

# **TOWN OF JOHNSBURG EMPLOYEE HANDBOOK**

*October 2020*

## **TOWN SUPERVISOR'S OFFICE**

The Town Supervisor is responsible for personnel office functions in Johnsburg. Your job is described and classified according to its duties and given its title by the Supervisor's Office with the approval of the Warren County Personnel Office. Town payrolls are produced by the Supervisor's Office, which also interprets laws affecting Johnsburg employees; keep records of employee vacation, sick and personal leave, health insurance records and retirement enrollments.

The Town Supervisor's Office has jurisdiction over Classified Service only; Unclassified Service, including elected officials and members of boards and commissions, is not subject to its control. The Classified Service includes all other Town positions.

## **YOUR JOB**

Your training starts the minute you report for work. Your department head or fellow worker explains your new job to you. Although your supervisor has the primary responsibility for training, he/she is unable to accomplish this alone. A great deal is up to you. It is your duty to develop your own capabilities as far as possible. The more you learn about your Department and its functions and about your role as a part of the team, the more valuable you will become to the Town.

## **KEYS**

If your job requires it, you may be furnished key to various Town facilities. These keys are your responsibility and should remain in your possession and not be loaned or given to anyone else. When you leave Town service, all keys in your possession must be returned to your department head before your final check is issued.

## **YOUR PERSONNEL RECORD**

In order to assist the Town in carrying out a variety of services to its employee, it is important to maintain accurate employee records. It is your responsibility to keep your record correct and up to date. Any changes in address, name, phone number, family status or other information concerning you should be reported immediately to your department head.

## **ANNIVERSARY DATE**

This is the date one year after which you were employed and when you may become eligible for certain benefits. Vacation credits and salary may be based upon an anniversary date. Some highway benefits are conferred on January 1 following your 1 year anniversary date. Highway employees refer to contract for details.

## **HOURS OF WORK AND EMPLOYEE DEFINITIONS AND CLASSIFICATIONS**

Most departments have a regular workweek of forty (40) hours consisting of five (5) consecutive workdays, but hours may vary with the needs of the department. The normal workday consists of eight (8) hours. You will be allowed one ten (10) minute break in any four (4) hour shift. **Employees are provided meal breaks as required by applicable law and regulation.** Your department head will establish periods for breaks.

For employees working less than 40 hours per week or less than 5 days per week, a schedule will be set by the department supervisor, Town Supervisor or Personnel Committee. Requests to alter an approved work schedule must be made in writing and changes are subject to approval by the Town Supervisor or Personnel Committee.

### **Employee Definitions:**

**Full Time Employee :** A person who is employed by the Town for a 12 month period and who works 32 hours per week or more.

**Part-Time Employee:** A person who is employed by the Town for a 12 month period and who works less than 32 hours per week, but more than 20 hours per week.

~~**Less than half time employee:** A person who is employed by the Town for a 12 month period and who works 20 hours or less per week.~~

**Temporary and seasonal employee:** A person who is employed for a particular program or project.

### **Employee Classifications:**

**Elected officials:** All elected officials including the following: Supervisor, Town Board Members, Town Clerk, Town Justice, Highway Superintendent. For all other classifications see The Rules for the Classified Civil Service of Warren County or Warren County Civil Service Manual for Appointing Authorities.

## **PAY PERIOD**

Johnsburg maintains bi-weekly and monthly payrolls. two-week payrolls run from Sunday through Saturday, with paychecks issued the following Wednesday. Monthly payroll runs from the first through the last day of each month with paychecks issued on the last business day. **If a holiday falls on a pay day, the paycheck will be distributed or deposited on the preceding business day.**

The town also offers a direct deposit option, whereby money is deposited into the employees bank account directly. If you are interested in this option, please contact the Bookkeeper's office. The Town reserves the right to limit the number of banks to which direct deposits will be made.

## **TIME CARDS, TIME RECORDS**

Employees are required to meet departmental time entry regulations. You are responsible for compliance with check-in and checkout regulations that may vary depending on your worksite.

Employees instructed to report their time records via time card will do so on a weekly basis. Time cards must be signed by a department supervisor or by the Town Supervisor in order to be processed by the bookkeeper.

All employees are entitled to inquire from time to time as to their accrued leave time.

