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## **NON-DISCRIMINATION POLICY**

The employment policies of the Town of Bethlehem fall within the standards set by the Equal Employment Opportunity Act of 1972, Human Rights Laws, the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1992, and is updated periodically as laws are changed. The Town affirms its commitment to grant equal employment opportunity to all qualified persons without regard to age, race, color, religion, national origin, citizenship, marital status, sex/gender, sexual orientation, the presence of a medical condition or disability, predisposing genetic characteristics, military status, domestic violence victim status, prior record of arrest or conviction (except as permitted by law), or any other legally protected status. All decisions for employment, advancement, upgrading of positions, transfer, layoff, termination, promotion, and training, are made on the basis of merit, aptitude, prior working experience, educational achievement and the general skills which are required to do the job.

In accordance with your rights under the ADA, the Town evaluates the capabilities of each person individually, rather than making assumptions about what a person with a disability can and cannot do based upon some general understanding. The Town will make a good faith effort to prepare and/or evaluate reasonable accommodation options. The Town will not be liable for failing to provide an accommodation which is not requested in writing.

In the event a job applicant or employee feels they have been discriminated against, a written complaint may be filed with the Town Supervisor. An investigation will be conducted, and the findings of the investigators will be disclosed in a timely manner (normally within ten business days).

## **NON-HARASSMENT POLICY**

The Town is committed to a workplace free from harassment. Harassment is a violation of Title VII of the Civil Rights Act of 1964 as well as state discrimination laws. It creates uncomfortable working conditions for all employees, whether they be directly or indirectly involved. The Town will not tolerate such misconduct, and any employee or official violating this policy will be subject to appropriate disciplinary action, including discharge. Any employee or official who receives a complaint and does not act on it under the procedures of this policy will also be subject to discipline, including dismissal.

### **DEFINITIONS**

Sexual harassment is unwelcome sexual advances, requests for sexual favors or verbal/physical contact of a sexual nature when:

- 1) Submission to such conduct is either implied or stated to be a term or condition of employment or a factor in the evaluation of the employee's performance, ability to be promoted, or any other component of employment.
- 2) Such conduct interferes, either directly or indirectly, with an employee's work performance by creating a hostile, offensive or intimidating environment.

Verbal harassment is sexually vulgar language, remarks about an individual's physical anatomy, derogatory comments about gender, distribution of written or graphic sexual material, sexually oriented magazines/posters, display of nude pictures, or other words or depictions of a sexual nature.

Physical harassment is touching in a sexual manner or invading personal privacy, especially the intentional touching of private body parts, or threats to take such actions.

### **PROCEDURES**

Any employee who feels harassed by a supervisor, coworker, subordinate, or other person should take the following course of action:

- 1) Tell the offending individual(s) to stop the harassment. State your objection to the action and the specific behavior to which you object. Have a witness present if possible. Also note the time and date of the discussion and write a summary of what you said and how the offender responded. If uncomfortable with a discussion with the harassing individual(s), state your objections in writing and keep a copy. In any harassment case, documentation will help support contentions of harassment. Keep a log of the specifics of the actions to which you object. Record dates, times and witnesses. Keep copies of any notes or materials.
- 2) An individual who does not feel comfortable confronting the offending party in person, or in

writing, may proceed directly to this step but should still keep a log of occurrences. If step 1 does not resolve the problem, or if you fear reprisals will result from a complaint, immediately complain to your supervisor, Human Resources, or any other supervisor. Employees can be assured that no one will be retaliated against for either filing a complaint or participating in an investigation of harassment.

You have a right to discuss your complaint with a supervisor with whom you feel comfortable. All complaints are handled in a timely fashion. Your complaint and all the details of the investigation will be treated as confidential information. Only those involved in the investigation, witnesses to the harassment and the alleged harasser will be contacted. Your identity, as far as possible, will be withheld from all involved parties. The Town will attempt to do the utmost to protect the privacy of the complainant, as well as the integrity of any individual who may have been wrongfully accused of harassment.

3) An individual who receives a complaint will contact Human Resources (or the person who will conduct the investigation). The alleged harasser will be contacted, along with witnesses, coworkers, possible other victims, and the Town's legal counsel. Upon completion of their fact finding, the investigators will recommend any disciplinary action to the Supervisor. Both the victim and the alleged harasser will be informed of the investigators' findings. While the investigation should be thorough and complete, in only the most unusual circumstances will it take longer than 10 days.

4) Throughout the investigation and after the determination of penalty, if any, the complainant will be assured there will be no reprisals from any Town employee or official. A complainant's career will not be adversely affected by the outcome of the investigation.

5) Appeals of the investigators' findings may be made to the Town Board. Any Board Member involved in the harassment is excluded from the appeal decision-making process.

6) Details of the investigation will be released only in the event of a court or agency proceeding, or pursuant to a valid subpoena or court order.

## **DRUG FREE WORKPLACE**

It is the intent and obligation of the Town to provide all employees with a drug-free workplace, in order to create a safe and secure work environment. Drugs are defined as any substance whose use or possession is illegal or which impairs your ability to perform. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. This requirement prohibits the use of alcohol or any other drugs during your work time, including breaks and meal periods. The unlawful manufacture, distribution, dispensation, possession, or use of prohibited or unlawful substances on Town premises or while conducting Town business off Town premises is absolutely prohibited. Violations of the policy will result in disciplinary action, up to and including termination, and may have legal consequences.

As required by the Omnibus Transportation Employee Testing Act of 1991, all commercially licensed drivers (CDL) who operate a commercial motor vehicle for the Town are subject to the Town's Substance Free Workplace Policy and Substance Testing Policy. You will receive a copy of this additional policy manual if your position requires a CDL.

The Town recognizes substance abuse or drug dependency as an illness and a major health problem. The Town also recognizes substance abuse as a potential health, safety, and security problem. The Town will make an effort to work with an employee and to support their efforts to return to full employment by taking the following actions:

We will inform the employee of available counseling services. The Town of Bethlehem subscribes to an employee assistance program. Contact Human Resources for more information.

We will provide the employee with a firm choice between treatment and discipline.

We will afford an opportunity for outpatient treatment, or inpatient treatment if the outpatient treatment is not successful. Failure to participate in treatment, or continued drug use, will result in proper disciplinary action.

These actions will be deemed a reasonable accommodation for an employee's substance dependency, accordingly, if the employee is not responsive to our efforts to assist them, s/he will be discharged for any further misconduct.

Employees whose job duties include driving a vehicle must report any license revocations, suspensions or restrictions to their supervisors within 24 hours.

## **WORKPLACE VIOLENCE PROGRAM & PROCEDURES**

The Town of Bethlehem has a long-standing commitment to promoting a safe and secure work environment that promotes service to the public. All members of the Town of Bethlehem workforce are expected to maintain a working environment free from violence, threats of harassment, intimidation or coercion.

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.

### **History**

On June 7, 2006 New York State enacted legislation creating a new Section 27-b of State Labor Law that requires public employers (other than schools covered under the workplace violence requirements of the education law) to perform a workplace evaluation or risk assessment at each worksite and to develop and implement programs to prevent and minimize workplace violence caused by assaults and homicides. The Law is designed to ensure that the risk of workplace assaults and homicides are regularly evaluated by public employers and that workplace violence protection programs are implemented to prevent and minimize the hazard to public employees. The Law was signed on June 7, 2006. The effective date of the Law is March 4, 2007.

The law requires every public employer to perform a risk evaluation of their workplace, with the participation of representatives of each union, to determine the presence of factors or situations that might place employees at risk from occupational assaults and homicides, prepare a workplace violence prevention program and inform and train employees on the requirements of the Law and the workplace risk factors that were identified.

The Town of Bethlehem will give the authorized representatives from each union, the opportunity to evaluate the physical and environmental threats which they face in their individual department, the ability to assist in the development and revision of the Workplace Violence Prevention Program, and the annual review of the Workplace Violence Program in their specific bargaining unit, to identify trends in the types of incidents in the workplace and review the effectiveness of the mitigating actions taken.

## **Policy**

The Town of Bethlehem prohibits workplace violence. Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated. Complaints involving workplace violence will not be ignored and will be given the serious attention they deserve. Individuals who violate this policy may be removed from Town of Bethlehem property and are subject to disciplinary and/or personnel action up to and including termination, consistent with Town of Bethlehem policies, rules and collective bargaining agreements, and/or referral to law enforcement authorities for criminal prosecution. Complaints of Sexual Harassment are covered under the Town of Bethlehem's Policy Against Sexual Harassment.

The Town of Bethlehem, at the request of an employee, or at its own discretion, may prohibit members of the public, including family members, from seeing an employee on Town of Bethlehem property unless necessary to transact Town of Bethlehem-related business. This policy particularly applies in cases where the employee suspects that an act of violence will result from an encounter with said individual(s).

## **Scope**

All staff, vendors, contractors, consultants, and others, who do business with the Town of Bethlehem, whether in a Town of Bethlehem facility or off-site location where Town of Bethlehem business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with the Town of Bethlehem, such as former employees, and visitors.

## **Definition**

Workplace violence is any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's legal rights of movement or expression, or disrupts the workplace, or the Town of Bethlehem's ability to provide services to the public. Examples of workplace violence include, but are not limited to:

- Disruptive behavior intended to disturb, interfere with or prevent normal work activities (such as yelling, using profanity, verbally abusing others, or waving arms and fists).
- Intentional physical contact for the purpose of causing harm (such as slapping, stabbing, punching, striking, shoving, or other physical attack).
- Menacing or threatening behavior (such as throwing objects, pounding on a desk or door, damaging property, stalking, or otherwise acting aggressively; or making oral or written statements specifically intended to frighten, coerce, or threaten) where a reasonable person would interrupt such behavior as constituting evidence of intent to cause harm to individuals or property.
- Possessing firearms, imitation firearms, knives or other dangerous weapons, instruments or materials. No Town of Bethlehem non-law enforcement personnel, shall have in their possession a firearm or other dangerous weapon, instrument or material that can be used to inflict bodily harm on an individual or damage to Town of Bethlehem property.



## **Reporting of Incidents**

### **General Reporting Responsibilities**

Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any member of the Town of Bethlehem workforce. Workplace violence should promptly be reported to the appropriate Town of Bethlehem official (see below). Additionally, employees are encouraged to report behavior that they reasonably believe poses a potential for workplace violence as defined above. It is important that all Town of Bethlehem employees take this responsibility seriously to effectively maintain a safe working and learning environment.

### **Imminent or Actual Violence**

Any person experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call the Town of Bethlehem Police Department, or call 911.

#### **1. Acts of Violence Not Involving Weapons or Injuries to Persons**

Any person who is the subject of a suspected violation of this policy involving violence without weapons or personal injury, or is a witness to such suspected violation, should report the incident to his or her supervisor, or in lieu thereof, to Human Resources.

#### **2. Commission of a Crime**

All individuals who believe a crime has been committed against them have the right, and are encouraged, to report the incident to the Town of Bethlehem Police Department.

#### **3. False Reports**

Town of Bethlehem employees who make false and malicious complaints of workplace violence, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action and/or referral to civil authorities as appropriate.

### **Responsibilities**

#### **1. Department Heads**

Town of Bethlehem Department Heads shall be responsible for the implementation of this policy to his or her department. The responsibility includes dissemination of this policy to all members of the department, ensuring appropriate investigation and follow-up of all alleged incidents of workplace violence, and ensuring that managers, and supervisors are aware of their responsibilities under this policy through internal communications and training.

#### **2. Bethlehem Police Department**

The Bethlehem Police Department is responsible for responding to, intervening, and documenting all incidents of violence in the workplace. The Bethlehem Police Department will immediately log all incidents of workplace violence and will notify the respective supervisor of

an incident with his/her employee. All officers should be knowledgeable of when law enforcement action may be appropriate. The Police Department will maintain an internal tracking system of all threats and incidents of violence. Annual reports will be submitted to the Supervisor and Town Board, detailing the number and description of workplace violence incidents, the disposition of the incidents, and recommend policy, training issues, or security procedures that were or should be implemented to maintain a safe working environment. Officers will be trained in workplace violence awareness and prevention, non-violent crises intervention, conflict management, and dispute resolution.

Officers will work closely with Human Resources when the possibility of workplace violence is heightened, as well as on the appropriate response to workplace violence incidents consistent with Town policies, rules, procedures and applicable labor agreements, including appropriate disciplinary action up to and including termination.

### 3. Supervisors

Each Supervisor is responsible within his/her area of jurisdiction for the implementation of this policy. Supervisors must report to their Department Head any complaint of workplace violence made to him/her and any other incidents of workplace violence of which he/she becomes aware or reasonably believes to exist. Supervisors are expected to inform their Department Head promptly about any complaints, acts, or threats of violence even if the situation has been addressed and resolved. After having reported such complaint or incident to the Department Head, the supervisor should keep it confidential and not disclose it further, except as necessary during the investigation process and/or subsequent proceedings.

### 4. Staff

Staff must report workplace violence, as defined above, to their supervisor. Recurring or persistent workplace violence that an employee reasonably believes is not being addressed satisfactorily, or violence that is, or has been, engaged in by the employee's supervisor should be brought to the Department Head, Human Resources or BPD.

