

VILLAGE OF HOMER



EMPLOYEE HANDBOOK

Adopted by Resolution of the Board of Trustees on
_____ July 22, 1997 _____

REVISED:
VILLAGE OF HOMER BOARD OF TRUSTEES
AUGUST 2005
August 2019
March 14, 2022

VILLAGE OF HOMER

EMPLOYEE HANDBOOK

Village of Homer Employee Handbook

Table of Contents

<u>Section and Topics:</u>	<u>Section Page Number:</u>
100 INTRODUCTION _____	1
101 Welcome Message _____	1
102 Our Heritage _____	1
103 Definitions _____	2
104 The Purpose of this Employee Handbook _____	3
200 EMPLOYEE CLASSIFICATIONS _____	2
201 Full-Time Employees _____	1
202 Part-Time Employees _____	1
203 Temporary Employees _____	1
204 Seasonal Employees _____	1
205 FLSA Non-Covered Employees _____	1
206 FLSA Exempt Employees _____	1
207 FLSA Non-Exempt Employees _____	2
300 THE CIVIL SERVICE SYSTEM _____	3
301 The Unclassified and Classified Services _____	1
302 Civil Service Appointments _____	1
303 Examinations and Promotions _____	2
304 Veteran's Credits _____	2
400 EMPLOYMENT MATTERS _____	4
401 Oath of Office _____	1
402 Procedure for Filling Vacancies _____	1
403 Employment of Minors _____	2

404	Probationary Period _____	2
405	Performance Reviews _____	3
406	Corrective Discipline _____	3
407	Civil Service Law Section 75 _____	5
408	Code of Ethics _____	8
409	Personnel File _____	10
410	Separation of Employment _____	11
411	Police Department Training _____	11
412	Streets, Cemetery, Recreation, Codes, Historian, Village Offices, Water & Sewer Dept. Training _____	12
500	OPERATIONAL POLICIES _____	5
501	Departmental Hours _____	1
502	Emergency Situations _____	1
503	Meal and Rest Breaks _____	2
504	Time Records _____	2
505	Expense Reimbursement _____	3
506	Vehicle Usage _____	3
507	Driver's License _____	4
508	Supplies, Tools and Equipment, and Fuel Usage _____	4
509	Telephone / Cell Phone Usage _____	5
510	Computer Systems and Internet/On-Line Service _____	6
511	Personal Appearance _____	7
512	Uniforms _____	8
513	Solicitations/Distributions _____	8
514	Visitors _____	9
515	Purchasing _____	9
516	Maintenance of Work Area _____	9
517	Personal Property _____	10
518	Village Property _____	10

519	Unauthorized Work	11
520	Outside Employment	11
521	Waste Prevention	11
522	Financial Procedures	11
523	Activities on Premises	12
524	Department Records	12
600	ABSENCE POLICIES	6
601	Attendance	13
602	Jury Duty Leave	14
603	Volunteer Duty Leave	2
604	Bereavement Leave	2
605	Military Leave and Military Leave of Absence	3
606	Family and Medical Leave Act	4
607	Family and Medical Leave Policy	5
608	Unpaid Time Off	10
700	COMPENSATION	7
701	Overtime	1
702	Pay Period and Check Distribution	2
703	Payroll Deductions	2
704	On-Call Policy	2
705	Call-In Policy	3
800	EMPLOYEE BENEFITS	8
801	Holidays	1
802	Vacation Leave	3
803	Rescinding Approved Time Off	6
804	Sick Leave	6
805	2002 Flexible Spending Accounts	8

806	Personal Leave	9
807	Disclosure of Insurance Benefits	10
808	Medical Insurance	11
809	Section 125 Plan	13
810	Continuation of Health Insurance Benefits (COBRA)	13
811	Short-Term Disability Benefits	14
812	Workers' Compensation Benefits	15
813	Unemployment Benefits	16
814	Social Security	16
815	The New York State Employees' Retirement System	16
816	Police and Fire Retirement System	16
817	Education Assistance	17
818	Employee Paid Benefits	18
819	Dental and Vision Insurance	18
820	Employee Paid Other Supplemental Insurance	20
821	Volunteer Fire Fighter Benefits for Village of Homer Fireman	20
822	Volunteer Fire Fighter Benefits - Cancer Policy	20
823	Volunteer Fire Fighter Benefits - Life Insurance Policy	21
824	Volunteer Fire Fighter Benefits - Accident and Disability Coverage	21
825	Volunteer Fire Fighter Benefits - Member Assistant Program - MAP	21
826	Volunteer Fire Fighter - Physical Exams	21
827	Volunteer Fire Fighter - Prostate Exams	21
900	COMPLIANCE POLICIES	9
901	The Americans with Disabilities Act	1
902	Equal Employment Opportunity	2
903	Fair Treatment	2
904	Sexual Harassment	3
905	Drug-Free Workplace	5

906	Controlled Substance and Alcohol Testing	7
907	Smoking	7
908	Workplace Violence/Harassment	7
1000	SAFETY	10
1001	Workplace Safety	1
1002	Hazard Communication Program	2
1100	COMMUNICATION PROCEDURES	11
1101	Bulletin Board	1
1102	Adverse Correspondence	1
1103	Suggestions	1
1104	Public Relations	1
1200	DISPUTE RESOLUTION	12
1201	Dispute Resolution Procedure	1
1300	CONCLUSION	13
1400	EMPLOYEE ACKNOWLEDGEMENT FORM	14
1500	EMERGENCY CONTACTFORM	15

100 INTRODUCTION

101 *Welcome Message*

We would like to welcome you and congratulate you on your appointment to a position with the Village of Homer. 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 Homer rewarding both personally and professionally.

102 *Our Heritage*

The first settlers in the area arrived in the Fall of 1791, settling in a military tract which constituted land set aside for veterans of the Revolutionary War. Each veteran could claim acreage depending on the rank of the claimant. Although there was significant growth in the little community over the next two decades, it was not until 1835 that Homer was incorporated as a village. It was the leading business center of the county at the time with the area's first grist mill and the Great Western store on Main Street which attracted many people from small settlements some distance from the village.

Over the years Homer has grown, but it is still relatively small with a population of only 3,291 in 2016. It is still a place of pleasant tree-lined streets with a large historic district that is on the National Register of Historic Places and a Village Green where a variety of community activities are held both winter and summer.

Like most small communities, the Village provides water and sewer, police and fire services, recreational activities, and parks. Volunteers help with beautification, planning and zoning, and special programs, but the core of the work to keep the Village well served and running smoothly can be attributed to our hard working and dedicated employees.

103 **Definitions**

Village of Homer - For purposes of this Employee Handbook, the Village of Homer may also be referred to as the "Village".

Board of Trustees - For purposes of this Employee Handbook, "Board of Trustees" will mean the Board of Trustees of the Village of Homer.

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 Homer:

- Village Mayor
- Village Board of Trustees

Village Mayor - For purposes of this Employee Handbook, "Village Mayor" will mean the Mayor of the Village of Homer.

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 Homer. 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.

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 *Rules for the Administration of the Civil Service Law in Cortland County*.

104 ***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 policies are understood as they 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, or any other applicable law, rule, or regulation.

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 proceeding.

Changes or Modifications - The Board of Trustees reserves the right to interpret, change, modify, or eliminate any provision contained in this Employee Handbook. In addition, this Employee Handbook is subject to alteration by resolutions of the Board of Trustees, 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.

Questions - Any questions regarding any topic covered in this Employee Handbook should be directed to the appropriate Department Head.

200 EMPLOYEE CLASSIFICATIONS

For purposes of identifying distinct employee classifications within this Employee Handbook, reference will be made to the terms shown below. The definition provided for each of these terms applies only within the context of the Employee Handbook. The meaning and use of these terms or similar terms may be different in the context of Civil Service Rules.

201 *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-seven and one-half (37.5) hours per week.

202 *Part-Time Employees*

For purposes of this Employee Handbook, the term “part-time employee” will mean an employee who is regularly scheduled to work less than thirty-seven and one-half (37.5) hours per week.

203 *Temporary Employees*

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

204 *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.

205 *FLSA Non-Covered Employees*

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

206 *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.

207 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.

300 THE CIVIL SERVICE SYSTEM

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

301 *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 *Rules for the Administration of the Civil Service Law in Cortland County* will include all Village employees who are subject to the *Rules for the Administration of the Civil Service Law in Cortland County*. 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 that can be examined for competitively.

302 *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.

303 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 Cortland County Department of Personnel/Civil Service of persons who have taken the appropriate Civil Service examination. The Cortland County Department of Personnel/Civil Service 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 available candidates on the list 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" 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.

304 Veteran's Credits

Summary - An employee who is a veteran as defined by the Civil Service Law may be eligible to apply for veteran's credits on a Civil Service examination. An employee who is a veteran should contact the Cortland County Department of Personnel/Civil Service for details concerning these credits.

400 EMPLOYMENT MATTERS

401 *Oath of Office*

Requirement - Each Village Officer as defined in the Village Law and the Public Officers Law, must take the Oath of Office in accordance with Village Law Section 4-402(h) and Public Officers Law Section 10, which must be administered prior to commencing the duties of the office and must be filed in the office of the Village Clerk and/or Treasurer within thirty calendar days of commencement of the term of office. Each official who is re-elected or re-appointed to a subsequent term must take the Oath of Office for each term.

402 *Procedure for Filling Vacancies*

Policy Statement - It is the Village's policy to hire the best available person whenever a vacancy occurs. Employment and promotional opportunities will be either advertised and/or posted and qualified individuals will be interviewed to fill vacancies as they occur.

Unless otherwise specified in Village Law, the Board of Trustees has the authority to hire individuals to fill vacancies. Recommendations from supervisory staff and department heads will be sought and considered before any appointment is approved by the Board of Trustees.

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

Notification of Vacancies - In the event there is a vacancy in a new or existing position that the Village intends to maintain, the vacancy will be advertised and/or posted and qualified individuals interviewed.

Residency Preference - In the event there is a vacancy in a new or existing position that the Village intends to maintain, the Village will give preference to qualified applicants who are residents of the Village.

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.

Physical Examinations - All full-time and part-time employees are required to take a physical examination after their appointment and prior to the first day of work.

403 *Employment of Minors*

Summary - Employees under the age of eighteen (18) are hired as temporary and seasonal employees to work in the Recreation Department. Because there are certain government regulations that restrict the work duties and work hours of minors, supervisors will review all such restrictions with this classification of employees. Valid working papers must be on file in the Personnel Administrator's Office before any work may be performed by a minor.

404 *Probationary Period*

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

Length of Probationary Period (Competitive Class) - Except as otherwise provided in the *Rules for the Administration of the Civil Service Law in Cortland County*, an employee appointed from an open-competitive list must serve a probationary period of not less than eight weeks nor more than twenty-six weeks. The length of the probationary period may be extended in accordance with the *Rules for the Administration of the Civil Service Law in Cortland County*.

Length of Probationary Period (Exempt, Non-Competitive, Labor Class) - Except as otherwise provided in the *Rules for the Administration of the Civil Service Law in Cortland County*, an employee's original appointment to a position in the exempt, non-competitive, or labor class shall be for a probationary period of not less than eight nor more than twenty-six weeks. The length of the probationary period may be extended in accordance with the *Rules for the Administration of the Civil Service Law in Cortland County*.

