

VILLAGE OF CLAYTON

EMPLOYEE HANDBOOK

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EMPLOYEE HANDBOOK

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Village of Clayton Employee Handbook

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100 INTRODUCTION

101 *Welcome Message*

We would like to welcome you and congratulate you on your appointment to a position with the Village of Clayton. 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 or to the Village's Human Resources Specialist.

The Village of Clayton believes that a cooperative labor-management relationship not only lends to a positive work environment but also helps ensure fair treatment in the workplace.

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

For those employees who are not members of a collective bargaining unit within the Village of Clayton, this Employee Handbook governs all terms of your employment, as no stipulations of any collective bargaining agreement are applied beyond members of those agreements.

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

102 **Definitions**

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

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

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 Clayton:

- Mayor
- Village Trustees
- Village Justice*

**In addition to the elected Village Justice, an “Acting Village Justice” is appointed.*

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 Clayton. 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 *Jefferson County Civil Service Rules*.

103 **Employee Classifications**

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

Full-Time Employees – The term “full-time employee” will mean an employee who is regularly scheduled to work a minimum of forty hours per week.

Part-Time Employees – The term “part-time employee” will mean an employee who is scheduled on a regular and on-going basis to work less than thirty hours per week.

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

Seasonal Employees – The term “seasonal employee” will mean an employee who is employed to work for a given season or portion thereof.

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

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

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

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

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

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

Questions – Any questions regarding any topic covered in this Employee Handbook should be directed to the appropriate Department Head or the Village's Human Resources Specialist.

105 *Changes or Modifications*

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

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

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

200 THE CIVIL SERVICE SYSTEM

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

201 *The Unclassified and Classified Services*

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

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

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

202 *Civil Service Appointments*

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

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

203 Examinations and Promotions

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

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

204 Veterans Credits

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

300 EMPLOYMENT MATTERS

301 *Oath of Office*

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

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

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

302 *Procedure for Filling Vacancies*

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

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

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

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

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

Residency Preference – Qualified applicants who are Village of Clayton residents will be given priority consideration over qualified nonresidents.

Furthermore, in accordance with Village Code, Chapter 20, in order to be eligible to hold office in the Village of Clayton, other than the Office of Mayor or Trustee, the prospective Village officer must be at least 18 years of age and a resident of Jefferson County.

303 *Employment of Relatives*

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

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

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

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

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

304 Probationary Period

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

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

Length of Probationary Period – Except as otherwise provided in the *Jefferson County Civil Service Rules*, every permanent appointment from an open-competitive list and every permanent appointment to a position in the non-competitive, exempt or labor class shall be for a probationary term of not less than eight (8) weeks nor more than twenty-six (26). The length of the probationary period may be extended in accordance with the *Jefferson County Civil Service Rules*.

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

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

305 New Employee Orientation

Procedure – The purpose of the new employee orientation is to welcome new employees and to familiarize them with the Village and their job. The orientation process generally consists of, but is not limited to, a tour of the employee's assigned worksite, distribution and review of this employee handbook, and enrollment in benefit plans, if applicable. In addition, the employee's Department Head is responsible for introducing the employee to co-workers, scheduling on-the-job training, and reviewing the job description and performance requirements of the position.

306 Performance Review

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

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

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

307 *Corrective Action and Discipline*

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

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

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

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

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

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

Retaliation directed toward an individual that has participated in a workplace investigation, or who has put forth a complaint in good faith, will not be tolerated. The Village encourages any employee who feels that they have been retaliated against to report it immediately.

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

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

- Willful violation of Village's rules, policies, and procedures.
- Harassing (including sexual harassment), intimidating, coercing, threatening, assaulting, or creating a hostile environment against another employee, Elected Official, resident of the Village, supplier, visitor, or any other person, whether on or off Village premises.
- Engaging in any action that is in violation of the Village's Workplace Violence Prevention Policy.

- Possession of any weapon or dangerous instrument (including knives with over a three inch blade, firearms, and explosives) on Village property or in Village vehicles, except for those employees who are required as a condition of employment to bear a weapon.
- Possession, use, distribution/sale, or being under the influence of alcohol or controlled substances during hours of work or while on Village property or in Village vehicles.
- Willful or deliberate abuse, destruction, defacement, or misuse of Village property or the property of another employee, Elected Official, resident of the Village, supplier, visitor, or any other person.
- Theft or unauthorized possession, use, or removal of Village property or the property of another employee, Elected Official, resident of the Village, supplier, visitor, or any other person.
- Falsification or alteration of any records or reports including but not limited to employment applications, time records, work records, medical reports, absence reports, work-related injury reports, and claims for benefits provided by the Village.
- Preparation or manipulation of another employee's time record.
- Acts of sabotage, including the work of another employee.
- Making false statements about another employee, Elected Official, resident of the Village, supplier, visitor, or any other person. This includes knowingly making false accusations against another individual as to allegations of discrimination, sexual harassment or other harassment which is in violation of Village policy or applicable law.
- Insubordination or willful refusal to comply with the lawful order or instruction of a supervisor or Department Head.
- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities.
- Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment, in such a way that jeopardizes the safety of the employee, another employee, Elected Official, resident of the Village, supplier, visitor, or any other person.
- Offensive or unprofessional behavior that is contrary to the Village's best interest, or any conduct that does not warrant public trust.
- Committing any violation of the law either on or off duty or on or off the work site that compromises or adversely effects the employee's fitness or ability to perform assigned job duties.
- Unauthorized expenditure of Village funds.
- Illegal gambling while on duty.
- Careless or negligent use or operation of equipment, including vehicles and machinery.
- Unauthorized absences or failure to give proper notice of an absence or tardiness.

- Excessive tardiness and/or absences except those absences covered by state and/or federal statutes.
- Leaving work area without permission, as defined by the Department Head.
- Failure to adhere to the personal appearance/dress code policy.
- Sleeping on the job, unless authorized by a Department Head or supervisor.
- Personal activity during paid work time without the express permission of the Department Head.
- Use of personal listening devices (e.g. cellphones with headphones / earbuds) during paid work time without the expressed permission of the Department Head. (Note: use of such devices is permitted during meal breaks and authorized rest breaks).
- Disruptive, loud, or boisterous behavior or horseplay in the workplace.
- Abusive language in the workplace, including racial slurs and epithets.
- Posting, removing, or defacing of notices, signs, or other written material without prior approval.

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

308 Civil Service Law Section 75

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

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

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

- A newly hired employee who has not completed the minimum probationary period as specified in the *Jefferson County Civil Service Rules*;
- An employee holding a position by permanent appointment in the **Competitive Class** of the classified Civil Service;
- An employee holding a position in the **Non-Competitive** or **Labor Class** other than a position designated in the *Jefferson County Civil Service Rules* as confidential or requiring the performance of functions influencing policy, who since the employee's last entry into service has completed at least five years of continuous service in the Non-Competitive or Labor Class in a position or positions not so designated in the rules as confidential or requiring the performance of functions influencing policy;

- An employee holding a position by permanent appointment or employment in the Exempt, Competitive, Non-Competitive, or Labor Class who is a qualified veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, except when such an employee holds the position of private secretary, cashier, or deputy of any official or department. Specifically, the employee must have been honorably discharged or released under honorable circumstances from the armed forces of the United States having served therein as such member in time of war as defined in Section 85 of the New York State Civil Service Law, or the employee must be an exempt volunteer firefighter as defined in the General Municipal Law.

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

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

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

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

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

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

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

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

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

309 Code of Ethics

Section 1. Purpose – Officers and employees of the Village of Clayton hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Village of Clayton recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

Section 2. Definitions:

- a) "Board" means the governing board of a municipality and any municipal administrative board (e.g. planning board, zoning of board of appeals), commission, or other agency or body comprised of two or more municipal officers or employees.
- b) "Code" means this code of ethics.
- c) "Interest" means a direct or indirect financial or material benefit but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.
- d) "Municipality" means the Village of Clayton. The word "municipal" refers to the municipality.
- e) "Municipal officer or employee" means a paid or unpaid officer or employee of the Village of Clayton, including, but not limited to, the members of any municipal board.
- f) "Relative" means a spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

Section 3. Applicability – This code of ethics applies to the officers and employees of the Village of Clayton and shall supersede any prior municipal code of ethics. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, article 18 of the General Municipal Law and all rules, regulations, policies, and procedures of the Village of Clayton.

Section 4. Prohibition on Use of Municipal Position for Personal or Private Gain – No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

Section 5. Disclosure of Interest in Legislation and Other Matters – Annual disclosure of property interests plays a critical role in an effective Code of Ethics. By alerting Village citizens and Officials, Employees, and Consultants of potential conflicts of interest, the intention is to avoid violations. It should be noted that failure to make the required disclosure filings on a timely basis is a violation of the Code of Ethics of the Village of Clayton and subject to penalty as specified in this Chapter.

- a) All Officials, Employees, and Consultants are required, (1) annually by the last day of March each year, and (2) within 30 days of taking office or within 30 days of the effective date of this chapter, to file a Disclosure Statement, in writing, to the Village Mayor, disclosing all potential conflicts as defined in this chapter, jointly in partnership with others, as a corporate entity or trust and the name of any partnership, corporate entity, or trust of which he or she or a Family Member is an officer, director or employee or of which he or she or a Family Member, legally or beneficially, owns or controls more than 5% of the outstanding stock or interest, and his or her position, and his or her or Family Members' position, if any, with the partnership, corporate entity or trust. The Village Mayor's Office shall report to the Village Board anyone required to file the Annual Statement of Financial Disclosure for the Village of Clayton who fails to file the form within 30 days of the due date therefor, and the Village Mayor's Office shall notify such persons by certified mail, if the address is known, and then 10 days thereafter, if the filing has not been received, shall post such information on the Village's Website until such filing is made. A local form entitled "Annual Statement of Financial Disclosure For (year)" is hereby adopted as the form in which said statements shall be made and filed. A copy of said form is annexed to this chapter as Appendix A. The Annual Statement of Financial Disclosure required by this section shall be kept current through the filing of additional written statements with the same form of affirmation as the original Annual Statement of Financial Disclosure within 30 days of any real estate transaction for the categories of real estate covered by the Annual Statement of Financial Disclosure.
- b) The Village Board shall determine the list of persons who are subject to the disclosure requirements of this section. The distribution and receipt of the disclosure statements required by this section shall be administered by the Village Mayor's Office. Received disclosure statements shall be reviewed by the Village Mayor's Office, assisted by the Village Attorney when deemed necessary. Such review will consist of verifying that disclosure forms are complete and proper per the requirements of this Code of Ethics and that any actual or potential conflicts and/or violations of this Code of Ethics are identified and referred to the Board of Ethics.

- c) Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.
- d) The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever or, if the person does not have a Mayor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's position.

In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

Section 6. Recusal and Abstention:

- a) No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.
- b) In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:
 - 1. if the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or
 - 2. if the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.
 - 3. if the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate Mayor, and the immediate Mayor shall designate another person to exercise or perform the power or duty.

Section 7. Prohibition Inapplicable; Disclosure, Recusal and Abstention Not Required:

- i. This code's prohibition on use of a municipal position (section 4), disclosure requirements (section 5), and requirements relating to recusal and abstention (section 6), shall not apply with respect to the following matters:
 - 1. adoption of the municipality's annual budget;
 - 2. any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
 - i. all municipal officers or employees;
 - ii. all residents or taxpayers of the municipality or an area of the municipality; or
 - iii. the general public; or

- iv. any matter that does not require the exercise of discretion.
- ii. Recusal and abstention shall not be required with respect to any matter:
 - 1. which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by section 6 of this code;
 - 2. which comes before a municipal officer when the officer would be prohibited from acting by section 6 of this code and the matter cannot be lawfully delegated to another person.

Section 8. Investments in Conflict with Official Duties:

- a) No municipal officer or employee may acquire the following investments:
 - 1. investments that can be reasonably expected to require more than sporadic recusal and abstention under section 6 of this code; or
 - 2. investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.
- b) This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:
 - 1. real property located within the municipality and used as his or her personal residence;
 - 2. less than five percent of the stock of a publicly traded corporation; or
 - 3. bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

Section 9. Private Employment in Conflict with Official Duties – No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

- a) can be reasonably expected to require more than sporadic recusal and abstention pursuant to section 6 of this code;
- b) can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;
- c) violates section 805-a(1)(c) or (d) of the General Municipal Law; or
- d) requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

Section 10. Future Employment:

- a) No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.
- b) No municipal officer or employee, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.

- c) No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

Section 11. Personal Representations and Claims Permitted – This code shall not be construed as prohibiting a municipal officer or employee from:

- a) representing himself or herself, or his or her spouse or minor children before the municipality; or
- b) asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

Section 12. Use of Municipal Resources:

- a) Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.
- b) No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:
 - 1. any use of municipal resources authorized by law or municipal policy;
 - 2. the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or
 - 3. the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.
- c) No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

Section 13. Interests in Contracts:

- a) No municipal officer or employee may have an interest in a contract that is prohibited by section 801 of the General Municipal Law.
- b) Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by section 803 of the General Municipal Law.

Section 14. Nepotism – Except as otherwise required by law:

- a) No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.
- b) No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.

Section 15. Political Solicitations:

- a) No municipal officer or employee shall directly or indirectly to compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.
- b) No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

Section 16. Confidential Information – No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

Section 17. Gifts:

- a) No municipal officer or employee shall solicit, accept or receive a gift in violation of section 805-a(1)(a) of the General Municipal Law as interpreted in this section.
- b) No municipal officer or employee may directly or indirectly solicit any gift.
- c) No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars or more when:
 - 1. the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;
 - 2. the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or
 - 3. the gift is intended as a reward for any official action on the part of the officer or employee.
- d) For purposes of this section, a “gift” includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift’s fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.
- e) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.
A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.
- f) This section does not prohibit any other gift, including:
 - 1. gifts made to the municipality;

2. gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;
3. gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;
4. unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
5. awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or
6. meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

Section 18. Board of Ethics:

- a) Within the Resolution, the Village Board of the Village of Clayton has authorized the Jefferson County Board of Ethics to have jurisdiction of review for any ethics issues identified within the Village of Clayton.
- b) The Jefferson County Board of ethics shall render advisory opinions to the officers and employees of the Village of Clayton with respect to article 18 of the General Municipal Law and this code. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the board of ethics may prescribe. The board of ethics shall have the advice of legal counsel employed by the board, or if none, the municipality's legal counsel. In addition, the board of ethics may make recommendations with respect to the drafting and adoption of a code of ethics, or amendments thereto, upon the request of the Village of Clayton.

Section 19. Posting and Distribution:

- a) The Village Mayor must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality's control, alongside the required posting of sections 800-809 GML relating to Conflicts of Interest of Municipal Officers and Employees. The code must be posted within ten days following the date on which the code takes effect. An amendment to the code must be posted within ten days following the date on which the amendment takes effect.
- b) The Village Mayor must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the Village of Clayton.
- c) Every municipal officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed with the Clerk to the Mayor who must maintain such acknowledgments as a public record.
- d) The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal officer or employee to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

Section 20. Ethics Training – The Village Mayor’s Office, with the advice and assistance of the Board of Ethics, shall develop Code of Ethics training materials and training programs based on those materials with respect to the Code of Ethics. The training will be designed to keep recipients knowledgeable of current standards and issues in municipal ethics. Each person who is required to file financial disclosure statements shall be required to attend a Code of Ethics training program conducted by the Village Mayor’s Office annually. Such training will be documented and kept in each individual’s personnel file.

Section 21. Enforcement and Penalties - In its discretion, and after a hearing in accordance with Article 3 of the State Administrative Procedure Act (SAPA) and subject to § 75 of the Civil Service Law and any collective bargaining agreements, to the extent practicable, the Ethics Board may publicly recommend appropriate disciplinary action, which may include a written warning or reprimand, forfeiture of accrued leave with pay, required attendance at ethics training seminars, suspension, or termination of employment, to the authority, or person, or body authorized by law to impose such sanctions.

The Ethics Board shall conduct and complete the hearing with reasonable promptness, and shall not act without notice and opportunity to be heard, and shall observe appropriate due process.

Section 22. Complaints and Investigations:

- a) Upon receipt of a form duly sworn by the person requesting an investigation of an alleged violation of this chapter or upon the Board determining on its own initiative that a violation of this chapter may exist, the Ethics Board shall have the power and duty to conduct any investigation necessary to carry out the provisions of this section. In conducting any such investigation, the Board may administer oaths or affirmations, subpoena witnesses and compel their attendance and require the production of any books or records which it may deem relevant or material. The form to be utilized in requesting an investigation of an alleged violation of this chapter shall be the form available in the office of the Village Mayor.
- b) The Ethics Board investigation shall be confidential until such time that a final determination of the Ethics Board has been made. Thereafter, the Ethics Board shall state in writing its disposition of every sworn complaint it receives and of every investigation it conducts, and shall set forth the reasons for the disposition to the Village Board. Any findings of violations of this chapter or other applicable law shall be served upon the subject of the investigation within seven (7) days of such service of any findings of violations of this chapter, and violations shall be made a public record and shall be indexed and maintained on file by the Village Clerk.
- c) All employees of the Village of Clayton and all officials (whether paid or unpaid) are required to fully cooperate with the reasonable requests of the Ethics Board during all formal ongoing investigations. Notwithstanding the above requirement, the following conditions will also apply:
 1. The Ethics Board shall advise the employee or officer of their right to confer with or obtain outside legal (or other) counsel. No individual shall be denied his/her right to obtain and to utilize outside legal (or other) counsel. A reasonable period of time will be provided to retain outside counsel (as a general rule, no less than thirty (30) calendar days).
 2. Any individual questioned in connection with any investigation will be advised whether or not he/she is a target/subject of that investigation as soon as possible.

3. During an investigation, the subject(s) of investigation will be advised of the accusations or charges against him/her in a timely manner.

Section 23. Whistleblower Protection – No Public Officer, Employee or Agency Member shall retaliate against any Public Officer, Employee or Agency Member or other person for, notwithstanding any other provision of this chapter:

- a) Submitting a complaint to the Board of Ethics; or
 1. Reporting alleged waste, inefficiency, corruption, criminal activity or conflicts of interest to any federal, state or county regulatory or investigative authority, as expressly permitted by federal, state or county law; or
 2. Providing information to the Board of Ethics or to a federal, state or county regulatory or investigative authority; or
 3. Acting or refusing to act as required by this chapter and Article 18 of the General Municipal Law.
- b) In resolving a complaint that a Public Officer, Employee or Agency Member has violated this section, the Board of Ethics may, among other things, recommend that a retaliatory personnel or regulatory action be reversed.

Section 24. Effective Date – This local law shall take effect upon the Village Clerk filing this local law with the New York Secretary of State but shall not be retroactive on actions or inactions that have occurred prior to its effective date.

310 **Personnel Records**

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

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

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

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

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

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

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

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

311 *Separation from Employment*

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

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

Notice of Resignation (Village Officers) – A Village Officer (as defined by Public Officers Law) must resign by delivering a written notice to the Village Clerk. If no effective date is specified, the office becomes vacant immediately upon delivery of the notice to the Village Clerk. 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 (ninety days for Justices), the resignation will become effective thirty days after such delivery (ninety days for Justices).

Notice of Resignation (Village Clerk) – The Village Clerk who intends to resign must submit a written resignation to the Village Board at least thirty calendar days before the date of resignation is to be effective.

