EMPLOYEE HANDBOOK

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Prepared by:
Public Sector HR Consultants LLC
14 Knollwood Drive
Glenville, New York 12302
Telephone: 518.399.4512
www.publicsectorhr.org

EMPLOYEE HANDBOOK

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Town 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 Town 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 Town in delivering services to the public effectively and efficiently.

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

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

102 A Message for Our Union Members

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

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

We hope that your career with the Town of Clayton will be an enjoyable experience.

103 Our Heritage

The Town of Clayton was organized from the Towns of Orleans and Lyme by an act of State Legislature on April 27, 1833. At the suggestion of the Postmaster, Mr. Angel, a Whig himself, the name was chosen in honor of John M. Clayton, United States Senator from Delaware and a prominent Whig, a fitting political selection since most of the voters in the area were Whigs themselves.

The Village of Clayton was incorporated on April 17, 1872 by a vote of the citizens, as provided in an act passed by the State Legislature, April 20, 1870. The vote stood 140 for and 51 against the assumption of corporate honors.

The first known name given to the area around the present day Village was Weteringhera-Guentere, and Indian term for "Fallen Fort", referring to an ancient fort on the banks of French Creek captured from the Algonquin tribe by the Iroquois. In the early 1820's the area around French Creek Bay was being settled by the French. In 1823 the Post Office and the Village was called Cornelia. In 1831 they were both changed to Clayton. By 1835 the Village consisted of 93 buildings and 426 people.

The other major settlement in the Town is the Hamlet of Depauville, originally called Cat Fish Falls. The hamlet is located in a valley along the Chaumont River. The area was being settled by 1816 utilizing the Chaumont River as its navigable waterway for transportation of timber, goods and people. Catfish Falls was an excellent source of water power to operate a Saw Mill and Grist Mill.

Due to its favorable positioning on the St. Lawrence River and an ample supply of lumber, the first major industry in Clayton was timber. Trees were lashed together to form rafts and then sent down the St. Lawrence River to Montreal and surrounding areas. There, the logs were cut into usable lumber. Depauville also had a substantial lumber industry. The local economy was dominated by this industry until the railroad made its way to the North Country in the 1870's.

Its location on the river and supply of lumber was a natural fit for the shipbuilding industry. Simon Johnston owned one of the prominent shipyards in the Village. The Town Hall is located on the site of his shipyard. Clayton is also known as the home of the St. Lawrence Skiff. These skiffs were first build as fishing guide boats starting around 1868.

The schooners financed and built here sailed the St. Lawrence and the Great Lakes in the shipping trade well into the era of steamships. They also, periodically, were overhauled, repaired, and sometimes enlarged to carry more goods to and from the ports. Tradesmen with many skills were drawn to the area to build and maintain all boats on the river.

In 1873, the railroad was brought to Clayton and with it came people seeking time away from the city life. As a result, hotels, restaurants, boat livery's, fishing guides and tourist related services began to flourish and a new industry was born, tourism. Grindstone, Picton, Bluff, Murray and other smaller islands began to become settled by local residents and tourists. Luxury hotels were built to accommodate this influx of vacationers: The Windsor, The Walton, The Riverview, The Hubbard House, The Frontenac on Round Island, The Clayton Hotel and the Herald House. The Clayton Hotel is now O'Briens and the Herald House is the TI Inn: all of the other old hotels have either burned or were torn down. The influx of people during this period brought money, built houses and created an increase in small privately owned boats. The small boat trade and repair business quickly became lucrative for many entrepreneurs. This period of growth lasted until the advent of the car as a family vehicle. It became easier to travel were ever you wanted and not just where the train would take you.

There has been a resurgence of the boat trade and repair in the last twenty years due to increases in boating as a recreation, boat owners and the population of Clayton, both residential and seasonal.

Agriculture was an important industry in the Town. The number of active farms has been steadily decreasing, a trend that is occurring all across the State and Country.

The Town has a history of mining that includes quarries on Picton and Grindstone Islands that were active in the mid 1800's. High quality granite from Grindstone and Picton Islands was widely used for paving blocks and prominent buildings such as the New York State Capitol Building. There are a number of active sand and gravel operations located on County Route 4, the Crystal Springs Road. Like any other community over the last 177 years, Clayton has undergone many social and economic changes. Today, Clayton remains as a reflection of the small shops and restaurants, recreational opportunities and marinas that existed in the early years.

104 Definitions

Town of Clayton – For purposes of this Employee Handbook, the Town of Clayton may be referred to as the "Town".

Town Board – For purposes of this Employee Handbook, "Town Board" will mean the Town Board of the Town 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 Town of Clayton:

- Town Supervisor
- Town Board Members
- Town Justices
- Town Clerk / Tax Collector
- Superintendent of Highways

Town Supervisor – For purposes of this Employee Handbook, "Town Supervisor" will mean the Town Supervisor of the Town of Clayton. When referenced in this Employee Handbook, Town Supervisor shall also mean an individual acting with the Town Supervisor's properly designated authority.

Department Head – For purposes of this Employee Handbook, "Department Head" will mean the person in charge of any department, agency, bureau, unit, or subdivision of the Town 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. This term shall also include the Town Supervisor, where an individual otherwise designated as Department Head or any other individual must report directly to the Town Supervisor.

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 Town, including, but not limited to, an appointed official, an appointed member of a board, 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*.

105 Employee Classifications

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

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

Part-Time Employees – For purposes of this Employee Handbook, the term "part-time employee" will mean an employee who is scheduled on a regular and on-going basis to work less than thirty-five hours per week.

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

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

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

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

106 The Purpose of this Employee Handbook

Statement of Purpose – The purpose of this Employee Handbook is to communicate the Town'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, Town 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 Town of Clayton.

Unless otherwise required by law, the provisions of this Employee Handbook are for Town 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 Town and any subsequent judicial or administrative proceeding.

Previous Employee Handbook – Unless otherwise specified, this Employee Handbook supersedes and replaces any previous employee handbook issued by the Town concerning all policies contained herein.

Collective Bargaining Agreements – In the event an expressed and explicit provision set forth in a collective bargaining agreement between the Town 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.

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

107 Changes or Modifications

Rights of the Town Board – The Town 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 Town Board, changes in Town 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 Town 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 Town 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 Town intends to maintain, the Town 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 Town will select one of the top three eligible candidates on the list willing to fill the position.

Promotions – The Town 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 with Town Law Section 25 and 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 Town 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 Town of Clayton is an Equal Opportunity Employer. The Town 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, Town 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 Town intends to maintain, the vacancy may be advertised and/or posted and qualified individuals interviewed. The Town reserves the right to fill a position either internally or with an external candidate.

Employment Applications – The Town 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 Town's exclusion of the individual from further consideration for employment or disqualification if the conduct is discovered after employment commences.

Employment Reference and Background Checks – To ensure that individuals who join the Town are well qualified and have a strong potential to be productive and successful, it is the policy of the Town 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 Town to conduct appropriate background checks.

Pre-Employment Physicals – When appropriate in accordance with the requirements of a particular position, the Town 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 Town will comply with the provisions of the Americans with Disabilities Act (see Section 902 of this handbook.)

303 Employment of Relatives

Policy Statement – A member of an employee's immediate family may be considered for employment by the Town 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 Town will attempt to find a suitable position with the Town 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 Town'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 Town 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 Appraisal

Except as otherwise provided by a collective bargaining agreement, the following shall be the procedure for conducting employee performance appraisals.

Statement of Purpose – The purpose of a performance appraisal is to evaluate employee performance. The performance appraisal will take into consideration criteria that properly reflects the employee's performance including, but not limited to, the employee's work quality, job knowledge, initiative, attendance, teamwork, conduct, and communication skills. Except as otherwise governed by a collective bargaining agreement, the employee's performance appraisal may be considered in determining a pay increase and/or as a factor in promotion or disciplinary action.

Frequency – An employee will be formally evaluated prior to completion of a probationary period and at least once each year thereafter on a date determined by the employee's Department Head. Informal evaluations will occur on an as needed basis throughout the performance cycle.

Appraisal Meeting – The evaluator will meet with the employee to review the employee's performance appraisal report.

Deficiencies – Should deficiencies be recorded in the performance of the employee, the employee will receive written recommendations for improvement.

Employee Comments – An employee's written comments, if any, will be included with the performance appraisal report.

307 Corrective Action and Discipline

Policy Statement – It is the policy of the Town 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 Town, and the delivery of services to residents of the Town. Any conduct that interferes with operations or that discredits the Town will not be tolerated. Each employee must conduct oneself in a positive manner so as to promote the best interests of the Town. 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 Town 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 Town 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 Town 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 Town reserves the right to suspend an employee while an investigation is conducted.

During the investigation process, a union employee who appears to be a potential subject of disciplinary action may undergo questioning. Such employee will have the right to

representation by the employee's certified or recognized employee organization under Civil Service Law Article 14, and will be given advanced notice of such right. In the event the employee requests representation, the employee will be allowed a reasonable period of time to obtain such representation. In the event the employee is unable to obtain such representation within a reasonable period of time, the employer will have the right to then question the employee.

Procedures – Employees covered by **Civil Service Law Section 75** shall be disciplined in accordance with the procedures contained therein. (Refer to Section 407 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 Town's right to impose discipline in other appropriate cases.

- Willful violation of Town'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 Town, supplier, visitor, or any other person, whether on or off Town premises.
- Engaging in any action that is in violation of the Town's Workplace Violence Prevention Policy.
- Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the Town without proper authorization.
- Possession, use, distribution/sale, or being under the influence of alcohol or controlled substances during hours of work or while on Town property or in Town vehicles.
- Willful or deliberate abuse, destruction, defacement, or misuse of Town property or the property of another employee, Elected Official, resident of the Town, supplier, visitor, or any other person.
- Theft or unauthorized possession, use, or removal of Town property or the property of another employee, Elected Official, resident of the Town, 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 Town.
- 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 Town, 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 Town 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 Town, supplier, visitor, or any other person.
- Offensive or unprofessional behavior that is contrary to the Town'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 implicates the employee's fitness or ability to perform assigned job duties.
- Unauthorized expenditure of Town funds.
- Illegal gambling while on duty.
- Willful work slow-down, work stoppage, or interfering with or restricting the performance of another employee or in any other way interfering with Town operations.
- Careless or negligent use or operation of equipment, including vehicles and machinery.
- Unauthorized absences or failure to give proper notice of an absence.
- Excessive tardiness and/or absences except those absences covered by state and/or federal statutes.
- Leaving work area without permission, as defined by the Department Head.
- Failure to adhere to the personal appearance/dress code policy.
- Sleeping on the job, unless authorized by a Department Head or supervisor.
- Personal activity during paid work time without the express permission of the Department Head.
- Use of personal listening devices (e.g. IPods/MP3 players, etc., with headphones / earbuds) during paid work time without the expressed permission of the Department Head. (Note: use of such devices is permitted during meal breaks and authorized rest breaks.
- Disruptive, loud, or boisterous behavior or horseplay in the workplace.
- Abusive language in the workplace, including racial slurs and epithets.
- Posting, removing, or defacing of notices, signs, or other written material without prior approval.

This list is not intended to be comprehensive and does not limit the Town'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 Town.

Union Employees – An employee who is a member of a collective bargaining unit should refer to the collective bargaining agreement on the subject of the disciplinary procedure, wherein the negotiated procedure 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 determined by civil service rules;
- An employee holding a position by permanent appointment in the **Competitive Class** of the classified Civil Service;
- An employee holding a position in the **Non-Competitive** 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 Town 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 Town employment.

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

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

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

309 Seniority

Except as otherwise provided by a collective bargaining agreement, the following shall be the procedure for seniority.

Service Seniority – Seniority shall be determined by the employee's length of continuous service with the Town of Clayton.

Computation of Seniority – For the purpose of calculating the length of service of a regular full-time employee, one year shall be credited for each year of service beginning on the employee's initial date of hire as a regular full-time employee. For the purpose of calculating length of service of a regular part-time employee, one year of service will be credited for every 1,040 hours of paid work. In the event that a regular part-time employee is appointed to a position as a regular full-time employee, the seniority accrued as part-time employee will be added to the seniority as a full-time employee.

Leaves of Absence – An employee shall not accrue seniority while the employee is on an approved unpaid leave of absence in excess of thirty calendar days for a non-medical leave or twelve weeks for a medical or family leave or while the employee is in layoff status. Such leave shall not be considered as a break in continuous service; however, the employee's anniversary date shall be extended for a period equivalent to the time of such leave.

Bridging of Service – An employee who leaves the employment of the Town of Clayton and returns after one year or more shall be deemed to be a new employee, unless otherwise agreed upon by the Town Board in an employment agreement. However, such employee will regain previous years' seniority after completion of five years of continuous service, at which time the employee's time will be "bridged".

Worker's Compensation – An employee who is on Workers' Compensation and is not on the payroll shall continue to accrue seniority as if the employee was in regular pay status. Such leave shall not be considered as a break in continuous service and the employee's anniversary date shall not be adjusted.

310 Code of Ethics

Policy Statement – The Town has established, by Local Law No. 19 of the Year 2001, the Town of Clayton Code of Ethics". The Code of Ethics is attached to the Employee Handbook as Appendix B.

Distribution – Every Town officer or employee shall be furnished a copy of the provisions of the above mentioned chapter within ten days after entering upon the duties of his or her position; however, failure of any Town officer or employee to receive a copy of the provisions of the that chapter shall have no effect on the duty of compliance with that chapter or on the enforcement of its provisions.

311 Personnel Records

Policy Statement – It is the policy of the Town to balance its need to obtain, use, and retain employment information with a concern for each employee's privacy. To this end, the Town will endeavor to maintain only that personnel information necessary for the conduct of the Town'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 Town 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 Town Clerk's office and will be maintained and controlled by the Town Supervisor's Office.

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 Town Clerk's office and will be maintained and controlled by the Town Supervisor's Office. ***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 Town Clerk's office and will be maintained and controlled by the Town Supervisor's Office. ***For security purposes, these files will be locked at all times***.

Change in Status – An employee must immediately notify the Town Supervisor's Office 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 Town Supervisor's Office, 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 Town Supervisor's Office.

312 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 Employee's Personnel File.

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

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

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

Exit Interviews – Exit interviews are normally conducted by the Department Head. The exit interview provides an opportunity to discuss a number of items including employee benefits, COBRA eligibility, changing of computer passwords, and return of Town 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.

400 OPERATIONAL POLICIES

401 Departmental Hours

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

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

402 Meal and Rest Breaks and Breaks for Nursing Mothers

Meal Breaks – An employee who works more than six hours in a given day will receive an unpaid, duty-free meal break of no more than sixty minutes.

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

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

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

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

Breaks for Nursing Mothers to Express Breast Milk – Employees who are nursing mothers shall be allowed to use a reasonable break (generally between twenty to thirty minutes) in addition to the employee's meal and rest breaks to express milk for a nursing child. The Town 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 Town 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 Town advance notice, preferably prior to the employee's return to work following the birth of her child, to allow the Town an opportunity to establish a location and to schedule leave time for multiple employees, if needed.

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Meal and Rest Breaks provisions set forth above 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 Town Supervisor may authorize the closing of non-emergency operations, or, if extraordinary weather conditions or other emergencies develop during a workday, the Town Supervisor may direct that certain employees who perform non-essential services leave work.

Payment of Wages – Employees' 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 Town. Employees should use their own discretion in determining whether they can commute safely to work due to inclement weather. When the Town Supervisor 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 – The Highway Superintendent will track hours worked and leave taken for Highway Department employees. All other FLSA non-exempt employees are required to complete an individual time record showing the daily hours worked. A FLSA exempt employee is not required to record daily attendance but must account for authorized paid leave taken by completing a time record indicating such.

Procedures – An employee required to complete a time record or **punch a time card** 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 time record or punch their own time card;
- The time record 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.

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 Town 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.

Employees should not "punch-in" (or record a start time on a time sheet) more than ten minutes prior to the start of the employee's work shift or "punch-out" (or record an end time on a time sheet) more than ten minutes after the end of the work shift, unless approved by the employee's Department Head. Time recorded within this "grace period" will be rounded to the actually scheduled starting or ending time for pay purposes.

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 Town 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 Town Board, an employee or Elected Official will be reimbursed for expenses associated with carrying out Town business, including, but not limited to, meals and lodging where appropriate, mileage if using one's personal vehicle, parking, highway tolls, buses and taxis where appropriate, and training and membership fees. Only the actual and necessary expenses essential to the ordinary comforts of a traveler in the performance of official duties will be reimbursed. A voucher and reimbursement form with all required documentation and corresponding receipts must be submitted to the Town in order for the reimbursement to be processed.

Overnights – Meal per diems will apply at the IRS rate for the geographic area for overnight trips unless meals are otherwise provided. Meals not included in a package shall be at the IRS rate for the geographic area.

Lodging – Lodging must be pre-approved by the Town Board and will be reimbursed per the IRS rate for the geographic area.

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

Education and Training – Upon proper authorization of the Town 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 Town Board. Refer to Appendix L – *Education and Training Assistance Policy and Forms* – for further details.

Required Membership Fees – Upon proper authorization of the Town 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.

Association of Towns Meeting – Upon proper authorization of the Town Board, an employee or Elected Official who attends the annual meeting conducted by the Association of Towns will be reimbursed for all reasonable expenses. Delegates to this meeting will be selected by the Town Board.

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 Town of Clayton are owned and maintained for the purpose of conducting official business of the Town. 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, without prior approval of the Town Board.

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

- Town vehicles and related equipment must remain under the general administrative jurisdiction and direction of the Department Head to which it is assigned.
- Designated Town vehicles are assigned for unrestricted use to the Highway Superintendent and Parks and Recreation Manager. Personal use of such vehicles shall be accounted for in accordance with IRS regulations. Other Town vehicles may be assigned to employees for specific purposes and tasks and may not be used for any unauthorized purpose nor to conduct personal, private, or non-Town related business.
- Town 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 Town vehicles, and must report them to their Department Head. The Town is responsible and will pay for any fines which would typically be levied against the owner of the vehicle.
- Any accident involving a Town vehicle or motorized piece of equipment, regardless of severity, must be reported immediately to the appropriate Department Head. The Department Head must file an accident report with the Town Supervisor's Office within twenty-four hours.
- The use of a cell phone when driving on Town business must be compliant with all applicable laws, regulations, and the Town's Cell Phone Use Policy (Section 410).
- Town vehicles may not be used to transport persons who are not officials or employees of the Town of Clayton, nor material not related to the conduct of official Town business, without direct authorization by the appropriate Department Head or the Town Board.
- Town 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 Town vehicles at any time, except those of a limited community service nature which have been authorized by the Town Board.

Further requirements are set forth in the Town's *Vehicle Safety Policy and Guidelines* (See Appendix K).

408 Driver's License / Insurance Requirements

Requirement – An employee who is required to drive either a Town-owned vehicle or the employee's own personal vehicle to conduct business on behalf of the Town, 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 Town. If a personal vehicle is used to conduct business on behalf of the Town, 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 Town. In accordance with the federal Commercial Motor Vehicle Safety Act of 1986, a commercial driver must notify the Town 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 Town, including termination of employment for inability to perform the duties of the job. The Town 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 Town employee to meet or exceed all insurability standards, as established from time to time by the Town Board or the Town's insurance carrier, which are required for the use or operation of a Town vehicle. Any Town 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 Town vehicles:

- Conviction of DWI / DWAI
- Conviction of Reckless Driving
- Suspended or Revoked Driver's 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
- Less than three years driving experience

<u>Failure to maintain acceptable insurability standards may affect the employee's employment status with the Town.</u>

(Refer also to Appendix J – *Annual Driving Record Review Policy*.)

409 Supplies, Tools and Equipment, and Fuel Usage

Supplies – All Town owned supplies must be used efficiently and not wasted. An employee may not use any Town supplies including, but not limited to, postage, paper, or office supplies for personal use, without permission from their applicable Department Head.

Tools and Equipment – The employee must repair or replace any Town-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 Town-owned tool or piece of equipment, including, but not limited to, fax machines, copiers and computer equipment for personal use, without permission from their applicable Department Head. An employee may not use Town facilities, Town-owned tools or equipment to work on vehicles or trailers not owned by the Town.

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

410 Telephone / Cell Phone Usage

Office Telephones – Telephone usage must adhere to the following guidelines:

- An employee must answer promptly and speak in a clear, friendly and courteous tone.
- An employee must give the name of the department or office and one's own name. If the call is not for the employee who answers, the employee must transfer the caller to the correct party or take a message recording all pertinent information.
- If the call must be placed on hold, the employee who answered the call must return to the line frequently to confirm that the call is being transferred.
- During office hours, each employee is responsible for there being at least one employee in the department or office to answer telephones. If the department or office has a limited staff, arrangements must be made with another department or office for telephone coverage or an answering device must be in operation.
- Collect calls may not be accepted without the approval of the Department Head or supervisor.
- On occasion an employee may make personal telephone calls, however, such calls should be limited in duration and frequency and must not interfere with the performance of the employee's job duties.
- An employee may not make personal long-distance calls, except in an emergency. The employee must reimburse the Town for the cost of the call.

Town-Owned Cell Phone / Electronic Device Usage – Town-owned cell phone usage must adhere to the guidelines set forth in the Town's Municipal Cell Phone Use Policy (Appendix C).

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 Town-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 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 Town.
- Employees are not to conduct town business by cell phone or text, while operating any vehicle or piece of equipment unless a hands-free device is used and only then with great caution.

Employee Cell Phone Use Reimbursement Policy – Eligible employees using a personal cellular phone for business purposes may be reimbursed for business-related calls with the submission of the "Town of Clayton Cell Phone Allowance Request" form (Appendix D) and a copy of their most recent invoice. Reimbursement will be made for up to a maximum of $10/month. Reimbursement will only be made for months where the employee was actively employed and physically working for the majority of the month. All requests for reimbursement will be reviewed by the Town Board annually at their regular December meeting. For more information please reference the Town's Municipal Cell Phone Use Policy (Appendix D).

411 Use of Communication Systems and Equipment

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

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

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

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

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

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

- Any illegal activity;
- Threats or harassment;
- Slander or defamation;

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

Internet / Electronic Messaging Requirements

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

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

- E-messaging must be used in a professional manner;
- Messages must not be threatening, insulting, obscene, abusive, or derogatory;
- Messages must not include content that constitutes workplace harassment including sexual harassment;
- E-messaging may not be used to transmit chain letters;
- Employees are responsible for saving any e-messages that they want to keep permanently;
- E-messages must not involve personal sales or solicitation or be associated with any for-profit outside business activity;
- E-messages must not involve personal not-for-profit solicitations;
- E-messages must not potentially embarrass the Town;
- Passwords should not be given to anyone other than the employee's Department Head, supervisor, and the Town Supervisor's Office;
- Internet must not be used for the propagation of computer viruses;
- Internet must not be used for personal recreational activities (e.g. online games);
- Participation in non-business Internet chat groups, blogging or instant messaging is prohibited;

- As a security precaution, a workstation must not be left signed onto E-mail or the Internet while unattended for a long period of time (or overnight). Each employee must log off the network when not in use and power down at the end of the day;
- Employee Internet usage and e-messaging may be subject to filtering and may be monitored;
- Employees should be aware that deletion of any E-message or file does not truly eliminate that message or file from the system. All E-mail messages are stored on a central back-up system in the normal course of data management;
- Employees should ensure that no personal correspondence appears to be an official communication of the Town; and
- Employees may not use the Town's address for transmitting or receiving personal mail or use the Town's e-mail address for transmitting or receiving personal e-messages.

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

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

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

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

412 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, MySpace, LinkedIn, Flickr, Imgur, 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 Town 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 Town-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 Town-owned computers or communication equipment to access Social Media sites while on a meal and rest break. The Town's right to monitor communication systems and equipment also applies to the use of Social Media if employees are using Town 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 Town owned, as well as those that are Town property.

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

- Disclosing confidential or proprietary information pertaining to matters of the Town 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 Town, or its employees, services, or Elected Officials.
- Posting, uploading, or sharing images that have been taken while performing duties as an agent of the Town, or while wearing Town uniforms – the only exception to this rule is when it is directly pertinent to Town 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 Town, or of any individual acting in their capacity as a Town employee or official, or otherwise on behalf of the Town, when that is not the case.
- Posting anything in the name of the Town or in a manner that could reasonably be attributed to the Town without prior written authorization from the applicable Department Head.
- Using the name of the Town or a Town e-mail address in conjunction with a personal blog or Social Media account.

An employee's Social Media usage must comply with Town 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 Town-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. Town employees have the right to engage in or refrain from such activities.

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.

413 Personal Appearance

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

Standards – An employee must maintain a personal appearance in a manner that reflects a good image to the public. Acceptable personal appearance is an ongoing requirement of employment with the Town. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Employees should wear clothing that is appropriate for the particular work environment. Department Heads will determine and enforce what is appropriate in each department.

Safety Clothing and Equipment – An employee may be required to wear safety clothing and equipment as directed by the Department Head. Such clothing may include, but is not limited to, hardhats, ear protectors, gloves, safety glasses, orange tee-shirts and vests, and work boots. 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.

414 Solicitations/Distributions

Policy Statement – It is the policy of the Town 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 Town's security.

415 Disclosure of Information

Policy Statement – The Town of Clayton promotes open government and complies with all requirements regarding public access to information. However, the Town recognizes that certain documents, records, and other information pertaining to Town operations and activities contain sensitive and confidential information about Town residents and others who do business with or on behalf of the Town 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 Town employees, family members or friends who do not have a Town business reason to have such information.

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 Town 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.

416 Visitors

Policy Statement – It is the policy of the Town 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 Town operations or interrupt other employees who are still working.

417 Purchasing

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

418 Maintenance of Work Area

Policy Statement – It is the policy of the Town 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 Town's smoking policy;
- Ensure the proper disposal of all trash and waste.

419 Personal Property

Policy Statement – It is the policy of the Town to ask each employee to refrain from bringing unnecessary or inappropriate personal property to work. The Town 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 Town 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 Town Premises – An employee is prohibited from storing personal belongings such as motor vehicles, boats, trailers, televisions, computer equipment, etc. on Town premises. The Town 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 Town. Accordingly, such storage devices, as well as any articles found within them, can be inspected by any agent or representative of the Town at any time, with or without notice. The inspection may be made in the presence of the employee. The Town is not responsible for loss or damage to personal property placed in such storage devices.

420 Town Property

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

- Equipment, including Protective Equipment
- Identification Badges
- Keys
- Uniforms
- Communication Devices
- Laptop computers and peripherals (Reference Town Laptop Policy, Appendix E)
- Books or other Reference Materials, including this Employee Handbook

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

421 Unauthorized Work

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

422 Outside Employment

Policy Statement – It is the policy of the Town 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 Town.

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 Town's scheduling demands, regardless of any existing outside work requirements.

- If the Town determines that an employee's outside work interferes with the performance or the ability to meet the requirements of the Town 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 Town.

