

**Town of  
Sweden  
Employee  
Handbook**

Updated January 26, 2021

## Table of Contents

### **Section 1: The Way We Work**

A Word About this Handbook.....	1
Pregnancy Accommodation.....	2
Equal Employment Opportunity.....	2
Americans with Disabilities Act.....	3
A word About Our Employee Relations Philosophy.....	3
Non-Harassment.....	3
Sexual Harassment.....	4
Employee Classifications.....	12
Driver's License/Driving Record.....	13
Immigration Reform and Control Act.....	13
New Employee Orientation.....	14
Dispute Resolution Procedure.....	14
Whistleblower Policy.....	16

### **Section 2: Your Pay and Progress**

Time Records.....	1
Payday.....	1
Paycheck Deductions.....	2
Garnishment/Child Support.....	2
Direct Deposit.....	3
Overtime.....	3

### **Section 3: The Civil Service System**

The Unclassified and Classified Services.....	1
Civil Service Appointments.....	1
Examinations and Promotions.....	2
Veteran's Credits.....	2

### **Section 4: Employment Matters**

Oath of Office.....	1
Procedure for Filling Vacancies.....	1
Probationary Period.....	2

Performance Appraisal.....	2
Corrective Discipline.....	3
Civil Service Law Section 75.....	4
Code of Ethics.....	7
Conflict of Interest Policy and Disclosure Statement.....	8
Personnel File.....	8
Separation of Employment.....	9

## **Section 5: Time Away From Work and Other Benefits**

Employee Benefits.....	1
Holidays.....	1
Vacation Leave.....	2
Personal Leave.....	3
Sick Leave.....	4
Jury Duty Leave.....	5
Voting Leave.....	6
Military Leave.....	6
Family Military Leave.....	7
Witness Leave.....	7
Bone Marrow Donation Leave.....	7
Blood Donation Leave.....	8
Bereavement Leave.....	8
Victims of Crime Leave.....	8
Victims of Domestic Violence Leave.....	8
Medical Insurance.....	9
Medical Insurance for Retirees.....	9
Dental Insurance.....	10
Dental Insurance for Retirees.....	11
COBRA.....	12
Section 125 Plans.....	12
Federal Family and Medical Leave Act.....	13
Short-Term Disability Benefits.....	20
Social Security.....	20
Unemployment Insurance.....	21
Workers' Compensation.....	21
The New York State Employees: Retirement System.....	21
Fitness Room Membership at Sweden Clarkson Community Center.....	22

## **Section 6: On the Job**

Attendance and Punctuality.....	1
Business Hours.....	1
Meal Time.....	2
Lactation Breaks.....	2
Standards of Conduct.....	2
Citizen and Public Relations.....	3
Solicitation and Distribution.....	3
Changes in Personal Data.....	3
Care of Equipment.....	4
Vehicle Usage.....	4
Travel Policy Statement.....	4
Personal Telephone Calls.....	6
Electronic Mail and Monitoring.....	7
Internet Usage and Monitoring.....	7
Acceptable Use of Electronic Communications.....	8
Security of Electronic Devices.....	10
Social Media.....	10
Dress Policy.....	12
Personal Hygiene.....	12
Reference Checks.....	12
Protecting Town Information.....	13
Document Retention.....	13
Outside Employment.....	13
Bulletin Board.....	14
Lunch Room.....	14
Cellular Telephones.....	14

## **Section 7: Safety in the Workplace**

Each Employee's Responsibility.....	1
Workplace Violence.....	1
Workplace Searches.....	2
Hazard Communication.....	2
Smoking in the Workplace.....	2
No Weapons in the Workplace.....	3
Clean Air Policy.....	3
Drug and Alcohol Free Workplace.....	3
Drug and Alcohol Testing Definitions and Procedure.....	5

## **Section 8: Public Employer Health Emergency Plan**

# Section 1: The Way We Work

## A Word About This Handbook

This Employee Handbook contains information about the employment policies and practices of the Town of Sweden (hereinafter referred to as the "Town"). We expect each employee to read this Employee Handbook carefully, as it is a valuable reference for understanding your job and the Town. The policies outlined in this Employee Handbook should be regarded as management guidelines only, which in a developing business will require changes from time to time. The Town retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the Town. This Employee Handbook supersedes and replaces any and all prior Employee Handbooks and any inconsistent verbal or written policy statements.

Except for the policy of at-will employment, which can only be changed by the Town Board in a signed written contract, the Town reserves the right to revise, delete and add to the provisions of this Employee Handbook at any time without further notice. All such revisions, deletions or additions to the Employee Handbook must be in writing and must be signed by the Town Board of the Town. No oral statements or representations can change the provisions of this Employee Handbook.

The provisions of this Employee Handbook are not intended to create contractual obligations with respect to any matters it covers. Nor is this Employee Handbook intended to create a contract guaranteeing that you will be employed for any specific time period.

**OUR TOWN IS AN AT-WILL EMPLOYER. THIS MEANS THAT REGARDLESS OF ANY PROVISION IN THIS EMPLOYEE HANDBOOK, EITHER YOU OR THE TOWN MAY TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, FOR ANY REASON, WITH OR WITHOUT CAUSE OR NOTICE. NOTHING IN THIS EMPLOYEE HANDBOOK OR IN ANY DOCUMENT OR STATEMENT, WRITTEN OR ORAL, SHALL LIMIT THE RIGHT TO TERMINATE EMPLOYMENT AT-WILL. NO OFFICER, EMPLOYEE OR REPRESENTATIVE OF THE TOWN IS AUTHORIZED TO ENTER INTO AN AGREEMENT-EXPRESS OR IMPLIED-WITH ANY EMPLOYEE FOR EMPLOYMENT FOR A SPECIFIED PERIOD OF TIME UNLESS SUCH AN AGREEMENT IS IN A WRITTEN CONTRACT SIGNED BY THE TOWN BOARD OF THE TOWN.**

This Employee Handbook refers to current benefit plans maintained by the Town. Refer to the actual plan documents and summary plan descriptions if you have specific questions regarding the benefit plan. Those documents are controlling.

Likewise, if a written contract is inconsistent with the Employee Handbook, the written contract is controlling.

## **Equal Employment Opportunity**

Our Town is committed to equal employment opportunity. We will not discriminate against employees or applicants for employment on any legally-recognized basis ["protected class"] including, but not limited to: veteran status, uniform service member status, race, color, religion, sex, national origin, age, physical or mental disability, genetic information, reproductive health decision-making, status as a domestic violence victim or any other protected class under federal, state or local law.

In New York, the following are a protected class: age [18 and over], race, creed, color, religion, sex, national origin, sexual orientation, sex, disability (including use of a guide dog, hearing dog or service dog), predisposing genetic characteristics, military status, marital status, reproductive health decision-making, victims of domestic violence or stalking, and previous conviction of criminal offenses, unless directly related to employment or would involve an unreasonable risk to property, or to the safety or welfare of specific individuals, or the general public.

You may discuss equal employment opportunity related questions with the Finance Director or member of management.

In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age or disability. To file a complaint of discrimination, write USDA, Director, office of Civil Rights, 1400 Independence Ave., SW Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD).

## **Pregnancy Accommodation**

The Town will provide reasonable accommodations to female employees related to pregnancy, childbirth or related medical conditions, to the extent the accommodation can be made without imposing an undue hardship on the business.

When an employee requests a reasonable accommodation, the Town will explore with the employee the possible means of providing the reasonable accommodation, which may include, but are not limited to:

- Allowing more frequent breaks or periodic rest;
- Assisting with manual labor;
- Modifying job duties;
- Modifying work hours/schedules;
- Temporary transfer to a less strenuous or less hazardous position; or
- Providing a leave of absence.

The Town may require the employee to provide a certification in connection with a request for reasonable accommodation that includes the following:

- The date the reasonable accommodation became medically advisable;
- The probable duration of the reasonable accommodation; and

- An explanatory statement as to the medical advisability of the reasonable accommodation.

If leave is provided as a reasonable accommodation, such leave may run concurrently with the federal Family and Medical Leave Act and/or any other leave where permitted by state and federal law.

For more information, or if you require an accommodation, please contact the Finance Director.

## **Americans with Disabilities Act**

Our Town is committed to providing equal employment opportunities to qualified individuals with disabilities. This may include providing reasonable accommodation where appropriate in order for an otherwise qualified individual to perform the essential functions of the job. It is your responsibility to notify the Finance Director of the need for accommodation. Upon doing so, the Finance Director may ask you for your input or the type of accommodation you believe may be necessary or the functional limitations caused by your disability. Also, when appropriate, we may need your permission to obtain additional information from your physician or other medical or rehabilitation professionals.

## **A Word About Our Employee Relations Philosophy**

We are committed to providing the best possible climate for maximum development and goal achievement for all employees. Our practice is to treat each employee as an individual. We seek to develop a spirit of teamwork; individuals working together to attain a common goal.

In order to maintain an atmosphere where these goals can be accomplished, we provide a comfortable and progressive workplace. Most importantly, we have a workplace where communication is open and problems can be discussed and resolved in a mutually respectful atmosphere. We take into account individual circumstances and the individual employee.

We firmly believe that with direct communication, we can continue to resolve any difficulties that may arise and develop a mutually beneficial relationship.

## **Non-Harassment**

We prohibit harassment of one employee by another employee, supervisor or third party for any reason ["protected class"] including, but not limited to: veteran status, uniform service member status, race, color, religion, sex, national origin, age, physical or mental disability, genetic information or any other protected class under federal, state, or local law. Harassment of third parties by our employees is also prohibited.

In New York, the following are a protected class: age [18 and over], race, creed, color, national origin, sexual orientation, sex, disability (including use of a guide dog, hearing dog, or service dog)/ predisposing genetic characteristics, military status, marital status, victims of domestic violence or stalking, and previous conviction of criminal offenses, unless directly related to

employment or would involve an unreasonable risk to property, or to the safety or welfare of specific individuals, or the general public.

The purpose of this policy is not to regulate the personal morality of employees. It is to ensure that in the workplace, no employee harasses another for any reason or in any manner. The conduct prohibited by this policy includes conduct in any form including but not limited to e-mail, voice mail, chat rooms, Internet use or history, text messages, pictures, images, writings, words or gestures.

While it is not easy to define precisely what harassment is, it includes: slurs, epithets, threats, derogatory comments or visual depictions, unwelcome jokes and teasing.

Any employee who believes that (s)he has been harassed should report the situation immediately to one of the following members of management who have been designated to receive such complaints: Leisa Strabel at (585) 637-7588 or Robert A. Carges at (585) 637-7588 and at 18 State Street Brockport, NY 14420. If an employee makes a report to any of these members of management and the manager either does not respond or does not respond in a manner the employee deems satisfactory or consistent with this policy, the employee is required to report the situation to one of the other members of management designated in this policy to receive complaints.

The Town will investigate all such reports as confidentially as possible. Adverse action will not be taken against an employee because he or she, in good faith, reports or participates in the investigation of a violation of this policy. Violations of this policy are not permitted and may result in disciplinary action, up to and including discharge.

## **Sexual Harassment**

### **Introduction**

The Town of Sweden is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Town of Sweden's commitment to a discrimination-free work environment. Sexual harassment is against the law<sup>1</sup> and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with Town of Sweden. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

### **Policy:**

1. Town of Sweden policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the Town of Sweden. In the remainder of this document, the term "employees" refers to this collective group.

2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).

3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Town of Sweden will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Town of Sweden who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees<sup>2</sup> working in the workplace who believe they have been subject to such retaliation should inform the Supervisor of the Town of Sweden or the Director of Finance. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Town of Sweden to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including department heads who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

5. The Town of Sweden will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The Town of Sweden will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including department heads, are required to cooperate with any internal investigation of sexual harassment.

6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Town of Sweden will provide all employees a complaint form for employees to report harassment and file complaints.

7. Department heads are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Town of Sweden Supervisor or Director of Finance.

8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

### **What Is “Sexual Harassment”?**

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, 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: o 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 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.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

### **Retaliation**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. 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).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

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

testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;

opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;

reported that another employee has been sexually harassed; or

encouraged a fellow employee to report harassment.

Even if the alleged 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 harassment.

### **Reporting Sexual Harassment**

Preventing sexual harassment is everyone's responsibility. The Town of Sweden cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to their department head, Town of Sweden Supervisor or Director of Finance. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to their department head, Town of Sweden Supervisor or Director of Finance.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

All department heads who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to Town of Sweden Supervisor or Director of Finance.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, department heads will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Department heads will also be subject to discipline for engaging in any retaliation.

### **Complaint and Investigation of Sexual Harassment**

**All** complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Town of Sweden will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

Upon receipt of complaint, the Sweden Town Supervisor or Director of Finance will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.

If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.

Request and review all relevant documents, including all electronic communications.

Interview all parties involved, including any relevant witnesses;

Create a written documentation of the investigation (such as a letter, memo or email), which contains the following: a list of all documents reviewed, along with a detailed summary of relevant documents;  
a list of names of those interviewed, along with a detailed summary of their statements;  
a timeline of events; a summary of prior relevant incidents, reported or unreported; and  
the basis for the decision and final resolution of the complaint, together with any corrective action(s).

Keep the written documentation and associated documents in a secure and confidential location.

Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.

Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

### **Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the Town of Sweden but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Town of Sweden, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

### **State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (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 sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Town of Sweden does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment. You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of 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. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://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.

### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (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. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work 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 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto: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. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human

Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

### **Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

## **Employee Classifications**

### **Full-Time Employees**

For purposes of this Employee Handbook, and except as specifically provided otherwise, the term "full-time employee" will mean and refer to an employee who is regularly scheduled to work 35 or more hours per week.

### **Part-Time Employees**

For purposes of this Employee Handbook, the term "part-time employee" will mean and refer to an employee who is regularly scheduled to work less than 35 hours per week.

### **Temporary Employees**

For purposes of this Employee Handbook, the term "temporary employee" will mean and refer to an employee who is employed on an interim basis or employed to work on a special or emergency basis for a specified period, consistent with the Civil Service Law as applicable.

### **Seasonal Employees**

For purposes of this Employee Handbook, the term "seasonal employee" will mean and refer to an employee who is employed to work for a given season.

## **FLSA Non-Covered Employees**

For purposes of this Employee Handbook, "FLSA non-covered employee" will mean and refer to an employee not covered under the Fair Labor Standards Act (FLSA).

Recreation Leader

## **FLSA Exempt Employees**

For purposes of this Employee Handbook, "FLSA exempt employee" will mean and refer to a covered employee who qualifies for an exemption from the minimum wage and overtime provisions of the Fair Labor Standards Act. The following positions are considered exempt:

Assessor	Fire Marshal
Director of Finance	Deputy Supervisor
Chief Court Clerk	Town Attorney
Recreation Director	Deputy Town Attorney
Building Inspector	

## **FLSA Non-Exempt Employees**

For purposes of this Employee Handbook, the term "FLSA non-exempt employee" will mean and refer to a covered employee who is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act. The following positions are considered non-exempt:

Assessment Clerk	All Laborers (full and part-time)
Clerk to Town Justice	Secretary to Planning Board
Clerk (part-time)	Receptionist/Typist
Dog Control Officer	Recreation Assistant
Assistant Dog Control Officer, PT	Secretary to Superintendent of Highways
Court Attendant (part-time)	Deputy Superintendent of Highways
Deputy Town Clerk	Motor Equipment Operator (MEO)
Working Foreman	Heavy Motor Equipment Operator (HEO)
Automotive Mechanic	Road Foreman

## **Driver's License/Driving Record**

Employees in positions where the operation of a motor vehicle is an essential duty of the position must present and maintain a valid driver's license and acceptable driving record to our insurer. Changes in your driving record must be reported to your supervisor immediately. Violations of this policy may result in immediate termination of your employment.

## **Immigration Reform and Control Act**

In compliance with the federal Immigration Reform and Control Act of 1986 (IRCA), as amended, and any state law requirements, if applicable, our Town is committed to employing only individuals who are authorized to work in the United States.

Each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility.

If an employee is authorized to work in this country for a limited time period, the individual will be required to submit proof of renewed employment eligibility prior to expiration of that period to remain employed by the Town.

## **New Employee Orientation**

Upon joining our Town, you were given access to a copy of our Employee Handbook. After reading the Employee Handbook please sign the receipt page and return it to the Finance Director. You will be asked to complete personnel, payroll and benefit forms.

If you require a paper copy of the Employee Handbook, one will be provided by the Finance Director.

Your supervisor is responsible for the operations of your department. (S)he is a good source of information about the Town and your job.

## **Dispute Resolution Procedure**

**Policy Statement** – The Town 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 Town Board which will enhance the overall operation of the Town. The Town will attempt to resolve all work-related complaints that are appropriate for handling under this policy.

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

- A belief that Town policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee;
- Treatment considered unfair by an employee, such as coercion, reprisal, harassment, or intimidation;
- Alleged discrimination because of race, color, sex, age, religion, national origin, marital status, or disability; and
- 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 Employee Handbook that was allegedly violated and a statement of facts, times, dates, and the remedy sought.

Within seven working days after receiving the dispute, the Department Head will meet with the employee to discuss and attempt to resolve the matter informally. If an informal resolution is not possible, within seven working days from the meeting, the Department Head will issue a written response which will be given to the Town Supervisor and the employee.

**Step Two** – In the event the employee is not satisfied with the response at Step One, the employee may submit the matter to the Town Supervisor. 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.

Within seven working days after receiving the dispute, the Town Supervisor will investigate the matter and issue a written response which will be given to the employee.

**Step Three** – In the event the employee is not satisfied with the response at Step Two, the employee may submit the matter to the Town Board by filing a Request for Hearing with the 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 grievance as outlined in Step One of this Procedure.

The Town Board will set the time and place for the hearing. All decisions rendered by the Town 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 Town 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 Town to proceed with any disciplinary action that is not in retaliation for the use of this procedure.

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

## **Conflict of Interest Policy**

No Town employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest. Furthermore, no Town employee or member of any Board shall vote on any matter in which they have an interest or an appearance of an interest on any matter in which there is a conflict.

- (1) All Employees and Members of Boards must disclose conflicts or potential conflicts on the Form "Town of Sweden Conflict of Interest Policy Acknowledgement and Disclosure Statement." This shall be a duty upon hiring, appointment or election and shall be a continuing duty for employees should such a conflict or potential conflict arise during an Employee's employment with the Town.
- (2) All disclosed conflicts will be reviewed by the Supervisor and/or Town Attorney and filed in the Supervisor's office. The Supervisor and/or Town Attorney will make one of two determinations:
  - a. No further review required. Situation does not appear to directly impact the design, conduct or reporting of Town Activities; or
  - b. A real or potential conflict of interest exists. The extent of the conflict and steps to manage the risk will be described in a Management Plan prepared by the Supervisor and/or Town Attorney.

