

## Town Clerk's Office

### MEMORANDUM

**To:** Town Board  
**From:** Erin Trostle  
**Date:** December 31, 2025  
**Re:** Draft meeting minutes

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Please review the attached minutes of the December 16, 2025 Town Board meeting.

**MINUTES OF THE DECEMBER 16, 2025 MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE HELD AT 179 WESTCHESTER AVENUE, POUND RIDGE, NEW YORK, AND VIA ZOOM VIDEOCONFERENCE, COMMENCING AT 7:30 PM**

PRESENT: SUPERVISOR KEVIN HANSAN  
DEPUTY SUPERVISOR/COUNCILPERSON DIANE BRIGGS  
COUNCILPERSON ALISON BOAK (via videoconference)  
COUNCILPERSON NAMASHA SCHELLING  
COUNCILPERSON DANIEL PASCHKES

ALSO

PRESENT: TOWN ATTORNEY WILLIAM HARRINGTON  
TOWN CLERK ERIN TROSTLE

**I. CALL TO ORDER OF REGULAR MEETING**

Supervisor Hansan called the meeting to order at 7:32 pm.

**II. ANNOUNCEMENTS**

- The December 16, 2025 meeting will be the last Town Board meeting of 2025.
- The Recycling Center will be closed on December 27 and January 3.
- The Town House will be closed on December 25 and January 1.

**III. MINUTES**

Councilperson Paschkes said that payment of the bills approved at the December 8, 2025 Town Board meeting should be reaffirmed since Councilperson Schelling's abstention meant that a majority of the Town Board members present at that meeting rather than a majority of the full Town Board voted to approve payment. Supervisor Hansan said that could be done later in the meeting.

**Board Action:** Motion by Councilperson Paschkes, seconded by Councilperson Briggs, all voting aye, to approve the minutes of the November 18, December 2, and December 8, 2025 Town Board meetings.

**IV. PUBLIC COMMENT I**

Resident John Nathan claimed that the Supervisor had said the lawsuit Mr. Nathan filed against the town was "bankrupting the town." He noted that the expenses the town has incurred as a result of that lawsuit amount to approximately twenty percent of the town's total legal costs over the past twenty months.

Councilperson Paschkes responded that the Supervisor had never made such a statement. He also said that the approximately \$50,000 spent defending Mr. Nathan's

lawsuit could have been put to better use and that it was regrettable Mr. Nathan chose to file an appeal.

Mr. Nathan said the Supervisor's comments in his newsletter singled out Mr. Nathan's lawsuit and failed to mention another lawsuit against the town.

The Supervisor noted that his newsletter had in fact mentioned Donna Simons's lawsuit against the town.

Resident John McCown repeated a claim he made at the December 2, 2025 meeting and in a letter to the editor of the Recorder that there is no water available for the proposed Scotts Corners Water District Project.

Councilperson Paschkes said that Mr. McCown's letter cited figures out of context in an attempt to discredit the Town Board. He explained that the 10% increase in Town Board salaries for 2026 – approximately \$1000 annually – is a large percentage only because Town Board salaries are so low. He noted that Town Board members are among the lowest paid officials in Westchester County and that they have foregone salary increases for many years in order to adopt responsible budgets.

Supervisor Hansan pointed out that other town officials also received a 10% salary increase for 2026.

Resident Michael Hammer said that complaints about legal fees and perceived slights are unnecessary and that it would be better if residents could focus on being cooperative and mutually supportive.

Resident Katherine Biagiarelli reiterated her previously stated view that the Town Board should adopt a resolution that would require for-profit entities to pay rental fees for the use of the town bus.

Recreation Superintendent Andrea Russo said that there is a policy in place. The Recreation Commission has determined that only town organizations such as the business association will use the bus for town events and that those organizations will pay the bus driver's salary with their own funds when they do so. She noted that only five town organizations had used the bus during 2025.

Resident Leah Benincasa asked for an update on the water district.

Supervisor Hansan responded that claims that the district is "waterless" are purposeful exaggerations. Productive discussions with the water company are ongoing, but the water district must be approved by the state and formally established before a specific agreement can be finalized.

**V. NEW BUSINESS**

**A. Supervisor**

**1. Snow and Ice Removal Agreement**

**RESOLUTION 253-25**

**Board Action:** Motion by Councilperson Briggs, seconded by Councilperson Paschkes, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the intermunicipal agreement with Westchester County regarding removal of snow and ice from county roads.

**2. Alteration of Town Seal**

**RESOLUTION 254-25**

**Board Action:** Motion by Councilperson Paschkes, seconded by Councilperson Briggs, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes the Town Clerk to research alternative designs for the town seal.

**B. Town Board – Waiver of Conant Hall fees**

**RESOLUTION 255-25**

**Board Action:** Motion by Councilperson Briggs, seconded by Councilperson Schelling, all voting aye on the following:

RESOLVED, that in the light of his generosity to the town, the Town Board hereby approves a fee waiver for a memorial event to be held at Conant Hall for the late Dr. Eduard K. Kleiner.

Mr. McCown asked whether residents could be allowed to rent Conant Hall without having to go to the trouble and expense of obtaining insurance.

Councilperson Paschkes explained that it's relatively easy and inexpensive to obtain a one-day insurance policy and that such policies are necessary to protect the town from liability associated with accidental injuries.

Councilperson Boak noted that past issues prompted the creation of a Conant Hall rental policy over a decade ago and that there have been no further issues since that policy has been in place.

**C. Highway Department – Sale of surplus equipment**

**RESOLUTION 256-25**

**Board Action:** Motion by Councilperson Paschkes, seconded by Councilperson Briggs, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes the Highway Superintendent to sell the following surplus equipment: one trailer, one water pump, two police vehicles, and multiple pickup trucks.

**D. Recreation Department**

**1. Budget transfer**

**RESOLUTION 257-25**

**Board Action:** Motion by Councilperson Briggs, seconded by Councilperson Schelling, all voting aye on the following:

RESOLVED, that that the Town Board hereby authorizes the transfer of \$5,000 from budget line 7110.0408 to budget line 7140.0400.

**2. Purchase of two sets of replacement steps**

**RESOLUTION 258-25**

**Board Action:** Motion by Councilperson Paschkes, seconded by Councilperson Briggs, all voting aye on the following:

RESOLVED, that the Town Board hereby approves the expenditure of \$6,802.01 for the purchase and installation of two sets of replacement steps for the playground at the Town Park.

**E. Planning Board – Refund of unused escrows**

**RESOLUTION 259-25**

**Board Action:** Motion by Councilperson Briggs, seconded by Councilperson Paschkes, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes the refund of an unused Planning Board escrow in the amount of \$2,725.00 to Daniel Walgrove of 150 Old Stone Hill Road, Pound Ridge, AND BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the refund of an unused Planning Board escrow in the amount of \$1,975.00 to Richard Rubino of 245 Upper Shad Road, Pound Ridge.

**F. Town Clerk**

**1. Flower basket maintenance**

**RESOLUTION 260-25**

**Board Action:** Motion by Councilperson Briggs, seconded by Councilperson Schelling, all voting aye on the following:

RESOLVED, that the Town Board hereby awards the bid for flower basket maintenance in Scotts Corners for the 2026 season to Luppino Landscaping at a cost of \$8,400.

**2. Monthly reports**

The following monthly reports have been filed in the Town Clerk's office, where they are available for public inspection:

- November 2025 Building Department report
- November 2025 Tax Receiver report
- November 2025 Town Clerk report

**IV. PUBLIC COMMENT II**

Ms. Benincasa asked whether the county would still be responsible for paving even though the town will be removing ice and snow. The Supervisor confirmed that the county is still responsible for paving.

**V. FINANCIAL MATTERS – Pay bills**

**RESOLUTION 261-25**

**Board Action:** Motion by Councilperson Paschkes seconded by Councilperson Briggs, the motion passing 4–0 with Councilperson Schelling abstaining, on the following:

RESOLVED, that the Town Board hereby authorizes the Supervisor to pay the following claims as detailed in Abstract 24-2024:

Fund	Claim Numbers	Total Amount
General Fund	A01122–A01187	\$58,105.84
Highway Fund	D002260–D00277	\$14,728.99
Trust & Agency Fund	AT00078–AT00087	\$9,800.00

AND BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to pay the following claims as detailed in Abstract 23-2024:

Fund	Claim Numbers	Total Amount
General Fund	A01077–A01121	\$84,903.04
Highway Fund	D00254–D00259	\$4,527.96

**VI. ADJOURNMENT:** There being no further business to come before the Town Board, Supervisor Hansan adjourned the meeting at 8:14 pm.

**VII. RECONVENE AS PARKING DISTRICT COMMISSION:** Supervisor Hansan called the meeting to order at 8:14 pm.

**RESOLUTION 262-25**

**Board Action:** Motion by Councilperson Briggs, seconded by Councilperson Paschkes, the motion passing 4-0 with Councilperson Schelling abstaining, on the following:

RESOLVED, that the Town Board hereby authorizes the Supervisor to pay the following claims as described in Abstract 24-2024:

Fund	Claim Number	Total Amount
Parking District	ST00035–ST00036	\$3,898.75

**VI. ADJOURNMENT:** There being no further business to come before the Parking District Commission, Supervisor Hansan adjourned the meeting at 8:15 pm.

Erin Trostle, Town Clerk  
Dated at Pound Ridge, New York  
December 31, 2025

**Town of Pound Ridge**  
**Credit Card Policy**  
**Adopted 01/02/2024**  
**Revised 01/06/2026**

**Policy Statement** – The Town Board of the Town of Pound Ridge has authorized the use of credit cards by designated elected officials and employees solely for the official business and benefit of the Town of Pound Ridge. The purpose of the credit cards is to streamline and simplify the purchasing and payment process for certain allowable transactions while maintaining strong internal controls, accountability and transparency. All purchases made with a Town credit card must be made in accordance with the Town Procurement Policy, the Town Credit Card Policy, and all applicable federal, state and local laws and regulations. Failure of an employee or elected official to adhere to the requirements and restrictions of this policy may result in disciplinary action, reimbursement obligations, revocation of card privileges and other remedial or legal action as permitted by law.

**Authorized Use** – The Town credit cards may be used for purchases for legitimate Town business expenses within the authorized expenditure limit of department head procurement authority in the Town Procurement Policy without prior Town Board Approval. Purchases that exceed the threshold requiring Town Board approval may only be made with the credit card after approval by Town Board resolution. Under no circumstances shall purchases exceed the credit limit imposed by the issuing financial institution.

**Authorized Users** – Credit cards will be issued in the name of the individual to whom they are assigned. Credit cards have been assigned solely to the Town Supervisor and approved users. No individuals other than the named cardholder is permitted to use a Town credit card. The Town Supervisor will evaluate existing authorized accounts and reauthorize accounts annually. Any changes to authorized users shall be documented. Additional credit card accounts may be established by the Town Board at the next regular Town Board meeting. Credit limits shall be established for each cardholder based on job duties and anticipated purchasing needs and reviewed and adjusted annually.

**Prohibited Uses** – The credit card shall not be utilized for cash advances, items for personal use, amusement or entertainment services, alcoholic beverages, purchases not permitted under the Town Procurement Policy. Any unauthorized or improper use of a Town credit card is strictly prohibited.

**Cardholder Responsibility and Liability** – Cardholders are personally responsible for safeguarding the card while in their possession and for ensuring that all purchases are authorized and properly documented. A cardholder who makes unauthorized or improper



purchases shall be required to reimburse the Town for the full amount of such purchases, including any associated fees or charges. Reimbursement shall be made within thirty (30) days of notification. The Town may recover such amounts through payroll deduction, offset, or legal action as permitted by law. Cardholders shall take all reasonable precautions to safeguard Town credit cards and account information. Credit cards shall not be shared, copied, or stored in an unsecured manner.

**Lost or Stolen Cards** – Lost or stolen cards shall be reported immediately to the issuing financial institution, the Director of Finance and Town Supervisor to minimize the risk of unauthorized charges.

**Receipt Retention / Purchase Verification** – An itemized receipt is required for every purchase made with a Town credit card. Cardholders shall submit all receipts and a properly prepared voucher for all purchases to the Finance Department. No purchase shall be made unless an itemized receipt is obtainable. If a receipt does not clearly describe the business purpose of the purchase, the cardholder shall document that purpose on the receipt or supporting documentation.

**Reconciliation and Review** – The Finance Department will reconcile all receipts with the monthly billing statement. Any discrepancies shall be reported to the Town Supervisor for review and resolution. Discrepancies and their resolution will be noted on the billing statement for further review when submitted to the Town Board for approval for payment.

**Bill Payment** – Upon reconciliation of monthly credit card statements, the Finance Department will attach the statement and corresponding receipts and vouchers for Town Board review and approval. This process will take place at the next scheduled Town Board meeting.

All balances shall be paid in full by the Town on or before the date due. At no time shall the Town of Pound Ridge incur interest, credit card fees or finance charges as a result of failure to pay a credit card bill in a timely manner.

**Cardholder Separation** – Upon separation of a cardholder from Town service, the Finance Department will ensure that the card is cancelled with the financial institution and destroyed and reconciled for any outstanding charges.

**Acknowledgement** – Each authorized cardholder shall receive a copy of this policy and sign an acknowledgement confirming understanding and agreement to comply with its terms.

# TOWN OF POUND RIDGE

## EMPLOYEE HANDBOOK

Adopted by Resolution of the Town Board on December 13, 2022



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# TOWN OF POUND RIDGE

## EMPLOYEE HANDBOOK

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This employee handbook is copyrighted material and is intended only for the internal use of the Town of Pound Ridge. The Town of Pound Ridge may copy this employee handbook for distribution to its employees. The contents of this employee handbook may not be copied or reproduced in any form or by any means for any other individual or organization without the prior written permission of *Public Sector HR Consultants LLC*.

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## **100 INTRODUCTION**

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### **101 *Welcome Message***

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

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

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

We trust that you will find service with the Town of Pound Ridge rewarding both personally and professionally.

### **102 *A Message for Our Union***

This Employee Handbook has been developed by the Town of Pound Ridge to assist you in getting acquainted with your employment with the Town. A cooperative labor-management relationship not only leads to a positive work environment but also helps ensure fair treatment in the workplace.

It is important that all employees understand the personnel policies and procedures and work rules outlined in this Employee Handbook. For union members, the collective bargaining agreement governs the terms and conditions of your employment. You are encouraged to obtain a copy of your collective bargaining agreement from your union representative. Anywhere that the collective bargaining agreement and this Handbook conflict, the collective bargaining agreement will control. However, in certain instances where the Handbook covers an issue that is not the subject of bargaining, this Handbook will control. If you have any questions, you should contact your Department Head or union representative.

We hope that your career with the Town of Pound Ridge will be a positive experience.



## 103 **Definitions**

**Town of Pound Ridge** – For purposes of this Employee Handbook, the Town of Pound Ridge may be referred to as the “Town”.

**Town Board** – For purposes of this Employee Handbook, “Town Board” will mean the Town Board of the Town of Pound Ridge.

**Elected Official** – For the purposes of this Employee Handbook, “Elected Official” will mean and refer to any of the following elected officials of the Town of Pound Ridge:

- Town Supervisor
- Town Board Members
- Town Justices
- Town Clerk
- Receiver of Taxes

**Town Supervisor** – For purposes of this Employee Handbook, “Town Supervisor” will mean the Town Supervisor of the Town of Pound Ridge. When referenced in this Employee Handbook, Town Supervisor shall also mean an individual acting with the Town Supervisor’s properly designated authority.