Employees who have obtained Orders of Protection are expected to notify their supervisors, Human Resources and the Police Department of any orders that list locations as protected areas.

Victims of domestic violence who believe the violence may extend into the workplace, or employees who believe that domestic or other personal matters may result in their being subject to violence extending into the workplace, are encouraged to notify their supervisor, or Human Resources. Confidentiality will be maintained to the extent possible.

### 5. Human Resources

Human Resources is responsible for assisting the Police Department, department heads, and supervisors in responding to workplace violence; facilitating appropriate responses to reported incidents of workplace violence; notifying the Police Department of workplace violence incidents reported to that office; and consulting with, as necessary, counseling services to secure professional intervention.

Human Resources is responsible for providing new employees with a copy of the Workplace Violence Policy and Procedures and insuring that staff receives appropriate training.

## 6. Town of Bethlehem Communications

All communications to the Town of Bethlehem community and outside entities regarding incidents of workplace violence will be made through the Town Supervisor or his/her designee.

### **Confidentiality**

The Town of Bethlehem shall maintain the confidentiality of investigations of workplace violence to the extent possible. The Town of Bethlehem will act on the basis of anonymous complaints where it has a reasonable basis to believe that there has been a violation of this policy and that the safety and wellbeing of Town of Bethlehem employees would be served by such action.

### **Retaliation**

Retaliation against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating, or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to discipline up to and including termination.

### Contact Information

#### 1. Human Resources

Mary Tremblay-Glassman  
Director of Human Resources  
445 Delaware Avenue  
Delmar, NY 12054  
(518) 439-4955 x1127

#### 2. Bethlehem Police

Louis G. Corsi  
Chief of Police  
447 Delaware Avenue  
Delmar, NY 12054  
(518) 439-9973

Revised 5/14/2014

## GENERAL EMPLOYMENT INFORMATION

### **\*EMPLOYEE DESIGNATIONS**

Because of the diversity of services provided by the Town of Bethlehem, employees are defined and appointed to positions in various ways. The most common types of employee designations are as follows:

1. Full-time employees are those who work for the Town on a regular basis for 35 or more hours per week. Employee benefits are generally only available to full-time employees.
2. Part-time employees who work on a **regular, assigned schedule basis** (for partial days or on set days of the week only), are eligible for certain benefits. These individuals can accrue vacation and sick time on a pro-rata basis if they regularly work more than 17.5 hours per week, for a minimum of 910 hours per year.  
Part-time employees who work for the Town on a seasonal basis or less than 17.5 hours per week are generally not entitled to any benefits.

### **\*PRE-EMPLOYMENT PHYSICALS**

All applicants accepted for full-time employment must first pass a physical, including a drug test, after a tentative offer of employment has been made. The pre-employment physical examination will be conducted by a Town-appointed physician. The purpose of the examination is to make sure that the employee is physically capable of performing the job for which they are being hired. The Town pays for the cost of the physical.

### **\*PRE-EMPLOYMENT BACKGROUND INVESTIGATION (Effective February 14, 2018)**

All applicants, over the age of 18, accepted for full-time and/or part-time employment must first pass a background investigation, after a tentative offer of employment has been made. The pre-employment background investigation will be conducted by a Town-appointed background screening company. The purpose of the background check is to make sure that the employee does not have a criminal background and/or a driving record that would prevent them from performing the job for which they are being hired. The Town pays for the cost of the background investigation.

### **\*PROBATIONARY TERMS**

All new full-time employees of the Town of Bethlehem are hired on a probationary basis for a period up to twenty-six weeks. During your probationary period, you will be trained to perform your job responsibilities, and will receive regular feedback from your supervisor on your performance. If

there does not appear to be a good match between the Town's employment needs and your abilities, appropriate action will be taken, which may include termination.

**\*TIME KEEPING AND PAYMENT OF WAGES**

All employees of the Town are paid biweekly on Fridays. For most departments, the work week begins on Saturday at 12:01 a.m. and ends on Friday at Midnight. The Police Department work week begins on Sunday at 12:01 a.m. and ends on Saturday at Midnight. There are usually 26 pay periods during the fiscal year. Generally, Town employees are paid for a two week period, for services rendered during the pay period, on a one week lag. All employees must use the Kronos System, or the Police Officer Scheduling software program, to document hours worked.

**Town of Bethlehem**  
**Time and Attendance Policies and Procedures**  
**(Effective February 25, 2015)**

**TIME CLOCK USERS (nonexempt employees):**

The Town of Bethlehem is changing its time and attendance system to Kronos effective February 7, 2015. In order to ensure consistency and compliance with labor laws, we have memorialized the time and attendance procedure for all managers and employees.

The Human Resource Department will enroll and train each employee and all new employees on time clock procedure. Each employee will be assigned an enrollment number and will have an algorithm of their finger taken. Employees will be enrolled to a specific clock, where they should punch in and out every day.

**Exceptions:**

Some employees may have to work in multiple locations. In this case, they will be enrolled in multiple clocks. However, they will have to punch in and out of the same clock each day. You cannot punch in at one location and out at another location.

**Rounding:**

There is a seven minute rounding rule. If employees punch in seven minutes before or seven minutes after the start or end of a shift there will be no change in pay. Any punches outside the seven minute rounding rule will cause a fifteen minute or more deduction from specified accruals or generate fifteen minutes or more of overtime. No employee should be punching in early or staying late without prior approval of their department head or supervisor. Employees are considered tardy if they are more than three minutes late. Managers are immediately notified of all tardiness.

**Lunches:**

New York State Labor law mandates a half hour lunch for all employee with in the first six hours of a shift. All nonexempt employees must take at least a half hour lunch every day. All lunches will be auto deducted at 30 minutes or 60 minutes (By Department). Employees should only punch out for lunch if they are taking more than their allotted lunch time (per department head approval). Managers will handle canceling automatic lunch deduction if it happens. (Please note this is monitored by auditors for Labor Law compliance).

**Overtime:**

It is the policy of the Town of Bethlehem to adhere to the overtime and compensatory provisions of the Fair Labor Standards Act. In doing so, the Town shall pay overtime, or in lieu of overtime, shall grant compensatory time (at 1.5 hours earned to 1.0 hour worked), to any non-exempt employee who is required and authorized by his or her department head to work in excess of forty (40) hours per week.

**Exceptions:**

- 40 hour a week employees will earn overtime at time and a half for any time exceeding a forty hour work week. An employee wishing to earn comp for these additional hours will have to notify their manager. Managers can change overtime to comp time earned up the forty hour maximum accrued balance.

**ON-CALL AND CALL IN:****On-Call:**

All employees assigned to be on call to handle emergencies will be paid one half hour of overtime per day to be on call on week days. Employees will continue to get two hours per day of on-call pay for weekends and holidays. In addition, they will get paid for the amount of time they work when they get called in.

Weekday On Call: Hours 3:30pm - 7:00 am each day, Mon, Tues, Wed, Thurs, Fri. 1/2hr OT for each day.

Weekend/Holiday on Call: Hours 7am Sat - 7am Mon. 2hrs OT for Sat and 2hrs OT for Sun.

A person On Call for one week would receive 2.5hrs for the weekdays and 4hrs for the weekend for a total of 6.5hrs OT.

**Call In:**

If an employee gets called in for an emergency, they will get paid a two hour minimum to handle the emergency. Employees MUST press the CALLIN BUTTON on the time clock to get paid the two hour minimum (this also applies to on call people called in for an emergency). If employees work beyond the two hours, they will get paid the amount of time worked. At the end of your work day you log off regularly. DO NOT PRESS CALLIN TO LOG OUT.

**Not Regular Scheduled Time:**

If an employee is scheduled to work outside of their normal scheduled time, they MUST press the NOT REG SCHEDULE button to get paid. At the end of your work day you log off regularly. DO NOT PRESS NOT REG SCHEDULE.

**Set Up Time:**

The Highway Garage will be open, on normal workdays, from 6:15-3:45.

Work hours will be as follows: Foremen II 6:15-3:45. Foremen I 6:30-3:45 and Sub-Foremen, Drivers, and Mechanics 6:45-3:30, unless otherwise approved by the Highway Superintendent.

**Time off Requests:**

All Time off requests should be made at the time clock. Either forty five minutes before your normal clock in or clock out time. Please note Highway employee's requests need to be made 48 hours in advanced. Requests made with in that 48 hours, need to be brought to their managers attention immediately.

## **SHIFT DIFFERENTIAL:**

Shift Differential is an extra compensation paid for working hours that are outside of the normal workday (8:00 a.m.-4:00 p.m.) This is provided to encourage employees to work the sometimes less desirable later shifts which are required in our 24-Hour operations (Water Plants).

## **WEB USERS (nonexempt employees with PC's):**

All non-exempt employees will now log in and log out on their personal computer. They will have the same rounding rules as time clock user and will be trained by their department heads or supervisors to punch in and out and request time off. All time off requests should be made through KRONOS.

### **Rounding:**

There is a seven minute rounding rule. If employees punch in seven minutes before or seven minutes after the start or end of a shift, there will be no change in pay. Any punches outside the seven minute rounding rule will cause a fifteen minute deduction from specified accruals or generate fifteen minutes of overtime. No employee should be punching in early or staying late without prior approval of their Department Head. Employees are considered tardy if they are more than three minutes late. Managers are immediately notified of all tardiness.

### **Lunches:**

New York State Labor Law mandates a half hour lunch for all employees within the first six hours of a shift. All nonexempt employees must take at least a half hour lunch every day. All lunches will be auto deducted at 30 minutes or 60 minute (by Department). Employees should only punch out for lunch if they are taking more than their allotted lunch time (with Department Head approval). Managers will handle canceling automatic lunch deduction if this happens. (Please note, this is monitored by auditors for Labor Law compliance).

### **Overtime:**

It is the policy of the Town of Bethlehem to adhere to the overtime and compensatory provisions of the Fair Labor Standards Act. In doing so, the Town shall pay overtime, or in lieu of overtime, shall grant compensatory time (at 1.5 hours earned to 1.0 hour worked), to any non-exempt employee who is required and authorized by his or her department head to work in excess of forty (40) hours per week.

### **Exceptions:**

- All 35 hour a week employees will earn comp for every hour worked from 35 – 40, at straight time. After 40 hours of work an employee will earn comp time at time and a half. An employee wishing to be paid instead of earning comp for these additional hours will have request this change to their manager. Managers will have to override for payment. Please note if an employee has earned the maximum amount of comp time (40) they will be paid for additional hours.
- All 37.5 hour a week employees will earn comp for every hour worked from 37.5 – 40, at straight time. After 40 hours of work an employee will earning comp time at time and a half. An employee wishing to be paid instead of earning comp for these additional hours will have to request this change to their manager. Managers will have to override for payment. Please note if an employee has earned the maximum amount of comp time (40) they will be paid for additional hours.

**EXEMPT EMPLOYEES:**

The Town Board of the Town of Bethlehem recognizes that exempt employees, by nature of their positions and in accordance with the Fair Labor Standards Act, are not entitled to receive overtime pay or compensatory time for time worked in excess of the regularly scheduled workweek, which may be a regular occurrence due to the position's responsibilities. Those employees who are required by their job to work beyond the normal workday or workweek, shall be eligible to receive flex-time calculated at a rate equal to one hour earned for every one hour spent attending to such requirements. The Town Supervisor, in his or her discretion, shall have the final say in determining whether or not a situation qualifies for the earning of flex-time under this policy. Flex-time earned and used should be reported on the bi-weekly KRONOS time cards, using the designated hours-type codes. Flex-time balances cannot exceed 40 hours. Flex-time will not be paid out in cash at the time of the employee's separation from employment.

**Lunches:**

Exempt employees are not required to take a lunch per New York State Labor Law. All time cards are auto populated with an automatic lunch deduct.

**Overtime:**

Exempt employees are not entitled to overtime or comp time. The earning and using of flex-time should be recorded for attendance purposes. All time cards will be approved by the Town Supervisor or his/her designee.

All Exempt employees will manage their time off in their time cards using their accruals (Vacation, Personal and Sick).

**\*BUSINESS HOURS**

The Town Board establishes official business hours at the annual organizational meeting. Personnel assigned to various departments may have substantially different working hours and meal periods, contingent upon the needs of the department.

Working schedules are established by Department Heads taking into account normal business hours, departmental needs, and seniority considerations. Lunch policies vary by department. Sometimes service to the public requires a nonstandard work week, which may require some degree of flex-time. Check with your supervisor for specifics.

Breaks are regulated by Labor Law and your Department Head. Consult your supervisor for the departmental break policy.

**\*TARDINESS**

All employees of the Town of Bethlehem are expected to be in their assigned areas of work on time. If an employee is likely to be late due to an emergency or otherwise, it is the responsibility of the employee to notify their immediate supervisor (preferably at the start of the scheduled shift) and convey their expected time of arrival.

On the first two infractions, verbal warnings may be appropriate, however, subsequent warnings should be in writing. All warnings, whether oral or written, should be documented in the employee's personnel file in the event that further action becomes necessary.