## **Whistleblower Policy**

The Town encourages its employees to report improper activities in the workplace and will protect employees from retaliation for making any such report in good faith.

### **Employee Rights**

Employees have the right to report, without suffering retaliation, any activity by the Town or a Town official or employee that the employee reasonably believes: 1) violates any federal, state or local law, rule or regulation; 2) creates or presents a substantial and specific danger to the public health or safety; or 3) constitutes an improper governmental action (hereinafter collectively referred to as "Concerns").

In addition, employees can refuse to participate in an activity that would result in a violation of state or federal statutes, or a violation or noncompliance with a state or federal rule or regulation.

Employees are also protected from retaliation for having exercised any of these rights in any former employment.

The whistleblower protection laws do not entitle employees to violate a confidential privilege of the Town (such as the attorney-client privilege) or improperly disclose confidential information.

### **Where to Report**

Employees have the duty to comply with all applicable laws and to assist the Town to ensure legal compliance. An employee who observes or suspects a Concern or problem with legal compliance is required to report the situation to the Finance Director.

## Section 2: Your Pay and Progress

### Time Records

**Policy Statement** – All FLSA non-exempt employees, FLSA non-covered employees and FLSA exempt employees are required to complete an individual time record showing the daily hours worked.

**Procedures** – An employee required to complete a time record must comply with the following procedures:

- Time records must be completed by the close of each work week;
- All time worked, including the beginning and ending time, must be recorded;
- All paid and unpaid leaves of absence must be recorded;
- Employees must complete their own time record;
- The time record must be submitted to Department Head at the time specified;
- The time record must be verified and signed by the Department Head and filed bi-weekly with the Town Supervisor no later than 9:30 AM on the Monday prior to payday.

**Correction of Errors** – An employee must immediately bring errors in time records to the attention of the Department Head/Supervisor 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.

### Payday

Employees will be paid biweekly on Thursday for the period that ends on the previous Friday.

When our payday is a holiday, you normally will be paid on the last working day before the holiday.

The Finance Director will deliver paychecks to Department Heads for further distribution to employees. Department Heads will not release a paycheck to anyone other than the employee unless the employee has submitted a signed written authorization to the Finance Director.

Please review your paycheck for errors. If you find a mistake, report it to the Finance Director immediately. The Finance Director will assist you in taking the steps necessary to correct the error.

## **Paycheck Deductions**

The Town is required by law to make certain deductions from your paycheck each pay period. Such deductions typically include federal and state taxes and Social Security (FICA) taxes. Depending on the benefits you choose, there may be additional deductions. All deductions and the amount of the deductions are listed on your pay stub. These deductions are totaled each year for you on your Form W-2 Wage and Tax Statement.

It is the policy of the Town that exempt employees' pay will not be "docked" or subject to any deductions, in violation of salary pay rules issued by the United States Department of Labor and any corresponding rules issued by the state government, as applicable. However, the Town may make deductions from employees' salaries in a way that is permitted under federal and state wage and hour rules. Employees will be reimbursed in full for any isolated, inadvertent, or improper deductions, as defined by law.

Thus, exempt employees may be subject to the following salary deductions, except where prohibited by state law, but only for the following reasons:

- Absences of one or more full days for personal reasons, other than sickness or disability; or
- Absences of one or more full days due to sickness or disability, if there is a plan, policy, or practice providing replacement compensation for such absences; or
- Absences of one or more full days before eligibility under such a plan, policy, or practice or after replacement compensation for such absences has been exhausted; or
- Suspensions of one or more full days for violations of safety rules of major significance; or
- Suspensions of one or more full days for violations of written workplace conduct rules, such as rules against sexual harassment and workplace violence; or
- Payment of actual time worked in the first and last weeks of employment, resulting in a proportional rate of an employee's full salary; or
- Any unpaid leave taken under the Family and Medical Leave Act; or
- Negative paid-time-off balances, in whole-day increments only.

If any questions or concerns about any pay deductions arise, employees may discuss and resolve them with the Finance Director.

## **Garnishment/Child Support**

When an employee's wages are garnished by a court order, our Town is legally bound to withhold the amount indicated in the garnishment order from the employee's paycheck. Our Town, will however, honor applicable federal and state guidelines that protect a certain amount of an employee's income from being subject to garnishment.

## Direct Deposit

Employees have the option of receiving your pay in a payroll check or having your pay deposited into your bank account through our direct deposit program. The employee must submit a signed, written authorization for the direct deposit program to the Finance Director.

## Wage and Salary

**Rate of Pay** – An employee’s rate of pay will be established by the Town Board.

**Merit Increases** – An employee may receive a pay increase based upon the employee’s past performance. The merit increase will be granted at the discretion of the Town Board.

**Longevity Bonus** – A bonus may be paid to all employees based on employment longevity. Employees eligible for the bonus have to be scheduled to work for the Town of Sweden a minimum of 30 hours per week. A bonus will be paid according to the following schedule unless it is determined by the Town Board that the employee’s service has been less than satisfactory.

5 years	\$500
10 years	\$1,000
15 years	\$1,500
20 years and beyond (at 5 year intervals)	\$2,000

## Overtime

**FLSA Non-Covered and Exempt Employees** – In accordance with the Fair Labor Standards Act, FLSA non-covered and exempt employees will not be paid for overtime nor receive “compensatory time” for any hours worked in excess of the employee’s normal workday or workweek.

**Compensatory Time, FLSA Non-Exempt Employees** – a FLSA non-exempt employee will be credited with compensatory time on a one-for-one basis for all hours worked above the standard thirty-five (35) hour work week up to a forty (40) hour work week. In lieu of compensatory time, an employee may choose cash payment at their current straight-time rate. The exception to this policy is full-time employees of the Buildings and Grounds Department and Highway Department who work a forty (40) hour work week.

In addition, a FLSA non-exempt employee will be paid one and one-half hours of compensatory time for all authorized time worked over forty (40) hours in a work week. In lieu of compensatory time, an employee may choose cash payment at time and one-half. Authorized time is defined for purposes of this section of the handbook as time in excess of forty (40) hours per week, which is pre-approved by the employee’s department head, the Town Supervisor or the Town Board.

An employee may accumulate up to fifty hours in compensatory time credits. In the event an employee accrues more than fifty compensatory credits, the employee must use the excess compensatory leave credits within the pay-period in which it is earned. An employee must use all compensatory leave credits by the last day of the final payroll of the year or the compensatory leave credits will be forfeited. No cash payment will be made for compensatory leave credits.

**Authorization** –A Department Head may require an employee to work additional hours beyond the employee’s normal workday and workweek. An employee must receive prior approval from the employee’s Department Head or supervisor before working additional hours. An employee is not entitled to compensatory overtime pay for additional hours worked without proper authorization.

**Credit for Paid Leave** – Personal leave, vacation leave, sick leave and holidays will be included as time worked for the purpose of computing overtime. Bereavement leave, jury duty leave, and all military leave will not be included as time worked for the purpose of computing overtime.

**Termination from Employment** – An employee whose employment with the Town is terminated will forfeit any unused compensatory leave credits. No cash payment will be made for compensatory leave credits.

## Section 3: The Civil Service System

The following is intended as a guide. The Civil Service Law and the Monroe County Civil Service Commission shall govern regarding the jurisdictional classification of positions and the appointment and promotion of personnel.

### The Unclassified and Classified Services

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

1. **Classified Service** – In accordance with Civil Service Law and for purposes of this Employee Handbook, the term “Classified Service” as defined by the Civil Service Law and the Rules of the Monroe County Civil Service Commission will include all Town employees who are subject to the Rules of the Monroe County Civil Service Commission. The Classified Service is divided into four jurisdictional classes:
2. **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);
3. **Competitive** – those positions for which it is practicable to determine merit and fitness by competitive examination;
4. **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,
5. **Labor** – unskilled labor positions, except those positions which can be examined for competitively

### 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.

## **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 Town intends to maintain, the Town will fill the vacancy by selection from the eligible list certified by the Monroe County Civil Service Commission or persons who have taken the appropriate Civil Service examination. The Monroe County Civil Service Commission will test and rank each candidate according to the individual's performance on the examination. In accordance with Civil Service Law Section 61, the Town will select one of the top three available candidates on the list to fill the position.

**Promotions** – The Town will offer opportunities for advancement for those employees who qualify. In the event the position is in the Competitive Class, a qualified employee must normally take a promotional examination and the above "one of three" will apply. 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.

## **Veteran's Credits**

**Summary** – An employee who is a veteran as defined by the Civil Service Law may be eligible to apply for veteran's credits on a Civil Service examination. An employee who is a veteran should contact the Monroe County Civil Service Commission for details concerning these credits.

## Section 4: Employment Matters

### Oath of Office

**Requirement** – Each Town Officer as defined in the Town Law and the Public Officers Law, must take an Oath of Office in accordance with Town Law Section 25 and Public Officers Law Section 10; which must be administered prior to commencing the duties of the office and must be filed in the office of the Town Clerk, within thirty calendar days of commencement of the term of 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 must be filed in either the Office of the County Clerk or the Town Clerk within thirty days of commencement of the term of office.

### Procedure for Filling Vacancies

**Statement of Compliance** – The Town of Sweden complies with all applicable federal, state and local laws, rules, and regulations throughout the employee selection process, including but not limited to, the Public Officers Law, Town Law, Civil Service Law, Title VII, and the Americans with Disabilities Act, and is an Equal Opportunity employer.

**Notification of Vacancies** – In the event there is a vacancy in a new or existing position which the Town intends to maintain, the vacancy will be advertised in the official newspaper and/or posted and qualified individuals interviewed.

**Residency Preference** – In the event there is a vacancy in a new or existing position in which the Town intends to maintain, the Town may give preference to qualified applicants who are residents of the Town.

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

**Employment Reference Checks** – To ensure that individuals who join the Town are well qualified and have a strong potential to be productive and successful, it is the policy of the Town to check the employment references of all qualified applicants.

**Background Checks** – To ensure the health, safety and welfare of all individuals using Town recreation facilities (Community Center, Senior Center and Park), it is the policy of the Town to obtain a background check on all potential recreation employees, at the expense of the individual.

## Probationary Period

**Purpose of Probationary Period** – 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 (Competitive Class)** – Except as otherwise provided in the Rules of the Monroe County Civil Service Commission, an employee appointed from an open-competitive list must serve a probationary period of not less than eight weeks nor more than fifty-two weeks. The length of the probationary period may only be extended in accordance with the Rules of the Monroe County Civil Service Commission. Typically the Town of Sweden uses six (6) months for the length of the probationary period.

**Length of Probationary Period (Other Classes)** – Except as otherwise provided in the Rules of the Monroe County Civil Service Commission, an employee's original appointment to a position in the exempt, non-competitive, or labor class shall be for a probationary period of not less than eight nor more than fifty-two weeks. The length of the probationary period may only be extended in accordance with the Rules of the Monroe County Civil Service Commission. Typically the Town of Sweden uses six (6) months for the length of the probationary period.

**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, completion of the probationary period does not necessarily confer rights or privileges in the position.

**Failure to Successfully Complete Probationary Period** – In the event the employee's performance or conduct is not satisfactory, the Town may dismiss the employee from employment at any time after the completion of the minimum probationary period and before completion of the maximum probationary period. If the performance or conduct of an employee serving a probationary period, who has been promoted or transferred, is not satisfactory, the employee shall be returned to the employee's former permanent position at the end of the probationary period.

## Performance Appraisal

**Statement of Purpose** – The purpose of performance appraisal is to evaluate employee performance. The performance appraisal will take into consideration criteria that properly reflect the employee's performance including, but not limited to, the employee's work quality, job knowledge, initiative, attitude, attendance, teamwork, conduct, and communication skills. The employee's performance appraisal may be considered as a factor in promotion and disciplinary action.

**New Employee** – A new employee will be formally evaluated during the first six months of employment with the Town.

**Frequency** – An employee will be formally evaluated at least once each year on a date determined by the employee's department Head, as directed by the Town Board. Unless otherwise specified by the Town Board, evaluations must be presented to the Town Board by the first of August. Informal evaluations will occur on an as needed basis throughout the performance cycle.

**Post-evaluation Conference** – After an evaluation, the evaluator will meet with the employee to review the employee's performance appraisal report.

**Deficiencies** – Should deficiencies be recorded in the performance of the employee, the employee will receive specific, reasonable, written recommendations for improvement.

**Employee Reply** – An employee's written reply, if any, will be attached to the performance appraisal report.

## **Corrective Discipline**

**Policy Statement** – It is the policy of the Town of Sweden that certain rules and regulations regarding employee behavior are necessary for the benefit and safety of all employees, the efficient operation of the Town and the delivery of services to residents of the Town. Any conduct that interferes with operations or that discredits the Town will not be tolerated. An employee must conduct his or herself in a positive manner so as to promote the best interests of the Town.

**Communication** – Open and candid communications with all employees is an important aspect of the Town of Sweden'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. When appropriate, a counseling session will precede disciplinary action. The employee's input is extremely important to ensure that all the facts have been considered. After such a review, corrective action is discussed with the employee and the management involved.

**Forms of Discipline** – Employees covered by Civil Service Law Section 75 shall be disciplined in accordance with the provisions contained therein. In normal circumstances, the Town endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does however, retain the right to discipline employees in any manner it sees fit. When appropriate, a counseling session will precede disciplinary action. Progressive discipline may include written warnings, suspension without pay, or termination of employment, depending on the circumstances. The Town does not guarantee that one type of discipline will precede another. Furthermore, the Town reserves the right to suspend an employee while an investigation is conducted.

**Corrective Action Notice** – Employees are given the opportunity to agree or disagree with the results and write a brief statement on the corrective action notice, if desired. However, as a

condition of employment, employees are required to sign the corrective action notice to indicate that a discussion of the issue has taken place. Failure to comply with this policy could result in further disciplinary action, up to and including termination of employment. Employees receive a copy of any written notice issued by the Town.

**Prohibited Conduct** – Any employee who, after investigation, is found to have violated the policies, procedures, rules, or regulations outlined in this Employee Handbook or those established by the employee's department, or is found to have engaged in misconduct will be subject to disciplinary action in accordance with this policy or Civil Service Law Section 75 as applicable.

- Falsification of any records or reports, employment applications, medical reports, time records, working-related records, absence from work, injuries on the job, claims for benefits provided by the Town;
- Intimidation, coercion, threatening, or assault of, or fighting or interfering with, other employees, Elected Officials, residents of the Town; or any other person;
- Engagement in any form of discrimination or harassment, including sexual harassment;
- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities;
- Refusal to obey instructions of a Department Head or supervisor or any other form of insubordination
- Careless or negligent use or operation of equipment, including vehicles and machinery;
- Willful or deliberate abuse, destruction, defacement, misuse, or theft of Town property or removal of Town property without permission;
- Illegal gambling on Town property;
- Sleeping on the job, unless authorized by a Department Head or supervisor;
- Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment;
- Failure to adhere to the personal appearance/dress code policy;
- Repeated violations of Town policies, procedures or prohibited conduct;
- Leaving work area without permission, as defined by the Department Head;
- Excessive tardiness and/or absences (except those absences covered by state and/or federal statutes);
- Unauthorized absences or repeated failure to give proper notice;
- Possession or use of controlled substances or alcohol while on Town property or in Town vehicles;
- Possession of illegal or unlicensed firearms or explosives on Town property or in Town vehicles; or
- Acts of sabotage.

The above list is illustrative and is not intended to limit the Town's right to impose discipline in other appropriate cases.

## **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 Town.

**Employees Not Covered by Section 75** – The following employees are not covered under Section 75:

- Any employee in the **Unclassified Service** (such as Elected Officials and members of boards and commissions).
- A **newly hired employee** serving a required probationary period, even if the employee is a veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law;
- An employee holding a position in the **Non-Competitive Class** who has less than five years of continuous uninterrupted service, unless the employee is an eligible veteran, as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, who has successfully completed the required probationary period;
- An employee holding a position in the **Non-Competitive Class** designated as **management/confidential**;
- An employee holding a position in the **Exempt Class**, unless the employee is an eligible veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, who has successfully completed the required probationary period;
- An employee holding a position by **provisional appointment**; and
- A **Temporary** or **Seasonal** employee.

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

- 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 Class who has been employed for at least five years of continuous uninterrupted service in the non-competitive class, except when such an employee holds a position designated as management/confidential. Even though the employee has completed the required probationary period and has received permanent appointment or employment in the non-competitive class, the employee is not covered under Section 75 until the employee has completed five years of continuous service in the non-competitive service;
- An employee holding a position in the Labor Class who has completed at least five years of continuous service in the Labor Class. Service in the Non-Competitive Class and Labor Class may not be combined in order to complete the five year requirement for Section 75 rights;
- 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.

**Disciplinary Procedure** – The following disciplinary procedure shall apply to employees covered by Civil Service Law Section 75.

**Section 75 Hearing** – Any employee who is covered under the New York State Civil Service Law Section 75 will not be subjected to any disciplinary penalty except for incompetence or misconduct shown after a hearing upon stated charges, pursuant to that law.

**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 Town and the employee, 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 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:

- Written 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 Town employment

**Finding of Not-Guilty** – In the event the employee is found to be not guilty, 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 office of the department in which the employee is employed. A copy will also be filed with the Monroe County Civil Service Commission.

## **Code of Ethics**

### **Definitions:**

**Town** – Any board, commission, district, council or other agency, department or unit of government of the Town of Sweden.

**Town Employee** – Any officer or employee of the Town of Sweden, whether paid or unpaid, whether serving in a full-time, part-time or advisory capacity.

**Interest** – A pecuniary or material benefit accruing to a municipal employee unless the context requires otherwise.

**Rule with Respect to Conflicts of Interest** – No Town employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction of professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

**Standards of Conduct** – An officer or employee is subject to, and must abide by, the following standards of conduct:

- No Town employee shall accept other employment which impairs the employee's independence of judgment in the exercise of the employee's official duties.
- No Town employee shall accept employment or engage in any business or professional activity which will require the employee to disclose confidential information which the employee has gained by reason of the employee's official position or authority.
- No Town employee shall use or attempt to use the employee's official position to secure unwarranted privileges or exemptions for the employee or others.
- No Town employee shall engage in any transaction as a representative or agent of the Town with any business activity which the employee has direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of the employee's official duties.
- A Town employee shall not, by the employee's conduct, give reasonable basis for the impression that any person can improperly influence the employee or unduly enjoy the employee's favor in the performance of the employee's official duties or that the employee is affected by the kinship, rank, position or influence of any party or person.
- Each Town employee shall abstain from making personal investments in enterprises which the employee has reason to believe may be directly involved in decisions to be made by the employee or which will otherwise create substantial conflict between the employee's duty in the public interest and the employee's private interest.