**Town Supervisor’s Office** – For purpose of this Employee Handbook, “Town Supervisor’s Office” will mean the Town Supervisor, the Deputy Town Supervisor, an employee or Elected Official designated by the Town Supervisor to act on behalf of the Town Supervisor.

**Department Head** – For purposes of this Employee Handbook, “Department Head” will mean the person in charge of any department, agency, bureau, unit, or subdivision of the Town of Pound Ridge. This definition will be applicable in the event such person is serving in an acting, temporary, or provisional status in the position of Department Head. This term shall also include the Town Supervisor, where an individual otherwise designated as Department Head or any other individual must report directly to the Town Supervisor.

**Supervisor** – For purposes of this Employee Handbook, “supervisor” will mean the individual so designated by the Department Head to direct and inspect the performance of employees.

**Employee** – For the purposes of this Employee Handbook, “employee” will mean a person employed by the Town, including, but not limited to, an appointed official, an appointed member of a board or commission, Department Head, managerial employee, confidential employee, supervisory employee, provisional employee, probationary employee, temporary employee, seasonal employee, trainee, or student intern, but not an independent contractor.

- **Full-Time Employee** – The term “full-time employee” will mean an employee who is regularly scheduled to work a minimum of thirty-five hours per week and is eligible for medical insurance benefits and paid time off through the Town.
- **Part-Time Employee** – The term “part-time employee” will mean an employee who is scheduled on a regular and on-going basis to work less than thirty hours per week, as an annual average.
- **Temporary Employee** – The term “temporary employee” will mean an employee who is employed on an interim or sporadic basis, or who is employed to work on a special, emergency, or on-call basis for a specified period, consistent with the Civil Service Law as applicable.
- **Seasonal Employee** – The term “seasonal employee” will mean an employee who is employed to work for a given season or portion thereof.
- **FLSA Non-Exempt Employee** – The term “FLSA non-exempt employee” will mean a covered employee who is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.
- **FLSA Exempt Employee** – The term “FLSA exempt employee” will mean a covered employee who qualifies for an exemption from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA), or an employee who is not covered under the FLSA.

**Collective Bargaining Agreement** – For purposes of this Employee Handbook, the term “collective bargaining agreement” shall mean a written legal agreement between the Town and a bargaining unit.

**Civil Service Law** – For purposes of this Employee Handbook, “Civil Service Law” shall mean the New York State Civil Service Law and shall include the *Westchester County Civil Service Rules*.

## 104 ***The Purpose of this Employee Handbook***

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

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

**Superseding Agreements** – In the event an expressed and explicit provision set forth in a separate written agreement between the Town and an employee should conflict with any employee benefit, personnel policy, personnel procedure, or other provision set forth in this Employee Handbook, the expressed and explicit provision of that agreement will control. Otherwise, unless expressly excluded herein, this Employee Handbook will be applicable to all employees.

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

**Police Department** – For the purposes of some of the policies stated in this Employee Handbook, the Town of Pound Ridge Police Department has the authority to promulgate its own policies and procedures. If a policy stated in this Employee Handbook differs from a rule, regulation or policy established by the Police Department, the latter shall supersede.

**Questions** – Any questions regarding any topic covered in this Employee Handbook should be directed to the Town Supervisor’s Office.

## **105    *Changes or Modifications***

**Rights of the Town Board** – Through a majority vote, the Town Board reserves the right to interpret, change, modify, or eliminate any provision contained in this Employee Handbook. In the event that a change to the Employee Handbook is adopted, the Town Board will notify the employees of the changes in a timely manner.

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

**Statutes, Laws and Ordinances** – In the event a federal or state statute should conflict with any provision contained in this Employee Handbook, then such statute, law or ordinance will prevail.

## 200 THE CIVIL SERVICE SYSTEM

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

### 201 *The Unclassified and Classified Services*

**Unclassified Service** – In accordance with Civil Service Law 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.

**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 *Westchester County Civil Service Rules* will include all Town employees who are subject to the *Westchester County Civil Service Rules*. The Classified Service is divided into four jurisdictional classes:

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

### 202 *Civil Service Appointments*

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

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

- **Temporary** – an appointment to a position in the Competitive Class for reasons including, but not limited to: emergency work projects; planned termination of the position after a limited time; to replace an employee who is on a leave of absence; to fill a position funded through a temporary grant; or to fill a position vacated by the promotion of another employee until the employee who has been promoted receives permanent status.

## **203 Examinations and Promotions**

**Examinations** – In accordance with Civil Service Law, in the event there is a vacancy in a new or existing position in the Competitive Class which the Town intends to maintain, the Town will fill the vacancy by selection from the eligible list certified by the Westchester County Department of Human Resources of persons who have taken the appropriate Civil Service examination. The Westchester County Department of Human Resources 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 eligible candidates on the list willing 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" rule 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.

## **300 EMPLOYMENT MATTERS**

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### **301 Oath of Office**

**Requirement** – Each Public Officer as defined in the Public Officers Law must take the 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. Each official who is re-elected or re-appointed to a subsequent term must take the Oath of Office for each term.

Upon original appointment or upon a new appointment following an interruption of continuous service, each employee (other than an employee in the labor class) must take an oath or alternate affirmation as set forth in Civil Service Law Section 62.

**Filing of Oath** – The Oath of Office is filed in the Town Clerk's Office within thirty calendar days of the Public Officer's commencement of the term of office, or upon an employee's appointment.

### **302 Procedure for Filling Vacancies**

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

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

**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 and Background 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 final applicants. In addition, final applicants will be required to complete a hold harmless statement and release in order for the Town to conduct appropriate background checks.

**Pre-Employment Physicals / Drug Screening** – When appropriate in accordance with the requirements of a particular position, the Town may require that an applicant undergo a medical examination (after receiving a conditional offer of employment) to determine fitness for duty. In doing so, the Town will comply with the provisions of the Americans with Disabilities Act (see Section 802 of this handbook.) Additionally, all final applicants for a position that requires a commercial driver's license must consent to be tested for the presence of a controlled substance as a pre-qualifying condition to employment.

### 303 ***Probationary Period***

Except as otherwise provided in a collective bargaining agreement, the *Westchester County Civil Service Rules* provide for the following, which is applicable to employees appointed, promoted or transferred pursuant to the Civil Service laws. Additional provisions may also apply in accordance with those rules.

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

**Length of Probationary Period** – Except as otherwise provided in the *Westchester County Civil Service Rules*, every permanent appointment from an open-competitive list and every permanent appointment to a position in the non-competitive, exempt or labor class shall be for a probationary term of not less than twelve (12) weeks nor more than fifty-two (52) weeks.

Every permanent appointment from an open competitive Police Officer eligible list shall be for a probationary term of not less than twelve (12) weeks nor more than seventy-eight (78) weeks.

The length of the probationary period may be extended in accordance with the *Westchester County Civil Service Rules*.

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

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



### **304    *New Employee Orientation***

**Procedure** – The purpose of the new employee orientation is to welcome new employees and to familiarize them with the Town and their job. The orientation process generally consists of, but is not limited to, a tour of the employee's assigned worksite, distribution and review of this Employee Handbook (and any applicable collective bargaining agreement), and enrollment in benefit plans, if applicable. In addition, the employee's Department Head is responsible for introducing the employee to co-workers, scheduling on-the-job training, and reviewing the job description and performance requirements of the position. Some of the paperwork that may be completed during the new employee orientation process may include the following:

- Form I-9, and other employment eligibility forms
- Benefit enrollment forms
- Waiver forms (retirement system, or medical insurance)
- Union enrollment form (if applicable)
- Payroll forms such as W-4, direct deposit, deferred compensation, etc.

### **305    *Performance Review***

**Statement of Purpose** – The purpose of a performance review is to promote communications between Department Heads and employees, encourage more effective job performance, and address concerns of either party. The review will address factors that reflect the employee's performance, such as the employee's work quality, job knowledge, initiative, attendance, teamwork, conduct, and communication skills.

**Frequency** – An employee will be formally evaluated prior to completion of a probationary period. Thereafter, reviews will take place on an as needed basis to provide the employee with positive feedback or recommendations for improvement or both, depending upon circumstances.

**Written Report** – When appropriate, the performance review may include a written report to ensure proper understanding of the issues addressed. Should deficiencies be recorded in the performance of the employee, the employee will receive written recommendations for improvement. The employee will be given the opportunity to include written comments on the report, which will become part of the employee's personnel file.

## 306 **Corrective Action and Discipline**

**Policy Statement** – It is the policy of the Town of Pound Ridge 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. Each employee must conduct oneself in a positive manner so as to promote the best interests of the Town. Corrective action is necessary when an employee has demonstrated performance deficiencies, or has violated a policy, rule, regulation, or procedure. Corrective action may include counseling or initiating formal disciplinary action against an employee.

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

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

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

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

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

**Procedures** – Employees covered by Civil Service Law Section 75 shall be disciplined in accordance with the procedures contained therein. (Refer to Section 307 of this Employee Handbook). An employee who is a member of a collective bargaining unit should refer to the collective bargaining agreement on the subject of the disciplinary procedure, wherein the negotiated procedure is the only method of resolving challenges to disciplinary action and wholly replaces the provisions of Civil Service Law Sections 75 and 76.

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

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

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

- Abusive language in the workplace, including racial slurs and epithets.
- Disclosure of private or confidential information or any form of conduct, whether it be verbal or otherwise that damages the reputation of a co-worker, an Elected Official or the Town of Pound Ridge.
- Unauthorized tape recordings, videos, or photographing of any persons, including fellow employees.

### **307 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.

**Union Employees** – An employee who is a member of a collective bargaining unit should refer to the collective bargaining agreement on the subject of the disciplinary procedure, wherein the negotiated procedure is the only method of resolving challenges to disciplinary action and wholly replaces the provisions of Civil Service Law Sections 75 and 76.

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

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

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

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

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

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

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

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

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

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

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

**Filing Requirements** – In the event the employee is found to be guilty, a copy of the charges, the employee's written answer, a transcript of the hearing, and the determination will be maintained within the employee's personnel file. A copy will also be filed with the Westchester County Department of Human Resources.

### **308 Personnel Records**

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

**Location of Files** – All original personnel records for current employees will be kept in the Town Clerk's office and will be maintained and controlled by the Town Clerk.

**Medical Records** – All employee medical records will be kept in a separate file apart from the employee's personnel file in the Town Clerk's office and will be maintained and controlled by the Town Clerk. ***For security purposes, these files will be locked at all times.***

**Substance Testing Records** – All employee substance testing records will be kept in a separate file apart from the employee's personnel file in the Town Clerk's Office and will be maintained and controlled by the Town Clerk's Office. ***For security purposes, these files will be locked at all times.***

**Change in Status** – An employee must immediately notify the Town Clerk of a change of name, address, telephone number, marital status, number and age of dependents, beneficiary designations, and individuals to notify in case of emergency.

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

## **309    *Separation from Employment***

**Notice of Resignation (Employees)** – An employee who intends to resign from employment must submit a written resignation to the employee's Department Head at least two weeks before the date of resignation is to be effective. All resignations shall be filed in the Town Clerk's Office.

**Notice of Resignation (Department Heads)** – A Department Head, who intends to resign from employment must submit a written resignation addressed and submitted to the Town Supervisor, and/or Town Board, at least two weeks before the date of resignation is to be effective. Department Heads are encouraged to provide a longer notice period, if possible.

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

**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** – In the Police Department, exit interviews will be conducted by the Police Chief. All other employees may request to have an exit interview, which will be held with the Town Supervisor or the Town Supervisor's designee. The exit interview provides an opportunity to discuss a number of items including employee benefits, COBRA eligibility, changing of computer passwords, 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, if applicable.



## 400 OPERATIONAL POLICIES

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### 401 *Departmental Hours*

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

**Flex-Time** – An employee or a Department Head may begin and/or end a given workday at a time approved by the Town Supervisor. Such "flex-time" must normally be during the time the department is open and available to the public. The employee's use of "flex-time" will be governed by the mutual needs and consent of the Town Supervisor and the employee. The employee or Department Head shall inform their staff and the Town Supervisor's Office of their use of flex time.

**Department Head Absences** – Department Heads have duties that may require them to be absent from their offices at certain times during the day. In the event that a Department Head is absent from the office, basic departmental forms should be readily available for distribution and/or collection. It is the Department Head's responsibility to determine what services are to be provided and to schedule coverage of these basic services during scheduled business hours. Further, a Department Head should inform the Town Supervisor in the event that they are going to be absent.

**Overtime** – A Department Head may require an employee to work additional hours beyond the employee's normal workday and workweek. Similarly, the Town Supervisor may require that a Department Head work additional hours beyond their normal workday and workweek. All FLSA non-exempt employees must receive prior approval from the employee's Department Head or the Town Supervisor before working additional hours that will result in paid overtime or the accumulation of compensatory time.

**Refusal to Work Additional Hours** – An employee who, after investigation, is found to have refused to work additional hours as directed will be subject to appropriate disciplinary action.

**Arriving at Work Before or Leaving After Scheduled Work Hours** – Arriving at work before the scheduled starting time or leaving work after the scheduled ending time for an employee's own convenience is permitted but is not to be included in working time. No work may be performed for the Town outside of the employee's regular work schedule unless prior approval has been obtained from the Department Head or the Town Supervisor (i.e. unauthorized overtime is prohibited). Violations of this policy will result in appropriate corrective action. (This provision applies only to FLSA non-exempt employees.)

## **402 Meal Breaks**

**Meal Breaks** – An FLSA non-exempt employee (non-Police Department) who works more than six hours in a given day will receive an unpaid, duty-free meal break not to exceed thirty minutes.

**Scheduling of Meal Breaks** – Scheduling of meal breaks must be approved by the Department Head in accordance with the needs and requirements of the department. Meal breaks must normally be taken in the middle of the employee's workday. Unless otherwise directed by the Department Head, an employee may leave the work-site during the meal break.

In the event that a meal break is going to leave a department unstaffed, the employee or Department Head must notify the Town Supervisor's Office that their department is being left unstaffed.

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

## **403 Breaks for Nursing Mothers to Express Breast Milk**

**Breaks for Nursing Mothers to Express Breast Milk** – The Town will provide paid break time for thirty minutes, and permit an employee to use existing paid break time or meal time for time in excess of thirty minutes, to allow an employee to express breast milk for the employee's nursing child each time the employee has reasonable need to express breast milk. This policy applies to nursing mothers for up to three years following childbirth. Breaks are available to the employee during their normal work week and any overtime or additional hours worked.