- No Town equipment, supplies, or other material may be used by an employee on other than Town 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 individuals outside of the Town for materials produced or services rendered while performing the employee's Town 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 Town.

- A Town 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 Town while performing such work.

Employee Responsibility – A Town 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 prior to the employee's scheduled starting time or as soon thereafter as possible. The reason for tardiness and the expected time of arrival must be indicated to the Department Head.

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

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 802, Vacation Leave, and Section 804, Personal Leave, for further details.

Unscheduled Absences – An employee who is unable to report to work must personally contact the employee's Department Head at least two hours before the employee's scheduled starting time. 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 Town 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 Town. 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 Town 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 Town. 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 Town 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 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 Town 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 Town 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 Town 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.

504 Leave for Cancer Screening

Policy – The Town of Clayton complies with New York State Civil Service Law §159-b which entitles all Town 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.

505 Leave for Blood or Bone Marrow Donations

Policy –The Town of Clayton complies with New York State Labor Law §§202-a and 202-j which entitle Town employees 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 Town 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 Town. There is no limitation on how frequently an employee may take such leave. The Town 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.

506 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 consecutive days from the employee's regularly scheduled work. Such leave will not be subtracted from any of the employee's leave credits. A part-time, 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
- Child
- Sibling
- Parent (including Step or Foster Parent)
- Mother/Father-in-law (of present marriage)
- Grandparent
- Grandchild
- Domestic Partner*

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

In addition, the employee will be eligible for up to one day of paid leave to attend the funeral of any of the following relations:

- Brother- or Sister-in-law
- Aunt or Uncle
- Niece or Nephew
- Cousin

Such leave will not be subtracted from any of the employee's leave credits. A new employee shall become eligible upon completion of the appropriate probationary period. 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.

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.

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.

507 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 – 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 Town and the employee responds to a call, the employee will not receive additional compensation from the Town and the employee's appropriate leave time will still be charged.

508 Family and Medical Leave Policy

Policy Statement – It is the policy of the Town 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 Town 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 Town 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 Town 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 Town 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; <u>or</u> 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; <u>or</u> 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 Town Supervisor'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 Town of Clayton reserves the right to request a second opinion by another health care provider. The Town will pay for the second opinion. In the event a conflict occurs between the first and second opinion, the Town may, again at its own expense, obtain a third opinion from a health care provider approved jointly by the Town 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 Town 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 Town 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 Town may recover the premium that it paid for maintaining the coverage during any period of the unpaid leave except for the following circumstances:

  * The continuation, recurrence, or onset of a serious health condition of the employee or the employee's eligible family member with proper medical certification; or,

  * Circumstances beyond the employee's control, such as: parent chooses to stay home with a newborn child who has a serious health condition; employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's work-site; the employee is laid off while on leave.

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

- **Job Restoration** – At the conclusion of the leave of absence, (except for leaves beyond a one-year period) the employee, provided that the employee returns to work immediately following such leave, will be restored to the position the employee held when the leave began, or an equivalent position with equivalent benefits, pay and working conditions. For an authorized leave of absence beyond the one-year period, job restoration will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *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 Town reserves the right to have the employee examined by a physician selected and paid for by the Town 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 Town Supervisor.

- **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 Town Board reserves the right to approve all leave extensions.

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

509 Unpaid Leave of Absence

Policy Statement – Subject to the approval of the Town 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.

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

Conditions of Leave – The Town 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.

600 COMPENSATION

601 Wage and Salary

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

Merit Increases – An employee may receive a pay increase based upon the employee's past performance. The merit increase will be granted at the discretion of the Town Board.

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.

Credit for Paid Leave – Personal leave, vacation leave, sick leave, bereavement leave, jury duty leave, military leave and holidays will all be included as time worked for the purpose of computing overtime.

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 Out-of-Title Pay

Authorization – A Department Head may require an employee to work out-of-title. An employee must receive prior approval from the employee's Department Head or supervisor before working in a higher graded title.

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

604 Call-In Pay

Compensation – In the event an FLSA non-exempt employee is called in to work outside of the employee's regularly scheduled work shift, the employee shall be credited for pay purposes with the greater of either two hours time, or the time actually worked. "Time actually worked" will be considered to start at the time the employee arrives at the worksite and "clocks-in."

Union Employees – An employee who is a member of a collective bargaining unit should refer to the Call-In Pay provision in the applicable collective bargaining agreement.

605 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 Town Board.

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

Distribution – The Town Supervisor's Office will deliver paychecks to the Department Heads for further distribution to employees.

Direct Deposit – The Town 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 Town Supervisor's Office.

Authorized Check Release – The Department Head will not release a paycheck to anyone other than the employee unless the employee has submitted a signed, written authorization with the Town Supervisor's Office.

606 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 Town's payroll system will be made from an employee's paycheck when authorized by the employee. Such deductions will be noted on the paycheck.

607 Deferred Compensation Plan

Summary – The Town 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, presumably at retirement when the tax bracket may be lower. A description of the plan may be obtained from the Town Supervisor's Office.

700 EMPLOYEE BENEFITS

701 Holidays

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

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

*****A full-time employee is credited with one floating holiday each January 1 which must be used during that calendar year. A newly hired full-time employee will be granted a floating holiday for use during the first calendar year of employment only if the employee's date of hire is prior to July 1. An employee must receive prior approval from the employee's Department Head to take the floating holiday.

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

Holiday 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 – A full-time FLSA non-exempt employee who is required to work on a designated holiday will receive holiday pay plus wages at time plus one half the employee's regular rate of pay. If shift work makes a normal day off fall on a paid holiday, the employee will have a day of leave credited to their accrual. A part-time, temporary, or seasonal employee who works on a designated holiday will be paid at the employee's regular rate of pay.

Holiday Pay Requirement – Unless otherwise authorized by the Department Head, an FLSA non-exempt employee must work the employee's scheduled workday before and the employee's scheduled workday after a designated holiday in order to receive holiday pay.

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. Unless otherwise specified below, the employee will be credited on January 1 for the vacation leave earned for the service year milestone reached within the current fiscal year.

A. Five days of vacation leave shall be credited during the first calendar year of employment, provided that six months of continuous service have been completed. Such leave will be credited on the employee's six-month anniversary.

B. Ten days of vacation leave shall be credited during the second calendar year of employment. Such leave will be credited on January 1, or for those employees who have not yet completed six months of continuous service, on the employee's six-month anniversary.

C. One additional day of vacation leave shall be credited during each subsequent calendar year of continuous service through the completion of twelve calendar years.

D. After the employee has completed twelve calendar years of continuous service, the employee shall be credited with twenty days of vacation leave.

E. For employees hired prior to January 1, 1998, after the employee has completed fifteen calendar years of continuous service, the employee shall be credited with twenty-five days of vacation leave.

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.

Crediting of Leave – In order to receive the full vacation leave allotment, the employee must work the entire calendar year. In the event that the employee does not work the entire calendar year, the employee shall only be entitled to a pro-rata portion of the vacation allotment.

Scheduling – Where a conflict of vacation requests exists, the most senior employee in each department will have preference. Vacation time shall be taken in no less than one hour increments and those hours will be given at the discretion of the Department Head. The Department Head and the Town Supervisor will have total discretion in the approval of vacation leave. Except in emergency cases, vacation time encompassing full weeks must be requested one week prior to the time requested. The Department Head will have the option of assigning one week of vacation time. There must be a one week notice if this option is taken, unless otherwise agreed upon by the Department Head.

Accumulation – An employee **may not** accumulate vacation leave credits. Any vacation leave credits remaining unused at the end of the last business day of the calendar year shall be cancelled.

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 the pro-rata portion of 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. If at the time of an employee's separation from service the employee has taken more than the pro-rata earned vacation allotment, an adjustment will be made in the employee's final paycheck.

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 Town will pay an employee's designated beneficiary for the pro-rata portion of 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.

703 Sick Leave

Eligibility – A full-time employee is eligible for paid sick leave following the completion of six months of employment. A part-time, temporary, or seasonal employee is not eligible for paid sick leave.

Allowance – A full-time employee will be credited with one day of paid sick leave each month. The employee will be credited on the first day of the month after the sick leave has been earned. Sick leave is based on the average number of hours an employee is normally scheduled to work each week.

New Employee – A newly hired employee will not be credited with sick leave credits prior to completing six months of continuous employment, at which time a full-time employee will be credited with one day of paid sick leave each month.

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 at least two hours before the employee's scheduled reporting time. 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 <u>each</u> 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. Sick leave credits may not be used in increments of less than one hour. 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 <u>must provide direct care</u> 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 one thousand forty hours. <u>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.</u> 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 Town may require medical verification of an employee's absence if the Town 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 five consecutive workdays due to an illness or injury. 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 whose employment with the Town 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.

704 Personal Leave

Eligibility – A full-time employee is eligible for paid personal leave following six months of employment. A part-time, temporary, or seasonal employee is not eligible for paid personal leave.

Allowance – A full-time employee will be credited with three days of paid personal leave on an annual basis. The employee will be credited on January 1 of each year. 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 three days of paid personal leave after the completion of six months of continuous service. Thereafter, the employee will be credited with three days of paid personal leave on each subsequent January 1.

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. Personal leave credits may not be used in increments of less than one hour.

Scheduling – An employee must receive prior approval from the employee's Department Head to take 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 canceled.

Separation of Employment – An employee whose employment with the Town is terminated for any reason, including retirement, will not 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.

705 Disclosure of Insurance Benefits

Summary – The following is a brief description of the insurance benefits currently offered by the Town 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 Town Supervisor's Office serves as the Administrator of the Town's benefits plans. The Administrator is responsible for all communications and disclosures concerning Town benefits and is available to answer questions concerning the benefit plans. A description of each of the plans may be obtained from the Town Supervisor's Office.

Plan Documents – Benefits are administered according to applicable government regulation, benefit plan documents, insurance carrier master policy, or Town policy. Should there be a discrepancy between the information presented in this Employee Handbook and the benefit plan document, the Town Board has the discretionary authority to determine eligibility for benefits and to interpret the plan's terms. The Town Board is responsible for compliance with all applicable laws and regulations. The Town 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 Town to non-union employees or Elected Officials is subject to change or discontinuance by resolution of the Town 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 Town Supervisor's Office 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 Town benefits. This notification contains all legally mandated information regarding applicable benefits, including COBRA health insurance continuation. An employee must immediately notify the Town Supervisor's Office 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 Town'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 Town will make available medical insurance coverage to each full-time employee, full-time Elected Official and Town Board Member and their eligible family members. *For purposes of this section, "Full-time Elected Official" shall be defined as the Superintendent of Highways and the Town Clerk/Tax Collector*. *For purposes of this section, "Eligible Family Members" shall be deemed to include a domestic partner (if qualified under the applicable insurance plan), provided that an acceptable sworn statement is provided to the Town Clerk supporting the existence of the domestic partner relationship*. A part-time, temporary or seasonal employee is not eligible for this plan.

Employees should refer to (Appendix F) for the Declaration of Cohabitation pertaining to this Medical Insurance policy.

When Coverage Begins – Coverage will begin on the first day of the month following thirty days of employment for employees or for Elected Officials, the first day of the month following thirty days in office, provided 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 or the Elected Official ends elected service. Coverage may continue for such eligible employees and Elected Officials in accordance with COBRA regulations.

Premium Payment – The amount of the insurance premium an employee or Elected Official is required to contribute is established by resolution of the Town Board. This may be stated as a specific dollar amount or as a percentage of the premium cost. Factors such as date of hire or commencement of office, and type of coverage (single, double, family) are considered when determining the required contribution. Contribution amounts are subject to change by resolution of the Town Board. Full details are available from the Town Supervisor's Office.

Health Savings Account / Flexible Spending Account – An employee who enrolls in the Town's non-bargaining medical insurance plan will receive a Health Savings Account (HSA) medical insurance plan or a non-bargaining employee who opts out of medical insurance coverage will receive a Flexible Spending Account (FSA) which remains the sole property of the Town. The annual deadline for turning in FSA reimbursement requests is March 31, following the end of the year. For new employees, contributions to the HSA and FSA accounts will be prorated based on date of hire.

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 Town Board. The Town Board will provide a written notice of such change.

Transfer Between Employer Sponsored Plans – If the Town offers enrollees the choice between different health insurance plans, an enrollee may transfer between plans provided the enrollee notifies the Town Supervisor during the month of November in any given year. Such transfer shall become effective on January 1st of the following year and shall remain in effect until later changed according to this section.

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 Medical Insurance Buy-out

Eligibility – A full-time employee or Elected Official who is eligible for medical insurance coverage made available through the Town may receive a cash buy-out in lieu of receiving medical insurance benefits. To be eligible for the medical insurance buy-out, the employee must provide documentation of comparable medical health insurance coverage in a manner and form to be determined by the Town and sign an appropriate waiver of health insurance coverage and waiver of liability to the Town. The medical insurance buyout is not applicable in a situation in which two employees are married or in a family relationship that makes both eligible for coverage under the same medical insurance plan.

Amount of Buy-out – An employee or Elected Official who is eligible for the medical insurance buy-out will receive an amount, to be determined annually by Town Board resolution, for individual, two-person or family coverage.

Method of Payment – Payment of the buy-out will be made in one lump sum deposit to a Flexible Spending Account (FSA) to be owned by the Town. The deposit will be made annually in January of each year and will be prorated based on date of hire, if applicable.

Reinstatement – In the event the employee loses coverage under the alternate insurance plan, the employee may resume coverage under one of the medical insurance plans made available through the Town. Coverage will become effective in accordance with the provisions specified in the plan documents, provided all eligibility requirements of the insurance plan are met. Upon reinstatement, the employee must refund the portion of the payment received for the period in which the Town will subsequently provide coverage for said employee.

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

708 Dental / Optical Plan

Eligibility – The Town will make a Dental / Optical plan available to all full-time employees and Elected Officials. A part-time, seasonal or temporary employee will not be eligible to participate in this plan.

When Coverage Begins – Coverage will begin thirty (30) calendar days after the employee's first day of employment or for Elected Officials, thirty calendar days after the first day of office, provided all eligibility requirements of the insurance plan are met.

When Coverage Ends – Coverage will end on the last day of the month in which the employee separates from employment or the Elected Official ends elected service. Coverage may continue for such eligible employees and Elected Officials in accordance with COBRA regulations.

Premium Payment – The Town will contribute an amount which shall be set annually by the Town Board towards the premium for the plan. Any employee or Elected Official who elects coverage under this plan must pay the remaining cost of the premiums or other costs associated with the plan. Details of this plan will be made available by the Town Supervisor's Office.

Changes in Premium Contributions – The amount of the optical/dental plan premium the Town will contribute is subject to change by resolution of the Town Board. The Town Board will provide a one-month written notice of such change.

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

*Note: As of 2015, the effective date for Teamster's benefits is the 1st day of the month following hire date.

709 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 or Elected Official, the spouse of a covered employee or Elected Official, or a dependent child of a covered employee or Elected Official. A child who is either born to or who is placed for adoption with the covered employee or Elected Official during a period of COBRA coverage is also a "qualified beneficiary" entitled to COBRA coverage.

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 (or Elected Official'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 or Elected Official.
- Divorce or legal separation from a covered employee or Elected Official.
- 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 or Elected Official becoming covered by Medicare as a result of total disability or choosing Medicare in place of the insurance plan at age sixty-five.

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

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

710 Short-Term Disability Benefits

Coverage – The Town will make available short-term disability benefits to each eligible employee. This benefit is to supplement loss of time from work due to a qualified non-job related illness or injury. This benefit is to supplement loss of time from work due to a qualified non-job related illness or injury.

Eligibility – Eligibility for coverage is determined by the carrier in accordance with applicable New York State regulations.

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

Disability Payments – Disability payments will be in accordance with the terms of the policy. 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 Town Supervisor's Office.

Premium Payment – Employees may be required to contribute to the plan up to 1% of the first $60 of weekly wages, but not more than $0.60 per week.

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 Town Supervisor's Office within twenty-four hours of the occurrence. The Town Supervisor's Office 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 – 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 – The Town 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.

711 Transitional Duty Program

Summary – The purpose of this Transitional Duty Program is to allow an employee who is temporarily partially disabled to return to work in an assignment that meets both the needs of the Town and the medical limitations of the employee. In the event an employee is unable to perform the full duties and responsibilities of the employee's regular position, the Town Supervisor may, on a case-by-case basis, require such employee to return to work in a Transitional Duty assignment. The exercise of this Transitional Duty Program shall not establish any precedent or commitment to provide Transitional Duty assignments to any other employee at any time in the future.

Eligibility – The employee must be classified as partially disabled at fifty percent (50%) or less and the employee must have a prognosis of full recovery within six (6) months. For the purpose of this program, full recovery is defined as the ability to perform the full duties of the job the employee held when injured. These medical findings will normally occur as a result of an examination by the employee's physician; any disputes will be submitted to a State Insurance Fund consulting physician. The Town will determine what documentation will be acceptable for establishing the employee's eligibility and determining the employee's physical limitations.

Transitional Duty Assignment – The assignment may not necessarily correspond with the employee's regular job duties. The assignment may involve performing some duties of the employee's regular position, some duties of another position, or a combination of tasks from several positions. The assignment may be at a different work location and/or have a different schedule than the employee's regular position.

Duration of Assignment – A Transitional Duty assignment shall not exceed six (6) months or the date of full recovery, whichever comes first. The Town may require a medical examination ordered by the Town as a condition of allowing the employee to return to full duties.

Refusal of Assignment – In the event the employee refuses a Transitional Duty assignment, or refuses to submit to a medical examination ordered by the Town, the matter will be referred to the Workers' Compensation insurance carrier or NYS Disability Insurance carrier, as the case may be, for a benefit determination.

712 Workers' Compensation Benefits

Coverage – The Town 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 Town 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 Town Supervisor's Office who will complete and submit the required forms. The employee must also complete an "Employee Claim Form C-3" and submit it directly to the Workers' Compensation Board. The Town Supervisor's Office will provide the employee with the necessary form.

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 Town 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.

713 Unemployment Benefits

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

714 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 Town.

715 The New York State Employees' Retirement System

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

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

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

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

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

716 Voluntary Defined Contribution Program (VDC)

Summary – The Voluntary Defined Contribution Program (VDC) is a defined contribution Retirement Plan and is an alternative option to the defined benefit plans including the Employee Retirement System (ERS). An employee only has 30 days after date of hire into a position with mandatory Retirement System participation to enroll in the VDC Program, or the employee will default to the ERS and will not have the option to enroll in the VDC Program in the future. The election is retroactive to the date of full-time employment and the employee cannot change the election during employment with New York State.

Eligibility – Eligibility for the VDC Program is limited to unrepresented employees of the New York State public agencies hired on or after July 1, 2013 with an estimated annual salary rate of $75,000 or greater.

Enrollment – For more information on the NYS VDC Program visit www.vdc.ny.gov. To enroll, please see the Town Supervisor's Office.

717 Employee Assistance Program

Summary – An Employee Assistance Program (EAP) is available for all full-time employees and their eligible family members to obtain confidential, professional counseling. This program is designed to help employees and their families deal with a variety of problems through professional consultation on a confidential basis.

How to Access the Program – An employee may either contact the Town Supervisor or the Employee Assistance Program directly for further information. The program is administered by Guardian and Integrated Behavioral Health (IBH). The employee or family member can request assistance from EAS by calling 1-800-386-7005.

The Employee Assistance Program is developed to provide early detection and effective intervention for employees experiencing personal problems that affect their personal lives and/or their job performance. All services are free and confidential to employees and their immediate families. EAS is accessible 24-hours a day, 7 days a week.

The EAP offers assistance with a broad range of issues which may be affecting your life and work including:

- Stress
- Financial
- Marital
- Legal
- Communication
- Alcohol/Drug Use
- Career
- Family
- Emotional
- Personality Conflict
- Health & Well-being
- Day Care and Elderly Care

718 Other Benefits

Flex Plan Benefit – The Town Supplemental Flex Benefit Plan ($600 Plan) applies to all full-time employees. The maximum amount to be reimbursed to the employee under this plan is $600 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: *Difference between a regular license and the special license required to operate the Town's equipment*	Copy of license & Original invoice
Dues: *Union Dues*	Original billing provided by the Union
Town Health Plan Deductible*** *Employees and dependents*	Original invoice
Health Insurance Premiums	Original billing
Outer Protective Clothing	Original invoice
Other Pre-Approved Submittals	Original invoice

**Note: Town cannot reimburse sales tax.*
***Note: "Original" invoice means the actual receipt, not a photocopy of a receipt.*
****Note: Town cannot reimburse employee for funds expended out of an FSA/HRA/HSA account.*

Details of this plan are available in Appendix G, Flexible Benefit Plan Policy.

Optional Insurance – The Town may make available optional life, dental, disability, cancer, accidental, or other forms of insurance. The full cost of such insurance shall be borne by the employee, the premiums of which may be voluntarily withheld from the employee's salary.

Education Assistance – Upon proper authorization of the Town Board, an employee will be reimbursed for training courses or college course work that are directly related to the employee's present job. An employee must first seek approval from the Department Head and Town Supervisor before the request is presented to the Town Board. See Education and Training Policy, Appendix L.

800 COMPLIANCE POLICIES

801 Equal Employment Opportunity

Policy Statement – The Town of Clayton is an Equal Opportunity Employer. The Town does not unlawfully discriminate on the basis of race, religion, color, sex, age, national origin, citizenship, disability, marital status, pregnancy, application to or present membership in the uniformed services, veteran status, arrest or conviction record, genetic information, predisposition or carrier status, sexual orientation, domestic violence victim status, or any other protected class or status. Likewise, the Town prohibits employees, Elected Officials, vendors, suppliers, visitors, customers, and any other non-employee from discriminating against Town employees based on these protected groups. Discrimination based on any of the above is strictly prohibited. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, compensation, promotion, transfer, training, leave of absence, and termination.

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

Prohibition Against Retaliation – Retaliation against any employee who brings a written or verbal complaint of discrimination or who assists or participates in the investigation of such a complaint is strictly prohibited. The Town will not tolerate or permit adverse treatment of employees because they report discrimination or provide information related to such complaints, or who otherwise oppose an unlawful employment practice. Any employee who participates in the procedure may do so without fear of retaliation. Violations of this policy may result in disciplinary action up to and including termination of employment.

Application of Policy – This policy is for Town 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 Town administrative action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

802 The Americans with Disabilities Act

Policy Statement – It is the policy of the Town 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 Town and/or operations of a program. The Town 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 Town will meet with the requestor to discuss and identify the precise limitations resulting from the disability and the potential accommodation(s) that the Town might make to help overcome those limitations.

The Town 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 Town 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 Town 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 Town Supervisor or any member of the Town 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 Town 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 Town administrative action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

803 Non-Discrimination and Harassment in the Workplace

Policy Statement – It is the policy of the Town of Clayton to promote a productive work environment and to prohibit conduct by any employee 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 Town of Clayton is committed to educate 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. Any conduct that discriminates against, denigrates or shows hostility or aversion towards a person on the basis of gender, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, genetic predisposition, sexual orientation, domestic violence victim status, or any other protected status is strictly prohibited. In short, the Town will not tolerate any form of discrimination or harassment and will take all steps necessary to prevent and stop the occurrence of such harassment in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and harassment without any risk of repercussion to an employee who, in good faith, files such complaint.

Applicability of Policy – This policy applies to all Elected Officials, employees, supervisors, and Department Heads, whether employed full or part-time, temporary or seasonal, whether elected or appointed and regardless of compensation level, and all personnel in a contractual relationship with the Town. Depending on the extent of the Town's exercise of control, this policy may be applied to the conduct of non-Town employees with respect to harassment of Town employees in the workplace.

Supervisory Responsibility – Department Heads and supervisory personnel are responsible for ensuring a work environment that is free from discrimination and harassment. Supervisors must take immediate and appropriate corrective action when instances of discrimination or harassment come to their attention in order to assure compliance with this policy.

Prohibited Activity – No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any person. Employees shall not make offensive or derogatory comments based on race, color, sex, religion, national origin, or any other protected status either directly or indirectly to another person. Employees shall not produce offensive or inappropriate written materials or electronic communications (e.g. letters, e-mail or text messages, or graffiti.) These are examples of harassment that are a prohibited form of discrimination under State and Federal employment law and also considered misconduct subject to disciplinary action by the Town; it is not intended to be a comprehensive list and does not limit the Town's ability to take disciplinary action in other appropriate instances.

Reporting of Discrimination and Harassment – Employees are encouraged to report incidents of harassment (including sexual harassment) to their Department Head and/or Town Supervisor 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 matter with the Department Head, the report should be made directly to the Town Supervisor. If the Town Supervisor is the source of the alleged harassment, the employee should report the problem to a Town Board member. 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 Town Supervisor, or any member of the Town Board. Employees who work during off-hours are encouraged to contact their supervisor, their Department Head, the Town Supervisor, or any member of the Town Board at home if these individuals do not work during the employee's shift.

Discrimination and Harassment Complaint Form – To ensure that all discrimination and harassment complaints are managed appropriately, effectively and in accordance with the Town's policy, discrimination and harassment complaints will be recorded in writing by using the Town sanctioned Complaint Form. These forms can be obtained from the Town Supervisor's Office. If needed, additional guidance can be obtained from the Town Supervisor's Office.

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

Investigation of Complaint – The Town Supervisor will determine the appropriate individual(s) to conduct the investigation. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident(s) occurred. Any complaints received will be investigated promptly, thoroughly, and in as impartial a manner as possible. All employees are required to cooperate in an investigation, if so directed.

Employee or Elected Official Defense – Any employee or Elected Official charged with discrimination or harassment, including sexual harassment, will be afforded a full and fair opportunity to offer and present information in their defense. Such information will be confidential to the extent possible.

Employee Rights – Nothing in this policy should be construed as in any way limiting employees' rights to use the grievance procedure contained in their collective bargaining agreement or to file a formal complaint with appropriate state or federal agencies responsible for administering anti-discrimination laws.

Disciplinary Action – Any employee or official who is found to have committed an act of workplace discrimination or harassment will be subject to disciplinary action, up to and including termination of employment, as provided by Town operating procedures, including Civil Service Law Section 75, or the disciplinary procedures contained in 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 Town is empowered to take such action.

Prohibition Against Retaliation – Retaliation against any employee who brings a written or verbal complaint of discrimination or harassment or who assists or participates in the investigation of such a complaint is strictly prohibited. The Town will not tolerate or permit adverse treatment of employees because they report discrimination or harassment or provide information related to such complaints. Any employee who participates in the procedure may do so without fear of retaliation. Violations of this policy may result in disciplinary action up to and including termination of employment.

False Accusations – An employee who knowingly makes a false accusation against another individual as to allegations of harassment or discrimination as set forth in this policy will be subject to disciplinary action up to and including termination of employment in accordance with the provisions of this handbook and applicable legal guidelines.