Exit Interviews – Exit interviews shall be conducted by the Village's Human Resources Specialist. The exit interview provides an opportunity to discuss a number of items including employee benefits, COBRA eligibility, changing of computer passwords, and return of Village property. During the exit interview, employees are encouraged to give suggestions, concerns and constructive recommendations.

Final Paycheck – Employees receive their final paycheck on the next regularly scheduled payday. The final paycheck includes payment for accumulated vacation benefits, if applicable, unless otherwise stipulated in a collective bargaining agreement.

400 OPERATIONAL POLICIES

401 *Departmental Hours*

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

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

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

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

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

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

402 Meal Breaks and Breaks for Nursing Mothers

Meal Breaks – A non-Union employee who works more than six hours in a given day will receive an unpaid, duty-free meal break not to exceed thirty minutes. This meal period may be extended with prior authorization of the applicable Department Head.

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

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

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

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

403 *Emergency Situations*

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

Payment of Wages – Full-time employee's pay will not be affected by an emergency closing.

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

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

404 Time Records

Policy Statement – Time records provide a means of accurately accounting for time worked and authorized paid leave taken by employees. The Village uses a timesheet to collect this important information.

Procedures – An employee required to complete a timesheet must comply with the following procedures:

- Time records must be completed by the close of each workday;
- All time worked, including the beginning and ending time, must be recorded;
- All paid and unpaid leaves of absence must be recorded;
- Employees must complete their own timesheet;
- The timesheet must be submitted to the Department Head at the time specified;
- The time record must be verified and signed by the Department Head;

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

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

405 Bonding

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

406 Expense Reimbursement

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

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

Mileage – An employee who is directed by the appropriate Department Head or supervisor to use the employee's own vehicle to conduct Village business will be reimbursed at the mileage rate established by New York State or the applicable collective bargaining agreement, as the case may be.

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

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

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

407 Vehicle Usage

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

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

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

408 ***Driver's License / Insurance Requirements***

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

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

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

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

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

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

409 *Supplies, Tools and Equipment, and Fuel Usage*

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

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

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

410 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.
- An employee may not make or receive personal telephone or cell phone calls during work hours, except in an emergency or to check briefly on family matters.
- Use of a cell phone for personal text messaging during work hours is prohibited.
- An employee may not make or receive personal calls on a Village provided telephone or cell phone that will result in additional charges to the Village, except in an emergency and/or with prior approval from the Department Head. The employee must reimburse the Village for the cost of the call.
- The use of Village issued cell phones is monitored to ensure no excessive or inappropriate use occurs.
- The use of a cell phone while driving on Village business must be in compliance with all applicable laws.

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

- With the exception of an emergency situation, cell phones may not be used for personal purposes during work hours unless the employee is on an authorized break or has permission from a supervisor.
- No personal text messages may be sent or received during working hours.
- No web browsing, music, movies, or all other uses of cell phones will be allowed during working hours.
- Personal cell phones that are broken, damaged or lost during working hours will not be replaced or paid for by the Village.

411 Telecommuting Policy

Purpose – The purpose of this policy is to establish parameters for employees to work from home by telecommuting.

1. The employee will telecommute from their home. The “home office” work schedule will be Monday through Friday and follow their regular office hours, unless otherwise approved by the Village Mayor, or his/her designee. All current meal and rest breaks remain in effect.
2. The employee agrees to be available during the assigned business hours, except during normal lunch breaks, and rest breaks, for communication through such methods including, but not limited to, a land-line phone, cell phone, Teams, GoToMeeting, Zoom, or other related meeting platform, and e-mail. The employee agrees to respond in a timely basis to business emails or voicemails.
3. The job duties, obligations, responsibilities and conditions of the employee's employment with the Village will remain unchanged.
4. The employee's salary, retirement, paid leave, health, dental and vision insurance coverage, and all other employee benefits shall remain in effect.
5. Work hours, overtime compensation, use of sick and personal leave, and approval for use of vacation will conform to the Village's policies and procedures, departmental guidelines, or to the appropriate corrective bargaining agreement, and to the terms otherwise agreed upon by the employee and the Village.
6. The employee agrees to maintain a safe work environment, to report work-related injuries to their Department Head or Village Mayor at the earliest opportunity, and to hold the Village harmless for injury to others at the telecommuting location.
7. The employee agrees to provide a secure location for Village-owned equipment and materials, and will not use, or allow others to use, such equipment for purposes other than Village business. The employee agrees to maintain in a secure manner the confidentiality of Village records and other information. All equipment, records, and materials provided by the Village shall remain Village property.
8. The employee agrees to return Village equipment, records, and materials within one (1) workday following the termination of this policy. All Village equipment will be returned by the employee for inspection, repair, replacement, or repossession with two (2) days' written notice.
9. The employee will follow the security measures contained in the Village's Employee Handbook and Network Security Policy, including maintaining the integrity of work-related computer passwords. Virtual Private Network (VPN) will only be used on Village-owned devices of employees authorized by the Village Mayor, after signing out this equipment. It is the responsibility of the employee with VPN privileges to ensure that unauthorized users are not allowed access to internal networks. The employee will contact their Department Head with questions regarding computer system security. The Department Head will contact the Village Mayor's office for technical guidance and support.

10. The Village will pay for the maintenance and repairs to Village-owned equipment. The employee will report all equipment issues to their Department Head the same day an equipment issue arises. The Department Head will make a request to the Village Mayor's office or the need to repair and/or replace equipment so that maintenance and/or repair of the equipment can be scheduled.
11. The Village will not pay for the maintenance or repairs of privately-owned equipment, utility costs associated with the use of the computer or occupation of the home, office supplies, or travel expenses associated with commuting to the Village's main office.
12. The Village retains the right to modify this policy on a temporary basis as a result of business necessity (for example, the employee may be required to come to the office on a particular day).
13. The employee understands that he or she is responsible for insurance consequences, if any, of this arrangement.

412 *Electronic Data and Cyber Security Policies*

Policy Statement – The Village has adopted an Electronic Data and Cyber Security Policy that is distributed separately from this Employee Handbook. Employees who receive a copy of the Electronic Data and Cyber Security Policy will be required to sign an acknowledgement form which will be filed in the employee's personnel file.

413 *Social Media*

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

Usage During Working Hours – Unless the use of Social Media is pertinent to Village business or authorized by a Department Head, employees are prohibited from using Social Media during working hours. This applies regardless of whether or not such usage occurs on Village-owned computers or communication equipment or a device personally owned by the employee.

Usage During Meal and Rest Breaks – Employees are responsible for exercising good judgment when using Village-owned computers or communication equipment to access Social Media sites while on a meal and rest break. The Village's right to monitor communication systems and equipment also applies to the use of Social Media if employees are using Village computers or communications systems.

Posting Content on Social Media (regardless of point of access) – The following uses of Social Media are prohibited. These terms pertain to content posted from computers or

communication systems that are not Village owned, as well as those that are Village property.

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

- Disclosing confidential or proprietary information pertaining to matters of the Village that is not otherwise deemed accessible to the general public under the Freedom of Information Law (Public Officers Law Article 6, §§84-90).
- Matters which will imperil the public safety if disclosed.
- Promoting or endorsing any illegal activities.
- Threatening, promoting, or endorsing violence.
- Directing comments, or sharing images that are discriminatory or insensitive to any individual or group based on race, religion, gender, disability, sexual orientation, national origin, or any other characteristic protected by law.
- Knowingly making false or misleading statements about the Village, or its employees, services, or Elected Officials.
- Posting, uploading, or sharing images that have been taken while performing duties as an agent of the Village, or while wearing Village uniforms – the only exception to this rule is when it is directly pertinent to Village business and such posting, uploading, or sharing of images is authorized in advance by the appropriate Department Head.
- Representing that an opinion or statement is the policy or view of the Village, or of any individual acting in their capacity as a Village employee or official, or otherwise on behalf of the Village, when that is not the case.
- Posting anything in the name of the Village or in a manner that could reasonably be attributed to the Village without prior written authorization from the applicable Department Head.
- Using the name of the Village or a Village e-mail address in conjunction with a personal blog or Social Media account.

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

Notwithstanding the above, nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment. Nor is it meant to imply any restriction or diminishment of an employee's right to appropriately engage in protected concerted activity under law, including but not limited to NLRA Section 7 protected communications on non-work time. Village employees have the right to engage in or refrain from such activities as they choose.

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

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

414 **Personal Appearance**

Policy Statement – It is the policy of the Village of Clayton that all employees maintain and present themselves in such a manner that their hygiene and general personal appearance conform to Village of Clayton standards. Professional appearance results in professional performance that will reflect a positive image to the public.

All employees shall be responsible for their personal appearance and hygiene. Employees are expected to be neat and clean, and to use prudent judgment, good taste, and common sense regarding appropriateness of attire. Attire shall not interfere with job performance or job safety and should be neat and clean at all times.

Acceptable Attire – The underlying standard for this dress code is "business casual." Acceptable attire includes, but is not limited to:

- Suits, blazers, or sport coats.
- Dress shirt with/without necktie.
- Dress slacks.
- Khakis or Dockers style slacks.
- Jeans that are not torn, frayed, or stained.
- Business dresses or skirts at or below the knee.
- Sweaters.
- Polo or golf shirts.
- Plain tee shirts - not stretched out or faded.
- Dress shoes, loafers, flats, dress boots, athletic shoes.

Unacceptable Attire – Examples of unacceptable attire include, but are not limited to:

- Excessively short skirts, see-through or low-cut tops.
- Sweat pants, sweatshirts, or jogging suits.
- Flannel shirts.
- Faded, torn or ragged jeans.
- Shorts.
- Cropped tops, tube tops, tank tops, halter tops, etc. Shirts must be long enough to tuck in or cover the waistline.
- Caps, hats, sweat bands, bandanas unless required for religious purposes.
- Shirts with logos, images, text, etc.
- Beach shoes, worn tennis shoes, flip-flops.
- Torn, worn or frayed clothing.
- Yoga Pants

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

Uniforms – An employee may be required to wear a uniform as directed by the Department Head and/or as provided in a collective bargaining agreement. If such is the case, the employee must comply with all requirements.

415 *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.

416 *Disclosure of Information*

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

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

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

417 *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.

418 *Purchasing / Credit Cards*

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

419 *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 policy as specified 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.

420 *Personal Property*

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

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

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

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

421 *Village Property*

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

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

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

422 *Unauthorized Work*

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

423 *Outside Employment*

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

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

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

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

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

500 ABSENCE POLICIES

501 Attendance

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

Tardiness – An employee must be ready and able to work at the time the employee is scheduled to begin work. In the event an employee is unable to report to work at the scheduled time, the employee must notify the employee's Department Head within the timeframe specified in the applicable collective bargaining agreement. The reason for tardiness and the expected time of arrival must be indicated to the Department Head.

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

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

Unscheduled Absences – An employee who is unable to report to work must personally contact the employee's Department Head within the timeframe specified in the applicable collective bargaining agreement. The employee must speak directly with the Department Head, indicating the reason for the absence and when the employee expects to return to work. Asking another person to call in on the employee's behalf is not permitted. Leaving a message on an answering device or with a co-worker is not permitted. Notification requirements may be waived in cases of emergency.

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

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

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

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

502 Jury Duty Leave

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

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

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

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

Accrual of Benefits – The 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.

503 Unpaid Leave of Absence

Policy Statement –Subject to the approval of the Village Board, unpaid leaves of absence other than under the Family and Medical Leave Policy may be available to an employee for personal reasons including, but not limited to, family responsibilities and education. However, the Village Board will not consider a Leave of Absence for training programs not related to the employee's current or potential future position at the Village of Clayton or probationary periods at employers other than the Village of Clayton.

Request for Unpaid Leave – The employee must submit a request and the reasons for the leave, in writing, to the Village Mayor at least thirty calendar days prior to planned commencement of the requested leave. Shorter notification may be permitted in cases of emergency. The Village Board has sole discretion in approving such leave.

Conditions of Leave – The Village Board will specify the duration of an unpaid leave of absence and may impose such other terms, conditions and restrictions on the employee as deemed appropriate.

Continuation of Benefits – An employee on an approved unpaid leave of absence may continue to be eligible for medical insurance coverage in accordance with COBRA. Disability benefits and accruals for leave benefits shall be suspended.

Return to Work – An employee who fails to return from an unpaid leave of absence at the scheduled expiration date without giving proper notice or receiving proper authorization shall be conclusively presumed to have voluntarily resigned from employment.

Change in Status – If the reason for the unpaid leave of absence changes, the employee must return to work.

504 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 Clayton recognizes the importance of the Military Reserve and National Guard, and will permit any employee the use of military leave to perform ordered military duty or required training. The Village will grant such leave with pay for up to twenty-two workdays or thirty calendar days in a calendar year, whichever is greater. Such military leave beyond the twenty-two workdays or thirty calendar days in a calendar year will be unpaid, however accumulated vacation leave may, at the employee's option, be used at any time during the leave. In accordance with applicable New York State law, the employee may keep all pay received for military service.

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

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

505 Leave for Cancer Screening

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

Allowance – An employee will be allowed four hours of paid leave per year for the purpose of undergoing a screening procedure for cancer. Such paid leave will be accrued as of

January 1 each year. If the employee does not exercise his/her rights to the leave, those hours are not carried forward to the next year. The allowed leave time may include the travel time to and from the appointment and any subsequent follow up consultation visits. In addition, the allowed leave may be staggered throughout the year until the maximum allowance has been reached.

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

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

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

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

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

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

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

507 **Time Off to Vote**

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

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

508 **Bereavement Leave**

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

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

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

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

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

Funeral Leave (Extended Family) – In the event of a death of a full-time employee's family member who is a relative not included in the definition of immediate family, specifically an employee's niece, nephew, aunt, uncle, or cousin, the employee may take a paid leave of absence for one day 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.

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

509 ***Family and Medical Leave***

Policy Statement – It is the policy of the Village of Clayton to grant a full-time employee a leave of absence without pay for a period of up to twelve weeks, under certain circumstances. If, and when, any employee meets the eligibility requirements under the Family and Medical Leave Act, the provisions of that Act will then take precedence over this policy. Granting of Leave of Absence – The granting and duration of each leave of absence will be determined by the Village Board in conjunction with applicable federal and state laws, including Civil Service Law Sections 71, 72 and 73, as applicable, and the Jefferson County Civil Service Rules.

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 includes 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 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:

- The employee must have completed at least one year of full-time, continuous service during the previous twelve months prior to the date leave commences.
- Spouses who both work for the Village of Clayton 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.

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, wife, or domestic partner 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 child 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 must complete the Leave of Absence Request Form and forward the completed form to the Village Mayor's Office 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 which supports the need for a leave under this policy. When required, the employee must provide a copy before the leave begins, or if the leave was unforeseeable, no later than fifteen calendar days from the date the certification was requested. Failure to submit medical certification may jeopardize the employee's eligibility for an unpaid leave of absence and/or the ability to return to work. 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 Clayton reserves the right to request a second opinion by another health care provider.

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

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

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

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

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 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. For leaves taken due to the employee's own serious health condition, 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 Village Board may authorize an extension of the employee's leave of absence until such benefits are exhausted. However, job reinstatement beyond the one-year leave of absence is not automatic and will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the Jefferson County Civil Service Rules.

- **Accrual of Paid Leave Credits** – An employee will continue to accrue vacation and sick leave and receive holiday pay during the portion of the leave that is paid. Paid leave is defined as leave during which the employee continues to use accumulated paid vacation and sick leave. After all such paid leave is exhausted, the remaining leave of absence is unpaid. An employee will not earn paid vacation or sick leave or receive holiday pay for any holidays that may occur during an unpaid leave of absence.
- **Medical Insurance** – During the period of authorized leave under this policy, up to a maximum of twelve weeks, 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, provisions of COBRA (see Section 709) will apply. In addition, the Village may recover the premium that it paid for maintaining the coverage during any period of the unpaid leave except for the following circumstances:
 - The continuation, recurrence, or onset of a serious health condition of the employee or the employee's eligible family member with proper medical certification; or,
 - Circumstances beyond the employee's control, such as: parent chooses to stay home with a newborn child who has a serious health condition; employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's worksite; 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 Jefferson County Civil Service Rules.
- **Medical Statement** – Before resuming employment, an employee must submit a

statement from the employee's health care provider indicating that the employee is able to return to work either with or without restrictions. The Village reserves the right to have the employee examined by a physician selected and paid for by the Village to determine the employee's fitness to return to work either with or without restrictions. Failure to return to work when required may be considered a voluntary termination.

- **Early Return** – An employee who intends to return to work earlier than anticipated must notify the Department Head at least 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 Village Board reserves the right to approve all leave extensions.

Statement of Compliance – The Village of Clayton complies with the provisions of the Family and Medical Leave Act (FMLA). The Village of Clayton does not regularly employ fifty or more employees. Under that circumstance, Village employees are not eligible for leave under the FMLA. If at some point the Village of Clayton should employ fifty or more employees, eligible employees will be afforded leave in compliance with FMLA.

510 Volunteer Firefighters / Emergency Responders

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

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

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

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

600 COMPENSATION

601 *Wage and Salary*

Rate of Pay – An employee's rate of pay will be established by the Village Board.

General Municipal Law, Section 207-m – The Village complies with General Municipal Law, Section 207-m, which states that the salary of the Police Chief shall be increased by the same amount as the next highest ranking subordinate Officer.

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

602 *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.

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

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

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

603 *Pay Period and Check Distribution*

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

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

Distribution – The employee's Department Head will pick up paychecks from the Human Resource Specialist for further distribution to employees.

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

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

604 *Payroll Deductions*

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

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

605 *Deferred Compensation Plan*

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

700 EMPLOYEE BENEFITS

701 *Holidays*

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

1. New Year's Day	7. Labor Day
2. Martin Luther King Day	8. Columbus Day
3. Presidents' Day	9. Veterans' Day
4. Good Friday (1/2 Day)	10. Thanksgiving Day
5. Memorial Day	11. Christmas Day
6. Independence Day	12. Floating Holiday*

* A full-time employee is credited with one floating holiday each June 1 which must be used during that calendar year. An employee must receive prior approval from the employee's Department Head to take the floating holiday.

Holiday Pay (Full-time employees) – A full-time employee is eligible for holiday pay at the employee's regular rate of pay for each of the designated holidays shown above.

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.

Assigned to Work on a Holiday – An employee who is required to work on a designated holiday will be compensated, in addition to holiday pay, with pay at two times their regular rate.

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

702 **Vacation Leave**

Eligibility – A full-time employee is eligible for paid vacation leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid vacation leave but may be allowed to take time-off without pay provided the employee has prior approval from the Department Head.

Allowance – A full-time employee will be credited with paid vacation leave in accordance with the vacation schedule below. Vacation leave is based on the average number of hours an employee is normally scheduled to work each week. An employee may take vacation leave only after it has been credited. The employee will be credited on an annual basis on June 1st but vacation leave may not be used until the employee has completed one year of service. The eligible employee will be credited for the vacation leave milestone reached within the current fiscal year.

