**VILLAGE OF PLEASANTVILLE**

**EMPLOYEE HANDBOOK**

### Adopted by Resolution of the Village Board on October 26, 2020

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**VILLAGE OF PLEASANTVILLE**

**EMPLOYEE HANDBOOK**

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**Village of Pleasantville** **Employee Handbook**

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# INTRODUCTION

## Welcome Message

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

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

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

We trust that you will find service with the Village of Pleasantville rewarding both personally and professionally.

## A Message from Our Unions

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

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

We hope that your career with the Village of Pleasantville will be an enjoyable experience.

## Definitions

**Village of Pleasantville** *–* For purposes of this Employee Handbook, the Village of Pleasantville may be referred to as the “Village”.

**Village Board** – For purposes of this Employee Handbook, “Village Board” will mean the Village Board of the Village of Pleasantville.

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

* + Mayor
	+ Village Trustees
	+ Village Justice\*

*\*In addition to the elected Village Justice, a second Village Justice is appointed.*

**Village Administrator / Village Clerk** – For purposes of this Employee Handbook, “Village Administrator / Village Clerk” will mean the Village Administrator / Village Clerk of the Village of Pleasantville. When referenced in this Employee Handbook, Village Administrator / Village Clerk shall also mean an individual acting with the Village Administrator / Village Clerk’s properly designated authority.

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

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

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

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

## Employee Classifications

For purposes of this Employee Handbook, the following terms shall be defined as indicated. The definition provided for each of these terms applies only within the context of this Employee Handbook. The meaning and use of these terms or similar terms may be different in the context of Civil Service Rules or a collective bargaining agreement.

**Full-Time Employees** – For purposes of this Employee Handbook, the term “full-time employee” will mean an employee who is regularly scheduled to work a minimum of thirty- five or forty hours per week.

**Part-Time Employees** – For purposes of this Employee Handbook, the term “part-time employee” will mean an employee who is scheduled on a regular and on-going basis to work seventeen and a half hours per week or less.

**Temporary Employees** – For purposes of this Employee Handbook, the term “temporary employee” will mean an employee who is employed on an interim or sporadic basis, or who is employed to work on a special, emergency, or on-call basis for a specified period, consistent with the Civil Service Law as applicable.

**Seasonal Employees** – For purposes of this Employee Handbook, the term “seasonal employee” will mean an employee who is employed to work for a given season or portion thereof.

**FLSA Non-Exempt Employees** – For purposes of this Employee Handbook, the term “FLSA non-exempt employee” will mean a covered employee who is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

**FLSA Exempt Employees** – For purposes of this Employee Handbook, “FLSA exempt employee” will mean a covered employee who qualifies for an exemption from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA), or an employee who is not covered under the FLSA.

## The Purpose of this Employee Handbook

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

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

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

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

**Police Department** – For the purposes of some of the policies stated in this Employee Handbook, the Village of Pleasantville Police Department is a separate entity which has the authority to promulgate its own policies and procedures. If a policy stated in this Employee Handbook differs from a rule, regulation or policy established by the Police Department, the latter shall supersede.]

**Questions** – Any questions regarding any topic covered in this Employee Handbook should be directed to the appropriate Department Head or the Village Administrator / Village Clerk.

## Changes or Modifications

**Rights of the Village Board** – The Village Board reserves the right to interpret, change, modify, or eliminate any provision contained in this Employee Handbook.

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

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

# THE CIVIL SERVICE SYSTEM

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

## The Unclassified and Classified Services

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

**Classified Service** – In accordance with Civil Service Law and for purposes of this Employee Handbook, the term “Classified Service” as defined by the Civil Service Law and the *Westchester County Civil Service Rules* will include all Village employees who are subject to the *Westchester County Civil Service Rules*. The Classified Service is divided into four jurisdictional classes:

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

## Civil Service Appointments

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

* + **Permanent** – an appointment to a vacant position in the Competitive Class from an eligible list established as a result of examination, following successful completion of a probationary term;
	+ **Provisional** – an appointment to a vacant position in the Competitive Class when there is not an appropriate eligible list. A provisional appointee must take an examination whenever it is scheduled. Thereafter, a permanent appointment will be made on the basis of the eligible list resulting from the examination; or
	+ **Temporary** – an appointment to a position in the Competitive Class for reasons including, but not limited to: emergency work projects; planned termination of the position after a limited time; to replace an employee who is on a leave of absence; to fill a position funded through a temporary grant; or to fill a position vacated by the promotion of another employee until the employee who has been promoted receives permanent status.

## Examinations and Promotions

**Examinations** – In accordance with Civil Service Law, in the event there is a vacancy in a new or existing position in the Competitive Class which the Village intends to maintain, the Village will fill the vacancy by selection from the eligible list certified by the Westchester County Human Resources Department of persons who have taken the appropriate Civil Service examination. The Westchester County Human Resources Department will test and rank each candidate according to the individual’s performance on the examination. In accordance with Civil Service Law Section 61, the Village will select one of the top three eligible candidates on the list willing to fill the position.

**Promotions** – The Village will offer opportunities for advancement for those employees who qualify. In the event the position is in the Competitive Class, a qualified employee must normally take a promotional examination and the above “one of three” rule will apply. An employee who wants to be promoted should become knowledgeable about the employee’s present position and be aware of higher level positions for which the employee may be qualified.

## Veterans Credits

**Summary** – An employee who is a veteran as defined by the Civil Service Law may be eligible to apply for veterans credits on a Civil Service examination. An employee who is a veteran should contact the Westchester County Human Resources Department for details concerning these credits.

# EMPLOYMENT MATTERS

## Oath of Office

**Requirement** – Each Public Officer as defined in the Public Officers Law must take the Oath of Office in accordance Public Officers Law Section 10, which must be administered prior to commencing the duties of the office. Each official who is re-elected or re- appointed to a subsequent term must take the Oath of Office for each term.

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

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

## Procedure for Filling Vacancies

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

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

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

**Employment Reference and Background Checks** – To ensure that individuals who join the Village are well qualified and have a strong potential to be productive and successful, it is the policy of the Village to check the employment references of final applicants. In addition, final applicants will be required to complete a hold harmless statement and release in order for the Village to conduct appropriate background checks.

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

## 30X Employment of Relatives

**Policy Statement** – For full-time employees, a member of an employee’s immediate family may be considered for employment by the Village if the applicant possesses all of the qualifications for employment. An immediate family member may not be hired, however, if the employment would create either a direct or indirect supervisory/subordinate relationship with the family member; or create either an actual conflict of interest or the appearance of a conflict of interest. These criteria will also be considered when assigning, transferring or promoting an employee. This does not include seasonal employees.

**Definition of Immediate Family** – For purposes of this policy, “immediate family” includes the employee’s spouse, brother, sister, parents, children, step-children, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee’s household.

**Elected Officials** – This policy is not intended to supersede the appointing authority of Elected Officials and does not apply to such appointments.

**Marriage** – Employees who marry or become members of the same household may continue employment as long as there is not a direct or indirect supervisor/subordinate relationship between the employees, or an actual conflict of interest or the appearance of a conflict of interest. Should one of the above situations occur, the Village will attempt to find a suitable position with the Village to which one of the affected employees may be appointed. Such appointment must be in accordance with applicable state and local statutes, including Civil Service Law and related rules and regulations. If accommodations of this nature are not feasible, the employees will be permitted to determine which one of them will resign.