If an employee is late for reasons which are unacceptable to their Department Head, they may be subject to proper disciplinary action. Such action may include, but not be limited to, the reduction of pay, suspension, or a review for purposes of discharge.

#### **\*POSITION CLASSIFICATION AND SALARY INCREMENTS**

All Town positions are "graded" based upon the responsibilities required for a particular job. Each grade contains "steps", which mark the salary increments available for each position. New hires start at the first step unless they possess exceptional qualifications and skills. All exceptions are subject to the Supervisor's review and Town Board approval.

Steps are granted to employees based on performance, with five salary steps generally available to all employees with satisfactory evaluations. Above this normal range of compensation a sixth and seventh step may be available on a limited basis to recognize and compensate superior performance above expected levels or to reflect a higher level of duties for a particular employee; the criteria and process for awarding such additional steps are more restrictive.

To ensure budgetary control and consistency among departments, all step increases must be approved by the Town Supervisor as part of the budget preparation process, and the general approach may be modified as appropriate to the budgetary situation. Step six and seven advances are entirely discretionary on the part of management, and there should be no expectation that they will necessarily be available.

Guidelines:

Department Heads must recommend steps for employees based on a strong Performance Appraisal (PA), citing positive achievements and the attainment of goals. Due to the varying grading scales used by individual supervisors, there is no requirement for a minimum point value of Performance Appraisals.

Department Heads must submit all step recommendations to Human Resources (HR) for review as to compliance with performance appraisal process and eligibility. The full Human Resources Committee (HRC) must review any steps beyond step five.

Once reviewed by HR and/or HRC, requests are submitted to the Town Supervisor for review and approval.

Employees may only advance to step six after a minimum of two years at step 5, and with a performance appraisal indicating superior performance for a period of at least those two years.

For step six recommendations, individual review is required from the Town Supervisor.

Step seven increments can be considered only after two years of highly effective circumstance, and must be individually approved by the Town Board.

Increments for Department Heads are subject to the approach described above, with the exception that HRC will not review Department Head recommendations, which will be made by the Town Supervisor and Reviewed by the Town Board.

Increments are awarded at the discretion of your Department Head, based on your performance, generally at the beginning of the year. The granting of steps one to five are generally given at one step per year, step six and seven require at least two years between steps and are based on performance. If a non-exempt employee is promoted to exempt class and the loss of overtime decreases compensation for that employee, then two steps can be granted.

Any new employees hired on or before June 30th in a given year will be eligible to receive an increment on January 1st of the subsequent year. Any new employees hired after June 30th will not be eligible for an increment until January 1st of the following year (maximum 18 month period between steps).

#### **\*SALARIES FOR ELECTED OFFICIALS**

Salaries paid to elected officials who are Department Heads (Town Clerk, Receiver of Taxes and Town Superintendent of Highways), as well as the Town Supervisor, are based on salary grades. However, elected officials are paid at the step five level regardless of length of service.

#### **\*SALARIES STEPS FOR PART-TIME EMPLOYEES (Revised January 1, 2018)**

All part-time employees are assigned a title, which is an approved Civil Service title, and which has been assigned a grade by the Town. Those part-time employees scheduled to work at least half-time (17.5 hours per week), on a regular, assigned schedule basis, will be paid at the appropriate grade for their position, at a step one. Part-time employees assigned to long-term projects or assignments, will be paid at step one of the grade for the duties assigned. No additional steps are awarded based on length of service.

The only exception would be for seasonal personnel (i.e. for the Parks, Highway and Public Works departments). These rates should be set by market, generally not to exceed rates for regular, assigned schedule people.

#### **\*EMPLOYMENT ANNIVERSARY DATE**

Normally your anniversary date will coincide with your original hire date, with the following exceptions:

##### Employees Converting from Part-time to Full-time

The employee's anniversary date becomes the date upon which the full-time status becomes effective. For part-time employees working more than half-time, for purposes of determining allowable vacation time, service credit may be granted for previous part-time service. However,

longevity will be determined based on the full-time employment date, without regard to the previous part-time service.

#### Breaks in Service

Full-time employees who have worked for the Town for at least two years, who have left the Town for a certain period (not to exceed three years), and then come back to the Town, are able to receive credit for the previous time for purposes of calculating vacation and previously accumulated sick time. The anniversary date will be your date of re-hire, and this is the date governing eligibility for longevity benefits.

#### **\*DRESS CODE**

While it is not the Town's intention to dictate the personal wardrobe of employees, the appearance and dress of employees are important in creating a favorable image which is supportive of the public confidence. In general, employees are encouraged to maintain their personal appearance and hygiene in a manner, which will reflect a good image to the public, in accordance with departmental rules.

For employees required to wear uniforms supplied by the Town, the uniforms must be worn during working hours (and only during working hours), and must be kept in clean condition.

#### **\*MOONLIGHTING**

Full-time employees of the Town are to consider their employment with the Town as their primary job. Such employees have the obligation to give the Town first consideration in all employment related matters such as performance, dependability, loyalty, hours of service and productivity. Employees may be permitted to engage in outside employment, provided that their outside employment does not create a conflict of interest or that it does not diminish the individual's productivity. Any full-time employee contemplating outside employment should confer with his or her Department Head prior to making any commitments to another employer.

#### **\*RESOLVING WORKPLACE CONCERNS**

Employees are encouraged to discuss problems and concerns with their immediate supervisors in order to maintain and promote good employer-employee relationships. If initial discussions with the employee's supervisor do not adequately settle the issue, we encourage the employee to contact Human Resources and/or the Town Supervisor. All such matters are to be treated in the strictest confidence by all parties concerned.

**FLEX-TIME POLICY FOR EXEMPT EMPLOYEES**  
**(Effective January 1, 1998)**

The Town Board of the Town of Bethlehem recognizes that exempt employees (see next page), by nature of their positions and in accordance with the Fair Labor Standards Act, are not entitled to receive overtime pay or compensatory time for time worked in excess of the regularly scheduled workweek, which may be a regular occurrence due to the position's responsibilities. The Town Board also recognizes that exempt employees may need to attend a variety of Town Board and other special meetings, which are generally held outside the employee's normal workday.

Those employees who are required by their job to work beyond the normal workday or workweek, shall be eligible to receive flex-time calculated at a rate equal to one hour earned for every one hour spent attending to such requirements. The Town Supervisor, in his or her discretion, shall have the final say in determining whether or not a situation qualifies for the earning of flex-time under this policy.

Flex-time earned and used should be reported on the time and attendance system, using the designated hours-type codes. Flex-time balances cannot exceed 40 hours. Flex-time will not be paid out in cash at the time of the employee's separation from employment.

In addition, those exempt employees who are required by their job to respond to an emergency situation which occurs beyond the normal workday or workweek, shall be eligible to receive flex-time calculated at a rate equal to 1 hour earned for every 1 hour spent attending to such emergency situation. Travel time to and from the emergency site shall be included as time worked for purposes of this policy. Emergency work shall be defined as an unforeseen combination of circumstances or the resulting state that calls for immediate action by the employee. Emergency work shall not include work that is pre-scheduled or which is normally performed beyond the employee's workday or workweek (such as conferences, meetings, programs, scheduled maintenance work, or non-emergency services provided to members of the public.) The Town Supervisor, in his or her discretion, shall have the final say in determining whether or not an emergency situation qualifies for the earning of flex-time under this policy.

Any other work performed by exempt employees beyond the normal workday or workweek will not qualify for additional flex-time unless specifically approved by the Town Supervisor. It is generally recognized by the Town that such work is a requirement of the position for which such exempt employee occupies.

Flex-time must be used during the calendar year in which it is earned and cannot be carried into the following year, without exception. Any exempt employee wishing to claim and/or use earned flex-time must complete the necessary authorization form and submit to the Town Supervisor for review and written approval. In no case will approval be granted if the exempt employee's department is not adequately staffed or if the work load does not permit.

Flex-time will not be paid out in cash at the time of the employee's separation from employment. Any flex-time not used at the time of separation shall be forfeited by the employee.

The positions listed below are FLSA exempt and are covered by the above Flex-time Policy:

Town Comptroller	Town Planner
Deputy Town Comptroller	Deputy Town Planner
Deputy Town Clerk (Civ. Svc. Exempt Class)	Commissioner of DPW
Clerk to the Justice	Deputy Commissioner/Town Engineer
Director of Economic Development and Planning	Director of Management Info. Services
Deputy Director of Econ. Dev. and Planning	Director of Field Operations
Director of Senior Citizens Services	Chief Water Treatment Plant Operator
Administrator of Parks and Recreation	Assessor
Assistant Administrator of Parks and Recreation	Building Inspector
Chief Waste Water Treatment Plant Operator	Director of Human Resources
Director of Planning	

## **OVERTIME AND COMPENSATORY TIME POLICY FOR NON-EXEMPT EMPLOYEES**

**(Effective January 1, 1998)**

It is the policy of the Town of Bethlehem to adhere to the overtime and compensatory provisions of the Fair Labor Standards Act. In doing so, the Town shall pay overtime, or in lieu of overtime, shall grant compensatory time (at 1.5 hours earned to 1.0 hour worked), to any non-exempt employee who is required and authorized by his or her department head to work in excess of forty (40) hours per week.

Overtime shall be calculated at time plus one-half times an employee's regular rate of pay for all hours worked in excess of 40 hours in a workweek. The employee's regular rate of pay is the actual rate of pay received by the employee on an hourly basis. Employees will receive straight time (or compensatory time at 1:1) for all hours worked up to 40.

When an employee with accrued compensatory time requests the use of that time, the request must be honored within a "reasonable period" of time, unless to do so would "unduly disrupt" the operation of the employing department. Mere inconvenience to the employer is an insufficient basis for denial of a request for compensatory time off. A denial would be permitted, however, if granting the request would place an unreasonable burden on the department's ability to provide public services of acceptable quality and quantity during the time requested.

Upon separation from employment through termination, resignation, lay-off, death, or retirement, an employee must be paid for unused compensatory time earned at a rate of compensation not less than:

- 1) The average rate received by such employee during the last three years of his/her employment;  
or
- 2) The final regular rate received by such employee, whichever is higher.

The maximum number of hours allowed to be accumulated by any employee shall be 40 hours. Any employee who exceeds the 40 hours must use this compensatory time within the pay period.

## **EMPLOYEE PERFORMANCE APPRAISALS**

It is the policy of the Town of Bethlehem that employees receive regular feedback on their job performance, in order to help employees work at their maximum potential. Employees must be evaluated by their supervisors, formally and in writing on an annual basis.

### **SOME SUGGESTED EVALUATION CRITERIA INCLUDE:**

1. **JOB SKILLS AND KNOWLEDGE:** How well does the employee perform their job?
2. **QUALITY OF WORK:** What is the quality of the employee's work?
3. **STANDARDS:** Does the employee's work meet or exceed departmental standards?
4. **DEPENDABILITY:** Is the employee on the job everyday? Does the employee complete work assignments on time?
5. **PUNCTUALITY:** Does the employee always get to work on time? Are appointments kept on time?
6. **COOPERATION:** Does the employee cooperate with their immediate Supervisor, the Department Head, the public, other employees? How well does the employee follow instructions?
7. **ATTITUDE:** What is the employee's attitude toward their job, their fellow employees and their department?
8. **SAFETY:** Does the employee use safety measures in performing their duties? Does the employee recognize potential safety hazards?

Written evaluations may form a part of the basis for awarding annual increments. Evaluations should be made in triplicate with one copy given to the employee, one retained in the Department Head's employee personnel file, and one copy to Human Resource office. The employee should sign the evaluation as an acknowledgement that they have seen and discussed the evaluation with their immediate Supervisor and/or Department Head.

## **NEW YORK STATE AND LOCAL EMPLOYEE RETIREMENT SYSTEM**

The Town of Bethlehem is a member of the New York State and Local Employee Retirement System (ERS). Full-time employees of the Town must become members of the Retirement System. Participation is optional for those not working on a full-time basis.

All newly hired full-time employees apply for participation in ERS by obtaining applicable forms from the Human Resources Department. Such forms shall be completed and submitted to the Retirement System in Albany, New York. The Human Resources Department will administer all ERS contributions through the Town payroll.

There are six tiers within the retirement system. Your tier classification is determined by your hire date, as follows:

**TIER I:**

All employees hired prior to July 1, 1973; no employee contribution.

**TIER II:**

All employees hired on or after July 1, 1973; but prior to July 26, 1976; no employee contribution for the first ten years of public employment.

**TIER III:**

All employees hired on or after July 27, 1976; 3% of gross salary contribution by employee for the first ten years of public employment.

**TIER IV:**

All employees hired on or after September 1, 1983; 3% of gross salary contribution by employee for the first ten years of public employment.

**TIER V:**

All employees hired on or after January 1, 2010; 3% of gross salary contribution by employee for all years of public service.

**TIER VI:**

All employees hired on or after April 1, 2012; 3%-6% (based on annual wage) of gross salary contribution by employee for all years of public service.