At the Conclusion Of:	Vacation Leave
One year	5 days
Two years	10 days
Three years	11 days
Four years	12 days
Five years	13 days
Six years	14 days
Seven years	15 days
Eight years	16 days
Nine years	17 days
Ten years	18 days
Eleven years	19 days
Twelve to Fourteen years	20 days
Fifteen years or more	25 days

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

Scheduling – An employee must receive prior approval from the employee's Department Head to take vacation leave. The employee must provide at least forty-eight hours of notice to the Department Head before using vacation leave. The Department Head will have total discretion in the approval of vacation leave.

Carry Over – An employee may carry over five (5) vacation leave days into the following calendar year.

Holiday During Scheduled Vacation – In the event a designated holiday occurs on an employee's normal workday and the employee is on paid vacation, the employee will receive holiday pay for the day and the employee's vacation leave credits will not be charged for that day.

Separation of Employment – An employee who resigns, retires or is laid off will receive cash payment for unused vacation leave to which the employee is properly entitled at the employee's then current rate of pay. To be eligible to receive this payment, an employee who is to resign or retire must give written notice at least two weeks in advance of the last day of employment. In the event an employee leaves employment due to disciplinary action, the employee will not receive a settlement for unused vacation leave. In cases of death of an employee, the Village will pay an employee's designated beneficiary for any unused vacation leave.

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Vacation Leave provisions set forth immediately above and should refer to the applicable collective bargaining agreement. The Police Chief should refer to the Police Unit collective bargaining unit for the provisions set forth immediately above.

703 Sick Leave

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

Allowance – A full-time employee will be credited with paid sick leave in accordance with the schedule below. The employee will be credited with sick leave on an annual basis Sick leave is based on the average number of hours an employee is normally scheduled to work each week. The eligible employee will be credited for the sick leave milestone reached within the current fiscal year.

At the Conclusion Of:	Sick Leave
One to Nine years	7 days
Ten to Fourteen years	8 days
Fifteen to Nineteen years	9 days
Twenty to Twenty-Four years	10 days
Twenty-Five to Thirty years	11 days
Thirty or more years	12 days

New Employee – A newly hired employee will not be permitted to use their accumulated sick leave credits prior to completing one year of continuous employment.

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

Notification of Sick Leave – In the event an employee must take sick leave, the employee must notify the Department Head within the timeframe specified in the applicable collective bargaining agreement. The notification must be made personally to the Department Head, unless the Department Head authorizes the use of an answering device for this purpose. Unless an extended sick leave absence has been authorized, the employee must notify the employee's Department Head each day of the absence. These procedures must be followed to receive paid sick leave.

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

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

Accumulation – An employee may accumulate sick leave credits to a maximum of 130 days. It is important to recognize that paid sick leave can provide income protection and continued medical insurance coverage in the event the employee is unable to work for a long period of time due to illness or injury. Therefore, each employee should take care to manage the use of sick leave to ensure adequate time is available should such a need arise.

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

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

Separation of Employment – An employee hired after June 1, 2010, whose employment with the Village is terminated for any reason, including retirement, will not receive cash payment for unused sick leave.

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Sick Leave provisions set forth immediately above, **except** for Proper Use of Sick Leave, Medical Verification, and Abuse of Sick Leave, and should refer to the applicable collective bargaining agreement. The Police Chief should refer to the Police Unit collective bargaining unit for the provisions set forth immediately above.

704 *Personal Leave*

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

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

New Employee – A new employee will be credited with four days of paid personal leave after the completion of one year of continuous service.

Proper Use of Personal Leave – An employee may use personal leave credits to conduct personal business which cannot be conducted outside of normal working hours, non-emergency medical and dental appointments, and for personal emergencies. In no event may personal leave credits be used on the scheduled workday immediately prior to or following a holiday or vacation; in lieu of sick leave or other leaves of absences, except to extend bereavement leave.

Scheduling – An employee must receive prior approval from the employee's Department Head to take personal leave. Unless it is an emergency situation, the employee must give their Department Head forty-eight hours of notice prior to using personal leave. The Department Head will have total discretion in the approval of personal leave.

Accumulation – An employee may not accumulate personal leave credits. Any personal leave credits remaining unused at close of business on the last day of the calendar year will be converted to sick leave.

Separation of Employment – An employee whose employment with the Village is terminated for any reason, including retirement, will receive cash payment for unused personal leave.

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Personal Leave provisions set forth immediately above, **except** for Proper Use of Personal Leave and Scheduling, and should refer to the applicable collective bargaining agreement. The Police Chief should refer to the Police Unit collective bargaining unit for the provisions set forth immediately above.

705 *Disclosure of Insurance Benefits*

Summary – The following is a brief description of the insurance benefits currently 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's Human Resources Specialist 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's Human Resources Specialist.

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 Village Board has the discretionary authority to determine eligibility for benefits and to interpret the plan's terms. The Village Board is responsible for compliance with all applicable laws and regulations. The Village Board may, at its discretion, change carriers and/or offer alternative insurance plans for non-union employees. Changes in carriers and/or plans for union employees shall be in accordance with collective bargaining negotiations and/or procedures.

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

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

Enrollment Information – The Village's Human Resources Specialist 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's Human Resources Specialist in the event that the employee has a change in marital or family status that may affect coverage, such as marriage, divorce, legal separation, death of a spouse or dependent, acquiring or losing a dependent, changes in address.

Beneficiary – Under some of the 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.

706 Medical Insurance

Eligibility – The Village currently offers medical insurance coverage to each full-time employee and their eligible family members. A part-time, temporary, or seasonal employee is not eligible for medical insurance coverage.

When Coverage Begins – Coverage will begin after three months of employment, provided that has been no break in service during the three month period and all eligibility requirements of the insurance plan are met.

When Coverage Ends – Coverage ends on the last day of the month in which the employee separates from employment. Coverage may continue for such eligible employees in accordance with COBRA regulations.

Premium Payment (Full-Time Employees) – The Village will contribute to the premium payment for individual or family coverage for each eligible employee in accordance with the premium contribution specified in the most current DPW collective bargaining agreement.

Health Reimbursement Account (HRA) – The Village will fund the eligible employee's HRA account annually. The HRA payment will be made in a lump sum in January of each year in the amount indicated in the most current DPW collective bargaining agreement.

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

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

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

707 Continuation of Health Insurance Benefits (COBRA/NYS Continuation Coverage)

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

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

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

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

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

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

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

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

708 Other Benefits

Flex Plan Benefit – The Village’s Supplemental Flex Benefit Plan (\$599 Plan) applies to all full-time employees. The maximum amount to be reimbursed to the employee under this plan is \$599 per calendar (fiscal) year. There will be no carryover from year to year. The reimbursement process will be as follows:

- Qualified employees are to furnish payment documentation (receipt showing payment) and signed voucher to Department Head for processing.
- Department Head will submit voucher for payment.
- Eligible reimbursements will be placed on the next Abstract following the submittal and will occur via separate check.

Eligible Expenses – Eligible expenses under this Plan are as follows:

Eligible Expense*	Required Documentation**
Footwear per Job Classification	Original invoice
Continuing Education	Original invoice
Flu Shots	Original invoice
Special Licenses: <i>Difference between a regular license and the special license required to operate the Village’s equipment</i>	Copy of license & Original invoice
Dues: <i>Union Dues</i>	Original billing provided by the Union
Village Health Plan Deductible*** <i>Employees and dependents</i>	Original invoice
Health Insurance Premiums	Original billing
Dental and Eye Care <i>Employees and dependents</i>	Original invoice
Outer Protective Clothing	Original invoice
Other Pre-Approved Submittals: <i>Gym memberships, nutritional / wellness classes, electronics, subscriptions and office equipment</i>	Original invoice

**Note: The Village cannot reimburse sales tax.*

***Note: “Original” invoice means the actual receipt, not a photocopy of a receipt.*

****Note: The Village cannot reimburse employee for funds expended out of an FSA/HRA/HSA account.*

709 Short-Term Disability Benefits (Non-Union)

Eligibility – All Village employees are currently provided with short-term disability coverage in accordance with this policy. This benefit is to supplement loss of time from work due to a qualified non-job related illness or injury.

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

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

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

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

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

Reporting of Illness or Injury – The employee must submit a written report of the illness or injury on the proper application form to the employee's Department Head and the Village's Human Resources Specialist as soon as possible upon becoming aware of the need to apply for short-term disability benefits. The Village's Human Resources Specialist will provide the employee with the necessary forms. Proper medical certification will be required and must be submitted with the application form.

Use of Sick Leave Credits – If applicable, an employee may draw from the employee's sick leave credits in conjunction with disability payments to equal, but not exceed, the employee's regular daily rate of pay.

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

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

710 Workers' Compensation Benefits

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

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

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

Reporting of Injury – The employee must report any accidental injury arising out of and in the course of employment to the Department Head immediately after the occurrence of the injury. The Department Head will notify the Village's Human Resources Specialist who will complete and submit the required forms. The Village's Human Resources Specialist will provide the employee with the necessary form to submit in case of the need to file a claim.

Use of Sick Leave Credits – An employee may draw from the employee's sick leave credits in conjunction with Workers' Compensation payments to equal, but not exceed, the employee's regular daily rate of pay.

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

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

711 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.

712 *The New York State Employees' Retirement System*

Summary – The Village will make available the New York State Employees' Retirement System pension plan to each eligible employee and Elected Official. An employee or elected official is eligible for service retirement benefits as per the eligibility rules of the employee's Tier as assigned by the NYS Retirement System.

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

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

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

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.

713 *Police and Fire Retirement System*

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

714 *Employee Assistance Program (EAP)*

The Employee Assistance Program (EAP) is a free service to all Village employees and their family members (spouse/domestic partner and children up to age twenty-six). The purpose of this program is to help employees and their family members find greater happiness and mental and emotional health, while at work and at home. There is no cost to employees and the services are completely confidential. EAP benefits include professional (therapeutic) counseling, phone and web-based support and advice, financial and legal services, personal development training, discounted services, and a 24-hour crisis hotline. For more information, please contact the Human Resources Office.

800 COMPLIANCE POLICIES

801 *The Americans with Disabilities Act*

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

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

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

Pre-Employment Inquiries – Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position and not any disabling condition. Pre-employment physical exams will only be requested when in compliance with the law. The Village of Clayton 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 Mayor or any member of the Village Board. All complaints of possible violations will be investigated discreetly and promptly. An employee who reports a possible violation will not suffer adverse employment consequences as a result of making the complaint. This procedure is not intended to restrict an individual's rights to make a complaint to a federal or state agency.

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

802 *Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace*

Policy Statement – It is the policy of the Village of Clayton to promote a productive work environment and to prohibit conduct by any Elected Official or employee (as defined in Section 102 of the Employee Handbook) that disrupts or interferes with another’s work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with this goal, the Village is committed to educate Elected Officials and employees in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to provide an effective means of eliminating such discrimination and harassment from the workplace. In short, the Village does not tolerate any form of discrimination or harassment, including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such activity in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and harassment, including sexual harassment, without any risk of repercussion to any individual covered by this policy who, in good faith, files such complaint.

Applicability of Policy – This policy applies to all Elected Officials, Appointed Members of Boards and Commissions, employees, supervisors, and Department Heads, whether employed full or part-time, temporary or seasonal, paid or unpaid interns, volunteers, independent contractors and those employed by companies contracting to provide services in the workplace. 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 harassment of Village employees in the workplace.

Prohibited harassment (including sexual harassment) is not limited to the physical workplace itself. It can occur while Elected Officials, employees or other individuals covered by this policy are traveling for Village business or at Village sponsored events or parties. Calls, texts, emails, and social media usage by employees or other individuals covered by this policy can constitute workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Prohibited Activity – No Elected Official, employee or other individuals covered by this policy shall engage in any of the following:

- **Harassment**: Unwanted, unreasonable verbal or physical conduct directed toward or affecting another person that disturbs, frightens, insults, threatens, intimidates, demeans, or offends that other person, that continues or is repeated after a request to cease, and that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual’s work performance; or 3) otherwise adversely affects an individual’s employment opportunities. Harassment includes offensive or inappropriate images or written materials or electronic communications (e.g. letters, e-mail, text messages, or graffiti) as well as bias-based harassment and sexual harassment (see below).
- **Bias-Based Harassment**: Harassment that denigrates, offends or shows hostility or aversion toward an individual on the basis of sex, (including gender identity or expression and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing

characteristics, domestic violence victim status, or any other protected status. Bias-based harassment includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written, electronic, or graphic material that denigrates, ridicules, objectifies, or shows hostility, aversion or contempt toward an individual or group and that is placed on walls, bulletin boards, lockers or elsewhere on or in the Village's premises, vehicles, or equipment, or is circulated in the workplace, including through electronic means.

- **Discrimination:** The Village of Clayton is an Equal Opportunity Employer. The Village does not unlawfully discriminate on the basis of sex, (including gender identity or expression and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Unlawful discrimination based on membership in these categories is prohibited by applicable federal, state, or local laws. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, assignments, compensation, promotion, transfer, training, leave of absence, and termination.

Definition of Sexual Harassment – This policy places special attention on the prohibition of sexual harassment in the workplace.

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of Sexual Harassment - The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or expression and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Prohibition Against Retaliation – Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a claim of discrimination or harassment, including sexual harassment. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Unlawful retaliation against any employee who has engaged in “protected activity” is strictly prohibited by this policy as well as (where applicable) federal, state, and local law. Protected activity occurs when a person has:

- made a complaint of harassment or discrimination, either internally or with any anti-discrimination agency;
- opposed harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or management of harassment or discrimination;
- reported that another employee has been subjected to harassment or discrimination;
- encouraged a fellow employee to report harassment or discrimination;
- participated in a workplace investigation regarding harassment or discrimination;
- testified or assisted in a proceeding involving harassment or discrimination under the Human Rights Law or other anti-discrimination laws.

Even if the alleged discrimination or harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of discrimination or harassment.

Reporting of Discrimination and Harassment (including Sexual Harassment) – Reports of alleged discrimination and/or harassment (including sexual harassment) or retaliation may be made verbally or in writing. A form for the submission of a written complaint is attached to this policy and individuals are encouraged to use this form. If an individual chooses to submit a verbal complaint, such complaint will be recorded by the receiver of this complaint on this form. Employees are encouraged to report incidents of discrimination, harassment (including sexual harassment), or retaliation to their Department Head and/or the Mayor as soon as possible after their occurrence. If the employee's Department Head is believed to be involved in the incident, or if the employee is not comfortable in addressing the incident with the Department Head, the report should be made directly to the Mayor. If the Mayor is believed to be involved in the incident or the employee is not comfortable reporting the incident to the Mayor, the employee should report the incident to a member of the Village Board. Employees who believe they have been discriminated against or harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their immediate supervisor, their Department Head, the Mayor, or any member of the Village Board. Employees who work during off-hours are encouraged to contact their supervisor, their Department Head, the Mayor, or any member of the Village Board at home if these individuals do not work during the employee's shift. Non-employees are encouraged to report incidents of alleged discrimination and harassment (including sexual harassment) to either the Department Head of the department where services are being provided, the Mayor, or a member of the Village Board.

Supervisory Responsibility – Supervisory personnel must make every effort to ensure a work environment that is free from discrimination and harassment, including sexual harassment. Any Department Head or supervisor who receives a complaint or information about suspected prohibited activity (as outlined above), observes behavior that may

constitute prohibited activity, or for any reason suspects that prohibited activity is occurring, is required to report such suspected prohibited activity to the Mayor, or any member of the Village Board.

In addition to being subject to corrective action or discipline if they engaged in prohibited activity themselves, supervisory personnel will be subject to discipline for failing to report suspected prohibited activity or otherwise knowingly allowing prohibited activity to continue. Supervisory personnel will also be subject to corrective action or discipline for engaging in any form of retaliation prohibited by this policy.

Investigation of Complaint – The Mayor, in consultation with the Village Board, will determine the appropriate individual(s) to conduct the investigation. All complaints pursuant to this policy, whether reported in verbal or written form, will be investigated promptly, thoroughly, and in as impartial a manner as possible. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. All employees are required to cooperate in an investigation, if so directed. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation. All relevant materials, including all electronic communications, documents, emails or phone records that are relevant to the allegations will also be considered. A written report will be prepared documenting the results of the investigation. The individual who reported the complaint and the individual about whom the complaint was made will be notified of the final determination.

Confidentiality – Complaints of discrimination and harassment, including sexual 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 the Village employment who is not directly involved in the investigation or handling of the complaint unless otherwise required by law.

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

Legal Protections and External Remedies – Nothing in this policy should be construed as in any way limiting employees' rights to file a formal complaint with the appropriate state or federal agencies responsible for administering anti-discrimination laws. Complainants should be aware that time restrictions may apply and need to be considered. Aside from the Village's internal process, employees may also choose to pursue legal remedies with the following governmental entities at any time.

New York State Division of Human Rights (DHR)

The Human Rights Law (HRL) applies to employers in New York State with regard to harassment and protects employees and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court. Complaints with DHR may be filed any time within three

years of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with DHR if they have already filed an HRL complaint in state court. Filing an internal complaint with the Village does not extend the time limits to file with DHR or in court. The three years is counted from date of the most recent incident of harassment. An attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate the complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring the Village to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

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

Contact the Local Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

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

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

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

Complainant Signature*: _____

Date: _____

Print Name: _____

Job Title: _____

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

Signature of Person Receiving Complaint: _____

Date: _____

Print Name: _____

Job Title: _____

803 Reproductive Health Decision Making

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

Prohibited Conduct – The Village will not:

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

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

804 *Violence in the Workplace*

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

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

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

Reporting Requirements – Any incident of workplace violence or imminent danger must be promptly reported to the Department Head or the Mayor.

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

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

805 Drug-Free Workplace / Drug Free Awareness Program

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

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

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

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

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

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

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

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

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

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

Dangers of Drug Abuse in the Workplace

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

1. Declining Performance

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

2. Increased Costs

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

3. Absenteeism and Tardiness

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

4. Damaged Relationships

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

806 *Controlled Substance and Alcohol Testing*

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

Covered Employees – The Village's Controlled Substance and Alcohol Testing Policy applies to all covered drivers as defined by the federal regulations, which includes all employees who drive commercial motor vehicles (as defined in Sec. 382.107 of the OTETA) requiring a commercial driver's license to operate. This policy will also apply to all Village employees serving in safety-sensitive and other pre-determined positions.

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.

807 *Smoking*

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

900 SAFETY

901 *Workplace Safety*

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

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

Safety Program – The Village's safety program is provided in detail within the Village of Clayton's Health and Safety Manual and includes, but is not limited to, the following:

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

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

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

Accident Reporting Procedures – In the event an accident occurs in the workplace or in the course of employment, the following procedures will apply following Section 2 of the Health and Safety Manual:

- When an accident occurs the employee must immediately notify the Department Head who will in turn complete an accident report and submit it to the Human Resource Specialist. The Human Resource Specialist will maintain appropriate documentation of the incident.
- When an accident occurs with an injury to an employee, the employee must immediately notify the Department Head who will in turn notify the Human Resource Specialist. The Human Resource Specialist must complete an *Employer's Report of Injury Form (C-2F)* and submit according to operating procedures as required by OSHA (SH900).
- The Human Resource Specialist will keep a log of the injury or illness for five years following the end of the calendar year to which it relates. A copy of this log, which includes totals and information for the year, must be posted in each department or areas where notices to employees are customarily posted.