- Each Town employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that the employee is likely to be engaged in acts that are in violation of the employee's trust.
- To that end, no Town employee shall either directly or indirectly, sell, acquire, barter, lend, exchange, use or dispose of any Town property whatsoever.
- No Town employee employed on a full-time basis nor any firm or association of which such employee is a member nor corporation, a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee, shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the Town in which such employee serves or is employed.

**Violations** – 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.

## **Conflict of Interest Policy and Disclosure Statement**

When faced with a situation where an employee could benefit and leave the Town at a disadvantage, the employee must choose to protect the interests of the Town. The Town Code and the Town Employee Handbook contain a Code of Ethics to provide employees with standards of conduct and rules for conflicts of interest.

No Town employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest. Furthermore, no Town employee or Member of any Board shall vote on any matter in which they have an interest or an appearance of an interest or on any matter in which there is a conflict.

(1) All Employees and Members of Boards must disclose conflicts or potential conflicts on the Form "Town of Sweden Conflict of Interest Policy Acknowledgement and Disclosure Statement." This shall be a duty upon hiring, appointment or election and shall be a continuing duty for employees should such a conflict or potential conflict arise during an Employee's employment with the Town.

(2) All disclosed conflicts will be reviewed by the Supervisor and/or Town Attorney and filed in the Supervisor's office. The Supervisor and/or Town Attorney will make one of two determinations:

- a. No further review required. Situation does not appear to directly impact the design, conduct or reporting of Town Activities; or
- b. A real or potential conflict of interest exists. The extent of the conflict and steps to manage the risk will be described in a Management Plan prepared by the Supervisor and/or Town Attorney.

The Town does not consider all situations appearing to have a potential conflict of interest to be considered inappropriate; rather, many of these relationships may simply represent a greater vested interest in the success of the Town, and proactive involvement of our employees in community service and involvement. Often, these outside activities result in mutual benefit to the Town and our employees; disclosure allows the Town to partner with employees to manage the risks as well as maximize the benefits of these opportunities.

All employees of the Town must periodically disclose any significant non-Town personal, family or business relationships which could result in a benefit to the employee. For the purposes of this disclosure, family is defined as: spouse or domestic partner; child, guardian/ward, step-child, foster child; mother, father step-mother, step-father, mother-in-law, father-in-law; brother, sister, step-brother, step-sister, half-brother, half-sister, brother-in-law, sister-in-law; grandparent, great-grandparent, grandchild; the same relationships with a domestic partner.

## **Personnel File**

**Policy Statement** – It is the policy of the Town to balance its need to obtain, use, and retain employment information with a concern for each employee's privacy. To this end, the Town will endeavor to maintain only that personnel information necessary for the conduct of the Town'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 records maintained by the Town include, but are not limited to: Employment Applications, Payroll Change Notice, copies of job-required licenses and certificates, Federal and State Withholding Tax Forms, Retirement Enrollment/Waiver Forms, Health Insurance Enrollment/Waiver Forms, performance appraisal forms, disciplinary and dispute notices, letters of acclamation, and probationary reports.

**Location of Files** – All original personnel records for current employees will be kept in the Office of the Director of Finance and will be maintained and controlled by the Director of Finance.

**Immigration (I-) Forms** – All Immigration (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 file apart from the employee's personnel file in the Office of the Director of Finance and will be maintained and controlled by the Director of Finance. ***For security purposes, these files will be locked at all times.***

**Change in Status** – An employee must immediately notify the Director of Finance 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.

**Employee Access** – An employee may review and copy the contents of the employee's own personnel file. The employee must make an appointment with the Director of Finance. An authorized official must be present when the employee inspects the file. The employee may not remove or place any material in the file without the approval of the Director of Finance. Copies of records contained in an employee's personnel file may not be released to a third party without the written consent of the employee, unless federal, state or local laws require otherwise.

## **Separation of 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. Failure to submit the proper notice shall result in the loss of payment for accruals. This provision may be waived by the Town Board.

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

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

**Exit Interviews** – Exit interviews are normally conducted by the Director of Finance of Town Supervisor. The exit interview provides an opportunity to discuss a number of items including employee benefits, COBRA eligibility, and return of Town property. During the exit interview, employees are encouraged to give suggestions, concerns and constructive recommendations.

**Final Paycheck** – Employees receive their final paycheck on the next regularly scheduled payday. The final paycheck includes payment for accumulated vacation benefits. The cost of non-return of Town property may result in employee payment. Such payment will be deducted from the employee's final paycheck.

## **Section Five: Time Away From Work and Other Benefits**

### **Employee Benefits**

Our Town has developed a comprehensive set of employee benefit programs to supplement our employees' regular wages. Our benefits represent additional income to our employees.

This Employee Handbook describes the current benefit plans maintained by the Town. Refer to the actual plan documents and summary plan descriptions if you have specific questions regarding the benefit plan. Those documents are controlling.

The Town reserves the right to modify its benefits at any time. We will keep you informed of any changes.

### **Holidays**

**Designated Holidays** – the Town of Sweden offices will observe the following holiday:

1. New Year's Day
2. Martin Luther King, Jr. Day
3. Presidents' Day
4. Good Friday
5. Memorial Day
6. Independence Day
7. Labor Day
8. Columbus Day
9. Veterans Day
10. Thanksgiving Day
11. Christmas Day

**Floating Holidays** – In addition to the designated holidays, a full-time employee will receive two floating holidays annually. The dates for these holidays will be determined upon recommendation of the Town Clerk at the annual organizational meeting.

The Town of Sweden Highway Department will observe the following holidays:

1. New Year's Day
2. Good Friday
3. Memorial Day
4. Independence Day
5. Labor Day
6. Columbus Day
7. Election Day
8. Veterans Day
9. Thanksgiving Day
10. Day after Thanksgiving Day

## 11. Christmas Day

**Floating Holidays** – In addition to the designated holidays, a full-time employee will receive two floating holidays annually. The dates for these holidays will be determined annually by the Superintendent of Highways.

**Eligibility** – A full-time employee is eligible for holiday pay at the employee's regular rate of pay. A part-time, temporary, or seasonal employee is not eligible for holiday pay.

**Holiday Observance** – In the event a designated holiday occurs on a Saturday, the holiday will be observed on the preceding Friday. In the event a designated holiday occurs on a Sunday, the holiday will be observed on the following Monday.

**Holiday Pay Requirement** – A FLSA non-exempt employee must work the employee's scheduled workday before and the employee's scheduled workday after a designated holiday in order to receive holiday pay, except when the employee is on pre-approved vacation, personal, sick or bereavement leave.

**Assigned to Work on a Holiday** – a full-time FLSA non-exempt employee who is required by the Department Head to work on a designated holiday will receive holiday pay plus wages at time and one-half for all hours worked on the holiday. A part-time, temporary or seasonal employee who works on a designated holiday will be paid at the employee's regular rate of pay.

**Recreation Department/Community Center** – Because of the operational hours of the Community Center some employees will be required to work on designated holidays. In order to compensate these employees they will be entitled to holiday leave to be scheduled within the same payroll period as the town designated holiday. An employee must request holiday leave during the prior payroll period in writing. All pay is at the employee's regular rate of pay.

## Vacation Leave

**Eligibility** – A full-time employee is eligible for paid vacation leave. A part-time, temporary or seasonal employee is not eligible for paid vacation leave but may be allowed to take time-off without pay provided the employee has prior approval from the Department Head.

**New Employees** – A newly hired full-time employee will receive five days of vacation leave after six months of continuous employment to be credited on the six-month anniversary date. After one year of continuous employment, the employee will receive another five days of vacation leave to be credited on the employee's one-year anniversary date.

**Allowance** – a full-time employee will be credited with paid vacation leave in accordance with the vacation schedule below. Vacation Leave is based on the average number of hours an employee is normally scheduled to work each week. An employee may take vacation leave only after it has been credited. The employee will be credited on their anniversary date for the vacation leave earned during the previous year.

Completed Years	Vacation Days	Completed Years	Vacation Days
After 2 years	10 days	After 8 years	16 days
After 3 years	11 days	After 9 years	17 days
After 4 years	12 days	After 10 years	18 days
After 5 years	13 days	After 15 years	20 days
After 6 years	14 days	After 20 years	25 days
After 7 years	15 days		

**Continuous Service** – Continuous Service shall mean uninterrupted service. An authorized leave of absence without pay, or a resignation followed by reinstatement within thirty days following such resignation, shall not constitute an interruption 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 request vacation leave at least twenty-four hours in advance prior to use of such leave in order to receive prior approval from the employee's Department Head. Vacation leave credits may not be used in increments of less than one hour. The Department Head will have total discretion in the approval of vacation leave.

**Carry-Over** – With prior approval of the Department Head, an employee may carryover vacation leave credits to a maximum of five days in any year. The days must be used during the year into which they were carried over.

**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 the event an employee leaves employment due to disciplinary action, the employee will not receive a settlement for unused vacation leave. In cases of death of an employee, the Town will pay the employee's designated beneficiary for any unused vacation leave.

**Change of Employment Classification** – An employee whose classification changes from full-time to part-time and has accumulated vacation leave will receive a cash payment for unused leave to which the employee is properly entitled at the employee's then current rate of pay.

## **Personal Leave**

**Eligibility** – A full-time employee is eligible for paid personal leave upon being granted permanent status. A part-time, temporary, or seasonal employee is not eligible for paid personal leave.

**Allowance** – A full-time employee may be credited with up to three days of paid personal leave on an annual basis. The employee will be credited on January 1 of each year. An employee may take personal leave only after it has been credited.

**New Employee** – A new employee will be credited with one day of paid personal leave after the completion of six months of continuous service. Thereafter, the employee will be credited with 3 days of paid personal leave on each subsequent January 1.

**Proper Use of Personal Leave** – An employee may use personal leave credits to conduct personal business which cannot be conducted outside of normal working hours, non-emergency medical and dental appointments, religious observances, and for personal emergencies. In no event may personal leave credits be used on the scheduled workday immediately prior to or following a holiday or vacation; in lieu of sick leave or other leaves of absences, except to extend bereavement leave. Personal leave credits may not be used in increments of less than one hour.

**Scheduling** – An employee must request personal leave twenty-four hours in advance prior to use of such leave in order to receive prior approval from the employee's Department Head. This approval must be in writing. 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 calendar year will be canceled.

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

**Change of Employment Classification** – An employee whose classification changes from full-time to part-time and has personal leave credits will be entitled to use the leave within the current calendar year until the balance is exhausted. Any personal leave remaining unused will be canceled. No new hours are accumulated on the following January 1.

## **Sick Leave**

**Eligibility** – A full-time employee is eligible for paid sick leave after the completion of six months of continuous employment. A part-time, temporary, or seasonal employee is not eligible for paid sick leave.

**Allowance** – a full-time employee will be credited with one day of paid sick leave each month. An employee may take sick leave only after it has been credited. The employee will be credited on the first day of the month after it has been earned.

**Accrual During Leaves of Absence** – 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.

**Proper Use of Sick Leave** – Sick leave credits may not be used in increments of less than one-half hour. Sick leave is provided to protect an employee against financial hardship during an illness or injury. An employee may use sick leave credits for personal illness or injury that inhibits the employee's work including the following:

- Sickness or injury of employee, or preventative health care.
- Serious illness in or preventative health care for an employee's immediate family requiring the care or attendance of the employee. Immediate family is to include mother, father, spouse, child or other relative who is in the care of or part of the employee's household.
- Quarantine regulations.

**Medical Verification** – The Town may require medical verification of an employee's absence if the Town 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. If an employee is on an authorized leave of absence, the provisions of the Family and Medical Leave Policy in this Employee Handbook shall apply.

**Accumulation** – An employee may accumulate sick leave credits to a maximum of 165 days.

**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.

**Retirement Credit** – The Town Board has elected to provide Section 41 (j) of the Retirement and Social Security Law which allows credit for a portion of accumulated sick leave at the time of retirement.

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

**Change of Employment Classification** – An employee whose classification changes from full-time to part-time and has accumulated sick leave credits will be entitled to use the leave until the balance is exhausted. No new leave will be accumulated.

## **Jury Duty Leave**

**Jury Leave** – in the event an 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 Town is paying the employee's full salary during jury duty. An employee can collect and keep any mileage 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 Town 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.

## **Voting Leave**

Our Town believes that every employee should have the opportunity to vote in any state, local or federal election, general primary or special primary. In accordance with Election Law 3-110, any employee will be granted up to three paid hours off in order to vote. Any additional time off will be without pay.

Employees requiring paid leave to vote must notify, in writing, his or her department head at least two days prior to the election for which he or she is requesting paid leave to vote. The department head will determine whether paid leave to vote will be taken at the beginning or end of the employee's shift unless otherwise mutually agreed upon between the employee and the department head.

Exempt employees may be provided additional time off with pay when necessary to comply with state or federal wage and hour laws.

When you return from voting leave, you must present a voter's receipt to your Department Head as soon as possible.

## **Military Leave**

Employees who are required to fulfill military obligations in any branch of the Armed Forces of the United States or in state military service will be given the necessary time off and reinstated in accordance with federal and state law.

Full-time employees are paid their normal rate of pay for up to a maximum of 22 days. Thereafter, the time off is unpaid, unless state law dictates otherwise.

All other employees are granted an unpaid leave in order to serve, except where state law dictates otherwise.

Exempt employees may be provided additional time off with pay when necessary to comply with state and federal wage and hour laws.

Accrued vacation may be used for this leave if the employee chooses. Military orders should be presented to the Finance Director and arrangement for leave made as early as possible before departure. Employees are required to give advance notice of their service obligations to the Town unless military necessity makes this impossible. You must notify the Finance Director of

your intent to return to employment based on requirements of the law. Your benefits may continue to accrue during the period of leave in accordance with state and federal law.

Additional information regarding military leaves may be obtained from the Finance Director.

## **Family Military Leave**

Eligible employees who are the spouse of 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 theatre or combat zone may take up to ten days of paid family military leave during the military service member's leave or deployment.

To be eligible for family military leave, employees must work an average of twenty hours or more per week.

## **Volunteer Emergency Responders Leave**

During the time than an emergency exists following a declaration of emergency under the law, the Town will grant a "volunteer emergency responder" an unpaid leave of absence while engaged in the actual performance of his or her duties as a volunteer firefighter or an enrolled member of a volunteer ambulance service unless the Town determines that the employee's absence would impose an undue hardship on Town business.

The Town will only grant leave when it has previously received written documentation from the head of the fire department or volunteer ambulance service documenting the employee's status as a volunteer firefighter or member of a volunteer ambulance service.

## **Witness Leave**

Employees are given the necessary time off without pay to attend or participate in a court proceeding in accordance with state law. We ask that you notify your Department Head of the need to take witness leave as far in advance as is possible.

Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

## **Bone Marrow Donation Leave**

Employees who work an average of 20 hours or more each week are eligible to receive up to 24 hours of paid leave to donate bone marrow.

Please provide the Finance Director with written physician verification of the purpose and length of each leave.

For more information regarding this leave, please see the Finance Director.

## **Blood Donation Leave**

Employees who work an average of 20 or more hours per week are entitled to up to three hours of paid leave in any 12-month period to donate blood.

The 12-month period will be based on the calendar year.

Employees must give “reasonable notice” of their intent to take leave to give blood.

For more information regarding this leave, please see your Department Head.

## **Bereavement Leave**

Full-time employees are eligible for three paid days for the death of an immediate family member. Members of the immediate family include spouses, domestic partner’s parents, brothers, sisters, spouses of siblings, children, children of domestic partners, grandchildren, grandparents, parents-in-law and parents of domestic partners. The three days must be taken within two weeks of the date of death.

Full-time employees are eligible for one paid day to attend the funeral of first cousins, aunts, uncles, nieces and nephews; and first cousins, aunts, uncles, nieces and nephews by marriage.

Requests for bereavement leave should be made to the Finance Director as soon as possible. Our Town reserves the right to request written verification of an employee’s familial relationship to the deceased and his or her attendance at the funeral service as a condition of the bereavement pay.

## **Victims of Crime Leave**

The Town will grant reasonable and necessary leave from work, without pay, to employees who are victims of a crime to attend or participate in legal proceedings pertaining to the crime. Affected employees must give the Town reasonable notice that leave under this policy is required.

Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

## **Victims of Domestic Violence Leave**

The Town will grant reasonable and necessary leave from work to employees who are victims of domestic violence to:

1. Seek medical attention for injuries caused by domestic violence
2. Obtain services from a domestic violence shelter, program, or rape crisis center or obtain psychological counseling

3. Participate in safety planning or to take other actions to increase safety from future incidents of domestic violence; and/or
4. Obtain legal services, assist in the prosecution of the offense, or appear in court in relation to the incident of domestic violence.

Employees may use any time off accrual to receive compensation for the leave. If no accruals are available, the leave time will be unpaid. Employees requiring leave must provide their department head with advance notice where feasible. If advance notice cannot be provided, the Town may require certification of the need for leave in the form of a police report, court order, or documentation from a medical professional, advocate or counselor. To the extent consistent with applicable law, the Town will maintain confidentiality of any information regarding an employee's status as a victim of domestic violence.

## **Medical Insurance**

Eligible full-time and part-time employees may enroll in a single, a single plus one dependent or a family contract immediately upon hire.

In the event an active, eligible employee has a covered spouse who wished to enroll in the Town's Medicare supplemental plan, the spouse may do so with the Town paying the same percentage towards the premium that the Town would pay towards the two-person regular health insurance plan.

Information and enrollment forms may be obtained from the Finance Director.

To assist full-time employees with the cost of this insurance, our Town pays a portion of a single, a single plus one dependent or a family contract. You are responsible for paying the balance through payroll deduction.

A booklet containing the details of the plan and eligibility requirements may be obtained from the Finance Director.

Refer to the actual plan document and summary plan description if you have specific questions regarding this benefit plan. Those documents are controlling.

Upon discharge you may be entitled to continuation or conversion of the group medical insurance plan in accordance with the terms of the policy and/or applicable state and federal law. For more information, contact the Finance Director.

## **Medical Insurance for Retirees**

**Coverage** – The Town will make available medical insurance coverage to an eligible full-time employee who retires from the Town. Coverage is also available for an eligible spouse, according to the terms set forth below, if the spouse was covered under the Town's medical insurance plan at the employee's date of retirement. In the event the retiree predeceases the spouse, the spouse may continue medical insurance coverage provided the spouse pays the full

cost of the premium. Coverage of a spouse at the time of divorce or legal separation is in accordance with the plan documents and COBRA requirements.