Each employee receives a pamphlet from ERS explaining the various benefits available to them as a member within the applicable tier. If you have any specific questions about the benefits you are entitled to, ERS requires that you contact them directly. To protect your rights of confidentiality, ERS will not discuss your account with the Human Resources Department. If any action is required based on your discussions with ERS, ERS will contact the Human Resources Department and initiate the necessary change.



## WORKERS' COMPENSATION

The Town provides Workers' Compensation Insurance for all employees, to protect those who become injured on the job. It is the responsibility of each employee to report on-the-job injuries **immediately** to the Department Head or Supervisor, who is to forward copies of the accident report (Form C-2) to the Human Resources Department. **All** injuries must be reported promptly, regardless of perceived severity.

The following information describes the general terms and procedures for a Worker's Compensation claim, and is presented only to give you a basic understanding of what is involved. Actual administration is governed by the terms of Workers' Compensation Law and of the insurance policy in force at the time of your injury.

Worker's Compensation covers both your direct medical expenses and a portion of your lost wages. If medical care is required to treat the injury, you should advise the provider that your care is covered by Workers' Compensation. The provider will bill their services directly to the insurance company. The injured employee is generally only eligible for lost wage payments if the duration of your injury is more than seven days; coverage begins on the 8th day of your injury. However, if your injury lasts more than 14 days, coverage goes back to day 1 of the injury. Compensation payments equal two-thirds of your average weekly wage, subject to the maximum under law.

If you have accrued leave time available, you may elect to receive your full salary via a leave payment, and the Worker's Compensation benefit would be reimbursed directly to the Town. Upon receipt of the reimbursement, we will restore a portion of the time previously charged to your leave bank, equal to the pro-rated benefit received. Alternatively, if you elect to receive Workers' Compensation benefits directly from the insurance company, you cannot draw upon accrued leave.

Whenever an employee returns to work after being on Workers' Compensation (with a statement from their physician that they are able to resume full duties), formal notification must be made to the Department Head and to Human Resources.

If an employee is unable to return to work due to an occupational injury and has been absent from work for a cumulative period of at least one year or more, the Town will separate an employee from their position in accordance with New York State Civil Service Law.

## TRANSITIONAL DUTY POLICY

A program of Transitional Duty has been implemented in an effort to create an environment that will facilitate employee recovery from injury or illness. It has long been considered a best practice for employers to encourage an employee's return to work as soon as they are physically able to do so, both for the wellbeing of the employee and to improve the operational efficiency of the employer.

Recognizing the unique nature of each employee's injury or illness, each employee's situation must be reviewed on a case-by-case basis. The case will be independently evaluated by the Transitional Duty Team (TDT) (PERMA liaison, Human Resources, and the Department Head) at least every thirty days for progress.

Part of the evaluation will be to consider the operational needs of the employee's department, and the availability of light duty positions, if any. It is understood that based on operational needs, there are a limited number of positions that can exist, and this number will vary based on the size of the department, and in some cases, the season. Worker's Compensation injuries will generally receive priority over disability cases.

General guidelines are as follows:

- The disability must be a temporary condition.
- The employee must have transitional duty capacity as determined by the treating physician and the TDT.
- The transitional duty assignment will not last more than twelve weeks, unless the TDT determines that there is a compelling reason to extend it.

It is the Town's goal to locate and assign transitional duty, when feasible, according to the following guidelines:

- The approved physician shall be encouraged to release temporarily disabled employees to a transitional duty work status and describe the employee's capacities in sufficient detail to enable the Town to determine a suitable work or task assignment.
- The Department Head and Human Resources shall attempt to identify a work assignment within the capacities described by the physician. The work assignment will also consider the skill set of the employee relative to the proposed transitional duty position.
- If the Department Head is unable to assign suitable work within the department, other divisions or departments shall be contacted by Human Resources to determine if a suitable work assignment exists, assuming such temporary reassignments are not prohibited by contractual agreements. The department of which the employee is regularly assigned will be the one to which the expenditures are charged to, unless mutually agreed otherwise by the department heads.
- Upon release to return to work without restrictions, the employee shall be returned to their regular department and their regular position.

## **HEALTH CARE BENEFITS**

### **Coverage Availability**

All full-time employees of the Town are eligible to participate in the health and dental benefit plans. Individual or family (dependent) plans are available. Temporary and part-time employees are not eligible for coverage. Employees are required to contribute a portion of the total health care premium. The Town offers multiple health insurance plans. One of these is designated as the primary carrier, and its premiums are the base premiums. If the plan you select has a higher premium than the base plan, the employee will be responsible for the difference in the premiums. New full-time employees are eligible for health insurance on the first day of the month following their hire date. If your spouse is also a Town employee, each employee has the option to choose which of the plans they wish to participate in. If family (dependent) coverage is selected, and both spouses choose the same insurer, the spouse included on the dependent coverage may be eligible for the alternate benefit described below. Health insurance terminates on the last day of the month in which you are employed by the Town. Retirees may be eligible for continued coverage-see the section on Retirement Information.

### **Alternate Benefit In Lieu of Health Insurance**

In a situation where an employee is able to decline individual health insurance, and can obtain health insurance through their spouse, the Town will pay an annual amount of \$3,500 to the employee in lieu of the health insurance coverage, payable in January, after one year of declined coverage. New employees are entitled to a prorated amount of the full \$3,500, payable the following January. The election to decline coverage must be done during the Town's annual open enrollment period (each November), or at the time of employment for new hires. Elections are effective for a one year term and may not be changed, except for a change in family circumstances which causes the discontinuance of the spouse's health insurance. Reinstatement of insurance may depend on qualifications set by the insurance carrier and is not guaranteed. If an employee has elected to waive coverage and leaves during the year after having completed six months of service, the Town will pay a prorated amount to the separating employee.

## **OTHER BENEFITS**

### **Short Term Disability Insurance**

The Town provides a short-term disability policy for all full-time employees. Employees contribute \$1.20 per pay period towards the cost of disability insurance. Disability payments equal fifty percent of your weekly salary, not to exceed the statutory maximum amount, for a maximum of 26 weeks. There is a seven-day waiting period before you become eligible for a short-term disability benefit. To apply for disability benefits, the employee needs to obtain an application from Human Resources, which needs to be certified by their doctor.

Employees have the option of receiving full salary while they are unable to work due to illness, assuming they have sick, personal, vacation, or comp balances available. If full salary payments are made to the employee, their disability insurance benefit is paid to the Town by the insurance company, and the Town restores a portion of the employee's leave bank (equal to the amount reimbursed by the insurance company). If no leave time is available to the employee, or they elect not to use this time up, the employee may receive the STD payment directly from the insurance company. All disability benefits payable directly to the employee are provided in a separate W-2 from the insurance carrier.

While an employee is out on disability insurance, the Town will continue to pay the employer's portion of health insurance, for Social Security/Medicare benefits, and for dental and life insurance. If the employee is unable to return to work after the 26 week period and disability benefits cease, the employee is placed on an automatic six month leave of absence, without pay and without employer paid health insurance. Health insurance may be continued under COBRA rules, but the employee must pay 102% of the full premium (2% is the administrative fee allowed by law).

When an employee has been continuously absent from and unable to perform the duties of their position for one year or more by reason of disability, this may be deemed the equivalent of resignation and the employee may be terminated.

### **Long Term Disability Insurance (OPTIONAL BENEFIT)**

The Town offers full-time employees Long Term Disability Insurance. Employees pay 100% of the premium, but because the Town sponsors the plan, employees are able to benefit from reduced premiums. The policy is designed to provide partial replacement of your wages in the event of a serious, long-term disability. For more details, please contact Human Resources.

### **Section 125, Premium Only Plan (OPTIONAL BENEFIT)**

The Town offers a premium only plan, which enables employees to pay for their contributions for health and dental insurance on a pretax basis. This saves you money on your federal and state income taxes and on social security and Medicare taxes. A plan booklet is available from Human Resources, which provides complete details. Section 125 plans can also be used to pay for unreimbursed medical costs and day care costs.

### **Medical Flexible Spending Account (FSA)**

Medical Reimbursement Plans can help employees pay for eligible out-of-pocket medical costs, while increasing discretionary income. Each year, employees estimate how much they expect to spend on medical-related costs. These costs can include orthodontics, glasses and contacts, deductibles, co-payments on prescriptions and co-payments for doctor's visits. The annual estimated amount is deducted from employees' checks on a bi-weekly pre-tax basis. As the employee incurs the expenses during the year, they use their debit card provided by the plan's party administrator, or they submit a claim for reimbursement which is paid to the employee by the plan's third party administrator. The maximum annual FSA deferral for these types of accounts is \$2,650.

### **Dependent Care Flexible Spending Account**

Dependent Care Accounts are similar to the medical FSA's, except that this type of plan covers care-giving expenses for your children or other dependents. The employee must make payments to a qualifying day care provider (social security number or employee identification number of the provider is required). The maximum deferral is currently \$5,000 for taxpayers filing as "married filing jointly" (the limit is \$2,500 for those filing "married filing separately"). These rates are set by the IRS and may change periodically.

### **Participation**

The plan is available to full-time employees who work at least 35 hours per week on a year-round basis.

### **Estimation of Deferrals**

It is important that employees take care in estimating the amount they wish to defer under the Medical and Dependent Care plans. Because a tax benefit has been provided to the employee, the IRS does not allow any refunding of unused account balances at year-end.

### **Longevity Pay**

In recognition of the valuable experiences a long-term employee can contribute to their Department, the Town grants longevity payments to full-time employees, with the exception of all elected officials effective January 1, 2014. Any longevity increases currently received by current elected officials shall not be removed during their tenure in office.

Longevity increases will be granted as follows:

**10 years=\$1,000**

**15 years=\$1,500**

**20 years=\$2,000**

**25 years=\$2,500**

**30 years=\$3,000**

These amounts are prorated equally throughout the year. In the year when an employee reaches a special anniversary as listed above, they will begin to receive a prorated benefit as of the date of their anniversary. Therefore, if an employee becomes eligible for a longevity increment, and their anniversary falls within the middle of the year, they will not receive the full amount listed above, but rather an addition to each paycheck equal to the annually prorated amount.

### **Education Add Pay**

The Town will pay an annual salary enhancement to employees who possess higher education ***beyond that which is required in their job description***. For example, if a Clerk position requires a High School Degree, and the employee has an Associates or a Bachelor's Degree, then they would be eligible for the payment. If the employee has a degree one level above what is required, the payment would be \$500. If they have a degree two levels above what is required, the payment would be \$1,000. Other elements of the policy are as follows:

- All department heads, deputies, and elected officials are ineligible.
- Eligible employees must be full-time, non-seasonal, appointments.
- Employees must demonstrate their eligibility by submitting either a copy of their diploma, or a formal transcript from the accredited institution they graduated from. Training from non-accredited institutions is not eligible.
- Degrees received mid-year will qualify for the payment on a pro-rated calendar year basis.
- Advanced degrees beyond a Bachelor's Degree are not recognized as a qualifying "level". (For example, if a job description requires a Bachelor's Degree, and the employee has a Master's Degree, no payments will be added to their salary)

### **Life Insurance**

Group Life Insurance is provided for all full-time employees. The face value of the individual policy is \$10,000. However, the terms of the insurance policy reduce the benefit amount to \$5,000 if you are age 70 or over. Applications and beneficiary designation forms are available at Human Resources.

### **Direct Deposit**

Employees are strongly encouraged to deposit all of their paycheck directly into the checking and/or savings account(s) of their choice. Please contact Human Resources for the enrollment form.

### **Credit Union (OPTIONAL BENEFIT)**

The Town is a member of the Capital Communications Federal Credit Union. Information regarding the credit union may be obtained at Human Resources.

### **Deferred Compensation Plan (OPTIONAL BENEFIT)**

The Town offers an IRS Code 457, Deferred Compensation Plan for employees wishing to supplement their retirement benefits. Please contact Human Resources for more information.

### **Social Security (FICA)/ Medicare**

In accordance with federal regulations, Social Security and Medicare deductions are made from each employee's paycheck, and are then matched by the Town. Social Security is designed to protect employees if they can no longer work due to permanent disability, to protect a family in the event of the death of the principal wage earner, and to supplement retiree income. Descriptive materials on the Social Security System are available through the Albany Office of the Social Security Administration.

### **Committee on Human Resources (CHR)**

This committee is intended to respond to the full scope of employee concerns, particularly those relating to requests for title changes due to changes in job duties. The committee will also review personnel policies and make recommendations to the Town Board for any changes. Also, any questions or concerns about policies, compensation or benefit programs may be referred to this committee.

One of the most important aspects of administering human resources is consistency and fairness. Recognizing that established policies must be reviewed regularly for continued appropriateness in the current workplace, and that because of the broad impact these policies have on Town employees, the CHR was formed. The CHR is chaired by the Director of Human Resources, who

is responsible for policy enforcement. To provide advice and to help review personnel and policy requests presented to the CHR, four other members are appointed by the Town Supervisor. There are no set terms for those serving on the committee, since continuity helps build a management committee that is familiar with the history of how the policies were drafted, knowledge of the laws which govern their enforcement, and experience with administering the policies.