**Competitive Class Positions** – This policy is not intended to supersede civil service regulations pertaining to appointments made to competitive class positions. Therefore, this policy cannot be used as a basis for denying the appointment of an individual to a competitive class position even if such appointment would constitute the employment of a relative as defined by this policy.

## Probationary Period

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

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

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

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

(78) weeks.

The length of the probationary period may be extended in accordance with the

*Westchester County Civil Service Rules*.

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

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

## Performance Review

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

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

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

## Corrective Action and Discipline

**Policy Statement** – It is the policy of the Village of Pleasantville that certain rules and regulations regarding employee behavior are necessary for the benefit and safety of all employees, the efficient operation of the Village, and the delivery of services to residents of the Village. Any conduct that interferes with operations or that discredits the Village will not be tolerated. Each employee must conduct oneself in a positive manner so as to promote the best interests of the Village. Corrective action is necessary when an employee has demonstrated performance deficiencies, or has violated a policy, rule, regulation, or procedure. Corrective action may include counseling or initiating formal disciplinary action against an employee.

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

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

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

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

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

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

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

* + Willful violation of Village’s rules, policies, and procedures.
	+ Harassing (including sexual harassment), intimidating, coercing, threatening, assaulting, or creating a hostile environment against another employee, Elected Official, resident of the Village, supplier, visitor, or any other person, whether on or off Village premises.
	+ Engaging in any action that is in violation of the Village’s Workplace Violence Prevention Policy.
	+ Possession of any weapon or dangerous instrument (including knives with over a three inch blade, firearms, and explosives) on Village property or in Village vehicles, except for those employees who are required as a condition of employment to bear a weapon.
	+ Possession, use, distribution/sale, or being under the influence of alcohol or controlled substances during hours of work or while on Village property or in Village vehicles.
	+ Willful or deliberate abuse, destruction, defacement, or misuse of Village property or the property of another employee, Elected Official, resident of the Village, supplier, visitor, or any other person.
	+ Theft or unauthorized possession, use, or removal of Village property or the property of another employee, Elected Official, resident of the Village, supplier, visitor, or any other person.
	+ Falsification or alteration of any records or reports including but not limited to employment applications, time records, work records, medical reports, absence reports, work-related injury reports, and claims for benefits provided by the Village.
	+ Preparation or manipulation of another employee’s time record without authorization from a Department Head or Supervisor.
	+ Acts of sabotage, including the work of another employee.
	+ Making false statements about another employee, Elected Official, resident of the Village, supplier, visitor, or any other person. This includes knowingly making false accusations against another individual as to allegations of discrimination, sexual harassment or other harassment which is in violation of Village policy or applicable law.
	+ Insubordination or willful refusal to comply with the lawful order or instruction of a supervisor or Department Head.
	+ Improper performance of job duties or repeated failure to perform assigned duties and responsibilities.
	+ Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment, in such a way that jeopardizes the safety of the employee, another employee, Elected Official, resident of the Village, supplier, visitor, or any other person.
	+ Offensive or unprofessional behavior that is contrary to the Village’s best interest, or any conduct that does not warrant public trust.
	+ Committing any violation of the law either on or off duty or on or off the work site that compromises or adversely effects the employee’s fitness or ability to perform assigned job duties.
	+ Unauthorized expenditure of Village funds.
	+ Illegal gambling while on duty.
	+ Willful work slow down, work stoppage, or interfering with or restricting the performance of another employee or in any other way interfering with Village operations.
	+ Careless or negligent use or operation of equipment, including vehicles and machinery.
	+ Unauthorized absences or failure to give proper notice of an absence or tardiness.
	+ Excessive tardiness and/or absences except those absences covered by state and/or federal statutes.
	+ Leaving work area without permission, as defined by the Department Head.
	+ Failure to adhere to the personal appearance/dress code policy.
	+ Sleeping on the job, unless authorized by a Department Head or supervisor.
	+ Personal activity during paid work time without the express permission of the Department Head.
	+ Use of personal listening devices (e.g. IPods/MP3 players, etc., with headphones / earbuds) during paid work time without the expressed permission of the Department Head. (Note: use of such devices is permitted during meal breaks and authorized rest breaks.
	+ Disruptive, loud, or boisterous behavior or horseplay in the workplace.
	+ Abusive language in the workplace, including racial slurs and epithets.
	+ Posting, removing, or defacing of notices, signs, or other written material without prior approval.

This list is not intended to be comprehensive and does not limit the Village’s right to impose discipline in other appropriate cases.

## Civil Service Law Section 75

**Summary** – New York State Civil Service Law Section 75 establishes disciplinary procedures for covered employees. Section 75 affords a covered employee the opportunity for a hearing when charges of incompetence or misconduct have been made against the employee by the Village.

**Union Employees** – An employee who is a member of a collective bargaining unit should refer to the collective bargaining agreement on the subject of the disciplinary procedure, wherein the negotiated procedure modifies Civil Service Law Sections 75 and 76.

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

* + A newly hired employee who has not completed the minimum probationary period as specified in the *Westchester County Civil Service Rules*;
	+ An employee holding a position by permanent appointment in the **Competitive Class**

of the classified Civil Service;

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

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

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

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

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

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

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

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

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

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

## Code of Ethics

**Purpose** – The proper operation of the village government requires that its officers and employees be independent, impartial and responsible to the people of the Village of Pleasantville; that public office not be used for personal gain; that public officers and employees maintain the highest standards of morality and discharge faithfully the duties of their office, regardless of personal consideration; and that the public has confidence in the integrity of its government and the officers and employees thereof. In recognition of these goals, there is hereby established a Code of Ethics for all officers and employees of the Village of Pleasantville. In the event of any conflict between the provisions of this chapter and the provisions of Article 18 of the General Municipal Law, the latter shall control.

**Definitions** – For the purpose of this chapter, the terms used herein are defined as follows:

Contract – Any claim, account or demand against or agreement with the village, express or implied.

Interest – A participation, connection or involvement of any sort which may result in a direct or indirect pecuniary or material benefit. For the purposes of this chapter, the interests of a village official or employee shall be deemed to include the interests of:

1. His or her family, which shall be deemed to include his or her spouse, minor children, stepchild and dependents or person residing with the officer or employee.
2. Any person, other than a bank, trust company or other lending institution, with whom he or she has a substantial debtor-creditor or other financial relationship.
3. Any person or entity by whom he or she is employed or of which he or she is an officer, director or member.
4. Any entity of which the stock or other legal or beneficial ownership is owned by him or her; provided, however, that if the business dealings of such entity with the village form an insubstantial part of the total business dealings, then this definition shall only apply to such an entity if the village official or employee owns more than 5% of the stock or other legal or beneficial ownership of such entity.
5. Person or entity. Any individual, business proprietorship, corporation, partnership, association, venture, individual in representative or fiduciary capacity, estate, trust or other entity.