**Room Location and Privacy** - The Town will make a reasonable effort to provide a room, other than the restroom or toilet stall, within walking distance to the employee's work area, or other location in close proximity to the work area so that nursing mothers can express milk in private. The Town may dedicate one room for the expression of breast milk or use a vacant office or other available room on a temporary basis, provided the room is not accessible to the public or other employees while the nursing employee is using the room for expression purposes. If such room is not available, the Town may make available a cubicle for use by individuals expressing breast milk, provided the cubicle is fully enclosed with a partition and is not otherwise accessible to the public or other employees while it is in use for expression purposes. The cubicle walls shall be at least seven feet tall to ensure privacy. Each room or other location used for the expression of breast milk shall adhere to the following standards:

- Be well lit through either natural or artificial light.
- Windows shall be covered with a curtain, blind, or other covering to ensure privacy for the mother as she is expressing breast milk.
- The room shall contain, at a minimum, a chair and a small table, desk, counter, or other flat surface.
- The Town will strive to provide an electrical outlet, clean water supply, and access to refrigeration for the purposes of storing the expressed milk.
- To ensure privacy, the room or other location shall not be open to other employees or the public.
- The room should have a door equipped with a functional lock. If the location is an enclosed cubicle, the Town will provide a sign advising the room or location is in use and not accessible to other employees or the public.
- The Town will maintain the cleanliness of the room or location.

**Employee Notification** – An employee wishing to avail herself of this break is required to give the Town advance notice, preferably prior to the employee's return to work following the birth of her child, to allow the Town an opportunity to establish a location and to schedule leave time for multiple employees, if needed.

**Discrimination and Retaliation Prohibited** – The Town will not discriminate or retaliate in any way against an employee who chooses to express breast milk in the workplace or who files a complaint with the Department of Labor.

## 403 **Emergency Situations**

**Closing Procedures** – In the event that extraordinary weather conditions or other emergencies develop prior to the beginning of the workday, the Town Supervisor may authorize the closing of non-emergency operations, or, if extraordinary weather conditions or other emergencies develop during a workday, the Town Supervisor may direct that certain employees who perform non-essential services leave work. Under these circumstances, full-time employees may be expected to work remotely.

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

- **During Work** – A full-time employee who is directed by the Town Supervisor to leave work due to an emergency closing will be paid for the remainder of the employee's normal workday at the employee's regular rate of pay and may be directed to work remotely for the remainder of the employee's regularly scheduled workday. A part-time employee who is directed to leave work due to an emergency closing will not be paid for the remainder of the employee's normal workday. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.
- **Prior to Reporting to Work** – If a determination is made to close operations prior to the start of a workday, the Town Supervisor will initiate notification to all affected employees. A full-time employee who is directed not to report to work due to an emergency closing may be directed to work remotely will be paid for the employee's normal workday at the employee's regular rate of pay. A part-time employee who is directed not to report to work will not be paid for the workday. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

**Inclement Weather** – Employees (including Department Heads) are expected to report to work and remain at work during inclement weather conditions unless otherwise notified or approved by the Town Supervisor's Office. Employees should use their own discretion in determining whether they can commute safely to work due to inclement weather.

When the Town Supervisor has not officially shut down operations, an employee who does not report to work or requests to arrive at work late or leave work early due to inclement weather must obtain authorization from his or her Department Head prior to doing so. A Department Head, who does not report to work or requests to arrive at work late or leave work early due to inclement weather must inform the Town Supervisor's Office of their absence.

The employee who does not report to work, arrives late, or leaves work early must use paid vacation or personal leave, if available, or take the time off without pay.

## **404 Time Records**

**Policy Statement** – All FLSA non-exempt employees who work in the Town House or for the Police Department are required to complete an individual time sheet showing the daily hours worked. Employees in the Highway Department must punch a timecard or equivalent device.

An FLSA exempt class employee is not required to complete an individual time record but must account for all paid leave that is used during the pay period.

**Procedures** – An employee required to complete a time sheet or punch a timecard or equivalent device must comply with the following procedures:

- Time records must be completed by the close of each workday;
- 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 or punch their own timecard (or equivalent device);
- The time record must be submitted to the Department Head at the time specified;
- The time record must be verified and signed by the Department Head.

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

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

#### **405    *Work from Home Policy***

**Policy Statement** – It is the general policy of the Town of Pound Ridge, that all employees are expected to report to work at their specified work location. It is the policy of the Town that under certain circumstances, an employee may be permitted to work from home with the approval of the Town Supervisor. Requests for permission to work from home for an extended period of time must be approved by the Town Board.

**Eligibility Requirements** – In order to be eligible to work from home, a recommendation must be made to the Town Board by the employee's Department Head. The Town Board will have the full discretion to allow an employee to work from home, on a case-by-case basis. In all cases, an employee who is granted permission to work from home must have remote access set up prior to the commencement of their work from home period.

**Documentation Requirements** – An employee who has been approved to work from home must document all hours worked and submit their time records to their Department Head. The employee will be required to provide documentation showing what they worked on during their hours working from home.

#### **406    *Bonding***

**Insurance** – The Town will provide bonding insurance for an eligible employee who is required to act in a fiduciary capacity.

## **407    *Expense Reimbursement***

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

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

**Mileage** – An employee who is directed by the appropriate Department Head or supervisor to use the employee's own vehicle to conduct Town business will be reimbursed at the mileage rate established by the Town Board at the annual organizational meeting or the applicable collective bargaining agreement, as the case may be.

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

**Required Membership Fees** – Upon proper authorization of the Town Board, an employee required to hold membership in a professional organization as part of the employee's job will be reimbursed for any required dues and/or fees.

## 408 **Vehicle Usage**

**Policy Statement** – All vehicles and related equipment of the Town of Pound Ridge 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, nor for any other purpose which is not in the general public interest.

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

- Town-owned vehicles are only to be used by employees approved by the Town Supervisor or Town Board. Use of Town-owned vehicles is for Town business only. “Personal use” of Town owned vehicles is strictly prohibited.
- A driver's license history showing substance abuse and/or multiple moving violations, (speeding, etc.) will disqualify an employee or prospective employee from the use of a Town owned vehicle.
- Prospective employees whose job will require operating a Town-owned vehicle are required to pass a physical examination, including a test for illegal drug use, to be performed by a physician approved and paid for by the Town prior to commencing work.
- Town-owned vehicles are to be stored at the Highway Department, the Town House, or the Police Department, except where permission has been granted by the Town Board or Town Supervisor for employees to drive their vehicles home in order to be available for off-hour emergencies.
- It is expected that all Town-owned vehicles will receive the same treatment and good care that would be afforded personal vehicles. Each Town owned vehicle must be regularly serviced by the Highway Department mechanic or approved garage and standard maintenance records must be kept for each vehicle.
- Gasoline for Town-owned vehicles must be obtained from the Highway Department except in the case of a storm-related emergency when a power failure, combined with the failure of all backup systems, renders the fuel tanks at the Highway Department inoperable.
- The Town of Pound Ridge requires substance abuse testing within two hours of an accident involving a Town owned vehicle. Therefore, any accident involving a Town owned vehicle, even if minor, requires Police presence at the scene of such accident. The Police must be called. Department Heads must also report accidents to the Town Supervisor's Office as soon as possible, but not later than twenty-four hours after the accident. A police report must accompany or promptly follow the report to the Town Supervisor's Office of an accident involving a Town-owned vehicle.
- An employee who is involved in or becomes aware of any unusual incident, whether or not it involves a Town-owned vehicle, must report the matter to their Department Head as soon as possible, but not later than twenty-four hours after the incident. Such incidents would include any circumstance or activity that might reflect adversely on the



Town of Pound Ridge, its departments, its insurance liability, its elected or appointed officials, its employees, etc.

- The use of a cell phone when driving on Town business must be compliant with all applicable laws and/or regulations.
- Town vehicles may not be used to transport persons who are not officials or employees of the Town of Pound Ridge, nor material not related to the conduct of official Town business, without direct authorization by the Town Supervisor or the Town Board.
- 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 employees who are being hired under a title that requires a commercial driver's license, such as Motor Equipment Operator, must possess either a Class A or Class B CDL prior to being hired under that title, in accordance with civil service rules.

## 409 ***Driver's License / Insurance Requirements***

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

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

**Loss of Driver's License** – An employee who is required to possess a driver's license or CDL license in order to perform certain job duties and responsibilities must immediately notify the appropriate Department Head in the event the license is suspended or revoked. The loss or suspension of the driver's license or CDL license may affect the employee's continued employment with the Town, including termination of employment for inability to perform the duties of the job. The Town will utilize the NYS Department of Motor Vehicles' "License Event Notification Service" (LENS) to monitor activity that may negatively impact an employee's ability to maintain a required license.

**Insurability Standards** – It shall be solely the responsibility of a Town employee to meet or exceed all insurability standards, as established from time to time by the Town Board or the Town's insurance carrier, which are required for the use or operation of a Town vehicle. Any Town employee who has any of the following during the most recent three-year period will be deemed to have violated the insurability standard and will not be allowed to operate any Town vehicles:

- Conviction of DWI / DWAI
- Conviction of Reckless Driving
- Suspended or Revoked Driver's License
- Conviction of Speeding 25 MPH or more above the speed limit
- Conviction of a Drug or Alcohol offense which would materially affect one's ability to operate a vehicle
- Conviction of Hit and Run/Leaving the scene of an accident
- Conviction of Two or more at-fault accidents
- Conviction of Three or more moving violations in the past three years
- Conviction of failure to stop for stopped school bus

Failure to maintain acceptable insurability standards may affect the employee's employment status with the Town.

## **410 Supplies, Tools and Equipment, and Fuel Usage**

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

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

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

## **411 Telephone / Cell Phone Usage**

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

- An employee should answer promptly and speak in a clear, friendly and courteous tone.
- An employee should give the name of the department or office and one's own name. If the call is not for the employee who answers, the employee should transfer the caller to the correct party or take a message recording all pertinent information.
- If the call must be placed on hold, the employee who answered the call must return to the line frequently to confirm that the call is being transferred.
- During office hours, each Department Head is responsible for there being at least one employee in the department or office to answer telephones. If the department or office has a limited staff, arrangements must be made with another department or office for telephone coverage or an answering device must be in operation.
- An employee may make personal telephone calls, however, such calls should be limited in duration and frequency and must not interfere with the performance of the employee's job duties.
- An employee may not make or receive personal calls on a Town provided telephone or cell phone that will result in additional charges to the Town, except in an emergency and/or with prior approval from the Department Head. The employee must reimburse the Town for the cost of the call.
- The use of Town issued cell phones is monitored to ensure no excessive or inappropriate use occurs.
- All Town employees paid or otherwise, are prohibited from using cell phones while operating town owned vehicles or any town owned equipment. Consistent with NY

State Vehicle and Traffic Law Section 1225-c-3, this prohibition shall not apply to the use of a mobile telephone for the purpose of communicating with any of the following regarding an emergency situation: an emergency response operator or dispatcher; a hospital, physician or health clinic; an ambulance company or ambulance corps; a fire department or a police department or any of the following persons during an emergency situation in the performance of their official duties; a police officer, a peace officer, a member of a fire department or the operator of an authorized emergency vehicle.

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

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

## **412 Use of Communication Systems and Equipment**

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

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

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

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

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

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

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

## **Internet / Electronic Messaging Requirements**

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

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

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

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

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

**Reporting of Violations** – Anyone with information as to a violation of this section is to report said information to the employee's Department Head or the Town Supervisor's Office. Once the employee's Department Head or the Town Supervisor's Office is informed of the violation, a formal process, consistent with this Employee Handbook and/or applicable law, will begin.

**Disciplinary Action** – Any employee who violates this section will be subject to disciplinary action up to and including termination of employment.

## **413 Social Media**

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

**Usage During Working Hours** – Employees should limit their social media use during the workday. Social media use, whether it is accessed from a Town-owned computer or from an employee's personal cell phone, should not interfere with the performance of an employee's job. The Town's right to monitor communication systems and equipment also applies to the use of Social Media if employees are using Town computers or communications systems.

**Posting Content on Social Media (regardless of point of access)** – The following uses of Social Media are prohibited. These terms pertain to content posted from computers or communication systems that are not Town owned, as well as those that are Town property.

This list is meant to be illustrative, and not exhaustive.

- Disclosing confidential or proprietary information pertaining to matters of the Town that is not otherwise deemed accessible to the general public under the Freedom of Information Law (Public Officers Law Article 6, §§84-90).
- Matters which will imperil the public safety if disclosed.
- Promoting or endorsing any illegal activities.
- Threatening, promoting, inciting or endorsing violence.
- Directing comments or sharing images that are discriminatory or insensitive to any individual or group based on race, religion, gender, disability, sexual orientation, national origin, or any other characteristic protected by law.
- Knowingly making false or misleading statements about the Town, or its employees, services, or Elected Officials.

- Posting, uploading, or sharing images that have been taken while performing duties as an agent of the Town, or while wearing Town uniforms – the only exception to this rule is when it is directly pertinent to Town business and such posting, uploading, or sharing of images is authorized in advance by the appropriate Department Head, or as otherwise protected under applicable law as constituting “protected activity” (e.g., Taylor Law).
- Representing that an opinion or statement is the policy or view of the Town, or of any individual acting in their capacity as a Town employee or official, or otherwise on behalf of the Town, when that is not the case.
- Posting anything in the name of the Town or in a manner that could reasonably be attributed to the Town without prior written authorization from the applicable Department Head.
- Using the name of the Town or a Town e-mail address in conjunction with a personal blog or Social Media account.

An employee’s Social Media usage must comply with Town policies pertaining to but not limited to Non-Discrimination and Harassment, Confidentiality, Violence in the Workplace, and Substance Abuse. Any harassment, bullying, discrimination, or retaliation that would not be permissible in the workplace is not permissible between co-workers online, even if it is done after hours, outside of the workplace, using computers or communication systems that are not Town-owned.

Notwithstanding the above, nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment. Nor is it meant to imply any restriction or diminishment of an employee’s right to appropriately engage in protected concerted activity under applicable law, such as the Taylor Law. Town employees have the right to engage in or refrain from such activities as they choose.

**Official Use of a Town Social Media Site** – Official Town use is defined as the use of a Town-sponsored social media site by an employee, on behalf of the Town or their department that has been authorized for the express purpose of communicating the Town’s interests. A Town-sponsored social media site is not to be used for: private or political purposes; to harass, defame, or discriminate; or sharing of confidential, proprietary or otherwise restricted information.

Establishing a Social Networking Site for Official Town Use:

- 1) Following approval from the Town Supervisor, the Town Supervisor’s Office will assist the employee with setting up the social media account. All account names and log in passwords must be on file with the Town Supervisor’s Office.
- 2) The Town Supervisor shall have the exclusive and final authority to determine whether individual departments or programs may initiate and maintain separate social media sites.
- 3) The Town reserves the right to disable features of the social media site or the social media site itself.
- 4) The social media site must include a disclaimer approved by the Town Attorney.



- 5) The profile content and site belong to the Town and cannot be duplicated, used or altered without the authorization of the Town Supervisor.

**Reporting of Violations** – Anyone with information as to a violation of this section is to report said information to the appropriate Department Head or the Town Supervisor's Office. Once the Department Head or the Town Supervisor's Office is informed of the violation, a formal process, consistent with this Employee Handbook and/or applicable law, will begin.

**Disciplinary Action** – An employee who violates this section will be subject to disciplinary action up to and including termination of employment.

#### **414    *Personal Appearance***

**Policy Statement** – It is the policy of the Town that each employee's dress, grooming and personal hygiene should be appropriate to the work situation.

**Town House Employees** – An employee must maintain a personal appearance in a manner that reflects a good image to the public. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted.

Employees should not wear athletic clothing, shorts, flip flops or thong-type (beach footwear), T-shirts, symbols and emblems that are partisan or political, novelty buttons, and similar items of casual attire that do not present a businesslike appearance (with the exception of the Recreation Department).