#### **Employee Tuition Assistance**

The Town reimburses 50% of tuition (subject to a maximum of \$4,000 per year), providing an employee chooses a course, which will improve their general competence in their present job, or for a job with the Town, which they can reasonably be expected to assume in the future. This benefit is available to full-time employees only. A certificate of registration in any New York State approved college (or other approved program) and a letter requesting tuition reimbursement should be submitted to the Department Head for approval prior to the starting date of the course. Courses must be undertaken after working hours. Any exception to this must have prior approval of the Department Head and the Town Supervisor. Reimbursement will be made upon successful completion of the course (grade of C / 2.0 or higher), and submission of proof of payment of tuition. To receive reimbursement, eligible employees should complete the "Application for Tuition Reimbursement", and submit it to the Human Resource Department.

#### **Employee Professional Credits Reimbursement/Payment (Effective January 1, 2018)**

The Town will reimburse, or direct pay, the cost of any professional credits that are required to maintain a professional license related to a position the employee has with the Town of Bethlehem. This benefit is available to full-time employees only. Reimbursement, or direct payment, will be made upon submission of proof of payment/cost for professional credits. To receive reimbursement, eligible employees should complete the "Application for Professional Credits Reimbursement/Payment", and submit it to the Human Resource Department.

#### **Employee Professional License Reimbursement/Payment (Effective January 1, 2018)**

The Town will reimburse, or direct pay, the cost of any professional license that is required for a position, or enhance the current position of the employee. This benefit is available to full-time employees only. Reimbursement, or direct payment, will be made upon submission of proof of payment/cost for new license, or renewal of a license. To receive reimbursement, eligible employees should complete the "Application for Professional License Reimbursement/Payment", and submit it to the Human Resource Department.



## FAMILY AND MEDICAL LEAVE OF ABSENCE

### 1) Eligibility

Employees of the Town of Bethlehem who have been employed for at least one year and worked at least 1,250 hours during that year are entitled to an unpaid leave of absence of up to 12 weeks during the calendar year for any of the following reasons:

- A. The birth of a child and in order to care for such child.
- B. The placement of a child with the employee for adoption or foster care.
- C. To care for a spouse, child, or parent of the employee if such person has a serious health condition.
- D. Because of a serious health condition that makes the employee unable to perform the functions of his or her position (including conditions making the employee eligible for worker's compensation or state disability benefits).
- E. The National Defense Authorization Act of 2008 has expanded FMLA to include employees whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by family member's call up notice. (Son or daughter for this type of FMLA leave is defined the same as for other types of FMLA leave, except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in 12-month period.

Employee requesting this type of FMLA leave must prove proof of the qualifying family member's call up or active military service before leave is granted.

This leave may extend to up to 26 weeks in a 12-month period for an employee whose spouse, son, daughter, parent or next of kin is injured or recovering from an injury suffered while on active duty and who is unable to perform the duties of the service member's office, grade, rank or rating. Next of kin is defined as the closest blood relative of the injured or recovering service member id receiving medical treatment, recuperation or therapy, even if service member is on temporary disability retired list.

Employees requesting this type of FMLA leave must provide certification of the family member or next of kin's injury, recovery or need for care. This is the only type

of FMLA leave that may extend an employee's leave entitlement beyond 12 weeks to 26 weeks. Other types of FMLA leave are included with this type of leave totaling 26 weeks.

An eligible employee can take up to 12 weeks (or up to 26 weeks of leave to care for an injured or ill service member) under this policy any 12-month period. The Town will measure the 12-month period as a rolling 12-month period. The Town will measure backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the Town will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks (or 26 weeks for the care of an injured or ill service member) of available leave, with the balance remaining being the amount the employee is entitled to take that time

Although Family and Medical Leave taken pursuant to this policy is generally unpaid (except as per section 4), you may, depending upon the reason for the leave, still be eligible for short term disability payments and/or worker's compensation benefits consistent with state law. Please see Human Resources for further information on this.

Leave may be taken intermittently or on a reduced leave schedule which will be applied against the 12-week period. If both spouses work for the Town, the Town may limit the aggregate number of work weeks of leave to which both may be entitled to 12 work weeks, for other than personal illnesses or the illness of a spouse or child (12-week limit may apply to the birth or adoption of a child, or the serious health condition of a parent).

**2) Notice to the Town**

In any case in which the necessity for the leave is foreseeable, the employee should provide us with reasonable advance notice in order to allow proper time to plan for replacements, generally at least 30 days if possible. Medical certification is necessary prior to granting any leave related to the serious health condition of any employee, spouse, child or parent. Request for family or medical leave must be submitted to your Department Head on an application available from Human Resources. Periodic updates will be required, generally on a monthly basis, regarding the status of your condition and your plans to return to work.

3) **Reinstatement**

Employees returning from Family or Medical Leave of Absence within the time constraints specified above will be restored to the position of employment held by the employee when the leave commenced or to an equivalent position. An individual who fails to return upon the conclusion of their approved leave will be considered to have voluntarily resigned. Employees returning from leave due to their own serious health condition must provide appropriate medical documentation prior to returning certifying their ability to resume the essential functions of their job.

4) **Health Insurance and Other Benefits**

We will continue to provide health benefits under an existing group health plan for employees out on family or medical leave for up to 12 weeks on the same basis as prior to the leave. Employees who fail to return after a leave may be required to reimburse the Town for the entire cost of health insurance premiums.

The Town may require employees to use any or all accrued vacation, sick or personal time in order to satisfy the initial period of the family or medical leave. The Town will require that one week of vacation time, if available, be maintained in the employee's leave bank. Employees are not entitled to any seniority or other employee benefits that would have accrued during an unpaid leave (such as sick time, vacation time or retirement service credit).

5) **Extensions**

Extensions beyond the initial leave period may be granted to a maximum of 12 weeks upon appropriate documentation directed to the Town Supervisor. Employees will not be permitted to extend a family or medical leave beyond the 12 week maximum by tacking on unused vacation or personal leave.

In the case of an employee's disability, the Town may grant an extension beyond the time limits described above, on a month-to-month basis for a maximum of six months. Extensions beyond 12 weeks are not available for other family and medical leaves apart from the employee's disability. Persons granted an extension beyond the initial 12 weeks will be responsible for continuing their health insurance at their own expense. In the event of an extension, reinstatement will be subject to staffing conditions that may exist at the time reinstatement is sought. Therefore, we

cannot guarantee to return you to either your former position or a comparable position upon return from extension of leave.

6) **Part-Time and Employees with Less Than One Year of Service**

Employees with less than one year of service who have completed their probationary period and part-time employees working less than 1,250 hours a year may also apply for a leave of absence for their own disability, but are not eligible for other types of family-related leaves. However, if granted, insurance continuation will be the sole responsibility of the employee and reinstatement will depend on our staffing needs at the time reinstatement is sought.

Disability forms and claims for New York State disability benefits are available from and should be filled out and returned to Human Resources.

If you have any questions with respect to our family and medical leave of absence policy, please contact Human Resources.

**Right of Nursing Mothers to Express Breast Milk**

**In accordance with Section 206-c of the New York State Labor Law, employers must provide time to employees for the purpose of expressing breast milk for her nursing child for up to three years following child birth.**

It is the policy of the Town to provide reasonable unpaid break time, or permit an employee to use paid break time or meal time each day, to allow an employee to express breast milk for her nursing child for up to three years following child birth. The Town shall make reasonable efforts to provide a room or other location, in close proximity to the work area, where an employee can express breast milk in privacy. The Town shall not discriminate in any way against an employee who chooses to express milk in the workplace.

Any employee wishing to use this policy is required to give the Town advance notice prior to employee's return to work following the birth of the child in order to accommodate this request.

## VACATION

Vacation time is credited to full-time employees based on paid days of service (i.e. unpaid time off for leave purposes does not qualify as time worked for purposes of calculating vacation). Time worked in one year qualifies an employee for time off in the subsequent year. Time is credited to an employee's leave bank at the beginning of each calendar year.

If an employee is on full-time unpaid leave during a portion of the year (i.e. Disability, Workers' Comp, FMLA, etc.), their credited time earned is reduced during the subsequent year in proportion to the unpaid time off in the previous year.

New full-time employees are credited with vacation time in their initial year in accordance with the following schedule (*unless otherwise negotiated as per the Town's recruiting guidelines policy*):

- If hired within the first quarter of the year 8 days
- If hired within the second quarter of the year 6 days
- If hired within the third quarter of the year 4 days
- If hired within the fourth quarter of the year 2 days

In the event an employee leaves within a year of their hire date, there is no payout of either unused vacation credited in their first year, or of time accrued for the following year.

The subsequent first year after being hired you will be credited with 10 days of vacation on January 1<sup>st</sup>.

After five years of service, you earn increasing amounts of vacation days, up to a maximum of 25 days after 20 years of service. The additional days become effective on the following schedule:

### Days Credited (Jan. 1st of Anniversary Year)

After five years of service	15
Between 6 and 9 years of service	15
After ten years of service	20
Between 11 & 14 years of service	20
After fifteen years of service	21
After sixteen years of service	22
After seventeen years of service	23
After eighteen years of service	24
After nineteen years of service	25
Twenty years or more of service	25

Vacation requests are generally subject to seniority within a department. However, all requests are subject to approval by the Department Head, and in situations where a vacation request impairs the ability of the department to carry out its duties, a Department Head has the right to deny a request and ask that another time be chosen. Department Heads have the right to honor requests on a first come, first served basis, including giving priority to employees without seniority, for any requests not received in writing prior to April 30<sup>th</sup> each year.

Vacation carryover requests must be approved by the Department Head and submitted to the HR Office prior to December 15<sup>th</sup> each year. Vacation carryovers may not exceed ten days, except in extenuating circumstances. An exception to the ten day maximum can only be requested once during the duration of your employment.

**Beginning January 2020** (for carryover of 2019 Vacation Accruals), employees who have ten days of Vacation Accruals available to carryover will have the option to request to buy back five days of vacation and carryover the remaining balance of five days. This buy back will be included in the second paycheck of January each year. If you have less than ten days available, those days may only be requested to be carried over.

Part-time employees who work on a regular, assigned schedule basis, who work more than 17.5 hours per week (minimum of 910 hours per year) are entitled to vacation benefits equal to half of the full-time benefit.

If an employee leaves the service of the Town (after more than one year of service) prior to taking vacation time, a lump sum payout will be made (less deductions required by law), including time accrued towards the following year's vacation bank.

**(NOTE:** elected officials are not eligible for vacation payouts, as per state law.)

## SICK LEAVE

Paid sick leave is a benefit for full-time employees **who are unable to perform their duties due to illness**. Sick time is not to be used as a personal day or as a vacation day or for routine medical appointments. Routine medical appointments are generally in the nature of a wellness visit, or for a condition which needs medical attention, but does not interfere with your ability to work. Outpatient/inpatient surgery and related pre-op procedures, diagnostic tests, and follow-up visits related to an illness/injury or medical condition may qualify for sick time, provided you submit a doctor's note to your supervisor. You may use up to four days per year of your accrued sick leave to care for a child, a spouse, or a parent who is ill.

A Department Head (or designee) shall have the right at any time to require proof of the need to utilize sick time, this proof may include a doctor's note. (However, one will be required as per item C below.) At the recommendation of the Department Head, an employee who is excessively absent (more than five occurrences per year) due to illness may be required to submit to a physical examination by a physician designated by the Town.

- a. Employees will earn one-half (1/2) day for each completed payroll period (2 weeks) of service. (13 sick days per year).
- b. As a reward to those employees who do not routinely draw on their sick time, sick days may be accumulated to a maximum of 200 days. This essentially becomes an insurance policy for employees who are stricken with a prolonged illness. If unused at retirement, accumulated sick leave may be credited towards the computation of service time at retirement, **provided** the member has the qualifying number of work days (This is possible since the Town has elected to do this under section 41-j, and full-time elected officials are also able to receive this benefit). NOTE: Sick time is not subject to payout upon termination of employment.
- c. Employees are required to furnish a doctor's note after five (5) consecutive days of absence. The doctor's note must include diagnosis, prognosis and return to work date, or date of the employee's next doctor's appointment.
- d. In the event an employee is absent in each of two consecutive years for more than five occurrences (each occurrence may span more than one day, and may require the use of less than a full day's sick leave, depending on the nature of the illness) without providing a doctor's note, a doctor's note shall be required for each period of subsequent absence for the remainder of that year and for the subsequent year.

- e. Employees who abuse the sick leave benefit may be subject to sanctions, including, but not limited to, a freeze in their grade/step level. Abuse is defined as using sick leave when it is not medically necessary. (See "Unauthorized Absence")

Whenever an employee is ill and unable to report to work, it is the employee's responsibility to notify their immediate Supervisor of such illness and to indicate the nature of their illness and the probable period of absence. Such notification shall be made before the start of their scheduled work day. An employee will restrict their outside activities to that which is reasonably expected of someone with such illness, injury or disability.