Officer or Employee – Each officer, volunteer or employee of the Village of Pleasantville, whether paid or unpaid, whether elected or appointed, whether serving in a full-time, part- time or advisory capacity. Volunteers whose responsibilities do not give rise to possible violations of these rules shall not be considered employees for the purpose of this chapter. The Village Board of Trustees shall determine which volunteers shall be considered employees for this purpose.

Transaction – Any activity, application or proceeding which requires or may require an official act or action of an officer or employee or municipal board, agency or commission of the Village of Pleasantville.

### Standards of Conduct:

1. No village official or employee shall act in an official capacity in connection with any transaction or contract in which he or she has an interest.
2. No paid village official or employee or his or her family shall be or become involved, directly or indirectly, in any manner whatsoever, in any business dealings with the village; provided, however, that this subsection shall not prohibit:
	1. Any such official or employee or his or her spouse or minor child from owning less than 5% of the stock of or from being employed by any person whose business dealings with the village form an insubstantial part of its total business, as long as such village official or employee has no direct connection with such business dealings, receives no substantial part of the benefit thereof and takes no active part in connection therewith.
	2. Any spouse or minor child of any such paid village official or employee from being employed by the village.
3. No village official or employee or his or her family shall invest, directly or indirectly, in any financial, business, commercial or other private undertaking which creates a conflict with his or her official duties.
4. No village official or employee or his or her family shall engage in any business or profession or accept private employment or render any service for private interest which creates a conflict with his or her official duties.
5. No village official or employee shall use or attempt to use his or her official position to give or secure privileges or exemptions for himself or herself or others not available to others.
6. No village official or employee shall use any confidential information received by him or her in the course of his or her duties as a village official or employee to further the interests of himself or herself or others, nor shall any village official or employee divulge any confidential information so received.
7. No village official or employee shall, with or without compensation, represent, directly or indirectly, any person in connection with any transaction or contract before any village agency, board or court. This subsection shall not be applicable in transactions where:
	1. Such official or employee represents solely his or her personal interests.
	2. The representation is by the spouse or other family member of a village official or employee and it is not before the village board or court of which the relative is an official or employee; provided, however, that such representation shall not otherwise violate any other provisions of this chapter. Disclosure shall be made on the public record, except that no disclosure shall be required where a transaction is mandated by state law.
8. No village official or employee shall solicit or accept for a political campaign or for any other political purpose any favor or gift, whether in the form of service, loan, promise or material thing or in any other form, from any person who does business with the village whose business is licensed or regulated by the village or in the regular course of whose business approval or authorization must be received from any village official or employee or village body.
9. No officer or employee shall, directly or indirectly, solicit or accept or receive any gift or item of personal or real property or any interest therein, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise or in any other form, under circumstances in which it could reasonably be inferred that the gift or item of personal or real property or interest therein was intended to influence him or her in the performance of his or her official duties; could reasonably be expected to influence him or her in the performance of his or her official duties; or was intended as a reward for any official action on his or her part. Nothing herein contained shall prohibit the receipt by candidates for public office of otherwise lawful political contributions so long as such contributions are not solicited during normal business hours or on village property.
10. No officer or employee shall use or permit the use of village property (including land, vehicles, equipment, materials and other property) or personnel for personal convenience or profit, except when such use is available to village citizens generally or is provided as a matter of village policy.
11. To the extent that an officer or employee knows thereof, a member of the Village Board of Trustees and any other officer or employee of the Village of Pleasantville who participates in the discussion or gives official opinion to the Village Board of Trustees or any other board, commission or agency or any legislation or other matter under consideration before the Village Board of Trustees or any other board, commission or agency shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such legislation.
12. No officer or employee shall, after the termination of service or employment with the Village of Pleasantville, appear in a capacity which would enable him or her to derive personal gain, financial or otherwise, before any municipal board, agency or commission of the Village of Pleasantville in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment or which was under his or her active consideration.

**Personal Claim Not Prohibited** – Nothing herein shall be deemed to bar or prevent the timely filing by a present or former officer or employee of any claim, account, demand or suit against the Village of Pleasantville or any municipal board, agency or commission of the Village of Pleasantville on behalf of himself or herself or any member of his or her family rising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

### Board of Ethics:

1. There is hereby created and established a Board of Ethics consisting of three members, one of whom shall be a village elected or appointed official or employee and two of whom shall not be officers or employees of the village and all of whom shall be appointed by a majority of the Village Board of Trustees. All members of the Board of Ethics shall reside in the village and shall serve without compensation.
2. Terms of office of members. Of the members first appointed to the Board, one shall hold office for a term of one year, one for a term of two years and one for the term of three years. Their successors shall be appointed or reappointed for terms of three years from and after the expiration of their terms.
3. The members of the Board shall select a Chairperson and, upon its formation, shall promulgate its own rules and regulations as to its forms and procedures and shall maintain appropriate records of its opinions and proceedings. The Village Administrator / Village Clerk or Deputy Clerk shall serve as Clerk to the Board of Ethics.
4. The Board shall render advisory opinions to elected officials, officers and persons appointed or employed by the village with respect to this chapter. Such opinions are to be rendered only pursuant to a written request by the officer or employee concerned, the Village Board of Trustees or upon the Board's own initiative. The opinions of the Board shall be a matter of public record.
5. Upon a request for an opinion from anyone other than the officer or employee concerned, the Board shall advise such officer or employee of the request and afford him or her an opportunity to be heard, in person and in writing.

**Disclosure of Interest** – Any officer or employee who has an interest in a transaction or contemplated transaction shall publicly disclose on the official record the nature and extent of such interest.

**Distribution of Code of Ethics** – The Village Administrator / Village Clerk of the Village of Pleasantville shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Village of Pleasantville within 30 days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment.

### Penalties for Offenses:

1. Any official or employee who shall willfully and knowingly violate any provision of this chapter shall, upon conviction thereof by a court of competent jurisdiction, be guilty of a violation and be subject to a fine of not more than $100 for the first offense and not more than $250 for each subsequent offense.
2. Any official or employee who shall be convicted of a violation of this chapter may be suspended or removed from office or employment by the Village Board of Trustees.
3. Any official or employee who shall violate any provision of this chapter shall be liable for the payment to the village of damages in the amount of any profit or gain realized by such person from such violation.
4. If, in connection with any transaction or contract, a violation of any provision of this chapter shall occur, said transaction or contract shall be voidable at the option of the Village Board of Trustees.
5. The penalties and liabilities created by this section shall be cumulative.

## Personnel Records

**Policy Statement** – It is the policy of the Village to balance its need to obtain, use, and retain employment information with a concern for each employee’s privacy. To this end, the Village will endeavor to maintain only that personnel information necessary for the conduct of the Village’s business or required by federal, state, or local law. Personnel records will be maintained for current and past employees in order to document employment related decisions and comply with government record keeping and reporting requirements.

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

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

**Employment Eligibility Verification (I-9) Forms** – All Employment Eligibility Verification (I-9) Forms will be kept in a separate file apart from the employee’s personnel file.

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

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

**Change in Status** – An employee must immediately notify the Finance office of a change of name, address, telephone number, marital status, number and age of dependents.~~and~~ ~~beneficiary designations.~~

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

## Separation from Employment

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

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

**Notice of Resignation (Village Officers)** – A Village Officer (as defined by Public Officers Law) must resign by delivering a written notice to the Village Administrator / Village Clerk. If no effective date is specified, the office becomes vacant immediately upon delivery of the notice to the Village Administrator / Village Clerk. If a Village Officer wishes to resign at some future date, the Village Officer may specify a resignation date.