**Eligibility** – To be eligible for coverage, the retiree must be age fifty-five or older, and must have at least fifteen years of continuous service with the Town. Employees who retired prior to January 1, 2021 must have been participating in the plan just prior to retirement. Employees who retire beginning January 1, 2021 do not have to have been participating in the plan at retirement.

**Retirees credited with at least 20 years of service** – For retirees credited with at least 20 years of service with the Town and meeting all other eligibility requirements, the Town will pay as a maximum eighty (80) percent of the equivalent of a single person rate at the time of retirement. If the actual premium expense is less, the Town will pay the current premium up to the maximum amount established at the time of retirement. The retiree shall pay the difference between the single rate at the time of retirement and the rate for family or two persons, as applicable. The Town shall bill the retirees for the difference.

**Retirees credited with at least 15 years of service** – For retirees credited with at least 15 years of service with the Town and meeting all other eligibility requirements, the Town will pay as a maximum forty (40) percent of the equivalent of a single person rate at the time of retirement. If the actual premium expense is less, the town will pay one-half of the current premium up to the maximum amount established at the time of retirement. The retiree will pay any additional difference, including the rate for family or two persons, as applicable. The Town shall bill the retirees for the difference.

**Changes in Premium Contributions** – Any rider cost or increases in premium shall be borne by the retiree. The amount of the insurance premium a retiree or retiree's spouse is required to contribute is subject to change by resolution of the Town Board. The Town Board will provide a two-month notice of such change.

**Changes in Status** – Retirees are to report any changes needed to their health insurance coverage to the Director of Finance within thirty days of the change in status.

**Retirees returning to Town plan after absence** – Any retiree who chooses to leave the Town's plan may re-enroll in the Town plan with the Town contribution to the single person premium restored to the dollar value at the time the retiree left the plan or to the level created by a change in the Town's policy, whichever is lower.

## **Dental Insurance**

Eligible full-time and part-time employees may enroll in a single, a single plus one dependent or a family contract on the first of the month following one week of employment.

Information and enrollment forms may be obtained from the Finance Director.

To assist full-time employees with the cost of this insurance, our Town pays a portion of a single, a single plus one dependent or a family contract. You are responsible for paying the balance through payroll deduction.

A booklet containing the details of the plan and the eligibility requirements may be obtained from the Finance Director.

Refer to the actual plan document and summary plan description if you have specific questions regarding this benefit plan. Those documents are controlling.

Upon discharge you may be entitled to continuation or conversion of the group dental insurance plan in accordance with the terms of the policy and/or applicable state and federal law. For more information, contact the Finance Director.

## **Dental Insurance for Retirees**

**Coverage** – The Town will make available dental insurance coverage to eligible full-time employees who retire from the Town.

**Eligibility** – To be eligible for coverage, the retiree must be age fifty-five or older, and must have at least fifteen years of continuous service with the Town. Employees who retired prior to January 1, 2021 must have been participating in the plan just prior to retirement. Employees who retire beginning January 1, 2021 do not have to have been participating in the plan at retirement.

**Retirees credited with at least 20 years of service** – For retirees credited with at least 20 years of service with the Town and meeting all other eligibility requirements, the Town will continue coverage as it stood at the time of retirement, whether a single, or family plan. The premium being paid at the time of retirement is the maximum amount that the Town will pay. The Town shall bill the retirees for any difference.

**Retirees credited with at least 15 years of service** – For retirees credited with at least 15 years of service with the Town and meeting all other eligibility requirements, the Town will pay one-half (50%) of the premium to continue coverage as it stood for the year prior to retirement, whether single, or family. One-half (50%) of the premium being paid at the time of retirement is the maximum amount that the Town will pay. The retiree will pay any additional difference. The Town shall bill the retiree for the difference.

**Changes in Premium Contributions** – Any rider cost or increase in premium shall be borne by the retiree. If the actual premium expense is less than the rate set at the time of retirement, the Town will pay the current premium up to the maximum rate set at the time of retirement.

**Changes in Status** – Retirees are to report any changes needed in their dental insurance coverage to the Director of Finance within thirty days of the change in status.

Retirees returning to Town plan after absence – Any retiree who chooses to leave the Town's plan may re-enroll in the Town plan with the Town contribution to the dental premium restored to

the dollar value at the time the retiree left the plan or to the level created by a change in the Town's policy, whichever is lower.

## **COBRA**

You and your covered dependents will have the opportunity to continue medical and/or dental benefits for a period of up to 36 months under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA) when group medical and/or dental coverage for you and your covered dependents would otherwise end due to your death or because:

- Your employment terminates, for a reason other than gross misconduct; or
- Your employment status changes due to a reduction in hours; or
- Your child ceases to be a "dependent child" under the terms of the medical and/or dental plan; or
- You become divorced or legally separated; or
- You become entitled to Medicare.

In the event of divorce, legal separation, or a child's loss of dependent status, you or a family member must notify the plan administrator within 60 days of the occurrence of the event.

The plan administrator will notify the individuals eligible for continuation coverage of their right to elect COBRA continuation coverage.

For more information regarding COBRA, you may contact the Finance Director.

## **Section 125 Plans**

Our Town offers a pretax contribution option for employees. This employee benefit is known as a Section 125 Plan.

A Section 125 Plan is a benefit plan that allows you to make contributions toward premiums for medical insurance, dental insurance and out-of-pocket medical expenses or dependent care expenses on a "before tax", rather than an "after tax" basis. Your premium contributions and qualified expenses are deducted from your gross pay before income taxes and Social Security is calculated.

The Internal Revenue Service Section 125 Flexible Spending Account Plan ("Plan") is a benefit funded in part by the Town of Sweden for its employees and elected officials; and in part by employee contributions through payroll deduction. A spouse or dependent may also take advantage of the benefits if a member so desires.

"Members of this Plan shall mean hired or appointed employees and elected officials on the Town's regular payroll with the following exceptions:

1. Seasonal or temporary employees
2. Student helpers

Services are those eligible services as defined by the Internal Revenue Service.

## FUNDING:

The Town of Sweden will provide annual funds of \$450 for each full-time employee and elected officials with the exception of Town Board members who will receive \$500 annually. The Town will deposit its contribution on January 1 of each year. All eligible employees may choose to make additional contributions to the fund through payroll deduction. This contribution may be selected during the open enrollment period each year and may not be changed until the next open enrollment period, unless allowed by IRS Section 125 regulations.

## APPLICATION:

New employees will not be eligible for membership in this plan until the first day of January following the date of employment unless the employment date or the term of office begins on January 1, in which event they will be eligible immediately.

Upon termination of a member's employment for any reason, unused funds are forfeited according to IRS Section 125 regulations.

At the end of each Plan year, unused funds are forfeited according to IRS Section 125 regulations.

## Federal Family and Medical Leave Act

The Family and Medical Leave Act ("FMLA") provides eligible employees the opportunity to take unpaid job-protected leave for certain specific reasons. The maximum amount of leave an employee may use is either 12 or 26 weeks within a 12-month period depending on the reasons for the leave.

### Employee Eligibility

To be eligible for FMLA leave, you must:

1. Have worked at least 12 months for the Town in the preceding seven years (limited exceptions apply to the seven-year requirement);
2. Have worked at least 1,250 hours for the Town over the preceding 12 months; **and**
3. Currently work at a location where there are at least 50 employees with 75 miles.

### Conditions Triggering Leave

FMLA leave may be taken for the following reasons:

1. Birth of a child, or to care for a newly-born child (up to 12 weeks);
2. Placement of a child with the employee for adoption or foster care (up to 12 weeks);
3. To care for an immediate family member (employee's spouse, child, or parent) with a serious health condition (up to 12 weeks);
4. Because of the employee's serious health condition that makes the employee unable to perform the employee's job (up to 12 weeks);

5. To care for a covered service member with a serious injury or illness related to certain types of military service (up to 26 weeks) (see Military-Related FMLA Leave for more details); **or**
6. To handle certain qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on duty under a call or order to active duty in the Armed Forces (e.g., National Guard or Reserves) in support of a contingency operation (up to 12 weeks) (see Military-Related FMLA Leave for more details).

The maximum amount of leave that may be taken in a 12-month period for all reasons combines is 12 weeks, with one exception. For leave to care for a covered service member, the maximum combined leave entitlement is 26 weeks, with leaves for all other reasons constituting no more than 12 of those 26 weeks.

### **Definitions**

A "Serious Health Condition" is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement includes an incapacity of more than three full calendar days and two visits to a health care provide or one visit to a health care provider and a continuing regimen of care; an incapacity caused by pregnancy or prenatal visits, a chronic condition, or permanent or long-term conditions; or absences due to multiple treatments. Other situations may meet the definition of continuing treatment.

A "covered service member" is a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. The term "serious injury or illness" means an injury or illness incurred by the member in the line of duty while on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

"Qualifying exigencies" include activities such as short-notice deployment, military events, arranging alternative childcare, making financial and legal arrangements related to the deployment, rest and recuperation, counseling, and post-deployment debriefings.

### **Identifying the 12 Month Period**

The 12-month period in which 12 weeks of leave may be taken is the calendar year. For leave to care for a covered service member, the Town calculates the 12-month period beginning on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date.

FMLA leave for the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement.

## **Using Leave**

Eligible employees may take FMLA leave in a single block of time, intermittently (in separate blocks of time), or by reducing the normal work schedule when medically necessary for the serious health condition of the employee or immediate family member, or in the case of a covered service member, his or her injury or illness. Eligible employees may also take intermittent or reduced-scheduled leave for military qualifying exigencies. Intermittent leave is not permitted for birth of a child, to care for a newly-born child, or for placement of a child for adoption or foster care. Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt the Town's operations.

## **Use of Accrued Paid Leave**

Depending on the purpose of your leave request, you may choose (or the Town may require you) to use accrued paid leave (such as sick leave, vacation, personal days, family leave or PTO), concurrently with some or all of your FMLA leave. In order to substitute paid leave for FMLA leave, an eligible employee must comply with employee normal procedures for the applicable paid-leave policy (e.g., call-in procedures, advance notice, etc.).

## **Maintenance of Health Benefits**

If you and/or your family participate in our group health plan, the Town will maintain coverage during your FMLA leave on the same terms as if you had continued to work. If applicable, you must make arrangements to pay your share of health plan premiums while on leave. In some instances, the Town may recover premiums it paid to maintain health coverage or other benefits for you and your family. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of your leave.

## **Notice and Medical Certification**

When seeking FMLA leave you are required to provide:

1. Sufficient information for us to determine if the requested leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that you are unable to perform job functions, a family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. You must also inform the Town if the requested leave is for a reason for which FMLA leave was previously taken or certified.
2. If the need for leave is foreseeable, this information must be provided 30 days in advance of the anticipated beginning date of the leave. If the need for leave is not foreseeable, this information must be provided as soon as is practicable and in compliance with the Town normal call-in procedures, absent unusual circumstances.
3. Medical certification supporting the need for leave due to a serious health condition affecting you or an immediate family member within 15 calendar days of the Town request to provide the certification (additional time may be permitted in some circumstances). If you fail to do so, we may delay the commencement of your leave, withdraw any designation of FMLA leave or deny the leave, in which case your leave of

- absence would be treated in accordance with our standard leave of absence and attendance policies, subjecting you to discipline up to and including discharge. Second or third medical opinions and periodic re-certifications may also be required;
4. Periodic reports as deemed appropriate during the leave regarding your status and intent to return to work; and
  5. Medical certification of fitness for duty before returning to work, if the leave was due to your serious health condition. The town will require this certification to address whether you can perform the essential functions of your position.

Failure to comply with the foregoing requirements may result in delay or denial of leave, or disciplinary action, up to and including discharge.

### **Employer Responsibilities**

To the extent required by law, the Town will inform employees whether they are eligible under the FMLA. Should an employee be eligible for FMLA leave, the Town will provide them with a notice that specifies any additional information required as well as the employee's rights and responsibilities. If employees are not eligible, the Town will provide a reason for the ineligibility. The Town will also inform employees if leave will be designated as FMLA-protected and, to the extent possible, note the amount of leave counted against the employee's leave entitlement. If the Town determines that the leave is not FMLA-protected, the Town will notify the employee.

### **Job Restoration**

Upon returning from FMLA leave, eligible employees will typically be restored to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

### **Failure to Return After FMLA Leave**

Any employee who fails to return to work as scheduled after FMLA leave or exceeds the 12-week FMLA entitlement (or in the case of military caregiver leave, the 26-week FMLA entitlement), will be subject to employee's standard leave of absence and attendance policies. This may result in discharge if you have no other Town-provided or legally mandated leave available to you that applies to your continued absence. Likewise, following the conclusion of your FMLA leave, employee's obligation to maintain your group health plan ends (subject to any applicable COBRA rights).

### **Fraud**

Providing false or misleading information or omitting material information in connection with an FMLA leave will result in disciplinary action, up to and including discharge.

### **Employer's Compliance with FMLA and Employee's Enforcement Rights**

The FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA, or discharge or discriminate against any person for opposing

any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

While the Town encourages employees to bring any concerns or complaints about compliance with FMLA to the attention of the Finance Director, FMLA regulations require employers to advise employees that they may file a complaint with the U.S. Department of Labor or bring a private lawsuit against an employer.

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

### **Limited Nature of this Policy**

This Policy should not be construed to confer any express or implied contractual relationship or rights to any employee not expressly provided for by FMLA. The Town reserves the right to modify this or any other policy as necessary, in its sole discretion to the extent permitted by law. State or local leave laws may also apply.

### **Military-Related Federal FMLA Leave**

FMLA leave may also be available to eligible employees in connection with certain service-related medical and non-medical needs of family members. There are two forms of such leave. The first is Military Caregiver Leave, and the second is Qualifying Exigency Leave. Each of these leaves is detailed below.

#### **Military Caregiver Leave**

Unpaid Military Caregiver Leave is designed to allow eligible employees to care for certain family members who have sustained serious injuries or illnesses in the line of duty while on active duty. The family member must be a "covered service member" which means: (1) a current member of the Armed Forces, National Guard or Reserves, (2) who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list, (3) for a serious injury or illness that may render him or her medially unfit to perform the duties of the member's office, grade, rank, or rating. Military Caregiver Leave is not available to care for former members of the Armed Forces or the National Guard or Reserves, or for service members on the permanent disability retired list.

To be "eligible" for Military Caregiver Leave, the employee must be a spouse, son, daughter, parent, or next of kin of the covered service member. "Next of kin" means the nearest blood relative of the service member, other than the service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver Leave. The employee must also meet all other eligibility standards as set forth within the FMLA Leave policy.

An eligible employee may take up to 26 workweeks of Military Caregiver Leave to care for a covered service member in a "single 12-month period." The "single 12-month period" begins on the first day leave is taken to care for a covered service member and ends 12 months thereafter, regardless of the method used to determine leave availability for other FMLA-qualifying reasons. If an employee does not exhaust his or her 26 workweeks of Military Caregiver Leave during this "single 12-month period," the remainder is forfeited.

Military Caregiver Leave applies on a per-injury basis for each service member. Consequently, an eligible employee may take separate periods of caregiver leave for each and every covered service member, and/or for each and every serious injury or illness of the same covered service member. A total of no more than 26 workweeks of Military Caregiver Leave, however, may be taken within any "single 12-month period."

Within the "single 12-month period" described above, an eligible employee may take a combined total of 26 weeks of FMLA leave including up to 12 weeks of leave for any other FMLA-qualifying reason (i.e., birth or adoption of a child, serious health condition of the employee or close family member, or a qualifying exigency). For example, during the "single 12-month period," an eligible employee may take up to 16 weeks of FMLA leave to care for a covered service member when combined with up to 10 weeks of FMLA leave to care for a newborn child.

An employee seeking Military Caregiver Leave may be required to provide appropriate certification from the employee and/or covered service member and completed by an authorized health care provider within 15 days. Military Caregiver Leave is subject to the other provisions in our FMLA Leave Policy (requirements regarding employee eligibility, appropriate notice of the need for leave, use of accrued paid leave, etc.). Military Caregiver Leave will be governed by, and handled in accordance with, the FMLA and applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

### **Qualifying Exigency Leave**

Eligible employees may take unpaid "Qualifying Exigency Leave" to tend to certain "exigencies" arising out of the duty under a call or order to active duty of a "covered military member" (i.e. the employee's spouse, son, daughter, or parent). Up to 12 weeks of Qualifying Exigency Leave is available in any 12-month period, as measured by the same method that governs measurement of other forms of FMLA leave within the FMLA policy (with the exception of Military Caregiver Leave, which is subject to a maximum of 26 weeks of leave in a "single 12-month period"). Although Qualifying Exigency Leave may be combined with leave for other FMLA-qualifying reasons, under no circumstances may the combined total exceed 12 weeks in any 12-month period (with the exception of Military Caregiver Leave as set forth above). The employee must meet all other eligibility standards as set forth within the FMLA policy.

Persons who can be ordered to active duty include retired members of the Regular Armed Forces, certain members of the retired Reserve, and various other Reserve members including the Ready Reserve, the Selected Reserve, the Individual Ready Reserve, the National Guard,

state military, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve and Coast Guard Reserve.

Although Qualifying Exigency Leave is available to an eligible employee whose close family member is called up from status as a retired member of the Regular Armed Forces, it is not available for a close family member on active duty or on call to active duty as a member of the Regular Armed Forces. Also, a call to active duty refers to a federal call to active duty, and state calls to active duty are not covered unless under order of the President of the United States pursuant to certain laws.

Qualifying Exigency Leave is available under the following circumstances:

1. **Short-notice deployment.** To address any issue that arises out of short notice (within seven days or less) of an impending call or order to active duty.
2. **Military events and related activities.** To attend any official military ceremony, program, or event related to active duty or a call to active duty status or to attend certain family support or assistance programs and informational briefings.
3. **Childcare and school activities.** To arrange for alternative childcare; to provide childcare on an urgent, immediate need basis; to enroll in or transfer to a new school or daycare facility; or to attend meetings with staff at a school or daycare facility.
4. **Financial and legal arrangements.** To make or update various financial or legal arrangements; or to act as the covered military member's representative before a federal, state, or local agency in connection with service benefits.
5. **Counseling.** To attend counseling (by someone other than a health care provider) for the employee, the covered military member, or for a child or dependent when necessary as a result of duty under a call or order to active duty.
6. **Temporary rest and recuperation.** To spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment. Eligible employees may take up to five days of leave for each instance of rest and recuperation.
7. **Post-deployment activities.** To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of up to 90 days following discharge of the covered military member's active duty status. This also encompasses leave to address issues that arise from the death of a covered military member while on active duty status.
8. **Mutually agreed leave.** Other events that arise from the close family member's duty under a call or order to active duty, provided that the Town and the employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

An employee seeking Qualifying Exigency Leave may be required to submit appropriate supporting documentation in the form of a copy of the covered military member's active duty orders or other military documentation indicating the appropriate military status and the dates of active duty status, along with a statement setting forth the nature and details of the specific exigency, the amount of leave needed and the employee's relationship to the military member, within 15 days. Qualifying Exigency Leave will be governed by, and handled in accordance with, the FMLA and applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

## **Short-Term Disability Benefits**

**Coverage** – The Town will make available short-term disability benefits to each eligible employee. This benefit is to supplement loss of time from work due to a qualified non-job related illness or injury.