Part-time employees who work on a regular, assigned schedule basis, who work more than 17.5 hours per week (minimum of 910 hours per year) are entitled to half of the full-time sick leave benefits (earning 1/4 day per pay period)

### **DONATED LEAVE**

The Town has adopted a donated leave policy which enables employees to donate accrued time to other employees who have solicited for it.

#### **Who is Eligible to Participate**

- Employees who have been employed for at least one year and worked at least 1,250 hours during that year (parallels FMLA eligibility)
- Must have exhausted all sick, personal, comp, and vacation credits
- Suffers a personal illness with an anticipated duration of 30 calendar days or more or is needed to provide care to a seriously ill immediate family member whose period of disability is expected to continue beyond 30 calendar days.
- Medical certifications must be provided, consistent with that required by the Town's FMLA policy.

#### **Limits on Duration of Absence**

Donated leave may not be used to extend an employee's total absence from work (to include all periods of absence covered by other paid or unpaid leaves) beyond twelve months.

#### **Donation of Leave**

Leave is donated in units of time, not in cash equivalents of time (the salaries of the giving and receiving individuals do not impact the amount of time reduced or credited).

Leave is donated in full day increments of time (the differing length of days is not adjusted for ... i.e.: 7 hour day, vs. 7.5, vs. 8)



Donations may not include forfeited leave, i.e.: because maximum accruals were exceeded (applies to vacation carryovers and sick leave) or because of time lost as a result of disciplinary proceedings. Donors must retain a minimum of five days of accrued time for their own use.

### **Solicitation Process**

Administered by the Human Resources Department in a non-intrusive, fully voluntary manner. Requesting employees may limit their request to certain departments or all departments. The employee must approve the language within the solicitation notice, and must also sign a release wherein they waive any confidentiality rights pertaining to the medical condition, and waive the right to subsequently bring a discrimination claim on the basis of a disability or a perceived disability.

After solicitation, there is a ten working day period during which donations will be accepted.

Solicitations will consist of advising people that the notice has been received and posted. There shall be no personal solicitations or campaigns on the beneficiary's behalf, nor the offering of opinions on whether leave should or should not be donated.

Confidentiality of donations is of the essence. Not even the beneficiary employee will be told who has donated time (to prevent situations in which an employee may be made to feel uncomfortable about a personal decision they have made).

Solicitations may not be made any more frequently than once every three months.

### **Transfer of Time from Donor(s) to Beneficiary**

All donations will be logged, noting the varying amounts of days donated. Donations will be credited to the beneficiary's leave accrual based on actual time needed (if 50 days are donated, and only 20 days are needed, only 20 days will be deducted from the donations and credited to the beneficiary).

It is the intent that all donors contribute at least a portion of their donated time, rather than taking the full amount donated from employees on a first-come, first-served basis. (For example, taking all the time from employees one through five, and then not needing any additional time from employees six through twelve. We would take one day from all donors, and then run through the donor list again drawing an additional day, until all donations have been exhausted.)

Time not needed by the beneficiary would not be deducted from the donors' leave accruals (thus avoiding the need to credit back unused donated time).

### **Integration with Disability Benefits**

Employees drawing upon the long-term disability benefit for their own illness, because it essentially provides 100% of their take home pay, are ineligible to participate.

Employees receiving replacement wages from Short-Term Disability Insurance or Workers' Compensation are eligible to receive donated leave. Insurance benefit payments received by the Town would be credited back to the beneficiary employee's leave accruals, as is currently done, without reduction for time paid with donated leave.

### **Integration with other Benefits**

Employees using donated leave do not earn vacation, personal, holidays, or sick leave credits while they are in that pay status.

Donated leave should run concurrently with FMLA time, until such time as FMLA is exhausted. Donated leave may extend beyond the FMLA period (normally 12-weeks), up to the maximum leave period as defined in the section on "Limits on Duration of Absence".

Employees using donated leave continue to receive retirement service credit for days in pay status.

### **Other Considerations**

The Town's policy for sick leave usage does not allow sick time to be used for anything but the employee's own illness, other than the four day FMLA exception to care for a sick child, spouse, or parent. The donated leave policy allows sick time to be used for FMLA purposes, which would not necessarily be for the employee's own illness. Because it does not make sense to ask for donated time when an employee still has accrued leave time available, especially when that sick time has been earned by the employee, use of sick leave for an employee's non-medical need is allowed only after vacation, comp, and personal time have been exhausted, and acceptable medical documentation has been obtained by Human Resources.

## **PERSONAL DAYS**

The Town of Bethlehem grants full-time employees with six months of service paid personal leave, according to the following schedule:

<b><u>Date of Employment</u></b>	<b><u>Year Hired</u></b> <b><u>Days Allowed</u></b>	<b><u>Following Year</u></b> <b><u>Days Allowed</u></b>
January 1 - March 31	2	4
April 1 - June 30	1	4
July 1 - September 30	0	3
October 1 - December 31	0	2

Personal days are for the purpose of attending to personal matters such as appointments, business, emergency, religious obligation, the commemoration of a holiday other than those recognized by the Town, caring for a sick child or relative, bereavement time not covered by the Town policy, etc.

Personal leave time is non-cumulative from year to year. An employee will not be paid for unused personal leave when they leave Town service.

Generally, personal leave time should be requested in advance of the day requested and is subject to the approval of the Department Head. Any time taken without the prior authorization of the employee's Department Head shall be considered as unauthorized and may constitute grounds for disciplinary action.

## HOLIDAYS

The Town of Bethlehem grants 12 paid holidays to full-time employees, as annually designated by the Town Board at its organizational meeting. If the holiday falls on a Saturday, it will be observed on Friday. If it falls on a Sunday, the holiday will be observed on Monday. Holidays are as follows:

**New Year's Day**  
**Martin Luther King Day**  
**President's Day**  
**Memorial Day**  
**Independence Day**  
**Labor Day**  
**Columbus Day**  
**Election Day**  
**Veteran's Day**  
**Thanksgiving Day and the following Friday**  
**Christmas Day**

Holiday pay is granted to employees who are receiving a paycheck for the pay period in which the holiday was observed. For instance, if an employee is drawing upon a leave bank for sick, personal, vacation or comp time, they would receive the benefit of a paid holiday. If an employee is out on unpaid leave, they are not eligible for holiday pay.

For departments requiring staffing on a holiday: Employees required to work on a holiday will be paid at time and a half. You will also EITHER be paid one day of holiday pay, OR you will receive one day of comp time, at the discretion of your Department Head. If the holiday falls on your regularly scheduled day off, you will earn one day of comp time.

Part-time Greater Than Half employees, who work on a regular, assigned schedule may be eligible for holiday benefits. If the holiday falls on their regularly scheduled day, they may receive holiday pay, equal to the number of hours they would normally work that day.

## BEREAVEMENT LEAVE

In the event of the death of a member of a full-time employee's immediate family (as specified below), the employee shall be permitted up to a maximum of four days off, at the time of the funeral, with pay, provided that such days are regularly scheduled work days of the employee.

The "**immediate family**" shall consist of:

spouse, parent, step-parent, sibling, step-brother or sister, child, step-child  
mother-in-law, father-in-law, grandparent, grandchild, sister or brother-in-law,  
domestic partner, or any other relative permanently domiciled in the employee's  
household.

Employees desiring to attend funeral services during regular working hours for non-immediate family, a friend, neighbor or associate may be charged to personal or vacation time, if available.

Any request for time off for bereavement leave is subject to prior authorization by the employee's Department Head.

## LEAVE OF ABSENCE

**NOTE: This policy will only be considered for reasons that are not covered under the Town's Family and Medical Leave Policy.**

In order to protect the service of an employee if special circumstances require an individual to be absent from the job for an extended period, the Town Board may, at its discretion, grant an employee a leave of absence without pay for up to one year. Absence of leave for more than the period approved by the Town Board shall be deemed the equivalent of resignation.

An employee desiring a leave of absence shall first make a request in writing to their Department Head describing the reason for requesting such leave and the period of time requested. The Department Head will review the employee's request and make recommendations as applicable. Primary considerations in reviewing such a request include the impact of losing the employee's services by the department and the merits of the request based upon the employee's performance and work history. The Department Head will forward the request to the Town Board with their recommendations for consideration.

Leave with pay (For Jury Duty and Military Leave only): while on paid leave, the Town would continue to pay its portion of the health insurance benefit and any contribution by the employee would continue to be deducted from the employee's check.

Leave without pay: since the Town Board must authorize leave without pay and for a specified time period, the employee would be able to continue coverage if they wish, but must pay the Town for the entire cost of the coverage up to the extent of the leave granted. (not to exceed 18 months, maximum term per COBRA regulations)

## **ALL MILITARY LEAVES OF ABSENCE**

The Town of Bethlehem grants military leave to all employees (excluding temporary, seasonal employees) serving in the Armed Forces of the United States, National Guard, and Reserve Forces. Military leave falls into two major categories, as described below:

**UNPAID LEAVE:** More than 30 calendar days per year (four work weeks).

1. Any employee (excluding temporary, seasonal employees) who must perform military duty is required to give notice of a military leave of absence prior to departure. This applies to all service members, including those in the Reserves or the National Guard who must leave on training duty. The notice may be given in any fashion, and at any time prior to departure; however, it would be appreciated if that notice was given as early as possible, and with written orders or other documentation, if available.
2. All earned vacation credits may be used prior to the start of extended military leave, either in compensatory time off or in cash payment.
3. On completion of military duty, an employee will be reinstated or allowed to return to the position which s/he would have had, as though the person had not been absent for the duty. The cumulative length of time that an individual may be absent for military duty, and still retain reemployment rights is 5 years. Exceptions to this 5 year limit include initial enlistments lasting more than 5 years, periodic training duty, and involuntary active duty extensions and recalls, especially during times of National emergency.

The application period to return to work after military service is based upon the amount of time spent on military duty. For service of less than 31 days, the service member must return to work at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an 8 hour rest period. For service of more than 30 days but less than 181 days, the service member must submit an application for reemployment within 14 days of release from service. Finally, for service of more than 180 days, an application for reemployment must be submitted within 90 days of release from service.

**PAID LEAVE:** Not to exceed 30 calendar days per year (four work weeks).

Individuals who are on military leave for less than 31 days are entitled to full health benefits as if the service member had never left. For individuals on leave for more than 30 days, they may elect to continue the employer sponsored health coverage for up to 18 months; however, the employee may be required to pay up to 102% of the full premium.

1. Employees who are ordered to go on military duty, usually in conjunction with their service in a Reserve or National Guard unit, are eligible for paid military leave, not to exceed 30 days per calendar year. If the service extends beyond 30 days, the employee will be entitled to leave without pay.
2. The 30-day entitlement for paid leave is granted on a calendar year basis. To receive paid leave, the employee must supply the Town with a copy of official military orders within 72 hours of receipt of same.



## **JURY DUTY AND COURT ATTENDANCE**

The Town recognizes that employees may be requested to perform jury duty and recognizes such as an important civic function. Therefore, to meet an obligation as a citizen by serving on juries, full-time and part-time employees (working on a regular, assigned schedule, more than half time basis) shall be granted time off with pay for jury duty. Leave with pay shall also be granted pursuant to subpoena or other court order, providing the employee is not a direct litigant in action before the court. During such time, the employees will receive the same compensation which would be received during a normal work week with no allowance for over-time. Part timers will be paid if their jury duty falls on a regularly scheduled work day.

Any employee who is requested to perform jury duty must notify their Department Head in a timely fashion.

Any claims for time off for jury duty requires a jury duty time slip or other documentation.

In some instances, an employee may report for jury duty, and be dismissed from service. If three or more hours remain in the employee's regular work day, they must report back to work. If the employee does not report back in this instance, the Town will not pay for post-dismissal jury time, and the employee will be required to charge time off to vacation, personal or comp time banks in order to receive full pay.

## **UNAUTHORIZED ABSENCE**

Unauthorized absences occur when an employee fails to follow proper procedures as established by Town policy for leaves and absences, and will subject the employee to disciplinary action, including possible dismissal.

The responsibility for fulfilling proper procedures for any leave day rests solely with the employee.

In the event that a Department Head determines that an employee has been absent without leave or proper authorization, they shall commence an immediate investigation of the situation. In rendering decisions and recommendations, the entire attendance record of the employee may be used in making a determination for disciplinary action. After such investigation, the Department Head may recommend a penalty for unauthorized absence which may include, but is not limited to the following:

### **VIOLATION**

One day of absence  
Two to four days absence  
Five or more days absence

### **PENALTY**

Loss of one day's pay  
Suspension without pay  
Review for Dismissal

## RETIREMENT INFORMATION

The following information summarizes the benefits currently available to Town retirees; however, the Town reserves the right to change these policies for existing and future retirees, based on changes in circumstances.

### HEALTH CARE BENEFITS

The following describes who is eligible for health care benefits paid either partially or fully by the Town upon retirement. Note that all medical benefits are subject to the Federal COBRA Act of 1987.

#### 1. Retirement Benefit Eligibility:

A retiree must be a vested and eligible retiree in the NYS Employee Retirement System in order to qualify for continued health care coverage. Additionally, they must be working for the Town as of their retirement date, **and** have a minimum of ten years of uninterrupted full-time service with the Town at the time of retirement (Involuntary breaks in service, less than one year in duration, will not count as a service interruption).