Length of Probationary- Except as otherwise provided in the *Rules for the Administration of the Civil Service Law in Cortland County*, the probationary term for every permanent appointment from an open competitive list to the positions of police officer and police chief shall be not less than twenty-six nor more than fifty-two weeks. The length of the probationary period may be extended in accordance with the *Rules for the Administration of the Civil Service Law in Cortland County*.

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

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

405 Performance Reviews

Statement of Purpose - The purpose of a performance review is to discuss employee performance. The performance review will take into consideration criteria that properly reflect the employee's performance including, but not limited to, the employee's work quality, job knowledge, initiative, attendance, teamwork, conduct, and communication skills.

Frequency - An employee will be reviewed on an as needed basis as determined by the employee's Department Head. More informal reviews will occur on an as needed basis throughout the performance cycle.

406 Corrective Discipline

Policy Statement - It is the policy of the Village of Homer 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. An employee must conduct oneself in a positive manner so as to promote the best interests of the Village.

Forms of Discipline – Employees covered by **Civil Service Law Section 75** shall be disciplined in accordance with the provisions contained therein. (Refer to Section 407 of this Employee Handbook). In **normal circumstances**, the Village endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to discipline employees in any manner it sees fit. When appropriate, a counseling session will precede disciplinary action. Progressive discipline may include written warnings, suspension without pay, or termination of employment, depending on the circumstances. The Village does not guarantee that one type of discipline will precede another. Furthermore, the Village reserves the right to suspend an employee while an investigation is conducted.

Communication - Open and candid communications with all employees is an important aspect of the Village of Homer'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 the facts have been considered. After such a review, corrective action is discussed with the employee and the management involved.

Corrective Action Notice - Employees are given the opportunity to agree or disagree with the results and write a brief statement on the corrective action notice, if desired. However, as a condition of employment, employees are required to sign the corrective action notice to indicate that a discussion of the issue has taken place. Failure to comply with this policy could result in further disciplinary action, up to and including termination of employment. Employees receive a copy of any written notice issued by the Village.

Prohibited Conduct - Any employee who, after investigation, is found to have violated the policies, procedures, rules, or regulations outlined in this Employee Handbook or those established by the employee's department or is found to have engaged in misconduct will be subject to disciplinary action in accordance with this policy or Civil Service Law Section 75 as applicable. Employees will be subject to disciplinary action for engaging in misconduct including, but not limited to, the following:

- Falsification of any records or reports, employment applications, medical reports, time records, work-related records, absence from work, injuries on the job, claims for benefits provided by the Village;
- Intimidation, coercion, threatening, or assault of, or fighting or interfering with, other employees, Elected Officials, residents of the Village; or any other person;
- Engagement in any form of discrimination or harassment, including sexual harassment;
- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities;
- Refusal to obey instructions of a Department Head or Supervisor or any other form of insubordination;
- Careless or negligent use or operation of equipment, including vehicles and machinery;
- Willful or deliberate abuse, destruction, defacement, misuse, or theft of Village property or removal of Village property without permission;
- Illegal gambling on Village property;
- Sleeping on the job, unless authorized by a Department Head or Supervisor;
- Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment;
- Failure to adhere to the personal appearance/dress code policy;
- Repeated violations of Village policies, procedures or prohibited conduct;
- Leaving work area without permission, as defined by the Department Head;

- Excessive tardiness and/or absences (except those absences covered by state and/or federal statutes);
- Excessive personal use of telephones or other devices that disrupts the ability to complete assigned duties and responsibilities
- Inappropriate use of personal social media, either excessively during work hours or by publishing content that compromises the security, confidentiality, or reputation of the Village of Homer or any employees of the Village or any matter involving the Village of Homer.
- Unauthorized absences or repeated failure to give proper notice;
- Possession or use of controlled substances or alcohol while on Village property or in Village vehicles;
- Possession of illegal or unlicensed firearms or explosives on Village property or in Village vehicles; or
- Acts of sabotage.

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

407 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.

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

- Any employee in the **Unclassified Service** (such as Elected Officials and members of boards and commissions);
- A **newly hired employee** serving a required probationary period who has completed the minimum probationary period, but has not been made permanent, even if the employee is a veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law;
- An employee holding a position in the **Non-Competitive Class** who has less than five years of continuous uninterrupted service, unless the employee is an eligible veteran, as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, who has successfully completed the required probationary period;

- An employee holding a position in the **Non-Competitive Class** designated as **confidential** or **policy influencing**;
- An employee holding a position in the **Exempt Class**, unless the employee is an eligible veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, who has successfully completed the required probationary period, or when the employee holds the position of private secretary, cashier or deputy of any office or department;
- An employee holding a position in the **Labor Class** unless the employee is an eligible veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, who has successfully completed the required probationary period;
- An employee holding a position by **provisional appointment**; and
- A **Temporary** or **Seasonal** employee.

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

- A newly hired employee who has not completed the minimum probationary period as determined by 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 Class** who has been employed for at least five years of continuous uninterrupted service in the non-competitive class, except when such an employee holds a position designated as confidential or policy influencing. Even though the employee has completed the required probationary period and has received permanent appointment or employment in the non-competitive class, the employee is not covered under Section 75 until the employee has completed five years of continuous service in the non-competitive class;
- An employee holding a position by permanent appointment or employment in the Exempt, Competitive, Non-Competitive, or Labor Class who is a qualified veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, except when such an employee holds the position of private secretary, cashier, or deputy of any official or department. Specifically, the employee must have been honorably discharged or released under honorable circumstances from the armed forces of the United States having served therein as such member in time of war as defined in Section 85 of the New York State Civil Service Law, or the employee must be an exempt volunteer firefighter as defined in the General Municipal Law.

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

- **Notice of Discipline** – An employee subject to discipline will be provided with a written Notice of Discipline (NOD) that 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 Appointing Authority will designate a hearing officer in accordance with Civil Service Law Section 75. The designation must be in writing. The hearing officer will set the time and place for the hearing. The hearing officer will make a record of the hearing which will be submitted to the Appointing Authority, with the hearing officer's recommendations, for review and decision.

Right to Representation - The employee may have representation by counsel at the hearing and may summon witnesses on the employee's behalf.

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

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

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

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

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

Filing Requirements - In the event the employee is found to be guilty, a copy of the charges, the employee's written answer, a transcript of the hearing, and the determination will be filed in the office of the department in which the employee is employed. A copy will also be filed with the Cortland County Department of Personnel/Civil Service.

408 Code of Ethics

The Board of Trustees of the Village of Homer recognizes that the proper ethical conduct of its public officers and employees is essential to the enhancement and maintenance of public confidence in local government and in our free institutions generally. It is the purpose of this local law to supplement and implement the provisions of Article 18 of the General Municipal Law of the State of New York by establishing standards of conduct for the Village's officers and employees and to establish a Board of Ethics to render advisory opinions to the Village's officers and employees with respect to these matters.

The Village of Homer has adopted a Code of Ethics which all Village officials and employees must abide. You are encouraged to review and become familiar with this Code of Ethics and to discuss any questions you may have with your Department Head.

Definitions

As used in Local Law No. 1, 1970, Article 11, the following terms shall have the meanings indicated:

1. Village - Any board, commission, district, council or other agency, department or unit of the government of the Village of Homer.
2. Municipal Officer or Employee - Any officer or employee of the Village of Homer, whether paid or unpaid, including members of any administrative board, commission, or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fire person or civil defense volunteer, except a Fire Department President, Fire Chief, or Deputy Fire Chief.
3. Interest - A pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

Standards

Every officer or employee of the Village of Homer shall be subject to, and abide by, the following standards of conduct:

Gifts - He or she shall not directly or indirectly solicit any gift or accept or receive any gift having a value of seventy-five dollars (\$75) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing, or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her or 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.

Confidential information – He or she shall not disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest.

Representation before one's own agency – He or she shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he or she is an officer, member, or employee or of any municipal agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer, or employee.

Representation before any agency for a contingent fee – He or she shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his or her municipality whereby his or her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

Disclosure of interest in legislation – To the extent that he or she knows thereof, a member of the Board of Trustees and any officer or employee of the Village of Homer, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Trustees on any legislation before the Board of Trustees 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.

Investments in conflict with official duties – He or she shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial, or other private transaction which creates a conflict with his or her official duties.

Private employment – He or she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his or her official duties.

Future employment – He or she shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Village of Homer 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.

Effect on Filing of Claims

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand, or suit against the Village of Homer or any agency thereof on behalf of himself, herself, or any member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Violations

In addition to any penalty contained in any other provision of law, any such Village employee or officer who shall knowingly and intentionally violate any of the provisions of the Village's Code of Ethics may be fined, suspended, or removed from office or employment, as the case may be, in the manner provided by law.

409 Personnel File

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 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, I-9 Forms, Retirement Enrollment/Waiver Forms, Health Insurance Enrollment/Waiver Forms, disciplinary and dispute notices, letters of acclamation, and probationary reports.

Location of Files – All original personnel records for current, non-police employees will be kept with the Personnel Administrator and will be maintained and controlled by the Personnel Administrator. All original personnel records for current police employees will be kept in the office of the Police Chief and will be maintained and controlled by the Police Chief.

Medical Records and Substance Testing Records - All employee medical records, including workers' compensation and disability paperwork, and substance testing records will be kept in a separate file apart from the employee's personnel file. ***For security purposes, these files will be locked at all times.***

Life Insurance Beneficiary Forms- Original life insurance forms noting beneficiaries for all volunteer firemen will be kept with the Personnel Administrator in a locked filing cabinet. This cabinet will be locked at all times.

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

Employee Access - An employee may inspect and copy the contents of the employee's own personnel file. Inspections by employees must be requested in writing to the Personnel Administrator and will be scheduled at a mutually convenient time. An authorized official must be present when the employee inspects the file. The employee may not remove or place any material in the file without the approval of the Personnel

Administrator. Copies of records contained in an employee's personnel file may not be released to a third party without the written consent of the employee, unless federal, state or local laws require otherwise.

410 Separation of Employment

Notice of Resignation (Employees) - An employee who intends to resign from employment must submit a written resignation to the employee's Department Head at least two weeks before the date of resignation is to be effective. Failure to submit the proper notice may result in the loss of payment for accruals. This provision may be waived by the Board of Trustees. All resignations shall be filed with the Personnel Administrator. The Mayor and Board of Trustees maintain the right to conduct an exit interview with any employee leaving employment with the Village of Homer for any reason. At such time, the employee will be given an opportunity to discuss their experiences as an employee of the Village of Homer.

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

Notice of Resignation (Village Clerk and/or Treasurer) - The Village Clerk and/or Village Treasurer who intends to resign must submit a written resignation to the Village Mayor.

Final Paycheck - Employees receive their final paycheck on the next regularly scheduled payday. Final payment for vacation will normally be made in a separate payment to the employee.