Examples of inappropriate dress are exposed undergarments; bare midriff shirts; shirts with slogans or large emblems; sweat suits; denim that is worn, faded, frayed, or ripped; clothing with inappropriate advertising (e.g., cigarettes, beer or anything that portrays a negative image); etc.

Town House personnel are expected to dress appropriately in business casual attire. Because our work environment serves the public, professional business casual attire is essential.

An employee may be required to wear safety clothing and equipment as required by law or safety protocols. Department Heads will be responsible for assuring that all employees comply with all applicable safety requirements.

Unusual circumstances such as job-related activity on construction sites, insufficient heat in the building during cold weather, or other occasional variations from the norm, provide reason for exemption from this policy.

In all cases, it will be the decision of the Department Head or the Town Supervisor to determine whether an employee is improperly attired or in any other way in violation of the policy.

#### **415    *Solicitations/Distributions***

**Policy Statement** – It is the policy of the Town to prohibit solicitation and distribution on its premises by non-employees and to permit solicitation and distribution by employees only as outlined below.

**During Working Hours** – An employee may not distribute literature or solicit other employees during working hours without approval from the appropriate Department Head.

**During Meal and Rest Breaks** – With permission from the Department Head, an employee may distribute literature and solicit other employees during meal and rest breaks provided it does not interfere with the normal operations of the department, reduce employee efficiency, annoy fellow employees, or pose a threat to the Town's security.

#### **416    *Disclosure of Information***

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

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

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

#### **417    *Purchasing***

**Policy Statement** – The Town has established an official procurement policy that must be followed without exception. No employee shall make purchases for the Town, or use the Town's name to make purchases, unless so authorized by the Town Board and in adherence to the procedures set forth in the procurement policy.

#### **418    *Maintenance of Work Area***

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



## **419    *Personal Property***

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

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

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

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

## **420    *Town Property***

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

- Equipment, including Protective Equipment
- Keys
- Communication Devices
- Laptop computers and peripherals
- Books or other Reference Materials, including this Employee Handbook

**Return of Property** – Except as otherwise provided by a collective bargaining agreement, all Town property must be returned to the Town before the employee's last day of work.

## **421    *Unauthorized Work***

**Policy Statement** – An employee may not perform work for any entity other than the Town during the employee's authorized work hours, or claim that Town work was done when such is not the case. Employees must devote their full scheduled shift to Town business, as assigned.

## 422 **Outside Work**

**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 the 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 they wish to remain employed by the Town.
- No Town equipment, supplies, or other material may be used by an employee for purposes other than Town work.
- Outside work that does or may constitute a conflict of interest is prohibited. An employee may not receive any income or material gain from any entity outside of the Town for materials produced or services rendered while performing the employee's Town job.
- An employee may not engage in outside work during any period which the employee is regularly scheduled to work for and is paid by the Town.

**Employee Responsibility** – A Town employee who wishes to engage in outside work is responsible for ensuring that the above guidelines are maintained. Questions should be directed to the Department Head or the Town Supervisor's Office.

## 500 ABSENCE POLICIES

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### 501 Attendance

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

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

In the event that a Department Head is going to be late to work, resulting in their department being left temporarily unstaffed, the Department Head must notify the Town Supervisor's Office prior to the start of the workday.

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

**Scheduled Absences** – Requests for scheduled time off, such as the use of vacation leave and personal leave, must be approved by the Department Head in advance. All requests for time off are subject to approval by the employee's Department Head on a case-by-case basis. Refer to Section 702, Vacation Leave, and Section 704, Personal Leave, for further details.

A Department Head must submit their vacation and personal leave requests to the Town Supervisor for approval.

**Unscheduled Absences** – An employee who is unable to report to work must personally contact the employee's Department Head before the employee's scheduled starting time or as soon thereafter as possible. Leaving a message on an answering device or with a co-worker is only permitted if so authorized by the Department Head. An employee may notify their Department Head via email, in the event that they are going to be absent, if so authorized by the Department Head. Notification requirements may be waived in cases of emergency.

A Department Head who cannot report to work, must notify the Town Supervisor's Office, and their staff, of their absence.

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

**Early Departure** – In the event an employee must leave work during the workday, the employee must receive permission from the employee's Department Head prior to leaving. If a Department Head or employee's early departure results in their department being left

unstaffed, the Department Head or employee must notify the Town Supervisor's Office prior to their early departure.

**Leaving the Premises** – An employee must obtain prior approval from the employee's Department Head to leave an assigned worksite during working hours due to a non-work related reason. An employee who leaves an assigned worksite during the workday due to business reasons must notify the employee's supervisor in accordance with department policy. If a Department Head or employee leaving the premises results in their department being left unstaffed, the Department Head or employee must notify the Town Supervisor's Office prior to their departure.

**Documentation of Absences** – An employee may be required to provide appropriate documentation in justification of any absence. Documentation may include medical verification.

## **502 Jury Duty Leave**

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

The Town shall pay a temporary or seasonal employee up to \$40 of the employee's wages for the first three days, per day, the employee serves jury duty if on those days the employee is scheduled to work for the Town. After the first three days, the employee may be eligible for a stipend issued by the court system if the employee continues to serve on 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.



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

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

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

**Leave For Military Spouses (New York State Law)** – In accordance with NYS Labor Law §202-i, the Town will grant an unpaid leave of absence of up to ten days to an employee (who works an average of twenty hours per week) whose spouse is a member of the armed forces of the United States, National Guard, or reserves who has been deployed during a period of military conflict, to a combat theater or combat zone of operations. This leave shall only be used when the employee's spouse is on leave from such deployment. This does not preclude the employee's option to use available paid leave upon approval of the employee's Department Head.

## **504    *Time Off To Vote***

**Policy Statement** – The Town encourages all employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. Arrangements can be made to allow as much working time off as will enable voting during the workday, without loss of pay.

**Procedures** – An employee is required to provide notification as to the need for working time off to vote and must request this time off from their Department Head or the Town Supervisor's Office at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled in a manner which causes the least disruption to departmental operations. This time off shall be allowed either at the beginning or end of the employee's work schedule, as determined by the Department Head or Town Supervisor.

## **505    *Leave for Cancer Screening***

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

**Allowance** – An employee will be allowed up to eight (8) hours of paid leave per year for the purpose of undergoing a screening procedure for cancer. Such paid leave will be accrued as of January 1 each year. If the employee does not exercise his/her rights to the leave, those hours are not carried forward to the next year. The allowed leave time may include the travel time to and from the appointment and any subsequent follow up consultation visits. In addition, the allowed leave may be staggered throughout the year until the maximum allowance has been reached.

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

In the event that a Department Head wishes to use paid leave for the purpose of undergoing a screening procedure for cancer, the Department Head must notify the Town Supervisor's Office.

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

## **506    *Leave for Blood and/or Bone Marrow Donations***

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

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

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

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

In the event that a Department Head wishes to take leave for the purpose of blood or bone marrow donation, the Department Head must notify the Town Supervisor's Office.

## **507 Bereavement Leave**

**Eligibility** – In the event of a death of a full-time employee's immediate family member, the employee may take a paid leave for up to three days from the employee's regularly scheduled work. Such leave will not be subtracted from any of the employee's leave credits. A part-time, temporary, or seasonal employee is not eligible for paid bereavement leave but may be allowed to take time-off without pay provided the employee has prior approval from the Department Head.

**Definition of Immediate Family** – For purpose of bereavement leave, "immediate family member" will mean the following:

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

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

**Extended Bereavement Leave** – With authorization from the employee's Department Head or the Town Supervisor, an employee may use vacation leave credits and/or personal leave credits to extend a bereavement leave.

## **508 Volunteer Firefighters / Emergency Responders**

Except as otherwise provided by a collective bargaining agreement, the following policy shall apply regarding those employees who are volunteer firefighters or emergency responders:

**Policy** – In the event an employee is called upon to perform volunteer duties as a firefighter or emergency responder on a day the employee is scheduled to work, the employee will receive paid leave to perform such duties if so authorized. The employee may not leave the workplace until it has been approved by the appropriate supervisor. The paid leave is limited to the extent of the employee's regular work schedule. Such leave will not be subtracted from any of the employee's leave credits. Time spent by the employee performing such duties, including driving to and from the scene, will not be included as time worked for purposes of computing overtime. The employee is required to return to the worksite upon completion of the emergency call, unless such call ends after the end of the employee's scheduled work shift.

**Documentation Requirements** – The employee must account for all time spent responding to emergency calls on the employee's time sheet, including the time the employee left and returned to the worksite. The employee may be required to submit verification of the employee's attendance at such call.

**Responding to Calls During Paid Leave** – If the employee is on a paid leave from the Town and the employee responds to a call, the employee will not receive additional compensation from the Town and the employee's appropriate leave time will still be charged.

## 509 ***Family and Medical Leave Policy***

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

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

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

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

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

- Upon the birth of the employee's child and to care for the newborn child;
- Upon the placement of a child with the employee for adoption or foster care and to care for the newly placed child;
- To care for the employee's spouse, son, daughter or parent who has a serious health condition;
- Because of the employee's own serious health condition which makes the employee unable to perform one or more of the essential functions of his or her job; and

- Because of any qualifying exigency (refer to Qualifying Exigency Leave below) arising out of the fact that the employee's spouse, son, daughter or parent is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

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

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

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

- Issues arising from the military member's short notice deployment (i.e., deployment within seven or less days of notice). For a period of up to seven days from the day the military member receives notice of deployment, an employee may take qualifying exigency leave to address any issue that arises from the short-notice deployment.
- Attending military events and related activities, such as official ceremonies, programs, events and informational briefings, or family support or assistance programs sponsored by the military, military service organizations, or the American Red Cross that are related to the member's deployment.
- Certain childcare and related activities arising from the military member's covered active duty, including arranging for alternative childcare, providing childcare on a non-

routine, urgent, immediate need basis, enrolling in or transferring a child to a new school or day care facility. Note: The employee taking FMLA qualifying exigency leave does not need to be related to the military member's child. However, (1) the military member must be the parent, spouse, son or daughter of the employee taking FMLA leave, and (2) the child must be the child of the military member (including a child to whom the military member stands in loco parentis).

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

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

- **Serious Health Condition** will mean an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility including any period of incapacity (as contained in the Federal Regulations), or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider, including, but not limited to:

- \* A period of incapacity of more than three consecutive, full calendar days and any subsequent treatment or period of incapacity that also involves continuing treatment by a health care provider;
  - \* A period of incapacity due to pregnancy or prenatal care;
  - \* A period of incapacity or treatment for such incapacity due to a chronic serious health condition. A "chronic serious health condition" requires periodic visits to a health care provider for treatment. The term "periodic visit" constitutes 2 or more appointments with a health care provider over the course of one year;
  - \* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
  - \* A period of absence to receive multiple treatments, including any period of recovery, by a health care provider, or by a provider of health care services under orders of or on referral by a health care provider, for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.
- **Health Care Provider** will mean and refer to a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or any other person defined in the FMLA regulations capable of providing health care services.
  - **Family Member** will mean and refer to:
    - \* **Spouse** – means husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either: (1) was entered into in a State that recognizes such marriages; or (2) if entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.
    - \* **Parent** – biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a child as defined in directly below. This term does not include an employee's parents "in law".
    - \* **Child** – biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis*, who is either under age eighteen, or age eighteen or older and "incapable of self-care (as defined in the Federal Regulations) because of a mental or physical disability". Persons who are "*in loco parentis*" include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.



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

**Extension of Original Leave Request** – In the event the employee needs to extend the duration of the leave beyond the time frame originally approved, the must submit a written request seeking approval for the extension.

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

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

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

*The Town of Pound Ridge reserves the right to request a second opinion by another health care provider. The Town will pay for the second opinion. In the event a conflict occurs between the first and second opinion, the Town may, again at its own expense, obtain a third opinion from a health care provider approved jointly by the Town and the employee. This third opinion will be final and binding.*

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

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

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

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

- **Use of Accrued Paid Leave Credits** – An employee taking leave for the **birth, adoption or foster placement of a child, to care for a spouse, child or parent with a serious health condition or military caregiver leave** must first use all available vacation leave credits during the authorized FMLA leave. Use of these leave credits does not extend the maximum allowable period specified by FMLA regulations.

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

- **Accrual of Paid Leave Credits** – An employee will continue to accrue vacation and sick leave and receive holiday pay during the portion of the leave that is paid. **Paid leave is defined as leave during which the employee continues to use accumulated paid vacation and sick leave.** After all such paid leave is exhausted, the remaining leave of absence is unpaid. An employee will not earn paid vacation or sick leave or receive holiday pay for any holidays that may occur during an unpaid leave of absence.
- **Medical Insurance** – During the period of authorized FMLA designated leave, an employee's eligibility status for medical insurance coverage will not change. (In the event the employee has accumulated paid leave credits that extend beyond the twelve workweek period, the employee should refer to Sections 711 – Short Term Disability and 712 – Workers Compensation regarding additional medical insurance coverage provisions.) All employee contributions (if any) must be paid on a timely basis in order to maintain the continuous coverage of benefits. Contributions will be at the same level as if the employee was working. Coverage will cease if payments are not made within a thirty-calendar day grace period of the due date. Premium payments or policy coverage are subject to change. In the event the employee fails to return to work after the designated period of FMLA leave has been exhausted, the employee may continue coverage with responsibility for payment of the full premium amount under COBRA (see Section 709) provisions. In addition, the Town may recover the premium that it paid for maintaining the coverage during any period of the unpaid leave except for the following circumstances:
  - \* The continuation, recurrence, or onset of a serious health condition of the employee or the employee's eligible family member with proper medical certification; or,

- \* Circumstances beyond the employee's control, such as: parent chooses to stay home with a newborn child who has a serious health condition; employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's work-site; the employee is laid off while on leave.

**Workers' Compensation and Short-Term Disability Benefits** – Leaves taken under the Workers' Compensation Law or the Town's Short-Term Disability Policy may invoke the FMLA if the employee meets the eligibility criteria outlined in the eligibility section and the Town designates such leave as FMLA leave and properly notifies the employee of such designation. In accordance with the FMLA, if an employee has elected to receive workers' compensation benefits or short-term disability benefits, the Town cannot require the employee to use paid leave credits during this period of leave, however, the employee may choose to do so to supplement those benefits to equal but not exceed their normal rate of pay. If the workers' compensation leave or short-term disability leave has been properly designated as FMLA leave by the Town, it can be counted against the employee's FMLA leave.

In addition to leave provided under the Family and Medical Leave Act, employees may be eligible for a leave of absence pursuant to Civil Service Law Section 71. Section 71 provides that **covered** employees shall be entitled to a leave of absence for at least one cumulative year (unless found to be permanently disabled) when disabled due to an occupational injury or disease as defined in the Workers' Compensation Law. This leave runs concurrently with the designated Family and Medical Leave. Employees should consult with their Department Head for further details regarding this provision.

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

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

## 600 COMPENSATION

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### 601 *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 Recognition (All Employees Besides Part-Time Employees in the Police Department)** – Those full-time and part-time employees with more than five years of service and/or up to twenty-five years of service shall be entitled to:

Years of Service	Longevity Payment
Annually after 5 years of service	\$750
Annually after 10 years of service	\$1,250
Annually after 15 years of service	\$1,750
Annually after 20 years of service	\$2,250
Annually after 25 years of service	\$2,750

All longevity shall be paid on an annual basis, distributed December first or immediately thereafter with the appropriate deduction for taxes pursuant to applicable Federal and State Tax Regulations. Any accrued overtime on longevity payment will be paid on the last payroll of the year.