## **PUBLIC RELATIONS POLICY**

In order to achieve our goal of effective public service, it is important to maintain good relations with the public. Remember, we are all part of the community. Treat them, as you would wish to be treated. Be courteous, patient and helpful.

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

## **SAFETY**

Safety is everyone's business. Your personal safety and that of your co-workers is an important aspect of your job. Most accidents can be prevented by exercising caution, good judgment, and common sense and by using the proper safety equipment. Personal and public losses resulting from accidents are extremely high. Report all job-related accidents and injuries to your department head immediately.

Learn the location of fire alarms, extinguishers and at least two exits in your workplace. Be alert to any working conditions or procedures that you would consider potentially dangerous and report these to your department head immediately.

## **LABOR AGREEMENTS**

Agreements or letters of understanding may be made between the Town and individual employees or groups of employees. These may modify or extend and take precedence over any terms or conditions of employment described in this handbook.

A labor agreement is now in effect between the Town and the Highway Department Employees. A copy of this agreement is provided to highway employees and should be referred to when there is a question concerning details and conditions of employment. Other employees will find conditions and policies in this handbook and should contact the Supervisor's Office with questions concerning details and conditions of employment.

## **PROBATION**

All Classified Town positions are subject to a probationary term. Before your appointment becomes permanent, you must complete a probationary term of six (6) months. During this time, you must prove your ability to learn and handle the job for which you were hired. An appointment becomes permanent at the end of the probationary term unless you have received written notice before that date indicating you have not successfully completed your probation.

## **TARDINESS & ATTENDANCE**

Excessive tardiness or absence will not be tolerated and may result in disciplinary action, including dismissal. The factors determining excessive tardiness or absence are:

1. Frequency of occurrence
2. Aggregate time
3. Pattern of occurrence

Employees who are unable to report for work must notify their department supervisor or Town Supervisor as soon as possible, giving the reason for tardiness or absence.

Suggested additions: Employees must call their supervisor each day of absence and indicate the reason for such absence, except in the following instances:

- the absence was pre-authorized
- the absence is a pre-authorized extended one with a projected return to work date.

Employee absence with failure to inform a department supervisor or the Town Supervisor ahead of time will be viewed as an unexcused absence and employee misconduct. The employee shall be issued a letter of counseling and the incident will be recorded in the employee's personnel file. Repeated instances of absence without notice may become the basis for discipline up to and including termination from service

An employee who is absent from work without authorization from or communication with a department supervisor or the Town Supervisor for at least three consecutive work days shall be deemed to have abandoned employment with the Town and shall automatically be terminated from employment.

Employees who leave their assignment during the work day must notify their supervisor prior to leaving.

## **SICK LEAVE**

The Town provides sick leave benefits for full time employees to be used only in the case of personal illness. Temporary/ seasonal employees are not entitled to receive paid sick leave benefits.

Sick leave is an earned privilege and should be treated as such. Proper use of sick leave makes good sense. Accumulated sick leave means a paycheck when you can not work and need it most. In the event any employee utilizes sick leave benefits provided by this section while not actually sick, such employee may be subject to disciplinary proceedings.

All employees must notify their department head or supervisor at least 30 minutes prior to the time that the work shift commences of their request to use sick leave. If an employee fails to give proper notice, he or she will not be compensated for sick leave that day.

A physician's statement for any absence of more than two (2) consecutive days may be required. Failure to produce such documentation may result in the employee being docked for those days if it has been found the employee has been abusing ~~the use of~~ sick leave. Sick leave may be used for an illness related to immediate family members. Use of such sick leave must be approved by department head and / or Town Supervisor.

If an employee is terminated, laid off or resigns from the Town, the balance of any unused sick leave is automatically lost.

At the time of retirement full time employees will receive cash payment at the regular rate of pay for ½ of accumulated sick leave, up to a maximum accumulation of 1150 sick leave hours. Employees hired after 1/1/2021 the maximum accumulation would be 750 hours.

## **HOLIDAYS**

Full-time employees in Town Service shall be entitled to the following ten (10) legal holidays, which will be paid holiday if they are observed on a scheduled workday: New Year's Day, Martin Luther King Jr. Day, **The Third Monday in February for observance of Lincoln's and Washington's birthdays**, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day. Since benefits regarding holidays vary with your employment situation (full-time, part-time, temporary, highway, elected, etc.) please ask your department head for clarification.