902 Hazard Communication Program

Statement of Compliance – The Village of Clayton 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 as outlined in Section 4.1 of the Village of Clayton's Health and Safety Manual:

- **Chemical Inventory** – The Village must maintain an inventory of all known chemicals in use. An employee may obtain the chemical inventory from the employee's supervisor or Department Head.
- **Container Labels** – All chemicals on a work-site must be stored in the original or approved containers with the proper label attached, except small amounts for immediate use. The Department Head must ensure that each container is labeled with the identity of the hazardous chemical contained and any appropriate hazard warnings. The Village will rely on manufacturer applied labels whenever possible. A container that is not labeled or on which the manufacturer's label has been removed, must be properly labeled. A container not properly labeled must be given to the Department Head for labeling or proper disposal.
- **Dispensing Chemicals** – An employee may dispense chemicals from original containers only in small quantities intended for immediate use. Any chemical leftover must be returned to the original container or to the Department Head for proper

handling. No unmarked containers of any size are to be left in the work area unattended.

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

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

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

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

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

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

903 Accident / Fatality Reporting

Policy – All accidents must immediately be reported to the applicable Department Head. Department Heads must complete an accident report within 24 hours of an incident and submit it to the Village's Human Resources Specialist (or other individual assigned to manage the Village's Human Resources function).

As of March 22, 2019, it is the policy of the Village of Clayton that any employee-related accident must be reported to the New York State Department of Labor, Division of Safety and Health, within eight (8) hours of the incident.

1000 COMMUNICATION PROCEDURES

1001 Organizational Communications

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

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

1002 Adverse Communications

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

1003 Suggestions

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

1004 Public Relations

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

1005 Press Policy

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

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

1006 Reporting of Improper Activities

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

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

1100 DISPUTE RESOLUTION

1101 *Dispute Resolution Procedure*

Policy Statement – The Village Board has established a set of procedures to provide for the orderly resolution of differences at the earliest possible stage and to promote a harmonious and cooperative relationship between employees, Department Heads and members of the Village Board which will enhance the overall operation of the Village. The Village will attempt to resolve all work-related complaints that are appropriate for handling under this policy.

Definition of Dispute – For the purpose of this Employee Handbook, a “dispute” will mean a claimed violation, misinterpretation or inequitable application of any of the provisions of this Employee Handbook. In addition, the term “dispute” shall not apply to any matter as to which the Village is without authority to act. A few examples of matters that may be considered appropriate disputes under this policy include:

- A belief that Village policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee;
- Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, salary, or seniority.

Step One – An employee who claims to have a dispute may present the dispute to the employee’s Department Head. The dispute must be submitted, in writing, within seven working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge. The dispute will specify the date of submission, the name of the aggrieved employee, the date the dispute arose, the nature of the dispute, the provision of the Employee Handbook that was allegedly violated and a statement of facts, times, dates, and the remedy sought.

Within seven working days after receiving the dispute, the employee’s Department Head will meet with the employee to discuss and attempt to resolve the matter.

Step Two – In the event the informal dispute is not resolved at Step One, or the employee reasonably believes that the employee cannot present the dispute to the employee’s Department Head, the employee may submit the matter to the Mayor. The dispute must be submitted, in writing, within seven working days from receiving the Step One response, or when the response should have been received or if Step One is not utilized for the above reason, within seven working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge.

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

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

The Village Board will set the time and place for the hearing. All decisions rendered by the Village Board will be final and binding.

Time Limits – The employee must adhere to the time limits set forth in this dispute procedure. In the event the employee does not advance the dispute to the next step within the established time limit, the dispute will be considered withdrawn and no further appeal will be accepted. The time limits may be extended by mutual agreement provided the extension is in writing, dated and signed by the employee and the person who is to receive the dispute.

Final Decisions – Final decisions on disputes will not be precedent-setting or binding on future disputes unless they are stated as official Village policy.

Proper Use of Dispute Resolution Procedure – Employees will not be penalized for proper use of the dispute resolution procedure. However, it is not considered proper use if an employee raises a dispute in bad faith or solely for the purposes of delay or harassment, or repeatedly raises meritless disputes. Implementation of the dispute procedure by an employee does not limit the right of the Village to proceed with any disciplinary action that is not in retaliation for the use of this procedure.

Refusal to Proceed with Dispute – The Village Board may, at its discretion, refuse to proceed with any dispute it determines is improper or baseless under this policy.

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

1200 APPENDICES

A. EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM

B. EMPLOYEE JOB DESCRIPTIONS:

ADMINISTRATIVE POSITIONS

- VILLAGE CLERK
- VILLAGE TREASURER
- DEPUTY CLERK-TREASURER
- HUMAN RESOURCES SPECIALIST

DEPARTMENT OF PUBLIC WORKS (DPW)

- DPW SUPERINTENDENT
- WORKING FOREMAN
- MOTOR EQUIPMENT OPERATOR (MEO)
- LABORER
- RECREATION ATTENDANT

POLICE DEPARTMENT

- POLICE CHIEF
- POLICE OFFICER
- POLICE OFFICER – PT
- HARBORMASTER
- SCHOOL CROSSING GUARD
- PARKING ATTENDANT

WATER / WASTEWATER DEPARTMENT

- WATER / WASTEWATER OPERATOR
- WATER / WASTEWATER OPERATOR TRAINEE

HISTORIAN

C. WORKPLACE VIOLENCE PREVENTION POLICY

D. SEXUAL HARASSMENT PREVENTION POLICY

E. DRUG & ALCOHOL TESTING FOR SAFETY SENSITIVE POSITIONS POLICY

Appendix A: Employee Handbook Acknowledgment Form

To be placed in employee's personnel file.

VILLAGE OF CLAYTON EMPLOYEE HANDBOOK ACKNOWLEDGMENT

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

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

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

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

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

Employee name (please print)

Department Head Name (please print)

Employee Signature

Department Head Signature

Date of Signature

Date of Signature

APPENDIX B

EMPLOYEE JOB DESCRIPTIONS



Jurisdictional Class: Appointed, Non-Competitive
Adopted:
Revised:

JOB DESCRIPTION

Village Clerk

GENERAL PURPOSE

The Village Clerk holds a major position of public service to the residents of the Village of Clayton. As a department head within the Village administration, s/he plans, supervises and directs the operation of her/his department under the supervision of the Village Mayor. Work is performed in accordance with the policies of the Village Board and requires considerable exercise of independent judgment especially as it relates to the administration of Village Law, General Municipal Law, Public Officers Law, Real Property Tax Law, and the local laws and ordinances of the Village of Clayton.

The Village Clerk shall also have such powers and perform such additional duties as are or may be conferred or imposed upon him/her by law, and such further duties as the Village Mayor and Village Board may determine, not inconsistent with the law.

The Clerk is a Village Officer, and is appointed by the Village Mayor for a four (4) year term, commencing the first Monday in December. The position is full time, exempt under the Fair Labor Standards Act. Attendance at a number of meetings, including evenings, is required.

SUPERVISION

Supervision Scope: Performs varied and highly responsible work requiring the exercise of significant leadership, independent judgment, and initiative in the planning, administration, and execution of the department's services to meet community needs.

Supervision Received: Works under the administrative direction of the Village Mayor and Village Board, independently formulating decisions regarding policies, procedures, operations and department plans, and assuming responsibility for department results. Works according to established department and village policies and procedures, standards, special directives, instructions and intent. The position is subject to review and evaluation according to the Village's personnel policies.

Supervision Given: The Village clerk supervises the Deputy Clerk.

DISTINGUISHING CHARACTERISTICS

Duties require high attention to detail and meeting of stringent legal and procedural deadlines.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to this position.

General Duties

1. Perform general administrative duties including answering phone during business hours; responding to voicemail and email messages; maintaining training log for Village officials; responding to postal service mail and forwarding same to appropriate recipients; and order and stock office supplies;
2. Act as liaison between the Village Board and the general public, residents and other governments;
3. Maintain custody of Village books, records, papers, minutes and other public records;
4. Publish and post legal notices as required, including those related to bidding; tax assessments; laws and elections; the tax roll; and meetings of the Planning and Zoning boards;
5. Maintain and update the tax roll and ownership and addresses of properties;
6. Respond to Freedom of Information Requests (FOIL), with assistance from the Village Attorney when necessary;
7. Handle elections per local, State and Federal laws;
8. File enacted Village local laws with the State and maintain records of same;
9. Maintain oath-of-office records;
10. Maintain and assist in processing of contracts and inter-municipal agreements, including notarization of papers;
11. Create and mail tax bills and tax receipts;
12. Attend Village Board meetings (regular/special) and prepare and maintain minutes thereof;
13. Issue to residents handicapped automobile parking stickers;
14. Interact with Code Enforcement Officer, providing them with updated resident information, including a resident name and address list and, to the extent known by the Village Clerk, the name of those who might need medical assistance, those who are elderly, those who are living alone and houses that may be vacant; and
15. Collect fees as required and transmit same to the Village Treasurer;

Records Management Officer (RMO) Duties

1. Maintain records required by M-II Schedule;
2. Destroy records as required and maintain log of record destruction; and

3. Maintain subject list of records.

OTHER DUTIES

Provides support to the other departments, when requested.

DESIRED MINIMUM QUALIFICATION

Knowledge and Abilities:

- Excellent administrative and supervisory skills; therefore, the ability to plan and supervise the work of the Deputy Clerk;
- Thorough knowledge of personal computers and applicable software;
- Thorough knowledge of electronic records management and indexing;
- Ability to establish and maintain productive working relationships with others including residents, other Village staff and board members;
- Ability to communicate effectively both orally and in writing;
- Ability to follow and understand complex oral and written instructions;
- Initiative; integrity; resourcefulness; good judgment; team player;
- Ability to compose correspondences and reports and maintain records;
- Ability to maintain confidentiality;
- Knowledge of Village municipal government highly desirable;
- Commitment to continued professional development; and
- Physical condition commensurate with the demands of the position.

Training and Experience:

(a) Graduation from a regionally accredited or New York State registered two year college with an Associates degree in public administration or business administration or related field **and** at least two (2) years of full time paid (or the equivalent part-time and or volunteer) experience in public or business administration, two years of which must have been in a supervisory capacity; **OR**

(b) Graduation from High School or a High School equivalency diploma **with** at least some additional college level business courses, specialized seminars or workshops, **and** at least four (4) years of full time paid (or the equivalent part time and or volunteer) experience in public or business administration, two years of which must have been in a supervisory capacity; **OR**

(c) Any equivalent combination of training and experience as described in (a), or (b) above.

Must be able to successfully pass a pre-employment drug/alcohol screen and credit background check following a conditional offer of employment.

Must be a Notary Public or must be willing to become a Notary Public within one year of appointment.

CONTACTS OUTSIDE OF DEPARTMENT

This position frequently interacts with employees, residents, elected officials, business owners, and other members of the public.

WORKING CONDITIONS

The physical demands described here are representative of those that must be met by any employee to successfully perform the essential functions of this job.

While performing the duties of this job, the employee regularly works in a general office environment. The employee is regularly required to sit for extended periods of time. This position is expected to use discretion and take initiative in certain situations, but to know when to seek assistance when dealing with a wide range of work situations and responsibilities. This position represents the Village when interacting with citizens, business owners, developers, contractors, and public officials. An individual in this position is frequently required to sit, walk, stand and on occasion, may need to lift, carry, push, or pull objects, up to 40 pounds. There is frequent twisting, kneeling, squatting, reaching, wrist turning and grasping. Work sometimes generates certain levels of stress and requires working under pressure.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and the ability to adjust focus. Hand-eye coordination is necessary to operate computers and various pieces of office equipment. Employee is required to use cognitive ability to reason, analyze and verbalize thoughts and ideas.

TOOLS & EQUIPMENT USED

Telephone, personal computer, Microsoft Office Suite of Applications (Word, Excel, Outlook, Access, PowerPoint), ten (10) key calculator and adding machine, printer, fax, copy machine, scanner, binding equipment, laminating machine, paper cutter, paper punch, tape recorder, multi-level file cabinets and general office equipment.

ACKNOWLEDGMENT

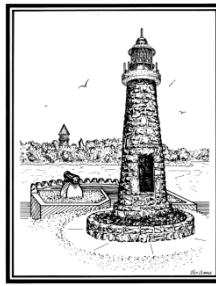
I acknowledge that I have read the job description and requirements for the Village Clerk position and I certify that I can perform these functions.

Applicant Signature

Date

Witness

**Management has the right to add or change these duties of the position at any time.*



Jurisdictional Class: Appointed, Non-Competitive

Adopted:

Revised:

JOB DESCRIPTION

Village Treasurer

GENERAL PURPOSE

The Village Treasurer holds a major position of public service to the residents of the Village of Clayton. As a department head within the Village administration, s/he plans, supervises and directs the operation of her/his department under the supervision of the Village Mayor. Work is performed in accordance with the policies of the Village Board and requires considerable exercise of independent judgment especially as it relates to the administration of Village Law, General Municipal Law, Public Officers Law, Real Property Tax Law, and the local laws and ordinances of the Village of Clayton.

The Village Treasurer is responsible for Village Finances. The Treasurer is responsible for the coordination and supervision of up to one (1) staff that executes daily and long-term financial operations such as invoicing, utility billing, payroll, bank reconciliations, journal entries, accounts payable, accounts receivable and cash receipting. The Village Treasurer is responsible for financial reporting, long-term financial planning, investment portfolios, the annual audit and AUD preparation, and works closely with Administration to prepare the annual budget.

The Village Treasurer shall also have such powers and perform such additional duties as are or may be conferred or imposed upon him/her by law, and such further duties as the Village Mayor and Village Board may determine, not inconsistent with the law.

The Treasurer is a Village Officer and is appointed by the Village Mayor for a four (4) year term, commencing the first Monday in December. The position is full time, exempt under the Fair Labor Standards Act. Attendance at a number of meetings, including evenings, is required.

SUPERVISION

Supervision Scope: Performs varied and highly responsible work requiring the exercise of significant leadership, independent judgment, and initiative in the planning, administration, and execution of the department's services to meet community needs.

Supervision Received: Works under the administrative direction of the Village Mayor, independently formulating decisions regarding policies, procedures, operations, and department plans, and assuming responsibility for department results. Works according to established department and village policies and procedures, standards, special directives, instructions, and intent. The position is subject to review and evaluation according to the Village's personnel policies.

Supervision Given: The Village Treasurer supervises up to one (1) staff.

DISTINGUISHING CHARACTERISTICS

Duties require high attention to detail and meeting of stringent legal and procedural deadlines.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to this position.

General Duties

The essential functions or duties listed below are intended only as an illustration of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if work is similar, related, or a logical assignment to the position.

1. Responsible for the coordination and supervision of up to one (1) staff that processes utility billing, payroll, bank reconciliations, journal entries, accounts payable, accounts receivable, cash receipts;
2. Coordinates and works with auditors for annual independent audit and development of the AUD;
3. Maintains fixed asset register and depreciation schedule;
4. Provides leadership and direction in the development of short and long range financial plans;
5. Gathers, interprets, and prepares data for studies, reports and recommendations;
6. Coordinates department activities with other departments and agencies as needed;
7. Provides professional advice to the organization; makes presentations to Mayor, Trustees, boards, civic groups and the general public when requested by the Village Mayor;
8. Assures that assigned areas of responsibility are performed within budget;
9. Performs cost control activities; monitors revenues and expenditures in assigned area to assure sound fiscal control;
10. Prepares annual budget requests;
11. Establishes and maintains internal control procedures and assures that state and national standard accounting procedures are maintained;
12. Assists Clerk with collection of taxes;
13. Collects fees, and other receipts in accordance with laws and regulations;

14. Maintains financial records and prepares financial reports;
15. Develops financial studies, cost-benefit analysis, and plans as requested;
16. Forecasts, estimates, and monitors the financial condition of the Village;
17. Trains, mentors, and supervises the other staff, as required or requested;
18. Manages budget preparation and execution;
19. Performs posting and reconciliation of ledgers and accounts;
20. Prepares State and Federal reports;
21. Administers payroll processing including taxes and deductions;
22. Manages utility billing and other billing processes;
23. Responsible for the cash management and investment of Village funds in compliance with the Village's investment policy;
24. Develops finance-related ordinances, resolutions and develops corresponding Board Reports;
25. Administers Village purchasing policies;
26. Provides analysis for union negotiations as requested;
27. Attends Village Board meetings.

OTHER DUTIES

Provides support to the other departments, when requested.

DESIRED MINIMUM QUALIFICATION

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION AND EXPERIENCE

Graduation from a four-year college or university with a Bachelor's Degree in accounting, finance, public administration, or a related field, including or supplemented by four to six years' experience in finance, including supervisory or management experience; or any equivalent combination of training and experience which provides the following knowledge, ability and skills.

Master Degree and/or CPA preferred.

Must be able to successfully pass a pre-employment drug/alcohol screen and credit background check following a conditional offer of employment.

KNOWLEDGE, SKILLS, AND ABILITIES

A candidate for this position should have the following:

SKILL IN AND ABILITY TO:

1. Considerable knowledge of modern governmental accounting theory, principles, and practices;

2. Knowledge of internal control procedures and management information systems;
3. Knowledge of office automation and computerized financial applications;
4. Knowledge of public finance and fiscal planning;
5. Knowledge of payroll and accounts payable functions;
6. Working knowledge of budgetary, accounting and reporting systems, preparing AUDs & compliance with GAAP, GASB principles and GFOA statements;
7. Skill in operating Microsoft Office, Microsoft Excel, Utility Billing systems, Financial Management systems, general office equipment, telephone and more;
8. Ability to prepare and analyze complex financial reports;
9. Ability to maintain efficient and effective financial systems and procedures;
10. Ability to effectively supervise staff;
11. Ability to establish and maintain effective working relationships with co-workers, other employees, and Village officials;
12. Ability to maintain confidentiality;
13. Ability to share information, cross-train, and ensure financial transparency both internally, and externally;
14. Ability to effectively communicate orally and in writing.

Must be able to successfully pass a pre-employment drug/alcohol screen and credit background check following a conditional offer of employment.

Must be a Notary Public or must be willing to become a Notary Public within one year of appointment.

CONTACTS OUTSIDE OF DEPARTMENT

This position frequently interacts with employees, residents, elected officials, business owners, and other members of the public.

WORKING CONDITIONS

The physical demands described here are representative of those that must be met by any employee to successfully perform the essential functions of this job.

While performing the duties of this job, the employee regularly works in a general office environment. The employee is regularly required to sit for extended periods of time. This position is expected to use discretion and take initiative in certain situations, but to know when to seek assistance when dealing with a wide range of work situations and responsibilities. This position represents the Village when interacting with citizens, business owners, developers, contractors, and public officials. An individual in this position is frequently required to sit, walk, stand and on occasion, may need to lift, carry, push, or pull objects, up to 40 pounds. There is frequent twisting, kneeling, squatting, reaching, wrist turning and grasping. Work sometimes generates certain levels of stress and requires working under pressure.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and the ability to adjust focus. Hand-eye coordination is necessary to operate computers and various pieces of office equipment. Employee is required to use cognitive ability to reason, analyze and verbalize thoughts and ideas.

TOOLS & EQUIPMENT USED

Telephone, personal computer, Microsoft Office Suite of Applications (Word, Excel, Outlook, Access, PowerPoint), ten (10) key calculator and adding machine, printer, fax, copy machine, scanner, binding equipment, laminating machine, paper cutter, paper punch, tape recorder, multi-level file cabinets and general office equipment.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Village Treasurer position and I certify that I can perform these functions.