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

**Final Paycheck** – Employees will receive their paycheck as per the payroll schedule. The final paycheck will be issued with applicable unused accruals, granted all Village property issued to the employee has been returned.

### Future Employment

After the termination of service or employment with the Village, no former reporting officer or employee, on his or her own behalf or as an employee, agent or representative of another, may appear before any agency in relation to any contract, case, proceeding or application in connection with which he or she personally rendered substantial services during the period of his or her service to or employment by such agency; nor shall any such former reporting officer or employee appear before any such agency in connection with any other matter for a period of one year following such termination.

No paid reporting officer or employee shall accept present or future employment, within one year following termination of Village service, with any person, firm or corporation which furnished goods or services to the Village during such person’s service to the Village unless such potential employment is disclosed to the Board of Trustees before being accepted by the officer or employee and is approved prospectively by such board.

A reporting officer or employee shall disclose in writing to an immediate supervisor any offer of employment received by such person from any person, firm or corporation which, to the knowledge of such officer or employee, is furnishing or seeking to furnish goods or services to the Village, whether or not such offer is verbal or written and whether or not it is accepted.

### Consulting Services

No person, firm or corporation shall render services to the Village as a consultant, whether paid or unpaid, unless such consultant files an instrument with the Village Clerk.

Such instrument shall be in the form of an affidavit and shall state that “the consultant agrees that it has no interest and will not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of the services rendered to the Village of Pleasantville.” Such instrument shall further state the “the consultant further agrees that, in the rendering of services to the Village, no person having any such interest shall be employed by it.”

No reporting officer or employee shall, upon termination of employment with the Village, become employed by or accept a position of paid consultant to the Village or any agency thereof within a period of one year following such termination unless such consultation be first approved by the Board of Trustees.

# OPERATIONAL POLICIES

## Departmental Hours

**Normal Hours of Operation** – The normal hours of operation are established by the Village Board at the annual organizational meeting. The Village Board reserves the right to approve all employee work schedules, except where otherwise prohibited by applicable State or Village Law or a collective bargaining agreement.

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

**Overtime** – A Department Head may require an employee to work additional hours beyond the employee’s normal workday and workweek. An employee must receive prior approval from the employee’s Department Head before working additional hours.

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

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

**Union Employees** – The work schedules of employees covered by a collective bargaining agreement shall be governed by the applicable collective bargaining agreement.

## Meal and Rest Breaks and Breaks for Nursing Mothers

**Meal Breaks** – An employee who works more than six hours in a given day will receive an unpaid, duty-free meal break of either thirty or sixty minutes.

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

**Observance of Meal Breaks** – In accordance with New York State regulations, an employee who works more than six hours in a given day is required to take the scheduled meal break.

**Rest Breaks** – A full-time employee will normally receive a paid, duty-free rest break of up to fifteen minutes to be taken approximately in the middle of the first half of the employee’s workday and again during the middle of the second half of the workday. In the event an employee works beyond the employee’s normal workday, the employee will normally receive an additional paid, duty-free rest break of up to fifteen minutes to be taken approximately in the middle of each four hours of work that is not interrupted by a meal break. An employee who chooses not to take a rest break will not be entitled to leave before the normal quitting time and will not receive extra pay for the time worked.

**Approval of Rest Breaks** – Rest breaks must be approved by the employee’s Department Head in accordance with the needs and requirements of the department. Unless otherwise specified by departmental rules, all rest breaks must be taken at the work-site and may not exceed the time allowed.

**Breaks for Nursing Mothers to Express Breast Milk** – Employees who are nursing mothers shall be allowed to use a reasonable break (generally between twenty to thirty minutes) in addition to the employee’s meal and rest breaks to express milk for a nursing child. The Village will provide this break at least once every three hours if requested by the employee. This provision applies to nursing mothers for up to three years following childbirth. The Village will make a reasonable effort to provide a room or location other than the restroom or toilet stall, within walking distance to the employee’s work space, or other location in close proximity to work so that nursing mothers can express in private. An employee wishing to avail herself of this break is required to give the Village advance notice, preferably prior to the employee’s return to work following the birth of her child, to allow the Village an opportunity to establish a location and to schedule leave time for multiple employees, if needed.

**Union Employees** – An employee who is a member of a collective bargaining unit is not covered by the Meal and Rest Breaks provisions set forth above, other than Breaks for Nursing Mothers to Express Breast Milk, and should refer to the applicable collective bargaining agreement.

## Emergency Situations

**Closing Procedures** – In the event that extraordinary weather conditions or other emergencies develop prior to the beginning of the workday, the Village Administrator / Village Clerk may authorize the closing of non-emergency operations, or, if extraordinary weather conditions or other emergencies develop during a workday, the Village Administrator / Village Clerk may direct that certain employees who perform non-essential services leave work.

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

* + **During Work –** A full-time employee who is directed by the Village Administrator / Village Clerk to leave work due to an emergency closing will be paid for the remainder of the employee’s normal workday at the employee’s regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime. A part-time employee who is directed to leave work due to an emergency closing will not be paid for the remainder of the employee’s normal workday. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.
	+ **Prior to Reporting to Work** – If a determination is made to close operations prior to the start of a workday, the Village Administrator / Village Clerk will initiate notification to all affected employees. A full-time employee who is directed not to report to work due to an emergency closing will be paid for the employee’s normal workday at the employee’s regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime. A part-time employee who is directed not to report to work will not be paid for the workday. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

**Inclement Weather** – Employees are expected to report to work and remain at work during inclement weather conditions unless otherwise notified by the Village. Employees should use their own discretion in determining whether they can commute safely to work due to inclement weather. When the Village Administrator / Village Clerk has not officially shut down operations, an employee who does not report to work or requests to arrive at work late or leave work early due to inclement weather must obtain authorization from his or her Department Head prior to doing so. The employee must use accrual/paid leave, if available, or take the time off without pay. If an FLSA exempt employee has no paid leave benefits available, the employee will only be docked if a full workday is taken.

**Union Employees** – An employee who is a member of a collective bargaining unit is not covered by the Emergency Situations provision set forth above and should refer to the applicable collective bargaining agreement.

## Time Records

**Policy Statement** – All Village of Pleasantville employees are required to complete an individual time record showing the daily hours worked. Employees use the employee portal to record their daily hours worked and to request time off.

**Procedures** – Reporting of time records must comply with the following provisions:

* + All time worked must be recorded;
	+ All paid and unpaid leaves of absence must be recorded;
	+ The time record must be submitted to the employee’s immediate supervisor at the time specified;
	+ The time record must be verified by the immediate supervisor and Department Head or Village Administrator / Village Clerk.

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

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

## Bonding

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

## Expense Reimbursement

**Policy Statement** – Upon proper authorization of the Village Board, an employee or Elected Official will be reimbursed for expenses associated with carrying out Village business, including, but not limited to, meals, lodging, mileage, parking, highway tolls, and training and membership fees. For expenses larger than twenty dollars ($20) A voucher with all required documentation and corresponding receipts must be submitted to the Village Board in order for the reimbursement to be processed.