**Eligibility** – Eligibility for coverage is determined by the carrier in accordance with applicable New York State regulations.

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

**Disability Payments** – Disability payments equal fifty percent of the employee's weekly salary (based on their last eight weeks of employment), not to exceed the statutory weekly amount, for a maximum of twenty-six weeks. The duration of disability benefits is dependent upon a physician's certification and consistent with statutory regulations. There is a seven-day waiting period before an employee can become eligible for disability payments.

**Premium Payment** – Employees will be required to contribute to the plan up to 1% of the first 60 of weekly wages, but not more than \$0.60 per week.

**Reporting of Illness or Injury** – The employee must submit a written report of the illness or injury on the proper application form to the employee's Department Head and the Director of Finance within twenty-four hours of the occurrence. The Director of Finance will provide the employee with the necessary forms. Proper medical certification will be required and must be submitted with the application form.

**Use of Sick Leave Credits** – An employee may draw from the employee's sick leave credits in conjunction with disability payments to equal, but not exceed, the employee's regular daily rate of pay.

**Medical Insurance Coverage** – The Town will continue medical insurance coverage for the employee in accordance with the provisions of the Family and Medical Leave Policy in this Employee Handbook.

## **Social Security**

During your employment, you and the Town both contribute funds to the federal government to support the Social Security program. This program is intended to provide you with retirement benefit payments and medical coverage once you reach retirement age.

## **Unemployment Insurance**

## Unemployment Insurance

Upon separation from employment, you may be entitled to state and federal unemployment insurance benefits. Information about unemployment insurance can be obtained from the Finance Director.

## Workers' Compensation

On-the-job injuries are covered by our Workers' Compensation insurance policy. This insurance is provided at no cost to you. If you are injured on the job, no matter how slightly, report the incident immediately to the Finance Director. Consistent with applicable state law, failure to report an injury within a reasonable period of time could jeopardize your claim. We ask for your assistance in alerting management to any condition that could lead to or contribute to an employee accident.

## The New York State Employees' Retirement System

**Summary** – The Town will make available the New York State Employees' Retirement System pension plan to each eligible employee. An employee is eligible for service retirement benefits after five years of creditable public sector service. In the event an employee leaves after five years of service but prior to retirement age, such employee may receive a benefit at retirement age related to those years as a public sector employee.

**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
- The annual compensation for the position is less than the State's minimum wage multiplied by 2,000 hours; or
- Duration of employment for less than one year or employment on less than a 12 month per year basis; or
- The position is either provisional or temporary under Civil Service Law.
- The employee is already retired from the system and meets income guidelines.

**Optional Membership** – An employee who is not mandated to join may join the retirement system. Such employee will be informed, in writing, that the employee may join the Retirement System and will acknowledge receipt of such notice by signing a copy thereof and returning it to the Director of Finance. If the employee elects to join the retirement system, the employee must complete the application form and return it to the Director of Finance.

**Waiver of Enrollment** – An employee who is not mandated to join the retirement system, and who chooses not to join, must complete a waiver of enrollment form.

## **Fitness Room Membership at the Sweden/Clarkson Comm. Center**

**Eligibility** – Full-time employees are eligible on the first date of employment.

**Summary** – Full-time employees are eligible for Fitness Room Membership at a rate that is half of the Single Person Membership at the time of enrollment. Employees may re-enroll at the end of the membership period at a rate that is half of the Single Person membership at the time of re-enrollment. This benefit will continue so long as the employee remains a full-time employee of the Town of Sweden and so long as the Town of Sweden has a fitness room at the Sweden/Clarkson Community Center.

If a full-time employee wishes to enroll in a Family Fitness Room Membership, they may do so at a rate that is equal to the Family membership less half of the Single Person Membership at the time of enrollment. This benefit will continue so long as the employee remains a full-time employee of the Town of Sweden and so long as the Town of Sweden has a fitness room at the Sweden/Clarkson Community Center.

## **Section 6: On the Job**

### **Attendance and Punctuality**

Attendance and punctuality are important factors for your success within our Town. We work as a team and this requires that each person be in the right place at the right time.

If you are going to be late for work or absent, notify your Department Head as far in advance as is feasible under the circumstances, but before the start of your workday.

Personal issues requiring time away from your work, such as doctor's appointments or other matters, should be scheduled during your nonworking hours if possible.

If you are absent for three days without notifying the Town, it is assumed that you have voluntarily abandoned your position with the Town, and you will be removed from the payroll.

### **Business Hours**

Because of the nature of our business, your work schedule may vary depending on your job and department. Our normal business hours are:

Monday through Friday: 9:00 am to 5:00 pm

Summer Hours – Monday through Friday: 8:30 am to 4:30 pm

Highway department: 7:00 am to 3:30 pm. Highway department summer work hours are at the discretion of the Highway Superintendent.

Check with your Department Head if you have questions about your hours of work.

### **Emergency Situations**

**During Work** – In the event an emergency situation arises which endangers or threatens to endanger the health, safety or welfare of the employees (i.e. weather, mechanical failures, etc.) the Town Supervisor or his or her designee may close some or all of the offices of the Town and release employees. The time from which employees were released shall be considered emergency time and all released employees shall be compensated for such hours as if they had remained at their jobs and completed normal working hours.

An employee on vacation or personal leave or sick leave shall not qualify for emergency time.

In the case of an emergency closing, those employees leaving work prior to the official closing will be expected to charge the difference in working time and official closing time to compensatory time or vacation time and in the case of a salaried employee, as no hours worked, during that period.

**Prior to Reporting to Work** – A maximum of two paid snow days shall be granted in any calendar year. The maximum number of hours of compensation shall not exceed those contained in two days of an employee's normal work day. Those employees who have doubt as to whether they should report to work on a storm day shall contact the Town Supervisor or Town Clerk's office for an official notice of closure. If an employee does not do so and does not report to work, then no snow time will be granted.

## **Meal Time**

Employees working a shift of more than six hours will be provided at least 30 unpaid minutes for a meal between 11:00 am and 2:00 pm. Employees working a shift that starts before 11:00 a.m. and continues past 7:00 p.m. will be provided an additional unpaid meal period of at least 20 minutes between 5:00 p.m. and 7:00 p.m. Employees working a shift of more than six hours between 1:00 p.m. and 6:00 a.m. will be provided an unpaid meal period of at least 45 minutes midway through the shift. Your supervisor is responsible for approving the scheduling of this time.

## **Lactation Breaks**

The Town will provide a reasonable amount of break time to accommodate a female employee's need to express breast milk for the employee's infant child.

In New York, lactation breaks will be provided for the following length of time after the birth of the child: Up to three years following the child's birth.

The break time should, if possible, be taken concurrently with other break periods already provided. Non-exempt employees should clock out for any time taken that does not run concurrently with normally scheduled rest periods, and such time generally will be unpaid in accordance with state law. The Town will also make a reasonable effort to provide the employee with the use of a room or other location in close proximity to the employee's work area, for the employee to express milk in private.

Employees should notify your Department Head to request time to express breast milk under this policy. The Town reserves the right to deny an employee's request for a lactation break if the additional break time will seriously disrupt operations.

No provision of this policy applies or is enforced if it conflicts with or is superseded by any requirement or prohibition contained in a federal, state, or local law or regulation. Anyone with knowledge of such a conflict or potential conflict should contact your Department Head.

## **Standards of Conduct**

Each employee has an obligation to observe and follow the Town's policies and to maintain proper standards of conduct at all times. If an individual's behavior interferes with the orderly and efficient operation of a department, corrective disciplinary measures will be taken.

Disciplinary action may include a verbal warning, written warning, suspension with or without pay, and/or discharge. The appropriate disciplinary action imposed will be determined by the Town. The Town does not guarantee that one form of action will necessarily precede another.

Among other things, the following may result in disciplinary action, up to and including discharge: violation of the Town's policies or safety rules; insubordination; unauthorized or illegal possession, use or sale of alcohol or controlled substances on work premises or during working hours, while engaged in Town activities or in Town vehicles; unauthorized possession, use or sale of weapons, firearms or explosives on work premises; theft or dishonesty; physical harassment, sexual harassment; disrespect toward fellow employees, visitors or other members of the public; performing outside work or use of Town property, equipment or facilities in connection with outside work while on Town time; poor attendance or poor performance. These examples are not all inclusive. We emphasize that discharge decisions will be based on an assessment of all relevant factors.

**Nothing in this policy is designed to modify our employment-at-will policy.**

## **Citizen and Public Relations**

Our Town's reputation is built on excellent service and quality work. To maintain this reputation requires the active participation of every employee.

Each employee must be sensitive to the importance of providing courteous treatment in all working relationships.

## **Solicitation and Distribution**

To avoid unnecessary annoyances and work interruptions, solicitation by an employee of another employee is prohibited while either person is on working time.

Employee distribution of literature, including handbills, in work areas is prohibited at all times.

Trespassing, soliciting or distribution of literature by non-employees on these premises is prohibited at all times.

## **Changes in Personal Data**

To aid you and/or your family in matters of personal emergency, we need to maintain up-to-date information.

Changes in name, address, telephone number, marital status, number of dependents or changes in next of kin and/or beneficiaries should be given to the Finance Director promptly.

## Care of Equipment

You are expected to demonstrate proper care when using the Town's property and equipment. No property may be removed from the premises without the proper authorization of management. If you lose, break or damage any property, report it to your supervisor at once.

## Vehicle Usage

**Policy Statement** – All vehicles and related equipment of the Town of Sweden are owned and maintained for the purpose of conducting official business of the Town. Said vehicles and equipment may not be used for the personal use or private gain of any official or employee, not 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:

- Town vehicles and related equipment must remain under the general administrative jurisdiction and direction of the Department Head to which it is assigned;
- Town vehicles must be assigned to specific Town officials and employees for specific purposes and tasks. Said vehicles may not be used for any unauthorized purpose nor to conduct personal, private, or non-Town related business;
- Town vehicles must always be operated in a safe and responsible manner and in compliance with all applicable traffic laws in effect. In the event of an accident, regardless of severity, an accident report must be filed with the Town Supervisor's Office, by the applicable Department Head within twenty-four hours;
- Town vehicles may not be used to transport persons who are not officials or employees of the Town of Sweden, nor material not related to the conduct of official Town business; without direct authorization by the appropriate Department Head;
- Town 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.
- In the event a Town vehicle must travel outside the limits of the Town of Sweden, it is the responsibility of the department head to notify the Supervisor, either on a case by case basis or as a comprehensive approval for specified purposes;
- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on Town vehicles at any time, except those of a limited community service nature which have been authorized by the Town Board.
- All Town vehicles shall be identified as such.
- Town vehicles should be shut down when not in use. Town vehicles should not be allowed to "idle" for periods of time.
- All Town vehicles should be left on Town property during non-business hours with the following exceptions: vehicles driven by the Highway Superintendent, Buildings and Grounds Department Heads and Dog Control Officer.
- Employees should share rides to job sites to the fullest extent practical.
- The Driver of a Town Vehicle is responsible for all loads including all materials and passengers.

- No person is permitted to ride in the bed of a truck or on any other part of a vehicle other than a passenger seat.
- All vehicle operators must wear seat belts at all times.
- Violation of any standard set herein may result in suspension or dismissal.

## **Travel Policy Statement**

The Office of the State Comptroller sets rules and regulations for reimbursement of expenses incurred while traveling on official State business. These rules and regulations will also be used as guidelines and applied to travel on Town of Sweden business as well. The purpose of this travel policy is to help employees understand and apply travel rules and regulations applicable to Town of Sweden business regardless of whether the travel occurs during business hours or after hours.

### **General Guidelines and Responsibilities**

- The designation of official station will be determined by the Town in the best interest of the Town and not for the convenience of the employee.
- Employees are in "travel status" when they are more than 35 miles from both their official station and their home.
- Employees are in "travel in proximity status" when they are less than 35 miles from either their official station or their home.
- Travel between the employee's home and official station is considered commuting and is not reimbursable.
- Vouchers for travel reimbursement must be submitted on a monthly basis.

### **Traveler's Responsibility**

- Secure the most economical method of travel in the best interest of the Town (i.e. personal car, rental car).
- Obtain all necessary travel documents (i.e. voucher, tax exempt certificate).
- Maintain an accurate record of expenses including departure and return times and mileage.
- Obtain required receipts or documentation.
- Claim reimbursement only for actual allowed expenses within reimbursement rates.
- Ensure all charges are actual, reasonable and necessary.
- Complete and submit travel vouchers on a monthly basis.

### **Official Station**

The official station is the employee's usual work location or any Town-owned facility. The purpose of the official station is to establish when the employee is in travel status and eligible for reimbursement of travel expenses. Travel between the employee's home and official station is considered commuting and is not reimbursable. All other travel within the Town of Sweden is reimbursable when the employee is on official business.

## **Determining "Travel Status"**

When employees are on assignment at a work location more than 35 miles from both their official station and their home, they are considered in "travel status" and are eligible for reimbursement of travel expenses in accordance with the Office of the State Comptroller and Internal Revenue Service guidelines. Mileage reimbursement rates are set annually by the Town Board. Employees must obtain appropriate approvals prior to traveling.

### **Determining "Travel in Proximity" of Official Station or Home**

When an employee is assigned to work at an alternate work location which is less than 35 miles from either their home or official station, the employee is not considered to be in travel status, but rather is considered to be "traveling in proximity" of their official station. When traveling in proximity of home or official station, an employee using a personal vehicle is entitled to reimbursement of transportation expenses using the "lesser of Mileage" Rule.

The lesser of:

1. Mileage between home & alternate work location; or
2. Mileage between official station & alternate work location

The "lesser of mileage" rule will also apply to the return trip home.

When travel is between an employee's official station and an alternate work location, or between two or more alternate work locations, transportation expenses will be reimbursed for the actual mileage between such locations, times the Town's mileage reimbursement rate.

The State Comptroller's Office has provided three examples for the application of the "lesser of mileage rule."

## **Personal Telephone Calls**

It is important to keep our telephone lines free for citizen calls. Although the occasional use of the Town's telephones for a personal emergency may be necessary, routine personal calls should be kept to a minimum.

Personal cellular telephones must be turned off or set to a silent alert during working hours while on Town premises.

Employees are prohibited from using cellular telephones to text message during working hours while on Town premises.

## **Electronic Mail and Monitoring**

We recognize your need to be able to communicate efficiently with fellow employees and citizens. Therefore, we have installed an electronic mail (e-mail) system to facilitate the transmittal of business-related information within the Town and with our citizens.

The e-mail system is intended for business use only. The use of the Town's e-mail system to solicit fellow employees or distribute non job-related information to fellow employees is prohibited to the extent allowed by applicable law.

Our Town's policies against sexual and other types of harassment apply fully to the e-mail system. Violations of those policies are not permitted and may result in disciplinary action, up to and including discharge. Therefore, employees are also prohibited from the display or transmission of sexually-explicit images, messages, ethnic slurs, racial epithets or anything that could be construed as harassment or disparaging to others.

Employees shall not use unauthorized codes or passwords to gain access to others' files.

All e-mail passwords must be available to the Town at all times. Please notify your supervisor if you need to change your password.

Violation of this policy may result in disciplinary action, up to and including discharge.

For business purposes, management reserves the right to enter, search and/or monitor the Town's private e-mail system and the files/transmissions of any employee without advance notice and consistent with applicable state and federal laws. Employees should expect that communications that they send and receive by the Town's private e-mail system will be disclosed to management. Employees should not assume that communications that they send and receive by the Town's private e-mail system are private or confidential.

## **Internet Usage and Monitoring**

As a growing Town, we recognize the need to stay on the cutting edge of technology. This is one of the reasons we allow employees to have access to the Internet.

The Internet is intended for business use only. Use of the Internet for any non-business purpose, including but not limited to, personal communication or solicitation, purchasing personal goods or services, gambling and downloading files for personal use, is strictly prohibited.

Our Town's policies against sexual and other types of harassment apply full to Internet usage, including the use of instant messaging programs. Violations of those policies are not permitted and may result in disciplinary action, up to and including discharge. Therefore, employees are also prohibited from displaying. Transmitting and/or downloading sexually explicit images, messages, ethnic slurs, racial epithets or anything that could be construed as harassment or disparaging to others.

Consistent with applicable federal and state law, the time you spend on the Internet may be tracked through activity logs for business purposes. All abnormal or inappropriate usage will be investigated thoroughly. For business purposes, management reserves the right to search and/or monitor the Town's Internet usage and the files/transmissions of any employee without advance notice and consistent with applicable state and federal laws. Employees should expect that communications that they send and receive by the Internet will be disclosed to management. Employees should not assume that communications that they send and receive by the Internet are private or confidential.

Employees learning of any misuse of the Internet shall notify a member of management.

Violation of this policy may result in disciplinary action up to and including discharge.

## **Acceptable Use of Electronic Communications**

This policy contains guidelines for Electronic Communications created, sent, received, used, transmitted, or stored using Town communication systems or equipment and employee provided systems or equipment used either in the workplace, during working time or to accomplish work tasks. "Electronic Communications" include, among other things, messages, images, data or any other information used in e-mail, instant messages, voice mail, fax machines, computers, personal digital assistants (including Blackberry, iPhone or similar devices), text messages, pagers, telephones, cellular and mobile phones including those with cameras, Intranet, Internet, back-up storage, information on a memory or flash key or card, jump or zip drive or any other type of internal or external removable storage drives. In the remainder of this policy, all of these communication devices are collectively referred to as "Systems."

Employees may use our Systems to communicate internally with co-workers or externally with citizens, suppliers, vendors, advisors, and other business acquaintances for business purposes.

All Electronic Communications contained in Town Systems are Town records and/or property. Although an employee may have an individual password to access our Systems, the Systems and Electronic Communications belong to the Town. The Systems and Electronic Communications are accessible to the Town at all times including periodic unannounced inspections. Our Systems and Electronic Communications are subject to use, access, monitoring, review, recording and disclosure without further notice. Our Systems and Electronic Communications are not confidential or private. The Town's right to use, access, monitor, record and disclose Electronic Communications without further notice applies equally to employee-provided systems or equipment used in the workplace, during work time, or to accomplish work tasks.