804 Workplace Violence Policy Statement and Program

Policy Statement – The Town of Clayton complies with Section 27-b of New York State Labor Law (Workplace Violence Prevention Act). Pursuant to this legislation, the Town has adopted a Workplace Violence Prevention Policy (Appendix H), conducted worksite risk assessments of all Town-owned buildings and grounds, and conducts annual workplace violence prevention training.

To read the Town's adopted Workplace Violence Prevention Policy and for access to a *Town of Clayton Workplace Violence Incident Report Form,* please see Appendix H attached to this Employee Handbook.

805 Drug-Free Workplace / Drug Free Awareness Program

Policy Statement – It is the policy of the Town 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 Town of Clayton's Drug-Free Workplace Policy pertains to <u>all</u> individuals who are employed by the Town 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 Town 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 Town 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 Town vehicle, a vehicle leased for Town business, or a privately owned vehicle being used for Town 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 Town 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 Town 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 Town 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 Town 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.

Town Responsibilities – The Town 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 Town 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 Town of Clayton to maintain a drug-free workplace. In accordance with that policy, the Town 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 Town 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. A copy of the Town's Drug and Alcohol Testing Policy is attached to this Employee Handbook and can be viewed as Appendix I.

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

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

807 Town of Clayton Smoking Policy

Policy Statement – Smoking is prohibited in all indoor places of employment of Town employees under the jurisdiction and control of the Town of Clayton. A "place of employment" means any indoor area or portion thereof under the control of an employer in which employees of the employer perform services but which is not generally accessible to the public. In our case, this includes the vehicles that we work out of. This would specifically be designated a "work area".

- No person shall carry a lighted cigarette, cigar or pipe or other smoking material in any indoor hallway, passage or other common area while walking through such area.
- Smoking shall be prohibited in auditoriums, meeting rooms, lobbies, arenas, and hallways or areas used in common.
- The Superintendent of Highways shall designate outside the highway garage a specific smoking area clearly marked by a sign "Smoking Permitted". The Superintendent of Highways shall be responsible for enforcement.
- The Town Clerk shall be responsible for enforcement of this policy in all Town offices as above with the exception of the Town Justice offices and courts where policy is promulgated by the Office of Court Administration.
- The Buildings & Grounds Superintendent will be responsible for enforcement of this policy in all other buildings owned or occupied by Town of Clayton employees.
- Employees are encouraged to present any concerns to their supervisor and may register a complaint with the Jefferson County Enforcement Officer, in writing, attention "Office of the County Administrator".
- A copy of this policy shall be posted on the Town of Clayton bulletin board and in each separate building in which Town employees work, as well as on the Town of Clayton's website.
- Employees found violating this policy may be subject to the penalty prescribed by the New York State Commissioner of Health. The Enforcement Officer has the right to assess a penalty of up to $1,000 for each violation.

808 Tobacco-Free Outdoors Policy

Rationale & Goal – Tobacco use is the leading cause of preventable death and disability in the United States. The U.S. Surgeon General has stated that there is no risk-free level of exposure to secondhand smoke; even brief exposure can be dangerous. The Environmental Protection Agency classifies secondhand smoke as a Class A carcinogen, the most dangerous category of cancer-causing agents.

The Town of Clayton desires to protect the health, comfort, and safe recreational outdoor environment for vendors and visitors. The goal of this tobacco-free policy is to create a healthy and respectful environment by reducing exposure to secondhand smoke, preventing environmental damage from tobacco-waste products, and promoting tobacco cessation.

Definitions:
"Tobacco products" includes cigarettes, pipes, cigars, spit tobacco, electronic cigarettes, hookah, and other products containing tobacco.

"Tobacco use" is the act of using any tobacco product in any company facility or outdoor area, including chewing tobacco, and the act of smoking or carrying a lighted cigar, cigarette, pipe or any other smoking material or device.

The Town of Clayton properties shall include all buildings (indoors and outdoors) and grounds of Town and parks including but not limited to pools, arenas, playgrounds, ball fields, tennis courts, and Town docks within the boundaries of the park and Town except in areas specifically designated for smoking and only so long as the area is kept free of smoking debris. Town property shall also include all public buildings (indoors and within 25ft of an entrance window or ventilation system) and Town owned vehicles.

Scope – The use of any Tobacco Product is prohibited on park property. This policy applies to all vendors, contractors and visitors.

Compliance – Adherence to the tobacco-free policy is the responsibility of all visitors. Those observing individuals violating this policy should courteously inform them of this policy and request their compliance.

809 *Sexual Harassment Policy*

Adopted by Resolution of the Town Board on October 10, 2018

The Town of Clayton is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Town of Clayton's commitment to a discrimination-free work environment.

Sexual harassment is against the law[1]. All employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the Town of Clayton. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. The **Town of Clayton's** Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the Town of Clayton. In the remainder of this policy, the term "employees" refers to this collective group, and includes any individual(s) receiving compensation from the Town, (e.g. Elected Officials).

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 (e.g., counseling, suspension, termination).

3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Town of Clayton will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of The Town of Clayton who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees[2] working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the *Town Supervisor*. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief 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 may subject the Town of Clayton to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

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[1] While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

[2] A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

5. The Town of Clayton will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The Town of Clayton will keep the investigation confidential to the extent possible. 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 Town 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 or become aware of, to the *Town Supervis*or.

8. This policy applies to all employees, paid or unpaid interns, and non-employees, such as contractors, subcontractors, vendors, consultants or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) 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, 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, 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 assaults of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, 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 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 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. Harassers 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, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage 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 (e.g., threats of physical violence outside of work hours).

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:

- made 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;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of the 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 harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The **Town 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 *Town Supervisor*. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the *Town Supervisor*.

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 target 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 *Town Supervisor*.

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.

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, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, 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. The **Town of Clayton** will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the *Town Supervisor* will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.

- If documents, emails or phone records are relevant to the investigation, 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 basis for the decision and final resolution of the complaint, together with any corrective actions action(s).

- Keep the written documentation and associated documents in a secure and confidential location.

- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.

- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the **Town of Clayton** but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the **Town of Clayton**, employees may also choose to pursue legal remedies with the following governmental entities**.** While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all 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 the Division of Human Rights (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 sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Town of Clayton does not extend your time to file with DHR or in court. The 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 sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment 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. You may call (718) 741-8400 or visit: 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.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (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. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination 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 (TTY: 1-800-669-6820), 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 unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

TOWN OF CLAYTON

SEXUAL HARASSMENT COMPLAINT FORM)

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form 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 *Town Supervisor in person at 405 Riverside Drive, Clayton, NY 13624 or via mail to the same address.* You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name: _____

Work Address:_____ Work Phone:_____

Job Title:_____ Email:_____

Select Preferred Communication Method: ☐Email ☐Phone ☐In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name_____

Title:_____

Work Address:_____ Work Phone:_____

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name: _____ Title:_____

Work Address:_____ Work Phone:_____

Relationship to you: ☐Supervisor ☐Subordinate ☐Co-Worker ☐Other _____

2. Please describe what happened and how it is affecting you and your work. 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 who may have information related to your complaint:

_____

_____

_____

The last question is optional but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

_____

_____

_____

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ *Date:* _____

810 Reproductive Health Decision Making

Policy Statement – The Town 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 Town 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.

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 Town 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 Town's safety program includes, but is not limited to, the following:

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

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

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

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

- When an accident occurs which results either in the loss of an employee's work time, or in the provision of medical care to an employee, the employee must immediately notify the Department Head who will in turn notify the Town Supervisor's Office. The Town Supervisor's Office must complete an *Employer's Report of Injury Form (C-2)* and submit according to operating procedures.

- When an accident occurs which does not result in the loss of an employee's work time, or in the provision of medical care to the employee, the employee must immediately notify the Department Head who will in turn notify the Town Supervisor's Office. The Town Supervisor's Office will maintain appropriate documentation of the incident.

- The Town Supervisor's Office will keep a log of the injury or illness for five years following the end of the calendar year to which it relates. A copy of this log, which includes totals and information for the year, must be posted in each department or areas where notices to employees are customarily posted.

902 Hazard Communication Program

Statement of Compliance – The Town 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 Town considers Hazard Communication and the prevention of workplace injuries and illnesses to be of prime importance.

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

- **Chemical Inventory** – The Town must maintain an inventory of all known chemicals in use. An employee may obtain the chemical inventory from the employee's supervisor or Department Head.

- **Container Labels** – All chemicals on a work-site must be stored in the original or approved containers with the proper label attached. The Department Head must ensure that each container is labeled with the identity of the hazardous chemical contained and any appropriate hazard warnings. The Town 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.

Emergency Action Plans – Copies of the Town's Emergency Action Plans are contained in Appendix F of the Employee Handbook.

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

1000 COMMUNICATION PROCEDURES

1001 Organizational Communications

Summary – The Town 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 Town, 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 Town'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 Town in a polite and professional manner.

1005 Press Policy

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

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 Town Supervisor'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 Town funds or property, safety issue, or other matter that appears to be improper, should immediately make his or her Department Head or supervisor, the Town Supervisor, or any Town 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 Town 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 Town 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 Town Board which will enhance the overall operation of the Town. The Town 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 Town is without authority to act. A few examples of matters that may be considered appropriate disputes under this policy include:

- A belief that Town policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee;
- Treatment considered unfair by an employee, such as coercion, reprisal, harassment, or intimidation;
- Alleged discrimination because of race, color, sex, age, religion, sexual orientation, national origin, marital status, disability; or any other protected class; and
- 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 Town Supervisor. 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 Town Supervisor will meet with the employee to discuss and attempt to resolve the matter. Within seven working days from the meeting, the Town Supervisor 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 Town Board by filing a Request for Hearing with the Town 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 Town Board will set the time and place for the hearing. All decisions rendered by the Town 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 Town 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 Town to proceed with any disciplinary action that is not in retaliation for the use of this procedure.

Refusal to Proceed with Dispute – The Town 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. CODE OF ETHICS

C. MUNICIPAL CELL PHONE USE POLICY

D. CELL PHONE REIMBURSEMENT POLICY / CELL PHONE ALLOWANCE REQUEST FORM

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I. DRUG & ALCOHOL TESTING POLICY

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M. JOB DESCRIPTIONS
- ASSESSOR
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- RECREATION ASSISTANT
- BUILDINGS & GROUNDS MAINTENANCE WORKER
- LABORER (PT)
- HARBORMASTER
- LABORER (PT) – DOCK ATTENDANT
- CLERK (PT)
- CODE ENFORCEMENT OFFICER
- COURT CLERK (PT)
- HISTORIAN
- HIGHWAY SUPERINTENDENT
- CLERK – HIGHWAY DEPARTMENT
- LABORER: MOTOR VEHICLE OPERATOR (MEO)
- LIFEGUARD
- TOWN BOARD MEMBER
- TOWN CLERK
- DEPUTY TOWN CLERK

- **TOWN SUPERVISOR**
- **CLERK TO SUPERVISOR**
- **ZONING ENFORCEMENT OFFICER**
- **ASSISTANT ZONING ENFORCEMENT OFFICER**

Appendix A: Employee Handbook Acknowledgment Form

To be placed in employee's personnel file.

TOWN OF CLAYTON

EMPLOYEE HANDBOOK ACKNOWLEDGMENT

I hereby acknowledge that I have received a copy of the ***Town of Clayton Employee Handbook*** outlining the rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits of the Town 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 Town Supervisor 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 Town Board of the Town 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 Town 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 Town of Clayton, and may be changed from time to time, by the Town of Clayton.

_____	_____
Employee name (please print)	Department Head Name (please print)
_____	_____
Employee Signature	Department Head Signature
_____	_____
Date of Signature	Date of Signature

Appendix B: Code of Ethics

REPLACING THE FORMER CODE OF ETHICS, ORIGINALLY ADOPTED IN 1970 AND ANY AMENDMENTS THEREOF, FOR THE TOWN OF CLAYTON

BE IT RESOLVED by the Town Board of the Town of Clayton as follows:

Section 1. Title of Code.

This Code shall be entitled "A Code Replacing the Former Code of Ethics, Originally Adopted in 1970 and any Amendments Thereof, for the Town of Clayton."

Section 2. Authorization.

This Code is enacted pursuant to section 806 of the General Municipal Law and section 10 of the Municipal Home Rule Law and is not intended to authorize any conduct prohibited by Article 18 of the General Municipal Law.

Section 3. Statement of Intent.

Officers and employees of the Town 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 Town Board of the Town of Clayton recognizes that there are state statutory provisions mandating towns to establish rules and standards of ethical conduct for public offices and employees which, if observed, can enhance public confidence in local government. The purpose of this Code is to implement this objective through the establishment of clear and reasonable standards of ethical conduct for officers and employees of the Town, to afford officers and employees of the Town guidance on such standards, to provide for punishment of the violation of such standards, and to provide for the fair and effective administration of this Code.

Section 4. Repeal of Existing Town Ethics Laws.

The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts of interest provisions or procedures prescribed by statute and case law relating to the conduct of town officers and employees. To the extent this Code includes prohibited acts, conflicts of interest provisions or procedures not included in Section 808 of the General Municipal Law, the provisions of this Code shall apply. This Code shall supersede any prior municipal code of ethics and all rules, regulations, policies and procedures of the Town of Clayton.

Section 5. Definitions.

As used in this Code, the terms:

(a)"Board" shall mean 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" shall mean this code of ethics.

(c) "Gift" shall include anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. For the purposes of this Code, "gift" shall not include (i) gifts made to the municipality; (ii) 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; (iii) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary; (iv) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars; (v) 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; (vi) 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; (vii) meals and refreshments or items of little intrinsic value provided while in attendance at local social events, such as holiday festivities or functions that local officials routinely attend, such as chamber of commerce events or an event or activity fulfilling a public purpose; or (viii) general benefits available to the general public.

(d) "Interest" shall mean 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.

(e) "Municipality" shall mean the Town of Clayton. The word "municipal" refers to the municipality.

(f) “Municipal officer or employee” shall mean any officer or employee of the Town of Clayton, whether paid or unpaid, including members of any administrative board, commission or other agency thereof, whether serving in a full-time, part-time or advisory capacity. The term “town employee” does not include a person who is a member of a volunteer emergency services organization or a person who serves without compensation on a temporary town committee and who is not otherwise an employee or officer of the town.

(g) “Recusal” shall mean that the official or employee may not deliberate, vote or participate in any way in that matter. The official or employee should disclose his or her conflict and remove him or herself from the board or committee. He or she should not provide input regarding the matter from the audience in his or her capacity as a member of the public.

(h) “Relative” shall mean 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.

(i) “Town” shall mean any board, commission, district, council or other agency, department of unit of government of the Town of Clayton.

(j) “Town Employee” shall mean the same as “Municipal officer or employee”.

Section 6. Rules With Respect to Conflicts of Interest.

(a) 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.

(b) No town officer or employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

(c) No town officer or employee shall have an interest in any contract with the municipality of which he is an officer or employee, when such officer or employee, individually or as a member of a board, has the power or duty to (a) negotiate, prepare, authorize or approve the contract or authorize or approve thereunder (b) audit bills or claims under the contract, or (c) appoint an officer or employee who has any of the powers or duties set forth herein.

(d) No chief fiscal officer, treasurer or deputy or employee of the Town shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the municipality of which he is an officer or employee. This subsection does not prohibit ownership of up to five percent of the outstanding shares of such bank or trust company.

(e) No town officer or employee shall accept other employment which will impair his independence of judgment in the exercise of his official duties.

(f) No town officer or employee shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority. Town officers and employees and former Town officers and employees shall not disclose any confidential information acquired by them in the course of their official duties or use it to further personal interests.

(g) No town officer or employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

(h) No town officer or employee shall engage in any transaction as representative or agent of the town with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.

(i) Each town officer or employee shall refrain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.

(j) Each town officer or employee shall pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaging in acts that are in violation of his trust.

(k) Each town officer or employee shall disclose any interest of which he is aware in any matters pending before any board of the Town.

(l) Each town officer or employee shall disclose any and all personal interest in legislation pending before the Town Board and affirmatively abstain from discussion or voting on legislation to which the official or employee has an interest. Each town officer or employee shall refrain from influencing or attempting to influence other public officers or employees with respect to such legislation.

(m) No town officer or employee shall directly or indirectly solicit any gift or accept or receive any gift having a value of Seventy-Five Dollars ($75.00) or more whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or in any other form under such circumstances in which it could reasonably be inferred that the gift was intended to influence him or could reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official action on his part.

(n) A Town officer or employee shall promptly recuse himself from acting on a matter before the Town when acting on the matter, or failing to act on the matter, may financially benefit any of the following persons: (i) the town officer or employee; (ii) his outside employer or business; (iii) member of his household; (iv) a customer or client; (v) a relative; or (vi) person from whom the officer or employee has received election campaign contributions of more than $1000 in the aggregate during the past twelve months.

(o) 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.

(p) No municipal officer or employee may supervise a relative in the performance of the relative's official powers and duties.

(q) No Town resources may be used in furtherance of such campaign activities, including, but not limited to, mass mailings, telephones, office supplies, postage, copying machines, computers or support staff.

(r) No Town officer shall knowingly act contrary to a lawful resolution or motion duly adopted by the Town Board.

(s) This code shall not be construed as prohibiting a municipal officer or employee from:

(i) representing himself or herself, or his or her spouse or minor children before the municipality; or

(ii) asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

Section 7. Disclosure of Interest.

Any municipal officer or employee who has, will have, or later acquires an interest in an actual or proposed contract with the municipality or other matter pending before any board or agency thereof, shall publicly disclose the nature and extent of such interest in writing to the governing body thereof as soon as he has knowledge of such actual or prospective interest. Such disclosure shall be completed by all elected Town officials, all full- and part-time Town employees, and each member of all boards of the Town, whether paid or volunteer.

Section 8. Recusal and abstention.

(a) Any municipal officer or employee who has, will have, or later acquires an interest in or whose spouse has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the municipality of which he or she is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to his or her immediate supervisor and to the governing body thereof as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such body.

(b) Notwithstanding the provisions of subsection (a) of this section, disclosure shall not be required in the case of an interest in a contract described in General Municipal Law §802(2).

Section 9. Prohibition inapplicable; disclosure, recusal and abstention not required.

(a) This code's prohibition on use of a municipal position (section 6), disclosure requirements (section 7), and requirements relating to recusal and abstention (section 8), shall not apply with respect to the following matters:

(i) adoption of the municipality's annual budget;

(ii) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

(a) all municipal officers or employees;

(b) all residents or taxpayers of the municipality or an area of the municipality; or

(c) the general public; or

(iii) any matter that does not require the exercise of discretion.

(b) Recusal and abstention shall not be required with respect to any matter:

(i) 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;

(ii) 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 10. Penalties

(a) Disciplinary action. Any Town officer or employee who engages in any action that violates any provision of this Code may be warned or reprimanded or be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or person or body authorized by law to impose such sanctions. A warning, reprimand, or other authorized sanction may be imposed in addition to any other penalty contained in this Code or in any other provision of law.

(b) Damages. A Town officer or employee who violates any provision of this Code shall be liable in damages to the Town for any losses or increased costs incurred by the Town as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this Code, other than a civil forfeiture pursuant to subdivision (c) of this section.

(c) Civil forfeiture. A Town officer or employee who intentionally or knowingly violates any provision of this Code may be subject to a civil forfeiture to the Town of a sum equal to three times the value of any financial benefit he received as a result of the conduct that constituted the violation. A civil forfeiture may be imposed in addition to any other penalty contained in any other provision of law or in this Code, other than a civil fine pursuant to subdivision (c) or damages pursuant to subdivision (b) of this section.

(d) Violation. A Town officer or employee who intentionally or knowingly violates any provision of this Code may be guilty of a Violation and be subject to a maximum fine of $250 for each such violation or a 15 day term of imprisonment or both.

(e) Enforcement. With the exception of subsection (a) above, the Town Board shall have exclusive jurisdiction to enforce the provisions of Section 6 by commencing an action in a court of competent jurisdiction in furtherance of such enforcement.

Section 11. Board of Ethics.

(a) The Town of Clayton hereby deems that the Jefferson County Board of Ethics will be utilized for any ethics-related issues in the Town of Clayton, in place of the creation of an independent Town of Clayton Board of Ethics.

Section 12. Severability Clause.

If any clause, sentence, paragraph, section or part of this Code shall be adjudicated by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 13. Effective Date.

This Code shall take effect immediately.

Appendix C: Municipal Cell Phone Usage Policy

MUNICIPAL CELL PHONE USAGE POLICY

Adopted: February 11, 2009

Internal Revenue Code (IRC) section 280F defines cell phones and other electronic equipment as "listed property". IRC 280(F)(d)(4) holds particular requirements for "listed property. Under these requirements, the personal use of a cell phone is taxable as a wage.

Usage

Cell phones supplied by the Town of Clayton to specific elected and other Town officials are for the primary use of conducting Town business. Personal use will be allowed following certain conditions.

Internal Revenue Code Regulations

A cell phone, as well as certain other electronic equipment, is recognized by the IRC as "listed property." IRC 280(F)(d)(4) states that for "listed property":

- Business use is excludable from the wages of the employee as a working condition fringe benefit.
- Personal use is included in the wages of the employee.
- If substantiation requirements are not met, than all use is included in the wages of the employee.

Conditions of Personal Usage

In order to follow the IRC, each elected and other Town official who is provided a cell phone by the Town of Clayton shall, on a monthly basis, review their bills and determine what, if any, calls need to be reimbursed to the Town due to their personal nature.

Reimbursement for Personal Usage

If reimbursement to the Town of Clayton for personal use of a Town cell phone is necessary, said reimbursement shall occur on a quarterly basis.

Board Approval

All personal cell phone use reports shall be reviewed by the Town Board on a quarterly basis.

Appendix D: Employee Cell Phone Use Reimbursement Policy

EMPLOYEE CELL PHONE USE REIMBURSEMENT POLICY

Adopted: October 28, 2009
Revised: December 29, 2010

Purpose
Cellular phones are often used as a tool in the conduct of Town of Clayton business.

Scope

This policy applies to Town of Clayton full-time employees, working in excess of 1,250 hours per calendar year (Jan 1-Dec 31), who use their personal cell phones in the conduct of Town of Clayton business and who have not been issued a cellular phone by the Town for that purpose. Part-time employees, those working less than 1,250 hours per calendar year, may be eligible for the cell phone reimbursement upon the recommendation of the Town Board.

Reimbursement for Personal Usage

Eligible employees using a personal cellular phone for business purposes may be reimbursed for business-related calls with the submission of the "Town of Clayton Cell Phone Allowance Request" and a copy of their most recent invoice. Reimbursement will be made for up to a maximum of $10/month, per §22.9 of the 2009-2011 Teamster's Union 687 Contract.

Board Approval

All requests for reimbursement shall be reviewed by the Town Board at the December bill paying meeting.

Phone Usage During Working Hours

Cell phone usage during business hours will only be allowed for conducting town business. Personal use is prohibited. Employees are not to conduct town business, by cell phone call or text, while operating any vehicle or piece of equipment unless a hands-free device is used and only then with great caution.

Violation of Policy

Violation of this Policy may constitute just cause for disciplinary action up to and including discharge.

Town of Clayton

Cell Phone Allowance Request

Employee Name:

Department:

Job Title:

Monthly Allowance Requested $ (maximum $10/month)

For the period covering _____ through _____

Attach a copy of your most recent cell phone invoice.

Employee Certification and Signature:

I certify that I will use the funds requested toward the business use designated above, and promptly report any changes in the level of those business expenses to my Department Head. I further certify that I have read, understood and intend to comply with the Town of Clayton's Employee Cell Phone Use Reimbursement Policy.

Signature:

Date:

Supervisor's Certification and Signature:

I certify that the requested allowance is needed for this employee, to cover work-related expenditures due to cell phone use. I further certify that I have read, understood and intend to comply with the Town of Clayton's Employee Cell Phone Use Reimbursement Policy.

Signature:

Date:

Appendix E: Laptop Policy

RESOLUTION NO. 55 OF 2011
TOWN OF CLAYTON

A RESOLUTION TO IMPLEMENT A LAPTOP COMPUTER CUSTODY AGREEMENT WITH ELECTED OFFICIALS OR TOWN EMPLOYEES THAT ARE USING TOWN OWNED EQUIPMENT.

DATED: OCTOBER 12, 2011

Title of Resolution: A resolution to implement a Laptop Computer Custody Agreement with Elected Officials or Town Employees that are using Town owned equipment.

At a regular meeting of the Town Board of the Town of Clayton, Jefferson County, New York, held at the Town Board Room, 405 Riverside Drive, Clayton, New York, on the 12th day of October, 2011, at 5:00 PM prevailing time:

WHEREAS, some Elected Officials and/or some Town Employees have been issued a Town owned laptop computer for the business of conducting Town business, and

WHEREAS, the Town Board wishes to have Custodial Agreements with all the Elected Officials and/or Town Employees that are using these laptop computers, as to the use and purpose of said laptop computer, and

WHEREAS, the Elected Officials and/or Town Employees of said laptops will be required to back up their files to the server located at the Town Hall, and

WHEREAS, personal use will be permissible within the following restrictions: (1) Use does not consume more than trivial amount of resources that could otherwise be used for business purposes. (2) Use does not interfere with productivity or departmental operations. (3) Use does not preempt any Town-business activity, and

WHEREAS, in the event of the loss or theft of a laptop, the Elected Official or Town employee must report it immediately to the Town Board. In the case of a laptop that is lost or stolen outside of the building, the Elected Official or Town Employee will be responsible for reimbursing the Town for any insurance deductible, and

WHEREAS, at the end of the Elected Officials term or at the separation of the Elected Official or Town Employee from the Town of Clayton, the Elected Official or Town Employee will have the option to purchase the laptop computer from the Town for its depreciated value.

NOW THEREFORE, BE IT RESOLVED, that the Town Board wishes to implement these Laptop Computer Custody Agreements starting immediately.

Appendix F: Emergency Action Plans

Emergency Action Plan for:
Town of Clayton-Town Hall
405 Riverside Drive, Clayton, NY 13624

In the event of emergency, employees are alerted by:
• the sounding of an alarm
• verbal announcement

In the event of a fire, the fire alarm system will ring.

Despite the emergency situation, a verbal announcement will be given.

In the event of fire or other emergency, **all** employees shall evacuate immediately.

In the event of an emergency, employees shall evacuate by means of the **nearest** available marked exit.

Employees are **not** authorized to use any portable fire extinguisher that may be present to fight fires. In the event of fire, employees are to evacuate immediately.

Critical operations shutdown procedures are not required, because no employees are authorized to delay evacuation for this purpose.

No employees are assigned to perform medical or rescue duties during emergency evacuation situations.

After an emergency evacuation, employees are to gather in the following location(s): **at the Village dock facility, across from the Town Hall.**

After an emergency evacuation, the procedure for accounting for all employees is: **The Town Clerk or her deputy is responsible for accounting for all employees working during the emergency situation.**

For further assistance with emergency evacuation procedures, the following individuals may be contacted:

Town Supervisor
(315) 686-3512 ext. 20 Work

Town Clerk
(315) 686-3512 ext. 24 Work

Emergency Action Plan for:
Town of Clayton-Highway Department
615 East Line Road, Clayton, NY 13624

In the event of emergency, employees are alerted by:
• verbal announcement.