411 Police Department Training

All newly hired Police Officers are required to attend a basic police officer training course. The Village will cover all pre-authorized and reasonable costs of attending the basic police officer training course (or Phase II training, to include Field Training). Any Full Time Police Officer who voluntarily separates from employment with the Village within four (4) years of the date of completing the basic police officer training or three (3) years of Phase II training, to include Field Training, will be responsible for reimbursing the Village those wages and expenses associated with attendance of such training. Amounts are recouped evenly per year corresponding. Expenses include, but are not limited to, travel, lodging, meals, books, equipment, ammunition, training cost of instructors and or field training officer. Police Officers will be required to reimburse the Village a percentage of such costs according to the following schedule:

3 Year

Length of Employment After Completion of Training	Wage and Expense Reimbursement to The Village (Percentage)
Up to 1 Year	100%
1 – 2 Years	60%
2 – 3 Years	35%

4 Year

Length of Employment After Completion of Training	Wage and Expense Reimbursement to The Village (Percentage)
Up to 1 Year	100%
1 – 2 Years	75%
2 – 3 Years	50%
3-4 Years	25%

412 Streets, Cemetery, Recreation, Codes, Historian, Village Offices, Water and Sewer Department Training

Employees of the Water and Sewer, Codes, Historian, Cemetery, Recreation, Village Offices, and Street departments that are required to obtain new licenses and certifications for their positions must attend trainings related to their positions. The Village will cover all pre-authorized and reasonable costs of attending the training. Examples of this include training for obtaining a first CDL license. Any employee from the Street, Water, and Sewer Departments who voluntarily separates from employment with the Village within three (3) years of the date of completing training for new licenses and certifications will be responsible for reimbursing the Village for those wages and expenses associated with attendance at such training. Expenses include, but are not limited to, wages, Fica/medicare, travel, lodging, meals, and books. Retirees will be exempt from this reimbursement requirement, as are appointed officials. Renewals for licenses will be exempt from this policy.

Employees will be required to reimburse the Village a percentage of such costs according to the following schedule:

Length of Employment After Completion of Training	Wage and Expense Reimbursement to The Village (Percentage)
Up to 1 Year	100%
1 – 2 Years	60%
2 – 3 Years	35%

500 OPERATIONAL POLICIES

501 *Departmental Hours*

Normal Hours of Operation - The normal hours of operation are established by the Board of Trustees. An employee's Department Head will establish the employee's work schedule, which may differ from the normal hours of operation depending upon the particular needs and requirements of the department. The Board of Trustees reserves the right to approve all employee work schedules, except where otherwise prohibited by applicable State or Village Law.

Work Schedules – Work schedules for employees will be established in accordance with the operational needs and requirements for the Department. Starting and ending times may be modified for different times of the year. Employees will be notified in advance of any schedule changes.

Flex-Time - Employees who work in the Village Office may be allowed to work a flexible schedule. The flex schedule must be approved by the employee's Department Head and the Village Mayor:

Changes in Work Schedules – Department Heads reserve the right to alter normal or posted work schedules based on staffing needs and department requirements. Employees will be notified of such changes as early as possible.

502 *Emergency Situations*

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

Closing Effect on Compensation – 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 or part-time employee who is directed by the Village Mayor 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. 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 Mayor 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. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

503 Meal and Rest Breaks

Meal Break - An employee who works more than six hours in a given day will receive an unpaid, duty-free meal break of either 30 or 60 minutes. An employee who works less than six hours in a given day may receive an unpaid meal break as established by the Department Head.

Approval of Meal Breaks - The Department Head in accordance with the needs and requirements of the department must approve Meal breaks. 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.

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

504 Time Records

Policy Statement – Time records must be maintained for all employees, except for elected officials, in order to calculate payment for time worked and/or authorized paid leave taken in a given week. Department Heads are responsible for completing time sheets for all employees in their department.

Procedures - The following guidelines have been established for completing time sheets:

1. All paid and unpaid absences must be recorded.
2. Time sheets must be verified and signed by the Department Head and the employee. The Department Head is responsible for forwarding the original to the Village Clerk's Office by the close of business every other Monday at Noon.
3. Falsifying time sheets is strictly prohibited and can lead to disciplinary action, up to and including dismissal, in accordance with Civil Service Law (Section 75).
4. Unless prior approval has been obtained from the Department Head, arriving early or leaving late for the employee's own convenience is not to be included in working time, provided that the employee performed no pre-approved or specified duties for the Village during such intervals.

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

Unauthorized "Flex-Time" - Unless prior approval has been obtained from the Department Head, arriving early or leaving late for the employee's own convenience is not to be included in working time, provided that the employee performed no pre-approved authorized duties for the Village during such intervals.

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

505 *Expense Reimbursement*

Policy Statement - Upon proper authorization of the Board of Trustees, 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, and highway tolls. Employees may request a copy of the tax exemption certification from the Personnel Administrator prior to incurring any expenses. The certificate must be presented to the vendor at the time the expense is incurred. All employee reimbursable expenses must be for Village business and must comply with the employee reimbursement policy.

Procedure for Reimbursement - Expenses will be reimbursed by voucher upon submission of proper documentation forms and corresponding receipts. All expenses must be pre-authorized and in compliance with the employee reimbursement policy. All expenses must be submitted for reimbursement within 30 days of the end of the month of the expenditure.

506 *Vehicle Usage*

Policy Statement - All vehicles and related equipment of the Village of Homer 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, all employees must abide by the approved vehicle use policy.

507 *Driver's License*

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.

Commercial Drivers - An employee, who operates a vehicle that requires a Commercial Driver's License (CDL), must maintain such license throughout employment. 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 employment with the Village.

Cost of CDL License - The Village will cover the cost of the CDL application fee, permit, and the difference between the cost of a Class D and a Class B license for those employees who are seeking a CDL license for the first time. In subsequent years, the Village will pay the difference between the cost of the Class D and Class B license for employees who are required to have a CDL license for their position with the Village. The Village will also pay the cost of a Class A license if it is required for the position.

508 *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, such as 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.

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

509 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 must give the name of the department or office and one's own name. If the call is not for the employee who answers, the employee must transfer the caller to the correct party or take a message recording all pertinent information;
- If the call must be placed on hold, the employee who answered the call must return to the line frequently to confirm that the call is being transferred;
- During office hours, each employee is responsible for there being at least one employee in the department or office to answer telephones. If the department or office has a limited staff, arrangements must be made with another department or office for telephone coverage or an answering device must be in operation;
- Collect calls may not be accepted without the approval of the Department Head;
- 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; and employees are encouraged to make personal calls during meal breaks;
- 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.

Cellular Telephone Use:

The New York Vehicle and Traffic Law prohibits the use of cellular communication devices without "hands-free" devices while operating a motor vehicle. The aforesaid "hands-free" devices are adaptive technologies that permit the use of cellular communications without occupying the hand to hold the same. Employees of the Village of Homer, New York ("VILLAGE"), who are provided cellular communication devices by the VILLAGE, are also provided with the aforesaid hands-free technologies.

As such, no VILLAGE employee while engaged in performing duties for the VILLAGE is permitted to operate a motor vehicle, regardless of the ownership of said motor vehicle, while using a cellular communication device without hands-free technology.

Note: Emergency personnel are exempt from using the hands-free device per § 1225-c of the Vehicles & Traffic Laws.

510 **Computer Systems and Internet/On-Line Service**

Policy Statement - The purpose of this policy is to provide guidance for the use of Village-owned computer systems and internet/on-line service.

Computer Systems

Property – All computer systems, hardware, software, and files are the property of the Village of Homer.

Authority – Department Heads have the authority to inspect the contents of any computer equipment, data/files, or electronic mail (“e-mail”) 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 Mayor in the normal course of duty.

Usage – All computer systems, hardware, and software provided to an employee are provided 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 of Homer. 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.

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

- Any illegal activity;
- Threats or harassment;
- Slander or defamation;
- Transferring of obscene or suggestive messages or graphical images;
- Any unauthorized commercial activity; Commercial activity is limited to designated terminals. If a user is unsure whether a terminal is available for commercial use, the employee should ask the Department Head;
- Accessing or attempting to access the data/files of another person;
- 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;
- Use of entertainment software, such as games and puzzles;
- Installation or use of any hardware or software, not owned 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;
- Installation of any software containing viruses.

Internet/On-Line Service

Eligibility – Internet/on-line service may be provided to employees who can demonstrate a work-related reason to have access. Approval must be given by the employee's Department Head or Supervisor.

“Netiquette” (Internet Etiquette) – Employees are expected to communicate in a manner that will reflect positively on both themselves and the Village of Homer.

Prohibited Uses - 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/on-line service usage.

Reliability – The Village of Homer is not responsible for loss or damage to a user's data or for the reliability of information that is obtained via the Internet/on-line service. Also, this information must be used in accordance with applicable copyright laws.

Security – There is no guarantee of privacy of data/files, including e-mail, on Village-owned computers. As stated herein, all files are subject to inspection by Department Heads and Supervisors. Any employee who is required to have a password must submit that password to the employee's Department Head in a sealed envelope.

Procedure – 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.

511 *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, 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.

512 **Uniforms**

Uniforms – The village supplies and maintains uniforms for covered employees in the Police Department.

Clothing Allowance – Full-time employees in the Streets and Water and Sewer Departments, Cemetery Department Employees and Crossing Guards are provided with a clothing allowance for coveralls or lined/reflective jackets. The allowance is determined by the Village Board at their discretion.

Footwear - Employees who work in the Cemetery, Fire, Streets, and Water and Sewer Departments are required to wear ANSI approved steel-toed boots during all working hours. Full-time employees and returning Cemetery Department employees receive an allowance each year towards the cost of such boots. Covered employees receive the boot allowance upon hire with the Village and are eligible to receive the allowance once during every twelve (12) month period, thereafter. The Board of Trustees determines the amount of such allowance subject to the following procedures:

- *Board-Designated Stores* - If the boots are purchased at a store designated by the Board of Trustees, employees will be allowed to pay the difference between the cost of the boots and the allowance. The store will be responsible for submitting a voucher to the Village on behalf of the employee.
- *Non-Board Designated Stores* - Employees who choose to purchase their boots at any other store will be required to pay the full cost of the boots. The receipt and voucher must then be submitted to the Village Clerk in order to receive reimbursement. Part-time, temporary, and seasonal employees are not eligible for the boot allowance.

513 **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.

514 Visitors

Policy Statement – It is the policy of the Village not to allow personal visitors during working hours, except for emergency situations. Visitors are allowed for brief visits during an employee’s meal break as long as such visit does not interfere with Village operations or interrupt other employees who are still working.

515 Purchasing

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

516 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;
- Consume food or beverages only in designated areas so that work areas are kept free of food and related litter;
- Report any existing or potential workplace hazards and safety violations to the Department Head;
- Abide by the smoking restrictions established by Village policy and outlined in this Employee Handbook;
- 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 smoking policy;
- Ensure the proper disposal of all trash and waste.

517 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. 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.

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, either with or without proper notice. The inspection may 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.

518 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
- Books and other Reference Materials, including this Employee Handbook
- Pagers / Cellphones

Return of Property - All Village property must be returned to the Village before the employee's last day of work.

519 *Unauthorized Work*

Policy Statement - Employees are expected to perform work only for the Village during the work shift. Any employee who performs unauthorized work, claims that Village work has been done when such is not the case, or performs any act of fraud or deceit, will be subject to disciplinary action, up to and including dismissal, in accordance with Civil Service Law (Section 75).

520 *Outside Employment*

Summary - It is not the policy of the Village to interject itself into what an employee does during the hours when he or she is not working for the Village. Outside employment will normally be permitted. The Mayor and the employee's Department Head should, however, be advised of any outside employment in order to prevent a possible conflict of interest or a detriment of the employee's performance while performing job responsibilities for the Village.

Police Department

In accordance with Section 208-d of the General Municipal Law of New York State, full-time employees are prohibited from seeking or accepting secondary employment, on a full-time or part-time basis, without prior written authorization from the Chief of Police. Full-time employees who are interested in obtaining outside employment must submit a completed secondary employment request form to the Chief of Police. Under no circumstances will a Police Department employee receive authorization to perform work for another employer while in a Homer Police Department uniform unless such secondary employment is within the jurisdiction of the Homer Police Department. Under no circumstances can a police officer be employed with an establishment licensed by the State Liquor Authority.