Although incidental and occasional personal use of our Systems that does not interfere or conflict with productivity or the Town's business or violate policy is permitted, personal communications in our Systems are treated the same as all other Electronic Communications and will be used, accessed, recorded, monitored, and disclosed by the Town at any time without further notice. Since all Electronic Communications and Systems can be accessed without

advance notice, employees should not use our Systems for communication or information that employees would not want revealed to third parties.

Employees may not use our Systems in a manner that violates our policies including but not limited to non-harassment, sexual harassment, equal employment opportunity, protecting town information, solicitation and distribution, electronic mail and monitoring, internet usage and monitoring. Employees may not use our Systems in any way that may be seen as insulting, disruptive, obscene, offensive, or harmful to morale. Examples of prohibited uses include, but are not limited to: sexually-explicit drawings, messages, images, cartoons, or jokes; propositions or love letters; ethnic or racial slurs, threats, or derogatory comments; or any other message or image that may be in violation of Town policies.

In addition, employees may not use our Systems:

- To download, save, send or access any defamatory, discriminatory or obscene material;
- To download, save, send or access any music, audio or video file;
- To download, anything from the internet (including shareware or free software) without the advance written permission of the Systems Supervisor;
- To download, save, send or access any site or content that the Town might deem "adult entertainment;"
- To access any "blog" or otherwise post a personal opinion on the intranet;
- To solicit employees or others;
- To attempt or to gain unauthorized or unlawful access to computers, equipment, networks, or systems of the Town or any other person or entity;
- In connection with any infringement of intellectual property rights, including but not limited to copyrights; and
- In connection with the violation or attempted violation of any law.

An employee may not misrepresent, disguise, or conceal his or her identity or another's identity in any way while using Electronic Communications; make changes to Electronic Communications without clearly indicating such changes; or use another person's account, mail box, password, etc. without prior written approval of the account owner and without identifying the actual author.

Employees must always respect intellectual property rights such as copyrights and trademarks. Employees must not copy, use, or transfer proprietary materials of the Town or others without appropriate authorization.

All Systems passwords and encryption keys must be available and known to the Town. Employees may not install password or encryption programs without the written permission of your supervisor. Employees may not use the passwords and encryption keys belonging to others.

Numerous state and federal laws apply to Electronic Communications. The Town will comply with applicable laws. Employees also must comply with applicable laws and should recognize that an employee could be personally liable and/or subject to fine and imprisonment for violation of applicable laws.

Violations of this policy may result in disciplinary action up to and including discharge as well as possible civil liabilities or criminal prosecution. Where appropriate, the Town may advise legal officials or appropriate third parties of policy violations and cooperate with official investigations. We will not, of course, retaliate against anyone who reports possible policy violations or assists with investigations.

If you have questions about the acceptable use of our Systems or the content of Electronic Communications, ask your supervisor for advance clarification.

## **Security of Electronic Devices**

Each employee provided with a device is responsible for the physical security of the device. All devices acquired for or on behalf of the Town are Town property. The device must be locked up and stored in a secure location when it is not in the immediate possession of the authorized user. In addition, the user must return the device immediately upon request of the Town. A device user must notify your supervisor immediately if the device is lost, stolen, misplaced, or damaged. All work created or performed on the device is Town property. The device is subject to inspection by the Town at any time without further advance notice. The device must be used in a manner that complies with all Town policies including the acceptable use of electronic communications, non-harassment, sexual harassment, equal employment opportunity, protecting town information, solicitation and distribution, electronic mail and monitoring, internet usage and monitoring.

Violations of this policy may be grounds for disciplinary action up to and including discharge.

## **Social Media**

The Town has in place policies that govern use of its own electronic communication systems, equipment, and resources which employees must follow. We encourage you to use good judgment when communicating via social media.

“Social media” includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else’s web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the Town, as well as any other form of electronic communication.

The same principles and guidelines found in the Town’s Employee Handbook policies apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct affects citizens, vendors, suppliers, people who work on behalf of the Town or its legitimate business interests may result in disciplinary action up to and including immediate discharge.

The following is a general and non-exhaustive list of guidelines you should keep in mind:

1. Always be fair and courteous to fellow employees, citizens, vendors, suppliers or people who work on behalf of the Town. Also, keep in mind that you are more likely to resolve work related complaints by speaking directly with your co-workers than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonable could be viewed as malicious, obscene, threatening or intimidating, that disparages citizens, employees, vendors, or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, age, gender, national origin, color, disability, religion or any other status protected by federal, state or local law or company policy. In appropriate postings that may include discriminatory remarks, harassment, retaliation, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including immediate discharge.
2. Make sure you are always truthful and accurate when posting information or news. If you make a mistake, correct it quickly. Be open about any previous posts you have altered. Use privacy settings when appropriate. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. The Internet is immediate. Nothing that is posted ever truly "expires." Never post any information or rumors that you know to be false about the Town, fellow employees, citizens, vendors, suppliers, people working on behalf of the Town.
3. Maintain the confidentiality of Town proprietary or confidential information. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
4. Do not create a link from your blog, website or other social networking site to the Town's website.
5. Express only *your* personal opinions. Never represent yourself as a spokesperson for the Town. If the Town is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the Town, fellow employees, citizens, vendors, suppliers or people working on behalf of the Town. If you do publish a blog or post online related to the work you do or subjects associated with the Town, make it clear that you are not speaking on behalf of the Town. It is best to include a disclaimer such as "The postings on this site are my own and do not reflect the views of the Town of Sweden."
6. You must refrain from using social media while on working time or while using equipment the Town provides, unless it is work-related as authorized by your supervisor, or other member of management; or consistent with the Acceptable Use of Electronic Communications Policy.
7. Do not use any Town email addresses to register on social networks, blogs or other online tools utilized for personal use.

Employees are encouraged to report violations of this policy. The Town prohibits retaliation against any employee for reporting a possible deviation from this policy or for cooperating in an investigation.

Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including immediate discharge.

You should not speak to the media on the Town's behalf without permission from the Town Supervisor. All media inquiries should be directed to the Town Supervisor or Town Attorney.

Where applicable, the Town complies with state laws concerning access to an employee's personal social networking account, including restrictions concerning employer requests for an employee's username and/or password.

Nothing in this policy is designed to limit an employee's rights under Section 7 of the National Labor Relations Act. If you have questions or need further guidance, please contact your supervisor.

## **Dress Policy**

Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times.

Our citizens' satisfaction represent the most important and challenging aspect of our business. Whether or not your job responsibilities place you in direct citizen contact, you represent the Town with your appearance as well as your actions. The properly-attired individual helps to create a favorable image for the Town, to the public and fellow employees.

## **Personal Hygiene**

Maintaining a professional, business-like appearance is very important to the success of our Town. Part of the impression you make on others depends on your choice of dress, personal hygiene and courteous behavior. A daily regimen of good grooming and hygiene is expected of everyone. Please ensure that you maintain good personal hygiene habits. While at work, you are required to be clean, dressed appropriately and well groomed.

## **Reference Checks**

Our Town will not honor any oral requests for references. All requests must be in writing and on company letterhead. Generally, we will only confirm our employees' dates of employment, salary history and job title.

Under no circumstances should an employee provide another individual with information regarding current or former employees of our Town. If you receive a request for reference information, please forward it to the Finance Director.

## Protecting Town Information

Protecting our Town's information is the responsibility of every employee, and we all share a common interest in making sure information is not improperly or accidentally disclosed. Do not discuss the Town's confidential business with anyone who does not work for us.

All telephone calls regarding a current or former employee's position/compensation with our Town must be forwarded to the Finance Director.

The Town's address shall not be used for the receipt of personal mail.

## Document Retention

The Town maintains a formal document retention policy and procedure. The Town Clerk will explain how that policy applies to you and the work that you perform. You must retain all work products in the manner required and for the time period required by our policy. Never destroy or delete any work product until the retention periods specified by the Town's policy have been satisfied. Failure to comply with the Town document retention policy and procedure may result in discipline up to and including discharge.

## Outside Employment

**Policy Statement** – It is the policy of the Town that an employee may engage in outside work as long as 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 Town.

**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 Town's scheduling demands, regardless of any existing outside work requirements;
- If the Town determines that an employee's outside work interferes with the performance or the ability to meet the requirements of the Town 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 Town;
- No Town equipment, supplies, or other material may be used by an employee on other than Town work for monetary gain;
- Outside employment that does or may constitute a conflict of interest is prohibited. An employee may not receive any income or material gain from individuals outside of the Town for materials produced or services rendered while performing the employee's Town job;
- A Town 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 Town while performing such work.

Notification of Outside Employment – A Town employee who wishes to engage in outside work should discuss the matter with the Department Head to ensure that the above guidelines are maintained.

## **Bulletin Board**

Information of interest and importance to you is regularly posted on our bulletin board. We suggest that you look at it regularly. This bulletin board is for administrative use only; employees may not post or remove any information.

## **Lunch Room**

A lunch room is available for your use. Although the Town provides general custodial care, you are expected to clean up after eating. This room should be kept clean for the next person's use.

## **Cellular Telephones**

Employees in certain positions are issued Town cellular telephones so they may maintain contact with citizens and co-workers when they are out of the office on business.

Employees are encouraged to take appropriate safety precautions when using their cellular telephone. The use of handheld cellular telephones while driving is prohibited. Employees are expected to comply with applicable state laws regarding the use of cellular telephones.

The use of cellular telephones is not a work requirement for most employees. Employees who are not issued a Town cellular telephone will not be reimbursed for the use of their personal cellular telephone and are expected to make business calls from the office.

Employees are expected to demonstrate proper care of their cellular telephones. If you lose, break or damage your Town cellular telephone, report it to your Department Head at once. All cellular telephones issued by the Town must be returned upon leaving our Town or upon transferring to a position that does not require a Town cellular telephone.

A violation of this policy may result in disciplinary action.

## **Section 7: Safety in the Workplace**

### **Each Employee's Responsibility**

Safety can only be achieved through teamwork at our Town. Each employee, supervisor and manager must practice safety awareness by thinking defensively, anticipating unsafe situations and reporting unsafe conditions immediately.

Please observe the following precautions:

1. Notify your Department Head of any emergency situation. If you are injured or become sick at work, no matter how slightly, you must inform your Department Head immediately.
2. The use of alcoholic beverages or illegal substances during working hours will not be tolerated. The possession of alcoholic beverages or illegal substances on the Town's property is forbidden.
3. Use, adjust and repair machines and equipment only if you are trained and qualified.
4. Know the proper lifting procedures. Get help when lifting or pushing heavy objects.
5. Understand your job fully and follow instructions. If you are not sure of the safe procedure, don't guess; just ask your Department Head.
6. Know the locations, contents and use of first aid and firefighting equipment.
7. Wear personal protective equipment in accordance with the job you are performing.

Any violation of a safety precaution is in itself an unsafe act. A violation may lead to disciplinary action, up to and including discharge.

### **Workplace Violence**

Violence by an employee or anyone else against an employee, supervisor or member of management will not be tolerated. The purpose of this policy is to minimize the potential risk of personal injuries to employees at work and to reduce the possibility of damage to Town property in the event someone, for whatever reasons, may be unhappy with a Town decision or action by an employee or member of management.

If you receive or overhear any threatening communications from an employee or outside third party, report it to your Department Head at once. Do not engage in either physical or verbal confrontation with a potentially violent individual. If you encounter an individual who is threatening immediate harm to an employee or visitor to our premises, contact an emergency agency (such as 911) immediately.

All reports of work-related threats will be kept confidential to the extent possible, investigated and documented. Employees are expected to report and participate in an investigation of any suspected or actual cases of workplace violence and will not be subjected to disciplinary consequences for such reports or cooperation.

Violations of this policy, including your failure to report or full cooperate in the Town's investigation, may result in disciplinary action, up to and including discharge.

## **Workplace Searches**

To protect the property and to ensure the safety of all employees, citizens and the Town, the Town reserves the right to conduct personal searches consistent with state law, and to inspect any packages, parcels, purses, handbags, brief cases, lunch boxes or any other possessions or articles carried to and from the Town's property. In addition, the Town reserves the right to search any employee's office, desk, files, locker, equipment or any other area or article on our premises. In this regard, it should be noted that all offices, desks, files, lockers, equipment, etc. are the property of the Town, and are issued for the use of employees only during their employment. Inspection may be conducted at any time at the discretion of the Town.

Persons entering the premises who refuse to cooperate in an inspection conducted pursuant to this policy may not be permitted to enter the premises. Employees working on or entering or leaving the premises who refuse to cooperate in an inspection, as well as employees who after the inspection are believed to be in possession of stolen property or illegal substances, will be subject to disciplinary action, up to and including discharge, if upon investigation they are found to be in violation of the Town's security procedures or any other Town rules and regulations.

## **Hazard Communication**

Our Town may use some chemicals (e.g., cleaning compounds, inks, etc.) in some of its operations. You should receive training and be familiar with the handling, use, storage and control measures relating to these substances if you will use or likely be exposed to them. Material Safety Data Sheets (MSDS) are available for inspections in your work area. You must follow all labeling requirements.

Please consult with the designated safety coordinator prior to purchasing chemicals for the Town or bringing them on to our premises. For additional information, please refer to our Town's written Hazard Communication Program. If you have any questions, ask your Department Head or the safety coordinator.

## **Smoking in the Workplace**

Our Town is committed to providing a safe and healthy environment for employees and visitors.

Smoking is prohibited in all municipal buildings.

Smoking is permitted at the rear exterior of the building a minimum of ten (10) feet from the building.

Smoking shall be prohibited in town vehicles.

Employees are encouraged to present any concerns to their supervisor and may register a complaint with the County enforcement officer.

A copy of this policy shall be posted upon the town bulletin board and in each separate building in which town employees work.

Anyone in violation of this policy may be subject to the penalty prescribed by the State Commissioner of Health.

Supervisor for the Town of Sweden shall be designated as agent to assist in enforcement by notifying any person that they are in violation of this policy.

Violations of this policy may result in disciplinary action, up to and including discharge.

### **No Weapons in the Workplace**

Possession, use or sale of weapons, firearms or explosives on work premises, while operating Town machinery, equipment or vehicles for work-related purposes or while engaged in Town business off premises is forbidden except where expressly authorized by the Town and permitted by state and local laws. This policy applies to all employees, including but not limited to, those who have a valid permit to carry a firearm.

Employees who are aware of violations or threats of violations of this policy are required to report such violations or threats of violations to your Department Head immediately.

Violations of this policy will result in disciplinary action, up to and including discharge.

### **Clean Air Policy**

Our Town has developed this policy in an effort to decrease severe or extreme ozone pollution in our community. Measures that our Town takes may include, but are not limited to ridesharing, Town provided carpooling programs, flexible work schedules, financial incentives for carpooling and changing existing parking policies. Suggestions or questions on our Town's specific implementation measures should be discussed with your Department Head.

### **Drug and Alcohol Free Workplace**

The Town has vital interests in ensuring a safe, health and efficient working environment for our employees, their co-workers and citizens we serve. The unlawful or improper use of controlled substances or alcohol in the workplace presents a danger to everyone. In addition, as a federal grantee we have a duty to comply with the requirement of the Drug-Free Workplace Act of 1988. For these reasons, we have established as a condition of employment and continued employment with the Town the following drug and alcohol free workplace policy.

The Town has implemented a drug testing program in compliance with local, state and federal laws. Employees are prohibited from reporting to work or working while using illegal or

unauthorized substances. Employees are prohibited from reporting to work or working when the employee uses any controlled substance, except when the use is pursuant to a doctor's orders and the doctor advised the employee that the substance does not adversely affect the employee's ability to safely perform his or her job duties. Employees are also prohibited from reporting for duty or remaining on duty with any alcohol in their systems. Employees are also prohibited from consuming alcohol during working hours, including meal and break periods. This does not include the authorized use of alcohol at Town-sponsored functions or activities.

In addition, employees are prohibited from engaging in the unlawful or unauthorized manufacture, distribution, sale or possession of illegal or unauthorized substances and alcohol in the workplace including: on Town paid time, on Town premises, in Town vehicles or while engaged in Town activities.

In accordance with the Drug-Free Workplace Act of 1988, employees must notify the Finance Director of any criminal drug statute conviction for a violation occurring within the workplace within five days of such conviction.

Your employment or continued employment with the Town is conditioned upon your full compliance with the foregoing drug and alcohol free workplace policy. Any violation of this policy may result in disciplinary action, up to and including discharge.

Consistent with its fair employment policy, the Town maintains a policy of non-discrimination and reasonable accommodation with respect to recovering addicts and alcoholics, and those having a medical history reflecting treatment for substance abuse conditions. We encourage employees to seek assistance before their drug and alcohol use renders them unable to perform their essential job functions or jeopardizes the health and safety of themselves, or others. The Town will attempt to assist its employees through referrals to rehabilitation, appropriate leaves of absence and other measures, consistent with the Town's policies and applicable federal, state or local laws.

The Town further reserves the right to take any and all appropriate and lawful actions necessary to enforce this drug and alcohol free workplace policy including, but not limited to, the inspection of Town issued lockers, desks or other suspected areas of concealment, as well as an employee's personal property when the Town has reasonable suspicion to believe that the employee has violated this drug and alcohol free workplace policy.

This policy represents management guidelines. For more information, please speak to your Department Head.

#### Drug and Alcohol Free Awareness Program

In order to maintain a drug and alcohol free workplace, the Town has established a drug and alcohol free awareness program to educate employees on 1) the danger of drug abuse and alcohol in the workplace; 2) the Town's drug and alcohol free workplace policy; 3) the availability of any drug and alcohol counseling, rehabilitation, and employee assistance programs; and 4) the penalties that may be imposed upon employees for drug abuse and alcohol violations, and violations of the Town's drug and alcohol free workplace. Such education includes: the

distribution of our drug and alcohol free workplace policy at the employment interview and inclusion of the company's drug and alcohol free workplace policy in the Employee Handbook and any other personnel policy publications.

## **Drug and Alcohol Testing Definitions and Procedure**

**Sec. 1 Introduction** – The United States Department of Transportation (DOT) has issued regulations pursuant to the omnibus Transportation Employee Testing Act of 1991 (the "Act") governing the use of drugs and alcohol by persons holding commercial drivers' licenses (CDL's). These regulations require the Town to conduct mandatory drug and alcohol testing of all drivers who operate commercial motor vehicles. The requirements of the DOT regulations are hereby incorporated into this Policy. If the regulations are amended this Policy and its applicable terms, conditions and/or requirements shall be deemed to have been amended automatically at that time, without the need for redrafting. The Town reserves the right to apply the amended requirements immediately, and without giving prior notice to drivers and/or applicants unless such notice is required by the applicable law or regulation. This Policy becomes effective on January 1, 1996.

