOC upon notification of an emergency. An emergency notification list will be kept on file with the Town Clerk and the Tioga County Emergency Management Office.

The Supervisor or his/her designee is responsible for making the formal declaration and proper notification of a disaster or emergency. This includes:

- A. Notification of the emergency or disaster in letter form will be sent to the Tioga County Clerk, the Secretary of the State of New York and the Tioga County Office of Emergency Management within seventy two (72) hours.

- B. The designated Town of Candor newspaper and other desired public information sources will be notified by letter or telephone and/or Tioga County Reverse 911 System outlining the disaster or emergency situation.
- C. The Town of Candor Fire Service will be responsible for the direction of all action to contain and extinguish fires resulting from emergencies and the removal of trapped and injured people from damaged buildings, disaster sites and flooded areas. The local Fire Chief may call for the assistance of the Tioga County Fire Coordinator for advice and/or assistance concerning fires and rescue operations along with mutual aid assistance and any other plan deemed in the best interest of the residents of the Town of Candor. Request for aid from agencies outside the Town of Candor must have prior approval of the Town of Candor Supervisor or his/her designee.
- D. When there is a need for the mass care of people the American Red Cross is the recognized lead agency responsible. The Red Cross will be notified through the Tioga County Office of Emergency Management for any action requested of them.
- E. A Public Information Officer, appointed by, and under the direct supervision of the Town of Candor Supervisor and/or his/her designee shall direct the local dissemination of emergency information to the public. This person shall also be directed to notify all county and state agencies involved in the emergency or disaster of the status and development of emergency measures that are being taken or additional assistance needed.
- F. The Town of Candor Supervisor shall request the assistance of the Tioga County Sheriff's Office and/or the New York State Police in maintaining order, directing traffic and assisting in the transportation of personnel within the affected Area.
- G. The Town of Candor Highway Superintendent will be responsible for maintaining essential public facilities and services to include the maintenance of streets, highways, bridges, public buildings and other vital community services. He/she will cooperate with all other agencies assisting in the emergency or disaster to restore and maintain essential services.
- H. The Town of Candor Code Enforcement Officer will be responsible for any safety inspections of damaged buildings before they can be re-occupied.

Documentation

The Town Clerk shall be responsible for the maintenance and storage of all documents generated in the EOC for the duration of the emergency or disaster.

**Town of Candor
Employee Manual Acknowledgment**

I hereby acknowledge that I have received a copy of the Town of Candor Employee Manual outlining the rules, regulations, procedures, practices, work standards, employment classifications, compensation and benefits of the Town of Candor. I further acknowledge that I have read, or will read the contents of the Employee Manual and will contact the Highway Superintendent or the Town Supervisor if I have any questions.

I understand that the Employee Manual is not meant to create a contract of employment, nor should it be construed as creating a contract of employment and that the Town Board of the Town of Candor reserves the right to interpret, change or modify any section of the Employee Manual at any time.

I understand that, if I am covered by a collective bargaining agreement between the Town of Candor and an employee organization as defined by the Public Employee's 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 Employee Manual, the expressed and explicit provision of the collective bargaining agreement will control. Otherwise, unless expressly excluded herein, the Employee Manual is applicable to all employees.

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

I understand that the Employee Manual and the changes contained herein are intended to supersede all prior manuals and guidelines issued by the Town of Candor.

Employee's name: _____
(please print)

Employee's signature: _____

Supervisor/Superintendent's name: _____
(please print)

Supervisor/Superintendent's signature: _____

Date reviewed ___/___/___

Detach and place in employee's personnel file.