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

**Mileage** – An employee who is directed by the appropriate Department Head or supervisor to use the employee’s own vehicle to conduct Village business will be reimbursed at the mileage rate established by the IRS which will be memorialized by the Village Board at the annual organizational meeting.

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

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

**Union Employees** – An employee who is a member of a collective bargaining unit is not covered by the Education and Training and Required Membership Fees provisions set forth above and should refer to the applicable collective bargaining agreement.

## Vehicle Usage

**Policy Statement** – All vehicles and related equipment of the Village of Pleasantville are owned and maintained for the purpose of conducting official business of the Village. Said vehicles and equipment may not be used for the personal use or private gain of any official or employee, nor for any other purpose which is not in the general public interest.

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

* + Village vehicles and related equipment must remain under the general administrative jurisdiction and direction of the Department Head to which it is assigned.
	+ Village vehicles must be assigned to specific Village officials and employees for specific purposes and tasks. Said vehicles may not be used for any unauthorized purpose nor to conduct personal, private, or non-Village related business.
	+ Village vehicles must always be operated in a safe and responsible manner and in compliance with all applicable motor vehicle and traffic laws in effect. Employees are responsible for any driving infractions or fines that result from their operation of Village vehicles, and must report them to their Department Head. The Village is responsible and will pay for any fines which would typically be levied against the owner of the vehicle for infractions related to the vehicle itself.
	+ Any accident involving a Village vehicle, regardless of severity, must be reported immediately to the appropriate Department Head. The Department Head must file an accident report with the Village Administrator’s Office within twenty-four hours.
	+ The use of a cell phone when driving on Village business must be compliant with all applicable laws and/or regulations.
	+ Village vehicles may not be used to transport persons who are not officials or employees of the Village of Pleasantville, nor material not related to the conduct of official Village business, without direct authorization by the appropriate Department Head or the Village Board.
	+ Village vehicles must always be maintained in a safe and secure condition when not in use, including being locked and/or under direct observation; and all keys maintained under controlled and authorized jurisdiction of the appropriate Department Head.
	+ No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on Village vehicles at any time, except those of a limited community service nature which have been authorized by the Village Board.
	+ No smoking or vaping ~~or drinking is~~ permitted in Village vehicles.
	+ Employees should not operate Village vehicles under the impairment of alcohol or drugs.

## Driver's License / Insurance Requirements

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

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

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

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

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

Failure to maintain acceptable insurability standards may affect the employee’s employment status with the Village.

## Supplies, Tools and Equipment, and Fuel Usage

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

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

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

## Telephone / Cell Phone Usage

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

* + An employee must answer promptly and speak in a clear, friendly and courteous tone.
	+ An employee may make personal telephone calls, however, such calls should be limited in duration and frequency and must not interfere with the performance of the employee’s job duties.
	+ An employee may not make or receive personal calls on a Village provided telephone or cell phone that will result in additional charges to the Village, except in an emergency and/or with prior approval from the Department Head. The employee must reimburse the Village for the cost of the call.
	+ The use of Village issued cell phones is monitored to ensure no excessive or inappropriate use occurs.
	+ The use of a cell phone while driving on Village business must be in compliance with all applicable laws.

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

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

## Use of Communication Systems and Equipment

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

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

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

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

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

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

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

**Internet / Electronic Messaging Requirements**

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

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

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

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

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

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

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

## Village of Pleasantville Social Media Policy

**Policy Statement** – This policy establishes a set of rules and guidelines for any activity and participation in “social media” by all Village “users.” These rules are intended to be adaptable to the changes in technology and norms of online communication and behavior, and may be amended by the Village at any time, for any reason, without notice to users.

For purposes of this policy:

The term “social media” applies to any web-based and mobile technologies, in use now or developed in the future, that enable individuals or entities to disseminate or receive information, communicate, or otherwise interact, and includes, without limitation, email, texting, messaging, social networking, blogging, micro-blogging, bulletin boards, and so on, through providers such as Facebook, LinkedIn, MySpace, Twitter, YouTube or others.

The term “users” refers to employees, supervisor, volunteers, and independent contractors.

**Use of Social Media by Village Users in their Official Capacities** – Village users may use social media technologies in their official capacities and on behalf of the Village department they work for if authorized by the Department Head or his/her designee. Village Departments may also authorize users to use social media technologies to: (a) increase collaboration among Village workforce members; (b) support greater participation in the Village’s operations, where appropriate; and (c) improve operational efficiencies within the Village.

Village users must adhere to the following rules when using such technologies through Village information technology (“IT”) resources and/or in their capacities as a Village employee, supervisor, volunteer, and/or independent contractor. Village users:

* + Shall abide by all applicable Village policies – including but not limited to those regarding harassment, discrimination, and the use of the Internet and Village IT resources – when using social media in their Village business capacity. The use of social media on Village IT resources will be monitored by the same method as defined under Village policies and work rules.
	+ Are responsible for all of their online activities.
	+ Shall not discuss or post confidential, proprietary or otherwise restricted information.
	+ Shall obtain the necessary authorizations by management and the appropriate Department Head, or other designee, as appropriate, to communicate on behalf of the Village.
	+ When speaking on behalf of the Village, must be transparent when participating in any online community; they should disclose their identity and affiliation with the Village.
	+ Shall communicate in a professional manner.
	+ Shall abide by copyright and other applicable laws. A user’s comments and posts may be permanently available and open to being republished in other media. Users should be aware that libel, defamation, copyright and data protection laws apply to postings on social media.
	+ Must obtain permission before publishing photographs, videos or quotes of others. Village users should be aware that there is a reasonable chance that their posting

on social media sites could be misconstrued as a position of the Village if the Village user posts material while using their official title, or posts material with a description of their work at the Village. In such circumstances, users can use a disclaimer such as the following, where technically feasible, to avoid this situation: "The postings on this site are my own and do not represent the position, strategy or opinion of the Village of Pleasantville."

**Use of Social Media by Village Users in their Personal Capacities** – Village users should exercise caution and common sense when using social media in their personal, non-Village capacities.

* + As a recommended practice, Village users are encouraged to use appropriate privacy settings to control access to their personal social media sites. However, be aware that there are limitations to privacy settings. Private communication published on the internet can easily become public. Furthermore, social media sites can change their current default privacy settings and other functions. As a result, users have an individualized responsibility to understand the rules of the social media site being utilized.
	+ Village users should not “tag” photos of other Village personnel without the prior permission of the individuals being tagged.
	+ Personal social media use, including off-hours use, has the potential to result in disruption in the workplace, and can be in violation of Village policies and applicable law.
	+ The posting or disclosure confidential, proprietary or otherwise restricted information is prohibited.
	+ Village users should not use the Village’s logo in any postings and should not link to the Village’s website or post Village material on any personal social media sites without the permission of the Department Head.

**Questions** – Questions regarding this policy should be referred to the applicable Department Head.

## Personal Appearance

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

**Standards** – An employee must maintain a personal appearance in a manner that reflects a good image to the public. Acceptable personal appearance is an ongoing requirement of employment with the Village. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Employees should not wear suggestive attire, athletic clothing, shorts, tank tops, novelty buttons, and similar items of casual attire since this clothing does not present a businesslike appearance.