**Sec. 2. Covered Employees** – Covered employees hereinafter "drivers") include all employees with a CDL who operate or may operate commercial motor vehicles; and any employee who as part of his/her duties regularly drives a town-owned vehicle. Commercial motor vehicles include:

- a) Vehicles with a gross combination rating of 26,001 or more pounds including a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
- b) Vehicles having a gross vehicle weight rating of 26,001 or more pounds;
- c) A vehicle designed to transport 16 or more passengers, including the driver; or
- d) A vehicle of any size that is used in the transportation of materials found to be hazardous for the purposes of Hazardous material Transportation Act.

**Sec. 3. Definitions** – For the purposes of this Drug and Alcohol Testing Policy, the following definitions apply:

**Alcohol** – Means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

**Alcohol concentration (or content)** – Means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

**Alcohol use** – Means the consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

**Breath Alcohol Technician (BAT)** – An individual who instructs and assists individuals in the alcohol testing process and operates an Evidentiary Breath Testing Device (EBT).

**Collection Site** – A designated clinic/facility where applicants or employees may present themselves for the purposes of providing a specimen of their urine to be analyzed for the

presence of Drugs or providing a sample of their breath to be analyzed for the presence of Alcohol.

**Confirmation Test** – For alcohol testing, means a second test, following a screening test with a result 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances, testing means a second analytical procedure to identify the presence of a specific drug or metabolite, which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy (gas chromatography/mass spectrophotometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine).

**Cut-off Levels** – The minimum value established for designating a test result as positive.

**Driver** – Means any person who operates a commercial motor vehicle; and any person who as part of his/her duties regularly drives a town-owned vehicle. This includes, but is not limited to, full-time regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of any employer. Or purposes of a pre-employment or pre-duty testing only, the driver includes a person applying to drive a commercial motor vehicle or town-owned vehicle.

**Drugs (Prohibited)** – All controlled substances including, but not limited to, marijuana, cocaine, amphetamines, phencyclidine and/or opiates.

**Fail a Drug Test or Test Positive** – The confirmation test result shows positive evidences of the presence under DOT procedures of a prohibited Drug in the employee's or applicant's system.

**Medical Review Officer (MRO)** – A licensed physical (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with that individual's medical history and any other biomedical information.

**Pass a Drug Test or Test Negative** – That initial testing or confirmation testing under DOT procedures that does not show evidence of the presence of a prohibited Drug in the employee's or applicant's system.

**Refuse to Submit to an Alcohol or Controlled Substance Test** – Means that an employee either:

1. Fails to provide adequate breath for testing without a valid medical explanation after he or she received notice of the requirement for breath testing in accordance with the provisions of this part; or
2. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after receiving notice of the requirement for urine testing in accordance with the provisions of this part; or
3. Engages in conduct that clearly obstructs the testing process.

**Screening (Also known as Initial Test)** – In alcohol testing, it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In controlled substances testing, it means an immunoassay screen to eliminate “negative” urine specimens from further consideration.

**Substance Abuse Profession (SAP)** – Means a licensed physician “Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addition counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

**Section 4 Safety-Sensitive Function** – Drivers must be in compliance with the requirements of this policy while on duty or while performing safety-sensitive functions. “On duty time” means all time from the time a driver begins to work or is required to be in readiness to work until the time that the driver is relieved from work and all responsibility for performing work. It includes all time spent providing a breath or urine specimen, including travel time to and from the collection site, or order to comply with the required random, reasonable suspicion, or post-accident testing required by the DOT regulations. Safety Sensitive Function will mean and refer to the following:

- a) All time spent at or on town property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the Town;
- b) All time inspecting equipment or otherwise servicing, or conditioning any commercial motor vehicle at any time;
- c) All driving time spent at the driving controls of a commercial motor vehicle in operation;
- d) All time, other than driving time spent in or upon any commercial motor vehicles;
- e) All time spent loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle;
- f) All time spent performing the driver requirements of 49 CFR § 392.40 and § 392.41 relating to accidents; and
- g) All time spent repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**Section 5 Prohibited Activities** – A driver may not report for duty or remain on duty requiring the performance of a safety-sensitive function while having an alcohol concentration of 0.04 or greater. Drivers may not be on duty or operate a commercial motor vehicle while possessing or using alcohol, including alcohol found in any medication, beverage, mixture or preparation. No driver may use alcohol while on duty or perform safety-sensitive functions within four (4) hours after using alcohol. No driver may report for duty or remain on duty requiring the performance of a safety-sensitive function if that driver has used any controlled substance, except when the use is pursuant to the instructions of a physician who had advised the driver employee, in writing, that the substance does not adversely affect the driver’s ability to safely operate a commercial motor vehicle. A driver must inform his or her supervisor, in writing, of any therapeutic drug use.

**Section 6 Responsibilities:**

**Drug/Alcohol Program Manager (DAPM)** – Appendix A identifies the responsible individual (s). The DAPM shall be responsible for the preparation of the Drug and Alcohol Testing Policy which complies with requirements of the Department of Transportation regulations as set forth in Title 49 CFR Parts 382 and 40. The DAPM shall be responsible for:

1. Providing oversight and evaluation of the Policy;
2. Providing guidance and counseling;
3. Overseeing the Third Party Administrator;
4. Maintaining a secure file system on drug/alcohol testing results;
5. Keeping all necessary records.

**Third Party Administrator (TPA)** – It is the intent of the Town to contract with a private Health Care System Provider as a Third Party Administrator (See Appendix A).

The TPA will be responsible for:

1. Scheduling random drug and alcohol testing;
2. Collection of all drug and alcohol samples at a testing site(s) meeting the requirements of OTETA regulation 40.25;
3. Providing all alcohol testing using EBT devices which meet the guidelines and specifications of the National Highway Safety Administration;
4. Providing all drug testing including blind testing in compliance with the OTETA requirements;
5. Providing the service of a certified MRO as required by the OTETA;
6. Keeping all necessary records associated with the services provided.

The Town shall ensure that all covered employees are aware of the provisions and coverage of this policy.

**Supervisors** – (Superintendent of Highways, Deputy Superintendent, Buildings and Grounds Department Heads, Supervisors are responsible for observing the performance and behavior of Employees, documenting events which might require reasonable cause testing and requesting a second supervisor for substantiation and concurrence for reasonable cause testing if available.

**Covered Employees** – Each covered employee has the responsibility to be knowledgeable of the requirements of the plan and to fully comply with the provisions of the plan. Covered employees must notify the Finance Director of any criminal drug statute conviction within five (5) days of such conviction. Upon receipt of such notification or other notice for a violation occurring within the workplace, the town will, as required by law, advise the appropriate governmental agency to which it has a contract of such conviction. A covered employee using drugs prescribed by a licensed physician or any other therapeutic drug use is required to notify his/her supervisor when such use may impact the employee's ability to perform his/her duties safely.

**Sec. 7 Required Testing** – Drivers are required to undergo pre-employment, post-accident, random, and reasonable suspicion testing as necessary.

Pre-Employment Testing – Prior to the first time that a driver performs a safety-sensitive function for the town, the driver must undergo testing for alcohol and controlled substances.

Pre-employment testing is also required when a person transfers into a safety-sensitive function from some other area of employment within the town.

Post-Accident Testing – This must be performed as soon as possible after an accident involving a commercial motor vehicle, when drivers receive a citation for a moving traffic violation, or when drivers are involved in an accident involving loss of a human life. Post-accident alcohol testing shall be done within two (2) hours of the accident. A driver required to take a post-accident alcohol test may not use alcohol for eight (8) hours after the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first. A post-accident alcohol test will not be performed more than eight (8) hours after an accident. Post-accident controlled substance tests shall be performed within thirty-two (32) hours following the accident or will not be performed at all.

Random Testing – The primary purpose of Random Testing is to determine prohibited drug and alcohol use and to ensure a drug-free and alcohol-free work place. Unannounced random alcohol testing will be performed on twenty-five percent (25%) of the average number of drivers and random controlled substances testing will be performed on fifty percent (50%) of the average number of drivers. The random selection process will insure that each driver has an equal chance of being tested each time selections are made. Random testing for alcohol will be completed just before, during, or immediately after the driver performs safety-sensitive work. Random testing for controlled substances may be done at any time the driver is at work. Each driver selected for random testing must proceed immediately to the test site.

Reasonable Suspicion/Reasonable Cause Testing – Reasonable Suspicion/Reasonable Cause Testing is designed to identify drug and/or alcohol affected employees who may pose a danger to themselves and others in their job performance. This testing is conducted when a trained supervisor or town official observes specific behavior or appearance that is characteristic of alcohol or controlled substances use. These observations must be made just before, during, or just after the performance of a safety-sensitive function.

## **Sec. 8 Methods of Testing:**

Alcohol Testing – Alcohol testing is performed by a certified Breath Alcohol Technician (BAT) in a location where no one except the BAT and the driver can see or hear the test results. An evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration will be used. The BAT will require the driver to provide positive identification (such as a photo I.D. card or identification by a town representative) and then explain the testing procedure to the driver. After the driver has completed the test, the BAT must show the driver the test results.

If the screening test indicates a breath alcohol concentration of less than 0.02, the driver has passed the test and must sign the certification and fill in the date on the test form. If the test result is 0.02 or over, a confirmation test must be performed. The BAT will instruct the driver how to proceed. If the screening and confirmation test results are not identical, the confirmation test result is considered the final result. If the confirmation test is 0.02 or over, the driver has failed the test.

Controlled Substances Testing – The town must test drivers for marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). Testing is accomplished by analyzing a urine sample provided by the driver. The testing is performed in private at designated testing locations. The collected urine specimen is divided into one “primary” specimen and one “split” specimen. Both specimens are then sent to a certified testing laboratory. The primary specimen is tested for drugs. If the test is positive, a confirmation test using gas chromatograph-mass spectrophotometry technique is required to ensure that over-the-counter drugs are not reported as positive.

If there is a confirmed positive test result, the Medical Review Officer (MRO) will contact the driver before any test result is reported to the town. The MRO is a licensed physician with knowledge of substance abuse disorders. The MRO will review the chain of custody and contact the driver to determine whether there may be an alternate medical explanation for any positive test result. If requested, the MRO will authorize a reanalysis of the original sample if requested to do so by the driver within seventy-two (72) hours after the driver received actual notice of a positive test result. If the retest is negative, the MRO will cancel the test result. Any retest will be performed at a different Department of Health and Human Services certified laboratory. This process is used to safeguard the validity of the test results and to ensure that those results are attributed to the correct driver.

**Sec. 9 ( Disclosure Information Privacy Issues)** – All records generated as a result of testing, both alcohol and/or controlled substances, will be considered and treated as confidential medical records. These records must be kept in a locked file cabinet in the Supervisor’s office. Records will be maintained separately from the employee’s personnel records and access to these records will be limited and on a strict “need-to-know” basis.

Information regarding testing results or rehabilitation may be released only upon written consent of the affected employee, except:

1. As part of an accident investigation, to the DOT or other government agency with regulatory authority.
2. Information may be disclosed regardless of consent in a lawsuit or other proceeding initiated by or on behalf of the employee and arising from a verified positive controlled substances and/or alcohol test.

An employee is entitled, upon written request, to obtain copies of any records pertaining to their own use of alcohol or drugs including any test records.

Records pertaining to an employee’s drugs and/or alcohol use or tests will be made available to a subsequent employer upon receipt of a written request from an employee. (Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the employee’s request).

**Sec. 10 Refusal to Take a Test** – A driver may not refuse to take any drug or alcohol test administered pursuant to this policy. A refusal to submit to an alcohol and/or drug test will be treated as a positive test. Refusal to submit to an alcohol or controlled substances test means that the driver:

- a) Failed to provide an adequate breath for testing without a valid medical explanation after the driver has received notice of the requirement for breath testing;
- b) Failed to provide an adequate urine sample for controlled substances testing without a valid medical explanation;
- c) Failed to appear at a designated testing site after being notified to do so;
- d) Engaged in conduct that clearly obstructs the testing process; or
- e) Refused to sign necessary release forms.

**Sec. 11 Consequences of a Positive Random and/or for Cause Alcohol Test for Levels Greater than 0.04 and for Cause Drug Tests** – Candidates for positions requiring CDL per this policy (including current employees) will not be hired, transferred, reassigned or promoted if the results of their pre-employment alcohol or drug test are above identified levels of positive.

An employee who tests positive (0.04 or greater) on a random or for cause alcohol or drug test will be immediately terminated.

**Sec. 12 Consequences of Positive, Random, or For Cause Alcohol Tests with Levels of 0.02 or Greater, but Less Than 0.04** – An employee whose positive test result for alcohol is 0.02 or greater, but less than 0.04, cannot be allowed to perform his/her safety sensitive function until the start of the employee's next regularly scheduled shift, as long as it is not less than 24 hours from the time of the positive alcohol test. The employee is not required to be referred to the SAP, and is not subject to return to duty or follow up testing.

An employee who tests positive for alcohol with a concentration of 0.02 or greater, but less than 0.04 will be immediately suspended without pay until the start of the employee's next regularly scheduled shift, as long as it is not less than 24 hours from the time of the positive test.

An employee who tests positive for alcohol with a concentration of 0.02 or greater, but less than 0.04, within 60 months of a previous positive alcohol test will be immediately suspended without pay for five (5) working days.

An employee who tests positive for alcohol with a concentration of 0.02 or greater, but less than 0.04, and has a record of two (2) previous positive alcohol tests within 60 months of the date of the third positive alcohol test will be immediately terminated.

**Sec. 13. The Effect of Alcohol and Controlled Substance Use** – Attached are fact sheets covering alcohol, marijuana, cocaine, amphetamines, opiates, and PCP. These sheets describe each substance, give the signs and symptoms of its use, its health effects, related workplace issues and other information.

Drivers are reminded that certain over-the-counter medications contain warnings that state in effect "Product may cause drowsiness. Do not operate heavy equipment or machinery while taking." It is a violation of DOT regulations to take such medications and drive a commercial motor vehicle.

If you believe that you or someone else may need help, you may contact one of the following agencies listed below whom will be able to refer you to a substance abuse professional.

<b>National Institute of Drug Abuse</b>	1-800-356-9996
<b>Al-Anon</b>	1-800-356-9996
Monday – Friday, 8:00 am to 4:30 pm (Answering machine after 4:30 pm Eastern time)	
<b>American Counsel on Alcoholism</b>	1-800-527-5334
<b>Cocaine Hotline</b>	1-800-COCAINE
7 days a week, 24 hours a day	
<b>National Council of Alcoholism</b>	1-800-NCA-CALL
<b>National Institute on Drug Abuse</b>	1-800-662-HELP
Monday – Friday, 9:00 am to 3:00 am	
Saturday & Sunday, 12:00 pm to 3:00 am	

**Questions About Materials** – If you have any questions regarding this Policy or the DOT drug and alcohol testing requirements, please contact the Highway Superintendent at 637-1090.

**Sec. 14 Confirmation of Receipt of Employee Drug Abuse and Alcohol Policies** – I acknowledge that I have received copies of the Town's Drug and Alcohol Testing Policy. This policy covers the following topics:

- Which employees are subject to the alcohol misuse and controlled substances requirements
- An examination of what constitutes a safety-sensitive function and what period of the workday the driver is required to be in compliance.
- Specific information concerning driver conduct that is prohibited.
- The circumstances under which a driver will be tested for alcohol and/or controlled substances.
- An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test.
- The consequences for drivers found to have violated the prohibitions of this rule.
- The consequences for drivers found to have an alcohol concentration of 0.02 or greater, but less than 0.04.
- Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life. Signs and symptoms of an alcohol or controlled substances problem, and available methods of intervening when an alcohol or a controlled substances problem is suspected.
- The identity of the person designated by the Town to answer driver questions about the materials.

I understand this material and agree to abide by all provisions of this policy and procedures as a condition of my employment.

---

Employee Name (Printed)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Superintendent of Highways

## Section 8: Public Employer Health Emergency Plan

Adopted January 26, 2021

This plan has been developed in accordance with NYS legislation S8617B/A10832.

### Promulgation

This plan has been developed in accordance with the amended New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable.

This plan has been developed as required by the amended New York State Labor Law.

No content of this plan is intended to impede, infringe, diminish, or impair the rights of us or our valued employees under any law, rule, regulation, or collectively negotiated agreement, or the rights and benefits which accrue to employees through collective bargaining agreements, or otherwise diminish the integrity of the existing collective bargaining relationship.

This plan has been approved in accordance with requirements applicable to the agency, jurisdiction, authority, or district, as represented by the signature of the authorized individual below.

As the authorized official of Town of Sweden, I hereby attest that this plan has been developed, approved, and placed in full effect in accordance with S8617B/A10832 which amends New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable, to address public health emergency planning requirements.

Signed on this day: January 26, 2021

By: Kevin G. Johnson

Title: Supervisor

Signature:

A handwritten signature in black ink, appearing to read "Kevin Johnson", written over a horizontal line.

# Record of Changes

Date of Change	Description of Change	Implemented by

# Table of Contents

Promulgation .....	1
Record of Changes .....	2
Purpose, Scope, Situation Overview, and Assumptions .....	4
Purpose .....	4
Scope.....	4
Situation Overview.....	4
Planning Assumptions.....	4
Concept of Operations.....	5
Mission Essential Functions .....	5
Essential Positions.....	6
Reducing Risk Through Remote Work and Staggered Shifts .....	7
Remote Work Protocols.....	7
Staggered Shifts .....	8
Personal Protective Equipment .....	8
Staff Exposures, Cleaning, and Disinfection .....	10
Staff Exposures .....	10
Cleaning and Disinfecting .....	12
Employee and Contractor Leave.....	12
Documentation of Work Hours and Locations .....	12
Housing for Essential Employees .....	13

## Purpose, Scope, Situation Overview, and Assumptions

### Purpose

This plan has been developed in accordance with the amended New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable. These laws were amended by the passing of legislation S8617B/A10832 signed by the Governor of New York State on September 7, 2020, requires public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease. The plan includes the identification of essential positions, facilitation of remote work for non-essential positions, provision of personal protective equipment, and protocols for supporting contact tracing.

### Scope

This plan was developed exclusively for and is applicable to Town of Sweden. This plan is pertinent to a declared public health emergency in the State of New York which may impact our operations; and it is in the interest of the safety of our employees and contractors, and the continuity of our operations that we have promulgated this plan.

### Situation Overview

On March 11, 2020 the World Health Organization declared a pandemic for the novel coronavirus which causes the COVID-19 severe acute respiratory syndrome. This plan has been developed in accordance with amended laws to support continued resilience for a continuation of the spread of this disease or for other infectious diseases which may emerge and cause a declaration of a public health emergency.