521 *Waste Prevention*

The Village supports environmental awareness by encouraging recycling and waste management. This includes a commitment to purchase, use, and disposal of products and materials in a manner that best utilizes natural resources and minimizes any negative impact on the earth's environment.

All employees can help the Village save taxpayer money by conserving resources and utilizing all supplies in an efficient manner. Employees are asked to cooperate in recycling paper and other appropriate items.

522 *Financial Procedures*

All employees who handle cash, checks, or financial payments must follow all established financial procedures as stated in Village law or as established by your department.

523 *Activities on the Premises*

Employees and Village residents who are interested in conducting any type of sporting activities, entertainment, or non-Village business related activities on the premises after normal working hours must obtain prior written authorization from the Village Clerk.

524 *Department Records*

New York State Village Law §4-402 states, “the clerk of each village shall, subject to the direction and control of the mayor: a. have custody of the...records and papers of the village. ...” Due to this official duty placed upon the Village Clerk and in order to comply with all legal requirements relative to maintaining records, it has been directed that no records of any village department are to be unilaterally destroyed without the review of the Village Clerk.

600 ABSENCE POLICIES

601 Attendance

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 as close to 60 minutes before the employee's scheduled starting time as possible. 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 as soon as they are aware that they will be unable to report to work and before their normal starting time and state the reason for the absence. In the event the absence was pre-authorized, this requirement will be waived.

Scheduled Absences - An employee should schedule personal appointments either before or after the employee's scheduled workday or on scheduled days off whenever possible. Requests for scheduled paid or unpaid leaves must be made in accordance with the applicable policy. All requests for time off are subject to approval by the employee's Department Head on a case-by-case basis.

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. Notification of unscheduled absences must occur in accordance with established departmental rules.

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

Early Departure - In the event an employee must leave work during the workday, the employee must notify 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 Village premises during working hours due to a non-work-related reason. An employee who leaves Village premises during the workday due to business reasons must notify the employee's supervisor in accordance with department policy.

Documentation of Absences - An employee who has frequent absences may be required to provide documentation of the reason for any future absences.

No Call/No Show Policy - Employees who are absent from work for three (3) consecutive workdays in which they were scheduled to work without giving proper notice or receiving proper authorization will be considered to have voluntarily resigned from employment with the Village of Homer.

602 ***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. A part-time, temporary or seasonal employee shall receive paid jury duty leave if the employee is scheduled to work for the Village on the day the jury duty is served. An employee is obligated to notify the Commissioner of Jurors that the Village is paying the employee's full pay during jury duty. An employee can collect and keep any mileage expense reimbursement that may be issued by the court system for performing jury duty.

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

Return to Duty - In the event the employee is released from jury duty on a given day and there are two or more hours remaining in the employee's scheduled workday, the employee must report to work. The employee will be allotted time to return home and prepare for work.

Accrual of Benefits - The 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.

603 ***Volunteer Duty Leave***

Volunteer Duty – In the event a full-time employee volunteers with the Homer Fire Department and is called for an emergency during normal business hours, the employee will not be charged benefit time when responding.

604 ***Bereavement Leave***

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

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

- Spouse
- Parent
- Grandparent
- Relative living in immediate household
- Child
- Sibling
- Grandchild

Extended Bereavement Leave - With authorization from the employee's Department Head, an employee may use vacation leave credits and/or personal leave credits to extend bereavement leave. The Department Head will have total discretion in the approval of an employee's extended bereavement leave, based on the needs of the department.

Funeral Leave (Extended Family) - In the event of a death of a full-time employee's extended family member who is a relative not included in the definition of immediate family, the employee may take a paid leave of absence for three days from the employee's regularly scheduled work to attend the funeral. Such leave will not be subtracted from any of the employee's leave credits.

Definition of Extended Family - For purpose of bereavement leave, "extended family member" will mean the following:

- Mother-in-law
- Daughter-in-law
- Sister-in-law
- Spouse's Grandparent
- Father-in-law
- Son-in-law
- Brother-in-law
- Aunt/Uncle

Seasonal Employees - With the exception of Cemetery Department employees, the Village does not provide this benefit for seasonal employees. Cemetery Department employees scheduled to work a minimum of 37.5 hours per week are eligible for paid bereavement and funeral leave in the event of a death in the family if the death occurs during the employee's working season. Definitions are defined above.

605 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 Homer 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.

606 **Family and Medical Leave Act**

Statement of Compliance - The Village of Homer complies with the provisions of the Family and Medical Leave Act (FMLA) and the Paid Family Leave Act of NYS (PFL). The Village of Homer currently employs fifty or more employees who work twenty or more calendar workweeks per year. Therefore, Village employees are presently eligible for leave under FMLA. Eligibility for PFL depends upon the employee's status.

Summary - FMLA entitles an eligible employee to a maximum of twelve work weeks (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 a rolling period measured backward from the date an employee uses any FMLA leave. 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 before the leave request (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.

Eligible employees will be afforded 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; and
- 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.

Return to Work - At the conclusion of the leave, the employee, provided that the employee returns to work immediately following such leave, will be restored to the position he or she held when the leave began, or an equivalent position with equivalent benefits, pay and working conditions.

607 **Family and Medical Leave Policy (Village Leave of Absence Policy)**

Policy Statement - It is the policy of the Village of Homer to grant a full-time employee a leave of absence for up to twelve weeks, under certain circumstances. As the Village meets the eligibility requirements under the *Family and Medical Leave Act*, the provisions of that Act will take precedence over this policy.

The Paid Family Leave Act allows employees to receive partial compensation for up to 10 weeks of approved leave as family leave. As the Village allows up to 12 weeks, the additional two weeks would be unpaid. Employees can also use personal, sick, or vacation time.

Granting of Leave of Absence - The granting and duration of each leave of absence will be determined by the Board of Trustees in conjunction with applicable federal and state laws, including Civil Service Law Sections 71, 72 and 73, and the *Rules for the Administration of the Civil Service Law in Cortland County*.

Types of Leave - The following types of leaves of absence will be considered:

- **Sick Leave of Absence** - Employees who are unable to work because of a serious health condition or disability may be granted a sick leave of absence. This type of leave covers disabilities caused by pregnancy, childbirth, or other related medical conditions. The Village requires certification of an employee's need for sick leave, both before the leave begins and on a periodic basis thereafter, by the employee's health care provider. In order to return to work from sick leave, an employee must obtain a physician's authorization noting no restrictions for the employee's job.

In addition to leave provided under this policy, 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. Employee should consult with their Department Head for further details regarding this provision.

- **Parental Leave of Absence** - Female employees, when not disabled by pregnancy or childbirth (see above), and male employees may be granted a parental leave of absence to care for a child upon birth or upon placement for adoption or foster care.
- **Family Care Leave of Absence** - Employees may be granted a family care leave of absence for the purpose of caring for a child, spouse or parent who has a serious health condition. The Village requires certification of the family member's serious health condition, both before the leave begins and on a periodic basis, by the family member's health care provider.

Eligibility - To be eligible, an employee must meet the following requirements:

- For FMLA, the employee must be full-time and have been employed for one year.
- For PFL, the employee must have completed at least twenty weeks and work a regular schedule of 20 or more hours per week, continuous service during the previous twelve months prior to the date leave commences. Once the employee meets the eligibility requirement, the employee they remain eligible for that employer until terminating employment with the said employer. Employees cannot use personal health reasons for PFL.
- Part-time employees are eligible for PFL after working 175 days, which do not need to be consecutive. Again, employees cannot use personal health reasons for PFL.
- Spouses who both work for the Village of Homer 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 child, spouse or parent, during any twelve-month period under FMLA.

Paid family leave is funded through employee payroll contributions. The amount to withhold is set by New York State each year and withheld per pay period.

Employees who regularly work twenty hours or more per week are eligible for a percentage of the employees' average weekly salary. The percentage is set and approved by New York State.

Definitions - For the purpose of this policy, the following definitions will apply:

- **Serious Health Condition** will mean and refer to an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, 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 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 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** - husband or wife as defined or recognized under State law for purpose of marriage;
 - * **Parent** - biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a son or daughter as defined 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 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, in writing, to the Department Head at least thirty calendar days prior to the commencement date of the unpaid leave. The employee and Department Head must complete the Leave of Absence Request Form and forward the completed form to the Village Board for review. 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 leave until thirty days from the date of notice. When the need for leave is unforeseeable, verbal notice to the employer will be sufficient.

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

Medical Certification – The employee must produce a medical certification issued by a health care provider that 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, 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. 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 Homer 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 be taken 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 unpaid 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 Homer.

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 or to care for a spouse, child or parent with a serious health condition** under FMLA must first use all vacation leave credits which will be included in the maximum twelve weeks of leave. The substitution of paid leave for unpaid leave for these types of leave does not extend the twelve-week period. Under PFL, the employee can choose to not use vacation leave.

For leaves taken due to the **employee's own serious health condition**, under FMLA, the employee must first use all sick leave and vacation leave credits, which will be included in the maximum twelve weeks of leave. However, in the event that the paid leave credits available are greater than the maximum twelve-week period, an employee may use paid leave credits to extend the leave of absence beyond the twelve-week 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 Board of Trustees 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 *Rules for the Administration of the Civil Service Law in Cortland County*.

- **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 paid or unpaid leave of absence, an employee's eligibility status for medical insurance coverage will not change. 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 authorized leave of absence period has expired, 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.

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 an authorized leave of absence 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 *Rules for the Administration of the Civil Service Law in Cortland County*.
- **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 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 five business days prior to the date the employee is able to return. The Department Head shall in turn notify the Village Mayor.
- **Extension of Unpaid Leave of Absence** - An employee who wants an extension of the leave previously requested must notify the employee's Department Head at least two business days from the date the change occurred which necessitates the change in leave time. The Board of Trustees reserves the right to approve all leave extensions.

608 *Unpaid Time Off*

The use of unpaid time off is discouraged except in cases of emergency. Any request for unpaid time off should be made in writing to the employee's department head. Department heads, at their discretion, may deny requests for time off without pay. Employees who take time off without approval of their department head shall be subject to disciplinary action, up to and including termination, in accordance with Civil Service Law (Section 75).

700 COMPENSATIONS

701 Overtime

Authorization - A Department Head may require an employee to work additional hours beyond the employee's normal workday and workweek. An employee must receive prior approval from the employee's Department Head or supervisor before working additional hours. An employee is not entitled to overtime pay for additional hours worked without proper authorization. An employee leave time or holiday time will not be included in the calculation of overtime.

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

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

Compensatory Time Off - "Compensatory Time Off" is defined as hours when an employee is not working and hours that are paid for at the employee's regular rate of pay. These hours are not counted as hours worked in the week in which they are paid. An employee who is eligible to receive compensatory time shall be permitted to use such time within a reasonable period after making a request to do so if the time off would not unduly disrupt the operation of the department. Compensatory time must be taken in one (1) hour increments and be used according to the Village Compensatory Policy.

Any accrued but unused compensatory time that Police Officers have at the end of the fiscal year (February 28th or 29th) will not be carried over into the next fiscal year. Employees will receive compensation at one and a half times rate per hour for all accumulated compensatory time in accordance with the Fair Labor Standards Act.

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

Termination from Employment - An employee, whose employment with the 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.