**Longevity Recognition (Part-Time Employees in the Police Department – All Ranks Except for Police Chief):**

Years of Service	Longevity Payment
After 3 years of service	Base pay + 5% premium
After 6 years of service	Base pay +10% premium
After 9 years of service	Base pay + 15% premium
After 12 years of service	Base pay +20% premium

- Sergeants are entitled to 10% over the above Officer rate per hour.
- Lieutenants are entitled to 10% over the Sergeant rate per hour.

## **602 Overtime / Compensatory Time**

**Authorization** – A Department Head or the Town Supervisor 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 the Town Supervisor's Office before working additional hours.

**FLSA Non-Exempt Employees** – In accordance with the Fair Labor Standards Act, an FLSA non-exempt employee will be paid one and one-half times the employee's regular hourly rate of pay for all authorized time worked over forty hours in a given workweek.

**Compensatory Time** – With pre-authorization from the Department Head, an FLSA non-exempt employee will have the option of receiving "compensatory time" in lieu of paid overtime. When an FLSA non-exempt employee chooses to receive compensatory time, the employee will be credited with the equivalent of one and one-half hours for all authorized time worked over forty hours in a given workweek. An employee may accumulate up to eighty hours in compensatory time credits. In the event an employee accrues more than eighty compensatory time credits, the employee must either use the excess compensatory leave credits within the pay-period in which it is earned or take paid overtime. An employee must use all compensatory time credits within the calendar year in which they are earned or receive cash payment at the end of the calendar year at the employee's then current rate of pay. Use of compensatory time off requires Department Head or Town Supervisor approval.

**Credit for Paid Leave** – Vacation leave, sick leave, personal leave, compensatory time use, 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 receive cash payment for unused compensatory credits to which the employee is properly entitled at the employee's then current rate of pay.

## **603 Call-In Pay (Highway, Maintenance and Police Departments)**

**Compensation** – In the event an FLSA non-exempt employee is called in to work outside of the employee's regularly scheduled work shift, the employee shall be credited for pay purposes with the greater of either four hour's time, or the time actually worked. "Time actually worked" will be considered to start at the time the employee arrives to work.

#### **604    *Pay Period and Check Distribution***

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

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

**Direct Deposit** – The Town requires direct deposit for all employees who are employed year-round. Under direct deposit, the employee's paycheck will be deposited directly into the employee's account at their designated financial institution. The employee must submit a signed, written authorization for direct deposit to the Director of Finance.

#### **605    *Payroll Deductions***

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

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

#### **606    *Deferred Compensation Plan***

**Summary** – The Town of Pound Ridge has established a Deferred Compensation Plan whereby a portion of an employee's salary may be voluntarily withheld and invested. The money saved is paid out to the employee at a later date, generally during retirement years. Neither the deferred amount nor earnings on investments are subject to current Federal and State Income Taxes. Taxes become payable when the deferred income plus earnings are distributed to the employee. A description of the plan may be obtained from the Director of Finance or on the New York State Deferred Compensation website.

## 700 EMPLOYEE BENEFITS

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### 701 *Holidays*

**Designated Holidays** – The Town Board determines paid holidays for the year at its annual organizational meeting in early January. Thirteen paid holidays are given each year to full time employees only. These usually include:

1. New Year's Day	8. Indigenous People's Day
2. Martin Luther King Day	9. Election Day
3. Presidents' Day	10. Veterans' Day
4. Memorial Day	11. Thanksgiving Day
5. Juneteenth	12. Day after Thanksgiving
6. Independence Day	13. Christmas Day
7. Labor Day	

The Police Department has the same Holidays as all Town employees with the following adjustments.

- Holidays are recognized on their actual celebrated date (applies to New Year's Day, July 4<sup>th</sup>, and Christmas).
- Annual Fireworks Events are treated as a Holiday. When these events are not held on July 4<sup>th</sup> the date of the event replaces the Day after Thanksgiving as a Holiday.

Working Police Department personnel, on those denoted Holidays will be compensated at their overtime rate of time plus one half.

**Eligibility** – A full-time employee, and a part-time employee assigned to the Police Department is eligible for holiday pay at the employee's regular rate of pay. All other part-time employees, as well as temporary and seasonal employees are not eligible for holiday pay. Holiday pay will be based upon the employee's scheduled hours on the day the holiday occurs.

**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.

## 702 **Vacation Leave**

**Eligibility** – A full-time or part-time, employee is eligible for paid vacation leave in accordance with this policy. A 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.

**Allowance** – A full-time employee will be credited with paid vacation leave in accordance with the vacation schedule below. A part-time employee will be credited with paid vacation leave in accordance with the vacation schedule prorated by the average number of hours the employee works in a workweek, with thirty-five hours equal to 100%. An employee may take vacation leave only after it has been credited. The employee will be credited on January 1 for the vacation leave earned during the previous year.

- New employees are entitled to two (2) weeks paid vacation annually on a calendar year basis, with the first year being prorated based on date of hire.
- \*After completion of five (5) years of employment, employees are entitled to three (3) weeks paid vacation annually with the fifth year prorated based on date of hire.
- After completion of ten (10) years of employment, employees are entitled to four (4) weeks paid vacation annually with the tenth year prorated based on date of hire.

\*For example, an employee who is hired on July 1, 2010, will receive an additional half week of vacation leave on July 1, 2015. On January 1, 2016, the employee will receive three weeks of paid vacation.

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

**Scheduling** – Vacation requests must be made to the Department Head at least one month in advance of the anticipated vacation absence, unless there are extenuating personal circumstances. The Department Head will ascertain that proper coverage of the department is maintained with availability to the public. Vacation entitlement records are kept by all Department Heads and the Director of Finance and may be reviewed with the Department Head and/or the Director of Finance for verification. Any discrepancies may be appealed to the Director of Finance who will make a final decision upon appropriate review of all available records. Department Heads should submit their requests for vacation leave to the Town Supervisor.

For the purposes of this section, uniformed Officers of the Pound Ridge Police Department entitled to vacation shall accrue vacation time as indicated herein. However, vacation requests must be a minimum of 60 days in advance. In addition, part-time police officers must comply with the unpaid vacation notification rules as dictated in the Pound Ridge Police Department Manual.



**Carry-Over** – An employee may carry-over up to three days of vacation leave into the following calendar year. Any additional vacation leave credits remaining unused at the end of the last business day of the calendar year shall expire.

**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** – If an employee leaves Town employment for any reason, his/her vacation entitlement will be prorated in proportion to the number of week's time worked within that year., i.e., if the employee works 26 weeks, he/she will receive  $\frac{1}{2}$  of his/her vacation entitlement for the year. If the employee works 17 weeks, he/she will receive  $\frac{1}{3}$  of his/her vacation entitlement. Only whole weeks will contribute to the employee's entitlement. Partial weeks will not be counted.

## **703 Sick Leave**

Employees are prohibited from coming to work if they are sick. OSHA recommends that employees stay home if they are sick and the CDC recommends staying home until at least 24 hours after a fever subsides. As such, the Town reserves the right to send an employee home, if they appear to be visibly sick or are a threat of spreading a disease or sickness to other individuals. The Town also reserves the right to require an employee to provide a doctor's note, clearing them to return to work, upon their return. Any employee who knowingly comes to work while sick may face corrective action.

In order to facilitate an employee's ability to stay home if they are feeling sick, the Town offers paid sick leave to eligible employees.

**Eligibility** – A full-time employee is eligible for paid sick leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid sick leave.

**Allowance** – A full-time employee will be credited with twelve days of paid sick leave on an annual basis. The employee will be credited on January 1<sup>st</sup> of each calendar year. Sick leave is based on the average number of hours an employee is normally scheduled to work each week.

**New Employee** – A newly hired employee will be credited with a prorated number of sick leave days upon hire, depending upon the time of year that the employee is hired.

**Accrual During Leaves of Absence** – An employee will be credited with sick leave while on a paid leave of absence, but not while on an unpaid leave of absence.

**Notification of Sick Leave** – In the event an employee must take sick leave, the employee must notify the Department Head before the employee's scheduled reporting time. The notification must be made personally to the Department Head, unless the Department Head authorizes the use of an answering device for this purpose. Unless an extended sick leave absence has been authorized, the employee must notify the employee's Department Head each day of the absence. These procedures must be followed to receive paid sick leave.

A Department Head who cannot report to work, must notify the Town Supervisor's Office, and their staff that they are going to be absent.

**Proper Use of Sick Leave** – Sick leave is provided to protect an employee against financial hardship during an illness, injury, or medical procedure. An employee may use sick leave credits for a personal illness, injury, or medical/dental appointment that inhibits the employee's ability to work. An employee may take sick leave only after it has been credited.

**Family Sick Leave** – An employee may use up to five days of sick leave annually for family illness or injury if the employee must provide direct care to an immediate family member. Such leave will be subtracted from the employee's accumulated sick leave balance. For purpose of family sick leave, "immediate family member" will mean the employee's parent, spouse or child, including step-child and foster child.

**Accumulation** – An employee may accumulate sick leave to a maximum of 200 days. It is important to recognize that paid sick leave can provide income protection and continued medical insurance coverage in the event the employee is unable to work for a long period of time due to illness or injury. Therefore, each employee should take care to manage the use of sick leave to ensure adequate time is available should such a need arise.

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

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

**Sick Leave Credits Upon Retirement** – The Town Board has elected to provide the benefit of §41(j) of the NYS Retirement and Social Security Law. This provision allows Tier 1 through 5 employees credit for up to one hundred sixty-five (165) days of accumulated sick leave, and Tier 6 employees up to one hundred (100) days of accumulated sick leave, at the time of retirement. To be eligible, an employee must retire directly from covered employment or within one year of leaving covered employment. The additional service credit is determined by dividing the total unused, unpaid sick leave days (not to exceed 165 days) by 260. For example: 130 unpaid sick leave days ÷ 260 = .50 or 6 months additional service credit.

**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.

## **704    *Personal Leave***

**Eligibility** – A full-time employee is eligible for paid personal leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid personal leave.

**Allowance** – A full-time employee will be credited with three days of paid personal leave on an annual basis. The employee will be credited on January 1 of each year. Personal leave is based on the average number of hours an employee is normally scheduled to work each week. An employee may take personal leave only after it has been credited.

**New Employee** – A new employee will be credited with a prorated amount of personal leave upon hire, based upon the amount of time remaining in the calendar year.

**Proper Use of Personal Leave** – An employee may use personal leave to conduct personal business which cannot be conducted outside of normal working hours, non-emergency medical and dental appointments, 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.

**Scheduling** – An employee must receive prior approval from the employee's Department Head to take personal leave. The Department Head will have total discretion in the approval of personal leave. A Department Head, who wishes to use personal leave should seek authorization from the Town Supervisor. In the event that the use of personal leave will result in a department being unstaffed, the employee or Department Head must notify the Town Supervisor's Office.

**Accumulation** – An employee may not accumulate personal leave. Any personal leave remaining unused at close of business on the last day of the calendar year will expire.

**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.

## **705    *Disclosure of Insurance Benefits***

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

**Plan Administrator** – On an annual basis, the Town Board will appoint someone to serve as the Administrator of the Town's benefits plans. The Administrator is responsible for all communications and disclosures concerning Town benefits and is available to answer questions concerning the benefit plans. A description of each of the plans may be obtained from the plan administrator.

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

**Changes in Benefits** – Any benefit offered by the Town to non-union employees or Elected Officials is subject to change or discontinuance by resolution of the Town Board. Changes in benefits for union employees shall be in accordance with collective bargaining negotiations and/or procedures.

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

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

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

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

## 706 **Medical Insurance**

**Eligibility** – The Town provides health insurance to employees, and their eligible dependents (including domestic partners) who meet the criteria established by the applicable plan. To be eligible for health insurance, an employee must be a full-time employee, except for those eligible part-time employees hired prior to 1988, or be an elected official, or be the Town Attorney or Deputy Town Attorney or the Deputy Town Supervisor.

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

**When Coverage Ends** – Coverage ends on the last day of the month in which the employee separates from employment or the Elected Official ends elected service. Coverage may continue for such eligible employees and Elected Officials in accordance with COBRA regulations. Coverage will continue for eligible retirees in accordance with Town policy and plan documents.

**Premium Payment (Full-Time Employees)** – With the exception of the benefit recipients described below, all eligible employees who elect to receive health benefits are required to contribute to their health insurance benefits. All full-time eligible employees will contribute 25% of the total cost of their health insurance premiums, including premium increases except those identified in the following paragraphs. These payments will be deducted from the employee's paycheck.

All full-time employees hired prior to January 1, 2010, who have completed 18 years of continuous employment with the Town and choose to participate in the Town's Health Insurance and Dental program shall receive health insurance benefits, without contribution, for themselves if on a single person plan, or for themselves and their dependents if on a family plan. Said employee may change his/her plan from time to time as determined by his/her family situation. If an entitled employee, who meets the preceding requirements and participates in the Town's health insurance program under the family plan, dies, his/her medical benefit will continue to the surviving spouse without contribution. However, surviving spouses become ineligible should they remarry.

**Medical Care Reimbursement** – For all full-time employees and elected officials covered by the Town's medical insurance plan the Town offers an annual \$900.00 reimbursement (\$50.00 for retirees) to defray medical expenses not covered by MEBCO/POMCO and/or offset medical premium contributions. The lump sum reimbursement will be paid in the first pay period of May of each year and will be subject to all applicable taxes.

**Pre-Tax Insurance Premiums** – The employee's contribution towards the health insurance premium will be paid with pre-tax dollars. Deductions are taken from the employee's paycheck before federal, state, and social security taxes are calculated. This reduces the employee's taxable income and increases net take-home pay.

**Changes in Premium Contributions** – The amount of the insurance premium an employee or Elected Official is required to contribute is subject to change by resolution of the Town Board. The Town Board will provide a two-month written notice of such change.

## **707 Medical Insurance for Retirees**

**Coverage** – The Town currently offers medical insurance coverage to an eligible full-time employee or Elected Official or the Town Attorney, Deputy Town Attorney, or Deputy Town Supervisor who retires from the Town. Coverage is also currently available for eligible dependents (includes spouse) if they were covered under the Town's medical insurance plan at the employee's date of retirement. In the event the retiree predeceases the dependents, the dependents may continue medical insurance coverage provided they pay the full cost of the premium. Coverage of a dependent at the time of divorce or legal separation is in accordance with plan documents and COBRA requirements.

**Eligibility (Employees Hired Prior to 1/1/2010)** – All full-time employees hired prior to January 1, 2010, who complete 18 years of continuous full-time employment with the Town are eligible to receive health insurance benefits upon retirement, without contribution, for themselves if on a single person plan, or for themselves and their dependents if on a family plan under the following conditions:

- 1) For purposes of this provision, the term "retirement" shall mean that the retiring employee has been granted a retirement benefit from the New York State Employees' Retirement System;
- 2) Employee must be employed by and must have 18 years of continuous full-time service with the Town of Pound Ridge at the time of retirement; AND
- 3) Employees election of such medical coverage from the Town MUST be made prior to separation;

Employees hired prior to January 1, 2010, who have 10 years of continuous full time service with the Town and who are employed by the Town of Pound Ridge upon retirement and who, upon retirement from the Town of Pound Ridge, have attained the minimum age and other applicable requirements to be eligible to receive retirement benefits from the NY State Employees Retirement System are eligible to continue participation in the Town's health insurance program after their retirement. The Town will pay 50% of the premium for the retiree and 35% for the dependent.