#### 2. Retiree Benefit Class 1:

For employees hired before 8/31/92 and who have served ten years upon retirement, the Town will contribute the cost of individual or family health insurance, equal to the benefit paid for full-time employees under the Town's current **primary** health care provider.

#### 2a. Retiree Benefit Class 2:

For employees hired after 8/31/92, the Town will contribute an amount toward the health insurance premium as listed in the schedule below:

- a) Employees with 20 years or more of full-time employment with the Town will receive health insurance benefits equal to a current full-time employee.
- b) Employees with less than 20 years, but with 15 or more years of full-time service with the Town, will receive health insurance benefits equal to 75% of the benefit being provided a full-time employee.
- c) Employees with less than 15 years but 10 years or more of full-time service with the Town will receive health insurance benefits equal to 50% of the benefit being provided a full-time employee.
- d) Employees with less than 10 years of full-time service are ineligible.

These policies also apply to all employees who qualify for NYS ordinary disability (not job related) retirement and those who qualify for NYS accidental disability (job related) retirement.

Note that for retirees who are at least sixty-five years old, Medicare becomes the primary policy. Any health costs not covered by Medicare are then submitted to the secondary carrier (i.e. CDPHP).

At no time after retirement can a retiree add dependents to their plan that would increase the level of coverage that they had at the time of retirement.

Surviving spouse coverage is available in the event of the employee's death, provided that the employee had at least ten years of service. The surviving spouse is eligible for lifetime coverage by paying 100% of the regular premium. (Note: if the employee did not have ten years of service, coverage is available under COBRA for 36 months)

Upon retirement, eligible retired employees shall be provided with a health care plan equal to the health care plan provided to full-time employees, with substantially similar premium rates (depending on hire date and years of service), deductibles, and co-pays, as paid by full-time employees. Provided, however, upon retired employee achieving eligibility for benefits under Medicare, the retired employee shall enroll in Medicare and purchase Medicare Part B Coverage. At that time, the Employer shall provide the retired employee and eligible dependents with sufficient supplemental coverage and/or provide a Medicare Advantage Plan to ensure that the combination of Employer-provided and Government-provided benefits supply the retired employee with benefits that are equal to the benefits the retired employee received prior to attaining Medicare coverage. The term "equal to the benefits" shall be interpreted in a manner consistent with 29 CFR 1625.10(e). In accordance with 29 CFR 1625.10(d)(4)(ii)(C), retired employees covered by Medicare shall pay no more than the greater of :

- a. the dollar amount paid by pre-Medicare eligible retirees; or
- b. the same proportion of the total premium paid by pre-Medicare eligible retirees, for the coverage described in this paragraph.

#### **DENTAL COVERAGE**

Ends at the time of retirement, but may be purchased, in accordance with COBRA guidelines.

#### **LIFE INSURANCE**

Life insurance can be continued at the retiree's expense by contacting the insurance carrier.

**Long Term Disability Insurance**

You can continue this by paying directly to the company, Contact Human Resources for information on how to continue this coverage. Your coverage with the Town is automatically discontinued upon retirement.

**Deferred Compensation Plan**

If you participate in the Deferred Compensation Plan, you need to contact Nationwide Retirement Systems to notify them of your retirement, and to arrange your benefit payment. Please see Human Resources for contact information.

**SICK LEAVE**

Accumulated unused sick leave may be credited towards the computation of service time at retirement. This time cannot be used to qualify a member of the retirement system for a benefit, since the employee can only receive credit for actual days worked.

**VACATION AND COMP LEAVE**

Can be used prior to the employee's retirement date, or retiree may be paid a lump sum.

**PERSONAL LEAVE**

Must be used prior to the employee's retirement date or the time is lost.

**NEW YORK STATE EMPLOYEE RETIREMENT SYSTEM**

Specific information may be obtained by contacting the NYS Retirement System. Please contact Human Resources for current number and/or e-mail address.

**SOCIAL SECURITY**

Contact the Albany Office of the Social Security Administration.

## **USE OF TOWN GOODS, MATERIALS AND EQUIPMENT**

### **Town Property**

In recognition of the fact that all goods, vehicles, cell phones, equipment, supplies and materials purchased by the Town are financed through public funds, all Town property is to be used solely for conducting Town business and solely for the benefit of the general public. The personal or private use of Town property is strictly prohibited. This prohibition extends to employees who may wish to use Town property and materials for volunteer, charitable or other outside organizations. Exceptions can be granted only by the Town Board.

Please refer to the separate policy for computer and internet use.

### **Phone Usage**

Town of Bethlehem telephones are to be used for conducting Town business only. Non-emergency personal calls are to be kept to an absolute minimum. Long distance telephone calls of a personal nature are not permitted on Town telephones. Personal calls detract from the proper conduct of your duties, and should be confined to your break time.

## **COMPUTER AND INTERNET USE POLICY**

The Town encourages the use of the Internet, searching the web, and E-mail because they make communication more efficient and effective, thereby allowing us to better serve the general public. For many employees, the use of these tools will be just as important as the use of the software applications on their PC's. Just as your workstations and other tools you use to perform your duties are Town property, the Internet service (including E-mail) is also Town property, and accordingly is to be used only to facilitate Town business.

Every employee has a responsibility to maintain and enhance the Town's public image and to use the Town's computers and Internet access in a productive manner. The Town has established the following guidelines for using computers and the Internet. Any unauthorized or improper use of computers or the Internet is not acceptable and will not be permitted.

### **ACCEPTABLE USES OF THE INTERNET AND TOWN E-MAIL**

All employees who are assigned a computer for use in fulfilling their required job duties have access to e-mail. The Lotus Notes e-mail system is used for both internal and external communications.

Not all employees will have access to the web. Department Heads are the "gatekeepers" for web access at the departmental level. While the web can be a productive research tool for many issues, it also has the potential to distract employees from their assigned duties. Accordingly, requests to access specific sites, for an established business purpose, should go through an employee's Department Head. If approved, access will be available through the Department Head's workstation. If the amount of time an employee needs to access an approved site becomes burdensome for the Department Head, s/he should contact MIS for approval to grant authorization for that employee's workstation.

The following items are examples of acceptable uses of the Internet and e-mail:

- Communicating with other municipalities or agencies, or other professionals with whom we are working. Communicating will generally involve the sharing of data or other information necessary to transact Town business.
  
- Communicating with other Town employees, such as requests to perform certain duties, inquiries about the status of particular projects in process, or sharing relevant data. Note

that e-mail should be used as a supplement to your regular contact with your co-workers, and should not replace face-to-face meetings, or phone calls, as would ordinarily be required. To ensure better communication, it is helpful to know your recipient's preferred means of receiving information (in-person, phone, voice mail, or e-mail), and to try to respect that.

- Given the ease with which group mailings can be done, extreme care must be taken when sending this type of group e-mail.

The information should clearly be for a business purpose. Occasional announcements for things such as work-group holiday parties, Town picnics, or similar events designed to maintain workplace camaraderie are allowed.

Communications between union members, for union business, is also allowed. The information should be presented in a professional manner. The mail should only be sent to those who need to know the information.

- Responding to inquiries received from residents via the Internet. As a reminder, if you receive a Freedom of Information Law request, a copy of that request (and your response) must also be provided to the Town Clerk's office. Remember too that responses to the public should always be pre-approved by your Department Head.

All communications should be for a clear, business purpose. Just as you would take care in issuing a signed, written letter or memo, you should take the same care in issuing e-mail. All mail should contain accurate information, and be professional in tone. Remember that an e-mail response can be a "record" as defined under the Freedom of Information Law statutes, and therefore subject to external review.

#### **UNACCEPTABLE USES OF THE INTERNET AND TOWN E-MAIL**

The Town's E-mail and Internet access may not be used for transmitting, retrieving or storing any communications of a discriminatory or harassing nature, or materials that are obscene or X-rated. Harassment of any kind is prohibited, as detailed in the policy manual, and this applies equally to the use of the Internet and E-mail. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual orientation may be transmitted or forwarded using the Town system. No abusive, profane or offensive language may be transmitted through the Town's E-mail or Internet system.

The Town's E-mail and Internet system also may not be used for any other purpose that is illegal, against Town policy, or contrary to the Town's best interest. Solicitation of non-town business or any use of the Town E-mail or Internet system for personal gain is prohibited. Personal use is



prohibited, including receiving and sending e-mail to family and friends, sending mass mailings or chain letters, personal shopping, games, engaging in online chat groups, and personal web browsing.

Employees do not have a personal privacy right regarding any matter created, received, stored or sent from or on the Town's E-mail or Internet system or computers. The Town has the right to, and will, routinely monitor the use of these systems. Note too, that deleting communications at your workstation does not remove them from the permanent record of workplace transactions.

## **RULES FOR ELECTRONIC COMMUNICATION**

Each employee is responsible for the content of all text, audio or images that he or she places on or sends over the Town's E-mail or Internet system. Employees may not hide their identities or represent that any E-mail or other electronic communications were sent from someone else or someone from another business. Employees must include their name in all messages communicated on the Town's E-mail or Internet system.

Employees must respect the workstation settings and document format configurations established by their co-workers. Altering these settings, or otherwise inappropriately accessing a co-workers' workstation, will result in disciplinary action.

Any messages or information sent by an employee to another individual outside the Town via Town E-mail or Internet system (including bulletin boards, online services or Internet sites) are statements that reflect on the Town. Despite personal "disclaimers" in electronic messages, any statements might be tied to the Town.

All communications sent by employees via the Town's E-mail or Internet system must comply with all Town policies, and may not disclose any proprietary data, trade secrets, or other privileged or confidential information.

If employees receive unsolicited e-mail from outside the Town that appears to violate this policy, the employee should notify his or her supervisor immediately. Similarly, if any employee accidentally accesses an inappropriate website in the normal course of business, the employee should notify his or her supervisor immediately. Failure to promptly notify a supervisor will result in a presumption of a deliberate violation when the improper use is detected through routine surveillance.

## **DOWNLOADING SOFTWARE**

To prevent the downloading of computer viruses that could contaminate the E-mail or Internet system, no employee may download software from the Internet without prior authorization from the MIS department. Any and all software that is downloaded from the Internet must be registered to the Town. No unauthorized software of any kind should be added to the Town's system, including screensavers or other games.

## **COPYRIGHT AND TRADEMARK ISSUES**

Copyrighted and trademarked material that does not belong to the Town may not be transmitted by employees on the Town's E-mail or Internet system without permission from the holder of the copyright or trademark. Every employee who obtains access to other companies' or individuals' materials must respect all copyrights and trademarks and may not copy, retrieve, modify or forward copyrighted materials, except with permission, or as a single copy for reference only.

## **WAIVER OF PRIVACY RIGHTS**

The Town reserves the right to, and will routinely monitor, how employees use E-mail and the Internet. The Town may monitor to weigh the cost/benefit of certain applications, to ensure appropriate use, and to manage the Town's gateway to the Internet. All messages created, sent or received over the Town's E-mail or Internet system are Town Property and should not be considered private information. The Town reserves the right to access and monitor every message and file on the Town's E-mail or Internet system, and to review which sites have been visited. Despite the existence of any passwords, employees should not assume that any electronic communication is private. ***Highly confidential information or data should be transmitted in other ways.***

## **WORKSTATION SECURITY**

Users are responsible for safeguarding their passwords for access to the computer system. ***Individual passwords should not be printed, stored online, or given to others.*** Users are responsible for all transactions made using their passwords; accordingly, care should be taken to protect your password from detection by others, and your password should be changed periodically. It is strongly suggested that all users log off the network when away from their desks for an extended time period.

Users may not access the computer system with another user's password. When it is necessary to have several people working on a common document, you should use shared folders (where the document can be accessed by others) in order to preserve password integrity.

## **VIOLATIONS**

All employees are required to acknowledge receipt of the Town's E-mail and Internet Use Policy, and to agree to follow the established guidelines. The guidelines are intended to clearly inform all users of appropriate uses of the Town's computer network, and to protect the integrity of the system's security, thereby minimizing downtime of the system. The policy is also intended to protect all employees from potentially being exposed to offensive material and behaviors.

Any employee who violates these rules or otherwise abuses the job-required use of the Town's Email or Internet system will be subject to corrective action, up to and including termination. If necessary, the Town also reserves the right to advise appropriate officials of any illegal activities.

## **TOWN VEHICLES**

The Town shall provide vehicles for various departments and employees for the purpose of conducting Town business when determined necessary by the Town Board.

All vehicle maintenance is the responsibility of the Fleet Manager. No political paraphernalia or other markings such as bumper stickers, signs or advertisements are allowed on Town vehicles.

Any employee who is charged with a traffic violation while driving a Town vehicle shall be held personally responsible for the payment of any fines incurred during such use. In addition, the employee shall bring such violation(s) to the attention of their Department Head through written memorandum.

Any employee who is involved in an accident with a Town vehicle regardless of severity, shall obtain a Police Accident Report on the circumstances of the accident. The Department Head will in turn submit such report to the Town's Insurance Carrier and to the Town Fleet Manager.