702 Pay Period and Check Distribution

Payroll Period – Normally, employees are paid on a bi-weekly basis. An employee's paycheck will be based on the amount earned during the preceding payroll period. Elected Officials, the Village Attorney, Village Historian and the Cemetery Commissioner, are paid the first payroll of March, June, September, and December for the previous quarter's service.

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

Distribution - The Village Clerk or Village Treasurer will distribute paychecks to Village Office employees and will deliver paychecks to the Department Heads for further distribution to employees.

Authorized Check Release - The Village Clerk, Treasurer or Department Head will not release a paycheck to anyone other than the employee unless the employee has submitted a signed, written authorization.

703 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 in writing by the employee. Such deductions will be noted on the paycheck.

704 On-Call Policy

Summary - Due to the nature of their job duties and the responsibilities of their departments, employees in the Police, Streets and Parks, Water and Sewer, and Cemetery Departments shall be required to be on-call. Such employees will be notified of this requirement and the specific procedures for their department by their department head.

Compensation - Covered employees in the Police Department shall receive twenty-five dollars (\$25) when they are on-call for a twenty-four (24) hour period. Covered employees in the Police Department who are on-call for periods of less than twenty-four (24) hours shall receive one dollar (\$1) for each hour they are on-call. This on-call pay is in addition to the wages the employee receives for all time actually worked while on-call.

705 Call-In Policy

Compensation - In the event a non-FLSA exempt employee is called in to work prior to the employee's regular starting time, or after the employee's regular quitting time and the employee has left the work-site, the employee will be allowed to work at least four hours or, if not required to work four hours, will receive an amount equal to four hours pay at the established overtime rate. This minimum does not apply if an employee is called into work within four hours of their regular starting time.

800 EMPLOYEE BENEFITS

801 *Holidays*

Designated Holidays Full-Time, Non-Cemetery Employees - The Village of Homer will observe the following holidays:

- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- The day after Thanksgiving
- Christmas Eve ½ day
- Christmas Day

Designated Holidays Cemetery Employees - The Village of Homer will observe the following holidays:

- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Floating Holiday to be used

Eligibility – A full-time employee is eligible for holiday pay at the employee's regular rate of pay as of the first day of employment with the Village. A part-time or temporary employee is not eligible for holiday pay.

With the exception of seasonal employees who work in the Cemetery Department, the Village does not provide paid holidays for seasonal employees. Employees who work in the Cemetery Department are eligible for all Village observed holidays that occur during their working season of approximately April 1st through December 1st. Cemetery Department employees are eligible for paid holidays upon the first day of employment each working season. In order to be eligible for holiday pay, the day the holiday is observed by the Village must be a regularly scheduled workday.

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. In departments where nine-hour work days are implemented, it is left to the supervisor to make sure only eight hours total holiday leave is taken for Friday and Monday observances of holidays.

Holiday Pay Requirement – Unless otherwise authorized, approved ahead, and signed off in writing ahead via email or time off slip by the department head, an FLSA non-exempt employee must work the employee's scheduled workday before and the employee's scheduled workday after a designated holiday in order to receive holiday pay except for the day after Thanksgiving which is also recognized as a holiday.

Assigned to Work on a Major Holiday* - A full-time, FLSA non-exempt employee who is required to work on a designated holiday will receive wages at one and one-half times the employee's regular rate of pay and an additional day off that must be utilized by December 31 of each year. If a full-time, FLSA non-exempt employee is required to work on a designated holiday in December, only those holidays worked in December, the additional day off can be carry forwarded to the end of the Village's Fiscal year in February. A part-time, temporary, or seasonal employee who works on a designated holiday will be paid at the employee's regular rate of pay.

*Note: A major holiday refers only to New Year's Day, Memorial Day, The Fourth of July, Labor Day, Thanksgiving Day, the day after Thanksgiving, and Christmas Day only.

802 **Vacation Leave**

Vacation Accrual

Full-Time Employees – The Village provides paid vacation leave for full-time employees. Vacation time is credited each January 1st based on length of continuous service completed as of the employee's anniversary date of hire. On January 1st of each year, the Village will add vacation time per the schedule below, but the vacation time will also be prorated based on the employee's upcoming year's anniversary date. For example, an employee hired 2/1/2017, will receive 5 days' vacation on 1/1/19, as well as 11/12 of five additional days earned on the employee's anniversary date. Such vacation leave shall be rounded up to the nearest one half (1/2) day. Employees receive vacation leave according to the following schedule:

AFTER COMPLETION OF:	VACATION LEAVE
1 Year	5 Days
2 - 9 Years	10 Days
10 Years	15 Days
11 Years	16 Days
12 Years	17 Days
13 Years	18 Days
14 Years	19 Days
15+ Years	20 Days

Part-Time and Temporary Employees - The Village does not provide this benefit for part-time or temporary employees, except as otherwise designated below.

Seasonal Employees – With the exception of seasonal employees who work in the Cemetery, the Village does not provide this benefit for seasonal employees. Cemetery Department employees are credited with two (2) paid vacation days upon the first day of work each working season.

Prorated Vacation Leave

Vacation leave accrual will be prorated for those full-time or Cemetery employees who are on a workers' compensation leave, disability leave, or an unpaid leave of absence for more than thirty (30) calendar days.

Vacation Accumulation

Full-Time Hourly Employees - employees are encouraged to use their accrued vacation during the calendar year to which it is credited for use. A maximum of eighty hours vacation time may be carried over into the following calendar year.

Full-Time Exempt Employees – employees are encouraged to use their accrued vacation during the calendar year to which it is credited for use. A maximum of one hundred sixty hours vacation time may be carried over into the following calendar year.

Cemetery Department Employees - employees are encouraged to use their accrued vacation during the current working season which extends from approximately April 1st to December 1st. A maximum of eighty hours vacation time may be carried over into the following calendar year.

Vacation Schedules

Department heads have the absolute discretion in the approval of an employee's vacation schedule. Seniority is the deciding factor when authorizing vacation time.

Payment of Unused Vacation

Full-time Employees – Full-time employees receive compensation for accumulated vacation leave for the prior year of service at the time of separation from employment (e.g., termination, lay-off, resignation). Employees also receive compensation for vacation leave earned for the present year of service. Such leave is prorated based on the amount of service completed between January 1st and the last day of employment with the Village. In order to receive compensation for the current year's vacation leave, the employee must have completed one (1) full year of employment with the Village, must not be terminated for misconduct, and must give and complete the ten (10) day notice period.

Cemetery Department Employees – Cemetery Department employees receive compensation for accumulated vacation leave earned during the current working season and for accumulated vacation leave for the prior years of service at the time of separation from employment.

Upon the death of an active full-time or Cemetery Department employee, a lump sum payment for the accumulated vacation leave will be made to the employee's estate.

This policy dated December 12, 2018 supersedes all previously approved Village of Homer employee vacation policies.

**VILLAGE OF HOMER
USE OF VACATION TIME TO PAY HEALTH INSURANCE**

ORIGINAL ADOPTION: August 31, 2021

Purpose: Effective September 1, 2021, employees may convert accrued vacation days to monies to be used toward payment of their health, dental or vision insurance premiums.

- Up to five days may be converted annually.
- Employees may only convert time to the cost of the insurance elected. The Village Treasurer will reduce any time converted if the value of the time off is more than the cost of the insurance selected.
- The employee's rate of pay at the time of the selection will be used in the conversion. Further changes in rate of pay will not be considered.
- Individuals will declare in writing the intent to make this conversion during the health care open enrollment period of the prior year. The selection will be submitted in writing to the Village Treasurer by November 30 of a given year, with the only exception of the implementation year, which must be submitted by September 3, 2021. Conversion will not be revocable during the fiscal year it is selected for, but selections can be changed in the following year or due to a qualifying change of life event.
- If the selection to use accrued vacation is made by an employee, the dollar amount will be applied toward the health, vision, and dental care premium contribution and spread out equally to each pay period.

Signature _____

Print Name _____

Days/Hours Used _____

803 Rescinding Approved Time Off

The Village reserves the right to rescind an employee's approved time off request (vacation leave, personal leave, etc.) either before or during the leave due to extenuating circumstances.

804 Sick Leave

The Village provides paid sick leave benefits for all eligible employees. Sick leave is an earned privilege and should be treated as such. Proper use of sick leave makes good sense. Accumulated sick leave means a paycheck when you cannot work and need it most.

If an employee chooses to come into work while out sick, then the employee is not paid for sick time during this period, but for the hours worked. The sick time will not be used. Sick time cannot be used to extend the pay or hours paid for an employee during the employee's normal work week.

Sick Leave Accrual

Full-Time Employees - new employees become eligible to accrue sick leave on the first day of the month after completion of ninety (90) calendar days of employment. Employees receive one (1) paid sick day per month which shall be credited on the first day of each month after completion of the ninety-day probationary period. In addition, two additional sick days are awarded to full-time employees. These are granted on January 1 and July 1 of any given year if the employee is employed at the time.

Part-Time, Seasonal and Temporary Employees* - the Village does not provide this benefit for part-time, seasonal, or temporary employees, except as otherwise designated below.

**Cemetery Employees and Crossing Guards* - Cemetery Department employees and Crossing Guards receive one-half (1/2) day paid sick leave per month during their working season which shall be credited on the first day of each month. Cemetery Department employees and Crossing Guards are eligible for this benefit upon the first day of work each working season. The Village does not provide this benefit for any other seasonal employees.

Prorated Sick Leave

Sick leave accrual will be prorated for those employees who are on a workers' compensation leave, a disability leave, or an unpaid leave of absence for more than thirty (30) calendar days.

Sick Leave Accumulation

Full-Time Employees - A maximum of one hundred-sixty-two (162) sick days may be accumulated. Once this maximum number of days is reached, no additional days will accrue until the employee's sick leave balance falls below one hundred-sixty-two (162).

Cemetery Department Employees and Crossing Guards - Accumulated sick leave must be used during the current working season. Any sick leave remaining unused will be canceled at the close of business on the last day worked of the season.

Use of Sick Leave

Proper use of sick leave by any eligible employee includes personal illness of the employee or an employee's visit to the doctor or dentist or other recognized medical practitioner. Sick days can be used for employee's illness, doctor, or dental appointments, or for illness, doctor or dental appointments of the employee's immediate family member. Definition of an immediate family member is spouse, child or children who are domiciled in the employee's home, and other family members living in the same household.

Exhausted Sick Leave

Employees who have exhausted their sick leave credits are entitled to charge absences otherwise chargeable to sick leave to vacation or personal leave credits subject to the same approval procedures and documentation requirements as applied to sick leave credits. Employees may not request to use paid sick leave before it is earned.

Advance Notice to Use Sick Leave

Employees must notify their department head of their request to use sick leave at least sixty (60) minutes prior to the start of their shift.

Physician's Verification

At the end of an employee's use of three (3) consecutive sick days, a physician's verification of the employee's illness, of the illness of an immediate family member, as defined in Use of Sick Leave, Section 804, an approval to return-to-work with or without work restrictions is required. A physician's verification is also required when sick leave is taken the day immediately preceding or following vacation leave or a Village observed holiday. In addition, a department head may require that an employee provide proper documentation verifying an illness if it is suspected that the employee has developed a pattern of sick leave use or has used an excessive amount of sick leave. Failure to produce such documentation may result in the employee being docked for those days. Further, if it has been found the employee has been abusing the use of sick leave, disciplinary action shall be taken against the employee, in accordance with Civil Service Law (Section 75).