## **VEHICLE, TOOL AND EQUIPMENT USAGE POLICY**

Some employees are required to drive a Town vehicle, to use tools and/or operate equipment in the normal performance of their job duties. The following set of guidelines has been established to insure both the safety of our employees and equipment and the efficient use of available transportation:

1. Personal use of Town vehicles, tools and equipment is prohibited.
2. Any employee caught operating and/or using a Town vehicle, piece of equipment or tools in a reckless or negligent manner or without a valid driver's license may be subject to disciplinary action, including dismissal.
3. Any employee who is required to drive a Town vehicle or operate a personal vehicle to conduct Town business must notify his/her department head immediately if he/she receives a conviction for a moving violation or a suspension or revocation of his/her driver's license. **The loss or suspension of your license may have an affect on your employment with the town.**
4. Alcoholic beverages, marijuana or drug related paraphernalia **are** prohibited in/on any Town vehicle, piece of equipment or on any Town premises.
5. Smoking or Vaping in a Town vehicle is prohibited.
6. The removal of Town tools, equipment or other Town property from a Town vehicle or a Town worksite is prohibited unless authorized in advance by a department supervisor or the Town Supervisor for the purposes of fulfilling duties of employment.

7. Any employee wishing to use a Town vehicle must seek prior approval from his/her supervisor. If a vehicle is not available, employees may be required to use their own vehicle to complete the job task.
8. Tools or equipment shall be used for job related tasks strictly for performance of duties.
9. Work on private vehicles using Town garages, equipment or tools is strictly prohibited.

### **MILEAGE REIMBURSEMENT**

Employees who use their own vehicle to conduct Town business will be reimbursed at a mileage rate set annually by the Town Board. In order to be reimbursed, the employee must submit a completed mileage record form along with their claim voucher.

Employees seeking occasional reimbursement may do so immediately following the use of their personal vehicle for Town business. Employees who are required to use their personal vehicles for Town business on a frequent basis, such as the Town Assessor and Animal Control Officer, are instructed to submit for mileage reimbursement on a weekly basis.

### **FUEL MONITORING**

The Town provides fuel for all Town owned vehicles and equipment. Dispensing fuel for personal use is prohibited. **Dispensing fuel for personal use is prohibited and may result in criminal prosecution.**

### **ACQUISITION AND DISPOSITION**

The acquisition of Town property, supplies and equipment shall be done in accordance with the Town's procurement policy and according to General Municipal Laws 103 and 104-b. Only items reasonably necessary to the performance of town functions shall be purchased. Town Board approval may be required. Attached is a copy of the Town of Johnsbury Procurement Policy which all Town employees shall follow. Un-needed, surplus or worn out property shall not be converted to personal use. It shall be declared surplus and disposed of according to policy in a manner which results in the full salvage value being paid to the Town.

Purchase kickbacks, vendor incentives to officers and employees in order to influence procurement, "under the table" sale or disposition of Town property, whether surplus or otherwise, shall not be tolerated and will result in disciplinary action, up to and including removal from office, and may result in criminal charges.

The only exceptions to this policy may be found in General Municipal Law Section 802.

### **SOCIAL SECURITY**

Social Security gives you old age, death and disability benefits and is mandatory for Town employees. Payroll deductions are made at a rate determined by the Federal Government. The Town pays an equal amount. Deductions for Social Security are listed under FICA

(Federal Insurance Contribution Act). Deductions are also withheld for Medicare (health insurance available to retirees who are receiving Social Security).

## **RETIREMENT PLANS & DEATH BENEFITS**

The age for retirement with full benefits for eligible employees is 62. The Town contributes to the fund from which your pension is paid. Employees who enter the Retirement System after July 1, 1976 will have three percent (3%) of their gross salary deducted from their pay to be credited with the Town contribution to your account. In addition to the pension, qualified employees are provided a guaranteed minimum death benefit based on your years of service and contributions on record with the Retirement System. Further information is available in the Supervisor's Office.