The use of Town vehicles for personal purposes, use by unauthorized individuals, or operation of a Town vehicle in an unsafe manner is strictly prohibited. Any such use will result in the revocation of vehicle use privileges and or other disciplinary action as deemed appropriate and necessary by the Town Board.

**NOTE:** For positions requiring licensure, annual license checks will be required. Employees should request a certified copy of their driving record from DMV and submit the report to their supervisor.

**NOTE:** License revocations, suspensions and other limitations and restrictions must be reported to your supervisor within 24 hours of the notification, and may affect your title and salary grade.

Town of Bethlehem  
Code of Ethics

State law requires each town in New York State to adopt a code of ethics. The Town of Bethlehem's Code of Ethics ("Code") establishes the standards of ethical conduct by which all employees and officers of the Town are expected to conduct themselves. Its purpose is to enhance public confidence and respect for Town government by protecting your integrity as well as the integrity of Town government.

This Guide provides general information concerning the Town Code. For specific information concerning the Code, please refer to the Town of Bethlehem Local Law Chapter 16.

The Code applies to any officer or employee of the Town. An "officer" includes any paid or unpaid official of the Town. An "employee" is any person receiving a salary or wage from the Town.

Standards of Conduct

Outside Employment

If you are an officer or employee of the Town you cannot engage in outside employment that is in conflict with your official duties. For example, you must refrain from outside employment that requires (1) more than sporadic recusal or abstention when performing your official duties (2) the disclosure of confidential information or (3) the representation of persons or organizations in matters where the Town is a party.

Future Employment

Job offers and solicitations – Officers or employees cannot solicit or accept a private, post- government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before them, while that matter is pending or within 30 days following the final disposition of the matter. This applies to you whether you act individually or as a member of a board.

Post-employment Restrictions

- One year ban – No officer or employee may, for one year after serving as a municipal officer or employee, represent or render services to a person or organization in a matter that involves the exercise of discretion before the Town office, board or department for which he/she served.

- Lifetime ban – No officer or employee may, at any time after serving as a municipal officer or employee, represent or render services to a person or organization in connection with a transaction in which he/she personally and substantially participated as a Town officer or employee.

### Personal Representations and Claims

The Code does not prohibit an officer or employee from representing himself/herself or his or her spouse or minor children before the Town or asserting a claim against the Town on behalf of himself/herself or on behalf of his/her spouse or minor children.

### Use of Municipal Resources

If you are a town official or employee you cannot use or permit the use of municipal resources for personal purposes. Municipal resources include not only money but also Town personnel, vehicles, equipment, materials, supplies or other property. Town policy authorizes the occasional and incidental use of telephone and computers for family and personal matters. Consult the personnel manual or your supervisor regarding questions relating to the lawful use of Town resources.

### Nepotism

Effective July 2, 2012, if you are a Town officer or employee you cannot participate in any decision to appoint, hire, promote, discipline or discharge a relative for any position within the Town. A “relative” is your spouse, parent, stepparent, sibling, stepsibling, sibling’s spouse, child, stepchild, uncle, aunt nephew, niece, first cousin or household member, and individuals having any of these relationships to your spouse.

No officer or employee may directly supervise a relative in the performance of his/her official duties.

However, the Ethics Code provides that any officer and employee serving the Town at the time the Code became effective would not be prevented from continuing to serve due to this provision. In these existing cases, certain oversight provisions apply to ensure fair treatment.

The appointment of any known relative of a Town officer or employee will be forwarded to the Human Resource Department for final review to assure compliance with hiring guidelines.

#### Political Solicitation and Activity

An officer or employee may not use his/her official position to compel or induce another Town officer or employee to make a political contribution. Nor can they take any employment or personnel action against any officer or employee or any applicant for such positions due to their political contributions or lack thereof.

No employee shall engage in political campaign activity during his/her assigned workday. In addition, no officer or employee shall use Town resources for any political campaign or political activities.

#### Gifts

No officer or employee shall solicit, accept or receive a gift of any value. There are certain limited and specific exceptions to this prohibition. These include:

- Gifts from a person with a family or personal relationship to the officer or employee when the circumstances make it clear that such relationship (not the recipients status with the Town) is the motivating factor for the gift
- Gifts given on special occasions (marriage, illness, retirement) which are modest, reasonable and customary
- Unsolicited items of little intrinsic value (e.g. pens, pencils, note pads)
- Meals or refreshments provided when an officer or employee is a speaker or participant at a professional or educational program or meeting related to their job or office and such meals/refreshments are provided to all participants
- Contributions to political candidates or parties

#### Investments and Conflicts of Interest

No officer or employee may acquire investments that would impair his/her independence of judgment in the exercise of his/her official duties or, would require more than sporadic recusal or abstention when exercising his/her official duties.

### Confidential Information

No officer or employee who acquires confidential information in the course of his/her official duties may disclose or use such information unless required by law or in the course of one's official duties.

### Enforcement

Any officer or employee who violates this Code may be censured, fined, suspended or removed from office or employment.

### Getting Information or Advice

Town officers and employees are encouraged to seek an advisory opinion when they are uncertain if their conduct may violate the Code. Such advisory opinion will remain confidential to the extent permitted by law, except in the case where the person requesting the advisory opinion chooses to appeal the Ethics Board decision to the Town Board.

Requests for advice should be addressed to:

Town of Bethlehem Board of Ethics  
Town Hall  
Delmar, New York 12054



## **COMMUNICATION WITH THE PUBLIC**

The Town believes that as a matter of policy, channels of communication should be kept open at all times between the Town, the general public, and the media. However, providing information and public relations is a function which is to be directed by the Town Supervisor.

All employees should be keenly aware that information which is either inaccurate or released improperly can hurt the image of their department and the interests of the Town.

In any department, non-routine requests from external parties for the release of information via surveys, questionnaires, or studies, should be granted only with the approval of the Department Head.

## **CUSTOMER SERVICE**

It is the policy of the Town of Bethlehem to provide its taxpayers and citizens with the best possible service. Employees are expected to treat taxpayers and citizens in a courteous, respectful manner at all times.

1. Employees should always remember that the taxpayers and citizens come first and are entitled to the same thoughtful treatment that the employee would like to receive. Taxpayers and citizens should not be treated in a condescending or impolite manner and should never be kept waiting an unreasonable amount of time.
2. When a taxpayer and/or citizen approaches an employee with a question or complaint, the employee will give the matter their immediate attention. If the person becomes abusive or argumentative and the employee cannot properly handle the situation, the person should be referred to the employee's Supervisor.
3. Employees should be particularly careful to exercise courtesy and thoughtfulness in using the telephone.

The Town recognizes that as a result of conducting business, complaints will arise periodically from citizens, groups or organizations. Normally employees may refer these matters to their Department Head in order to resolve complaints as fairly and expeditiously as possible. Complaints involving other departments must be referred to the individual in charge of such department. If a person does not appear satisfied with the decision at the departmental level, they should be advised of their right to appeal a departmental finding before the Town Supervisor, or the Town Board.

## **TRAVEL EXPENSES**

The Town shall reimburse employees for necessary and actual expenses incurred while traveling on Town business for meals, mileage, and lodging while away from the Town. Please contact the Comptroller's Office for current regional expense amounts.

It is the responsibility of each Department Head to approve the appropriateness for meals and lodging expenses incurred by employees while away conducting Town business.

The employee must have an itemized listing of expenses incurred: receipts must accompany all requests for reimbursement. Upon approval of Department Head, the claim will be reviewed by the Comptroller's Office.

## **CONFERENCES AND CONVENTIONS**

The Town recognizes the benefits, which can be derived from continuing education through employees' attendance at seminars, conventions and conferences. As such, the Town authorizes time off with pay based upon the following criteria:

1. Will the employee's participation to the event yield benefits for the Town?
2. Will the employee's participation enhance their knowledge or professional expertise in their immediate work?
3. Can the department afford the cost?
4. Will the employee's absence impede their department's effectiveness/operations?

Any employee wishing to attend a special event such as described above shall obtain their Department Head's approval and then submit such request in writing to the Town Supervisor.

Any employee wishing to attend a special event without the prior approval of their Department Head and the Town Supervisor shall do so at personal expense. No reimbursement will be made by the Town for expenses incurred and no payment will be made toward the employee's regular salary. Such time may be deducted from the employee's accrued leave bank.

### **SMOKING POLICY**

**(Effective July 24, 2003)**

**In accordance with New York State Law, smoking is prohibited in all buildings and in all Town-owned vehicles.**

Employees choosing to smoke will need to check with their immediate supervisor, or Department Head, to review the department's break policy. Smoking may be done outside; however, it is not permissible to smoke at the entranceway to any Town building. Please be sure to properly dispose of all cigarettes in an appropriate receptacle.

Employees in violation of this policy will be subject to disciplinary action by the Town, and may also be subject to the penalty prescribed by the State Commissioner of Health. Please refer any policy violations to your Department Head or immediate supervisor.

### **BLOOD DONATION POLICY**

**(Effective January 1, 2018)**

**In accordance with Section 202-j of the New York State Labor Law, employers must provide leave time to employees for the purpose of donating blood.**

It is the policy of the Town to encourage participation in blood drives by employees who are eligible to donate. In order to further this policy, the Town, at the discretion of an employee's Department Head, may excuse time taken by an employee to donate blood and return to work up to one hour and one half (1.5) per donation and not to exceed three (3) hours annually without charge to leave credits. The Department Head may require that the employee provide written substantiation from the donation center that he/she actually donated blood during the excused absence.

### **SCREENING FOR BREAST/PROSTATE CANCER POLICY**

**(Effective January 1, 2018)**

Chapter 111, of the Laws of 2007, allows every employee of any county, municipality and school district to absent him/herself duties of employment for a period not to exceed four (4) hours annually to undertake a screening for breast cancer. It also allows up to an additional four (4) hours leave annually for screening for prostate cancer. The entire period of the leave of absence granted shall be excused leave and "shall not be charged against any other leave such employee is entitled to." Written documentation from the medical provider is required.

## **VOLUNTEER EMERGENCY RESPONDERS**

In the event of a fire or emergency during the normal work day requiring assistance of volunteer emergency responders who are also full-time Town employees, these employees will be permitted to respond to the emergency without any reduction of their normal pay. This provision applies to emergency situations only and is not intended to apply to administrative or other duties that can be performed during non-Town working hours. Additionally, the following conditions must also apply:

The employee must be an active volunteer for either an emergency ambulance service or for a fire company in the Town of Bethlehem. Calls for mutual aid that come from a fire district or ambulance service in the Town of Bethlehem are included in this language.

During work hours the employee must first notify their immediate supervisor before responding to the call. Supervisors have the discretion to gauge the urgency of the call and the need to respond (for example, alarm drops may be less urgent).

If there is no crucial need for the employee to remain at work then the employee will be allowed to leave work to respond to the call.

If the call occurs during non-work hours and the emergency extends into normal working hours, every effort should be made by the employee to notify their supervisor as soon as is reasonable.

Once the emergency is over, the employee shall return to work during normal working hours. Town vehicles may not be used to respond to calls unless getting to an employee's personal vehicle creates a delay that causes a threat to the health and safety of the community. Town vehicles must be operated in accordance with posted speed limits and other vehicle and traffic regulations.

The Town of Bethlehem shall not be liable in any way for employees who respond to calls in accordance with this policy.

Time spent responding to emergency calls should be reported using the designated hours type code.

## RESIDENCY REQUIREMENT

Sections of the New York State Public Officers Law and the New York State Town Law require that persons appointed to certain Town positions must be residents or electors of the Town of Bethlehem at the time of their appointment and during their tenure in office. However, state law is unclear about which positions this residency requirement covers. The Town has enacted a local law to clearly establish the policy and law governing certain Town positions, to establish a general policy in favor of hiring Bethlehem residents for leadership positions, and to provide greater certainty to Town residents, employees and prospective employees concerning the application of a residency requirement. The law also allows for the Town Board to waive the residency requirement in cases where it may be necessary to hire an applicant with specific technical experience and knowledge, or where otherwise appropriate.

Persons serving in the following positions are required to be residents or electors of the Town of Bethlehem at the time of their appointment and during their office:

Members of the Planning Board  
Members of the Zoning Board of Appeals  
Members of the Board of Assessment Review  
Town Attorney  
Assistant Town Attorney  
Chief of Police  
Deputy Chief of Police  
Town Comptroller  
Town Engineer  
Town Historian  
Director of Emergency Management  
Director of Human Resources  
Building Inspector  
Assistant Building Inspector  
Commissioner of Public Works  
Parks and Recreation Administrator  
Director of Senior Services  
Director of Management Information Services  
Director of Economic Development and Planning  
Director of Planning  
Clerk to the Justice

The head of any other Town Department now existing or created in the future and a member of any board of the Town are also included.

This local law applies to appointments made on or after January 31, 2014.

For additional detailed information, please refer to the actual law filed with the office of the Secretary of State in 2013 found on the Town of Bethlehem Website under the Human Resources Department.