Sick leave can be used for the care of oneself or immediate family members if needed during quarantine or isolation periods as directed by the Health Department, a physician, testing site or other oversight agency with the authority to issue a quarantine or isolation notice.

Separation from Employment

In order to assist eligible retiring employees to maintain health insurance coverage according to the policy set forth in Section 807 of this handbook, the Village Board has authorized the following benefit:

Upon retirement from the Village of Homer, an employee will be eligible for payment for unused accumulated sick leave at the employee's regular daily rate of pay to a maximum of sixty dollars (\$60) per unused accumulated day. The maximum number of days paid is 162 days (maximum payment: \$10,320). Retirement is defined as actual retirement into the New York State Retirement System in order to receive immediate benefits and not merely "vesting."

An eligible employee must have been employed on a full-time basis by the Village for 10 consecutive years prior to retirement. Except in an emergency, an eligible employee must notify the Board of intention to retire at least three full months prior to the effective date of retirement. Late notice may defer payment for one year. If proper notice is provided, a payment schedule will be developed by the Village Board after the effective date of retirement.

805 FSA

2022 FLEXIBLE SPENDING ACCOUNTS

Health Care Flexible Spending Account

Full-time employees, have the option to enroll in a Health Care Flexible Spending Account (FSA), managed through Lifetime Benefits Solution. Contributions made to the Health Care Flexible Spending Account are tax-free. Funds contributed must be used in the same plan year for eligible health care expenses. For 2022, the contribution limit is \$2,750. This election must be made during benefits open enrollment and cannot be changed, unless of a life-qualifying event.

DEPENDENT CARE FLEXIBLE SPENDING ACCOUNT

Regardless of which health plan you choose, you can elect a Dependent Care FSA. This account can be used for dependent child expenses up to the age of 13. Once your child reaches age 13, they are no longer eligible. This account is used to reimburse you for dependent care expenses, such as child day care, elder care, etc. The contribution limits for 2022 are:

- \$5,000 per year per household.
- \$2,500 for married individuals filing a separate tax return

2022 IRS Changes Due to Covid-19:

Health Care FSAs – Employee may:

Dependent Care (Child Care) FSAs – Employee may:

- **FOR 2022 ONLY:** Use funds for dependents up to age 14 (previously 13)
- **FOR 2022 ONLY:** Carry-over of ENTIRE 2021 BALANCE into 2022 if enrolled for 2022.

806 **Personal Leave**

Personal Leave Accrual

Full-Time Employees - The Village provides three (3) paid personal leave days each year for full-time employees. Personal days are credited each January 1st. Upon completion of ninety (90) calendar days of employment, new employees receive prorated personal leave based on the amount of service that will be completed between the employee's first day of service and December 31st.

Part-Time and Temporary Employees - The Village does not provide this benefit for part-time or temporary employees, except as otherwise designated below.

Seasonal Employees – With the exception of Cemetery Department employees and Crossing Guards, The Village does not provide this benefit for seasonal employees. Cemetery Department employees and Crossing Guards receive one (1) personal leave day per working season which shall be credited on the first day of work each working season.

If an employee chooses to come into work while out on personal leave, the employee is not paid for personal time during this period, but for the hours worked. The personal time will not be used. Personal time cannot be used to extend the pay or hours paid for an employee during the employee's normal work week.

Personal Leave Accumulation

Full-Time Employees - Any personal leave credits remaining unused are canceled at the close of business on December 31st.

Cemetery Department Employees and Crossing Guards - Accumulated personal leave must be used during the current working season. Any personal leave credits remaining unused are canceled at the close of business on the last day worked during the working season.

Use of Personal Leave

The use of personal leave by an employee must be preauthorized by the department head. Requests for personal leave must be submitted to the department head at least thirty-six (36) hours in advance or sooner if possible. Personal leave is not cumulative and must be taken in fifteen (15) minute increments.

Prorated Personal Leave

Personal leave accrual will be prorated for those employees who are on a workers' compensation leave, disability leave, or an unpaid leave of absence for more than thirty (30) calendar days.

Separation from Employment

Full-Time Employees - Employees are not eligible to receive compensation for accumulated personal leave at the time of separation from employment (i.e., termination, lay-off, resignation, retirement).

Cemetery Department Employees and Crossing Guards - Employees are not eligible to receive compensation for accumulated personal leave at the time of separation from employment.

807 Disclosure of Insurance Benefits

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

Plan Administrator – The Village Treasurer, or designee, serves as the Administrator of the Village's benefits plans. The Administrator is responsible for all communications and disclosures concerning Village benefits and is available to answer questions concerning the benefit plans. A description of each of the plans may be obtained from the Village Treasurer or designee.

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

Changes in Benefits – Any benefit offered by the Village to employees or Elected Officials is subject to change by resolution of the Board of Trustees.

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

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

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

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

808 Medical Insurance

Full-Time Employees - the Village provides full-time employees and their dependents with health insurance. The Village contributes 75% towards the cost of individual or family coverage.

Part-Time Employees - upon completion of twenty-six (26) weeks of employment, part-time employees who regularly work a minimum of ten (10) hours per week are eligible for health insurance. Part-time employees are responsible for one-hundred percent (100%) of the cost of individual or family coverage. Part-time employees who regularly work less than ten (10) hours per week are not eligible for health insurance.

Temporary and Seasonal Employees - the Village does not provide this benefit for temporary or seasonal employees.

Board of Trustees - the Village provides health insurance to members of the Board of Trustees. The Village contributes up to one thousand dollars (\$1,000) per fiscal year towards the cost of individual or family coverage. This payment is provided in a lump sum each April.

Pre-Tax Insurance Premiums - An employee may elect to pay the employee portion of the medical insurance premiums with pre-tax dollars.

Health Insurance for Retired Employees

Full-Time Employees - the Village of Homer shall allow eligible full-time employees who retire from the Village and their eligible spouses the option to continue their health insurance coverage upon retirement. Employees are responsible for the full cost of individual or family coverage.

To be eligible to purchase health insurance coverage beyond the limits allowed by COBRA (see section 809), the retiree (employee) must be age fifty-five (55) or older, have at least ten (10) years of service with the Village, and be eligible to receive a pension from the New York State Employees' Retirement System. Such health insurance will continue as long as all required contributions are made to the Village in the manner prescribed.

Village Trustees - The Village contributes towards health insurance for Village Trustees who retire with 20 or more years of service. The Village contributes up to one thousand dollars (\$1,000) per fiscal year towards the cost of individual or family coverage. This payment is provided in a lump sum each April.

Upon the death of such eligible retiree, the retiree's spouse may continue health insurance coverage. The retiree's spouse will be responsible for the total cost of the insurance premiums.

Generally, health insurance coverage will be at the same level it was at the time of retirement. However, the Board of Trustees reserves the right to change the health insurance plan at any time, including, but not limited to, type of coverage, employee (retiree) contributions, and type of carrier.

Health Insurance - General Information

Enrollment of eligible new employees is not automatic. Employees must complete the necessary enrollment forms that are provided by the Village Treasurer. New employees become eligible upon hire. Eligible employees may also enroll in the insurance plan during open enrollment periods or date specified by the carrier or if the employee experiences a qualifying change in life event.

It is the responsibility of each employee to:

1. Select individual or family coverage, whichever is applicable.
2. Complete enrollment/waiver forms and return them on time.

Keeping Your Coverage Up-To-Date

To keep your coverage up-to-date, please notify the Village Treasurer if any of the following conditions occur:

1. Your Family Unit Changes:
 - a) You marry or divorce
 - b) You acquire a dependent
 - c) You no longer have any eligible dependents
 - d) Your dependent loses eligibility
 - e) You no longer wish to provide coverage for a dependent
 - f) Your spouse dies
2. Your Status Changes:
 - a) You are going to retire
 - b) You are going on Leave without Pay
 - c) You have questions about COBRA
 - d) You want to cancel your health insurance coverage to obtain dependent status under your spouse's coverage
 - e) You will become eligible for Medicare within the next four (4) months
3. You Have Questions:
 - a) Concerning your family's eligibility for health insurance coverage
 - b) About changing your type of coverage (Family or Individual)
 - c) Your Employee Benefit I.D. Card is lost or damaged
 - d) You or a dependent did not receive your Employee Benefit I.D. Card
 - e) You want to know how to coordinate your benefits with Medicare
4. Other:
 - a) You want to cancel your coverage
 - b) Your home address changes
 - c) You would like a Participating Provider Directory

809 **Section 125 Plan**

Summary – The Village of Homer offers eligible employees the opportunity to participate in a Village-sponsored Section 125 plan. The benefit of participating in the Section 125 plan is that an employee's contributions to the plan are deducted from the employee's paycheck before federal, state, and social security taxes are calculated. This reduces the employee's taxable income and increases net wages. The options offered under this plan are shown below.

Eligibility - A full-time employee or Elected Official is eligible to participate in this plan. A part-time, temporary or seasonal employee may not participate in this plan.

Pre-Tax Insurance Premiums - An employee may elect to pay the employee portion of the medical insurance premiums with pre-tax dollars.

810 **Continuation of Health Insurance Benefits (COBRA)**

Summary - The 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.**

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

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 and for a limited time as described below. The COBRA requirements do not put any limit on the number of times a qualified beneficiary may be entitled to COBRA continuation coverage. COBRA coverage is in effect for a period of up to eighteen, twenty-nine, or thirty-six months, depending upon any of the following qualifying events:

- An **eighteen-month** continuation will be available to a qualified beneficiary in the event of the covered employee’s (or elected official’s) termination of employment for any reason except gross misconduct, or the covered employee’s loss of eligibility to participate due to reduced work hours.
- A **twenty-nine-month** continuation will be available to a qualified beneficiary in the event that the qualified beneficiary is disabled, per a determination under the Social Security Act, or becomes disabled within the first sixty days of COBRA coverage.

- The qualified beneficiary must provide the plan administrator with notice of the disability within sixty days of the determination of the disability by Social Security and before the end of the original eighteen-month COBRA coverage period. The qualified beneficiary must notify the plan administrator of a determination by Social Security that the individual is no longer disabled within thirty calendar days of such determination.
- A **thirty-six-month** continuation will be available to a qualified beneficiary in the event of any one of the following:
 - * Death of a covered employee or elected official.
 - * Divorce or legal separation from a covered employee or elected official.
 - * A covered dependent child's loss of eligibility to participate in the insurance plan due to the covered employee or elected official becoming covered by Medicare as a result of total disability or choosing Medicare in place of the insurance plan at age sixty-five; or
 - * Covered dependent ceases to be a "dependent child" under the health insurance plan.

Limitations - In the event an employee or elected official becomes covered by Medicare, but no loss of coverage results for the employee or elected official or the covered dependents, and a subsequent qualifying event occurs, the duration of coverage for all qualified beneficiaries will be thirty-six months from the date of the termination or reduction in hours. A qualified beneficiary may be covered under multiple qualifying events, but in no case will coverage be continued for more than thirty-six months.

Change in Beneficiary Status - An employee or elected official must notify the Village 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 or elected official to give notification of such an event.

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

811 Short-Term Disability Benefits

Eligibility – All employees, except minor students are provided with short-term disability coverage in accordance with the New York State Insurance Fund requirements. This benefit is to supplement loss of time from work due to a qualified non-job-related illness or injury.