Despite the situation, a verbal announcement will be given for each emergency. Fire alarms will ring in the event of a fire-related situation.

In the event of fire or other emergency, **all** employees shall evacuate immediately.

In the event of an emergency, employees shall evacuate by means of the **nearest** available marked exit.

Employees are **not** authorized to use any portable fire extinguisher that may be present to fight fires. In the event of fire, employees are to evacuate immediately.

In the event of an emergency, the following employees are to remain in the workplace to shutdown or monitor critical operations before they evacuate: **Highway Superintendent**

No employees are assigned to perform medical or rescue duties during emergency evacuation situations.

After an emergency evacuation, employees are to gather in the following location(s): **in the front of the highway building complex in the parking lot.**

After an emergency evacuation, the procedure for accounting for all employees is: **the Deputy Highway Superintendent is responsible for accounting for all employees working during the time of the emergency situation.**

For further assistance with emergency evacuation procedures, the following individuals may be contacted:

Highway Superintendent
(315) 686-5122 Work

Town Supervisor
(315) 686-3512 ext. 20 Work

Emergency Action Plan for:
Town of Clayton-Recreation Park Arena
600 East Line Road, Clayton, NY 13624

In the event of emergency, employees are alerted by:
• verbal announcement.

Regardless of the emergency, a verbal announcement will be made.

In the event of fire or other emergency, **all** employees shall evacuate immediately.

In the event of an emergency, employees shall evacuate by means of the **nearest** available marked exit.

Employees are **not** authorized to use any portable fire extinguisher that may be present to fight fires. In the event of fire, employees are to evacuate immediately.

Critical operations shutdown procedures are not required, because no employees are authorized to delay evacuation for this purpose.

No employees are assigned to perform medical or rescue duties during emergency evacuation situations.

After an emergency evacuation, employees are to gather in the following location(s): **at the gazebo between the Arena and the Pool.**

After an emergency evacuation, the procedure for accounting for all employees is: **The highest-ranking official of the Arena present at the scene is responsible for accounting for all of the employees working on that day after an emergency evacuation.**

For further assistance with emergency evacuation procedures, the following individuals may be contacted:

Superintendent of Buildings & Grounds
315-686-4310 Work

Town Supervisor
315-686-3512 ext. 20 Work

Emergency Action Plan for:
Town of Clayton-Transfer Site
County Route 4, Clayton, NY 13624

In the event of emergency, employees are alerted by:
• verbal announcement.

Regardless of the emergency, a verbal announcement will be made.

In the event of fire or other emergency, **all** employees shall evacuate immediately.

In the event of an emergency, employees shall evacuate by means of the **nearest** available marked exit.

Employees are **not** authorized to use any portable fire extinguisher that may be present to fight fires. In the event of fire, employees are to evacuate immediately.

Critical operations shutdown procedures are not required, because no employees are authorized to delay evacuation for this purpose.

No employees are assigned to perform medical or rescue duties during emergency evacuation situations.

After an emergency evacuation, employees are to gather in the following location(s): **by the recycling bins after an emergency evacuation.**

After an emergency evacuation, the procedure for accounting for all employees is: **The foreman on duty is responsible for accounting for all employees on duty after an emergency evacuation.**

For further assistance with emergency evacuation procedures, the following individuals may be contacted:

Superintendent of Buildings & Grounds
315-686-4310 Work

Town Supervisor
315-686-3512 ext. 20 Work

Appendix G: Declaration of Cohabitation

DECLARATION OF COHABITATION & FINANCIAL INTERDEPENDENCE

We, the undersigned domestic partners, being duly sworn, depose and declare that we have been living together on a continuous basis for at least six (6) months and we are financially interdependent. We submit the following proof evidencing our cohabitation and financial interdependence:

Cohabitation (Please check and attach proof of at least one (1) of the following):

- ☐ Driver's licenses showing that you both reside at the same address.
- ☐ Tax returns showing that you both reside at the same address.

Financial Interdependence (Please check and attach proof of at least two (2) of the following):

- ☐ A joint bank account.
- ☐ A joint credit or charge card.
- ☐ A joint obligation on a loan.
- ☐ Status as an authorized signatory on the domestic partner's bank account, credit card or charge card.
- ☐ Joint ownership or holding of investments. Joint ownership of a residence.
- ☐ Joint ownership of real estate other than a residence.
- ☐ Listing of both domestic partners as tenants on a lease of a shared residence.
- ☐ Shared rental payments for a residence.
- ☐ Listing of both domestic partners as tenants on a lease or shared rental payments for property other than a residence.
- ☐ A common household or shared household expenses, such as grocery bills, utility bills, and telephone bills.
- ☐ Shared household budget for purposes of receiving government benefits.
- ☐ Status of one as representative payee for the other's government benefits.
- ☐ Joint ownership of major items of personal property, such as appliances and furniture.
- ☐ Joint ownership of a motor vehicle.
- ☐ Joint responsibility for child care. (This may be shown by means of school documents, guardianship papers or similar documents)
- ☐ Shared child care expenses, such as baby sitting, day care and school bills.
- ☐ Execution of wills naming each other as executor and/or beneficiary.
- ☐ Designation of one as beneficiary under the other's life insurance policy.
- ☐ Designation of one as beneficiary under the other's retirement benefits account.
- ☐ Mutual grant of power of attorney.
- ☐ Mutual grant of authority to make health care decisions, such as a health care - power of attorney.
- ☐ Affidavit by a creator or other individual able to testify to your partner's financial interdependence.
- ☐ Other items of proof acceptable to your group showing economic interdependency.
  Please specify _____ _____.

Failure to enroll upon satisfaction of the waiting period will require the employee to wait until the next open enrollment period to enroll.

_____	_____
Print Name of Employee	Print Name of Employee
_____	_____
Signature	Signature

STATE OF _____)

COUNTY OF _____)

Sworn to before me this _____ day of _____, 20___.

_____

Notary Public

Appendix H: Workplace Violence Prevention Policy

Town of Clayton
Workplace Violence Prevention Policy And Incident Reporting

It is the Town of Clayton policy to promote a safe environment for its employees. The Town is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Disruptive behavior at one time or another will affect every agency.

Violence, threats, harassment, intimidation and other disruptive behavior in our workplace will not be tolerated; that is; all reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Conduct that threatens, intimidates, or coerces another employee or a member of the public will not be tolerated. This prohibition includes all acts of harassment, included that which is based on an individual's sex, race, age, or any characteristic protected by federal, state or local law.

Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the Town without proper authorization.

Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

We need your cooperation to implement this policy effectively and maintain a safe working environment. Do not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. If you observe or experience such behavior by anyone on Town premises, whether he or she is a Town employee or not, report it immediately to your department head or the Town Supervisor. This includes threats by employees, as well as threats by customers, vendors, solicitors, or members of the public. Department heads or the Town Supervisor who receive such reports should advise the Town Board regarding investigating the incident and initiating appropriate action. Threats or assaults that require immediate attention should be reported to the New York State Police, Jefferson County Sheriff's Department, or the Village of Clayton Police Department.

We will support all efforts made by Department Heads or the Town Supervisor in dealing with violent, threatening, harassing, intimidating or other disruptive behavior in our workplace and will monitor whether this policy is being implemented effectively.

Designated contact person for all Highway employees is the Highway Superintendent.
Office – 315-686-5122 Cell – 315-783-9661

Designated contact person for all other Town of Clayton employees is the Town Supervisor. Office – 315-686-3512, ext. 20 Cell – 315-408-7363

Designated contact person for all Cerow Recreation Park employees is the Park Manager.
Office—315-686-4310 Cell—315-783-1852

This policy is to be distributed to all town 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 town workplace and will become a part of the Employee Handbook.

Policy adopted by the Town Board of the Town of Clayton on ___/___/2012.
WORKPLACE VIOLENCE PREVENTION PROGRAM AND POLICY

A. Introduction
Workplace violence presents a serious occupational safety hazard for workers. On June 7, 2006 New York State enacted legislation that requires public employers other than schools covered under a school safety plan, to perform a risk evaluation of its workplaces and develop and implement programs to prevent and minimize workplace assaults and homicides.

B. Purpose
The purpose of this Workplace Violence Prevention Program and Policy is to provide information to elected officials, board members, employees and volunteers about preventing and responding to incidents of workplace violence or threats of violence and the New York State Public Employer Workplace Violence Prevention Law.

The goals of the program are:
1. To reduce the probability of threats or acts of violence in the workplace, and
2. To ensure that any incident, complaint or report of violence is taken seriously and dealt with Appropriately

This policy outlines the major components of the effort to meet these goals: program, procedures, workplace security risk evaluation, prevention, training and other support services.

The Town of Clayton will not tolerate violence in the workplace. All incidents, complaints and/or reports of violence, threats of violence, harassment, intimidation and other disruptive behavior will be taken seriously because the Town is committed to providing its employees with a reasonably safe and secure work environment.

Violence in the workplace is a leading cause of fatal and non-fatal occupational injury throughout the U.S. that may affect an organization at any time. The purpose of this program is to address the issue of potential workplace violence, prevent workplace violence from occurring to the fullest extent possible and set forth procedures to be followed when such violence has occurred.

Violence, threats of violence, harassment, intimidation and other disruptive behavior in the workplace will not be tolerated by the Town. Examples of disruptive behavior can include oral or written statements, gestures or expressions that communicate a direct or indirect threat of harm. Such behavior will be taken seriously and will be dealt with appropriately.
All employees are required to comply with this policy. In addition, since visitors of Town owned properties and facilities are required to conduct themselves in a non-violent manner in conformity with existing law, employees who observe or experience visitors of Town owned property engaging in violent behavior should follow the procedures in this policy and handbook for the reporting of such behavior.

C. Application of this Program
Violence and other disruptive behavior by or against any employees of the Town or member of the public in a Town designated workplace are unacceptable. A Town designated workplace includes offices, work sites, vehicles, field locations and any other location where Town business is conducted. Individuals who commit such acts may be removed from the premises and may be subject to appropriate disciplinary action, including where legally appropriate, termination of employment and or criminal penalties.

D. Training
All Department Heads shall ensure that employees of their particular department are informed of the requirements of the law, the risk factors in their workplace and the location of the written workplace violence prevention program. Training is also required for employees on the measures employees can take to protect themselves from risks and the details of the written

workplace violence prevention program. Employee workplace violence training is to be provided at the time of job assignment and annually thereafter. In addition to the training required by law, the Town shall provide additional training on a per request basis to the Town departments and offices to address the potential for violence in the workplace.

E. Risk Evaluation

Certain factors or situations may place employees at a greater risk of workplace violence. It is the responsibility of the Town to conduct a risk evaluation of town owned, leased and operated facilities, review occupational injuries and review incident reports related to violence related injuries in the workplace. Workplace violence can occur in any workplace setting. However, some settings or factors may pose a greater degree of workplace violence risk. Employment situations or factors that may pose higher risks for Town employees include but are not limited to:

- Working in public settings;
- Working late night or early hours;
- Exchanging money with the public;
- Working alone or in small numbers;
- Working in a setting with uncontrolled access;
- Working in a setting where prior incidents have occurred;
- Working in a setting where previous security problems have occurred;
- Exposure to potentially violent persons; and
- Having a mobile workplace assignment.

F. Preventative Actions

The methods that the Town of Clayton will use to prevent incidents of occupational assaults and other forms of workplace violence include, but are not limited to the following:

- Making high-risk areas more visible to more people;
- Installing good external lighting;
- Using drop safes or other methods to minimize cash on hand;
- Posting signs stating that limited cash is on hand;
- Providing training in conflict resolution and nonviolent self-defense responses where requested;
- Establishing and implementing reporting systems for incidents of aggressive behavior.

Further, prevention is the responsibility of every employee. Department Heads as well as employees should be familiar with and knowledgeable of the issues listed below before violence occurs. As noted in this handbook, workplace violence is defined to include violence, threats of violence, harassment, intimidation and other disruptive behavior.

Past behavior has generally been the best predictor of future behavior. There is no specific profile of a potentially dangerous individual. Acts of also occur in the workplace due to issues of domestic violence. Certain patterns of behavior and events frequently precede episodes of violence. A list of indicators of increased risk of violent behavior may include, but are not limited to:

- Direct or veiled threats of harm;
- Intimidation, belligerence, bullying or other inappropriate behavior directed at others;
- Numerous conflicts with supervisors and employees, verbal comments indicating expressions
- of hostility directed at co-workers, supervisors or others;

- Bringing an unauthorized weapon to work, brandishing a weapon in the workplace;
- Fascination with incidents of workplace violence, statements indicating approval of the use of
- violence to resolve a problem or statements indicating identification with perpetrators or
- workplace homicides;
- Signs of alcohol/drug abuse on or off the job;
- Increased tone of desperation from a person, feelings that normal interventions will not solve a
- problem. Hopeless feelings about a work/family/financial situation;
- Employees with on-going domestic difficulties; and
- Situations involving orders of protection.

These behaviors should be reported to Department Heads and may require certain interventions including police intervention, disciplinary action or other forms of referral. Sometimes small behavioral problems which can precede the above behaviors are dismissed or ignored allowing problems to fester. In these cases the situation can become more intense. Early interventions may be appropriate in these situations. It is important to remember the employee must be treated with dignity, respect and fairness in this process. Some of these types of behavior are:

- Withdrawal from friends and co-workers;
- Reduced productivity;
- Unexplained and abused sick time or marked increase in tardiness; and
- Noticeable deterioration of personal hygiene and appearance.
-

Listed below are two categories of common issues that may trigger workplace violence.

1. Employee Issues
    a. Negative performance review;
    b. Unwelcome change in role due to performance or reorganization;
    c. Criticism of performance;
    d. Personal stress outside the workplace; and
    e. Increased workload or pressure.

2. Workplace Issues
    a. No clearly defined rules of conduct;
    b. Lack of training;
    c. Inadequate hiring practices/potential employee screening;
    d. Insufficient supervision;
    e. Lack of discipline/ Inconsistent discipline in the workplace;
    f. Inadequate employee support systems;
    g. Failure to address incidents as they occur; and
    h. Overly authoritarian management style.

Taking these into account, there are three key elements that may help to prevent a violent situation from occurring:

1. Recognize early warning signs;
2. Recognize issues or events that may trigger violence; and
3. Early intervention to prevent violence before it occurs.

G. Reporting of Violence

At the core of the policy is the Town's commitment to work with its employees to maintain a

work environment free from violence and other disruptive behavior to the greatest degree possible.

Any Town employee, upon becoming aware of an instance of physical assault, threatening behavior or verbal abuse occurring in the workplace setting must immediately report the facts and circumstances of said incident to their Department Head. In the event that employees observe or experience violent behavior from Town employees or visitors of Town owned property in which there is an immediate threat to their safety or the safety of others or where an injury has occurred, the employee should immediately contact the police for assistance and in addition notify their Department Head.

Thereafter the Department Head will conduct a preliminary inquiry into the facts and circumstances of the incident and make prompt report to the Town Supervisor or designee. It will be determined if there is:

a. An immediate threat of violence. If so, the police shall be called and they should ensure that emergency medical assistance is provided where necessary. Once there is no immediate threat, follow the procedures as indicated below.

b. Serious misconduct or criminal behavior by a Town employee. If so, the Department Head is to be notified as well as the Town Supervisor or his designee.

c. No immediate threat of violence and no serious misconduct or criminal behavior by a Town employee. In that event, the Department Head will continue the investigation, resolve /mediate the matter, initiate disciplinary action where appropriate and make a written report to the Town Supervisor.

NOTE: In all instances, a written summary report of the incident and all persons involved as well as any action taken will be prepared and submitted to the Town Supervisor.

Retaliation against any employee who makes a good faith report of violence or other disruptive behavior is strictly prohibited and shall be subject to appropriate corrective or disciplinary measures. AN employee who, in bad faith, makes a false report is also subject to disciplinary action as well as possible criminal penalties.

H. Response Procedures

The following procedures are recommended to be followed whenever an employee files a complaint alleging a violation of this policy has occurred or when a violent incident occurs.
A threatening situation is a situation where one person, through intimidating words or gestures has induced fear and apprehension of physical or other harm in another person but there is no immediate danger of such harm being inflicted. The steps listed under the “Non-Emergency (threatening) Response Procedure” are recommended to be followed whenever a threatening situation occurs.

A situation is an “emergency” if an injury has occurred or there is an immediate threat of physical harm. Individuals should always consider their personal safety first in all emergency situations. If possible, the “Emergency Response Procedure” should be followed whenever an emergency occurs.

Non-Emergency (Threatening) Response Procedure	**Emergency Response Procedure**

Step 1 Employee immediately notifies their immediate Supervisor or Department Head.	**Step 1** First person on the scene quickly assesses the situation and risk.
Step 2 Department Head conducts preliminary inquiry and makes prompt notification to the Town Supervisor.	**Step 2** Immediate contact made with police and if necessary medical assistance and insures needs of injured are met. Employee must also notify Department Head of the situation.
Step 3 If there has been serious misconduct or criminal behavior by a Town employee the Police are to be contacted immediately.	**Step 3** The Department Head will notify the Police to immediately assess the situation who will thereafter make a prompt notification to the Town Supervisor.
Step 4 If there is no immediate threat of violence and no serious misconduct or criminal behavior by a Town employee, the Department Head will continue the investigation, resolve/mediate the matter, initiate disciplinary action if appropriate, make a full written report to the Town Supervisor.	**Step 4** The Department Head will make a full written and detailed report to the Town Supervisor.

I. Safety Committee

The Town's Safety Committee will perform annual reviews of the workplace violence programs and policies to determine the need for revisions and updates to the Town's exiting programs and policies. Safety Committee members are appointed by the Town Board and should include representatives from the Town Board, Department Heads, Insurance Carrier or designee and others.

*Note: A copy of the Town of Clayton Workplace Violence Incident Report is attached as **Appendix A**. The New York State Public Employer Workplace Violence Prevention Law (Labor Law Article 2) is attached as **Appendix B**. 12NYCRR Part 800.6 (PESH Rule) has been attached as **Appendix C**. Adopted by the Town of Clayton Board on _____, 2012.*

Town of Clayton Workplace Violence Incident Report

Workplace Violence Incident Report

Date of Incident: _____ Today's Date: _____

Time of Incident: _____

Location of Incident: _____

Employee Name: _____ Title: _____

Workplace Location: _____

What was the employee doing just prior to the incident?

_____

_____

_____

_____

Incident Description (At a minimum, include names of involved employees, extent of injuries and names of witnesses):

_____

_____

_____

_____

Provide information on preventative actions that the Town of Clayton has taken or is considering as a result of the incident to prevent against further like occurrences:

_____

_____

_____

_____

_____

After the occurrence of a workplace violence incident, the Town of Clayton shall consider global (all town 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.

Appendix I: Drug & Alcohol Testing Policy

Town of Clayton

DRUG AND ALCOHOL TESTING POLICY

Purpose:

The Town of Clayton is required by Federal Law to comply with the omnibus Transportation Employee Testing Act of 1991. The Act requires the Federal Department of Transportation to develop regulations to implement drug and alcohol testing of employees performing safety-sensitive functions in the transportation industry.

The purpose of the Act and the regulations implementing the Act are to establish programs to prevent personal injury and accidents resulting from the use of alcohol and controlled substances by employees engaged in safety-sensitive positions.

I. Tests

In accordance with the provisions of the Federal Department of Transportation Rule 49 CFR, Part 40 and 49 CFR Parts 382, et. al., (as amended) otherwise known as The Omnibus Transportation Act of 1991 (hereinafter referred to as the ACT), there are several occasions when an individual will be subject to drug and alcohol screening tests. These occasions shall include:

a. Pre-employment/Pre-duty
b. Reasonable suspicion
c. Random selection
d. Post-accident
e. Return-to-duty
f. Follow-up

II. Definitions

a. Alcohol

Alcohol is the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

b. Alcohol use

Alcohol use is the consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

c. Breath Alcohol Technician (BAT)

A breath alcohol technician is an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device.

d. BAC

Blood Alcohol Content level

e. Commercial Motor Vehicle

A commercial motor vehicle means a motor vehicle or a combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or

2. Has a gross vehicle weight rating of 26,001 or more pounds; or

3. Is designed to transport 16 or more passengers, including the driver; or

4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Material Regulations (49CFR Part 172, Subpart F).

f. Confirming test

For alcohol testing; confirming test means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.

For controlled substances; confirming test means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (GC/MS is the only authorized confirmation for cocaine, marijuana, opiods, amphetamines, and phencyclidine).

g. Drug and Alcohol Coordinator

The Drug and Alcohol Coordinator shall be Mr. John Warneck, Jeff-Lewis B.O.C.E.S., Watertown, New York, phone number 788-0400.

h. Evidential Breath Testing Device (EBT)

An EBT is a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on the NHTSA's "conforming Product's List of Evidential Breath Measurement Devices." (CPL)

i. Follow-up testing

Follow-up tests are given following a determination by the Substance Abuse Professional (SAP) that an employee is in need of assistance in resolving problems associated with the misuse of alcohol and/or controlled substances. This is an unannounced test, given at least six (6) times within twelve (12) months following the employee's return to duty with the actual frequency and number of tests determined by the SAP.

j. Medical Review Officer (MRO)

A licensed physician responsible for receiving laboratory results generated by the employer's drug test program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result together with his or her medical history and any other relevant biomedical information.

k. Post-Accident

A chemical test for alcohol and controlled substances administered by appropriately trained individuals: 1. To each surviving driver at the scene of an accident in which there is a fatality; 2. After an accident in which the driver is issued a citation for a moving violation and someone is injured, or, 3. After an accident in which the vehicle is required to be towed away and the driver is issued a citation.

l. Post-rehabilitative/Return-to-duty

Unannounced chemical testing for alcohol and controlled substances administered at intervals to ensure that an employee in a safety sensitive function is maintaining abstinence from the abuse of drugs and/or alcohol.

m. Pre-employment/Pre-duty testing

Chemical testing of employees for alcohol and controlled substances prior to their assuming duties of a safety sensitive function with the employer in positions covered by federal regulations to ensure employees are free of illegal drugs.

n. Random drug/alcohol testing

A system of unannounced chemical testing for alcohol and controlled substances administered in a statistically random manner throughout the year to a group in a safety sensitive function so that all employees within that group have an equal probability of selection each time said random pool is created for selection.

o. Reasonable Suspicion

Testing which will be conducted only after a trained supervisor has observed an employee whose conduct, behavior, appearance, speech, body odors, or other specific, contemporaneous, articulable, observations concerning such conduct warrant a test.

A written record shall be made of observations leading to controlled substances reasonable suspicion, signed by the supervisor or person who made the observations, within twenty-four (24) hours of the observed behavior or before the results of controlled substances test are released, whichever is earlier.

This test for alcohol must be administered within two (2) hours of the determination to administer such test, or the employer shall prepare and maintain on file a report stating reasons why the test was not promptly administered. If this test is not administered within eight (8) hours of the determination, the employer shall not administer the test and shall prepare and maintain a report documenting said failure to test.

p. Refusal to submit

An employee who: (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received a notice of the requirement for the breath testing; (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing; (3) engages in conduct that clearly obstructs the testing process, or; (4) refuses to submit, will be classified as a refusal to submit to an alcohol or controlled substance test.

q. Return to duty test

A test required after a positive alcohol test is confirmed and before the employee's return to duty which results in a finding of alcohol concentrations of less than 0.02. The return-to-duty test administered following confirmation of a positive controlled substances test, must result in a verified negative result for controlled substances.

r. Screening test

In alcohol testing, screening test means an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in his or her system. In controlled substances testing, it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

s. Safety sensitive function

A safety sensitive function means any of those on-duty functions as listed below:

1. All time at an employer facility, or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
2. All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSR's) or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
3. All time spent at the driving controls of a commercial motor vehicle;
4. All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth);
5. All time spent loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in the readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time spent performing the driver requirements associated with an accident;
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle;
8. All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing when directed by the employer;
9. Performing any other work in the capacity of, or in the employ or service of, a common, contract or private motor carrier;
10. Performing any compensated work for any non-motor carrier entity.

t. Substance Abuse Professional (SAP)

A substance abuse professional means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis of alcohol and controlled substances-related disorders.

III. Work day compliance period

Employees covered by this policy are eligible for drug and alcohol testing as follows:

1. Immediately prior to the start of duty in a safety sensitive function;
2. During duty hours in a safety sensitive function;
3. Immediately following completion of duty in a safety sensitive function.

IV. Prohibited Conduct

A. Alcohol

1. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No employer having actual knowledge that an employee has an alcohol concentration of 0.04 or greater shall permit the employee to perform or continue to perform safety-sensitive functions.

2. No employee shall be on duty or operate a commercial motor vehicle while the employee possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. No employer having actual knowledge that an employee possesses unmanifested alcohol may permit the employee to drive or continue to drive a commercial vehicle.

3. No employee shall use alcohol while performing safety-sensitive functions. No employer having actual knowledge that an employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions.

4. No employee shall perform safety-sensitive functions within four (4) hours after using alcohol. No employer having actual knowledge that an employee has used alcohol within four (4) hours shall permit the employee to perform or continue to perform safety-sensitive functions.

5. No employee required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident test, whichever is first.

6. No employee shall refuse to submit to a post-accident alcohol or controlled substances test required under this policy, a random alcohol or controlled substances test required under this policy, a reasonable suspicion alcohol or controlled substances test required under this policy, or a follow-up alcohol or controlled substances test required under this policy. No employer shall permit an employee who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

B. Controlled Substances

1. No employee shall report for duty or remain on duty requiring the performance of safety sensitive functions when the employee has used any controlled substance, prescription drug, therapeutic drug, or over-the-counter drug which might adversely affect the ability to perform safety-sensitive functions, except when the use is pursuant to the written instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle or perform a safety-sensitive position. It is the employee's responsibility to notify the employer in writing with a copy of the physician's instructions if this situation is applicable.

2. No employer having actual knowledge that an employee has used a controlled substance shall permit the driver to perform or continue to perform a safety-sensitive function.

3. No employee shall report for duty, remain on duty, or perform a safety-sensitive function, if the employee tests positive for controlled substances. No employer having actual knowledge that an employee has tested positive for controlled substances shall permit the driver to perform or continue to perform safety-sensitive functions.

V. Procedures for testing

Employees covered by this policy will be tested for alcohol by a breath alcohol technician using an evidential breath testing device. Split sample urine testing will be the method used for testing for controlled substances.

The services of Jeff-Lewis Board of Co-op Services (BOCES), Watertown, New York, will be retained to perform the collection, testing, and chain of custody to ensure the correct employee is tested and matched with the correct test results. Jeff-Lewis BOCES will provide the Medical Review Officer. Jeff-Lewis BOCES will be required to follow the federal regulations to ensure compliance with the blind sample, calibration of the EBT, laboratory certification and proper training of the BAT. Testing for alcohol and/or controlled substances will be taken on-site or at the laboratory, in a secure location and with the proper safeguards to ensure the integrity of the specimens collected.