Applicant Signature

Date

Witness

**Management has the right to add or change these duties of the position at any time.*



Jurisdictional Class: Appointed, Non-Competitive
Adopted:
Revised:

JOB DESCRIPTION

Deputy Clerk - Treasurer

GENERAL PURPOSE

The Deputy Clerk-Treasurer performs a variety of clerical, accounting and human resource tasks integral to the administration of Village finances. He/she assists personnel, manages payroll and oversees the aspects of tax collection.

SUPERVISION

Supervision Scope: Performs varied and highly responsible work requiring the exercise of significant leadership, independent judgment, and initiative in the planning, administration, and execution of the department's services to meet community needs.

Supervision Received: Works under the administrative direction of the Village Mayor and Village Board, independently formulating decisions regarding policies, procedures, operations and department plans, and assuming responsibility for department results. Works according to established department and village policies and procedures, standards, special directives, instructions and intent. The position is subject to review and evaluation according to the Village's personnel policies.

Supervision Given: None.

DISTINGUISHING CHARACTERISTICS

Duties require high attention to detail and meeting of stringent legal and procedural deadlines.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to this position.

General Duties

Essential duties include but are not limited to:

- Manage all aspects associated with the Village payroll
- Perform a variety of financial duties related to banking, health insurance and personnel
- Prepare water/sewer documentation, as required
- Perform computer/software technical support
- Assist with grants, as may be required
- Perform a myriad of general tasks commonly associated with this position
- Perform additional duties as may be assigned

OTHER DUTIES

Provides support to the other departments, when requested.

DESIRED MINIMUM QUALIFICATION

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

KNOWLEDGE AND ABILITIES

- Excellent administrative and supervisory skills;
- Thorough knowledge of personal computers and applicable software;
- Ability to establish and maintain productive working relationships with others including residents, other Village staff and board members;
- Ability to communicate effectively both orally and in writing;
- Ability to follow and understand complex oral and written instructions;
- Initiative; integrity; resourcefulness; good judgment; team player;
- Ability to compose correspondences and reports and maintain records;
- Ability to maintain confidentiality;
- Knowledge of Village municipal government highly desirable;
- Commitment to continued professional development; and
- Physical condition commensurate with the demands of the position.

TRAINING AND EXPERIENCE

- Graduation from High School or a High School equivalency diploma, required
- Graduation from a regionally accredited or New York State registered two-year college with an Associate degree, preferred
- Must be able to successfully pass a pre-employment drug/alcohol screen and credit background check following a conditional offer of employment.
- Must be a Notary Public or must be willing to become a Notary Public within one year of appointment.

CONTACTS OUTSIDE OF DEPARTMENT

This position frequently interacts with employees, residents, elected officials, business owners, and other members of the public.

WORKING CONDITIONS

The physical demands described here are representative of those that must be met by any employee to successfully perform the essential functions of this job.

While performing the duties of this job, the employee regularly works in a general office environment. The employee is regularly required to sit for extended periods of time. This position is expected to use discretion and take initiative in certain situations, but to know when to seek assistance when dealing with a wide range of work situations and responsibilities. This position represents the Village when interacting with citizens, business owners, developers, contractors, and public officials. An individual in this position is frequently required to sit, walk, stand and on occasion, may need to lift, carry, push, or pull objects, up to 40 pounds. There is frequent twisting, kneeling, squatting, reaching, wrist turning and grasping. Work sometimes generates certain levels of stress and requires working under pressure.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and the ability to adjust focus. Hand-eye coordination is necessary to operate computers and various pieces of office equipment. Employee is required to use cognitive ability to reason, analyze and verbalize thoughts and ideas.

TOOLS & EQUIPMENT USED

Telephone, personal computer, Microsoft Office Suite of Applications (Word, Excel, Outlook, Access, PowerPoint), ten (10) key calculator and adding machine, printer, fax, copy machine, scanner, binding equipment, laminating machine, paper cutter, paper punch, tape recorder, multi-level file cabinets and general office equipment.

ACKNOWLEDGMENT

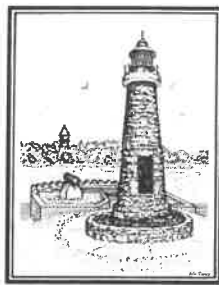
I acknowledge that I have read the job description and requirements for the Village Deputy Clerk-Treasurer position and I certify that I can perform these functions.

Applicant Signature

Date

Witness

**Management has the right to add or change these duties of the position at any time.*



Jurisdictional Class: Appointed, Non-Competitive
Adopted:
Revised:

JOB DESCRIPTION

Human Resources Specialist

GENERAL PURPOSE

The Village Human Resources Specialist holds an important position within the Village of Clayton. S/he plans, supervises and directs the operation of human resources under the supervision of the Village Mayor. Work is performed in accordance with the policies of the Village Board and requires considerable exercise of independent judgment especially as it relates to the administration of Village Law, General Municipal Law, Public Officers Law, Civil Service Law and the local laws and ordinances of the Village of Clayton.

The Village Human Resources Specialist shall also have such powers and perform such additional duties as are or may be conferred or imposed upon him/her by law, and such further duties as the Village Mayor and Village Board may determine, not inconsistent with the law.

The Human Resources Specialist is a current employee of the Village of Clayton, and is appointed by the Village Mayor on an annual basis, commencing the first Monday in December. The position is in addition to such other duties as required by their full-time position. Attendance at a number of meetings, including evenings, may be required.

SUPERVISION

Supervision Scope: Performs varied and highly responsible work requiring the exercise of significant leadership, independent judgment, and initiative in the planning, administration, and execution of the department's services to meet the Village's needs.

Supervision Received: Works under the administrative direction of the Village Mayor, independently formulating decisions regarding policies, procedures, operations, and department plans, and assuming responsibility for department results. Works according to established department and village policies and procedures, standards, special directives, instructions, and intent. The position is subject to review and evaluation according to the Village's personnel policies.

Supervision Given: None.

DISTINGUISHING CHARACTERISTICS

Duties require high attention to detail and meeting of stringent legal and procedural deadlines.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to this position.

General Duties

The essential functions or duties listed below are intended only as an illustration of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if work is similar, related, or a logical assignment to the position.

Essential responsibilities include but are not limited to: recruitment and selection, HR compliance, employee relations, on-boarding, training, performance management, benefit administration, and employee engagement. In addition, responsibilities include:

- Be the employee resource for HR and benefit questions
- Remain up to date with federal and state employment laws and regulations in addition to HR best practices
- Provide staff development through internal training programs through excellent verbal and written communication appropriately tailored for different audiences and circumstances and maintain a training log to ensure that all required annual training is conducted and completed
- Develop and implement a comprehensive and consistent onboarding and orientation process. Recruit for open positions, screen applications/resumes, conduct or assist with interviews, conduct reference and background checks and complete all necessary employment paperwork.
- Develop and implement a comprehensive and consistent separation process and complete all necessary paperwork
- Maintain up to date labor posters
- Manage unemployment insurance, workers compensation, DBL claims and paperwork
- Maintain up to date employee handbook, manuals, policies.
- Ability to write policies and procedures that are consistent with legal and regulatory requirements
- Administers the retirement plan, and health plan in compliance with the summary plan descriptions
- Oversees Village-sponsored employee benefit plans including voluntary and state or federal required benefits
- Involved in conflict resolution and administering corrective action/disciplinary actions and collective bargaining agreements

- Works closely with the payroll department and assisting with any payroll-related matters
- Complete required monthly, quarterly and annual reporting to various agencies, including but not limited to Jefferson County Human Resources payroll certifications and report of personnel change forms; OSHA 900 reports; Workers Compensation reporting; quarterly disability reporting; notice of change and longevity reports to Union, etc.

OTHER DUTIES

Provides support to the other departments, when requested.

DESIRED MINIMUM QUALIFICATION

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION AND EXPERIENCE

Graduation from a four-year college or university with a Bachelor's Degree in human resources, or a related field. Extensive experience in the human resource field may be considered in lieu of the educational degree. A minimum of 5-years' experience is preferred.

SHRM-CP or PHR/SPHR certification preferred.

Must be able to successfully pass a pre-employment drug/alcohol screen and credit background check following a conditional offer of employment.

KNOWLEDGE, SKILLS, AND ABILITIES

A candidate for this position should have the following:

SKILL IN AND ABILITY TO:

1. Strong understanding of state and federal employment labor law (EEO, FMLA, FLSA, ADEA, ADA, Human Rights, ERISA).
2. Understanding of municipal government and public employer responsibilities, desirable.
3. Strong computer skills (MS Outlook, Word, Excel, Power Point); experience with an HRIS/payroll systems preferred.
4. The ability to establish strong interpersonal connections and trust with managers and employees at all levels of the organization.
5. Effective oral and written communication skills required; strong presentation skills and the ability to run meetings required. Excellent verbal and written communication skills appropriately tailored for different audiences and circumstances.

6. Strong attention to detail, organization skills and the ability manage multiple, competing priorities.
7. Problem solving skills and critical thinking skills.

Must be able to successfully pass a pre-employment drug/alcohol screen and credit background check following a conditional offer of employment.

Must be a Notary Public or must be willing to become a Notary Public within one year of appointment.

CONTACTS OUTSIDE OF DEPARTMENT

This position frequently interacts with employees, residents, elected officials, business owners, and other members of the public.

WORKING CONDITIONS

The physical demands described here are representative of those that must be met by any employee to successfully perform the essential functions of this job.

While performing the duties of this job, the employee regularly works in a general office environment. The employee is regularly required to sit for extended periods of time. This position is expected to use discretion and take initiative in certain situations, but to know when to seek assistance when dealing with a wide range of work situations and responsibilities. This position represents the Village when interacting with citizens, business owners, developers, contractors, and public officials. An individual in this position is frequently required to sit, walk, stand and on occasion, may need to lift, carry, push, or pull objects, up to 40 pounds. There is frequent twisting, kneeling, squatting, reaching, wrist turning and grasping. Work sometimes generates certain levels of stress and requires working under pressure.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and the ability to adjust focus. Hand-eye coordination is necessary to operate computers and various pieces of office equipment. Employee is required to use cognitive ability to reason, analyze and verbalize thoughts and ideas.

TOOLS & EQUIPMENT USED

Telephone, personal computer, Microsoft Office Suite of Applications (Word, Excel, Outlook, Access, PowerPoint), ten (10) key calculator and adding machine, printer, fax, copy machine, scanner, binding equipment, laminating machine, paper cutter, paper punch, tape recorder, multi-level file cabinets and general office equipment.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Village Human Resources Specialist position and I certify that I can perform these functions.

Applicant Signature

Date

Witness

**Management has the right to add or change these duties of the position at any time.*



Jurisdictional Class: Appointed, Non-Competitive
Adopted:
Revised:

JOB DESCRIPTION

Department of Public Works Superintendent

GENERAL PURPOSE

Performs a variety of management tasks integral to the operation of the Village of Clayton Department of Public Works and is knowledgeable of the construction, operation, repair, maintenance and replacement of municipal water/sewer, street and storm drainage facilities and systems. Additionally, the Superintendent is responsible for maintaining the public docks, parks, buildings/grounds, streets and conducts other related activities as may be assigned. The Superintendent shall receive OSHA training for related job tasks such as trenching, excavation and confined space entry. A physical shall be required so as to determine the ability to safely perform these functions.

SUPERVISION

Supervision Scope: Performs varied and highly responsible work requiring the exercise of significant leadership, independent judgment, and initiative in the planning, administration, and execution of the department's services to meet community needs.

Supervision Received: Works under the administrative direction of the Village Mayor and Village Board, independently formulating decisions regarding policies, procedures, operations and department plans, and assuming responsibility for department results. Works according to established department and village policies and procedures, standards, special directives, instructions and intent. The position is subject to review and evaluation according to the Village's personnel policies.

Supervision Given: Supervises and evaluates DPW personnel, including Working Forepersons, Motor Equipment Operators, Laborers and Recreation Attendants.

DISTINGUISHING CHARACTERISTICS

Duties require high attention to detail and meeting of stringent legal and procedural deadlines.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does

not exclude them from the position if the work is similar, related or a logical assignment to this position.

General Duties

1. Supervise and evaluate DPW personnel;
2. Schedule DPW projects and related activities (inclusive of required documentation);
3. Provide reports to the Village Board of Trustees, as required;
4. Provide for the appropriate accounting of Department budget and inventory;
5. Maintain a positive relationship with constituents;
6. Attend Village Board meetings, as requested;
7. Operate all equipment in the Public Works Department;
8. Oversee and manage the Village of Clayton's Asset Management Plan;
9. Remain on-call for emergency situations.

OTHER DUTIES

Provides support to the other departments, when requested.

DESIRED MINIMUM QUALIFICATION

Training, Skills, Knowledge and/or Experience:

- Graduation from High School or a High School equivalency diploma, required.
- Three (3) years experience in related construction and maintenance activities and completion of related training for job performance.
- Ability to write reports and utilize technology and computers as it relates to the position.
- Ability to effectively evaluate staff.
- Possess a valid NYS Commercial Drivers License or be eligible to receive such.

Must be able to successfully pass a pre-employment drug/alcohol screen and credit background check following a conditional offer of employment.

CONTACTS OUTSIDE OF DEPARTMENT

This position frequently interacts with employees, residents, elected officials, business owners, and other members of the public.

WORKING CONDITIONS

The work environment characteristics are representative of those an employee in this position encounters while performing the essential functions of this job. The DPW Superintendent's job performance inclusive of assisting personnel with various tasks will be subject to annual review (evaluation) by the Village Board. Random drug testing shall be conducted.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Village Department of Public Works Superintendent position and I certify that I can perform these functions.

Applicant Signature

Date

Witness

**Management has the right to add or change these duties of the position at any time.*



Jurisdictional Class: Labor Class, Non-Competitive
Adopted:
Revised:

JOB DESCRIPTION

Working Foreperson

GENERAL PURPOSE

The Working Foreperson performs a variety of selective management tasks as may be assigned by the Department of Public Works Superintendent integral to the operation of the Village of Clayton Department of Public Works. A working knowledge of all aspects of the tasks currently being performed by the Department of Public Works is critical to this position. The Working Foreperson shall receive OSHA training for related tasks such as trenching, excavation, and confined space entry. A physical shall be required so as to determine the ability to safely perform these functions.

SUPERVISION

Supervision Scope: The Working Foreperson is empowered to have the general authority of the DPW tasks as determined by the Department of Public Works Superintendent.

Supervision Received: Works under the administrative direction of the Village Department of Public Works Superintendent. Works according to established department and village policies and procedures, standards, special directives, instructions and intent. The position is subject to review and evaluation according to the Village's personnel policies.

Supervision Given: Supervises and evaluates DPW personnel, including Working Forepersons, Motor Equipment Operators, Laborers and Recreation Attendants, as may be directed.

DISTINGUISHING CHARACTERISTICS

Duties require high attention to detail and meeting of stringent legal and procedural deadlines.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to this position.

General Duties

1. Supervise DPW personnel, as may be appropriate;
2. Schedule DPW projects and related activities (inclusive of required documentation);
3. Provide reports to the Village Board of Trustees, in absence of the Department of Public Works Superintendent;
4. Possess knowledge of the Department budget and inventory;
5. Maintain a positive relationship with constituents;
6. Attend Village Board meetings, as requested;
7. Operate all equipment in the Public Works Department;
8. Remain on-call for emergency situations;
9. Act in the absence of the Department of Public Works Superintendent.

OTHER DUTIES

Provides support to the other departments, when requested.

DESIRED MINIMUM QUALIFICATION

Training, Skills, Knowledge and/or Experience:

- Graduation from High School or a High School equivalency diploma, required.
- Two (2) years' experience in related construction and maintenance activities and completion of related training for job performance.
- Ability to write reports and utilize technology and computers as it relates to the position.
- Ability to effectively supervise staff and projects for efficient completion.
- Possess a valid NYS Commercial Driver's License or be eligible to receive such.

Must be able to successfully pass a pre-employment drug/alcohol screen following a conditional offer of employment.

CONTACTS OUTSIDE OF DEPARTMENT

This position frequently interacts with employees, residents, elected officials, business owners, and other members of the public.

WORKING CONDITIONS

The work environment characteristics are representative of those an employee in this position encounters while performing the essential functions of this job. The Working Foreperson's job performance inclusive of assisting personnel with various tasks will be subject to annual review (evaluation) by the Department of Public Works Superintendent. Random drug testing shall be conducted.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Village Working Foreperson position and I certify that I can perform these functions.

Applicant Signature

Date

Witness

**Management has the right to add or change these duties of the position at any time.*



Jurisdictional Class: Labor Class, Non-Competitive
Adopted:
Revised:

JOB DESCRIPTION

Motor Equipment Operator

GENERAL PURPOSE

This employee operates a variety of motor equipment commonly associated with performing the tasks performed by the Department of Public Works. Additionally, this employee performs an array of manual tasks in connection with the operation of said equipment; does related work as required.

SUPERVISION

Supervision Scope: The Motor Equipment Operator performs tasks as directed by Department of Public Works Superintendent and Working Foreperson.

Supervision Received: Works under the direction of the Village Department of Public Works Superintendent and the Working Foreperson. Works according to established department and village policies and procedures, standards, special directives, instructions, and intent. The position is subject to review and evaluation according to the Village's personnel policies.

Supervision Given: None.

DISTINGUISHING CHARACTERISTICS

Duties require knowledge of moderately complex motor equipment.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to this position.

General Duties

1. Perform recurring manual duties in connection with the operation of moderately complex motor equipment;
2. Assume the responsibility for the safe and economical operation of assigned equipment;
3. Make recommendations or personally conduct routine maintenance on equipment;

4. Become familiar with the operation of new or different equipment, as needed;
5. Perform a variety of Department of Public Works tasks using the appropriate equipment.

OTHER DUTIES

Provides support to the other departments, when requested.

DESIRED MINIMUM QUALIFICATION

Training, Skills, Knowledge and/or Experience:

- Graduation from High School or a High School equivalency diploma; experience in operation of automotive equipment; or a combination of experience and training sufficient to indicate one's ability to do the work.
- Ability to demonstrate the appropriate knowledge of the operation of tractors, trucks and other automotive equipment; mechanical aptitude, industry and dependability; and experience in the operation of automotive equipment.
- Ability to understand and follow oral and written directions.
- Possession of a valid NYS Commercial Driver's License or be eligible to receive such.

Must be able to successfully pass a pre-employment drug/alcohol screen following a conditional offer of employment.

CONTACTS OUTSIDE OF DEPARTMENT

This position frequently interacts with employees, residents, elected officials, business owners, and other members of the public.

WORKING CONDITIONS

The work environment characteristics are representative of those an employee in this position encounters while performing the essential functions of this job. The Motor Equipment Operator works outdoors in a variety of weather conditions. The operator must be alert to the hazards associated with the operation of various types of equipment. Employee must observe all safety rules such as wearing vests and protective hearing and head gear. The Motor Equipment Operator's job performance will be subject to annual review (evaluation) by the Department of Public Works Superintendent. Random drug testing shall be conducted.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Village Motor Equipment Operator position and I certify that I can perform these functions.