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

Disability Payments – Disability payments will be in accordance with the terms of the policy purchased by the Village of Homer in compliance with New York State requirements. The duration of disability benefits is dependent upon a physician's certification and consistent with the terms of the policy. There may be a waiting period before an employee can become eligible for disability payments. Full details regarding the policy currently in effect are available from the Personnel Administrator.

Premium Payment - The Village will pay the full premium for disability coverage for each eligible employee.

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

Accrual of Benefits – Benefits, including vacation, sick, and personal time, will not accrue during a disability leave that extends more than thirty (30) calendar days. Employees will not be paid for any Village observed holidays that occur while on such leave.

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.

Return to work – To return to work as an employee or a volunteer fire fighter after a period of short-term disability, a physician's note is required noting the employee or volunteer fire fighter has no restrictions.

812 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 or volunteer firefighter 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 and volunteer fire fighter.

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 must complete and submit the required information to the Office of the Personnel Administrator.

Accrual of Benefits – Benefits, including vacation, sick, and personal time, will not accrue during a disability leave that extends more than thirty (30) calendar days. Employees will not be paid for any Village observed holidays that occur while on such leave.

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.

813 Unemployment Benefits

Coverage - The Village will make available unemployment benefits to each employee ruled eligible for benefits under New York State labor law.

814 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.

815 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. An employee is eligible for service retirement benefits after five years of creditable public-sector service. In the event an employee leaves after five years of service but prior to retirement age, such employee may receive a benefit at retirement age related to those years as a public-sector employee.

Mandatory Membership - A full-time employee who began employment with the State of New York or with a participating employer, on or after July 27, 1976, must join the retirement system as a condition of employment. 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 for less than one year or employment on less than a 12 month per year basis; or
- The position is either provisional or temporary under Civil Service Law.

Mandated employees must make a 3% salary contribution through payroll deduction until fully vested in the plan. This is subject to change based on notice from the New York State Retirement System. In some instances, part-time, seasonal, or temporary employees are mandated to join the New York State Retirement System. If the part-time, seasonal, or temporary employee hired is required to join, then the prospective employee must join the retirement system to be employed.

Optional Membership - An employee who is not mandated to join may join the retirement system. Such employee will be informed, in writing, that the employee may join the Retirement System and will acknowledge receipt of such notice by signing a copy thereof and returning it to the Village Office. If the employee elects to join the retirement System, the employee must complete the application form and return it to the Village 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. This form must be kept in the respective employee's personnel file located in a locked cabinet in the Village Offices.

816 *Police and Fire Retirement System*

Summary - The Police and Fire Retirement System covers all sworn personnel in the Police Department. The Village participates in the NYS Retirement Plan for Police and Fire personnel. The Village will contribute 100% of the employer cost associated with this plan as calculated by New York State Retirement. It is mandatory for all full-time and part-time police officers to become members of the Police and Fire Retirement System effective on the first day of employment, unless the Police and/or Fire Department member is already retired. If a prospective employee is required to join the retirement system, it becomes a condition of employment. As it is a contributory plan, the members will make a salary contribution based on a percentage of pay as determined by New York State Retirement.

817 *Education Assistance*

Summary - The Board of Trustees recognizes that the skills and knowledge of its employees are critical to the Village's success. The Village's educational assistance program encourages professional development through formal education so that employees can maintain and improve job-related skills. Upon completion of one (1) year of employment, full-time employees may apply for educational reimbursement from the Village for job related courses. Employees must submit their request to the department head. The course must be approved in advance by the Board of Trustees prior to enrollment. If approved, the Village will cover the full cost of tuition costs, books, and/or laboratory fees based on the successful completion of the course.

818 Employee Paid Benefits

Summary - The following is a brief description of the benefits offered by the Village to eligible employees that are sponsored by the Village of Homer but are paid in the entirety by the employees. Eligibility for benefits is dependent upon being considered a full-time employee. The description of the benefits provided is only an overview. The plan documents or specific government regulation provide a full description of the specific benefit.

Plan Administrator – The Village Treasurer, or designee, serves as the Administrator of the Village’s benefits plans. The Administrator is responsible for all communications and disclosures concerning Village benefits and is available to answer questions concerning the benefit plans. A description of each of the plans may be obtained from the Plan Administrator or designee.

Plan Documents - Benefits are administered according to applicable government regulation, benefit plan documents, insurance carrier master policy, or Village policy. Should there be a discrepancy between the information presented in this Employee Handbook and the benefit plan document, the Board of Trustees has the discretionary authority to determine eligibility for benefits and to interpret the plan’s terms. The Board of Trustees is responsible for compliance with all applicable laws and regulations. The Board of Trustees may, at its discretion, change carriers, and/or offer alternative insurance plans.

Changes in Benefits – Any benefit offered by the Village to full-time employees but paid by the employees is subject to change by resolution of the Board of Trustees.

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

Enrollment Information - The Personnel Administrator, or designee, will provide the employee with the enrollment forms and assist with the administrative and operational aspects of the various insurance plans. Enrollment in a benefit plan is not automatic. Employees must complete the appropriate enrollment forms and applicable payroll deduction authorizations in order to receive benefits.

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

819 Dental and Vision Insurance

Full-Time Employees - the Village offers a dental plan and Vision insurance to full-time employees. The employees cover all costs of participation in the plan. The Village does not offer Employee Paid Dental and/or Vision Insurance to Part-Time Employees, Retirees, Temporary and/or Seasonal Employees, the Board of Trustees or other Elected Officials.

Health Insurance - General Information

Enrollment of eligible new employees is not automatic. Employees must complete the necessary enrollment forms that are provided by the Personnel Administrator or Designee. New employees become eligible upon hire. Eligible employees may also enroll in the insurance plan during open enrollment periods or date specified by the carrier or if the employee experiences a qualifying change in life event. Once enrolled, an employee's enrollment cannot be cancelled until the next open enrollment period or when the employee experiences a qualifying life change.

It is the responsibility of each employee to:

1. Select individual or family coverage, whichever is applicable.
2. Complete enrollment/waiver forms and return them on time.

Keeping Your Coverage Up-To-Date

To keep your coverage up-to-date, please notify the Personnel Administrator if any of the following conditions occur:

1. Your Family Unit Changes:
 - a) You marry or divorce
 - b) You acquire a dependent
 - c) You no longer have any eligible dependents
 - d) Your dependent loses eligibility
 - e) You no longer wish to provide coverage for a dependent
 - f) Your spouse dies
2. Your Status Changes:
 - a) You are going to retire
 - b) You are going on Leave without Pay
 - c) You have questions about COBRA
 - d) You want to cancel your health insurance coverage to obtain dependent status under your spouse's coverage
 - e) You will become eligible for Medicare within the next four (4) months
3. You Have Questions:
 - a) Concerning your family's eligibility for health insurance coverage
 - b) About changing your type of coverage (Family or Individual)
 - c) Your Employee Benefit I.D. Card is lost or damaged
 - d) You or a dependent did not receive your Employee Benefit I.D. Card
 - e) You want to know how to coordinate your benefits with Medicare

4. Other:

- a) You want to cancel your coverage
- b) Your home address changes
- c) You would like a Participating Provider Directory

820 Employee Paid Other Supplemental Insurances

The Village also offers other employee paid supplemental insurances to full-time employees only. Employees are given the opportunity to enroll during open enrollment, within 30 days of being hired, or 30 days after experiencing a qualifying event. The selection of supplemental insurances will be approved by the Board of Trustees yearly and are subject to change. The actual plan documents, details of the plans, and the enrollment forms will be provided by the Personnel Administrator, or Designee.

821 Volunteer Fire Fighter Benefits for Village of Homer Fireman

Due to a fire fighter's volunteer service, the Village provides specific benefits to members of the Village of Homer Fire Department as described in sections 823 to 827. These benefits are only available while the individual remains a qualified, active volunteer fire fighter in good standing. If a member is placed on probation by the Wardens or the Village, the benefits will remain, but no new benefits can accrue until the volunteer fire fighter's status changes to good standing. If a volunteer fire fighter is dismissed from the Homer Fire Department by the Village or the Fire Department Wardens, or the volunteer fire fighter voluntarily resigns from his/her volunteer position, then the benefits will be terminated.

822 Volunteer Fire Fighter Benefits: Cancer Policy

In compliance with "New York State Volunteer Fire fighter Gap Coverage Cancer Disabilities Benefits Act," the Village provides coverage for interior certified firefighters with five SCBA fit tests that actively fight interior fires. Under this coverage, volunteers are enrolled once the 5-year requirement is met. Subsequent re-enrollment is completed during the insurance renewal meeting. All enrolled volunteer fire fighters in the plan are eligible for the coverages provided by law at the time. Exact benefits summary statements

Claimants for the coverage must provide written request of claim within the scope of time required by the policy. Payments to covered volunteers or their beneficiaries will be reported to Office of Fire Prevention and Control.

Any funds received from the cancer policy to covered volunteers or their beneficiaries, per NYS law, are not subject to New York State Income Tax, of which provisions could change at any time by New York State.

823 Volunteer Fire Fighter Benefits: Life Insurance Policy

Due to their volunteer service, the Village of Homer provides all active Village of Homer Fire Fighters with life insurance. Volunteer fire fighters are enrolled immediately upon final acceptance into the Homer Fire Department. All volunteer fire fighters must complete the enrollment forms, noting all beneficiaries. These forms are turned into the Personnel Administrator and maintained in a fire-proof locked cabinet. Each subsequent year after enrollment, all covered volunteers will be provided a listing of beneficiaries to determine if changes need to be made. The current amount of life insurance coverages can be obtained from the Personnel Administrator or the Fire Chief.

824 Volunteer Fire Fighter Benefits: Accident and Disability Coverage

Due to their volunteer service, the Village of Homer provides all active Village of Homer Fire Fighters with accident and disability coverage. Volunteer fire fighters are enrolled immediately upon final acceptance into the Homer Fire Department. Subsequent enrollment is automatic and completed during the insurance renewal time. The current amount of coverage can be obtained from the Personnel Administrator or the Fire Chief.

825 Volunteer Fire Fighter Benefits: Member Assistance Program- MAP

Due to their volunteer service, the Village of Homer provides all active Village of Homer Fire Fighters with a member assistance program, also known as MAP. The MAP program is available to assist volunteer fire fighters with support and provide guidance and resources to help members and their families deal with life's challenges and the demands that come with balancing work, volunteering, and home life. Volunteer fire fighters wanting to use MAP benefits should contact the Personnel Administrator or the Fire Chief for this information.

826 Volunteer Fire Fighter Physical Exams

Due to their volunteer service and to ensure the Volunteer Fire Fighters remain fit to perform their duties, the Village of Homer provides physicals at no cost to the fire fighter. The Village of Homer Fire Department will maintain rosters of all active fire men, including when the fire fighter's physical is due for renewal. It is the responsibility of the fire fighter to obtain the physical and send the results to the Village. Fire Fighters can use the Village doctor or their own doctor, but their own doctor, can only be used for a physical after the initial exam needed to become a fire fighter.

827 Volunteer Fire Fighter Prostate Exams

As interior certified fire fighters sometimes are more susceptible to prostate issues, the Village of Homer, will provide prostate exams at no cost to the fire fighter at age 40, and then every 5 years subsequent to the initial exam. Each year of eligibility, the exam would be covered; however, if issues were noted, further tests and/or treatment would be the responsibility of the fire fighter.

900 COMPLIANCE POLICIES

901 *The Americans with Disabilities Act*

Policy Statement – It is the policy of the Village of Homer 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 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.