The health and safety of our employees and contractors is crucial to maintaining our mission essential operations. We encourage all employees and contractors to use [CDC Guidance for Keeping Workplaces, Schools, Homes, and Commercial Establishments Safe](#). The fundamentals of reducing the spread of infection include:

- Using hand sanitizer and washing hands with soap and water frequently, including:
  - After using the restroom
  - After returning from a public outing
  - After touching/disposing of garbage
  - After using public computers, touching public tables, and countertops, etc.
- Practice social distancing when possible
- If you are feeling ill or have a fever, notify your supervisor immediately and go home
- If you start to experience coughing or sneezing, step away from people and food, cough or sneeze into the crook of your arm or a tissue, the latter of which should be disposed of immediately
- Clean and disinfect workstations at the beginning, middle, and end of each shift
- Other guidance which may be published by the CDC, the State Department of Health, or County health officials.

### Planning Assumptions

This plan was developed based on information, best practices, and guidance available as of the date of publication. The plan was developed to largely reflect the circumstances of the current Coronavirus pandemic but may also be applicable to other infectious disease outbreaks.

The following assumptions have been made in the development of this plan:

- The health and safety of our employees and contractors, and their families, is of utmost importance
- The circumstances of a public health emergency may directly impact our own operations.
- Impacts of a public health emergency will take time for us to respond to, with appropriate safety measures put into place and adjustments made to operations to maximize safety
- The public and our constituency expects us to maintain a level of mission essential operations
- Resource support from other jurisdictions may be limited based upon the level of impact the public health emergency has upon them
- Supply chains, particularly those for personal protective equipment (PPE) and cleaning supplies, may be heavily impacted, resulting in considerable delays in procurement
- The operations of other entities, including the private sector (vendors, contractors, etc.), non-profit organizations, and other governmental agencies and services may also be impacted due to the public health emergency, causing delays or other disruptions in their services
- Emergency measures and operational changes may need to be adjusted based upon the specific circumstances and impacts of the public health emergency, as well as guidance and direction from public health officials and the governor
- Per S8617B/A10832, 'essential employee' is defined as a public employee or contractor that is required to be physically present at a work site to perform their job
- Per S8617B/A10832, 'non-essential employee' is defined as a public employee or contractor that is not required to be physically present at a work site to perform their job

## Concept of Operations

The Supervisor of the Town of Sweden, their designee, or their successor holds the authority to execute and direct the implementation of this plan. Implementation, monitoring of operations, and adjustments to plan implementation may be supported by additional personnel, at the discretion of the Town Supervisor.

Upon the determination of implementing this plan, all employees and contractors of Town of Sweden shall be notified by memo, with details provided as possible and necessary, with additional information and updates provided on a regular basis. The public will be notified of pertinent operational changes by way of Town website and/or official newspaper and/or Supervisor Facebook page. Other interested parties, such as vendors, will be notified by phone and/or email as necessary. The Supervisor will maintain communications with the public, employees and constituents as needed throughout the implementation of this plan.

The Supervisor of the Town of Sweden their designee, or their successor will maintain awareness of information, direction, and guidance from public health officials and the Governor's office, directing the implementation of changes as necessary.

Upon resolution of the public health emergency, the Supervisor of the Town of Sweden, their designee, or their successor will direct the resumption of normal operations or operations with modifications as necessary.

## Mission Essential Functions

When confronting events that disrupt normal operations, the Town of Sweden is committed to ensuring that essential functions will be continued even under the most challenging circumstances.

Essential functions are those functions that enable an organization to:

1. Maintain the safety of employees, contractors, and our constituency

2. Provide vital services
3. Provide services required by law
4. Sustain quality operations
5. Uphold the core values of Town of Sweden

The Town of Sweden has identified as critical only those priority functions that are required or are necessary to provide vital services. During activation of this plan, all other activities may be suspended to enable the organization to concentrate on providing the critical functions and building the internal capabilities necessary to increase and eventually restore operations. Appropriate communications with employees, contractors, our constituents, and other stakeholders will be an ongoing priority.

Essential functions are prioritized according to:

- The time criticality of each essential function
- Interdependency of a one function to others
- The recovery sequence of essential functions and their vital processes

Priority 1 identifies the most essential of functions, with priority 4 identifying functions that are essential, but least among them.

The mission essential functions for the Town of Sweden have been identified as:

Essential Function	Description	Priority
Snow and Ice Operations	Makes sure all roads are passable for travel	1
Sewer System	Makes sure all sewer systems are functional	1
Finance	Makes sure Town financial obligations are met	1
Human Resources	Makes sure employees have access to needed benefits, services, info	1
Tax Collection	Makes sure taxes can be received & distributed (in season)	2
Burials & Storage	Cemetery operations per NYS Health Department	1

Essential Positions – Required to be On-Site

Each essential function identified above requires certain positions on-site to effectively operate. The table below identifies the positions or titles that are essential to be staffed on-site for the continued operation of each essential function. Note that while some functions and associated personnel may be essential, some of these can be conducted remotely and do not need to be identified in this section.

Essential Function	Essential Positions/Titles	Justification for Each
Snow & Ice Operations	• Highway Superintendent	Must be on-site to use equipment, plow roads.
	• HEOs, MEOs, Laborers	Must be on-site to use equipment, plow roads.

Sewer System	<ul style="list-style-type: none"> <li>• Highway Superintendent</li> <li>• HEOs, MEOs, Laborers</li> </ul>	Must be on-site to perform repairs.
Finance	<ul style="list-style-type: none"> <li>• Finance Director</li> </ul>	Must be on-site to access mail, financial instruments, secure sites, bank, items that cannot leave Town Hall.
Human Resources	<ul style="list-style-type: none"> <li>• Finance Director</li> </ul>	Must be on-site to access mail, financial instruments, secure sites, files that cannot leave Town Hall.
Tax Collection	<ul style="list-style-type: none"> <li>• Tax Receiver, Deputy</li> </ul>	Must be on-site to access payments, bank.
Burials & Storage	<ul style="list-style-type: none"> <li>• Highway Superintendent</li> <li>• HEOs, MEOs, Laborers</li> </ul>	Must be on site to put bodies in storage or inter them.
	<ul style="list-style-type: none"> <li>•</li> </ul>	

## Reducing Risk Through Remote Work and Staggered Shifts

Through assigning certain staff to work remotely and by staggering work shifts, we can decrease crowding and density at work sites and on public transportation

### Remote Work Protocols

Non-essential employees and contractors able to accomplish their functions remotely will be enabled to do so at the greatest extent possible. Working remotely requires:

1. Identification of staff who will work remotely
  - a. Court Clerks
  - b. Assessor and Assistant to Assessor
  - c. Town Clerk and Deputy Town Clerk
  - d. Planning Board Secretary
  - e. Building Inspector and Fire Marshal
  - f. Highway Secretary
  - g. Full-time Recreation Staff
  - h. Recreation Clerk
  - i. Part-time Recreation Staff
  - j. Planning and Zoning Boards
  - k. Board of Assessment Review
2. Approval and assignment of remote work
  - a. NYS Court
  - b. Supervisor
  - c. Supervisor
  - d. Supervisor
  - e. Supervisor
  - f. Highway Superintendent
  - g. Supervisor with Recreation Director
  - h. Supervisor with Recreation Director

- i. Supervisor with Recreation Director
  - j. Supervisor
  - k. NYS Real Property Office
3. Equipping staff for remote work, which may include:
- a. Internet capable laptop
  - b. Necessary peripherals
  - c. Access to VPN and/or secure network drives
  - d. Access to software and databases necessary to perform their duties
  - e. A solution for telephone communications
    - i. Note that phone lines may need to be forwarded to off-site staff

### Staggered Shifts

Implementing staggered shifts may be possible for personnel performing duties which are necessary to be performed on-site but perhaps less sensitive to being accomplished only within core business hours. As possible, management will identify opportunities for staff to work outside core business hours as a strategy of limiting exposure. Staggering shifts requires:

1. Identification of positions for which work hours will be staggered
  - a. Highway laborers, MEOs HEOs
  - b. Buildings and Grounds laborers
  - c. Town Hall Office Staff in all departments
2. Approval and assignment of changed work hours
  - a. Highway Superintendent
  - b. Supervisor
  - c. Supervisor

### Personal Protective Equipment

The use of personal protective equipment (PPE) to reduce the spread of infectious disease is important to supporting the health and safety of our employees and contractors. PPE which may be needed can include:

- Masks
- Gloves

Note that while cleaning supplies are not PPE, there is a related need for cleaning supplies used to sanitize surfaces, as well as hand soap and hand sanitizer. The Coronavirus pandemic demonstrated that supply chains were not able to keep up with increased demand for these products early in the pandemic. As such, we are including these supplies in this section as they are pertinent to protecting the health and safety of our employees and contractors.

Protocols for providing PPE include the following:

1. Identification of need for PPE based upon job duties and work location
  - A. Town Hall
 

Supervisor masks	104 masks
Councilperson (4) masks	208 masks
Finance Director	312 masks

Assessor (2)	520 masks	
Town Clerk (2)	520 masks	
Court Justices (2)	208 masks	
Chief Court Clerk	260 masks	
Part-time Court Clerk	156 masks	
Planning Secretary	260 masks	
Building Inspector	260 masks	
Fire Marshal	104 masks	
Custodian	<u>260 masks</u>	<u>260 gloves</u>
TOTAL	3,172 masks	260 gloves
B. Highway Garage		
Highway Superintendent	312 masks	
Highway Secretary	260 masks	
Full-time crew (11)	2,860 masks	
Part-time crew (2)	<u>312 masks</u>	
TOTAL	3,744 masks	260 gloves
C. Community Center		
Full-time Recreation Staff (4)	1,040 masks	
Part-time Recreation Staff (4)	624 masks	
Custodian	<u>260 masks</u>	260 gloves
TOTAL	1,924 masks	
D. Cemetery		
Seasonal Staff (4)	1,040 masks	260 gloves
E. Park		
Full-time Staff (2)	624 masks	
Seasonal Staff (2)	<u>520 masks</u>	<u>260 gloves</u>
TOTAL	1,144 masks	260 gloves

2. Procurement of PPE

- a. As specified in the amended law, public employers must be able to provide at least two pieces of each required type of PPE to each essential employee and contractor during any given work shift for at least six months. Two pieces per shift for one day per week for six months equals 52 pieces. Two pieces per shift for two days per week for six months equals 104 pieces. Two pieces per shift for three days per week for six months equals 156 pieces. Two pieces per shift for five days per week for six months equals 260 pieces. Two pieces per shift for seven days per week for six months equals 364 pieces.
- b. Public employers must be able to mitigate supply chain disruptions to meet this requirement

3. Storage of, access to, and monitoring of PPE stock

- a. PPE must be stored in a manner which will prevent degradation
- b. Employees and contractors must have immediate access to PPE in the event of an emergency

c. The supply of PPE must be monitored to ensure integrity and to track usage rates

The Town of Sweden will store the appropriate amounts of PPE indoors in unopened packages at each workplace: Town Hall, Highway Garage, Community Center, Cemetery and Town Park. The person responsible for monitoring and maintaining the stock of PPE is:

• Town Hall	Supervisor	8 week supply =	1,058 masks	86 gloves
• Highway Garage	Superintendent	8 week supply =	1,248 masks	86 gloves
• Community Center	Rec Director	8 week supply =	642 masks	86 gloves
• Cemetery	Superintendent	8 week supply =	346 masks	86 gloves
• Park	Bldgs & Grds	8 week supply =	382 masks	86 gloves

#### Suppliers of PPE

Monroe County Office of Emergency Management

Regional Distributors

Aratari Auto

Wal-Mart

Lowe's

## Staff Exposures, Cleaning, and Disinfection

### Staff Exposures

Staff exposures are organized under several categories based upon the type of exposure and presence of symptoms. Following CDC guidelines, we have established the following protocols:

- A. If employees or contractors are exposed to a known case of communicable disease that is the subject of the public health emergency (defined as a 'close contact' with someone who is confirmed infected, which is a prolonged presence within six feet with that person):
  1. Potentially exposed employees or contractors who do not have symptoms should remain at home or in a comparable setting and practice social distancing for the lesser of 14 days or other current CDC/public health guidance for the communicable disease in question.
    - a. As possible, these employees will be permitted to work remotely during this period of time if they are not ill.
    - b. The Supervisor of the Town of Sweden or their designee must be notified and together with the Department Head will be responsible for ensuring these protocols are followed.
    - c. See the section titled Documentation of Work Hours and Locations for additional information on contact tracing.
  2. CDC guidelines for COVID-19 provide that critical essential employees may be permitted to continue work following potential exposure, provided they remain symptom-free and additional precautions are taken to protect them, other employees and contractors, and our constituency/public.
    - a. Additional precautions will include the requirement of the subject employee or contractor, as well as others working in their proximity, to wear appropriate PPE at all times to limit the potential of transmission.
    - b. In-person interactions with the subject employee or contractor will be limited as much as possible.

- c. Work areas in which the subject employee or contractor are present will be disinfected according to current CDC/public health protocol at least every hour, as practical. See the section on Cleaning and Disinfection for additional information on that subject.
    - d. If at any time they exhibit symptoms, refer to item B below.
    - e. The Supervisor of the Town of Sweden or their designee is the decision-maker in these circumstances and together with the Department Head will be responsible for ensuring these protocols are followed.
- B. If an employee or contractor exhibits symptoms of the communicable disease that is the subject of the public health emergency:
  1. Employees and contractors who exhibit symptoms in the workplace should be immediately separated from other employees, customers, and visitors. They should immediately be sent home with a recommendation to contact their physician.
  2. Employees and contractors who exhibit symptoms outside of work should notify their supervisor and stay home, with a recommendation to contact their physician.
  3. Employees should not return to work until they have met the criteria to discontinue home isolation per CDC/public health guidance and have consulted with a healthcare provider.
  4. The Town of Sweden will not require sick employees to provide a negative test result for the disease in question or healthcare provider's note to validate their illness, qualify for sick leave, or return to work; unless there is a recommendation from the CDC/public health officials to do so.
  5. CDC criteria for COVID-19 provides that persons exhibiting symptoms may return to work if at least 24 hours have passed since the last instance of fever without the use of fever-reducing medications. If the disease in question is other than COVID-19, CDC and other public guidance shall be referenced.
  6. The Supervisor of the Town of Sweden, or their designee must be informed in these circumstances and together with the Department Head will be responsible for ensuring these protocols are followed.
- C. If an employee or contractor has tested positive for the communicable disease that is the subject of the public health emergency:
  1. Apply the steps identified in item B, above, as applicable.
  2. Areas occupied for prolonged periods of time by the subject employee or contractor will be closed off.
    - a. CDC guidance for COVID-19 indicates that a period of 24 hours is ideally given before cleaning, disinfecting, and reoccupation of those spaces will take place. If this time period is not possible, a period of as long as possible will be given. CDC/public health guidance for the disease in question will be followed.
    - b. Any common areas entered, surfaces touched, or equipment used shall be cleaned and disinfected immediately.
    - c. See the section on Cleaning and Disinfection for additional information on that subject.
  3. Identification of potential employee and contractor exposures will be conducted
    - a. If an employee or contractor is confirmed to have the disease in question, the Supervisor or their designee should inform all contacts of their possible exposure. Confidentiality shall be maintained as required by the Americans with Disabilities Act (ADA).
    - b. Apply the steps identified in item A, above, as applicable, for all potentially exposed personnel.

4. The Supervisor or their designee must be notified in these circumstances and who is responsible for ensuring these protocols are followed.

We recognize there may be nuances or complexities associated with potential exposures, close contacts, symptomatic persons, and those testing positive. We will follow CDC/public health recommendations and requirements and coordinate with our local public health office for additional guidance and support as needed.

### Cleaning and Disinfecting

CDC/public health guidelines will be followed for cleaning and disinfection of surfaces/areas. Present guidance for routine cleaning during a public health emergency includes:

1. As possible, employees and contractors will clean their own workspaces in the beginning, middle, and end of their shifts, at a minimum.
  - a. High traffic/high touch areas and areas which are accessible to the public/constituents will be disinfected at least twice per day; more if recommended by CDC or Department of Health.
  - b. Each Staff member is responsible for sanitizing work area at beginning and end of shift and for sanitizing shared surfaces/equipment after each use.
  - c. Custodial staff to perform additional sanitizing tasks as recommended by CDC or Department of Health

### Employee and Contractor Leave

Public health emergencies are extenuating and unanticipated circumstances in which Town of Sweden is committed to reducing the burden on our employees and contractors. The *Families First Coronavirus Response Act* provided requirements related to the COVID-19 pandemic, which form the policies outlined below. This policy may be altered based upon changes in law or regulation, as applicable.

It is our policy that employees of Town of Sweden will not be charged with leave time for testing. Employees will be provided with up to two weeks of paid sick leave at the employee's regular rate of pay for a period which the employee is unable to work due to quarantine (in accordance with federal, state, or local orders or advice of a healthcare provider), and/or experiencing symptoms and seeking medical diagnosis.

Additional provisions may be enacted based upon need and the guidance and requirements in place by federal and state employment laws, FMLA, executive orders, and other potential sources.

Contractors, either independent or affiliated with a contracted firm, are not classified as employees of Town of Sweden, and as such are not provided with paid leave time by Town of Sweden, unless required by law.

### Documentation of Work Hours and Locations

In a public health emergency, it may be necessary to document work hours and locations of each employee and contractor to support contact tracing efforts. Identification of locations shall include on-site work, off-site visits. This information may be used by Town of Sweden to support contact tracing within the organization and may be shared with local public health officials.

1. During a Public Health emergency, and for the purpose of contact tracing, Town of Sweden employees will be required to keep a time sheet of hours worked:
  - a. On-site at their normally assigned job site
  - b. On-site at alternate locations

2. For the purposes of contact tracing, a Town of Sweden employee is defined as one appointed or elected who receives remuneration from the Town of Sweden.
3. The time sheet will record the date, time in, time out, and location. A time sheet will be supplied by the Supervisor of the Town of Sweden. The time sheet should NOT include time spent working from home.
4. For employees who travel between sites during the workday, a separate daily log must be kept of all sites and the times visited.
5. The time sheets and logs will be turned in bi-weekly to the Supervisor of the Town of Sweden and kept on file in the Supervisor's office.
6. The time sheets and logs will be used for contact tracing and shared only with appropriate health agencies or governmental authorities.

## Housing for Essential Employees

There are circumstances within a public health emergency when it may be prudent to have essential employees lodged in such a manner which will help prevent the spread of the subject communicable disease to protect these employees from potential exposures, thus helping to ensure their health and safety and the continuity of Town of Sweden's essential operations.

If such a need arises, hotel rooms are expected to be the most viable option. If hotel rooms are for some reason deemed not practical or ideal, or if there are no hotel rooms available, Town of Sweden Supervisor or their designee will coordinate with the Monroe County Office of Emergency Management to help identify and arrange for these housing needs