**Safety Clothing and Equipment** – An employee may be required to wear safety clothing and equipment as directed by the Department Head. If such is the case, the employee must comply with all safety requirements.

**Uniforms / Standard Clothing** – An employee may be required to wear a uniform or standard Village issued clothing as directed by the Department Head and/or as provided in a collective bargaining agreement. If such is the case, the employee must comply with all requirements. Attire should conform to the dress code for the duties being performed.

## Solicitations/Distributions

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

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

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

## Disclosure of Information

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

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

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

## Visitors

**Policy Statement** –Visitors are allowed for brief visits as long as such visit does not interfere with Village operations or interrupt other employees who are still working.

## Purchasing / Credit Cards

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

## Maintenance of Work Area

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

**Employee Responsibility** – Employees are responsible for maintaining their work area in a safe and orderly fashion. As such, each employee should, at a minimum, do the following:

* + Place coats, boots, umbrellas and other items of clothing in designated areas so that work areas are not unnecessarily cluttered;
	+ Report any existing or potential workplace hazards and safety violations to the Department Head;
	+ No smoking is permitted on Village property, including Village vehicles per the New York State Clean Indoor Air Act (Public Health Law, Article 13-E).
	+ Clean and store all tools and equipment and properly store any items, papers or confidential information in a manner prescribed by the Department Head.

**Supervisory Responsibility** – Supervisors are responsible for having their employees maintain their work areas according to the requirements of this policy. Each supervisor should:

* + Make sure that aisles, floors and walls are free from debris and other unnecessary items;
	+ Monitor the facilities and equipment and issue maintenance requests where appropriate;
	+ Arrange for the removal of any items from the workplace that are not needed for the flow of business or the enhancement of employee comfort;
	+ Abide by and enforce the Village’s no smoking and vaping policy;
	+ Ensure the proper disposal of all trash and waste.

## Personal Property

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

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

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

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

## Village Property

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

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

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

## Unauthorized Work

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

## Outside Employment

**Policy Statement** – It is the policy of the Village that an employee may engage in outside work as long as such outside work does not interfere with the employee’s performance standards, pose an actual or potential conflict of interest, or compromise the interests of the Village.

**Guidelines** – The following guidelines have been established for an employee who engages in outside work.

* + An employee will be judged by the same performance standards and will be subject to the Village’s scheduling demands, regardless of any existing outside work requirements.
	+ If the Village determines that an employee’s outside work interferes with the performance or the ability to meet the requirements of the Village as they are modified from time to time, the employee may be required to terminate the outside employment if the employee wishes to remain employed by the Village.
	+ No Village equipment, supplies, or other material may be used by an employee for purposes other than Village work.
	+ Outside employment that does or may constitute a conflict of interest is prohibited. An employee may not receive any income or material gain from any entity outside of the Village for materials produced or services rendered while performing the employee’s Village job.
	+ An employee may not work on outside employment during any period which the employee is regularly scheduled to work for and is paid by the Village.
	+ A Village employee who engages in outside work must notify the person for whom the work is being performed that such work is being done on the employee’s own time and that the employee is not representing the Village while performing such work.

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

**Union Employees** – In addition to the above guidelines, an employee who is a member of a collective bargaining unit may be subject to rules and/or guidelines regarding outside employment as set forth in the collective bargaining agreement or rules of the department to which the employee is assigned.

# ABSENCE POLICIES

## Attendance

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

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

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

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

**Unscheduled Absences** – An employee who is unable to report to work must personally contact the employee's Department Head before the employee's scheduled starting time. The employee must communicate directly with the Department Head either via ESS, email, text or phone, indicating the reason for the absence and when the employee expects to return to work. Asking another person to call in on the employee's behalf is not permitted. Notification requirements may be waived in cases of emergency.

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

**Early Departure** – In the event an employee must leave work during the workday, the employee must receive permission from the employee’s Department Head prior to leaving.

**Leaving the Premises** – An employee must obtain prior approval from the employee's Department Head to leave an assigned worksite during working hours due to a non-work related reason. An employee who leaves an assigned worksite during the workday due to business reasons must notify the employee's supervisor in accordance with department policy.

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

## Jury Duty Leave

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

**Notification of Jury Duty** – When an employee receives notice to report for jury duty, the employee must immediately submit a copy of the notice to the employee’s Department Head.

**Return to Duty** – In the event the employee is released from jury duty on a given day and there are two or more hours remaining in the employee’s scheduled workday, the employee must report to work.

**Accrual of Benefits** – The Village will continue to provide health insurance benefits for an eligible employee during the jury leave. Vacation leave, sick leave and holiday benefits will continue to accrue during jury duty leave.

## Military Leave and Military Leave of Absence

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

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

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

## Leave for Cancer Screening

**Policy** – The Village of Pleasantville complies with New York State Civil Service Law

§159-b which entitles all Village employees to paid leave to undertake screening for cancer. This leave will not be charged against any available sick, vacation, personal, compensatory or other leave accruals. This does not preclude an employee’s option to use other available paid leave for this same purpose.

**Allowance** – An employee will be allowed four hours of paid leave per year for the purpose of undergoing a screening procedure for cancer. Such paid leave will be accrued as of June1 each year. If the employee does not exercise his/her rights to the leave, those hours are not carried forward to the next year. The allowed leave time may include the travel time to and from the appointment and any subsequent follow up consultation visits. In addition, the allowed leave may be staggered throughout the year until the maximum allowance has been reached.

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

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

## Leave for Blood and/or Bone Marrow Donations

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

**Blood Donation Allowance** – An employee will be allowed a leave of absence of up to three hours per year under this policy. Such leave will be accrued as of June1 each year. If the employee does not exercise his/her rights to this leave, those hours are not carried forward to the next year. The allowed leave may include the travel time to and from the appointment. The Village may require the employee to provide proof of blood donation.

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

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

## Volunteer Firefighters / Emergency Responders

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

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

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

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

## Family and Medical Leave Policy

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

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

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

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

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

* + Upon the birth of the employee's child and to care for the newborn child;
	+ Upon the placement of a child with the employee for adoption or foster care and to care for the newly placed child;
	+ To care for the employee's spouse, son, daughter or parent who has a serious health condition;
	+ Because of the employee's own serious health condition which makes the employee unable to perform one or more of the essential functions of his or her job; and
	+ Because of any qualifying exigency (refer to Qualifying Exigency Leave below) arising out of the fact that the employee’s spouse, son, daughter or parent is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

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

**Qualifying Exigency Leave** – Eligible employees who work for the Village may take up to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* + **Use of Accrued Paid Leave Credits** – An employee taking leave for the **birth, adoption or foster placement of a child, to care for a spouse, child or parent with a serious health condition or military caregiver leave** may use pertinent accrued time. FMLA will commence when pertinent accrued time has been exhausted. Use of these leave credits does not extend the maximum allowable period specified by FMLA regulations.