## **RESIGNATION**

**Employees who consider resigning should discuss the possibility with their department head before making a final decision. If a decision to resign is made, the employee should submit a written resignation to their department head at least 2 weeks before date of resignation. If no date is specified, the resignation goes into effect immediately upon presentation to the department head. For those employees who are public officers, the Public Officers' Law, Section 31.1(g) requires that resignations be filed with the Town Clerk.**

## **PERSONNEL POLICIES**

### **EQUAL OPPORTUNITY EMPLOYER:**

The Town of Johnsburg is an Equal Opportunity Employer. We do not discriminate based on race, color, national origin, religion, sex, marital status, age, disability or veteran status.

This policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, transfer, leave of absence and compensation. Discrimination is prohibited.

We encourage you to bring any perceived violation of this policy to the attention of your department head immediately. If you are unable to discuss this matter with your department head, take your complaint directly to the Town Supervisor. All complaints of discrimination will be investigated discreetly and promptly.

### **THE AMERICANS WITH DISABILITIES ACT (ADA)**

The Town of Johnsburg does not discriminate against qualified individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. It is our policy to hire, promote, and maintain terms, conditions and privileges of employment in a manner that does not discriminate based on a qualified individual's disability.

### **AUTHORIZED ALIEN STATUS AND CITIZENSHIP**

The Immigration Reform and Control Act of 1986 requires that all employees hired on or after November 6, 1986, must be either a United States Citizen or an alien lawfully

authorized to work in the United States. Employees hired on or after November 6, 1986 will be required to complete Section 1 of the Employment Eligibility Verification form, designated as Form I-9. The Town of Johnsburg will verify identity and employment eligibility by viewing required documents and completing Section 2 of the I-9. This form must be complete after an applicant accepts a job offer or starts to work—but no later than three business days after beginning employment. ~~A completed I-9 Immigration Form must be contained in each employee's personnel file.~~

No employee or candidate for employment will be discriminated against based on citizenship, authorized alien status, place of origin, physical, cultural or linguistic characteristics, accent or manner of speaking.

#### AFFIRMATIVE ACTION POLICY

It is the policy of the Town of Johnsburg to provide equal employment opportunity to all people without regard to race, color, national origin, religion, sex, marital status, age, disability or veteran status. The Town Supervisor and the Johnsburg Town Board are personally committed to assuring that the Town acts affirmatively to develop avenues of entry and mobility for minorities, women, individual having disabilities and veterans through the following activities:

1. Development of procedures seeking the elimination of any unjust exclusionary employment practices, policies and consequences.
2. Development of educational and training programs for all employees. (~~eliminated language referenced in memo~~)
3. Development of additional mechanisms, as necessary, for swift and judicious resolution of problems of human rights discrimination consistent with our policy and other applicable legal statutes.

The Town of Johnsburg's Affirmative Action Policy conforms to all relevant Federal and State non-discrimination and Affirmative Action regulations including but not limited to"

- The Civil Rights Act of 1964 as amended
- The Rehabilitation Act of 1973
- The Vietnam Era Veteran's Readjustment Act of 1974
- The New York State Human Rights Law

Our policy applies equally to all job classifications and titles in Johnsburg and all types of appointments under the Town's jurisdiction. It governs all of the Town's employment policies, practices and actions including but not necessarily limited to recruitment, employment disciplinary actions, rate of pay or other compensation, advancement, reclassification, reallocation, promotion, demotion and all employee benefits.

The mission of the Town of Johnsburg is to provide equal employment opportunity to all, and Affirmative Action considerations will be an integral part of all Town activities performed in furtherance of our mission and in meeting our responsibilities to all citizens.

- \* *NOTE: For purposes of our Affirmative Action Policy, the term "veteran" applies to those veterans defined by the Civil Service Law as having special preferences with respect to seniority and examination credits.*



## **ALCOHOL AND DRUG FREE WORKPLACE**

It is the intent of the Town of Johnsburg to provide all employees and alcohol and drug free workplace. Our policy regarding work related effects of alcohol and drug use and the unlawful possession of controlled substances on Town premises is as follows:

1. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is our intent and obligation to provide an alcohol, marijuana and drug free, healthful, safe and secure work environment.
2. The unlawful manufacturing, distribution, dispensation, solicitation, sale, purchase, transfer, possession or use of marijuana or a controlled substance on Town premises or while conducting Town business off Town premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination and may have legal consequences.
3. The Town of Johnsburg recognizes alcohol and drug dependency as an illness and a major health problem. The Town also recognizes alcohol, marijuana and drug abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are to use our health insurance plans, as appropriate.
4. Employees must, as a condition of employment, abide by the terms of this policy and report any drug or alcohol convictions for violations occurring on or off Town premises while conducting Town business. A report of a violation must be made within five (5) days of the conviction (this requirement is mandated by the Drug-Free Workplace Act of 1988). If an employee is convicted of a criminal drug or alcohol related offense, the Town may impose disciplinary action, up to and including termination.