Applicant Signature

Date

Witness

**Management has the right to add or change these duties of the position at any time.*



Jurisdictional Class: Labor Class, Non-Competitive
Adopted:
Revised:

JOB DESCRIPTION

Laborer

GENERAL PURPOSE

The work for the Laborer involves general construction tasks requiring physical endurance, working in all types of weather and using an assortment of power tools. Additionally, a Laborer may operate equipment under the close supervision of the appropriate supervisor. All tasks are supervised as required. Related work may be assigned, as needed.

SUPERVISION

Supervision Scope: The Laborer performs tasks as directed by Department of Public Works Superintendent and Working Foreperson.

Supervision Received: Works under the direction of the Village Department of Public Works Superintendent and the Working Foreperson. Works according to established department and village policies and procedures, standards, special directives, instructions, and intent. The position is subject to review and evaluation according to the Village's personnel policies.

Supervision Given: None.

DISTINGUISHING CHARACTERISTICS

Duties require knowledge of semi-skilled work in masonry, carpentry, electrical and painting and the use of an assortment of power tools.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to this position.

General Duties

1. Assist in the maintenance/construction of roads and utility systems;
2. Operate an assortment of power tools required for the assigned task;
3. Operate motorized equipment, as trained and/or supervised;
4. Perform flag person duties and general maintenance and clean-up work;

5. Assist with semi-skilled work in masonry, carpentry, electrical and plumbing.

OTHER DUTIES

Provides support to the other departments, when requested.

DESIRED MINIMUM QUALIFICATION

Training, Skills, Knowledge and/or Experience:

- Graduation from High School or a High School equivalency diploma.
- Ability to understand and follow oral and written directions.
- Willingness to work in a variety of weather conditions.
- Willingness to perform routine manual tasks.
- Ability to demonstrate mechanical aptitude.
- Ability to demonstrate dependability and be in good physical condition.
- Possession of our ability to receive OSHA Safety Training for related job tasks such as trenching, excavation and confined space entry (a physical is required to assure the safe performance of these job-related tasks).
- Demonstration of the ability to meet the transportation needs of the job.
- Possession of a valid NYS Commercial Driver's License or be eligible to receive such.

Must be able to successfully pass a pre-employment drug/alcohol screen following a conditional offer of employment.

CONTACTS OUTSIDE OF DEPARTMENT

This position frequently interacts with employees, residents, elected officials, business owners, and other members of the public.

WORKING CONDITIONS

The work environment characteristics are representative of those an employee in this position encounters while performing the essential functions of this job. The Laborer works outdoors in a variety of weather conditions and possible unpleasant surrounding. The Laborer's job performance will be subject to annual review (evaluation) by the Department of Public Works Superintendent. Random drug testing shall be conducted.

ACKNOWLEDGMENT

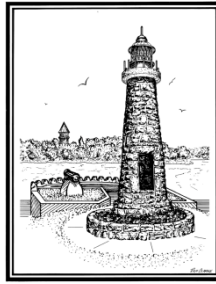
I acknowledge that I have read the job description and requirements for the Village Laborer position and I certify that I can perform these functions.

Applicant Signature

Date

Witness

**Management has the right to add or change these duties of the position at any time.*



Jurisdictional Class: Labor Class, Non-Competitive

Adopted:

Revised:

JOB DESCRIPTION

Recreation Attendant

GENERAL PURPOSE

The work for the Recreation Dock Attendant involves locating, maintaining and assigning docking spaces for transient boaters utilizing Village of Clayton docks. All tasks are supervised as required. Related duties may be assigned, as needed.

SUPERVISION

Supervision Scope: The Recreation Attendant performs tasks as directed by Department of Public Works Superintendent and Working Foreperson.

Supervision Received: Works under the direction of the Village Department of Public Works Superintendent and the Working Foreperson. Works according to established department and village policies and procedures, standards, special directives, instructions, and intent. The position is subject to review and evaluation according to the Village's personnel policies.

Supervision Given: None.

DISTINGUISHING CHARACTERISTICS

Duties require knowledge of regulations and ordinances related to the Village docks in order to maintain a safe and orderly operation of the Village docking facilities.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to this position.

General Duties

1. Assign docking spaces to power and sailboats;
2. Maintain safe and orderly boating conditions;
3. Maintain restroom facilities;

4. Maintain the required records of docking activity;
5. Enforce regulations;
6. Maintain grounds by cleaning up debris, etc.;
7. Collect fees as required and submit said monies to the appropriate authority.

OTHER DUTIES

Provides support to the other departments, when requested.

DESIRED MINIMUM QUALIFICATION

Training, Skills, Knowledge and/or Experience:

- Graduation from High School or a High School equivalency diploma.
- Ability to maintain simple records.
- Ability to give and enforce regulations and ordinances with tact and firmness.
- Ability to perform light manual labor.
- Ability to establish and maintain satisfactory working relationships with Village officials, boat operators, co-workers and the general public.

CONTACTS OUTSIDE OF DEPARTMENT

This position frequently interacts with employees, residents, elected officials, business owners, and other members of the public.

WORKING CONDITIONS

The work environment characteristics are representative of those an employee in this position encounters while performing the essential functions of this job. Recreation Attendant should be able to perform minor physical tasks and work outdoors in a water-related environment. The Recreation Attendant's job performance will be subject to annual review (evaluation) by the Department of Public Works Superintendent. Random drug testing shall be conducted.

ACKNOWLEDGMENT

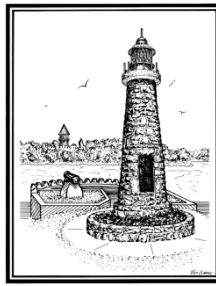
I acknowledge that I have read the job description and requirements for the Village Recreation Attendant position and I certify that I can perform these functions.

Applicant Signature

Date

Witness

**Management has the right to add or change these duties of the position at any time.*



Jurisdictional Class: Appointed, Competitive

Adopted:

Revised:

JOB DESCRIPTION

Police Chief

GENERAL PURPOSE

The Police Chief has immediate supervision of the activities of police personnel and related civilian employees in the Village of Clayton. The Police Chief has charge of the prevention and detection of crime, the enforcement of Federal law, New York State law, and local ordinances and other police functions in the Village of Clayton, as may be required. The work performed in keeping with recognized police practices under the general direction of the Village Board.

SUPERVISION

Supervision Scope: Performs varied and highly responsible work requiring the exercise of significant leadership, independent judgment, and initiative in the planning, administration, and execution of the department's services to meet community needs.

Supervision Received: Works under the administrative direction of the Village Mayor and Village Board, independently formulating decisions regarding policies, procedures, operations and department plans, and assuming responsibility for department results. Works according to established department and village policies and procedures, standards, special directives, instructions and intent. The position is subject to review and evaluation according to the Village's personnel policies.

Supervision Given: Supervises and evaluates Police Department personnel, including Police Officers, Police Officers – Part Time, Harbormaster, School Crossing Guards and Parking Attendants.

DISTINGUISHING CHARACTERISTICS

Duties require high attention to detail and meeting of stringent legal and procedural deadlines.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does

not exclude them from the position if the work is similar, related or a logical assignment to this position.

General Duties

1. Plan and execute law enforcement activities for the Village of Clayton;
2. Carry out patrol duties to maintain order and enforce law and supervise subordinate officers in such duties;
3. Perform or supervise local boat patrol activities;
4. Prepare reports, as may be required;
5. Direct traffic and enforce parking and traffic regulations and supervise subordinates in these functions;
6. Maintain order in crowds at public gatherings;
7. Investigate suspected criminal activity;
8. Observe and report conditions requiring the attention of other municipal departments;
9. Complete security checks, as may be necessary;
10. Book prisoners and escort them to jail or court, as may be necessary.

OTHER DUTIES

Provides support to the other departments, when requested.

DESIRED MINIMUM QUALIFICATION

Training, Skills, Knowledge and/or Experience:

- Minimum of two (2) years of experience in the next lower grade.
- The incumbent (open, competitive) must be a high school graduate and have two years of experience with an organized police force and law enforcement agency involved with the investigation and/or apprehension of law violators.
- Appointments after 9/1/1984 are subject to Section 58-1(6) of the Civil Service Law: no person shall be eligible for appointment unless he/she has been appointed as a Police Officer from an eligible list established according to merit and fitness as provided by Section Six of Article 5 of the Constitution of the State of New York or has previously served as a member of the New York State Police.
- Knowledge of modern principles and best practices of police work, laws and ordinances governing local police work and the jurisdictional geography of the Village of Clayton.
- Ability to instruct and direct subordinates in police work.
- Ability to demonstrate skill in the use of firearms and in conducting criminal investigations.
- Ability to work with the general public and use good judgment.
- Ability to meet the physical demands of the position.
- Possession of a valid NYS Drivers License or be eligible to receive such.

May be required to successfully pass a pre-employment background check and drug/alcohol screen following a conditional offer of employment.

CONTACTS OUTSIDE OF DEPARTMENT

This position frequently interacts with employees, residents, elected officials, business owners, and other members of the public.

WORKING CONDITIONS

The work environment characteristics are representative of those an employee in this position encounters while performing the essential functions of this job. The Police Chief's job performance inclusive of assisting personnel with various tasks will be subject to annual review (evaluation) by the Village Board. Random drug testing may be conducted.

ACKNOWLEDGMENT

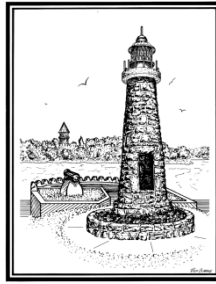
I acknowledge that I have read the job description and requirements for the Village Police Chief position and I certify that I can perform these functions.

Applicant Signature

Date

Witness

**Management has the right to add or change these duties of the position at any time.*



Jurisdictional Class: Appointed, Competitive

Adopted:

Revised:

JOB DESCRIPTION

Police Officer

GENERAL PURPOSE

The Police Officer has personal responsibility in an assigned jurisdiction (Village of Clayton) for a specific period for the enforcement of all pertinent laws and ordinances. Additionally, he/she has responsibility for the protection of lives and property and assists in the investigation of criminal offenses and the apprehension of those engaged in such offenses. The Police Officer does related work as may be required. This position primarily involves routine patrol tasks; however, the incumbent has considerable responsibility for the exercise of sound judgment in responding to emergency situations. Ordinary procedures and special assignments are carried out under the immediate supervision of a superior officer and/or the Chief of Police.

SUPERVISION

Supervision Scope: Performs varied and highly responsible work requiring the exercise of independent judgment and initiative in the execution of the department's services to meet community needs.

Supervision Received: Works under the administrative direction of the Police Chief. Works according to established department and village policies and procedures, standards, special directives, instructions, and intent. The position is subject to review and evaluation according to the Village's personnel policies.

Supervision Given: The Police Officer has supervisory responsibilities as directed by superior officers.

DISTINGUISHING CHARACTERISTICS

Duties require high attention to detail and meeting of stringent legal and procedural deadlines.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to this position.

General Duties

1. Patrol an assigned district utilizing the appropriate conveyance;
2. Engage in security checks as may be required to check for the commission of a crime;
3. Make arrests for violations of Federal and State laws and local ordinances;
4. Issue summonses, as may be necessary;
5. Make daily reports of activity;
6. Investigate accidents and suspicious activities and carry out procedures accordingly;
7. Testify in court, as may be required;
8. Keep appropriate records in accordance with well-defined procedures;
9. Work well with the public;
10. Direct traffic as may be needed and escort prisoners to jail and/or court.

OTHER DUTIES

Provides support to the other departments, when requested.

DESIRED MINIMUM QUALIFICATION

Training, Skills, Knowledge and/or Experience:

- Candidates must meet all requirements of Section 58 of the Civil Service Law to include satisfying the medical and physical requirements prescribed by the Municipal Police Training Manual.
- The incumbent must comply with Section 209q of General Municipal Law by successfully completing an approved Municipal Police Training Program.
- Ability to demonstrate general intelligence, powers of observation and sound judgment.
- Ability to understand and carry out complex oral and written directions.
- Ability to demonstrate skill in the use of firearms, first-aid and the operation of an automobile.
- Ability to work with the general public and exemplify good moral character.
- Ability to meet the physical demands of the position.
- Possession of a valid NYS Commercial Drivers License or be eligible to receive such.

May be required to successfully pass a pre-employment background check and drug/alcohol screen following a conditional offer of employment.

CONTACTS OUTSIDE OF DEPARTMENT

This position frequently interacts with employees, residents, elected officials, business owners, and other members of the public.

WORKING CONDITIONS

The work environment characteristics are representative of those an employee in this position encounters while performing the essential functions of this job. The Police Officer's job performance will be subject to annual review (evaluation) by the Village Police Chief. Random drug testing may be conducted.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Village Police Officer position and I certify that I can perform these functions.

Applicant Signature

Date

Witness

**Management has the right to add or change these duties of the position at any time.*



Jurisdictional Class: Appointed, Competitive
Adopted:
Revised:

JOB DESCRIPTION

Police Officer – Part-Time

GENERAL PURPOSE

The Police Officer (PT) has personal responsibility in an assigned jurisdiction (Village of Clayton) for a specific period for the enforcement of all pertinent laws and ordinances. Additionally, he/she has responsibility for the protection of lives and property and assists in the investigation of criminal offenses and the apprehension of those engaged in such offenses. The Police Officer does related work as may be required. This position primarily involves routine patrol tasks; however, the incumbent has considerable responsibility for the exercise of sound judgment in responding to emergency situations. Ordinary procedures and special assignments are carried out under the immediate supervision of a superior officer and/or the Chief of Police.

SUPERVISION

Supervision Scope: Performs varied and highly responsible work requiring the exercise of independent judgment and initiative in the execution of the department's services to meet community needs.

Supervision Received: Works under the administrative direction of the Police Chief. Works according to established department and village policies and procedures, standards, special directives, instructions, and intent. The position is subject to review and evaluation according to the Village's personnel policies.

Supervision Given: The Police Officer has supervisory responsibilities as directed by superior officers.

DISTINGUISHING CHARACTERISTICS

Duties require high attention to detail and meeting of stringent legal and procedural deadlines.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to this position.

General Duties

1. Patrol an assigned district utilizing the appropriate conveyance;
2. Engage in security checks as may be required to check for the commission of a crime;
3. Make arrests for violations of Federal and State laws and local ordinances;
4. Issue summonses, as may be necessary;
5. Make daily reports of activity;
6. Investigate accidents and suspicious activities and carry out procedures accordingly;
7. Testify in court, as may be required;
8. Keep appropriate records in accordance with well-defined procedures;
9. Work well with the public;
10. Direct traffic as may be needed and escort prisoners to jail and/or court.

OTHER DUTIES

Provides support to the other departments, when requested.

DESIRED MINIMUM QUALIFICATION

Training, Skills, Knowledge and/or Experience:

- Candidates must meet all requirements of Section 58 of the Civil Service Law to include satisfying the medical and physical requirements prescribed by the Municipal Police Training Manual.
- The incumbent must comply with Section 209q of General Municipal Law by successfully completing an approved Municipal Police Training Program.
- Ability to demonstrate general intelligence, powers of observation and sound judgment.
- Ability to understand and carry out complex oral and written directions.
- Ability to demonstrate skill in the use of firearms, first-aid and the operation of an automobile.
- Ability to work with the general public and exemplify good moral character.
- Ability to meet the physical demands of the position.
- Possession of a valid NYS Commercial Drivers License or be eligible to receive such.

May be required to successfully pass a pre-employment background check and drug/alcohol screen following a conditional offer of employment.

CONTACTS OUTSIDE OF DEPARTMENT

This position frequently interacts with employees, residents, elected officials, business owners, and other members of the public.

WORKING CONDITIONS

The work environment characteristics are representative of those an employee in this position encounters while performing the essential functions of this job. The Police Officer (PT)'s job performance will be subject to annual review

(evaluation) by the Village Police Chief. Random drug testing may be conducted.

ACKNOWLEDGMENT

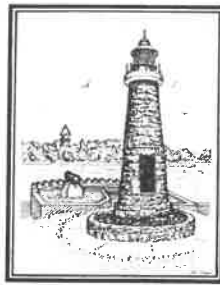
I acknowledge that I have read the job description and requirements for the Village Police Officer (PT) position and I certify that I can perform these functions.

Applicant Signature

Date

Witness

**Management has the right to add or change these duties of the position at any time.*



Jurisdictional Class: Appointed, Non-Competitive
Adopted:
Revised:

JOB DESCRIPTION

Harbormaster

GENERAL PURPOSE

The Village Harbormaster holds an important position within the Village of Clayton. S/he oversees operations of the mooring areas within the jurisdictional limits of the Village of Clayton, pursuant to the Harbor Management Plan, as well as operations at the Clayton Regional Dock/Cruise Terminal Pursuant to 33 CFR Part 105.

The Harbormaster is a current Police Officer of the Village of Clayton and is appointed by the Village Mayor on an annual basis, commencing the first Monday in December. The position is in addition to such other duties as required by their full-time position.

SUPERVISION

Supervision Scope: Performs varied and highly responsible work requiring the exercise of significant leadership, independent judgment, and initiative in the administration and execution of the department's services to meet the Village's needs.

Supervision Received: Works under the administrative direction of the Village Police Chief. Works according to established department and village policies and procedures, standards, special directives, instructions, and intent. The position is subject to review and evaluation according to the Village's personnel policies.

Supervision Given: None.

DISTINGUISHING CHARACTERISTICS

Duties require high attention to detail and knowledge of the Harbor Management Plan, Clayton Cruise Terminal Facility Security Plan and other relevant local, state, and federal regulations related to the operation of the facility.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does

not exclude them from the position if the work is similar, related or a logical assignment to this position.

General Duties

Essential duties include but are not limited to:

- Ensures safety of moorings and the mooring area as it relates to safe navigation and mooring of boats in the mooring area
- Assists persons requesting to moor a vessel on the mooring area in the application process
- Directs all operation at the Clayton Regional Dock/Cruise Terminal
- Acts as Facility Security Officer in accordance with the Facility Security Plan
- Trains police personnel in accordance to the Facility Security Plan
- Directs all fueling and other pertinent operations involving vessels docked at the Clayton Regional Dock
- Supervises police personnel in security operations at facility as deemed necessary

OTHER DUTIES

Provides support to the other departments, when requested.

DESIRED MINIMUM QUALIFICATION

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION AND EXPERIENCE

- Employment as a Police Officer within the Village of Clayton Police Department

KNOWLEDGE, SKILLS, AND ABILITIES

A candidate for this position should have the following:

SKILL IN AND ABILITY TO:

- Knowledge of the Clayton Cruise Terminal Facility Security Plan
- Ability to deal effectively with the general public
- Ability to display integrity; professionalism; and good judgement

CONTACTS OUTSIDE OF DEPARTMENT

This position frequently interacts with employees, residents, elected officials, business owners, and other members of the public.

ACKNOWLEDGMENT

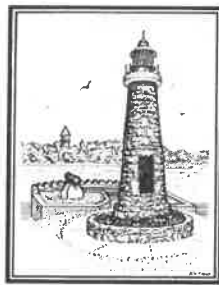
I acknowledge that I have read the job description and requirements for the Village Harbormaster position and I certify that I can perform these functions.

Applicant Signature

Date

Witness

**Management has the right to add or change these duties of the position at any time.*



Jurisdictional Class: Appointed, Non-Competitive
Adopted:
Revised:

JOB DESCRIPTION

School Crossing Guard

GENERAL PURPOSE

The School Crossing Guard has the responsibility for directing the traffic at an assigned post during the hours when pupils are entering and leaving school. Related duties may be assigned, as needed.