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

* + **Accrual of Paid Leave Credits** – An employee will continue to accrue vacation and sick leave and receive holiday pay during the portion of the leave that is paid. **Paid leave is defined as leave during which the employee continues to use accumulated paid vacation and sick leave**. After all such paid leave is exhausted, the remaining leave of absence is unpaid. An employee will not earn paid vacation or sick leave or receive holiday pay for any holidays that may occur during an unpaid leave of absence.
	+ **Medical Insurance** – During the period of authorized FMLA designated leave, an employee’s eligibility status for medical insurance coverage will not change. (In the event the employee has accumulated paid leave credits that extend beyond the twelve workweek period, the employee should refer to Sections 706 – Short Term Disability and 707 – Workers Compensation regarding additional medical insurance coverage provisions.) All employee contributions (if any) must be paid on a timely basis in order to maintain the continuous coverage of benefits. Contributions will be at the same level as if the employee was working. Coverage will cease if payments are not made within a thirty-calendar day grace period of the due date. Premium payments or policy coverage are subject to change. In the event the employee fails to return to work after the designated period of FMLA leave has been exhausted, the employee may continue coverage with responsibility for payment of the full premium amount under COBRA (see Section 704) provisions. In addition, the Village may recover the premium that it paid for maintaining the coverage during any period of the unpaid leave except for the following circumstances:
		- The continuation, recurrence, or onset of a serious health condition of the employee or the employee's eligible family member with proper medical certification; or,
		- Circumstances beyond the employee's control, such as: parent chooses to stay home with a newborn child who has a serious health condition; employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's work-site; the employee is laid off while on leave.

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

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

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

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

# 600 COMPENSATION

## 601 Overtime / Compensatory Time

**Authorization** – A Department Head may require an employee to work additional hours beyond the employee’s normal workday and workweek. An employee must receive prior approval from the employee’s Department Head or supervisor before working additional hours.

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

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

**Compensatory Time** – With pre-authorization from the Department Head, a non-exempt employee will have the option of receiving “compensatory time” in lieu of paid overtime. When a non-exempt employee chooses to receive compensatory time, the employee will be credited with the time and one-half or double-time for all authorized time worked over thirty-five or forty hours in a given workweek.

**Termination from Employment** – An employee whose employment with the Village is terminated will receive cash payment for unused compensatory credits to which the employee is properly entitled at the employee’s then current rate of pay.

**Union Employees** – An employee who is a member of a collective bargaining unit shall receive overtime compensation in accordance with the overtime provision of the applicable collective bargaining agreement and is also subject to the provisions of the FLSA.

## 602 Pay Period and Check Distribution

**Payroll Period** – Normally, employees are paid on a bi-weekly basis.

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

**Distribution** – The employee’s Department Head or designee will pick employee paychecks up from the Finance office and distribute to employees. Where requested, employee paychecks will be mailed to employees.

**Direct Deposit** – The Village provides a direct deposit option for employees. If elected, the paycheck will be deposited directly into the employee’s account at the designated financial institution. The employee must submit a signed, written authorization for direct deposit to the Finance office.

**Authorized Check Release** – The Department Head will not release a paycheck to anyone other than the employee unless the employee has submitted a signed, written authorization with the Finance office.

## 603 Payroll Deductions

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

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

# EMPLOYEE BENEFITS

## Holidays

**Designated Holidays** – The Village of Pleasantville will observe the following holidays:

|  |  |
| --- | --- |
| 1. New Year’s Day | 7. Labor Day |
| 2. Martin Luther King Day | 8. Columbus Day |
| 3. Lincoln’s Birthday (Floater) | 9. Veterans’ Day |
| 4. President’s Day | 10. Thanksgiving Day |
| 5. Memorial Day | 11. Day after Thanksgiving |
| 6. Independence Day | 12. Christmas Day |

|  |  |
| --- | --- |
| 1. New Year’s Day | 7. Columbus Day |
| 2. Martin Luther King Day | 8. Election Day (Floater) |
| 3. Lincoln’s Birthday (Floater) | 9. Thanksgiving Day |
| 4. President’s Day |  |
| 5. Memorial Day | 10. Christmas Eve – ½ Day (noon) |
| 6. Independence Day | 11. Christmas Day |
| 7. Labor Day |  |

**Eligibility** – A full-time employee is eligible for holiday pay at the employee’s regular rate of pay. A part-time, temporary, or seasonal employee is not eligible for holiday pay. (Part- time employees paid on a salary basis will receive their regular pay during a pay period in which a holiday occurs.) Holiday pay will be based upon the employee’ scheduled hours on the day the holiday occurs.

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

**Union Employees** – An employee who is a member of a collective bargaining unit is not covered by the Holidays provisions set forth above and should refer to the applicable collective bargaining agreement.

## Paid Leave

**Eligibility** – Full-time Village employees who are not members of a collective bargaining unit are provided with paid leave (e.g. vacation, sick, personal, bereavement) as established and authorized by the Village Board in separate written agreements. Full details are available from the Finance Office. Union employees are provided with paid leave in accordance with the applicable collective bargaining agreement.

### Paid Leave Increments – Village employees may use paid leave in the following increments:

**Vacation: Full day only Floater: Full day only**

**Sick: ½ hour increment Personal: ½ hour increment Comp time: ½ hour increment Chart time: ½ hour increment**

1. ***Health, Dental and Optical Insurance***

**Eligibility** – Full-time Village employees who are not members of a collective bargaining unit are provided with health insurance coverage as established and authorized by the Village Board. Full details are available from the Finance Office. Union employees are provided with health insurance coverage in accordance with the applicable collective bargaining agreement.

1. ***Continuation of Health Insurance Benefits (COBRA/NYS Continuation Coverage)***

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

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

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

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

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

* + Termination of the covered employee’s employment for any reason except gross misconduct, or the covered employee's loss of eligibility to participate due to reduced work hours.
	+ When a covered employee is on a leave of absence due to military service obligations.
	+ Death of a covered employee.
	+ Divorce or legal separation from a covered employee.
	+ A covered dependent ceases to be a "dependent child" under the health insurance plan.
	+ A covered dependent child's loss of eligibility to participate in the insurance plan due to the covered employee becoming covered by Medicare as a result of total disability or choosing Medicare in place of the insurance plan at age sixty-five.

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

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

## Optional Insurance

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

## Short-Term Disability Benefits

**Reporting of Illness or Injury** – The employee must submit a written report of the illness or injury to the employee’s Department Head and the Deputy Treasurer as soon as possible upon becoming aware of the need to apply for short-term disability benefits. Proper medical certification will be required and must be submitted with the application form.

**Union Employees** – An employee who is a member of a collective bargaining unit is not covered by the Short-Term Disability Benefits provision set forth immediately above, and should refer to the applicable collective bargaining agreement.

## Workers' Compensation Benefits

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

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

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

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

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

**Union Employees** – An employee who is a member of a collective bargaining unit is not covered by the Use of Sick Leave Credits provision set forth immediately above, and should refer to the applicable collective bargaining agreement.

## Social Security

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

## The New York State Employees’ Retirement System

**Summary** – The Village will make available the New York State Employees’ Retirement System pension plan to each eligible employee and Elected Official. An employee or Elected Official is eligible for service retirement benefits after completion of the required minimum period of creditable public sector service (either five or ten years depending on tier.)