## **DRUG AND ALCOHOL ABUSE POLICY**

### **I. INTRODUCTION**

#### **a. A NEED FOR THE POLICY**

Federal experts estimate that 10 to 23% of all employees in the United State use drugs and/or alcohol on the job. 50% of all employees tested after on-the-job accidents show the presence of drugs in their systems.

Employees who abuse drugs and alcohol are 3 to 5 times more likely to have an accident, endangering themselves or others; 65% less productive than employees who do not abuse drugs or alcohol; absent 10 to 16 times the normal absenteeism rate and more prone to theft to support their drug habit.

In addition, the Federal Commission on Organized Crime has recommended to the Administration that all contractors on federal and federally assisted projects be required to have drug and alcohol abuse programs

#### **b. PURPOSE OF THE DRUG & ALCOHOL ABUSE POLICY**

The Town of Johnsburg believes it has an obligation to take reasonable efforts necessary to provide workplaces for its employees that are free from avoidable hazards. Employees working under the influence of illegal drugs and/or alcohol are safety hazards to themselves and to those around them.

In order to further the purpose of the Town's Safety Program, it is necessary to directly address the serious problem of drug and alcohol use at the workplace with a clear policy.

In addition to the safety issue is the concern relating to the costs to the public which arise from drug and alcohol use. As the above statistics indicate, an employee who is under the influence of drugs or alcohol is less productive, absent more often and far more likely to be involved in an accident than an employee who is working while not under the influence.

## II. RULES

Although the existing policy prohibits the presence or use of alcohol or illegal drugs on Town projects, the following specific rules apply for all Town employees:

1. No controlled substances, illegal drugs, marijuana or alcoholic beverages shall be brought onto any Town property or projects **including Town vehicles and equipment** at any time. **Controlled substance possession and use is allowed when the presence or use is according to a lawful, current and valid prescription and subject to all applicable laws and regulations.**
2. No Town employee shall work for the Town while under the influence of alcohol or marijuana or with the presence of any controlled substance or illegal drug in their system. **See above re: controlled substance exemption.**
3. The Town of Johnsburg reserves the right to require any employee to be tested and/or evaluated at a medical facility in the event the employee demonstrates behavior which indicates an impaired physical condition endangering the safety of the employee, other employees, Town property or the public. Testing may be done by an Alco-Sensor instrument, screening or other confirmatory test for presence of drugs, marijuana or alcohol in the employee's system for abnormal conduct such as lack of balance, slurred speech, drowsiness, etc. The employee will be suspended with pay pending availability of the results of the medical evaluation. If the evaluation indicates a non-drug or alcohol induced impairment, the employee will be requested to return to work after treatment and obtaining written release from the attending physician.

## III. DISCIPLINE

An employee will be subject to disciplinary action if the employee:

1. Violates the above rules, OR
2. Refuses to be medically evaluated if requested to do so, OR
3. Refuses to release the results of such evaluation to the Town

In the event medical diagnosis indicates an alcohol or marijuana induced impairment or the presence of any controlled substance or illegal drug in the employees system, disciplinary action may be initiated. No employee will be allowed to return to work without evidence of his or her having entered some type of rehabilitation program within five (5) business days of receiving notice of the medical diagnosis. The Town will assist in locating such a program if the employee desires such assistance. Continued employment with the Town of Johnsburg will be conditioned upon:

1. No re-occurrences of alcohol or marijuana induced impairment or the presence of any controlled substance or illegal drug in the employee's system, AND
2. Written evidence from the rehabilitation facility of participation in and successful completion of a rehabilitation program.