SUPERVISION

Supervision Scope: The School Crossing Guard performs tasks as directed by Police Chief.

Supervision Received: Works independently under the direction of the Village Police Chief. Works according to established department and village policies and procedures, standards, special directives, instructions, and intent. The position is subject to review and evaluation according to the Village's personnel policies.

Supervision Given: None.

DISTINGUISHING CHARACTERISTICS

This is a responsible part-time position calling for the exercise of considerable vigilance to aid in protecting children going to and from school and to aid in protecting persons going to and from places of worship and for such purpose shall have power to control vehicular traffic.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to this position.

General Duties

1. Direct traffic at crosswalks near the elementary school in the Village of Clayton;
2. Assist children crossing the street;
3. Slow down traffic in the school zone;

4. Instruct younger children concerning the proper place and precautions associated with safely crossing the street;
5. Maintain awareness of present or potential traffic hazards in the area surrounding the assigned crossing;
6. Inform the Chief of Police of any hazards and possible corrective measures to be taken.

OTHER DUTIES

Provides support to the other departments, when requested.

DESIRED MINIMUM QUALIFICATION

Training, Skills, Knowledge and/or Experience:

- Graduation from High School or a High School equivalency diploma.
- Skill in having patience and sensitivity while dealing with children.
- Knowledge of safety requirements of a crossing guard.
- Knowledge of established traffic safety policies, procedures and guidelines.
- Ability to exercise judgment and discretion in dealing with the public while following established traffic safety policies, procedures and guidelines.
- Ability to remain calm, concentrate and perform all responsibilities in a competent manner at all times.

May be required to successfully pass a pre-employment physical, drug/alcohol screen and background check following a conditional offer of employment.

CONTACTS OUTSIDE OF DEPARTMENT

This position frequently interacts with children, employees, residents, elected officials, business owners, and other members of the public.

WORKING CONDITIONS

The work environment characteristics are representative of those an employee in this position encounters while performing the essential functions of this job. The School Crossing Guard should be able to work outdoors under variable weather conditions including extremes of hot and cold temperatures. While performing the duties of this job, the employee is constantly required to move arms and hands, walk, stand, observe and listen. Physical agility to stand for an extended period of time in a variety of weather conditions is necessary. Vision and hearing should be at or correctable to normal ranges. Employee should have ability to distinguish colors. The use of the safety vest and related equipment is required. Employee is exposed to moderate traffic noise and the hazards associated with stopping and/or directing traffic and assisting children in crossing the road. The School Crossing Guard's job performance will be subject to annual review (evaluation) by the Police Chief. Random drug testing may be conducted.

ACKNOWLEDGMENT

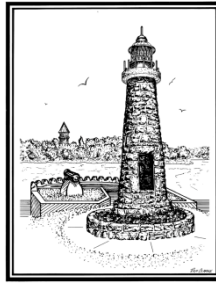
I acknowledge that I have read the job description and requirements for the Village School Crossing Guard position and I certify that I can perform these functions.

Applicant Signature

Date

Witness

**Management has the right to add or change these duties of the position at any time.*



Jurisdictional Class: Labor Class, Non-Competitive

Adopted:

Revised:

JOB DESCRIPTION

Parking Attendant

GENERAL PURPOSE

The Parking Attendant is a seasonal position responsible for enforcing the provisions of the Village Code related to parking. The position distributes parking courtesy envelopes and issues tickets under the auspices of the Chief of Police for various parking violations. Related duties may be assigned, as needed.

SUPERVISION

Supervision Scope: The Parking Attendant performs tasks as directed by Police Chief.

Supervision Received: Works independently under the direction of the Village Police Chief. Works according to established department and village policies and procedures, standards, special directives, instructions, and intent. The position is subject to review and evaluation according to the Village's personnel policies.

Supervision Given: None.

DISTINGUISHING CHARACTERISTICS

This is routine work which involves the enforcement of parking regulations by issuing parking courtesy envelopes and parking tickets while patrolling streets and parking areas, generally on foot. The work requires frequent contact with the public. Does related work as required.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to this position.

General Duties

1. Issues parking courtesy envelopes and parking tickets; as may be necessary;

2. Provides assistance to motorists, as may be needed;
3. Works collaboratively with other police personnel regarding parking violations;
4. Submits courtesy parking envelopes to the department, as needed;
5. Reads parking meters;
6. Empty parking meters and submit said monies to the appropriate authority;
7. Serves as a resource for visitors and interacts appropriately with the general public.

OTHER DUTIES

Provides support to the other departments, when requested.

DESIRED MINIMUM QUALIFICATION

Training, Skills, Knowledge and/or Experience:

- Possession of an understanding of the Village of Clayton Code, related to parking.
- Ability to maintain a courteous and helpful attitude towards visitors and residents.
- Ability to follow directions provided by the Chief of Police.
- Ability to communicate appropriately.
- Ability to maintain visibility during the hours of employment.
- Possession of the physical endurance associated with the position.

May be required to successfully pass a pre-employment physical and drug/alcohol screen following a conditional offer of employment.

CONTACTS OUTSIDE OF DEPARTMENT

This position frequently interacts with employees, residents, elected officials, business owners, and other members of the public.

WORKING CONDITIONS

The work environment characteristics are representative of those an employee in this position encounters while performing the essential functions of this job. The Parking Attendant works outdoors in a variety of weather conditions. The Parking Attendant's job performance will be subject to annual review (evaluation) by the Police Chief. Random drug testing may be conducted.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Village Parking Attendant position and I certify that I can perform these functions.

Applicant Signature

Date

Witness

**Management has the right to add or change these duties of the position at any time.*

WATER AND WASTEWATER TREATMENT PLANT OPERATOR

DISTINGUISHING FEATURES OF THE CLASS: This is a position involving responsibility for maintaining a continuous supply of potable water and disposal of wastewater in a municipality. An employee in this class has responsible charge of the construction, operation, maintenance, and repair of municipal water distribution and wastewater collection and treatment systems. Work is performed in accordance with general policies established by the governing board with wide latitude for independently planning and directing projects and daily activities. Does related work as required.

EXAMPLES OF WORK: (illustrative only)

Supervises the operation of the Water Treatment Plant and Wastewater Plant;
Directs the installation, repair, and maintenance of water distribution and wastewater collection lines;
Supervises the maintenance and repairs of water and wastewater system facilities and equipment;
Plans and oversees the extension and repair of water distribution and wastewater collection system lines;
Supervises and performs tests for bacteriological and chemical analyses of water and wastewater for control of plant operation;
Receives and investigates complaints from residents regarding water and wastewater service;
Analyzes industrial and population trends, building activity, and potential fire protection needs in planning for present and future municipal water needs;
Purchases supplies and equipment needed for efficient and continuous treatment plant and system operation;
May prepare budget requests for the department;
Maintains records and prepares reports related to the work;
Makes minor repairs to machinery and equipment;
Performs custodial duties in connection with maintenance;

-At Wastewater Treatment Plant:

Treats and disposes of sludge;
Operates trickling filters;
Adds chlorine to wastewater;
Takes samples of wastewater for testing;

-At Water Treatment Plant:

Regulates and adjusts chlorinators;
Washes filter beds and settling basins, if existing;
Takes samples of water for testing.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES, AND PERSONAL CHARACTERISTICS:

Thorough knowledge of the modern methods and practices used in the construction, operation, maintenance, and repair of municipal water and wastewater systems; thorough knowledge of the operations of water and wastewater treatment plants; ability to comprehend and follow complex oral and written instructions; ability to prepare and maintain records and reports; ability to establish and maintain cooperative relationships with others; physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS:

Activated Sludge Process Plants

1. Activated Sludge Plant whose designated plant point score is 76 points or greater:

Grade 3-A Operators: Either

- a) AAS degree from a regionally accredited or New York State registered college or university in a NYS DEC-approved curriculum; or
- b) AAS degree from a regionally accredited or New York State registered college or university, plus eighteen months' operating experience at a wastewater treatment plant; or

- c) AA degree with thirty credit hours of math and/or science from a regionally accredited or New York State registered college or university, plus eighteen months' operating experience at a wastewater treatment plant; or
- d) Graduation from high school or possession of a high school equivalency diploma and three years' operating experience at a wastewater treatment plant; AND

Completion of an appropriate approved course by the Commissioner, Department of Environmental Conservation;
AND

Eighteen months' operating experience at an activated sludge wastewater treatment plant with a point score of 56 or greater; and the ability to perform necessary tests.

- 2. Activated Sludge Plant whose designated plant point score is 56-75 points:

Grade 2-A Operators:

Graduation from high school or possession of a high school equivalency diploma; AND

Completion of an appropriate approved course by the Commissioner, Department of Environmental Conservation;
AND

Twelve months' operating experience at an activated sludge wastewater treatment plant with a point score of 31 or greater, and the ability to perform necessary tests.

- 3. Activated Sludge Plant whose designated plant score is 31-55 points or 30 points or less:

Grade 1-A Operators:

Graduation from high school or possession of a high school equivalency diploma; AND

Completion of an appropriate approved course by the Commissioner, Department of Environmental Conservation;
AND

Six months' operating experience at an activated sludge wastewater treatment plant and the ability to perform necessary tests.

SPECIAL REQUIREMENTS FOR ACCEPTANCE OF APPLICATIONS:

- I. Activated Sludge Plant whose designated points score exceeds 76 points or greater:

Eligibility for a Grade 3-A certificate issued by the New York State Department of Environmental Conservation at time of application. Possession of the certificate at time of appointment.

- II. Activated Sludge Plant whose designated points score is 56-75 points:

Eligibility for a Grade 2-A certificate issued by the New York State Department of Environmental Conservation at time of application. Possession of the certificate at time of appointment.

- III. Activated Sludge Plant whose designated point score is either 31-55 points or 30 points or less:

Eligibility for a Grade 1-A certificate issued by the New York State Department of Environmental Conservation at time of application. Possession of the certificate at time of appointment.

Adopted: 5/01/95

WATER AND WASTEWATER TREATMENT PLANT OPERATOR TRAINEE

DISTINGUISHING FEATURES OF THE CLASS: This position involves responsibility for learning the duties, responsibilities, and routines involved in the operation and maintenance of water and wastewater treatment plants. An appointee undergoes on-the-job training to become qualified as a first-level Operator. The incumbent does related work as required.

This is a trainee position for which candidates are selected on the basis of general intelligence, basic knowledge of mathematics, elementary chemistry, general science, and mechanical aptitude. Employees are required to satisfactorily complete the training and experience requirements of the New York State Department of Environmental Conservation for the grade certificate appropriate to the plant designation. Upon satisfactory completion of certificate requirements, incumbents will be advanced to the title of Water and Wastewater Treatment Plant Operator.

EXAMPLES OF WORK: (illustrative only)

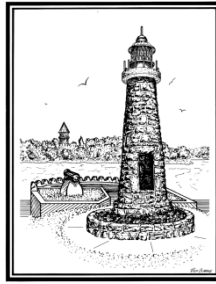
- Performs study and reading assignments, observes demonstrations, and otherwise learns the techniques of operation and maintenance of a water and wastewater treatment plant;
- Learns and assists in the operation and adjustments of pumps, valves, motors, screens, and related mechanical equipment;
- Learns and assists in the inspection, maintenance, and repair of pumps, motors, valves, and related mechanical equipment;
- Learns and assists in the taking of samples, for bacteriological and chemical analysis of sewage and water for control of the water and wastewater plant operations;
- Learns and assists in the laboratory, conducting routine tests on a rotational assignment basis;
- Cleans channels, screens, tanks, and other equipment, using hand and power tools and equipment;
- Learns and assists in the preparation of reports concerning plant operation;
- Performs increasingly responsible duties as assigned in the operation and maintenance of a water and wastewater treatment plant.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES, AND PERSONAL CHARACTERISTICS: Working knowledge of elementary principles of mathematics, chemistry, and general science; working knowledge of hand tools and their use; ability to learn principles and procedures relating to the operation and maintenance of water and wastewater treatment plants; ability to observe safety practices; ability to understand and interpret written material; ability to develop skill in the operation and minor maintenance of pumps, valves, and related mechanic equipment; ability to read scales and gauges; ability to understand and follow oral and written instructions; mechanical aptitude; physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS:

Graduation from high school or possession of a high school equivalency diploma.

Revised: 5/17/10



Jurisdictional Class: Appointed, Non-Competitive

Adopted:

Revised:

JOB DESCRIPTION

Historian

GENERAL PURPOSE

The Village and Town Historian position is a paid position filled by appointment of the Village and Town Board each year.

SUPERVISION

Supervision Scope: Performs varied and responsible duties requiring a thorough working knowledge of departmental operations and the exercise of judgment and initiative to perform duties, complete tasks, and analyze the facts or circumstances surrounding individual problems.

Supervision Received: Work is performed under the general direction of the Village Mayor.

Supervision Given: None.

DISTINGUISHING CHARACTERISTICS

The position of Town Historian is distinguished from other positions by the incumbent's need to know and apply in-depth knowledge of historical resources and records management.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to this position.

Duties include: The historian collects and preserves the historical records of the Village and Town educating the public about the history of Clayton through written articles and public programs; being a resource on local history for local government officials, residents, genealogists, and the public in general; and to interpret the past history of the Village and Town of Clayton. Current activity of the Village and Town Historian:

1. Keep abreast of all historical activity within the Village and Town of Clayton, including all historical changes.
2. Collect, maintain and update all pertinent records as they pertain to the Village and Town of Clayton.
3. Be available in the historian office each week (days and times to be established) to allow the public access to information, obtain statistical data and answer questions.
4. Answer history questions regarding Clayton and its Residents (genealogy).
5. Attend Village and Town Meetings, historical society meetings and seminars as needed.

OTHER DUTIES

Provides support to the other departments, when requested.

DESIRED MINIMUM QUALIFICATION

Knowledge of: General knowledge of local history and records management. Ability to: Ability to handle inquiries and/or complaints tactfully and effectively. Ability to communicate effectively in written and verbal form. Good verbal communication skills. Training and Experience: High school education or its equivalent; one to two years of historical research or record keeping experience; experience working with the public highly desirable; or any equivalent combination of education and experience.

PHYSICAL AND MENTAL DEMANDS

The physical and mental demands described here are representative of those that must be met by employees to successfully perform the essential functions of this class. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Physical Demands While performing the duties of this class, an employee is frequently required to walk and stand. An employee is regularly required to sit; talk or hear, both in person, in public meetings and by telephone; use hands repetitively to finger, handle, feel or operate standard office equipment and computers; reach with hands and arms; kneel or crouch; and lift up to 50 pounds. Specific vision abilities required by this class include close vision and the ability to adjust focus.

Mental Demands While performing the duties of this class, an employee is regularly required to use written and oral communication skills; read and interpret information and documents; analyze and solve problems; perform highly detailed work on multiple, concurrent tasks; work with constant interruptions; and interact with Town staff, elected officials, other public and private organizations, the media and the public.

WORKING CONDITIONS

The work environment characteristics are representative of those an employee in this position encounters while performing the essential functions of this job.

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Village Historian position and I certify that I can perform these functions.

Applicant Signature

Date

Witness

**Management has the right to add or change these duties of the position at any time.*

APPENDIX C

WORKPLACE VIOLENCE

PREVENTION POLICY

Village of Clayton

Workplace Violence Prevention Policy and Incident Reporting

The Village of Clayton is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients.

Workplace Violence is defined as any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including but not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without his or her consent that entails some injury; or stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

Acts of violence against any of our employees where any work related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients and visitors, following all policies, procedures and practices, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of New York State Labor Law Art. 2 §27-b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law includes a workplace evaluation that is designed to identify the risks of workplace violence to which our employees could be exposed. Authorized Employee Representative(s) will, at a minimum, be involved in:

- evaluating the physical environment;
- developing the Workplace Violence Prevention Program; and
- reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

All employees will participate in the annual Workplace Violence Prevention Training Program. The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. All personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Designated contact person for all DPW employees is the DPW Superintendent.

Office – 315-686-3631 Cell – 315-778-8238

Designated contact person for all other Village of Clayton employees is the Village Mayor.

Office – 315-686-5552 Cell – 315-777-7135

This policy is to be distributed to all village employees and a signed confirmation statement collected by each department head. Signed confirmation statements are to be stored in employee's personnel files. A copy of this policy shall be posted in each village workplace and will become a part of the Employee Handbook.

Policy adopted by the Village Board of the Village of Clayton on ____/____/2019.

Workplace Violence Incident Report

Date of Incident: _____

Today's Date: _____

Time of Incident: _____

Location of Incident: _____

Reporting Employee Name: _____ Title: _____

Workplace Location: _____

What was the employee doing just prior to the incident? Were there any other events leading up to the incident?

Incident Description (At a minimum, include names of involved individuals, including whether or not they were employees, nature and extent of injuries and names of witnesses):

Provide information on preventative actions that the Village of Clayton has taken or is considering as a result of the incident to prevent against further like occurrences: _____

How did the event end? _____

After the occurrence of a workplace violence incident, the Village of Clayton shall consider global (all village work sites) prevention enhancements, which may be necessary to properly protect employees.

The employer is responsible for maintaining copies of all reports, which shall be used when the program is reviewed and updated.

Version: _____, 2019

VILLAGE OF CLAYTON

WORKPLACE VIOLENCE PREVENTION PROGRAM

Adopted by the Village Board of the Village of Clayton, NY on April 8, 2019

POLICY STATEMENT

The Village of Clayton is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients.

Workplace Violence is defined as any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including but not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without his or her consent that entails some injury; or stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

Acts of violence against any of our employees where any work related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients and visitors, following all policies, procedures and practices, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of New York State Labor Law Art. 2 §27-b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law includes a workplace evaluation that is designed to identify the risks of workplace violence to which our employees could be exposed. Authorized Employee Representative(s) will, at a minimum, be involved in:

- evaluating the physical environment;
- developing the Workplace Violence Prevention Program; and
- reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

All employees will participate in the annual Workplace Violence Prevention Training Program. The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. All personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

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This policy is to be distributed to all village employees and a signed confirmation statement collected by each department head. Signed confirmation statements are to be stored in employee's personnel files. A copy of this policy shall be posted in each village workplace and will become a part of the Employee Handbook.

APPLICABILITY

This program applies to all employees including full-time and part-time employees with permanent, probationary, trainee, seasonal, or temporary appointments. This program applies to the conduct of an employee while functioning in the course and scope of employment as well as off-duty violent conduct that has a potential adverse impact on an employee's ability to perform the assigned duties and responsibilities. This program also applies to the conduct of former employees, visitors, and strangers toward Village employees while on Village property.

DEFINITIONS

Workplace violence can include, but is not limited to, the following:

- An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee.
- Any intentional display of force which would give an employee reason to fear or expect bodily harm.
- Intentional and wrongful physical contact with a person without his or her consent that entails some injury.
- Stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

Intimidation - Engaging in actions that include but are not limited to stalking or behavior intended to frighten, coerce, or induce duress.

Threat - The expression of intent to cause physical or mental harm. Such expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional or future.

Physical Attack - Unwanted or hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects.

Domestic Violence - The use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship. This could include people who are currently married, live together, or date or those who have formerly been married, lived together, or dated.