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

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

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

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

## Police and Fire Retirement System

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

## Employee Assistance Program

**Summary** – The Village currently offers an Employee Assistance Program (EAP) for a full- time employee and the employee’s family to obtain confidential, professional counseling. This program is designed to help employees and their families deal with a variety of problems through professional consultation on a confidential basis.

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

**Westchester County Employee Assistance Program Phone: (914) 995-6070**

**Send an e-mail to:** **pkj1@westchestergov.com** **Communicating by e-mail may not be confidential. If you are interested in**

**maintaining confidentiality, it is best to contact the EAP by phone.**

# COMPLIANCE POLICIES

## The Americans with Disabilities Act

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

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

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

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

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

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

## Sexual Harassment Policy for the Village of Pleasantville

**Policy Statement** – The Village of Pleasantville has developed a Sexual Harassment Policy that applies to all Elected Officials, appointed members of Boards and Commissions, employees, supervisors and Department Heads, whether employed full or part-time, temporary or seasonal, paid or unpaid interns, volunteers, independent contractors and those employed by companies contracting to provide services in the workplace. A copy of this policy, as well as the Complaint Form can be found on the Employee Portal. On July 29, 2022 a confidential hotline for complaints of workplace sexual harassment was established. New York employees may now call 1-800-427-2773 to obtain free legal counseling for any complaint of sexual harassment in the workplace.

## Violence in the Workplace

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

**Workplace Violence Prevention Program** – In accordance with the New York State Workplace Violence Prevention Act, the Village of Pleasantville has developed a Workplace Violence Prevention Program. As a part of this program, the Village conducted a comprehensive risk evaluation of the entire workplace and will conduct annual reviews to identify risk factors that may increase the likelihood of workplace violence and implement appropriate measures to minimize or eliminate these hazards. In order to achieve this goal, the Village encourages the participation and cooperation of employees and their authorized employee representative(s).

**Prohibited Conduct** – The Village has zero tolerance for violence of any kind in the workplace, including but not limited to, physical assault (e.g., hitting, pushing), threatening, intimidating, or aggressive behavior, or verbal abuse or harassment. In addition, employees and visitors are prohibited from possessing firearms or weapons (e.g., guns, knives, explosives, and other items with the intention to inflict harm) in the workplace, even if licensed to carry the weapon. The only exceptions are law enforcement and authorized security personnel. An employee who has knowledge that a coworker or visitor possesses a weapon on Village property must report this to a Department Head or supervisor immediately.

For the purpose of this program, the workplace is defined as any location away from an employee’s home, either permanent or temporary, where the employee performs any work-related duty in the course of employment. This includes, but is not limited to, Village- owned buildings and surrounding perimeters, parking lots, work sites, clients’ homes, and traveling to and from work assignments.

**Reporting Requirements** – Any incident of workplace violence or imminent danger must be promptly reported to the Department Head or the Village Administrator / Village Clerk.

**Policy Violations** – Violations of this policy will result in appropriate remedial, disciplinary, and/or legal action, according to the circumstances.

**Prohibition Against Retaliation** – An employee will not be subject to criticism, reprisal, retaliation, demotion, discrimination, disciplinary action, or other adverse employment action for making a good faith report of acts pursuant to this program.

## Drug-Free Workplace / Drug Free Awareness Program

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

**Coverage** – The Village of Pleasantville’s Drug-Free Workplace Policy pertains to all individuals who are employed by the Village of Pleasantville.

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

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

**Use of Prescription and Over-the-Counter Drugs** – Prescription drugs must be in the possession of the individual to whom the prescription was written, taken in the dosage prescribed, and maintained in their original containers. Employees in public safety or safety-sensitive positions must inform their supervisors of any prescription or legal, nonprescription (i.e., over-the-counter) drugs they are currently taking that could in any way affect or impair the employee's ability to perform the job safely. The legal use of prescribed and over-the-counter drugs is permitted on the job only if it does not impair an employee's ability to perform the job safely and if it does not affect the safety or well being of other individuals in the workplace.

**Non-Discrimination Policy** – The Village of Pleasantville will not discriminate against an applicant or employee because of past substance abuse provided it can be demonstrated that the applicant/employee has received appropriate treatment and tests negative for controlled substance use. It is the current use of alcohol and controlled substances that will not be tolerated in the workplace.

**Employee Assistance** – It is the policy of the Village to work with an employee suffering from substance abuse so that the employee will receive assistance necessary to overcome dependency. An employee seeking such assistance is encouraged to contact the employee’s Department Head, or the EAP program, to discuss the situation before problems begin to surface in the workplace. Any disclosures made by an employee will be treated as strictly confidential to the greatest extent practicable. The employee's decision to seek assistance will not be used as the basis for disciplinary action nor used against the employee in any disciplinary proceeding.

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

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

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

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

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

* 1. Declining Performance
		+ poor concentration
		+ confusion in following directions
		+ noticeable change in the quality of work
		+ inability to meet deadlines
		+ errors in judgment affecting the health and safety of others
		+ customer complaints and injuries
	2. Increased Costs
		+ five times the average sick and accident benefits
		+ higher job turnover, replacement and training costs
		+ greater workers’ compensation and health insurance payments
		+ 3 to 5 times more on-the-job accidents
		+ unemployment claims
	3. Absenteeism and Tardiness
		+ double the normal rate
		+ repeatedly being late for work and often leaving early
		+ extended lunch hours
		+ frequent illness and accidents both on and off the job
	4. Damaged Relationships
		+ emotional outbursts, over-reaction to criticism, mood swings, complaints from co- workers, associates and the public often leading to damaged relations

## Controlled Substance and Alcohol Testing

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

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

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

## Smoking

**Policy Statement** – In accordance with the *NYS Clean Indoor Air Act*, it is the policy of the Village to prohibit smoking in the workplace, which includes all Village buildings and all Village vehicles.

# SAFETY

## Workplace Safety

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

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

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

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

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

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

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

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

## Hazard Communication Program

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

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

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

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

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

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

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

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

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

# 1000 COMMUNICATION PROCEDURES

## 1001 Organizational Communications

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

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

## 1002 Adverse Communications

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

## 1003 Suggestions

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

## 1004 Public Relations

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

## 1005 Press Policy

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

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

## 1006 Reporting of Improper Activities

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

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

# 1200 EMPLOYEE ACKNOWLEDGEMENT FORM

Detach and place in employee’s personnel file.

**VILLAGE OF PLEASANTVILLE EMPLOYEE HANDBOOK ACKNOWLEDGMENT**

I hereby acknowledge that a copy of the ***Village of Pleasantville Employee Handbook*** outlining the rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits of the Village of Pleasantville is available for review via the Employee Portal https://[www.pleasantville-ny.gov/sites/g/files/vyhlif1076/f/uploads/pleasantville\_handbook-](http://www.pleasantville-ny.gov/sites/g/files/vyhlif1076/f/uploads/pleasantville_handbook-) final\_proof\_10-26-20.pdf. I further acknowledge that I have read, or will read, the contents of the Employee Handbook and will contact my Department Head or the Village Administrator / Village Clerk if I have any questions.

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

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

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

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

Employee name (please print) Department Head Name (please print)

Employee Signature Department Head Signature

Date of Signature Date of Signature