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 Homer 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 Mayor or any member of the Board of Trustees. All complaints of discrimination will be investigated discreetly and promptly. An employee who reports discrimination 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.

902 *Equal Employment Opportunity*

Policy Statement - The Village of Homer is an Equal Opportunity Employer. The Village does not discriminate on the basis of race, religion, color, sex, age, national origin, disability, marital status, or military status. Discrimination based on any of the above is strictly prohibited and contradicts the Village's policy on discrimination and harassment. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, compensation, promotion, transfer, training, leave of absence, and termination.

Notification of Policy Violations - An employee should immediately report any perceived violation of this policy to the employee's Department Head. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported in writing to the Village Mayor or any member of the Board of Trustees. All complaints of discrimination will be investigated discreetly and promptly. An employee who reports discrimination will not suffer adverse employment consequences as a result of making the complaint.

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.

903 *Fair Treatment*

Policy Statement - It is the policy of the Village to promote a productive work environment in which all employees are treated with fairness, respect, and dignity. The Village will not tolerate harassment or discrimination of any kind in the workplace.

Notification of Policy Violations - An employee should immediately report any kind of harassment or discrimination in the workplace 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 Mayor or any member of the Board of Trustees. All complaints of discrimination will be investigated discreetly and promptly. An employee who reports harassment or discrimination in the workplace will not suffer adverse employment consequences as a result of making the complaint.

904 **Sexual Harassment**

Policy Statement – It is the policy of the Village of Homer to promote a productive work environment. As with discrimination involving race, color, national origin, religion, disability, age, marital status, or military status, the Village of Homer prohibits sex discrimination, including sexual harassment of its employees in any form. No form of harassment will be tolerated and is contrary to the Village’s policy on discrimination and harassment. The Village will take all steps necessary to prevent and stop the occurrence of sexual harassment in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting and resolving promptly, complaints of sexual harassment without any risk of repercussion to a complaining employee for filing a complaint of sexual harassment in good faith.

Applicability of Policy - This policy applies to all Village employees and officials regardless of supervisory level, whether employed full or part-time, temporary or seasonal, whether elected or appointed and regardless of compensation level, and all personnel in a contractual relationship with the Village. Depending on the extent of the Village’s exercise of control, this policy may be applied to the conduct of non-Village employees with respect to sexual harassment of Village employees in the workplace and non-employees (e.g., volunteer firefighters).

Supervisory Responsibility - Department Heads and supervisory personnel are responsible for ensuring a work environment free from unsolicited, unwelcome and intimidating sexual overtures. Supervisors must take immediate and appropriate corrective action, when instances of sexual harassment come to their attention, to assure compliance with this policy.

Definition of Sexual Harassment - Sexual advances that are not welcome, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; -OR-
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, such as promotion, transfer, or termination, affecting such individual; -OR-
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment refers to behavior that is not welcome, that is personally and objectively offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with an employees’ work performance and/or effectiveness or creates an intimidating, hostile or offensive working environment. Exposure to such conduct that serves to alter the terms and conditions of employment is prohibited by this policy and state and federal law.

Forms of Sexual Harassment - Specific forms of behavior that the Village of Homer considers sexual harassment, and which are prohibited include, but are not limited to, the following:

- Verbal harassment of a sexual nature related to an employee's gender, including sexual innuendoes, slurs, sexual slurs, suggestive, derogatory, insulting or lewd comments or sounds, whistling, jokes of a sexual nature, sexual propositions and/or threats.
- Sexually oriented comments about an employee's body that are unwelcome and/or unreasonably interfere with an employee's work performance or create an intimidating, hostile, or offensive working environment.
- Any sexual advance that is unwelcome or any demand for sexual favors.
- Sexually suggestive written, recorded or electronically transmitted material, showing or displaying pornographic or sexually explicit objects or pictures, graphic commentaries, leering or obscene gestures in the workplace such that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment.
- Physical contact of any kind, which is not welcome, including touching, grabbing, hugging, fondling, jostling, petting, pinching, coerced sexual intercourse or sexual relations, assault or intentional brushing up against a person's body.

Reporting of Sexual Harassment - Employees are encouraged to report incidents of sexual harassment to their immediate supervisor as soon as possible after their occurrence. If the employee's immediate supervisor is believed to be involved in the incident, the report should be made directly to the employee's Department Head. If the employee's Department Head is believed to be involved in the incident, the report should be made directly to the Village Mayor or any member of the Board of Trustees. Employees who believe they have been sexually harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their immediate supervisor, Department Head, the Village Mayor or any member of the Board of Trustees.

Employees who work irregular shifts are encouraged to contact their supervisor, Department Head or the Village Mayor at home if these individuals do not work during the employee's shift.

Confidentiality - Complaints of harassment will be handled and investigated promptly and in a manner that is as impartial and confidential as possible. In no event will information concerning a complaint be released by the Village to third parties or to anyone within Village employment who is not directly involved in the investigation of the complaint unless otherwise required by law.

Investigation of Complaint – Generally, investigation of a complaint will be conducted by the complainant's Department Head or immediate supervisor and will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the

behavior and the context in which the incident(s) occurred. In those instances when a Department Head or supervisor requests or requires assistance, or when the Department Head or supervisor is named in the complaint or involved in the incident, the Board of Trustees will appoint an individual to conduct the investigation.

Employee Defense – Any employee charged with sexual harassment will be afforded a full and fair opportunity to offer and present information in the employee’s defense. Such information will be confidential to the extent possible.

Employee Rights - Nothing in this policy should be construed as in any way limiting employees’ rights to use the Dispute Resolution Procedure as described in this Employee Handbook.

Disciplinary Action - Any employee or official who is found to have committed an act of sexual harassment will be subject to disciplinary action, up to and including termination of employment, as provided by Village operating procedures.

Prohibition Against Retaliation - Intimidation, coercion, threats, reprisal or discrimination against any employee who in good faith brings a written or verbal sexual harassment complaint or who assists or aids in the investigation of such a complaint is prohibited. Any employee who participates in the procedure may do so without fear of retaliation. Retaliation against any employee who has filed a sex discrimination or sexual harassment complaint is illegal and may result in disciplinary action.

905 Drug-Free Workplace

Statement of Compliance - 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 the following policy and drug-free awareness program:

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

Implementation of Policy – This policy will be distributed to all employees and officials of the Village.

Sanctions - The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is strictly prohibited in all workplaces and work-sites. 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 dismissal from employment.

Employee Responsibilities - As a condition of the Village receiving Federal grant monies, each employee must abide by this policy and notify the 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 Homer 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 the 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

906 *Controlled Substance and Alcohol Testing*

Statement of Compliance - The Board of Trustees 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.

907 *Smoking*

Restrictions - Smoking is prohibited in all Village buildings and all Village vehicles.

908 *Workplace Violence/Harassment*

In accordance with NYS law, the Village Homer Board of Trustees approved the Workplace Violence Prevention Policy/Program. All Village employees, elected officials, volunteers, members of the Village of Homer Fire Department, committee members and interns are subject to the policy. Examples of Workplace Violence and reporting procedures are in the policy, of which, a copy can be obtained in the Village offices.

1000 SAFETY

1001 *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 responsibility of the employee to fully 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:

- Eliminate the immediate cause of the accident;
- Provide aid to the injured person and summon for assistance;
- Call the Department Head immediately;
- If the accident appears serious, call an ambulance; 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 supervisor or Department Head. The employee's supervisor or Department Head must complete an *Employer's Report of Injury Form (C-2)* and submit it to the Village Clerk within six days of the accident.
- 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 supervisor or Department Head. The employee's supervisor or Department Head must complete a *Supervisor's Report of Incident Form* and submit it to the Village Clerk's office within six days of the accident.
- The Village Clerk must 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.

1002 Hazard Communication Program

Statement of Compliance - The Village of Homer 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 maintains 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 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 employee's Department Head for proper handling. No unmarked containers of any size are to be left in the work area unattended.

Material Safety Data Sheets (MSDS) - An employee working with a Hazardous Chemical shall obtain a copy of the Material Safety Data Sheet (MSDS) 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 Material 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 such 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.

1100 COMMUNICATION PROCEDURES

1101 Bulletin Board

Summary - Bulletin boards are located throughout Village buildings for communicating information to employees. An employee should check the bulletin boards frequently to keep informed on changes in employment matters and other items of interest.

Posting of Material - All material to be posted on bulletin boards, including memos and announcements, must have the prior approval of the appropriate Department Head.

1102 Adverse Correspondence

Written Communication - An employee who receives a memo, fax message, letter, telegram, e-mail, legal notice, summons, or other form of communication of a negative nature must immediately forward the document to the appropriate Department Head.

Verbal Communication - An employee who receives a verbal complaint from a Village resident of unfair treatment or expressions of anger or dissatisfaction must immediately notify the appropriate Department Head.

1103 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 that may be valuable to the Village's productivity and success. All suggestions will be carefully reviewed and implemented if feasible.

1104 Public Relations

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

1200 DISPUTE RESOLUTION

1201 Dispute Resolution Procedure

Policy Statement - In order to promote a harmonious and cooperative relationship between employees, department heads and members of the Board of Trustees that will enhance the operation of the Village, a set of grievance procedures has been established. Employees are encouraged to try to resolve the matter with their supervisor. If the supervisor is unable to resolve the problem, the employee may discuss the situation with the department head. If a resolution at this step is not satisfactory, a meeting may be requested with the employee's supervisor, the department head, and the Board of Trustees' liaison for that department. Every effort will be made to respond in writing to the employee's concerns within a reasonable period of time after such meeting. If a resolution at this step is still not satisfactory, employees have the opportunity to appeal the decision in writing within five (5) workdays to the Mayor. The Mayor and the Board of Trustees will review the employee's concerns and will render a final decision in writing to the employee within a reasonable period of time.

No employee or department head will be subject to retaliation for bringing grievance matters to the attention of management, the Mayor, or the Board of Trustees.

1300 CONCLUSION

In general, we have mentioned benefits, procedures, and responsibilities. Now, we need to emphasize again the most important component, that is, the taxpayers and the residents of the Village of Homer. In order to retain the confidence of those we serve, we want to assure that our excellent reputation continues by always giving the best service.

Thank you for taking the time to review this Handbook. You are encouraged to contact your department head if you have any question, suggestions, or concerns regarding your employment with us.

1400 EMPLOYEE ACKNOWLEDGEMENT FORM

Detach and place in employee's personnel file.

<p style="text-align: center;">VILLAGE OF HOMER</p> <p style="text-align: center;">EMPLOYEE HANDBOOK ACKNOWLEDGMENT</p>

I hereby acknowledge that I have received a copy of the ***Village of Homer Employee Handbook*** outlining the rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits of the Village of Homer. 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 Mayor 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 Board of Trustees of the Village of Homer reserves the right to interpret, change or modify any section of the Employee Handbook at any time.

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 Homer.

Employee name (please print)

Employee Signature

Date of Signature

Department Head Signature

Date of Signature

1500 EMERGENCY CONTACT FORM

Detach and place in employee's personnel file.

VILLAGE OF HOMER EMERGENCY CONTACT FORM
--

Employee _____

Address _____

Primary phone _____
Alternate phone _____

.....
In the event of an emergency occurring during workday hours please contact:

Primary contact _____

Phone: _____ Relationship: _____

Secondary contact _____

Phone: _____ Relationship: _____

.....
Medically Relevant Information _____

Does the employee carry health insurance provided by the village?

- Yes
- No