If a specimen tests positive, the employee will be contacted by the MRO who will discuss his/her findings with the employee. If the MRO is not convinced that there is a reasonable cause for the positive finding, then the employee will be given the opportunity to have the second split sample tested. The cost for testing this split sample will be at the employee's expense if positive and at the employer's expense if negative.

VI. Refusal to submit to testing

No employee shall refuse to submit to a post-accident alcohol or controlled substances test required under the ACT (Section 382.303), a random alcohol or controlled substances test required under the ACT (Section 382.305), a reasonable suspicion alcohol or controlled substances test required under the ACT (Section 382.307), or a follow-up alcohol or controlled substances test required under the ACT (Section 382.311). No employer shall permit an employee who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

A refusal to be tested shall be defined as a refusal by an employee to complete and sign the breath alcohol testing form, failure to provide breath or an adequate amount of breath, or otherwise to act in a way that prevents the completion of the test. Such refusal shall be noted by the BAT in the remarks section of this form. The testing process shall be terminated and the BAT shall immediately notify the employer. An employee who refuses to be tested for alcohol or controlled substances pursuant to this policy shall be suspended in accordance with the provisions of the Employee Handbook of the **Town of Clayton.**

VII. Uncompleted testing

If a screening or confirmation test cannot be completed, or if an event occurs that would invalidate the test, the BAT, shall, if practicable, begin a new screening or confirmation test, as applicable, e.g., using a new breath alcohol testing form with a new sequential test number.

VIII. Referral, evaluation, and treatment

1. The employer shall advise and make available to the employee the resources available for evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. This listing appears as attachment A of this policy.

2. The employer shall ensure that each employee who engages in conduct prohibited by this policy shall be evaluated by a substance abuse professional shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use.

3. Before an employee returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by this Policy, the employee shall undergo a return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02 if the conduct involved alcohol, or a controlled substances test with a verified negative result if the conduct involved a controlled substance.

4. Each employee identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use shall:

   a. Be evaluated by a substance abuse professional to determine that the employee has properly followed any rehabilitation program prescribed under paragraph 2 of this policy;

   b. Shall be subjected to unannounced follow-up alcohol and controlled substances tests administered by the employer following the employee's return to duty. The number and frequency of such follow-up tests shall be as directed by the substance professional, and consists of at least six (6) tests in the first twelve (12) months following the employee's return to duty. The employer may direct the driver to undergo return-to-duty and follow-up testing for both alcohol and controlled substances, if the substance abuse professional determines that return-to-duty and follow-up testing for both alcohol and controlled substances is necessary for that particular employee. Such testing shall be in conformance with this policy and the requirements of the ACT. Follow-up testing shall not exceed sixty (60) months from the date of the employee's return to duty. The substance abuse professional may terminate the requirement at any time after the first six (6) tests have been administered, if the substance abuse professional determines that such testing is no longer necessary.

c. The employer shall ensure that a substance abuse professional who determines that an employee requires assistance in resolving problems with alcohol misuse or controlled substances use does not refer the employee to the substance abuse professional's private practice or to a person or organization from which the substance abuse professional receives remuneration or in which the substance abuse professional has a financial interest.

d. The requirements of this section with respect to referral, evaluation, and rehabilitation do not apply to applicants who refuse to submit to a pre-employment alcohol or controlled substances tests or who have a pre-employment alcohol test with a result indicating an alcohol concentration of 0.04 or greater or a controlled substances test with a verified positive test result.

e. Costs associated with the treatment of alcohol and substance abuse problems, to the extent they are not covered by group health insurance plans, shall be the responsibility of the employee.

IX. Consequences for Drivers

No employee shall perform safety-sensitive functions, including driving a commercial motor vehicle, if the employee has engaged in conduct prohibited by subpart B of the ACT's regulations or an alcohol or controlled substances rule of another DOT agency or this policy.

The employer shall not permit any employee to perform safety-sensitive functions, including driving a commercial motor vehicle, if the employer has determined that the employee had violated this policy.

Employees who have been found to have violated this policy shall be immediately suspended from their safety-sensitive function in accordance with the disciplinary provisions of the Employee Handbook of the **Town of Clayton**.

X. Employee verification

Each employee is required to sign a statement certifying that (s)he has received this information and materials, and the employer shall maintain the original signed certification for a minimum of two (2) years.

XI. Federal Compliance

This policy shall not apply in any case where it is inconsistent with constitutional, statutory, or other legal provisions. If any provision of this policy is found to be contrary to law by the Supreme Court of the United States, or by any court of competent jurisdiction from whose judgment or decree nor appeal has been taken within the time provided for doing so, such policy shall be modified to the extent necessary to conform thereto. In such cases, all other provisions of this policy shall remain in effect.

DRUG AND ALCOHOL TESTING POLICY

ATTACHMENT A

LISTING OF ALCOHOL AND SUBSTANCE ABUSE AGENCIES

Alcohol and Substance Abuse Council
Globe Mini Mall
Watertown, NY 13601
Phone: 788-4660

Community Center for Alcoholism
595 West Main Street
Watertown, NY 13601
Phone: 788-1536

Credo Foundation
300 Woolworth Building
Watertown, NY 13601
Phone: 782-2207

EMPLOYEE'S COPY
AFFIDAVIT OF UNDERSTANDING

I ACKNOWLEDGE THE RECEIPT OF THE TOWN OF CLAYTON DRUG AND ALCOHOL TESTING POLICY AND THAT I HAVE READ AND UNDERSTAND THE CONTENTS AND CONSEQUENCES OF SAID POLICY.

I SO CONFIRM THIS UNDERSTANDING BY AFFIXING MY SIGNATURE BELOW.

Employee
Signature: _____

Date: _____

EMPLOYER'S COPY
AFFADAVIT OF UNDERSTANDING

I ACKNOWLEDGE THE RECEIPT OF THE TOWN OF CLAYTON DRUG AND ALCOHOL TESTING POLICY AND THAT I HAVE READ AND UNDERSTAND THE CONTENTS AND CONSEQUENCES OF SAID POLICY.

I SO CONFIRM THIS UNDERSTANDING BY AFFIXING MY SIGNATURE BELOW.

Employee
Signature: _____

Date: _____

Appendix J: Annual Driving Record Review Policy

Adopted February 28, 2018

I. PURPOSE

To assure that employee drivers of the Town of Clayton maintain a current unrestricted New York operators license in accordance with the following policy.

II. PROCEDURE

A. Each employee driver of the Town of Clayton shall at all times maintain a current unrestricted New York operator's license. Any employee driver failing to maintain a current unrestricted operators license shall be placed on administrative leave until such time as he / she obtains a current unrestricted operators license.

B. Any employee driver whose operator license is suspended, revoked or restricted is immediately prohibited from operating any Town of Clayton vehicle. Each employee driver shall immediately notify his/ her immediate supervisor if his / her operator's license has been suspended, revoked or restricted in any way. Each employee driver is responsible for knowing the status of his / her operator's license.

C. Any employee driver convicted of a misdemeanor violation pertaining to the ownership or operations of a motor vehicle will be prohibited from driving any Town of Clayton owned vehicle. This driving suspension will expire 18 months from the date of the last violation.

Prior to obtaining the driving record of an employee driver, a written authorization will be obtained from that employee driver. Any time any of the above actions are taken the employee driver will be provided with a Pre-adverse Action Disclosure which includes a copy of the driver's MVR and a copy of A Summary of Your Rights Under the Fair Credit Reporting Act. In addition, that employee driver will be given notice either orally, in writing or electronically that the action has been taken in an Adverse Action Notice.

III. BUREAU OF MOTOR VEHICLES DRIVER RECORD EVALUATION REQUIREMENTS

A. CLASS A VIOLATION

Any employee driver convicted of a misdemeanor violation shall be automatically suspended from driving Town of Clayton vehicles for a period of 18 months from the date of conviction. In addition, any such employee driver shall also be required to attend an approved driver improvement program or equivalent training.

B. VIOLATIONS

1. "Misdemeanor Violations" referred to in this policy include, but are not limited to the following:

   a) Driving while intoxicated.

   b) Driving under the influence of controlled substance.

   c) Operating during a period of suspension or revocation.

d) Permitting an unlicensed person to drive.

e) Reckless driving.

f) Leaving the scene of an accident.

C. CIVIL INFRACTIONS

1. Any employee driver who accumulates more than (2) civil infraction moving violations on his / her driving record will be prohibited from driving any Town of Clayton owned vehicles. The suspension will expire when the penalty points causing the suspension of vehicle operation are six (6) or less.

2. Every year the Town of Clayton shall review the driving record and inspect the vehicle of each employee driver of the Town of Clayton.

   a) A change in point status license restriction could result in driving status change or possible suspension from the Town of Clayton.

   b) The immediate supervisor may change the driving status of Town of Clayton personnel based on driving complaints, driving ability, or upon recommendation by another supervisor.

   c) A valid complaint received by the Town of Clayton shall become a part of the employee driver's personnel file. The employee driver shall also be notified of the complaint.

   d) A second valid complaint filed against an employee driver shall invoke a restriction on driving Town of Clayton owned vehicles and/or may also result in suspension from the Town of Clayton for a period of time set by the Town Board.

Appendix K: Vehicle Safety Policy and Guidelines

Adopted February 28, 2018

I. Purpose

The purpose of this policy is to establish a uniform Town of Clayton program which shall:

1. Maximize the safe operation of Town of Clayton owned or leased motor vehicles.
2. Maximize the safety of drivers, passengers, and the public.
3. Minimize losses, damages, and claims against the Town of Clayton.

II. Scope

This Town of Clayton policy and its associated programs apply to all drivers who may be engaged in the operation of any Town of Clayton owned or leased motor vehicles on either public or private property. This policy stipulates requirements in addition to those of other established programs such as traffic regulations and pedestrian safety, motor vehicle maintenance, parking and enforcement.

In order to meet the objectives, all drivers of Town of Clayton owned or leased motor vehicles shall have their driver's licenses and driving records reviewed prior to employment and after employment commences upon reasonable suspicion of driving infractions and under other circumstances in the Town of Clayton's discretion**,** and shall successfully complete the Town of Clayton's driver training program in accordance with procedures established by this policy.

All full time and part time employees and volunteers, who may be authorized to drive Town of Clayton owned or leased motor vehicles, must possess a current, valid driver's license. Eligibility to receive departmental authorization to operate a Town of Clayton motor vehicle, as defined in this policy, is dependent upon a prospective driver's driving record. All drivers of Town of Clayton motor vehicles must comply with all applicable laws and regulations concerning the operation of motor vehicles.

The Town of Clayton reserves the right to suspend an employee's or volunteer's privileges to operate a Town of Clayton motor vehicle at any time, for any reason.

Town of Clayton owned or leased vehicles are only to be used in the performance of officially authorized Town of Clayton business. Such vehicles are to be kept on Town of Clayton premises when not in use unless the officially authorized Town of Clayton business purpose requires the vehicle to be kept off premises.

This is the Town of Clayton's Motor Vehicle Policy. This policy is intended to be read in conjunction with other Town of Clayton policies, as applicable.

III. Background

The Town of Clayton is currently responsible for the operation of a fleet of over 17 owned and leased motor vehicles distributed among 2 departments (consisting of approximately 20 drivers), as well as additional motor vehicles which may be leased as needed.

IV. Procedures and Responsibilities

A. Requirements for all drivers

In order to receive authorization to operate a Town of Clayton motor vehicle an employee or volunteer must:

1. Possess a current valid driver's license for two consecutive years and be at least 18 years of age.
2. Apply for Town of Clayton motor vehicle driving privileges using Attachment No. 1, "Application for Town of Clayton Driving Privileges," and be accepted in accordance with the Town of Clayton's MVR Standard (see Section V).
3. Agree to operate Town of Clayton motor vehicles in accordance with applicable local and federal laws and Town of Clayton's regulations, at all times. (This agreement is found on the bottom portion of the Application for Town of Clayton Driving Privileges, and must be signed by the driver prior to the time eligibility is conferred). Seat belts must be used by drivers and passengers, when they are provided in a motor vehicle.
    a. The payment of all traffic violations and citations will be the sole responsibility of the driver.
4. Report any change in license status (i.e., convictions, if your license has been suspended or revoked) to your supervisor immediately. The Town of Clayton reserves the right to suspend an employee's or volunteer's privilege to operate a Town of Clayton motor vehicle at any time, for any reason.

B. Departmental and Town of Clayton Volunteer Group Responsibilities

1. Each department or volunteer group which may use a Town of Clayton motor vehicle is required to maintain, at a minimum, the program procedures outlines below within its organizations:
    a. Means for ensuring that only those individuals who have been determined to be eligible by the Department Head's MVR review are authorized by the department or volunteer group to operate a Town of Clayton motor vehicle.
    b. The Department head may exercise, at its discretion, the right to request copies of each specific department or volunteer group's written procedures for review.
        1. If any department or volunteer group is negligent in its responsibilities of ensuring proper Town of Clayton driving policies are followed, the Town of Clayton reserves the right to obtain restitution from that group.
    c. Each department or volunteer group must establish an ignition key control system and sign in and out procedure, which includes the following:
        1. Maintaining a current list of all persons within the department or volunteer group who are eligible to receive a supervisor's authorization to operate a Town of Clayton motor vehicle and verification of the following:
            a. Name of the eligible driver requesting authorization to use a motor vehicle.
            b. If the motor vehicle is to be used outside of Town of Clayton, trip destination and estimated duration.
            c. Activity being attended or reason for use.

1. Maintaining a log showing the date and time the motor vehicle was signed in and out, in addition to the information required above.
2. Maintaining and issuing ignition keys in such a manner so as to prevent unauthorized use of Town of Clayton motor vehicles.

d. Each motor vehicle must be properly maintained according to the motor vehicle manufacturer's recommendations and when applicable, the Motor Vehicle Maintenance Department's preventative maintenance schedule.

e. Department are responsible for ensuring the materials listed below are maintained in each Town of Clayton owned or leased vehicle:

1. Vehicle Registration
2. Insurance Cards
3. Emergency and Accident packet including the following:
   a. Vehicle accident report form
   b. First Aid Kit (optional)
   c. Fire extinguisher (required for all vehicles, supplied and maintained by the Safety Department)
   d. Emergency reflector triangles or Department of Transportation approved road flares (for ¾ ton trucks)

f. Assure that vehicle pre-trip and post-trip inspections are conducted.

g. Development of the specific procedures described above (i.e., "ignition key control" and motor vehicle sign in and out," etc) are the responsibility of individual department heads and/or chairpersons. Additional policies or procedures may be developed by department heads and/or chairpersons as they may determine are necessary, based on circumstances within their department or volunteer group.

h. <u>The Town of Clayton prohibits employees, volunteers and/or departments from purchasing, renting or using 15 passenger vans for or Town of Clayton business.</u>

2. Risk Manager

a. In the event of an accident, the Risk Manager shall coordinate any claims made by or against the Town of Clayton with the Town of Clayton's insurance carrier and the involved department or volunteer group.

C. Rental Drivers

Any department or individual using a motor vehicle rented in the Town of Clayton's name is required to maintain and abide by the program measures indicated in Part IV.

Additional departmental procedures or policies for drivers of rental vehicles may be developed by department heads or chairpersons as they deem appropriate. The Supervisor's Office may be consulted for advice relating to additional departmental procedures.

V. <u>MVR Standard</u>

A. All drivers must have their Motor Vehicle Record (MVR) reviewed by the Supervisor's Office prior to driving a Town of Clayton Vehicle.

B. Before a person may drive for Town of Clayton, up to three (3) years of the person's driving history will be evaluated. The three year period must be the three year period immediately preceding the date of evaluation. The driving history must be evidenced by an official Motor Vehicle Record kept by an appropriate governmental authority.

C. Any person who wishes to operate a Town of Clayton owned or leased vehicle must have a current, valid driver's license.

D. No one will be allowed to drive for Town of Clayton with a "probationary," "court-restricted," "junior," or international license.

E. No vehicle should be used unless the vehicle passes a periodic inspection.

F. To be employed as a driver an applicant must meet the following criteria:

1. No more than two (2) moving violations (e.g., speeding, failure to yield, violating a traffic signal, failure to stop, improper turn, improper lane change, careless driving, following too closely) in the past three (3) years; or
2. No more than two (2) safety belt violations in the past three years; or
3. No more than two (2) at-fault accidents in the past three years; or
4. No more than one (1) moving violation plus two (2) safety belt violations within the past three years; or
5. No more than one (1) at-fault accident plus two (2) other violations in the past three years; or
6. No more than six (6) points on an applicant's license under New York law.

   Additionally, an applicant shall not be employed as a driver if any of the following violations appear in the applicant's MVR within the past three (3) years:
   - Leaving the scene of an accident
   - Reckless driving
   - Driving under the influence of, or with ability impaired by, alcohol or drugs
   - Hit and run
   - Vehicular homicide or assault
   - Participating in an unlawful speed contest
   - Eluding or attempting to elude a police officer.

VI. Accident Procedures for Drivers

In the event of an accident the following procedures must be followed:

1. Immediately notify 911 of your name, location, and pertinent information about the accident.
2. Obtain the names, addresses, and telephone numbers of all witnesses.
3. Complete the accident report form (and accident questionnaire, if necessary) located in the motor vehicle glove box.
4. Report the accident to your supervisor.

VII. Post Accident Testing

Employees will be tested following an accident where:

1. A life is lost
    a. Reasonable judgment has to be used in making determination if a life will be lost if the injured party is not pronounced dead at the accident scene. In cases where there is a reasonable probability of a loss of life, employees will be post-accident tested.
2. The driver cited got a moving traffic violation if the accident involved:
    a. Bodily injury to any person who, as a result of injury, immediately receives medical attention away from the scene of the accident.
    b. One or more motor vehicles incur disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Appendix L: Education and Training Assistance Policy

I. POLICY

The objective of this program is to encourage Town employees to take course work which will improve their performance in their present positions and/or help prepare them for promotion or transfer to other positions within the Town. Employees who have applied for reimbursement and who have successfully completed approved courses may have tuition reimbursed, up to the fiscal year reimbursement limit, in accordance with the provisions of this policy.

II. PURPOSE

The purpose if the tuition assistance program is to provide reimbursement for education that is not covered under training.

III. PROCEDURE

A. Application

1. Employees must submit an application for tuition assistance to the employee's Department Head before their selected course begins. The Department Head will submit the request to the Town Board for approval. Therefore, if reimbursements have to be denied due to lack of funding or other reasons, the employee will know beforehand that the course is not eligible for reimbursement or funding is not available. Applications for tuition assistance that are submitted after the course begins may be rejected due to lack of funding or other reasons.
2. If the tuition reimbursement request comes after approval of the annual budget, it will be the Town's discretion as to whether tuition reimbursement may not be issued until the following fiscal year.
3. Requests for reimbursements must be made within 30 days of course completion. The employee is responsible for getting all documentation (receipt, grades, etc.) to the Finance/Human Resources office.
4. After completion of the course: submission of grades or other certification of completion to the Human Resources, along with a receipt showing actual course costs.

Grading System	Standard Required for Reimbursements
A, B, C, D, E, F	B or better
L (low), P (pass), H (high)	P or H
P (pass), F (fail)	P
Satisfactory or Unsatisfactory	Satisfactory
Credit by Examination	CE

In courses where no grade is given, the employee must provide a written statement from the Instructor certifying successful completion of the course. If the employee is required to take a course for graduation from a degree program and can pass the course by taking an examination, the employee may also be reimbursed for the "credit by examination."

B. Repayment to Town

1. Any eligible employee receiving education reimbursement shall remain an employee during his/her studies and must remain an employee for a minimum of two years after course completion. If the employee leaves during his/her studies before the two years is complete, the employee shall reimburse the town for a pro-rated share of the total amount of reimbursement, from the date of separation.

C. Amount of Reimbursement

1. Full-time employees are eligible to receive up to $3,000 per fiscal year for reimbursement of tuition, books and fees.
2. Each Employee interested in receiving tuition reimbursement will certify the amount and kind of other funds received for educational purposes from federal, state, and other sources such as a veteran's educational benefits, scholarships, stipends, grants, refundable tax credits. If such funds are received, the Town will pay the difference between the cost of the course(s) and the amount paid by the other program.

IV. Forms/ Instructions

Application for Reimbursement

V. Definitions

A. **Eligible Employees**: All full-time employees who have completed the initial probationary period are eligible for tuition assistance.

B. **Eligible Courses**: An eligible course is one that has been pre-approved by the Department Head because it will either improve the employee's ability to perform the present job or help prepare him/her for a job within the Town which will demand a higher or different level of responsibility or level of skill. Courses must be offered by a college, university, community college, or other school or training academy accredited through recognized agencies. Workshops, conferences, and seminars are not covered under this policy.

In some cases courses are so related to the employee's current job that the employee's department may pay for the course outright under its regular training budget.

C. **Eligible Expenses**: Tuition, registration fees, online exam fees, laboratory fees, travel, and books are eligible reimbursement expenses. Special equipment, tools, miscellaneous supplies such as pencils, paper, and parking are not reimbursable expenses. Employees should use good judgment with regards to spending (i.e. purchase used books not new).

D. **Employee Professional Credits or License Reimbursement/ Payment**: The Town will reimburse, or direct pay, the cost of any professional credits that are required to maintain a professional license related to a position the employee has with the Town of Clayton. This benefit is available to full-time employees only. Reimbursement, or direct payment, will be made upon submission of proof of payment/cost for professional credits.

VI. Other Responsibilities

It is the responsibility of the employee to submit the form Application for Reimbursement

VII. Scope

As of **February 28, 2018** this policy replaces and supersedes any previous policies or unwritten policies or practices covering the same subject.

Application for Tuition Reimbursement

Employee Name | Department | Date

Employee Address | City, State | Zip

Educational Institution | Degree Program
Semester/Year

Course Title	Credit Hours	Class Start Date	Class End Date	Costs*
1.				
2.				
3.				
Total				

**Costs include registration, lab fees, books, and other similar expenses*

	Estimated Expenses	Actual Expenses
Actual Tuition of Educational Institute		
Tuition Eligible for Reimbursement- $3,000 Max per fiscal year		
Required fees		
Cost of books		
Other Assistance		
Total expenses		

I understand that if my application and course reimbursement is approved, the Town will reimburse the allowable costs up to the maximum amounts per fiscal year as stated in the Tuition Assistance Policy. I agree that in order to be reimbursed at the end of the course I must obtain a passing grade in accordance with the policy and submit a copy of my grades and receipt for payment. Additionally, I also understand that should I leave the Town's employment within 2 years of being reimbursed for the above course(s), I must repay the Town the amount of the reimbursement.

Applicant's Signature: _____ Date: _____

Department Head Approval: _____ Date: _____

Application for Tuition Reimbursement

Preapproval *This is completed before courses are taken.*	**Approval for Reimbursement** *This is completed after the courses have been taken.*
I have determined that the courses submitted above will enhance the employee's knowledge, skills, or abilities to contribute to the goals of the town and I approve the courses for reimbursement pending successful completion.	I certify: a) I accrued theses expenses b) I am not receiving duplicate payments c) The course(s) has been successfully completed and documentation is attached with a sufficient grade. d) I am responsible for any tax, penalty, or interest.
Department Manager **Date**	**Employee** **Date**
Town Supervisor Post Board Approval	**Department Manager** **Date**
"This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act"	"This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act"
Finance/Human Resources **Date**	**Finance/Human Resources** **Date**

Appendix J: Job Descriptions

Jurisdictional Class: Appointed, Non-Competitive
Adopted: September 23, 2015
Revised:

JOB DESCRIPTION
Assessor

GENERAL PURPOSE

The purpose of this position is to estimate the value of real property within the town. This value is one component used in the computation of real property taxes.

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 assigned tasks, and analyze the facts or circumstances surrounding individual problems.

Supervision Received: Work is performed under the general direction of the Town Supervisor. This position is subject to review and evaluation according to the Town's personnel policy.

Supervision Given: Responsible for supervising the work of Assessment Clerk.

DISTINGUISHING CHARACTERISTICS

This is professional work in the valuation for assessment of real property for tax purposes and the preparation of an annual assessment roll. This position receives its direction from two authorities – functional and administrative. Functional authority is derived from New York State Real Property Tax laws and regulations with advisory service provided by the Jefferson County Office of Real Property Tax Services. Administrative authority is derived from the Town Board with day-to-day immediate supervision provided by the Town Supervisor or, in the absence of the Town Supervisor, the Deputy Town Supervisor. This position is appointed by the Town Board for a six-year term coinciding with the periodicity of appointment of sole assessor as articulated in Real Property Tax regulation. Prior

to appointment, incumbent must sign performance agreement that defines the terms and conditions of employment.

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:

1. Adhere to all New York State laws;
2. Inspects parcels for changes in improvements, demolitions, and use within the framework of New York State law;
3. Ensure property inventory is accurate on an annual basis;
4. Ensure public awareness of exemption alternatives in accordance with law and audits eligibility and enters qualified exemptions based on property owner application, timeliness, and lawful viability;
5. Enter all building certificates of occupancy and completion and associated data provided by building inspector into ORPTS database and property files within the applicable taxable year;
6. Annually value and revalue each parcel of real property;
7. Utilize and maintain current tax maps and appraisal cards;
8. Submit any RP-524 complaints received to and attend all hearings of the Board of Assessment Review;
9. Make changes in assessment in accordance with law as directed by the Board of Assessment Review;
10. Trains any board-appointed acting deputy assessor;
11. Attends and answers any questions regarding the public examination of the tentative assessment roll at times prescribed by law;
12. Maintain the accuracy of valuation tables for land;
13. Take necessary steps to facilitate that improvements and buildings are reflecting market value when divided by the equalization rate on an annual basis;
14. Audit and ensure that images of properties and respective structures are accurate on an annual basis, that data extracts reflects accurate valuations and applicable ownership data;
15. Maintain interaction with the New York State Office of Real Property Tax Services (NYS ORPTS) organization and Jefferson County ORPTS, as well any other county's ORPTS organization at an effective working level to ensure functional productivity;
16. Maintain interaction with the public at an effective working level to ensure that recipient feels that he/she is respected and dealt with in a manner that conveys thoroughness, thoughtfulness, and credibility;
17. Interact with the public, interact with other government agencies, and interact with Town employees, appointees, and officers in a manner

which meets all published Town ethics standards and Town protocol standards as articulated now and in the future on its web site www.townofclayton.com and any subsequent directives;

18. Perform property consolidations and reapportionments accurately and within county and New York State specified timelines;
19. Meet all NYS ORPTS and county deadlines without extraordinary external assistance;
20. Have the ability to be approve or decline the addition of another municipality's parcels as an assessing service prior to the Town Board's entering into an intermunicipal agreement for such services; and,
21. Be able to enter into and have other employment as long as such employment does not interfere with the successful completion of all other general requirements as perceived by the Town Board.