### **SMOKING POLICY**

The following smoking policy applies to all Town employees:

1. Smoking or vaping **is** prohibited in all Town buildings and within 100 ft. of the Town Hall and Library.
2. Smoking or vaping **is** prohibited in all Town vehicles.

### **HEALTH INSURANCE PLAN – ELIGIBILITY**

The following rules, consistent with previous practice, determine eligibility of employees and retired employees to participate in the Town of Johnsburg Health Insurance Plan:

1. Active employees are eligible:
  - a. On the first day of the month after employment begins  
**and**
  - b. If they are employed by the Town **full time** (at least 32 regularly scheduled hours per week) **or**
  - c. If they are paid **elected officials**
2. Retired employees are eligible for continued coverage under the Towns plan if **all** of the following conditions apply:
  - a. They have at least 10 full years service **or** 10 years service as an elected official or a combination thereof  
**AND**
  - b. They have retired under the NYS Retirement System  
**AND**
  - c. They are enrolled in the Town Insurance Plan at the time of retirement.
3. Employees with vested status who leave Town employment prior to retirement under the NYS Retirement System may continue coverage under the Town Plan by paying the entire cost of the health insurance premium. After retirement begins, employees must pay one-half of the premium cost until reaching age 55. Beginning at age 55, employees retiring after 12-31-2000 must contribute 25% of the cost (if any) of dependant coverage.
4. Active Town employees eligible for coverage but electing not to enroll may enroll in the Plan in an open enrollment period any time prior to retirement.
5. Any employee, retiree, or other eligible person who fails to remit required premiums shall be terminated from coverage after 2 months.

6. Upon the death of an employee or retiree, the surviving spouse and any dependent children are eligible to continue coverage under the Town's plan at the following required employee spouse/ dependent contribution rates:
  - a. 25% for spouse and dependents of an active, full time employee not yet retired
  - b. 50% for spouse and dependents of an employee who retired on or before January 1, 2001.
  - c. 100% for spouse and dependents of an employee who retired after January 1, 2001.

**Suggested change:**

- A. 50% contribution rate for dependents of an employee not yet retired. For employees with over 10 years of service credit, the contribution rate for the family would be 25%.
- B. 50% for dependents of an employee who retired before January 1,2001.
- C. 50% contribution rate for dependents of an employee who retired after 1/1/ 2021. For employees with over 10 years service credit the contribution rate for the family would be 25%.

All present beneficiary arrangements would be grandfathered.

7. All full-time employees are eligible for participation in a Health Reimbursement account. The Town benefits coordinator will provide details upon employment.

## **WORKERS COMPENSATION**

You are fully covered by Workers' Compensation provided for under the New York State Workers' Compensation Law. Should you have any questions, consult your department head or the Town Supervisor.

## **NEW YORK STATE DISABILITY INSURANCE**

New York State Disability Insurance covers all employees except elected officials. This benefit provides a weekly income based on earning for the period of disability up to a maximum of twenty-six (26) weeks.

## **FAMILY AND MEDICAL LEAVE ACT OF 1993**

Under the Family and Medical Leave Act of 1993, (FMLA) the Town of Johnsbury provides up to 12 weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. Employees are eligible if they have worked for the Town for at least one year, and for 1,250 hours over the previous twelve (12) months.

### **I. REASONS FOR TAKING LEAVE**

Unpaid leave will be granted for any of the following reasons:

- a. To care for the employee's child after birth or placement for adoption or foster care.
- b. To care for employee's spouse, child, or parent who has a serious health condition; OR

- c. For a serious health condition that makes the employee unable to perform his or her job.

## **II. ADVANCE NOTICE AND MEDICAL CERTIFICATION**

Whenever possible, you will be required to provide advance leave notice and medical certification. Taking a leave may be denied if requirements are not met:

- a. Provide thirty (30) days advance notice when the leave is “foreseeable”
- b. Medical certification to support a request for leave because of a serious health condition. The Town may require a second or third opinion (at the Town’s expense) in addition to a fitness for duty report to return to work.

## **III. JOB BENEFITS AND PROTECTION**

For the duration of FMLA leave, the Town will maintain the employee’s health coverage under any “group health plan”. Upon returning from FMLA leave, employees will be restored to their original position with equivalent pay, benefits and other employment terms. The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

## **IV. UNLAWFUL ACTS BY EMPLOYERS**

The Town of Johnsbury will not interfere with, restrain, or deny the exercised of any right provided under FMLA nor will it discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

## **V. ENFORCEMENT**

- The United State Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violations.

FEMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or Local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information, contact the nearest office of the Wage and Hours Division, listed in most telephone directories under U.S. Government, Department of Labor.

## **CODE OF ETHICS**

All employees **and officers** receive the Code of Ethics upon date of hire and whenever updates or amendments are made. Copies of the Code of Ethics are available at the Town Supervisor’s Office.

## **SEXUAL HARRASSMENT POLICY – SEE ATTACHED**

## **WORKPLACE VIOLENCE PREVENTION PLAN AND POLICY -SEE ATTACHED**

## **GRIEVANCE/DISCRIMINATION PROCEDURE**

If you believe that, you have been a victim of discrimination or have any other complaint not answered to your satisfaction by your immediate supervisor, submit your grievance to the Town Supervisor. Grievances may be submitted in writing, orally by telephone, or in person.

The Town Supervisor will investigate your complaint and attempt to resolve the matter writing seven (7) days.

If you still are not satisfied, the Town Supervisor will refer your grievance to the Town Board at its next regularly scheduled meeting, for discussion or resolution.

You will be notified of their action within seven (7) days and if you are still dissatisfied, your grievance will be presented to a mutually agreed upon person from outside the Town of Johnsbury for further review and recommendation.

You may be represented by Counsel and are encouraged to attempt to informally resolve the grievance with the Town Supervisor

Any questions should be directed to the Town Supervisor.

## **DISCIPLINARY ACTION**

If the need arises to correct a situation in which an employee has violated Town policies or regulations, appropriate disciplinary action may be administered in accordance with the procedures below, the applicable collective bargaining agreement, or Civil Service Law (Section 75). Section 75 of Civil Service Law states that eligible civil service employees may not be removed or otherwise subjected to disciplinary action except for incompetence or misconduct shown after a hearing upon stated charges.

Eligibility Criteria for Section 75 Protection

The following employees are covered under Section 75:

- A person holding a position by permanent appointment in the Competitive Class of the Classified Civil Service; or
- A person holding a position by permanent appointment or employment in the Classified Service who was honorably discharged or released under honorable circumstances from the armed forces of the United States after having served therein as such member in time of war as defined in Section 85 of Civil Service Law, or who is an exempt volunteer firefighter as defined in the General Municipal Law, except when a person described in this paragraph holds the position of private secretary, cashier, or deputy of any official or department; or,
- An employee holding a position in a Non-competitive class other than a position designated in the municipal rules as "confidential" or requiring the performance of functions influencing policy, who since his / her last entry into service completed at least five (5) years of continuous service in the Non-Competitive Class in a position or positions not so designated in the rules as confidential or requiring the performance of functions influencing policy.

Procedures –

- The department head must give the employee a copy of any charges. These charges must state the reason for disciplinary action.
- The employee shall be allowed

By Order of the Town Board, Town of Johnsburg, \_\_\_\_\_ 2020

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<b>Authorized Alien Status and Citizenship.....</b>	<b>7-8</b>
<b>Drug &amp; Alcohol Abuse.....</b>	<b>9-11</b>
<b>Equal Opportunity Employment.....</b>	<b>7</b>
<b>Sexual Harassment.....</b>	<b>13 and attached</b>

Smoking.....	11
Probation.....	4
Public Relations.....	3
Resignation.....	7
Retirement Plans and Death Benefits.....	7
Safety.....	3
Social Security/Medicare.....	6
Tardiness & Attendance.....	4
Time Cards.....	3
Town Supervisor's Office.....	1
Vehicle, Tool and Equipment Usage.....	5-6
Worker's Compensation.....	12
Workplace Violence Prevention Plan and Policy.....	13 and attached
Your Personnel Record.....	1
Your Job.....	1

### **CONTACT INFORMATION**

Town Supervisors' Office.....	251-2421 x4
Town Clerk's Office.....	251-2421 x3
Assessor's Office.....	251-2421x6
Library.....	251-4343
Town Fax Number.....	251-9991
Supervisor's E-Mail.....	supervisor@johnsburgny.com
Town Website.....	www.johnsburgny.com