All retired employees, upon reaching the Medicare eligibility age of 65, must apply for Medicare benefits in order to maintain their Town medical coverage, which shall become secondary to Medicare once received.

The Town of Pound Ridge also reimburses retired employees and their spouses for the Medicare-Part B deduction from Social Security.

**Eligibility (Employees Hired After 1/1/2010)** – All full-time employees hired after January 1, 2010, who have completed 20 years of continuous full-time employment with the Town are eligible to receive health insurance benefits upon retirement for themselves if on a single person plan, or for themselves and their dependents if on a family plan. The retiree will be required to pay the same percentage of the premium payment that they paid as an active employee on their final day of employment:

- 1) For purposes of this provision, the term "retirement" shall mean the attainment by a Town employee, at the time of the termination of his/her Town employment, of the minimum age and other applicable tier requirements to be eligible to apply for and receive retirement benefits from NY State Employees Retirement Fund;
- 2) Employee must be employed by and must have 20 years of continuous full-time service with the Town of Pound Ridge at the time of retirement; AND

- 3) Upon retirement, employee must have attained the minimum age and other applicable tier requirements to be eligible to receive retirement benefits from the New York State Employees Retirement System.

All retired employees, upon reaching the Medicare eligibility age of 65, must apply for Medicare benefits in order to maintain their town medical coverage, which shall become secondary to Medicare once received.

The Town of Pound Ridge also reimburses retired employees and their spouses for the Medicare-Part B deduction from Social Security.

**Eligibility (Elected Officials, Town Attorney, Deputy Town Attorney and Deputy Town Supervisor)** – Elected Officials, the Town Attorney, Deputy Town Attorney or the Deputy Town Supervisor who were first elected or appointed prior to January 1, 2010, and who serve at least three full terms in office, or who serve twelve or more years in their appointed position, are eligible upon leaving elected or appointed office for health insurance benefits for themselves and their spouses without contribution.

An elected official, Town Attorney, Deputy Town Attorney or Deputy Town Supervisor who takes office or is appointed after January 1, 2010, is eligible for health insurance benefits and will be required to pay the same percentage of the premium payment that they paid as an active Elected/Appointed official on their final day of service. An Elected Official, Town Attorney, Deputy Town Attorney or Deputy Town Supervisor will be eligible under the following conditions:

- 1) Must have 12 years' service as an elected or appointed official with the Town AND;
- 2) Must elect to choose the benefit at the time of separation from the Town of Pound Ridge.

All employees and/or Elected Officials who were first elected or hired prior to January 1, 2010, are eligible for health benefits under the rules prior to January 1, 2010, and the aggregate years of service shall be used to determine the eligibility.

**Combined Service** – Any full-time employee hired after January 1, 2010, who becomes an Elected Official or an Elected Official who takes office after January 1, 2010, who becomes a full-time employee of the Town may combine the years of service in the aggregate for the purpose of receiving the health benefit upon retirement.

**Changes in Premium Contributions** – 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 written notice of such change.

**Medicare Part B Reimbursement** – The Town will reimburse an eligible retiree and the retiree's spouse for the cost of the Medicare Part B premium. Such reimbursement will cease for both the retiree and the retiree's spouse upon the death of the retiree. Reimbursement will also cease for a spouse upon legal separation or divorce. The Town Board may, at its discretion and in accordance with plan documents, modify or eliminate this reimbursement for any retiree or retiree's spouse.

## **708    *Dental Plan***

**Eligibility** – The Town provides a dental insurance plan for eligible employees and their dependents. Employees who are eligible for health insurance benefits are also eligible for dental insurance, currently through the POMCO program. Employee contributions for Dental Insurance will be at the rate set by the Town each year. Benefits cease after separation from employment with the Town. Retirees are not eligible for dental insurance through the Town of Pound Ridge.

**When Coverage Begins** – Coverage will begin on the first day of the month following the completion of one month of employment, provided the employee meets all eligibility requirements of the dental plan.

**Changes in Premium Contributions** – The amount of the insurance premium an employee is required to contribute is subject to change by resolution of the Town Board. The Town Board will provide a two-month written notice of such change.

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

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

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

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

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

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

- Termination of the covered employee’s (or Elected Official’s) employment for any reason except gross misconduct, or the covered employee’s loss of eligibility to participate due to reduced work hours.



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

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

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

## **710 Optional Insurance**

**Summary** – The Town may make available optional life, dental, disability, cancer, accidental, or other forms of insurance. The full cost of such insurance shall be borne by the employee, the premiums of which may be voluntarily withheld from the employee's salary. Please contact the Director of Finance for further information on optional insurance plans.

## **711 Short-Term Disability Benefits**

**Eligibility** – A full-time employee is currently provided with short-term disability coverage in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid short-term disability coverage. This benefit is to supplement loss of time from work due to a qualified non-job related illness or injury.

**Summary** – The Town currently offers a short-term disability plan for non-job-related injuries or illnesses that meets the minimum requirements of New York State Disability Insurance. The insurance company makes the determination of whether an employee is eligible for short-term disability benefits. Disability payments will be in accordance with the terms of the policy. The duration of disability benefits is dependent upon a physician's certification and consistent with the terms of the policy. Benefits may continue up to a maximum of twenty-six weeks. An employee generally receives 50% of the employee's average weekly wages based on the previous eight weeks of employment, up to a maximum of \$170 per week. There is no coverage for medical care.

**Waiting Period** – There is a 7-day waiting period for which no benefits are paid. Benefits start on the eighth consecutive day of disability.

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

**Premium Payment** – The Town will pay the full premium for short-term disability coverage for each eligible employee.

**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 as soon as possible upon becoming aware of the need to apply for short-term disability benefits. 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.

## **712 Workers' Compensation Benefits**

**Coverage** – The Town will make available Workers' Compensation benefits, including payment of medical costs and replacement of lost wages up to the regulated maximum, to each eligible employee who suffers an accidental injury arising out of and in the course of employment, as determined by the Workers' Compensation Board. Eligibility for coverage is determined by applicable Workers' Compensation regulations.

**207-c Benefits** – Police Officers may be covered for certain workers' compensation benefits pursuant to Section 207-c of the General Municipal Law.

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

**Premium Payment** – The Town will pay the full premium for Workers' Compensation coverage for each eligible employee.

**Reporting of Injury** – The employee must report any accidental injury arising out of and in the course of employment to the Department Head immediately after the occurrence of the injury. The Department Head will notify the Director of Finance who will complete and submit the required forms. The employee must also complete an "Employee Claim Form C-3" and submit it directly to the Workers' Compensation Board. The Director of Finance will provide the employee with the necessary form.

**Use of Sick Leave Credits** – An employee may draw from the employee's sick leave credits in conjunction with Workers' Compensation 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.

## **713 Social Security**

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

## **714    *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 and Elected Official. An employee or elected official is eligible for service retirement benefits as per the eligibility rules of the employee's Tier as assigned by the NYS Retirement System.

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

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

**Optional Membership** – An employee or Elected Official who is not mandated to join may join the Retirement System. Such employee or Elected Official will be informed, in writing, that the employee or Elected Official 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 or Elected Official elects to join the Retirement System, the employee or Elected Official 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.

## **715    *Police and Fire Retirement System***

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

Retired Police Officers, who are already members of either the Police and Fire Retirement System or another retirement system, may not be permitted to contribute to the Police and Fire Retirement System. Employees are encouraged to contact the retirement system to determine what rules and regulations apply.

## **716 Employee Assistance Program**

**Summary** – The Town currently offers an Employee Assistance Program (EAP) for all employees and their family members to obtain confidential, professional counseling. This program is designed to help employees and their families deal with a variety of problems through professional consultation on a confidential basis.

**How to Access the Program** – An employee may either contact the Employee Assistance Program for further information. The program is administered by the following:

<p><b>ESI: Employee Assistance Group</b> <b><a href="https://www.theeap.com/">https://www.theeap.com/</a></b></p>
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## 800 COMPLIANCE POLICIES

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### 801 *Equal Employment Opportunity*

**Policy Statement** – The Town of Pound Ridge is an Equal Opportunity Employer. The Town does not unlawfully discriminate on the basis of sex, (including gender identity or expression and the status of being transgender), sexual orientation, race, color, national origin, citizenship, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or genetic predisposition or carrier status, domestic violence victim status, or any other protected class or status. Likewise, the Town prohibits employees, Elected Officials, vendors, suppliers, visitors, customers, and any other non-employee from discriminating against Town employees based on these protected groups. Discrimination based on any of the above is strictly prohibited. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, compensation, promotion, transfer, training, leave of absence, and termination.

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

**Prohibition Against Retaliation** – Retaliation against any employee who brings a written or verbal complaint of discrimination or who assists or participates in the investigation of such a complaint is strictly prohibited. The Town will not tolerate or permit adverse treatment of employees because they report discrimination or provide information related to such complaints, or who otherwise oppose an unlawful employment practice. Any employee who participates in the procedure may do so without fear of retaliation. Violations of this policy may result in disciplinary action up to and including termination of employment.

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

## 802 ***The Americans with Disabilities Act***

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

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

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

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

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

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

## **803    *The Pregnant Workers Fairness Act***

**Policy Statement** – It is the policy of the Town of Pound Ridge to comply fully with the provisions of the Pregnant Workers Fairness Act (PWFA).

**Reasonable Accommodation** – The Town will provide employees with reasonable accommodations necessitated by pregnancy, childbirth, or related medical conditions, unless doing so would impose an undue hardship on the Town. The Town strives to provide a reasonable accommodation through an interactive approach with the pregnant employee, whereby the employee can meet with the appropriate staff to discuss how the employee's needs might reasonably be met. Examples of reasonable accommodations may include, among others, light-duty assignments, additional or longer breaks, a change in uniform requirements, eliminating exposure to certain toxins, or modifications to the employee's work schedule. The Town will not deny an employment opportunity to an employee to avoid making an accommodation or force an employee to take leave if an accommodation would make continued work possible.

**Prohibition Against Retaliation** – The Town prohibits retaliation against an employee who requests or uses an accommodation.

**Pre-Employment Inquiries** – Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position and not any disabling condition which includes pregnancy.

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



## **804 Reproductive Health Decision Making**

**Policy Statement** – The Town of Pound Ridge complies with NYS Labor Law Section 203-e which prohibits discrimination or retaliation against employees based on an "employee's or a dependent's reproductive health decision making," including, but not limited to, the decision to use or access a particular drug, device, or medical service related to reproductive health.

**Prohibited Conduct** – The Town will not:

- Access an employee's personal information regarding the employee's or the employee's dependent's reproductive health decision making, including but not limited to the decision to use or access a particular drug, device or medical service, without the employee's prior informed affirmative written consent.
- Discriminate or retaliate against an employee with respect to compensation, terms, conditions or privileges of employment based on the employee's or the employee's dependent's reproductive health decision making, including but not limited to a decision to use or access a particular drug, device or medical service.
- Require an employee to sign a waiver or other document that denies the employee the right to make the employee's own reproductive health care decisions.

**Employee Rights and Remedies** – The law gives an employee the right to bring a civil action in any court of competent jurisdiction against an employer alleged to have violated the law. Available remedies include: (a) damages, including, but not limited to, back pay, benefits and reasonable attorneys' fees and costs; (b) injunctive relief; (c) reinstatement; and (d) liquidated damages equal to 100 percent of the award for damages, unless an employer provides a good faith basis to believe that its alleged violations were in compliance with the law.

## **805    *Right to a Harassment and Discrimination Free Workplace***

### **Purpose and Goals**

The Town of Pound Ridge is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation.

While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same.

Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or status as a victim of domestic violence.

The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual's intersecting identities, and provide the tools to take action when it occurs. All employees, Department Heads, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of the Town's commitment to a discrimination-free work environment.

### **Goals of this Policy:**

Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with the Town. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

### **Sexual Harassment and Discrimination Prevention Policy:**

1. This policy applies to all employees, supervisors, and Department Heads, whether employed full- or part-time, temporary or seasonal, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to all Elected Officials, Appointed Members of Boards and Commissions, and volunteers. It applies to applicants for employment, anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with the Town. For the remainder of this policy, we will collectively refer to this group as "covered individuals."

2. Sexual harassment is unacceptable. Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees. In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
3. Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of the Town who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform a Department Head, supervisor, or the Town Supervisor. All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on Legal Protections.
4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject the Town to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including Department Heads and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.
5. The Town will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or sexual harassment, or when it otherwise knows of possible discrimination or sexual harassment occurring. The Town will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, the Town will take appropriate action. The Town will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including Department Heads and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.
6. All employees and covered individuals are encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or covered individual who prefers not to report harassment to their Department Head or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the Town and a government agency.

Department Heads and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Town Supervisor, or if the Town Supervisor is an involved party, to any member of the Town Board.

7. This policy applies to all employees and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations.

### **What Is Sexual Harassment?**

Sexual harassment is a form of gender-based discrimination that 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 is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the Town's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;

- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a **hostile work environment** include, but are 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, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee'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 or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by 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. **This list is just a sample of behaviors and should not be considered exhaustive.** Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- 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; or
  - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, advances, or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;
  - Subtle or obvious pressure for unwelcome sexual activities; or
  - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.

- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
  - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
  - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- 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;
  - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, 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, or name-calling;
  - Intentional misuse of an individual's preferred pronouns; or
  - Creating different expectations for individuals based on their perceived identities:
    - Dress codes that place more emphasis on women's attire;
    - Leaving parents/caregivers out of meetings.

### **Who Can be a Target of Sexual Harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York State Law protects all covered individuals described earlier in the policy. **Harassers can be anyone in the workplace.** A Department Head, supervisor, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an Elected Official, independent contractor, contract worker, vendor, client, customer, constituent, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.



## **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 or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

## **Retaliation**

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as “difficult” and excluding them from projects to avoid “drama;”
- Undermining an individual’s immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

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 or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law;
- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a Department Head or supervisor of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; 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 of Discrimination and Harassment (including Sexual Harassment)**

Everyone must work toward preventing discrimination and/or harassment (including sexual harassment), but leadership matters. Department Heads and supervisors have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination.

Reports of alleged discrimination and/or harassment (including sexual harassment) or retaliation may be made verbally or in writing. A form for the submission of a written complaint is attached to this policy and individuals are encouraged, but not required, to use this form. If an individual chooses to submit a verbal complaint, such complaint will be documented by the receiver of this complaint, preferably by use of this form. Employees who are reporting sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

Employees and covered individuals are encouraged to report incidents of discrimination, harassment (including sexual harassment), or retaliation to a Department Head and/or the Town Supervisor as soon as possible after the occurrence. If an employee's Department Head is believed to be involved in the incident, or if the employee is not comfortable in addressing the incident with the Department Head, the report should be made directly to the Town Supervisor. If the Town Supervisor is believed to be involved in the incident or the employee or covered individual is not comfortable reporting the incident to the Town Supervisor, the report should be directed to any member of the Town Board.