OTHER DUTIES

Provides support to the other office administrative staff, when requested.

DESIRED MINIMUM QUALIFICATION

Knowledge of:

Have functional knowledge, expertise and authorization to use the New York State Real Property System.

Ability to:

Ability to explain state and local procedures and regulations concerning assessments, and exemptions. Ability to handle inquiries and/or complaints tactfully and effectively. Ability to communicate effectively in written and verbal form. Ability to establish and maintain complex record keeping systems. Skill in operating computers and applicable software applications. Good verbal communication skills. Excellent customer service skills.

Training and Experience:

(a) The minimum qualification standards for appointed assessors are as follows:

(1) (i) graduation from high school, or possession of an accredited high school equivalency diploma; and

(ii) two years of satisfactory full-time paid experience in an occupation involving the valuation of real property, such as assessor, appraiser, valuation data manager, real property appraisal aide or the like. Such experience shall be deemed satisfactory if it is demonstrated that the experience primarily was gained in the performance of one or more of the following tasks: collection and recording of property inventory data, preparation of

comparable sales analysis reports, preparation of signed valuation or appraisal estimates or reports using cost, income or market data approaches to value. Mere listing of real property for potential sale, or preparation of asking prices for real estate for potential sale, using multiple listing reports or other published asking prices is not qualifying experience; or

(2) graduation from an accredited two-year college and one year of the experience described in subparagraph(1)(ii) of this subdivision; or

(3) graduation from an accredited four-year college and six months of the experience described in subparagraph (1)(ii) of this subdivision or graduation from an accredited four-year college and a written commitment from the county director that the county will provide training in assessment administration, approved by the State Board, within a six-month period; or

(4) certification by the State Board as a candidate for assessor.

(a) In evaluating the experience described in subparagraph (1)(ii) of subdivision (b), the following conditions shall apply:

(i) if the assessor has been previously certified by the State Board as a State certified assessor pursuant to section 188-2.1 of this Subpart while serving as an elected assessor, such certification is equivalent to one year of the experience described in subparagraph (1)(ii) of subdivision (a) if it has not expired;

(ii) for the purpose of crediting full-time paid experience, a minimum of 40-hour per week shall be deemed as full-time employment;

(iii) three years of part-time paid experience as sole assessor or as chairman of the board of assessors shall be credited as one year of full-time paid experience, and five years of part-time paid experience as a member of a board of assessors shall be credited as one year of full-time paid experience. Additional paid part-time experience in excess of these amounts shall be credited;

(iv) volunteer experience in an assessor's office may be credited as paid experience to the extent that it includes tasks such as data collection; calculation of value estimates; preparation of preliminary valuation reports; providing routine assessment information to a computer center; public relations; and review of value estimates, computer output and exemption applications; and

(v) in no case shall less than six months of the experience described in subparagraph (1)(ii) of subdivision (a) be acceptable with the exception of county training as provided for in paragraph (3) of subdivision (a).

Have successfully completed New York State Department of Taxation and Finance's Office of Real Property Tax Services initial and subsequent annual training requirements within the specified timeframe as specified in Real Property Tax Administration Subpart 188-2, Section 188-2.6 through Section 188-2.8; Sufficient expertise in the use of Microsoft Windows, Microsoft Office (Excel, PowerPoint and Word) to perform requirement reporting, presentations, communications and immediate supervisor-directed responsibilities for backup and security; Sufficient expertise in mathematics and the English language to effective compute and articulate concepts, situations, opportunities, risks, solutions and answers to the public, municipality, county and New York State; Effective presentation skills in front of one or more members of the public, municipality, county and New York State.

Licenses; Certificates; Special Requirements:
Certification by the State Board as a candidate for assessor.

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

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Lifts/moves objects weighing up to 10 pounds. Types on a keyboard at a moderate speed. Communicates verbally and in writing. Manually operates all office equipment and machines.

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 under intensive deadlines and with constant interruptions; and interact with Town staff, elected officials, other public and private organizations, the media and the public.

WORK ENVIRONMENT

Work is performed under typical office conditions; the noise level is moderate. Operates a computer, printers, facsimile machine, copier, calculator, typewriter, and other standard office equipment. Makes frequent contact with other town departments, real estate agents, developers, attorneys, and appraisers; makes constant contacts with the general public. Contacts are in person, in writing, and by telephone; contacts consist of an informational exchange dialogue. Has access to limited department-related confidential information including personal information about citizens. Errors could result in delay, reduced levels of department services, and have possible legal and financial repercussions.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Assessor 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: Competitive or Appointed Dependent on Hours
Adopted: September 23, 2015
Revised:

JOB DESCRIPTION
Clerk – Assessment Office

GENERAL PURPOSE

The purpose of this position is to perform responsible administrative, clerical, and record keeping work of moderate difficulty and responsibility in supporting the operations of the Assessor; and all other related work as required. The Assessor's Clerk is responsible for maintaining and improving upon the efficiency and effectiveness of all areas under his/her direction and control.

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 assigned tasks, and analyze the facts or circumstances surrounding individual problems.

Supervision Received: Work is performed under the general direction of the Assessor. This position is subject to review and evaluation according to the Town's personnel policy.

Supervision Given: None.

DISTINGUISHING CHARACTERISTICS

An incumbent in this class assists the Assessor in carrying out all functions of that office. Duties require high attention to detail and meeting of stringent legal and procedural deadlines. Assessor's Clerk is distinguished from other administrative positions by the incumbent's need to know and apply in-depth knowledge of legal requirements, processes and procedures necessary to support the functions and operations of Town business.

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: Greeting the public; managing exemption administration in the absence of the Assessor; data entry of value changes that are brought in by the books when the Assessor is doing Field Review; assisting the Assessor with field review, when necessary; daily filing of documentation; data entry of inventory changes from the property record cards; reviewing reports run by the Assessor for sales inquiries; assisting the public in locating properties on tax maps; sketching properties in the computer when requested; clerical assistance to Board of Assessment Review during Grievance; preparation of Board of Assessment payroll when requested; composition and typing of letters for the Assessor, as needed; answering the telephone and assisting taxpayers with requests for information. Regular attendance and punctuality at the workplace is required. Performs similar or related work as required, directed or as situation dictates.

OTHER DUTIES
Provides backup support to the other office administrative staff, when requested.

DESIRED MINIMUM QUALIFICATION

Knowledge of:
Working knowledge of standard bookkeeping principles, procedures, records and forms. Thorough knowledge of office procedures, practices and terminology. General knowledge of local government and its operations helpful.

Ability to:
Ability to explain state and local procedures and regulations concerning assessments, and exemptions. Ability to handle inquiries and/or complaints tactfully and effectively. Ability to communicate effectively in written and verbal form. Ability to establish and maintain complex record keeping systems. Skill in operating computers and applicable software applications. Good verbal communication skills. Excellent customer service skills.

Training and Experience:
High school education; one to two years of clerical or record keeping experience; experience working with the public highly desirable; or any equivalent combination of education and experience.

Licenses; Certificates; Special Requirements:
Current license as a Notary Public issued by the State of New York is preferred, but not required.

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
The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Lifts/moves objects weighing up to 10 pounds. Types on a keyboard at a moderate speed. Communicates verbally and in writing. Manually operates all office equipment and machines.

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 under intensive deadlines and with constant interruptions; and interact with Town staff, elected officials, other public and private organizations, the media and the public.

WORK ENVIRONMENT

Work is performed under typical office conditions; the noise level is moderate. Operates a computer, printers, facsimile machine, copier, calculator, typewriter, and other standard office equipment. Makes frequent contact with other town departments, real estate agents, developers, attorneys, and appraisers; makes constant contacts with the general public. Contacts are in person, in writing, and by telephone; contacts consist of an informational exchange dialogue. Has access to limited department-related confidential information including personal information about citizens. Errors could result in delay, reduced levels of department services, and have possible legal and financial repercussions.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Clerk – Assessment Office 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: March 2017
Revised: March 14, 2018

JOB DESCRIPTION
Recreation Supervisor

GENERAL PURPOSE

Provides direction, leadership, and oversight to the Town's recreational programs and facility management. Facilitates the development of strategy and policy for the department, and ensures that the town's mission, core values, and goals are incorporated into activities and services.

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 assigned tasks, and analyze the facts or circumstances surrounding individual problems.

Supervision Received: Work is performed under the general direction of the Town Supervisor. This position is subject to review and evaluation according to the Town's personnel policy.

Supervision Given: Responsible for supervising the work of skilled and semi-skilled building and grounds personnel.

DISTINGUISHING CHARACTERISTICS

An employee in this class performs a variety of administrative, supervisory, and professional duties in the management of parks and recreation activities and facility management for the Town. The position is responsible to prepares long-range strategic plans for the department. Work requires extensive public contact with advisory board, local officials, and the general public. Work is performed under the supervision of the Town Supervisor and reviewed through periodic evaluations, conferences, reports, and results.

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.

Essential Duties and Tasks:

- Coordinates the maintenance and daily operations of all Town-owned public facilities, including buildings, parks, and fields;
- Supervise staff and participates in daily preventive maintenance and custodial activities;
- Directs, assigns and evaluates the work of subordinate personnel;
- Develops staff including hiring, training (including safety regulations), motivation, performance counseling and evaluation, discipline, and team building;
- Manages the selection and evaluation of permanent and temporary staff;
- Monitors a preventive maintenance program designed to retain buildings, grounds and equipment in a safe operating condition, including inspection for possible mechanical, electrical and structural problems and for general building cleanliness and grounds maintenance to insure established standards are maintained;
- Purchases and maintains inventory of custodial and grounds supplies and equipment;
- Insures that equipment and vehicles are properly maintained;
- Contracts with vendors for required services, i.e.: pest control;
- Ensures trash removal, snow clearing, etc. are completed at all facilities, as necessary;
- Operates motor vehicles, grounds and snow removal equipment, and other equipment as necessary;
- Operates, maintains and repairs hand and bench tools and other equipment;
- Creates and maintains basic records and reports relative to the work performed and schedules repairs when necessary, as well as hours worked by employees;
- Coordinates building and facilities compliance with ADA requirements and liability prevention measures, as well as other facility compliance measures;
- Identifies and takes appropriate action in emergency situations to protect safety of personnel and property;
- Oversees activities at Transfer Site and insures that the facility is operating within established guidelines and regulations;
- Recommends projects for annual work plan and preventative maintenance program;
- Plans, organizes, directs, coordinates, and evaluates recreation programming;
- Prepares the Parks and Recreation budgets, submits recommendations to town management; coordinates and monitors the expenditure and receipt of funds;
- Advises management and elected officials on department issues;

- Creates and maintains a Parks Master Plan, including managing consultants, facilitating stakeholder groups, reviewing and editing documents, and presenting to the Town Board;
- Interprets the recreational and parks program through press releases and other publicity through cooperative planning and effective working relationships with other community agencies and groups, public and private;
- Attends meetings of department heads, boards, agencies, and community groups to present department programs and needs;
- Coordinates work activities with other Departments.

OTHER DUTIES

Performs related duties as required. Provides backup support to other Town departments when requested.

DESIRED MINIMUM QUALIFICATION

Knowledge of:

- Good knowledge of modern buildings and grounds maintenance and repair practices and procedures;
- Good knowledge of safety precautions and practices associated with modern buildings and grounds maintenance and repair work;
- Good knowledge of the practices and techniques of one or more of the skilled trades* (defined in minimum qualifications below);
- Thorough knowledge of programs, laws, and processes required in municipal recreation and administration.
- Thorough knowledge of the principles and methods of parks and recreation planning and development.
- Considerable knowledge of modern and effective supervisory principles and practices including communication, leadership, motivation, conflict resolution.
- Considerable knowledge of the organization's budgeting, purchasing and personnel policies and procedures and applicable personnel laws and regulations.
- Working knowledge of the application of information technology to the work of the department.

Ability to:

- Ability to plan and schedule work, including determining staff, equipment, and supplies needed;
- Ability to train and supervise subordinates;
- Ability to create, organize and maintain accurate records and files;
- Ability to effectively, efficiently and safely use tools and operate equipment related to buildings and grounds maintenance and repair;
- Ability to visually inspect the work of building tradespersons and contractors;
- Ability to effectively communicate, motivate, hire, evaluate and coach employees.
- Ability to develop and maintain effective relationships with local officials, the general public, and employees.

- Ability to communicate effectively in oral and written forms.
- Willingness to work under adverse weather conditions.
- Willingness to travel to Town-owned facilities via marine vessel.

Training and Experience:
Graduation from high school or possession of a high school equivalency diploma and one of the following:

- Graduation from a two (2) year college or university with a degree in recreation administration, School Facilities Management, Engineering, Engineering Technology, Building Construction Technology, or related field, and ten (10) years of experience in the field with five (5) years of supervisory experience; or
- Graduation from a two (2) year college or university and ten (10) years of experience in general building construction, building maintenance or repair work in more than one of the skilled trades*, which included five (5) years of supervisory experience.

*Skilled trades include journey level experience as a carpenter, electrician, mason, plumber and/or heating, ventilating and air conditioner installers.

Non Qualifying Experience:
Experience limited to building cleaning is not qualifying. Building cleaning is defined as activities primarily involving a variety of inside and outside building cleaning activities including, but not limited to, washing walls and windows, polishing floors, cleaning restrooms, disposing of refuse.

Local government experience preferred.

NOTE: Verifiable part-time experience may be prorated toward meeting full-time experience requirements.

Licenses; Certificates; Special Requirements:
Valid NYS Driver's License.

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

- Must be able to physically perform the basic life operational functions of climbing, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, feeling, talking, hearing, and repetitive motions.
- Must be able to perform light work exerting up to 20 pounds of force occasionally; and/or up to 10 pounds of force frequently; and/or a negligible amount of force constantly to move objects.

- Must possess the visual acuity to prepare and analyze data and figures, perform accounting tasks, operate a computer terminal, do extensive reading, drive a motor vehicle, and be able to inspect work of others.

Mental Demands

While performing the duties of this class, an employee is regularly required to:

- Use written and oral communication skills;
- Analyze and solve problems;
- Perform concurrent tasks;
- Work under intensive deadlines and with constant interruptions; and
- Interact with Town staff, elected officials, other public and private organizations, the media and the public.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. While performing the duties of this job, the employee is regularly exposed to outside weather conditions. The employee is frequently exposed to moving mechanical parts. The employee is occasionally exposed to fumes or airborne particles, toxic or caustic chemicals, extreme cold, extreme heat, risk of electrical shock, and vibration. The noise level in the work environment is usually moderate to loud.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Recreation Supervisor 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: Competitive, Labor Class
Adopted: September 23, 2015
Revised:

JOB DESCRIPTION
Laborer: Buildings & Grounds Maintenance Worker

GENERAL PURPOSE

Under general direction, performs routine and extensive groundskeeping and building maintenance duties on all Town buildings and facilities and performs related duties as assigned.

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 assigned tasks, and analyze the facts or circumstances surrounding individual problems.

Supervision Received: Work is performed under the general direction of the Superintendent of Buildings & Grounds. This position is subject to review and evaluation according to the Town's personnel policy.

Supervision Given: None.

DISTINGUISHING CHARACTERISTICS

An incumbent in this class assists the Superintendent of Buildings and Ground in carrying out all functions of that department. Duties require high attention to detail.

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.

Work at maintaining grounds, raking, mowing, weedeating, snow removal, ballfield upkeep; Keep Cerow Recreation Park Arena clean all season inside and outside; Be prepared to work summer shows as needed, including nights and weekends; Drive zamboni at Arena in winter time; Assist in change over from Summer to Winter and Winter to Summer including erecting/removing Ice boards and glass; Assist at Pool including daily maintenance and seasonal start up and shut down; Work at Transfer Site checking in loads, collecting fees, packing bins, helping patrons understand recycling goals of the Town, keeping areas around bins clean, helping patrons unload; Be prepared to work off site mowing cemeteries and other Town-owned properties and general maintenance of the Town Hall/Opera House, Depauville Library, and Grindstone Island Schoolhouse; Maintain all Town equipment under the control of Buildings and Grounds; Assist all patrons of Cerow Park during all seasons; Conduct all work deemed necessary to the safety of patrons; Any other duties within reason that the Superintendent of Buildings and Grounds and/or the Town Board request to be completed.

OTHER DUTIES

Provides backup support to other Town departments when requested.

DESIRED MINIMUM QUALIFICATION

Knowledge of:

Knowledge of groundskeeping and landscaping encouraged.

Ability to:

Ability to read and comprehend simple instructions, short correspondence, and memos. Ability to write simple correspondence. Ability to operate varying machinery.

Training and Experience:

High school diploma or general education degree (GED) and one year of responsible experience in groundskeeping or an acceptable equivalent combination of education and experience. Should have knowledge of groundskeeping equipment and landscaping.

Licenses; Certificates; Special Requirements:

Valid NYS Driver's License.

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

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. While performing the duties of this job, the employee is frequently required to walk; use hands to finger, handle, or feel; and reach with hands and arms. The employee is occasionally required to stand; sit; climb or balance; stoop; kneel; crouch; or crawl; and talk; or hear. The employee must frequently lift and/or move up to 100 pounds. Specific vision abilities required by this job include close vision, color vision, peripheral vision and depth perception.

Mental Demands

While performing the duties of this class, an employee is regularly required to use written and oral communication skills; analyze and solve problems; perform concurrent tasks; work under intensive deadlines and with constant interruptions; and interact with Town staff, elected officials, other public and private organizations, the media and the public.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. While performing the duties of this job, the employee is regularly exposed to outside weather conditions. The employee is frequently exposed to moving mechanical parts. The employee is occasionally exposed to fumes or airborne particles, toxic or caustic chemicals, extreme cold, extreme heat, risk of electrical shock, and vibration. The noise level in the work environment is usually moderate to loud.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Laborer: Buildings and Grounds Maintenance Worker 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: September 23, 2015
Revised:

JOB DESCRIPTION
Laborer (Part-time)

GENERAL PURPOSE

Under general direction, operates in a skilled manner, automotive and construction equipment in support of work performed by the Highway and/or Buildings & Grounds Departments.

SUPERVISION

Supervision Scope: Individual performs a variety of manual tasks when necessary and does related work as required.

Supervision Received: Work is performed under the general direction of the Highway Superintendent or Manager of Buildings and Grounds. This position is subject to review and evaluation according to the Town's personnel policy.

Supervision Given: None.

DISTINGUISHING CHARACTERISTICS

An incumbent in this class assists the Highway Superintendent or Manager of Buildings & Grounds in carrying out functions of that department. Duties require high attention to detail.

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.

Operates equipment such as mowers, chainsaws, weed trimmers, dump truck, loaders, compressors, high pressure paint application equipment and other equipment that is required in the Highway and/or Buildings & Grounds departments' activities; Operates trucks and equipment during normal daily

work operations; Performs unskilled and semi-skilled labor in connection with various maintenance, construction, and other related activities; Maintains vehicles and equipment in clean condition; Makes minor repairs and adjustments and does necessary service under supervision when required; Performs manual labor incidental to operation to which assigned; Operates all equipment in a non-abusive manner; Performs all related work when required; Performs general labor in operation and maintenance of the departments including the following:

- General maintenance and cleaning in and around all buildings
- Mow lawns at municipally-maintained sites as needed
- Painting of interior and exterior of buildings within the Town infrastructure
- Mowing with zero turn and conventional mowers, use of string trimmer and landscape related tools
- Assist with maintenance of facility equipment
- Wash/Clean inside and outside of trucks

OTHER DUTIES
Provides backup support to other Town departments when requested.

DESIRED MINIMUM QUALIFICATION

Knowledge of:
Good knowledge of the proper operational use and maintenance of the particular type of equipment to which assigned; Considerable knowledge of the occupational hazards and safety precautions necessary in the performance of duties related to construction and maintenance activities.

Ability to:
Ability to understand and carry out written and oral instructions. Ability to take the initiative and resolve problems of assigned tasks. Ability to establish and maintain an effective working relationship with supervisors, co-workers, Town Officials and the general public. Ability to conduct oneself in a positive and courteous manner.

Training and Experience:
18 years of age or older with two year experience in the operation of trucks and light construction equipment preferred.

Licenses; Certificates; Special Requirements:
Must possess a valid driver's license.

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

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. While performing the duties of this job, tasks involves the regular, and at times sustained, performance of heavier physical tasks such as walking over rough or uneven surfaces, bending, stooping, working in confined spaces, and lifting or carrying moderately heavy (20-50 lbs.) items and occasionally very heavy (100 lbs. or over) items; or may involve the complex operation of gasoline, electric, or diesel-powered machinery or shop equipment requiring the manipulation of multiple controls, fine adjustments or both; or the sustained operation, on a production basis, of such devices as offset presses with associated equipment.

Mental Demands

While performing the duties of this class, an employee is regularly required to use written and oral communication skills; analyze and solve problems; perform concurrent tasks; work under intensive deadlines and with constant interruptions; and interact with Town staff, elected officials, other public and private organizations, the media and the public.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. While performing the duties of this job, the employee is regularly exposed to outside weather conditions. The employee is frequently exposed to moving mechanical parts. The employee is occasionally exposed to fumes or airborne particles, toxic or caustic chemicals, extreme cold, extreme heat, risk of electrical shock, and vibration. The noise level in the work environment is usually moderate to loud.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Part-time 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: Appointed, Non-Competitive
Adopted: September 23, 2015
Revised: March 14, 2018

JOB DESCRIPTION
Harbor Master

GENERAL PURPOSE

The purpose of this position, under general supervisor of the Recreation Supervisor, is to oversee the overall operation of a municipal docks and marina.

SUPERVISION

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

Supervision Received: Work is performed under the general supervision of the Recreation Supervisor. This position is subject to review and evaluation according to the Town's personnel policy.

Supervision Given: Responsible for supervising the work of skilled and semi-skilled dock personnel.

DISTINGUISHING CHARACTERISTICS

Under general supervision, this position is responsible for all activities in the municipal marina. The incumbent enforces the municipality's dock rules. Supervision may be exercised over a small number of personnel engaged in the activities connected with the marina, including the repair of municipally-owned equipment, etc.

ESSENTIAL DUTIES AND RESPONSIBILITIES

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

EXAMPLES OF WORK: (Illustrative Only)

- Enforces municipality's dock rules, (moorings, speeding, pollution, etc.);
- Administers the mooring of vessels within the harbor, including issuance of dock permits;
- Assigns boats to specific moorings on docks;
- Keeps records of all boats moored in the harbor;
- Purchases or recommends purchase of necessary equipment and supplies;
- Oversees and performs the maintenance and repair of municipally-owned associated equipment;
- Supervises small staff of docking attendants;
- Collects payment for docking and turns payments over to the Town Clerk;
- Monitors marina budget and makes annual recommendations to Department Head for department budget; and
- Prepares regular reports of docking activities and revenues for Department Head.

OTHER DUTIES

Provides backup support to other Town departments when requested.

DESIRED MINIMUM QUALIFICATION

Knowledge of:

- Thorough knowledge of methods and procedures in the operation of a marina;
- Thorough knowledge of navigation laws, local laws and ordinances pertaining to docks and harbors;
- Good knowledge of the methods, tools and materials used in marine work;
- Good knowledge of tidal characteristics and how to handle shore front activities and small boats during storms and waterfront emergencies;
- Some knowledge of waterfront first aid.

Ability to:

- Ability to deal effectively with the general public;
- Ability to display integrity; thoroughness; good judgment.

Training and Experience:

Graduation from high school or possession of a high school equivalency diploma. Previous local government experience preferred.

Licenses; Certificates; Special Requirements:

Valid NYS Driver's License

PHYSICAL AND MENTAL DEMANDS

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

Physical Demands

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. While performing the duties of this job, the employee is frequently required to walk; use hands to finger, handle or feel; and reach with hands and arms. The employee is occasionally required to stand; sit; climb or balance; stoop; kneel; crouch; or crawl; and talk; or hear. The employee must frequently life and/or move up to 100 pounds. Specific vision abilities required by this job include close vision, color vision; peripheral vision and depth perception.

Mental Demands

While performing the duties of this class, and employee is regularly required to use written and oral communication skills; analyze and solve problems; perform concurrent tasks; work under intensive deadlines and with constant interruptions; and interact with Town staff, elected officials, other public and private organizations, the media and the public.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. While performing the duties of this job, the employee is regularly exposed to outside weather conditions. The employee is frequently exposed to moving mechanical parts. The employee is occasionally exposed to fumes or airborne particles, toxic or caustic chemicals, extreme cold, extreme heat, risk of electrical shock, and vibration. The noise level in the work environment is usually moderate to loud.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the 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: Seasonal, Non-Competitive
Adopted: September 23, 2015
Revised:

JOB DESCRIPTION
Laborer (Part-time) - Dock Attendant

GENERAL PURPOSE

The Dock Attendant often provides the first impression of Clayton to visitors. It is essential that s/he presents a professional appearance and welcoming attitude that will encourage visitors to return to our Town.

SUPERVISION

Supervision Scope: Individual performs a variety of manual tasks when necessary and does related work as required.

Supervision Received: Work is performed under the general direction of the Manager of Buildings and Grounds. This position is subject to review and evaluation according to the Town's personnel policy.

Supervision Given: None.

DISTINGUISHING CHARACTERISTICS

The Dock Attendant is a seasonal part-time employee. The appointment is for one boating season and is renewable based on satisfactory performance. Dock Attendants will work, as scheduled, to provide full-time coverage at the waterfront for the open season. Individual dock attendants' work schedules will be set by the Manager of Buildings & Grounds to achieve this coverage.

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.

- Assist boaters with arriving and departing the town dock.
- Assign dock space to transient boats, collect overnight dockage fees, and log receipts.

- Collect fees for boat garbage disposal.
- Respond to requests from boaters and other visitors for information and assistance.
- Assist with the operation of the boat pumpout facility and maintain log book.
- Monitor channels on VHF radio and town dock phone.
- Keep office and grounds shipshape.
- In the event of severe weather conditions, help secure all Town-owned water- front property (such as floats, gangways and boats) and assist boat owners.
- Other tasks as assigned.

OTHER DUTIES
Provides backup support to other Town departments when requested.

DESIRED MINIMUM QUALIFICATION

Knowledge of:
Good knowledge of the proper operational use and maintenance of the particular type of equipment to which assigned; Considerable knowledge of the occupational hazards and safety precautions necessary in the performance of duties related to construction and maintenance activities.

Ability to:
Ability to work independently with excellent interpersonal and public relations skills.

Training and Experience:
18 years of age or older preferred, with proficiency in handling boats and moorings.

Licenses; Certificates; Special Requirements:
Must be able to work variable hours, including weekends and holidays, during boating season.

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
The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. While performing the duties of this job, tasks involves the regular, and at

times sustained, performance of heavier physical tasks such as walking over rough or uneven surfaces, bending, stooping, working in confined spaces, and lifting or carrying moderately heavy (20-50 lbs.) items and occasionally very heavy (100 lbs. or over) items.