Property Damage - Intentional damage to property and includes property owned by employees, visitors or vendors.

ANNUAL RISK EVALUATION / WORKPLACE EXAMINATION

The Village must conduct initial and subsequent annual risk evaluations of each Village facility. Risk factors identified during this evaluation shall be maintained. The annual risk evaluation shall include the following:

Annual Examination of Records – Once each year, the Village designated contact person must examine any records relevant or related to any workplace violence incident. This review is intended to identify any patterns in the locations, types and causes of incidents and injuries. Examples of records to examine can include:

- Injury and Illness Incident Reports
- Log and Summary of Work-Related Injuries and Illnesses (Form SH900 & SH900.1)
- Workers' Compensation Reports
- Workplace Violence Incident Reports
- Personnel Disciplinary Reports

Administrative Risk Factors – Once each year, the Village designated contact person must assess any relevant policies, work practices and work procedures that may impact the risk of workplace violence. Examples of items to assess include:

- Non-Harassment, Discrimination and Retaliation Policy
- General Village Safety Rules, Policies and Procedures
- Work practices requiring work in public settings, including exchanging money with the public, working alone or in small numbers, and working with potentially violent people

Evaluation of Physical Environment – Once each year, Village Department Heads, along with the participation of authorized employee representatives (Union Representatives), will evaluate all Village workplaces to determine the presence of factors which may place employees at risk of workplace violence. Factors that have a potential to place employees at risk can include the following:

- Working late night or early morning hours
- Exchanging money
- Working alone or in small numbers
- Working in a location with uncontrolled public access to the workplace
- Areas that have experienced previous security problems or violence
- Exposure to potentially violent persons; and
- Having a mobile workplace assignment.

METHODS TO PREVENT WORKPLACE VIOLENCE

Based upon the findings of the workplace evaluations the Village will identify, document and implement methods to prevent workplace violence. The methods and actions taken to prevent workplace violence shall be documented. Examples of such methods may include the following:

- Following the Village's workplace violence prevention program
- Enforcing existing workplace rules
- Providing annual training to increase employee awareness of the signs and/or effects of workplace violence and the importance of reporting workplace violence
- Modifications to a facility's lighting, and access
- Using drop safes or other methods to minimize cash on hand
- Posting signs stating that limited cash is on hand; and
- Providing training in conflict resolution and non-violent self-defense responses where requested

In situations where the hazard cannot be completely eliminated, the Village must use control measures to reduce the risk to employees. When implementing methods to prevent workplace violence the following hierarchy of controls shall be followed:

•**Engineering Controls** – Reduce the hazard through a design change. An example of an engineering control would be the installation of a physical barrier to protect employees from a member of the public (windows, deep counters, etc.). Engineering controls are not always feasible. If engineering controls are not feasible, the employer must then consider other work practice controls.

•**Substitution** – Reduce the hazard by substituting one process or activity with another that has less exposure to potential workplace violence. An example could be to relocate a Village service provided at one location (that presents a risk for workplace violence) to another more secure location.

•**Work Practice / Administrative Controls** - Work Practice Controls reduce the hazard by changing organizational policies and procedures. An example of a work practice control would be requiring check-in procedures and/or itineraries to account for employees who work alone and are not under the direct supervision of management. Training is also considered to be an administrative type control.

•**Personal Protective Equipment** - While not typically relevant to many workplace situations, such equipment can include ballistic body armor for law enforcement personnel.

REPORTING SYSTEM AND RESPONSIBILITIES

All employees are encouraged to be alert to the possibility of violence on the part of employees, former employees, visitors and strangers. Employees shall report in writing all workplace violence incidents, including acts of violence, threats of violence, and any other violation of this policy. Employees shall submit the attached *Workplace Violence Incident Report Form* as soon as practicable to their Department Head (or directly to the designated contact person if the incident involves the Department Head). The Department Head will then submit the form to the designated contact person.

If the case is a privacy concern case, the name of the employee who was the victim of the workplace violence should be removed from the Workplace Violence Incident Report or other documentation and replaced with "PRIVACY CONCERN CASE" in the space normally used for the employee's name.

Privacy concern cases include cases involving:

- Injury or illness to an intimate body part or the reproductive system
- Injury or illness resulting from a sexual assault
- Mental illness
- HIV infection
- Needle stick injuries and cuts from sharp objects that are or may be contaminated with another person's blood or other potentially infectious material; and
- Other injuries or illnesses, if the employee independently and voluntarily requests that his or her name not be entered on the report.

All reports of violence will be handled in a confidential manner as much as possible, with information released only on a need-to-know basis. Management shall be sensitive and responsive to the reporting employees' fear of reprisal.

TRAINING

All employees will participate in the annual Workplace Violence Prevention Training Program. All newly hired employees will be trained on this program as part of their new employee orientation.

The training shall review this program and shall cover the following:

- The requirements of the workplace violence regulations and the risk factors that were identified in the risk evaluation and determination
- Measures that employees can take to protect themselves from the identified risks including specific procedures that the Village has implemented to protect employees, such as incident alert and notification procedures, appropriate work practices, emergency procedures and the use of security alarms and other devices
- The location of the written workplace violence prevention program and how to obtain a copy
- Examples of prohibited actions; and
- How to report workplace violence.

PROHIBITED ACTIONS AND SANCTIONS

It is a violation of this program to:

- Engage in workplace violence as defined above
- Engage in intimidation, threats, physical attacks, domestic violence, or property damage in violation of this policy
- Possess, use, or threaten to use a weapon or firearm (Note: Law enforcement officers are governed by policies and procedures of the Village Police Department regarding the possession and use of authorized weapons. Court Officers are governed by the Court regarding the possession and use of authorized weapons.)
- Misuse of authority vested to any employee of the Village in such a way that violates this policy

A violation of this policy shall be considered unacceptable conduct and subject the violator to disciplinary action, up to and including termination. An act of off-duty violent conduct may also be grounds for disciplinary action, up to and including termination, if it is determined by the Village that there exists a rational nexus between the type of violent conduct committed and the potential adverse impact on an employee's ability to perform the assigned duties and responsibilities.

SUPPORT

The Village shall make efforts to support and protect victims of workplace violence by offering available security measures and / or reviewing security measures with victims. Victims may request adjustments to their work schedule, location, or working conditions in order to enhance their safety. The Village will review such requests as appropriate. The Village shall work closely with victims to ensure that both the needs of the victims and the Village are addressed.

RETALIATION

The Village shall take no retaliatory action against any employee because the employee exercises any right accorded him or her by the New York State Workplace Violence Prevention Regulation. This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy.

CONFIDENTIALITY

Although confidentiality cannot be guaranteed, every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence.

CONFIDENTIAL INFORMATION

This program does not require the disclosure of information that is otherwise kept confidential for security reasons. This may include information which, if disclosed:

- Would interfere with law enforcement investigations or judicial proceedings
- Would deprive a person of a right to a fair or impartial adjudication
- Would identify a confidential source or disclose confidential information relating to a criminal investigation
- Would reveal criminal investigative techniques or procedures, except for routine techniques and Procedures; and/or
- Would endanger the life or safety of any person.

AUTHORIZED EMPLOYEE REPRESENTATIVES (UNION REPRESENTATIVES)

The authorized employee representatives (Union Representatives) will, at a minimum, be involved in the following:

- Evaluating the physical environment
- Developing the Workplace Violence Prevention Program
- Reviewing workplace violence incidents at least annually to identify trends in the types of incidents Reported; and
- Reviewing the effectiveness of the mitigating actions taken.

ANNUAL PROGRAM REVIEW

The Village of Clayton, with the Authorized Employee Representative, shall evaluate the effectiveness of this Workplace Violence Prevention Program, at least annually or after any serious incident. The review will focus on incident trends, addressing root cause, and the effectiveness of the control measures in the place or the need to make changes. The review will also assess whether the reporting and record keeping systems have been effective in collecting all relevant information. Annual risk evaluation and assessment will be performed using forms provided by the Department of Labor and kept on file with the program. The cover sheet of this program will be updated with the names and title of those who perform the review and the date of completion.

EMPLOYEE COMPLAINTS TO THE COMMISSIONER OF LABOR

Employees should be aware that complaint procedures under the workplace violence regulation are different than those under the Public Employee Safety and Health (PESH) Act. Any employee, or his/ her authorized employee representative, who believes that a violation of the employer's workplace violence prevention program exists, or that workplace violence imminent danger exists, shall report such matter in accordance with the *Reporting System and Responsibilities* section of this program. The employer shall be afforded a reasonable opportunity to correct such activity, policy, or practice.

Written notice to an employer is not required where workplace violence imminent danger exists to the safety of a specific employee and the employee reasonably believes in good faith that reporting the matter would not result in corrective action.

If, after notifying the employer and giving the employer a reasonable opportunity to correct the situation, the employee or the authorized employee representative still believes that a serious violation of a workplace violence prevention program remains or that imminent danger exists, such employee may request an inspection by notifying the Commissioner of Labor at the New York State Department of Labor. Such notice and request shall be in writing, shall set forth with reasonable particularity the ground(s) for the notice and shall be signed by such employee or their authorized employee representative.

APPENDIX D

SEXUAL HARASSEMENT

PREVENTION POLICY



VILLAGE OF CLAYTON SEXUAL HARASSMENT POLICY

The Village of Clayton is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. The Village of Clayton has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Village of Clayton's commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with the Village of Clayton, or with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. The Village of Clayton Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with the Village of Clayton.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The **Village of Clayton** has a zero-tolerance policy for such retaliation against anyone who, in good faith complains or provides information about suspected sexual harassment. Any employee of The **Village of Clayton** who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern, or non-employee¹ working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager, or the **Village Mayor**. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects the Village of Clayton to liability for harm to victims of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be penalized for such misconduct.

5. The Village of Clayton will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Village of Clayton will provide all employees a complaint form for employees to report harassment and file complaints.

7. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe to the Village Mayor.

8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be posted prominently in all work locations and be provided to employees upon hiring.

What Is "Sexual Harassment"?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

Any employee who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment:

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical assaults of a sexual nature, such as:
 - Touching, pinching, patting, grabbing, brushing against another employee's body or poking another employees' body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments; •
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

What is "Retaliation"?

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

Unlawful retaliation can be any action that would keep a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- filed a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- complained that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. The **Village of Clayton** cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the ***Village Mayor***. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the ***Village Mayor***.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a victim of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the ***Village Mayor***.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

Complaint and Investigation of Sexual Harassment

All complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, and should be completed within 30 days. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Employees who participate in any investigation will not be retaliated against.

Investigations will be done in accordance with the following steps:

- Upon receipt of complaint, the Village Mayor will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the oral reporting.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The final resolution of the complaint, together with any corrective actions action(s).
- Keep the written documentation and associated documents in the employer's records.
- Promptly notify the individual who complained and the individual(s) who responded of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who complained of their right to file a complaint or charge externally as outlined below.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the **Village of Clayton** but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the **Village of Clayton**, employees may also choose to pursue legal remedies with the following governmental entities **at any time**.

New York State Division of Human Rights (DHR)

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to The **Village of Clayton** does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400 [appropriate other contact info], www.dhr.ny.gov

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

Local Protections

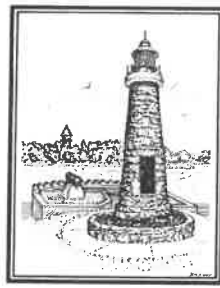
Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml

Contact the Local Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Adopted: 09/24/2018

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.



**VILLAGE OF CLAYTON
COMPLAINT FORM FOR REPORTING SEXUAL HARASSMENT**

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for employees to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the **Village Mayor** in person at **425 Mary Street, Clayton, NY 13624** or via mail to the same address. Once you submit this form, your employer must follow its sexual harassment prevention policy and investigate any claims.

If you are more comfortable reporting verbally or in another manner, your employer is still required to follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/combating-sexual-harassment

COMPLAINANT INFORMATION

Name:

Home Address:

Work Address:

Home Phone:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method: *(please select one)*

☐ MAIL ☐ EMAIL ☐ HOME PHONE ☐ WORK PHONE

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made against:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: *(please select one)*

☐ SUPERVISOR ☐ SUBORDINATE ☐ CO-WORKER ☐ OTHER _____

2. Please describe the conduct or incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is sexual harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? ☐ YES ☐ NO

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:

The last two questions are optional, but may help facilitate the investigation.

5. Have you previously complained or provided information (verbal or written) about sexual harassment at the **Village of Clayton**? If yes, when and to whom did you complain or provide information?

Employees that file complaints with their employer might have the ability to get help or file claims with other entities including federal, state or local government agencies or in certain courts.

6. Have you filed a claim regarding this complaint with a federal, state or local government agency?
☐ YES ☐ NO

Have you instituted a legal suit or court action regarding this complaint?
☐ YES ☐ NO

Have you hired an attorney with respect to this complaint?
☐ YES ☐ NO

I request that the Village of Clayton investigate this complaint of sexual harassment in a timely and confidential manner as outlined below, and advise me of the results of the investigation.

Signature: _____

Date: _____

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

Instructions for Employers

If you receive a complaint about alleged sexual harassment, you must follow your sexual harassment prevention policy by investigating the allegations through actions such as:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

You should create a written document of the findings of the investigation, along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.

Adopted 09/24/2018

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

APPENDIX E

**DRUG AND ALCOHOL TESTING
FOR SAFETY-SENSITIVE POSITIONS**

VILLAGE OF CLAYTON

DRUG AND ALCOHOL TESTING FOR SAFETY-SENSITIVE POSITIONS

It is the objective of the Village of Clayton to maintain standards of behavior, performance and discipline necessary for the safety of employees and the public. Any illicit or improper use of drugs or alcohol by all employees under the supervision of the Department of Public Works Superintendent, including water and sewer plant operators, is unacceptable and will be considered a serious infraction of company policy.

In accordance with federal regulations, employees in safety-sensitive positions as defined in the regulations are subject to random testing for alcohol, marijuana, cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP.) The Village of Clayton shall adhere to federal law and regulations requiring the implementation of a drug and alcohol testing program for such employees in safety-sensitive positions.

The Village of Clayton shall either establish and/or manage its own program, by contract, or through a consortium for the provision of alcohol and drug testing of employees in safety-sensitive positions.

The Village of Clayton recognizes that alcohol and drug use can negatively impact an employee's health, work performance, employment position and personal life. The Village of Clayton shall provide employees with materials detailing the effects of alcohol and or drug use, the signs and symptoms of alcohol and drug use, the available resources in the community for assistance with substance abuse and a copy of the Village of Clayton policy with respect to alcohol and drug use.

There are several circumstances under which an individual will be subject to drug-alcohol screening tests:

1. Pre-employment/Pre-duty: Drug and alcohol testing will be conducted after an offer to hire, but before actually performing safety-sensitive functions for the first time. Such pre-employment testing will also be required when employees transfer to a safety-sensitive position.
2. Reasonable Suspicion: In addition, testing will be ordered if a trained supervisor has a "reasonable suspicion" that an employee is impaired.
3. Random Selection Testing: Safety-sensitive employees are subject to a random drug and/or alcohol test on an unannounced basis just before, during or just after performance of safety-sensitive functions.
4. Post-Accident: There will be post-accident testing conducted after accidents involving safety-sensitive employees.

5. Return To Duty & Follow-Up: Return to duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol and or drug conduct standards returns to performing safety-sensitive functions.

Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty. The number of tests beyond 6 will be determined by a DOT sanctioned Substance Abuse Professional.

In accordance with the Omnibus Transportation Employee Act of 1991, one half of the Village of Clayton employees in the random pool will be tested for drugs and twenty-five percent will be tested for alcohol.

All employee testing will be kept confidential and shall only be revealed without the driver's consent to the employer representative, a substance abuse professional, drug testing laboratory, medical review officer and any other individual designated by law.

The following alcohol and drug related activities are prohibited:

1. Reporting to work or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.02 or greater.
2. Being on duty or operating a commercial motor vehicle (CMV) while the driver possesses alcohol, unless alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription and/or over the counter), unless the packaging seal is unbroken.
3. Using alcohol while performing safety-sensitive functions.
4. Using alcohol 4 hours or less before duty. (If you are required by other statutes to cease consumption for more hours that would then be the actual time frame.)
5. Reporting for duty, or remaining on duty, requiring the performance of safety-sensitive functions, when the employee uses any drugs. This prohibition does not apply when instructed by a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely perform their job duties.
6. Reporting for duty, remaining on duty, or performing a safety sensitive function if the employee tests positive for drug use.
7. When required to take a post-accident alcohol test, using alcohol within 8 hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
8. Refusing to submit to an alcohol or drug test required by post-accident, random, reasonable suspicion or follow-up testing requirements. Refusal to submit is considered a positive test.

Employees who engage in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties pursuant to

applicable law, the Employees Organization Disciplinary policy, as well as the sanctions provided for in the federal law.

The Employees Organization disciplinary policy is as follows:

First Offense - Verbal warning and written warning to go in the employees file. Second Offense - Disciplinary layoff without pay.

Third Offense - Discharge

Violation of this policy will remain on an employee's record for a 2 (two) year period.

Safety-sensitive employees who have engaged in such prohibited behavior shall not be allowed to drive or perform their assigned functions until they are:

1. Evaluated by a Substance Abuse Professional (SAP.)
2. Complete any requirements for rehabilitation as set by the Village of Clayton and the SAP.
3. Pass a return to duty test with a result below 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use.

The DPW Superintendent shall ensure that each employee subjected to testing receives a copy of the Village of Clayton policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and procedures developed by the Village of Clayton with respect to meeting those requirements. The DPW Superintendent shall ensure that a copy of the materials is distributed to each employee, who shall sign for receipt of all of the above-mentioned documents, prior to the start of testing.

Any violation of this policy, administrative regulation and/or procedures, and applicable federal and state laws by a covered employee shall be grounds for disciplinary action including, but not limited to, fines, suspension, and/or discharge in a manner consistent with the Village of Clayton policy and applicable law.

The Village of Clayton shall establish regulations necessary to implement this policy.

BOARD APPROVED ADD-ON TO DOT DRUG & ALCOHOL POLICY

ON DECEMBER 11, 1995 AT THE VILLAGE OF CLAYTON BOARD MEETING THEY PASSED A RESOLUTION TO HAVE ALL EMPLOYEES THAT ARE UNDER THE SUPERVISION OF THE D.P.W. SUPERINTENDENT INCLUDING WATER AND SEWER PLANT OPERATORS TO BE TESTED FOR DRUG & ALCOHOL USE. THEY AGREED TO USE THE EMPLOYEES ORGANIZATION CONTRACT FOR DISCIPLINARY ACTION.

FIRST OFFENSE = VERBAL WARNING AND WRITTEN WARNING TO GO IN THE EMPLOYEE'S FILE AT EAP.

SECOND OFFENSE = DISCIPLINARY LAYOFF WITHOUT PAY.

THIRD OFFENSE = DISCHARGE.

I have read, understand and agree to abide by the terms of the Village of Clayton "Drug and Alcohol Testing for Safety-Sensitive Positions" policy, and I have been given a copy of it. I understand that the Village of Clayton will have the Jefferson/Lewis Employee Assistance Program administer the training and educational components of this policy and that Occupational Medicine or other approved drug testers will provide the actual testing/testing analysis.

Signature: _____ Date: _____