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

Department Heads and supervisors have a responsibility to prevent sexual harassment and discrimination. All Department Heads and supervisors who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment in accordance with the procedures above. Department Heads and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Department Heads and supervisors can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Department Heads and supervisors can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

Department Heads and supervisors will also be subject to discipline for engaging in any retaliation.

While Department Heads and supervisors have a responsibility to report harassment and discrimination, they must be mindful of the impact that harassment and a

subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Department Heads and supervisors must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them before, during, and after any investigation.

### **Bystander Intervention**

Any employee witnessing harassment as a bystander is encouraged to report it. A Department Head or supervisor that is a bystander to harassment is **required** to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help:

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A Department Head or supervisor that is a bystander to harassment is required to report it.

### **Complaints and Investigations of Sexual Harassment**

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Town will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

The Town recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will generally be done in accordance with the following steps. Upon receipt of a complaint, the person(s) designated by the Town:

1. Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate. If the complaint is verbal, request that the individual completes the complaint form in writing. If the person reporting prefers not to fill out the form, a complaint form or equivalent documentation based on the verbal reporting will be prepared;
2. Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails or phone records that may be relevant to the investigation and will consider and implement appropriate document request, review, and preservation measures, including for electronic communications;
3. Will seek to interview all parties involved, including any relevant witnesses;
4. Will create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
  - b. A list of names of those interviewed, along with a detailed summary of their statements;
  - c. A timeline of events;
  - d. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
  - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
5. Will keep the written documentation and associated documents in a secure and confidential location;
6. Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document; and
7. Will inform the individual(s) who reported of the right to file a complaint or charge externally as outlined in the next section.

### **Corrective Action and Discipline**

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

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

Sexual harassment is not only prohibited by Town policy, but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals 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, an individual may also seek the legal advice of an attorney.

### **New York State Division of Human Rights**

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 *et seq.*, applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time **within three years** of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, **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 does not extend the time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment. An individual does not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

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

Go to [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on a computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at **(800) HARASS3** (800-427-2773) for more information about filing a sexual harassment complaint. This hotline can also provide a referral to a volunteer attorney experienced in sexual harassment matters who can provide limited free assistance and counsel over the phone.

### **The United States Equal Employment Opportunity Commission**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e *et seq.* An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of 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. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with

the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, 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 the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

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

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

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

### **Conclusion**

The policy outlined above is aimed at providing employees at the Town of Pound Ridge and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.

**TOWN OF POUND RIDGE**  
**COMPLAINT FORM**  
**DISCRIMINATION AND HARASSMENT (INCLUDING SEXUAL HARASSMENT)**

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

Name of Complainant:	Department:
Name(s) of individual engaging in alleged discrimination and/or harassment including sexual harassment:	Department:
Describe the specific incident of discrimination and/or harassment alleged. Describe each incident separately, including dates, times and locations. If you cannot remember exact dates, times or locations, provide approximations. Use additional pages if necessary.	

Are there others who may have witnessed this alleged discrimination and/or harassment? If so, provide their name(s).

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

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

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

Complainant Signature\*: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

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

Signature of Person Receiving Complaint: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

## **804    Violence in the Workplace**

**Policy Statement** – Workplace violence presents a serious occupational safety hazard for workers. On June 7, 2006, New York State enacted legislation that requires public employers other than schools covered under a school safety plan, to perform a risk evaluation of its workplaces and develop and implement programs to prevent and minimize workplace assaults and homicides.

**Purpose** – The purpose of this Workplace Violence Prevention Program and Policy is to provide information to elected officials, board members, employees and volunteers about preventing and responding to incidents of workplace violence or threats of violence and the New York State Public Employer Workplace Violence Prevention Law

The goals of the program are:

- 1) To reduce the probability of threats or acts of violence in the workplace, and
- 2) To ensure that any incident, complaint or report of violence is taken seriously and dealt with appropriately

This policy outlines the major components of the effort to meet these goals: program, procedures, workplace security risk evaluation, prevention, training and other support services.

The Town of Pound Ridge will not tolerate violence in the workplace. All incidents, complaints and/or reports of violence, threats of violence, harassment, intimidation and other disruptive behavior will be taken seriously because the Town is committed to providing its employees with a reasonably safe and secure work environment.

Violence in the workplace is a leading cause of fatal and non-fatal occupational injury throughout the U.S. that may affect an organization at any time. The purpose of this program is to address the issue of potential workplace violence, prevent workplace violence from occurring to the fullest extent possible and set forth procedures to be followed when such violence has occurred. Violence, threats of violence, harassment, intimidation and other disruptive behavior in the workplace will not be tolerated by the Town. Examples of disruptive behavior can include oral or written statements, gestures or expressions that communicate a direct or indirect threat of harm. Such behavior will be taken seriously and will be dealt with appropriately.

All employees are required to comply with this policy. In addition, since visitors of Town owned properties and facilities are required to conduct themselves in a non-violent manner in conformity with existing law, employees who observe or experience visitors of Town owned property engaging in violent behavior should follow the procedures in this policy and handbook for the reporting of such behavior.

**Application of this Program** – Violence and other disruptive behavior by or against any employees of the Town or member of the public in a Town designated workplace are unacceptable. A Town designated workplace includes offices, work sites, vehicles, field locations and any other location where Town business is conducted. Individuals who commit such acts may be removed from the premises and may be subject to appropriate



disciplinary action, including where legally appropriate, termination of employment and or criminal penalties.

**Training** – The Town will ensure that all employees, Department Heads and Elected Officials are informed of the requirements of the law, the risk factors in their workplace and the location of the written workplace violence prevention program. Training is also required for employees, Department Heads and Elected Officials on the measures employees can take to protect themselves from risks and the details of the written workplace violence prevention program. All new hires will receive training at the time of job assignment and annually thereafter. In addition to the training required by law, the Town shall provide additional training on a per request basis to the Town departments and offices to address the potential for violence in the workplace.

**Risk Evaluation** – Certain factors or situations may place employees at a greater risk of workplace violence. It is the responsibility of the Town Safety Committee to conduct a risk evaluation of town owned, leased and operated facilities, review occupational injuries and review incident reports related to violence related injuries in the workplace. Workplace violence can occur in any workplace setting. However, some settings or factors may pose a greater degree of workplace violence risk. Employment situations or factors that may pose higher risks for Town employees include but are not limited to:

- Working in public settings
- Working late night or early hours
- Exchanging money with the public
- Working alone
- Working in a setting with uncontrolled access
- Working in a setting where prior incidents have occurred
- Working in a setting where previous security problems have occurred
- Exposure to potentially violent persons
- Having a mobile workplace assignment
- Having duties that include delivery of goods and services

**Prevention** – Prevention is the responsibility of every employee. Department Heads as well as other employees should be familiar with and knowledgeable of the issues listed below before violence occurs. As noted in this handbook, workplace violence is defined to include violence, threats of violence, harassment, intimidation and other disruptive behavior.

Past behavior has generally been the best predictor of future behavior. There is no specific profile of a potentially dangerous individual. Acts of violence also occur in the workplace due to issues of domestic violence. Certain patterns of behavior and events frequently precede episodes of violence. A list of indicators of increased risk of violent behavior may include, but are not limited to:

- Direct or veiled threats of harm
- Intimidation, belligerence, bullying or other inappropriate behavior directed at others
- Numerous conflicts with supervisors and other employees, verbal comments indicating expressions of hostility directed at co-workers, supervisors or others
- Bringing an deadly weapon or dangerous instrument, as defined in Article 10 of the N.Y. State Penal Law, to work and brandishing same in a threatening manner

- Fascination with incidents of workplace violence, statements indicating approval of the use of violence to resolve a problem or statements indicating identification with perpetrators or workplace homicides
- Signs of alcohol/drug abuse on or off the job
- Increased tone of desperation from a person, feelings that normal interventions will not solve a problem. Hopeless feelings about a work/family/financial situation
- Employees with on-going domestic difficulties
- Situations involving orders of protection

These behaviors should be reported to Department Heads and may require certain interventions including police intervention, disciplinary action or other forms of referral. Sometimes small behavioral problems which can precede the above behaviors are dismissed or ignored allowing problems to fester. In these cases, the situation can become more intense. Early interventions may be appropriate in these situations. It is important to remember the employee must be treated with dignity, respect and fairness in this process. Some of these types of behavior are:

- Withdrawal from friends and co-workers
- Reduced productivity
- Unexplained and abused sick time or marked increase in tardiness
- Noticeable deterioration of personal hygiene and appearance

Listed below are two categories of common issues that may trigger workplace violence.

- 1) Employee Issues
  - a. Negative performance review
  - b. Unwelcome change in role due to performance or reorganization
  - c. Criticism of performance
  - d. Personal stress outside the workplace
  - e. Increased workload or pressure
- 2) Workplace Issues
  - a. No clearly defined rules of conduct
  - b. Lack of training
  - c. Inadequate hiring practices/potential employee screening
  - d. Insufficient supervision
  - e. Lack of discipline/ inconsistent discipline in the workplace
  - f. Inadequate employee support systems
  - g. Failure to address incidents as they occur
  - h. Overly authoritarian management style

Taking these into account, there are three key elements that may help to prevent a violent situation from occurring:

- 1) Recognize early warning signs
- 2) Recognize issues or events that may trigger violence
- 3) Early intervention to prevent violence before it occurs

**Reporting of Violence** – At the core of the policy is the Town’s commitment to work with its employees to maintain a work environment free from violence and other disruptive behavior to the greatest degree possible.

Any Town employee, upon becoming aware of an instance of physical assault, threatening behavior or verbal abuse occurring in the workplace setting must immediately report the facts and circumstances of said incident to their Department Head, the Town Supervisor's Office, or any member of the Town Board. In the event that employees observe or experience violent behavior from Town employees or visitors of Town owned property in which there is an immediate threat to their safety or the safety of others or where an injury has occurred, the employee should immediately contact the Police for assistance and in addition notify their Department Head and/or the Town Supervisor's Office. Thereafter the Town Supervisor will decide on the best course of action, and determine who, if anyone, should investigate the incident. The Chief of Police will determine if there is:

- 1) An immediate threat of violence. If so, the police shall ensure that emergency medical assistance is provided where necessary and follow the procedures as indicated below.
- 2) Serious misconduct or criminal behavior by a Town employee. If so, the Department Head is to be notified as well as the Town Supervisor or his/her designee.
- 3) No immediate threat of violence and no serious misconduct or criminal behavior by a Town employee. In that event, the Department Head will continue the investigation, resolve /mediate the matter, initiate disciplinary action where appropriate and make a written report to the Town Board.

**NOTE:** In all instances, a written summary report of the incident and all persons involved as well as any action taken will be prepared and submitted to the Town Supervisor's Office. Retaliation against any employee who makes a good faith report of violence or other disruptive behavior is strictly prohibited and shall be subject to appropriate corrective or disciplinary measures. An employee who, in bad faith, makes a false report is also subject to disciplinary action as well as possible criminal penalties.

**Response Procedures** – The following procedures are recommended to be followed whenever an employee files a complaint alleging a violation of this policy has occurred or when a violent incident occurs.

A threatening situation is a situation where one person, through intimidating words or gestures has induced fear and apprehension of physical or other harm in another person but there is no immediate danger of such harm being inflicted. The steps listed under the "Non-Emergency (threatening) Response Procedure" are recommended to be followed whenever a threatening situation occurs

A situation is an "emergency" if an injury has occurred or there is an immediate threat of physical harm. Individuals should always consider their personal safety first in all emergency situations. If possible, the "Emergency Response Procedure" should be followed whenever an emergency occurs.

<b>Non-Emergency (threatening) response Procedure:</b>	<b>Emergency Response Procedure:</b>
<b>Step 1:</b> Employee immediately notifies their immediate supervisor, Department Head or the Town Supervisor's Office.	<b>Step 1:</b> First person on the scene quickly assesses the situation and risk.
<b>Step 2:</b> Town Supervisor, or designee conducts	<b>Step 2:</b> Immediate contact made with police and if

preliminary inquiry.	necessary medical assistance and insures needs of injured are met. Employee must also notify Department Head and/or Town Supervisor's Office of the situation.
<b>Step 3:</b> If there has been serious misconduct or criminal behavior by a Town employee, the Police are to be contacted immediately.	<b>Step 3:</b> The Department Head and/or Town Supervisor's Office will notify the Police to immediately assess the situation.
<b>OR Step 3-a:</b> If there is no immediate threat of violence and no serious misconduct or criminal behavior by a Town employee, the Town Supervisor or designee will continue the investigation, resolve/mediate the matter, initiate disciplinary action if appropriate, make a full written report to the Town Board.	<b>Step 4:</b> The Chief of Police will make a full written and detailed report to the Town Board.

**Safety Committee** – The Town's Safety Committee will perform annual reviews of the workplace violence programs and policies to determine the need for revisions and updates to the Town's existing programs and policies. Safety Committee members are appointed by the Town Board and should include representatives from the Police Department, Insurance Carrier or designee and others.

## **805 Health Insurance Portability and Accountability Act (HIPAA) Policy**

**Policy Statement** – Health insurance medical information will be kept in the Town Supervisor's Office. Records may be accessed only by the Town Supervisor or his/her designee and the Town Supervisor's designated Town Healthcare Representative. The designated "Privacy Official" with responsibility for the development and implementation of privacy policies will be the Town Supervisor. The designated "Contact Person" with responsibility for receiving complaints regarding privacy violations will be the Town Supervisor. Health Insurance medical records will be safeguarded in files which remain locked at all times. Computerized information will be accessible only via the Town Healthcare Representative's input code.

**Procedures** – To ensure administrative safeguarding of information, the Town will:

- 1) Not use or further disclose "protected health information" other than as permitted or required by the plan documents or as required by law.
- 2) Ensure that any agents, including a subcontractor, to whom it provides "protected health information" agree to the same restrictions and conditions that apply to the plan sponsor.
- 3) Not use or disclose the information for employment-related actions and decisions or in connection with any other benefit or employee benefit plan of the plan sponsor.
- 4) Be vigilant of any use or disclosure of "protected health information" that is inconsistent with the permitted or required uses or disclosures.
- 5) Make available "protected health information" to individuals.
- 6) Provide individuals with the opportunity to amend "protected health information."

- 7) Provide individuals with an accounting of the disclosure of their “protected health information.”
- 8) Make its internal practices, books, and records relating to the use and disclosure of “protected health information” available to appropriate regulators for compliance purposes.
- 9) Return or destroy all “protected health information” if feasible.
- 10) Ensure that adequate separation exists between employees who are authorized to use “protected health information” and those who are not. Describe those employees or classes of employees to be given access to “protected health information.” Restrict the access to and use by these employees. Provide an effective mechanism for resolving any issues of noncompliance by persons who have access to “protected health information.”

Complaints concerning Health Insurance Medical information shall be presented to the Town Supervisor in written form. All complaints will be documented with report of final disposition. Employees responsible for compliance failure will be appropriately sanctioned by the Town Board with documentation.

Employees will be trained regarding privacy requirements and the training will be documented.

Enrollees may request restrictions on the uses and disclosures of their medical information. These may be looked upon favorably provided that they are not unreasonable and don't hinder the routine processing of claims.

Enrollees will be given the opportunity to inspect or obtain copies of their medical information, with exceptions for psychotherapy notes and information compiled for use in a civil, criminal, or administrative action.