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

WORK ENVIRONMENT
The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. While performing the duties of this job, the employee is regularly exposed to outside weather conditions. The employee is frequently exposed to moving mechanical parts. The employee is occasionally exposed to fumes or airborne particles, toxic or caustic chemicals, extreme cold, extreme heat, risk of electrical shock, and vibration. The noise level in the work environment is usually moderate to loud.

ACKNOWLEDGMENT
I acknowledge that I have read the job description and requirements for the Part-time Laborer-Dock 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: Non-Competitive
Adopted: September 23, 2015
Revised:

JOB DESCRIPTION
Clerk (Part-time)

GENERAL PURPOSE

The purpose of this position is to perform responsible administrative, clerical, and record keeping work of moderate difficulty and responsibility in supporting general operations or the operations of a specific department; and all other related work as required. The Part-time Clerk is responsible for maintaining and improving upon the efficiency and effectiveness of all areas under his/her direction and control.

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 assigned tasks, and analyze the facts or circumstances surrounding individual problems.

Supervision Received: Work is performed under the general direction of the Department Head and/or the Town Supervisor. This position is subject to review and evaluation according to the Town's personnel policy.

Supervision Given: None.

DISTINGUISHING CHARACTERISTICS

An incumbent in this class assists the Department Head and/or Town Supervisor in carrying out all functions of that office. Duties require high attention to detail and meeting of stringent legal and procedural deadlines. Part-time Clerk is distinguished from other administrative positions by the incumbent's need to know and apply in-depth knowledge of legal requirements, processes and procedures necessary to support the functions and operations of Town business.

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: Greeting the public; Review documents for accuracy and completeness according to procedures and instructions; Sort large volume production work such as applications and various printed material and official documents into sets of predetermined arrangement and number; Receive incoming mail, date stamp and route to appropriate department; Checks arithmetic accuracy of certain calculations; Posts receipt of payments for various routine program activities to individual accounts; Compares computer printouts with other records for discrepancies, checks source documents to identify the source of error and notes appropriate corrective action for supervisor; Obtains and confirms routine data by telephone or form letter and posts results; Obtains and confirms routine data by telephone or form letter and posts results; Prepares individual transcripts of school records; Searches for and/or compiles pertinent information and data; Logs receipt of various documents, applications, and forms; Alphabetize and file folders and other records; Maintains a file of unit correspondence, various transaction, records, and related materials; Answers routine factual telephone inquiries and/or refers callers to appropriate office of individual; Prepares routine forms and correspondence in response to inquiries; Orally provides information to individual members of the public on procedural requirements for various routine program transactions; Answers questions from individual members of the public while performing work at a counter or information station; May use a standard typewriter or computer keyboard to type correspondence, records and other written materials; Performs similar or related work as required, directed or as situation dictates.

OTHER DUTIES

Provides backup support to the other office administrative staff, when requested.

DESIRED MINIMUM QUALIFICATION

Knowledge of:

Thorough knowledge of office procedures, practices and terminology. General knowledge of local government and its operations helpful.

Ability to:
Ability to handle inquiries and/or complaints tactfully and effectively. Ability to communicate effectively in written and verbal form. Ability to establish and maintain complex record keeping systems. Skill in operating computers and applicable software applications. Good verbal communication skills. Excellent customer service skills.

Training and Experience:
High school education; one to two years of clerical or record keeping experience; experience working with the public highly desirable; or any equivalent combination of education and experience.

Licenses; Certificates; Special Requirements:
Current license as a Notary Public issued by the State of New York is preferred, but not required.

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
The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Lifts/moves objects weighing up to 10 pounds. Types on a keyboard at a moderate speed. Communicates verbally and in writing. Manually operates all office equipment and machines.

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 under intensive deadlines and with constant interruptions; and interact with Town staff, elected officials, other public and private organizations, the media and the public.

WORK ENVIRONMENT

Work is performed under typical office conditions; the noise level is moderate. Operates a computer, printers, facsimile machine, copier, calculator, typewriter, and other standard office equipment. Makes frequent contact with other town departments, real estate agents, developers, attorneys, and appraisers; makes constant contacts with the general public. Contacts are in person, in writing, and by telephone; contacts consist of an informational exchange dialogue. Has access to limited department-related confidential information including personal information about citizens. Errors could result in delay, reduced levels of department services, and have possible legal and financial repercussions.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Clerk (Part-time) 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: Competitive
Adopted: September 23, 2015
Revised:

JOB DESCRIPTION
Code Enforcement Officer

GENERAL PURPOSE

The purpose of this position is to, under general supervision, perform a variety of technical duties in support of the Town's local code enforcement program; monitor and enforce a variety of applicable ordinances, codes, and regulations related to zoning, land use, nuisance housing, building codes, health and safety, and other matters of public concern; and serve as a resource and provide information on Town regulations to property owners, residents, businesses, the general public, and other Town departments.

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 assigned tasks, and analyze the facts or circumstances surrounding individual problems.

Supervision Received: Work is performed under the general direction of the Town Supervisor. This position is subject to review and evaluation according to the Town's personnel policy.

Supervision Given: None.

DISTINGUISHING CHARACTERISTICS

The work involves making inspections of building construction and repair within a municipality and enforcing the provisions of local building and zoning laws, and under the general direction of the municipal legislative body or administrative officer, is responsible for enforcing state and municipal standards for the constructions of all buildings and equipment therein, including standards for materials used and for safety and sanitary conditions. The incumbent enforces standards for the condition, occupancy, maintenance, conservation, rehabilitation and renewal of exiting building structures and premises and for the safeguarding of life and property therein and thereabout from the hazards of

fire, explosion or release of toxic gases arising from the storage, handling or use of combustible or hazardous substances, materials or devices; 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.

Duties include: Reviews, checks and passes on plans and specifications submitted with building permit applications for compliance with building code, the zoning ordinance and applicable laws prior to issuing permits; Inspects buildings and structures in the process of construction or repair for compliance with approved plans and specifications of all requirements of applicable ordinances and laws, including New York State Uniform Fire Prevention and Building Code; Issues building permits and furnishes the prescribed certificates of occupancy upon application; Explains the requirements of the local building code, local zoning ordinances and the New York State Uniform Fire Prevention and Building Code law and other applicable laws to building contractors and to the general public; Provides for removal of illegal or unsafe conditions and secures the necessary safeguards during construction; Orders unsafe conditions in existing structures to be removed and arranges for condemnation notices to owners and builders of improper or hazardous structures; Inspects existing buildings and structures to insure their conformity with safety standards and elimination of fire hazards; Investigates complaints and assists in prosecuting violations of the building and fire prevention code and zoning ordinances; Prepares reports and keeps related records; Attend meetings and serve as a resource to other Town departments, the general public, and outside agencies in the enforcement of zoning regulations; provide research and documentation for meetings; interpret and explain municipal codes and ordinances to members of the general public, contractors, business owners, and other interested groups in the field, over the counter, and on the telephone; Operate computer to enter, process, and acquire data relative to complaints, inspection sites, and effective code enforcement; Locate vacant residences and businesses; secure buildings with proper materials as necessary; post the property as necessary; check vacant buildings regularly for transient activity, graffiti, and other forms of vandalism; May assist in researching, drafting, and rewriting municipal codes; participate in the development of forms and processes utilized to address various issues; Perform related duties as required.

OTHER DUTIES

Provides backup support to the Zoning Department.

DESIRED MINIMUM QUALIFICATION

Knowledge of:
Operations, services, and activities of a municipal code compliance program; Pertinent codes, ordinances, laws, and regulations pertaining to zoning, nuisance abatement, property maintenance, building, health and safety, and related areas; Procedures involved in the enforcement of codes and regulations including methods and techniques of conducting and documenting field investigations; Town services and organizational structure as they relate to code compliance; Legal actions applicable to code enforcement compliance; Effective public relations practices; Principles and procedures of record keeping; Methods and techniques of business correspondence and technical report preparation; Modern office procedures, methods, and equipment including computers and supporting word processing and spreadsheet applications; Occupational hazards and standard safety practices; Geographic features and locations within the area served.

Ability to:
Independently perform a full range of municipal code enforcement and compliance duties; Interpret and apply applicable codes, ordinances, and regulations related to zoning, nuisance abatement, and health and safety issues; Inspect and identify violations of applicable codes and ordinances. Enforce pertinent codes, ordinances, laws, and regulations with impartiality and efficiency; Respond to inquiries, complaints, and requests for service in a fair, tactful, and firm manner; Investigate complaints and mediate resolutions in a timely and tactful manner; Prepare accurate and detailed documentation of investigation findings; Maintain complex logs, records, and files; Research, compile, and collect data; Prepare clear and concise technical reports; Make oral presentations and testify in court; Work independently in the absence of supervision; Read and interpret legal documents and descriptions; Understand and follow oral and written instructions; Type and enter data accurately at a speed necessary for successful job performance; Communicate clearly and concisely, both orally and in writing; Establish and maintain effective working relationships with those contacted in the course of work.

Training and Experience:
Minimum Qualifications include—
(a) Graduation from a regionally accredited or New York State registered two (2) or four (4) year college or university with an Associate's degree in engineering, construction, fire protection, architectural technology, or related field; or:

(b) Graduation from high school or possession of a high school equivalency diploma and two (2) years of experience in the building trades, engineering, architecture, building inspection, public health inspection, fire fighting or fire inspection; or:

(c) An equivalent combination of training and experience as defined by the limits of (a)and (b).

Licenses; Certificates; Special Requirements:
Possession of an appropriate, valid driver's license. Required under Section 159-A, New York State Executive Law: 434.5 Certification of Code Enforcement Personnel.

(a) The New York State Fire Administrator shall certify code enforcement personnel as having successfully completed one or more of the training programs set forth in this Part as follows:

Probationary and non-permanent code enforcement personnel scheduled to perform code enforcement duties an average of more than 20 hours per week shall successfully complete a certified basic training program within 18 months of initial appointment.

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
Indoor and outdoor environments; work alone; travel from site to site; incumbents may be exposed to noise, dust, inclement weather conditions, and potentially hostile environments. Primary functions require sufficient physical ability and mobility to work in an office and field environment; to stand, stoop, reach, bend, kneel, squat, climb ladders, and walk on uneven terrain, loose soil, and sloped surfaces; to lift and/or carry light weights; to operate office equipment requiring repetitive hand movement and fine coordination including use of a computer keyboard; ability to operate a vehicle to travel to various locations; and to verbally communicate to exchange information.

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 under intensive deadlines and with constant interruptions; and interact with Town staff, elected officials, other public and private organizations, the media and the public.

WORK ENVIRONMENT

Work is performed under typical office conditions; the noise level is moderate. Operates a computer, printers, facsimile machine, copier, calculator, typewriter, and other standard office equipment. Makes frequent contact with other town departments, contractors, developers; makes constant contacts with the general public. Contacts are in person, in writing, and by telephone; contacts consist of an informational exchange dialogue. Has access to limited department-related confidential information including personal information about citizens. Errors could result in delay, reduced levels of department services, and have possible legal and financial repercussions.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Code Enforcement 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, Non-Competitive
Adopted: September 23, 2015
Revised:

JOB DESCRIPTION
Court Clerk - PT

GENERAL PURPOSE

The purpose of this position is to, under the supervision of the Town Justice(s) and Town Supervisor, perform a variety of clerical duties in support of the Town's Justice Court.

SUPERVISION

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

Supervision Received: Work is performed under the direct supervision of the Town Justice(s) and Town Supervisor. This position is subject to review and evaluation according to the Town's personnel policy.

Supervision Given: None.

DISTINGUISHING CHARACTERISTICS

The duties of this position is to direct and prepare the Criminal, Traffic, administrative and financial procedures following the requirements mandated by the Unified Court System, the Uniform Justice Court Act and the Court Administration System of New York State. A Court Clerk works under the supervision of the Town Justices and Town Supervisor.

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:

1. Maintain confidentiality of records and information when required to do so
2. Prepare court calendar (within make sure all cases are set to go for court night)
3. Collect monies, reconcile daily receipts, deposit receipts, and prepare reports for monthly disbursements, reconcile bank accounts, and prepare administrative reports
4. Enter convictions on drivers' licenses and prepare conviction reports electronically transmitted to the Department of Motor Vehicles
5. Enter criminal conviction on NCJC reports and electronically send same to Division of Criminal Justice Services
6. Respond to inquiries - in person, by phone, by e-mail and by mail - and provide assistance to lawyers, litigants, media, and members of the public
7. Prepare monthly reports that are electronically sent to the Office of the State Comptroller
8. Prepare orders, summonses, warrants and other court forms
9. Communicate with outside agencies in order to coordinate the Court's activities and provide services to litigants. Such agencies include:
    - Law enforcement agencies, such as local police departments, New York State Police, Sheriff's office, FBI, CIA, US Armed Forces, and the Office of the District Attorney;
    - Other courts, including superior courts and other local town, village and county courts; and
    - Miscellaneous county agencies, such as Community Service, Community Dispute Resolution Center, Pre-trial Release, Probation, Stop DWI program, Victim Impact Panel, and Youth Court.
    - State agencies that require periodic reporting, including the New York State Unified Court System, the Department of Motor Vehicles, the Office of the State Comptroller, the Division of Criminal Justice Services, and the Office of Court Record Retention.
10. Examine court documents to ensure their accuracy and completeness
11. Receive and file summonses, traffic tickets and other documents for court proceedings
12. Assist the Justice(s) at the bench during all Court proceedings

OTHER DUTIES

Performs other duties as apparent or as delegated.

DESIRED MINIMUM QUALIFICATION

Knowledge of:

1. The functions and organization of the Unified Court System
2. Basic legal terminology, codes and abbreviations
3. Court forms, practices and procedures, including those set forth in the Uniform Justice Act and the Uniform Civil Rules for the Justice Courts

Ability to:

1. Prepare judicial orders and decisions
2. Effectively communicate information orally and in writing
3. File and retrieve materials, extract data from various sources for entry onto
1. court forms
4. Research and interpret laws outlined in court documents and litigants' motions and other papers
5. Perform mathematical tasks in order to compile court activity reports, total receipts, accept payments, and verify bills
6. Refer to appropriate documents, statutes, citations or other sources in order to respond to specific questions from attorneys, litigants, and members of the general public
7. Interpret policies, statutes, rules and regulations and apply them in specific contexts
8. Establish work priorities
9. Establish organizational skills
10. Establish telephone etiquette
11. Constructively manage conflict with court users
12. And most of all the most highest regards to confidentiality

Training and Experience:

Minimum Qualifications include—

(a) Graduation from senior high school or possession of a New York State high school equivalency diploma **AND** one year of satisfactory administrative experience; **OR**

(b) Any equivalent combination of training and experience.

Licenses; Certificates; Special Requirements:

None.

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 under intensive deadlines and with constant interruptions; and interact with Town staff, elected officials, other public and private organizations, the media and the public.

WORK ENVIRONMENT

Work is performed under typical office conditions; the noise level is moderate. Operates a computer, printers, facsimile machine, copier, calculator, typewriter, and other standard office equipment. Makes frequent contact with other town departments, contractors, developers; makes constant contacts with the general public. Contacts are in person, in writing, and by telephone; contacts consist of an informational exchange dialogue. Has access to limited department-related confidential information including personal information about citizens. Errors could result in delay, reduced levels of department services, and have possible legal and financial repercussions.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Assistant Zoning Enforcement 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: Non-Competitive
Adopted: September 23, 2015
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 Town Supervisor.

Supervision Given: None.

DISTINGUISHING CHARACTERISTICS

The position of Town Board member 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 administrative offices, 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.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee 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 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.*

Jurisdictional Class: Elected, Non-Competitive
Adopted: September 23, 2015
Revised:

JOB DESCRIPTION
Highway Superintendent

GENERAL PURPOSE

The purpose of this position is to perform supervisory and administrative work in planning, organizing, directing, and supervising the Highway Department, as well as functioning as a lead (non-administrative) worker; all other related work as required. The Superintendent is responsible for maintaining and improving upon the efficiency and effectiveness of all areas under his/her direction and control.

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 Town Board, independently formulating decisions regarding policies, procedures, operations and department plans, and assuming responsibility for department results. Works according to established department and town policies and procedures, standards, special directives, instructions and intent. The position is subject to review and evaluation according to the Town's personnel policies.

Supervision Given: Has supervisory responsibility directly and through subordinates for all department part-time and full-time employees. Recommends hiring of staff, provides daily direction to the department, prepares employee performance evaluations, and counsels and disciplines staff consistent with town policies.

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.

Plans, directs and budgets the activities of the Highway Department; Prepares departmental operating and capital budgets; coordinates efforts with the Town Supervisor and other town boards/committees; Administers and approves of all highway expenditures, including payroll, accounts payables, and contracts for outside services; Supervises the overall administration and direction of highway operations, including the maintenance and repair of roads and related facilities; the maintenance of vehicles and equipment; limited tree maintenance; snow and ice removal; and roadside brush removal; Seeks state and federal grants; Develops work schedule and assignments for all department employees; establishes a time frame for projects and ensures timely completion of tasks and projects; reviews the quality of work performed and ensures that work complies with standards; Plans the utilization of staff and equipment in accordance with work schedules; orders materials and supplies; Manages all road construction projects; Manages road construction contracts; works closely with contractors to assure the proper fulfillment of the contract; Represents the department at a variety of different meetings both within and outside of the town system; Responds to complaints, concerns, and questions from the public and other town departments; Performs equipment operation as necessary. Performs limited duties of mechanic as necessary; Attends seminars on a variety of department-related subjects; Regular attendance and punctuality at the workplace is required; Performs similar or related work as required, directed or as situation dictates.

OTHER DUTIES
Provides support to the other departments, when requested.

DESIRED MINIMUM QUALIFICATION

Knowledge of:
Comprehensive technical and practical knowledge of the materials, methods and techniques relative to highway projects and issues. Knowledge of the laws, rules, and regulations relating road projects including design selection, contract bidding, awards, and management. Thorough knowledge of highway department financing and administration. Knowledge of snow and ice control techniques and practices.

Ability to:
Ability to plan, assign and supervise the work of employees engaged in a variety of road construction and maintenance operations, including route set-ups for plowing and sanding operations. Ability to establish and maintain effective and harmonious working relationships with town officials and departments, state/federal agencies and the general public. Ability to communicate effectively in written and oral form. Ability to prepare and administer budgets, prepares financial reports, and prepares grants.

Training and Experience:

High school education or G.E.D. and seven to ten years of responsible work experience in the management and operations roads, snow removal, and administration; experience including supervisory and budgetary; or any equivalent combination of education and experience.

Licenses; Certificates; Special Requirements:
Possession of a valid C.D.L. Class B.

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
Spends the majority of the day standing and/or walking. Occasionally lifts and/or moves objects weighing up to 100 pounds such as tools, equipment, supplies, etc. Must be able to access all levels of a construction site, traverse uneven terrain, climb a ladder, and enter and exit from vehicles. Manually operates all department vehicles, tools and equipment as well as office equipment.

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 under intensive deadlines and with constant interruptions; and interact with Town staff, elected officials, other public and private organizations, the media and the public.

WORK ENVIRONMENT

Majority of work is performed outdoors, subject to variable weather conditions and the hazards associated with construction sites and public works projects. Administrative work is performed under typical office conditions. Frequently required to work outside of normal business hours; may be required to work on weekends. May be contacted at home at any time to respond to important situations and emergencies. Regularly operates light and heavy trucks/ automobiles, heavy equipment, pneumatic/power/hand tools, computer and other standard office machines. Makes frequent contacts with the general public, other town departments/boards/committees, regional and state governmental agencies, vendors, and contractors. Contacts require a high level of persuasiveness and resourcefulness to influence the behavior of others. Contacts are in person, in writing, and by telephone and require discussing managerial, administrative, and technical matters. Has access to all department-oriented confidential information including personnel records, and bid proposals. Errors in judgment and administration may have far-reaching effects on the town's ability to deliver services and may result in lower standards of service, sub-standard construction and inadequate maintenance programs with consequent danger to public safety; errors in supervisory and financial decisions could have legal and financial repercussions.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Highway 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: Competitive or Appointed Depending on Hours
Adopted: September 23, 2015
Revised:

JOB DESCRIPTION
Clerk – Highway Department

GENERAL PURPOSE

The purpose of this position is to perform a variety of secretarial, clerical, and semi-technical tasks and support for the Highway Department.

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 assigned tasks, and analyze the facts or circumstances surrounding individual problems.

Supervision Received: Work is performed under the direct supervision of the Highway Superintendent. This position is subject to review and evaluation according to the Town's personnel policy.

Supervision Given: None.

DISTINGUISHING CHARACTERISTICS

An incumbent in this class assists the Highway Superintendent in carrying out the functions of that office. Duties require high attention to detail and meeting of stringent legal and procedural deadlines. Highway Clerk is distinguished from other administrative positions by the incumbent's need to know and apply in-depth knowledge of legal requirements, processes and procedures necessary to support the functions and operations of the Highway Department.

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: Screens and routes telephone calls, receives and relays messages, provides information regarding the Highway Department activities, events, goals and services; Provides written bulletins and other related information, as requested by the public; Relays information and instructions to and from Town employees via telephone or two-way radio; Types from instructions, rough drafts and dictation, a variety of documents, reports, correspondence, forms, lists, etc.; Assists in recording and entering the daily time cards and equipment hours worked for the Highway Department staff onto data entry sheets; Submits to the Payroll for review; Assists in preparing and entering vendor vouchers for payment; Processes inventory slips and purchases for inventory used by the Highway Department; Filing and photocopying as needed; Assists in compiling Annual Report for Highway Department; Sorts and files documents and reference materials; Prepares outgoing mail.

OTHER DUTIES

Provides backup support to the other office administrative staff, when requested.

DESIRED MINIMUM QUALIFICATION

Knowledge of:

Working knowledge of standard bookkeeping principles, procedures, records and forms. Thorough knowledge of office procedures, practices and terminology. General knowledge of local government and its operations helpful.

Ability to:

Ability to explain state and local procedures and regulations concerning assessments, and exemptions. Ability to handle inquiries and/or complaints tactfully and effectively. Ability to communicate effectively in written and verbal form. Ability to establish and maintain complex record keeping systems. Skill in operating computers and applicable software applications. Good verbal communication skills. Excellent customer service skills.

Training and Experience:

High school education; one to two years of clerical or record keeping experience; experience working with the public highly desirable; or any equivalent combination of education and experience.

Licenses; Certificates; Special Requirements:

Current license as a Notary Public issued by the State of New York is preferred, but not required.

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

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Lifts/moves objects weighing up to 10 pounds. Types on a keyboard at a moderate speed. Communicates verbally and in writing. Manually operates all office equipment and machines.

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 under intensive deadlines and with constant interruptions; and interact with Town staff, elected officials, other public and private organizations, the media and the public.

WORK ENVIRONMENT

Work is performed under typical office conditions; the noise level is moderate. Operates a computer, printers, facsimile machine, copier, calculator, typewriter, and other standard office equipment. Makes frequent contact with other town departments, real estate agents, developers, attorneys, and appraisers; makes constant contacts with the general public. Contacts are in person, in writing, and by telephone; contacts consist of an informational exchange dialogue. Has access to limited department-related confidential information including personal information about citizens. Errors could result in delay, reduced levels of department services, and have possible legal and financial repercussions.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Highway 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: Competitive, Labor Class
Adopted: September 23, 2015
Revised:

JOB DESCRIPTION
Laborer: Motor Vehicle Operator (MEO)

GENERAL PURPOSE

Under general direction, performs manual work involving responsibility for the safe and efficient operation of various types of motor equipment related duties as assigned.

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 assigned tasks, and analyze the facts or circumstances surrounding individual problems.

Supervision Received: Work is performed under the general direction of the Highway Superintendent. This position is subject to review and evaluation according to the Town's personnel policy.

Supervision Given: None.

DISTINGUISHING CHARACTERISTICS

An incumbent in this class assists the Highway Superintendent in carrying out all functions of that department. Duties require high attention to detail.

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.

Operates single and double axel trucks in connection with the transportation of stone, gravel, and supplies related to highway maintenance and other public works projects; Operates a snow plow or other type truck mounted snow removal equipment; Operates rollers, tractors, bucket loaders, sweepers, pavement strippers, fork lift, compressor, small loader and hi lift as required; Operates utility tractor or other motorized utility unit with attached mower, power broom, post driver, back hoe and loader; Performs minor mechanical repairs or servicing of automotive equipment; May, on assignment, operate bulldozer, excavator, grader, or other type heavy motorized or automotive equipment; Services assigned equipment and maintains it in operating condition; Loads and unloads trucks; Performs a variety of manual tasks such as cutting trees, road patching, cleaning culverts, bridge scraping, and snow shoveling when not operating equipment; Performs manual tasks related to motor equipment operations, such as gassing or loading vehicles; Performs simple vehicle upkeep including lubrication and maintenance of equipment fluid levels; Performs recurring manual duties related to operation of the equipment; Other duties as assigned.

OTHER DUTIES

Provides backup support to other Town departments when requested.

DESIRED MINIMUM QUALIFICATION

Knowledge of:

Good knowledge of the operation of tractors, trucks, and other automotive equipment; Good knowledge of the geography of the area.

Ability to:

Ability to understand and follow simple oral and written directions; Mechanical aptitude.

Training and Experience:

High school diploma or general education degree (GED) and one year of responsible experience in the operation of trucks and other motor equipment used in construction.

Licenses; Certificates; Special Requirements:

Valid NYS Driver's License. Possession of a valid CDL is preferred, but not required.

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

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. While performing the duties of this job, tasks involves the regular, and at times sustained, performance of heavier physical tasks such as walking over rough or uneven surfaces, bending, stooping, working in confined spaces, and lifting or carrying moderately heavy (20-50 lbs.) items and occasionally very heavy (100 lbs. or over) items; or may involve the complex operation of gasoline, electric, or diesel-powered machinery or shop equipment requiring the manipulation of multiple controls, fine adjustments or both; or the sustained operation, on a production basis, of such devices as offset presses with associated equipment.

Mental Demands

While performing the duties of this class, an employee is regularly required to use written and oral communication skills; analyze and solve problems; perform concurrent tasks; work under intensive deadlines and with constant interruptions; and interact with Town staff, elected officials, other public and private organizations, the media and the public.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. While performing the duties of this job, the employee is regularly exposed to outside weather conditions. The employee is frequently exposed to moving mechanical parts. The employee is occasionally exposed to fumes or airborne particles, toxic or caustic chemicals, extreme cold, extreme heat, risk of electrical shock, and vibration. The noise level in the work environment is usually moderate to loud.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Laborer: 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: Seasonal, Non-Competitive
Adopted: September 23, 2015
Revised:

JOB DESCRIPTION
Lifeguard

GENERAL PURPOSE

This position involves the responsibility for the life and protection of persons swimming or otherwise using the recreational facilities of the Cerow Recreation Park Pool.