Enrollees will be provided the opportunity to amend their medical information for as long as the employer group health plan maintains it. Among other reasons, a request for amendment may be denied if it is determined that the medical information was not created by the group health plan.

A notice of Privacy Practices will be distributed to all current enrollees and to new enrollees at the time of enrollment. Material revisions to the Privacy Notice will be distributed within sixty days. At least once every three years, covered individuals will be advised of the availability of the notice and how it may be obtained.

## 806 **Drug-Free Workplace / Drug Free Awareness Program**

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

**Coverage** – The Town of Pound Ridge's Drug-Free Workplace Policy pertains to all individuals who are employed by the Town of Pound Ridge.

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

**Prohibited Conduct** – No employee shall use, sell, distribute, dispense, possess, or manufacture any alcoholic beverage, marijuana product, illegal drugs, or any other intoxicating substance, nor be under the influence of such, while on duty, at any job site or workplace, or in a Town vehicle, a vehicle leased for Town business, or a privately owned vehicle being used for Town business. An employee who, after investigation, is found to have violated this prohibition may be referred for counseling or rehabilitation and satisfactory treatment and will be subject to criminal, civil and disciplinary penalties, up to and including termination of employment. Any work-related accident or injury involving a Town vehicle, equipment, and/or property where it can be demonstrated that the use of alcohol, marijuana product, illegal drugs, or any other intoxicants may have been a contributing factor will result in disciplinary action which may include penalties up to and including termination of employment.

**Use of Prescription and Over-the-Counter Drugs** – Prescription drugs must be in the possession of the individual to whom the prescription was written, taken in the dosage prescribed, and maintained in their original containers. Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of assigned job duties. If the use of a medication could compromise the safety of the employee, fellow employees, or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, notify Department Head) to avoid unsafe workplace practices.

The legal use of prescribed and over-the-counter drugs is permitted on the job only if it does not impair an employee's ability to perform the job safely and if it does not affect the safety or well-being of other individuals in the workplace. The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur.

**Employee Assistance** – It is the policy of the Town to work with an employee suffering from substance abuse so that the employee will receive assistance necessary to overcome dependency. An employee seeking such assistance is encouraged to contact the employee's Department Head to discuss the situation before problems begin to surface in

the workplace. Any disclosures made by an employee will be treated as strictly confidential to the greatest extent practicable. The employee's decision to seek assistance will not be used as the basis for disciplinary action nor used against the employee in any disciplinary proceeding.

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

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

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

#### **Dangers of Drug Abuse in the Workplace**

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

##### **1. Declining Performance**

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

##### **2. Increased Costs**

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

##### **3. Absenteeism and Tardiness**

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

##### **4. Damaged Relationships**

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



## **807    *Controlled Substance and Alcohol Testing***

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

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

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

## **808    *Smoking***

**Policy Statement** – In accordance with the NYS Clean Indoor Air Act, it is the policy of the Town to prohibit smoking of any substance, including e-cigarettes, in the workplace, which includes all Town buildings, Town parks and all Town vehicles.

Additionally, employees are prohibited from smoking or using e-cigarettes within fifty feet of any Town owned building.

## 900 SAFETY

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### 901 *Workplace Safety*

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

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

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

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

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

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

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

- When an accident occurs which results either in the loss of an employee's work time, or in the provision of medical care to an employee, the employee must immediately notify their Department Head and/or the Town Supervisor who will in turn notify the Director of Finance. The Director of Finance must complete an *Employer's Report of Injury Form (C-2F)* and submit according to operating procedures.
- When an accident occurs which does not result in the loss of an employee's work time, or in the provision of medical care to the employee, the employee must immediately notify their Department Head and/or the Town Supervisor who will in turn notify the Director of Finance. The Director of Finance will maintain appropriate documentation of the incident.
- The Director of Finance will keep a log of the injury or illness for five years following the end of the calendar year to which it relates. A copy of this log, which includes totals and information for the year, must be posted in each department or areas where notices to employees are customarily posted.

## **902 Hazard Communication Program**

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

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

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

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

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

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

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

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

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

### **903 Public Employer Health Emergency Plan**

A Public Employer Health Emergency Plan has been developed in accordance with NYS Labor Law §27-c, and approved by the Town Board. A copy of this plan is available from the Town Supervisor's Office.

By reference here, it is incorporated as part of this Employee Handbook.

## **1000 COMMUNICATION PROCEDURES**

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### **1001 Organizational Communications**

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

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

**Required Postings and Notifications** – In accordance with §201 of New York State Labor Law, digital versions of federal and state postings that are required to be physically posted are also available on the Town's website.

### **1002 Adverse Communications**

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

### **1003 Suggestions**

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

## **1004 Public Relations**

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

## **1005 Press Policy**

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

All press releases, publications, articles and any other documents for release to the media or the public must be approved in advance by Department Heads and copied in advance to the Town Supervisor's Office.

## **1006 Reporting of Improper Activities**

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

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

## **1007 Political Advertisements in the Workplace**

**Policy Statement** – The Town complies with NYS General Municipal Law §99-z, which prohibits municipal officers or employees from displaying political advertisements on public property.

**Political Advertisements** – "Political advertisement" shall mean any poster, sign, flag, banner, picture, sticker, patch, bumper sticker, article of clothing, accessory or any other item meant to advertise or promote a certain individual for political office. There are certain exceptions when such a political advertisement appears in a book, digital medium, museum, or otherwise serves an educational or historical purpose, or in instances where the certain individual who is the subject of such political advertisement is deceased.

**Prohibited Conduct** – A municipal officer or employee, whether paid or unpaid, is prohibited from displaying or causing to be displayed any political advertisement on or within any public building occupied in the discharge of official duties by an employee or officer of the Town, or on any public flagpole, monument, sign or any other permanent structure that such municipal officer or employee interacts with as part of their official capacity.

This prohibition also applies to political advertisements on any uniform, accessory, or other gear worn or used by a municipal officer or employee as part of their official capacity, as well as on or within any Town-owned vehicle, or any equipment owned by the Town.

## 1100 DISPUTE RESOLUTION

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### 1101 *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. A few 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;
- 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 employee’s Department Head will meet with the employee to discuss and attempt to resolve the matter.

If a Department Head has a dispute, the matter should move directly to Step 2.

**Step Two** – In the event the informal dispute is not resolved at Step One, or the employee reasonably believes that the employee cannot present the dispute to the employee’s Department Head, the employee may submit the matter to the 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 or if Step One is not utilized for the above reason, within seven working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge.

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



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

The 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.

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

## 1200 EMPLOYEE ACKNOWLEDGEMENT FORM

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Detach and place in employee's personnel file.

### TOWN OF POUND RIDGE

### EMPLOYEE HANDBOOK ACKNOWLEDGMENT

I hereby acknowledge that I have received a copy of the ***Town of Pound Ridge Employee Handbook*** outlining the rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits of the Town of Pound Ridge. I further acknowledge that I have read, or will read, the contents of the Employee Handbook and will contact my Department Head or the Town Supervisor if I have any questions.

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

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

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

I understand that the Employee Handbook and the changes contained herein are intended to supersede all prior manuals and guidelines issued by the Town of Pound Ridge, and may be changed from time to time, by the Town of Pound Ridge.

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Employee name (please print)

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Employee Signature

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Date of Signature

# Town of Pound Ridge

Tel.: 914-764-5511

Fax: 914-764-0102



To: Town Board

From: Andrea Russo

Date: January 1, 2026

Re: Instructional Basketball, League Basketball, and Coaches Apparel Purchase  
UPDATED

Respectfully request to update the original memo for basketball apparel. The original price had to be updated due to change of needs in apparel. Needed more league pinnies and less instructional. Prices increased with the league pinnies. Original quote was \$3,685.85 new price \$4,266.10.

Respectfully,

Andrea Russo  
Superintendent of Recreation & Parks

## Melissa Farella

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**From:** Carolyn Kingston-AIA <kingston.aia@gmail.com>  
**Sent:** Monday, November 3, 2025 2:19 PM  
**To:** Melissa Farella  
**Cc:** Andrea Russo  
**Subject:** Re: Basketball Quote - PR REC

Hi  
Here's the quote:

Reversible Green/White Pinnie \$1320  
120 Youth - no #s - \$11 ea

60 Youth w/#s - \$22 ea \$1320  
28 Adult w/#s - \$23 ea \$644

9 Black Coach T - \$11.75 ea (no XS) \$105.75  
9 Black 1/4 Zip - \$32.90 ea \$296.10

We require 10 business days production.

Carolyn

On Fri, Oct 31, 2025 at 2:37 PM Melissa Farella <[mfarella@townofpoundridge.com](mailto:mfarella@townofpoundridge.com)> wrote:

Sorry!

Can we do this one:

<https://aia.ps.com/ProductDetails/?productId=550703601&imageId=49142766&tab=Tile&referrerPage=ProductResults&refPld=531744818&referrerModule=PRDREB>

## Melissa Farella

Recreation Leader, CPRP

Town of Pound Ridge Recreation & Parks

179 Westchester Ave, Pound Ridge, NY 10576

Office: 914-764-0947

Jerseys  
\$3284

\$3

Coaches  
\$401.85



PROMOTIONAL SOURCE

Carolyn Kingston

P: 914-232-1700 F: 914-232-5529 C: 914-391-9018

Email : kingston.aia@gmail.com

Website : www.aiaps.com


ANDREA RUSSO  
POUND RIDGE RECREATION DEPT  
179 WESTCHESTER AVENUE  
POUND RIDGE NY 10576

INVOICE	HIA3270535
INVOICE DATE	12/18/2025
PAGE	1 of 2
ACCOUNT#	512870028
EAIA Order #	HIAA18651
YOUR REF/PO#	
ORDERED BY	Melissa Farella
Tax Exempt	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Tax Exempt #	13-6007-323

Shipping Address

Melissa Farella  
Pound Ridge Recreation Dept  
179 Westchester Ave  
POUND RIDGE, NY 10576-1741  
P: 914-764-0947

Line	Qty	Item	Description	Unit	Amount
1	90	CPN-555803340	Sport-Tek Youth PosiCharge Reversible Mesh Tank	11.00 EA	990.00
2	90	CPN-555803340	Sport-Tek Youth PosiCharge Reversible Mesh Tank	22.00 EA	1980.00
3	29	CPN-555802883	Sport-Tek PosiCharge Reversible Mesh Tank	23.00 EA	667.00
4	14	CPN-550943749	Breakdown below		
	- 13		Port Authority Pinpoint Mesh 1/2-Zip.	32.90 EA	427.70
	- 1		2XL	34.90 EA	34.90
5	14	CPN-5394564	Breakdown below		
	- 13		Port & Co Core Cotton Tee.	11.75 EA	152.75
	- 1		2XL	13.75 EA	13.75

Terms	Sub-Total	Freight	Sales Tax	Invoice Total	Payment	Due Date
Net 30	\$4,266.10	\$0.00	\$0.00	\$4,266.10	\$0.00	01/17/2026
PLEASE PAY THIS AMOUNT 					Total Due	\$4,266.10

\*For proper credit to your account, PLEASE INCLUDE THE INVOICE NUMBER ON YOUR REMITTANCE\*

Electronic Payment:

CIBC Bank USA

AIA Corporation

ABA: 071006486

Acct#: 7701657

Email: bankinfo@aiacorporation.com

Checks Payable to: AIA Corporation

Standard Mail:

AIA CORPORATION

8148 SOLUTIONS CENTER

CHICAGO IL 60677-8001

Courier Packages

AIA CORPORATION

4351 W College Ave, Suite 400

APPLETON WI 54914

Thank you for your order! We appreciate your business!



Carolyn Kingston  
P: 914-232-1700 F: 914-232-5529 C: 914-391-9018  
Email : [kingston.aia@gmail.com](mailto:kingston.aia@gmail.com)  
Website : [www.aiaps.com](http://www.aiaps.com)

INVOICE	HIA3270535
INVOICE DATE	12/18/2025
PAGE	2 of 2
ACCOUNT#	512870028
EAIA Order #	HIAA18651
YOUR REF/PO#	
ORDERED BY	Melissa Farella

(continued from the previous page)

If paying by Credit Card, please contact your Account Manager to arrange payment. NOTE: A 3% processing fee will be applied to all Credit Card payments.

## Town Clerk's Office

### MEMORANDUM

**To:** Town Board  
**From:** Erin Trostle  
**Cc:** Vinnie Duffield  
**Date:** December 31, 2025  
**Re:** Cemetery plot sale

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Please authorize the sale of Plot 472 (two gravesites) in Section 3 to former Pound Ridge resident John Dunn and his wife Deirdre Dunn of 4 Martine Avenue, White Plains, NY 10606 at a price of \$2,000.00.

# CLAIM

TOWN OF POUND RIDGE  
POUND RIDGE NY 10576



PURCHASE ORDER NO.:

DATE: 12/29/2025

CLAIMANT'S  
NAME  
AND  
ADDRESS

Kevin Eckhardt  
6 Bishop Park Road  
Pound Ridge, NY 10576

VENDOR #:

999999

APPROPRIATION	AMOUNT	VOUCHER #
T-31-3102	\$2,000.00	
TOTAL	\$2,000.00	

DATES	DESCRIPTION OF MATERIALS OR SERVICES	QUANTITY	UNIT PRICE	AMOUNT
12/29/2025	Release of Bond #2025-96	1	\$2,000.00	\$2,000.00
	\$2,000 held by the Town for the WCC			\$0.00
	for property located a 6 Bishop Park Road			\$0.00
				\$0.00
				\$0.00
	Conditions of wetlands permit have been completed and			\$0.00
	the inspection of the project was satisfactory.			\$0.00
				\$0.00
				\$0.00
				\$0.00
			TOTAL	\$2,000.00

## CLAIMANT'S CERTIFICATION

I, \_\_\_\_\_, certify that the above account in the amount of \$2,000.00 is true and correct; that the items, services, and disbursements charged were rendered to or for the town on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

date

signature

title

## SPACE BELOW FOR TOWN USE

### DEPARTMENT APPROVAL

The above services or materials were rendered or furnished to the town on the dates stated and the charges are correct.

12/29/25

date

authorized official

WCC Admin

### APPROVAL FOR PAYMENT

This claim is approved and ordered paid from the appropriations indicated above.





33 Lockwood Lane, Mahopac, NY 10541  
845-628-9501

12.16.25

To Whom It may concern,

In regards to 6 Bishop  
Park Rd, Pound Ridge, I Steve  
Carinci, president of SNS  
Ceramic and Stone can verify  
the work has been completed  
per the water control  
commission site plan.

Thank you,

A handwritten signature, likely of Steve Carinci, consisting of stylized initials and a surname.

12/17/25  
OK for  
Jim (Dunn)

10265-1

#21c bond  
Approved 8.13.25

Bond #  
2025-96

## Christeen Dur

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**From:** Kevin Eckhardt <kevin.eckhardt@gmail.com>  
**Sent:** Wednesday, December 17, 2025 10:23 AM  
**To:** Kevin Eckhardt  
**Cc:** Christeen Dur; Mandy Wise  
**Subject:** Re: [EXTERNAL] Re: Water Control Approval - 6 Bishop Park

Christeen - Here is the letter from our contractor as requested. The check should be payable to Kevin Eckhardt and mailed to 6 bishop park road, pound ridge, ny 10576. please let us know if you need anything else and thanks for all your help!