SUPERVISION

Supervision Scope: Performs varied and responsible duties requiring a thorough working knowledge of water-safety 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 direct supervision of the Superintendent of Buildings and Grounds.

Supervision Given: The Pool Director and Head Guards are responsible for overseeing the work of the other lifeguards.

DISTINGUISHING CHARACTERISTICS

Incumbent may be required to rescue persons experiencing difficulties in the water arid administer life-saving techniques. Incumbent may also be required to administer simple first aid when necessary.

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:

1. Patrols pool area during operating hours;
2. Responds to pool facility emergencies;
3. Enforces pool regulations;
4. Keeps pool free of debris;
5. Assists in cleaning pool and bathroom areas prior to, during and after operating hours;
6. Assists in giving first aid;
7. Collect fees;
7. May instruct beginners in swimming.

OTHER DUTIES

Conducts other buildings and ground duties, when requested by Superintendent of Buildings and Grounds.

DESIRED MINIMUM QUALIFICATION

Knowledge of:

Good knowledge of the principles and practices of water safety, artificial respiration and emergency first aid.

Ability to:

Ability to swim well; Ability to operate water safety equipment; Ability to understand and carry out oral and written directions; Ability to function well under stress.

Training and Experience:

Must meet requirements of Part 6 of the New York State Sanitary Code: Candidates must possess a current American Red Cross (ARC) Basic Life Support for the Professional Rescuer; cardiopulmonary resuscitation (CPR).

Licenses; Certificates; Special Requirements:

Candidates must be at least 17 years of age, (except for a maximum of 20 percent of the required total number of lifeguards on duty who may be at least 16 years of age). WSI certification a plus, but not required.

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 run, swim, paddle and walk long distances; stand and sit for long periods; climb or balance; stoop, kneel, bend, crouch or crawl; reach with hands and arms; talk and hear both in person from close and long distances and by phone or radio; use hands to finger, handle, feel or operate lifesaving equipment; and drive a vehicle. The employee regularly lifts, pushes or pulls persons or equipment over 100 pounds.

Specific vision requirements of this job include close vision, distance vision, use of both eyes, ability to distinguish basic colors and shades; depth perception, peripheral vision and ability to adjust focus.

Mental Demands

While performing the duties of this class, the employee is regularly required to use written and oral communication skills; observe and interpret people and situations; analyze and solve problems; perform work on multiple, concurrent tasks with constant interruptions; work under intensive pressure and deadlines; interact with the public, management and representatives of other governmental agencies and deal with distressed, dissatisfied or abusive individuals.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this class. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The employee regularly works under outdoor weather conditions, is routinely exposed to the sun, may be exposed to extreme heat or cold; works on uneven and/or slippery surfaces and is periodically exposed to hazardous conditions/situations.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Lifeguard 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: Elected, Non-Competitive
Adopted: September 23, 2015
Revised:

JOB DESCRIPTION
Town Board Member

GENERAL PURPOSE

To identify and discuss issues impacting the Town of Clayton, receive and consider public input, make appropriate decisions in a manner which encourages full and open discussion, and exercise all the powers that State Statutes and Town Ordinances empower to the Town and Council Members to lawfully govern the community.

SUPERVISION

Supervision Scope: Performs varied and responsible duties requiring a thorough working knowledge of governmental 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 General Public.

Supervision Given: Responsible for the general supervision of all employees and appointed and elected officials of the Town of Clayton.

DISTINGUISHING CHARACTERISTICS

The position of Town Board member is distinguished from other positions by the incumbent's need to know and apply in-depth knowledge of legal requirements, processes and procedures necessary to support the functions and operations of Town business.

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.

1. Regularly and thoroughly prepares for each Town Board Meeting.

- Reads and reviews agenda materials supplied.
- Becomes familiar with the Town Comprehensive Plans, Town Budget, Capital Improvement Plan (CIP), Town Policies, and other Town documents that impact Town policy.
- Conducts site visits as appropriate.
- Solicits and receives input from affected parties and the general public.
- Contacts affected parties to solicit input.
- Participates meaningfully in consideration of agenda items.
- Participates in discussion of issues, including requesting additional data and/or considering various personal perspective: both from a Board Members/Supervisor personal perspective, as well as the town-wide perspective and proposals before the Board.
- Actively listens to ensure a complete appreciation of each proposal and the respective positions of the petitioner, affected parties (businesses, residents, etc.), and the Town staff.
- Responds to constituent requests for information or assistance with problem resolution.
- Acts as liaison between the Town and the general public.

2. Participates in committees or task forces to provide information for Town Board consideration.

- Assumes responsibility for accomplishing necessary research either by talking to appropriate individuals or requesting that the staff undertakes appropriate research.
- Assumes a constructive and active role in the output of the task force.

3. Establishes and modifies goals and objectives for the Town.

- Sets administrative policies.
- Establishes public policy for the Town.
- Ensures the enforcement of Town ordinances.

4. Reviews and approves an annual budget and tax levy.

5. Reviews and approves a capital improvements program for the Town.

- Views the long-range perspectives of the Town.
- Formulates the policies to solve future issues and adjust to social and economic trends.

6. Serves as Board Liaison to other Town boards and outside agencies serving Clayton.

- Creates advisory boards, commissions and task forces.
- Conducts Town business with state and federal agencies
- Participates in intergovernmental programs.
- Participates in civic events providing leadership and promoting new ideas and new programs to improve the community and its surrounding area.

7. Sets and Interprets Rules Governing its Own Proceedings.

- Preserves order at Town Board meetings.
- Establishes rules of procedure.
- Encourages attendance of members at meetings and addresses non-attendance.
- Identifies actual or potential conflicts of interest occurs and abstains from the related votes.

OTHER DUTIES

Provides support to the Department Heads, when requested.

DESIRED MINIMUM QUALIFICATION

Knowledge of:

General knowledge of local government and its operations helpful.

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:

1. Elected by Town of Clayton residents.
2. Must meet the State Requirements for Holding Office:
    - Eligible to vote in New York;
    - Have not filed for the same or any other office at the upcoming
    - primary or election;
    - Will be 21 years of age or more at time of assuming office;
    - U.S. citizen;
    - Residents of the city for at least 30 days prior to the election.

Attendance:

1. Bi-Monthly Attendance of Meetings is required with an approximate per month time commitment consisting of 5-10 hours.

- Expected to attend all regularly scheduled and special council meetings each month.
- If appointed serves as Deputy Supervisor and serves as leader of meetings in absence of Town Supervisor.
- Serves as liaison to one or more committee as appointed.
- Expected to attend community events as possible.

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 under intensive deadlines and with constant interruptions; and interact with Town staff, elected officials, other public and private organizations, the media and the public.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee 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 Town Board 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: Elected, Non-Competitive
Adopted: September 23, 2015
Revised:

JOB DESCRIPTION
Town Clerk

GENERAL PURPOSE

This is a major administrative position responsible for planning, supervising and directing the operation of the Town Clerk Department.

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 assigned tasks, and analyze the facts or circumstances surrounding individual problems.

Supervision Received: Work is performed under the general direction of the Town Board. This position is subject to review and evaluation according to the Town's personnel policy.

Supervision Given: Responsible for supervision of the Deputy Town Clerk.

DISTINGUISHING CHARACTERISTICS

Duties require high attention to detail and meeting of stringent legal and procedural deadlines. Town Clerk is distinguished from other administrative positions by the incumbent's need to know and apply in-depth knowledge of legal requirements, processes and procedures necessary to support the functions and operations of Town business.

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.

Work is performed in accordance with the policies of the Town Board and requires considerable exercise of independent judgment especially as it relates to the administration of Town Law, General Municipal Law, Public Officers Law, Real Property Tax Law, and Town of Clayton local laws and ordinances. Town 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 Town Board may determine, not inconsistent with the law. The Town Clerk is a Town Officer and is appointed by the Town Board for a four (4) year term commencing the first day of January next succeeding the next Town election. Attendance at a number of meetings, including evenings, is required. The Town Clerk is authorized to appoint and terminate staff of the department, and prepares and monitors the department budget and Town Clerk checking account.

Specific tasks include, but are not limited to the following:
Is the custodian of all Town records when appointed the Records Management Officer by the Town Board, and is the Freedom of Information Officer; Attends all Town Board meetings and some other meetings when there is a quorum of the Town Board; Oversees the transcription of accurate minutes of the Town Board, Planning Board and Zoning Board of Appeals; Maintains a bulletin board of notices relating to resolutions, ordinances, local laws, public hearing and referenda; Provides professional assistance to citizens and community organizations on matters pertaining to duties and policies of the Town; Provides assistance to any and all Town of Clayton boards, committees and officials; Provides leadership in maintaining good and effective public relations; Provides leadership of the records management program; Oversees the advertisements of legal notices for the Town; Issues licenses or permits under Town Ordinances or Local Laws; Maintains a record of all ordinances and local laws passed by the Town Board; Issues Licenses and Permits under State Laws; Issues Environmental Conservation Law Licenses; Issues Marriage and Dog Licenses; Provides notification of Vacancies of Office; Assigns, reviews and evaluates the work of department staff, including appointing and terminating staff; Performs statutory duties related to fiscal functions; Collects permit fees and other miscellaneous fees payable to the town; Acts as the Receiver of Taxes in the collection of Town and County taxes; Makes tax searches for attorneys and property owners; Composes routine correspondences and answers information requests; Performs a variety of clerical tasks including coordinating conference room scheduling.

OTHER DUTIES
Administers the Town's voice mail and telephone systems.

Provides backup support to the other office administrative staff, when requested.

DESIRED MINIMUM QUALIFICATION

Knowledge of:
Policies, procedures and requirements governing the actions of an elected Town Board and the general functions of a municipal government; Municipal Code provisions related to the operations of the Town Clerk's function; rules and procedures governing the notice and conduct of public hearings; the Brown Act and the Public Records Act; standard office administrative practices and procedures; principles, practices, methods and techniques applicable to administering a Town-wide records management program; bid advertising and opening procedures; and methods and techniques for administering of the telephone and voice mail systems; Excellent administrative and supervisory skills; therefore, the ability to plan and supervise the work of others; Working knowledge of personal computers and applicable software; Working knowledge of electronic records management and indexing.

Ability to:
Operate a personal computer, standard office equipment, fax machine and telephone and voice mail systems; organize work, set priorities, meet critical deadlines and follow up on work assignments with a minimum of supervision; meet critical deadlines while maintaining sufficient flexibility to meet other office needs; prepare clear, concise and complete meeting documentation and other written correspondence and reports; establish and maintain effective working relationships with Town staff, elected officials, other public and private organizations, the media and the public; exercise tact and diplomacy in interpersonal dealings which are difficult, highly sensitive and confidential; Ability to establish and maintain productive working relationships with others including residents, other Town 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 apply governmental budgetary principles and practices in preparing the department's operating budget; Ability to compose correspondences and reports and maintain records; Ability to maintain confidentiality; Shows a commitment to continued professional development.

Training and Experience:

(a) Graduation from a regionally accredited or New York State registered four year college with a Bachelor's degree in public 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 administration or business administration, two years of which must have been in a supervisory capacity; **OR**

(b) Graduation from a regionally accredited or New York State registered two year college with an Associate's degree in public administration or business administration or related field **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) 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 six (6) 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**

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

Licenses; Certificates; Special Requirements:
Election to position by vote of the public; Notary Public license required within 6 months of appointment.

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 under intensive deadlines and with constant interruptions; and interact with Town staff, elected officials, other public and private organizations, the media and the public.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

An employee is this class works under typical office conditions, and the noise level is usually quiet.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Town 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: September 23, 2015
Revised:

JOB DESCRIPTION
Deputy Town Clerk

GENERAL PURPOSE

Under general direction, assists the Town Clerk in carrying out the programs and activities of the Town Clerk function and serves as acting Town Clerk in the Town Clerk's absence and performs related duties as assigned.

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 assigned tasks, and analyze the facts or circumstances surrounding individual problems.

Supervision Received: Work is performed under the general direction of the Town Clerk. This position is subject to review and evaluation according to the Town's personnel policy.

Supervision Given: None.

DISTINGUISHING CHARACTERISTICS

An incumbent in this class assists the Town Clerk in carrying out all functions of that office. Duties require high attention to detail and meeting of stringent legal and procedural deadlines. Deputy Town Clerk is distinguished from other administrative positions by the incumbent's need to know and apply in-depth knowledge of legal requirements, processes and procedures necessary to support the functions and operations of Town business.

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 sales of trash bags; licensing of dogs, marriage licenses, sale of DECALS (hunting and fishing licenses); collection of taxes; retrieval of archived requested FOIL (Freedom of Information Law) inquiries; researches birth, death and marriage licenses and issues certified copies as Deputy Registrar, daily depositing of money, opening of bank statements, monthly billing of dog licenses, inputs accounts payable into Financial Management System, collects mail from post office and distributes to various town departments.

Acts for the Town Clerk in that individual's absence.

OTHER DUTIES

Administers the Town's voice mail and telephone systems; Provides backup support to the Zoning and Planning Boards, Justice Court and other office administrative staff, when requested.

DESIRED MINIMUM QUALIFICATION

Knowledge of:

Policies, procedures and requirements governing the actions of an elected Town Board and the general functions of a municipal government; Municipal Code provisions related to the operations of the Town Clerk's function; rules and procedures governing the notice and conduct of public hearings; the Brown Act and the Public Records Act; standard office administrative practices and procedures; principles, practices, methods and techniques applicable to administering a Town-wide records management program; bid advertising and opening procedures; and methods and techniques for administering of the telephone and voice mail systems.

Ability to:

Operate a personal computer, standard office equipment, fax machine and telephone and voice mail systems; organize work, set priorities, meet critical deadlines and follow up on work assignments with a minimum of supervision; meet critical deadlines while maintaining sufficient flexibility to meet other office needs; prepare clear, concise and complete meeting documentation and other written correspondence and reports; establish and maintain effective working relationships with Town staff, elected officials, other public and private organizations, the media and the public; exercise tact and diplomacy in interpersonal dealings which are difficult, highly sensitive and confidential.

Training and Experience:
A typical way of obtaining the knowledge, skills and abilities outlined above is graduation from high school or a G.E.D. equivalent; and five years of progressively responsible administrative experience involving the development and maintenance of detailed and complex records, the meeting of critical deadlines; or an equivalent combination of training and experience.

Licenses; Certificates; Special Requirements:
Current license as a Notary Public issued by the State of New York is preferred, but not required.

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 under intensive deadlines and with constant interruptions; and interact with Town staff, elected officials, other public and private organizations, the media and the public.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

An employee is this class works under typical office conditions, and the noise level is usually quiet.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Deputy Town 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: Elected, Non-Competitive
Adopted: September 23, 2015
Revised:

JOB DESCRIPTION
Town Supervisor

GENERAL PURPOSE

The Town Supervisor shall have general supervision of the affairs of the Town, is the administrative head of all departments of Town government and shall be responsible for the efficient administration thereof.

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 Town's services to meet community needs.

Supervision Received: Works in cooperation with the administrative direction of the Town Board.

Supervision Given: Has supervisory responsibility directly and through subordinates for all departments. Recommends hiring of staff, provides daily direction to the departments.

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.

The Town Supervisor shall have authority and have the duty: To cause duties required of the Town, not committed to the care of any particular officer, to be duly performed and executed; To perform all duties now conferred by law upon the Town Supervisor; To work within the Personnel and Financial Policies of the Town Board; Recruits, hires, evaluates, directs, and, if necessary, disciplines and fires Town employees, except in the case of the Town Clerk's Office and Highway Department; Carries out work program of the Town approved by the Town Board; Develops new program directions and needs, identifies resources to accomplish programs, and recommends action to the Town Board; Develops systems and procedures to implement policy decisions of the Town Board and executes its decisions; Prepares a draft Town budget for the Town Board to review, change if it deems necessary and present for approval; Assists the Town Board in negotiations of collective bargaining contracts with bargaining units recognized by the NY Labor Relations Board. Other duties as may be deemed necessary.

OTHER DUTIES

Provides support to the Department Heads.

DESIRED MINIMUM QUALIFICATION

Knowledge of:

Thorough knowledge of municipal management and community problems and potential solutions; Thorough knowledge of municipal, state and federal programs and decision-making processes; Thorough knowledge of financial administration and the design of financial accounting and reporting System; Thorough knowledge of the theory and practice of public personnel administration; Thorough understanding of administrative organization, design, and evaluation; Thorough knowledge of computer programs and systems, including word processing, spreadsheets, databases, networks and email; Knowledge and skill in municipal processes and techniques; Knowledge of collective bargaining and practices; Knowledge of municipal management practices.

Ability to:

Ability to communicate effectively orally and in writing with the Town Board, Town officers and employees, the media and the public; Ability to motivate and engender innovation and assumption of appropriate responsibility and decision-making by staff; Ability to resolve conflict; Ability to be creative and analytical; Ability to direct, supervise and evaluate staff; Ability to react quickly to changing situations that may be physically taxing; Possession of public relations skills and publication knowledge; Ability to motivate Town Board, other Town boards and commissions, community groups, legislators, etc.; Ability to organize and use time effectively, and handle several significant responsibilities simultaneously; Ability to listen to and accept criticism.

Training and Experience:

Recommended at least a Bachelor's Degree in public administration, political science, engineering, business management or other relevant field, and at least three years experience as chief administrative officer in a municipal government; or any equivalent combination of experience and training.

Licenses; Certificates; Special Requirements:
Election to position by vote of the public; Possession of a valid NYS Driver's License.

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 under intensive deadlines and with constant interruptions; and interact with Town staff, elected officials, other public and private organizations, the media and the public.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee 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 Town Supervisor 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: September 23, 2015
Revised:

JOB DESCRIPTION
Clerk to Supervisor

GENERAL PURPOSE

The purpose of this position is, under supervision of the Town Supervisor, to primarily assist the Town Supervisor in the day-to-day administration of the Town. The Clerk to the Supervisor also assists in the administration of the finance and human resources functions, as well as other special projects as assigned by the Supervisor.

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 assigned tasks, and analyze the facts or circumstances surrounding individual problems.

Supervision Received: Work is performed under the general direction of the Town Supervisor. This position is subject to review and evaluation according to the Town's personnel policy.

Supervision Given: Carry out delegated supervisory responsibilities in accordance with the Town's policies and applicable laws.

DISTINGUISHING CHARACTERISTICS

Under general supervision, incumbent is responsible for performing executive secretarial duties for the Town Supervisor, relieving him/her of administrative details. Incumbent also acts as liaison between the Supervisor and the Town Board, with Town officials and personnel, requiring the frequent exercise of independent judgment and discretion.

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:

1. Serve as liaison to Department Heads
2. Attendance at meetings as requested by the Supervisor
3. Prepare documents, reports, etc.
4. Process all contracts and agreements
5. Coordinate with consultants on behalf of Supervisor and conduct relevant research, when requested
6. Oversee maintenance of website
7. Maintain current insurance and maintenance files for buildings, building use, and equipment
8. Coordinate with insurance agent on issues and report to Supervisor and Board
9. Assist with processing enrollments, changes, additions, etc. for Medical, Dental and Life Insurance
10. Answer personnel related questions, i.e.-civil service, benefits, policies
11. Assist in processing civil service paperwork
12. Coordinate training for employees
13. Input bi-weekly attendance for all departments into MCSJ system and manage employee balances
14. Enter bi-weekly payroll
15. Review deposit slips from Clerk's Office and enter cash receipts into the MCSJ system
16. Assist Supervisor in preparation of Town's budget
17. Perform year-beginning and year-end financial functions
18. Perform grant writing and grant administrations tasks for the Town of Clayton and other related organizations, agencies and entities
19. Maintain fixed assets inventory for GASB 34 compliance and GASB 45 compliance
20. Conduct annual internal audits and justice court audits
21. Assist with legal and policy issues
22. Special projects as requested by the Supervisor

OTHER DUTIES
Provides support to the other office administrative staff, when requested.

DESIRED MINIMUM QUALIFICATION

Knowledge of:
Thorough knowledge of town governmental functions and activities; comprehensive knowledge of general business terminology, equipment and procedures; thorough knowledge of business arithmetic and English; ability to handle administrative details independently, including the composition of important letters and memoranda without dictation; ability to take difficult dictation at not less than 80 words per minute and transcribe notes on typewriter at not less than 35 words per minute.

Ability to:
Ability to understand and carry out complex oral and written directions; ability to meet and deal with people effectively; accuracy; resourcefulness; initiative; tact; courtesy; neat personal appearance; physical condition commensurate with the duties of the position.

Training and Experience:
- Grade 12; a post-secondary diploma/degree in public administration, business administration or human resources management is preferred and
- Minimum 5 years secretarial experience at a senior level, preferably as an executive assistant or human resources assistant, and preferably in a local government setting.

Licenses; Certificates; Special Requirements:
Notary Public.

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
The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Lifts/moves objects weighing up to 10 pounds. Types on a keyboard at a moderate speed. Communicates verbally and in writing. Manually operates all office equipment and machines.

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 under intensive deadlines and with constant interruptions; and interact with Town staff, elected officials, other public and private organizations, the media and the public.

WORK ENVIRONMENT

Work is performed under typical office conditions; the noise level is moderate. Operates a computer, printers, facsimile machine, copier, calculator, typewriter, and other standard office equipment. Makes frequent contact with other town departments; makes constant contacts with the general public. Contacts are in person, in writing, and by telephone; contacts consist of an informational exchange dialogue. Has access to confidential information including personal information about citizens. Errors could result in delay, reduced levels of department services, and have possible legal and financial repercussions.

ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Assessor 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: September 23, 2015
Revised:

JOB DESCRIPTION
Zoning Enforcement Officer

GENERAL PURPOSE

The purpose of this position is to, under general supervision, perform a variety of technical duties in support of the Town's local zoning enforcement program and the assurance that new development and ongoing land occupancy conforms to applicable Town regulations regarding land use and zoning, drainage and storm water management, special flood hazard areas and nuisance abatement; monitor and enforce a variety of applicable ordinances, codes, and regulations related to zoning; and serve as a resource and provide information on Town regulations to property owners, residents, businesses, the general public, and other Town departments.

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 assigned tasks, and analyze the facts or circumstances surrounding individual problems.

Supervision Received: Work is performed under the general direction of the Town Supervisor. This position is subject to review and evaluation according to the Town's personnel policy.

Supervision Given: Responsible for supervising the work of the Assistant Zoning Enforcement Officer.

DISTINGUISHING CHARACTERISTICS

The work involves enforcing the provisions of local zoning laws.

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:
Reviews applications for variances, conditional use permits, subdivisions and zoning changes; prepares recommendations to the Planning and Zoning Boards and/or the Town Board consistent with the Town Code; Coordinates assistance on planning and zoning issues with Town Code Enforcement Officer and others as necessary; Initiates enforcement proceedings when code violations occur; prepares letters and/or contacts property owners by phone; refers to Town Attorney if unresolved; Answers general questions regarding legal descriptions, floodplain information, zoning, census, and general community information; Reviews development plans for local zoning requirements with other staff members; Reviews and approve routine sign applications; Maintains all necessary records for day-to-day activities and permanent file; Attends Planning and Zoning, and Town Board meetings as necessary; prepares agenda items pertaining to variance requests and prepares other information as requested by the Town Supervisor or Zoning and Planning Boards; Prepares a variety of correspondence, agendas, reports and updates; Prepares public hearing notices for local paper and prepares articles as directed.

OTHER DUTIES
Performs other duties as apparent or as delegated.

DESIRED MINIMUM QUALIFICATION

Knowledge of:

Considerable knowledge of planning and zoning; Working knowledge of industrial, residential, and commercial property development; Working knowledge of the government processes and services; Knowledge of geographic features and locations within the area served.

Ability to:

Independently perform a full range of municipal zoning enforcement and compliance duties; Interpret and apply applicable codes, ordinances, and regulations related to zoning; Communicate effectively and diplomatically both orally and in writing with state and federal agencies, private businesses, elected officials, potential developers, Town staff, and the general public including formal presentations; Perform mathematical calculations, to analyze data, and to prepare reports; Represent the City and negotiate outcomes desirable to the City; Safely operate a motor vehicle to attend meetings, and visit properties; Ability to work in an environment with a

moderate noise level; operate various types of office equipment including a telephone, adding machine, calculator, copy machine and computer; Considerable ability to see to inspect properties and plans; Working ability to communicate effectively both orally and in writing; Maintain complex logs, records, and files; Research, compile, and collect data; Make oral presentations and testify in court; Work independently in the absence of supervision; Read and interpret legal documents and descriptions; Understand and follow oral and written instructions; Type and enter data accurately at a speed necessary for successful job performance; Communicate clearly and concisely, both orally and in writing; Establish and maintain effective working relationships with those contacted in the course of work.

Training and Experience:
Minimum Qualifications include—

(a) Graduation from a regionally accredited or New York State registered two (2) or four (4) year college or university with an Associate's degree in engineering, construction, fire protection, architectural technology, or related field; or:

(b) Graduation from high school or possession of a high school equivalency diploma and two (2) years of experience in the building trades, engineering, architecture, building inspection, public health inspection, fire fighting or fire inspection; or:

(c) An equivalent combination of training and experience as defined by the limits of (a)and (b).

Licenses; Certificates; Special Requirements:

None.

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
Indoor and outdoor environments; work alone; travel from site to site; incumbents may be exposed to noise, dust, inclement weather conditions, and potentially hostile environments. Primary functions require sufficient physical ability and mobility to work in an office and field environment; to stand, stoop, reach, bend, kneel, squat, climb ladders, and walk on uneven terrain, loose soil, and sloped surfaces; to lift and/or carry light weights; to operate office equipment requiring repetitive hand movement and fine coordination including use of a computer keyboard; ability to operate a vehicle to travel to various locations; and to verbally communicate to exchange information.

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 under intensive deadlines and with constant interruptions; and interact with Town staff, elected officials, other public and private organizations, the media and the public.

WORK ENVIRONMENT
Work is performed under typical office conditions; the noise level is moderate. Operates a computer, printers, facsimile machine, copier, calculator, typewriter, and other standard office equipment. Makes frequent contact with other town departments, contractors, developers; makes constant contacts with the general public. Contacts are in person, in writing, and by telephone; contacts consist of an informational exchange dialogue. Has access to limited department-related confidential information including personal information about citizens. Errors could result in delay, reduced levels of department services, and have possible legal and financial repercussions.

ACKNOWLEDGMENT
I acknowledge that I have read the job description and requirements for the Zoning Enforcement 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, Non-Competitive
Adopted: September 23, 2015
Revised:

JOB DESCRIPTION
Assistant Zoning Enforcement Officer

GENERAL PURPOSE

The purpose of this position is to, under the supervision of the Zoning Enforcement Officer, perform a variety of technical duties in support of the Town's local zoning enforcement program and the assurance that new development and ongoing land occupancy conforms to applicable Town regulations regarding land use and zoning, drainage and storm water management, special flood hazard areas and nuisance abatement; monitor and enforce a variety of applicable ordinances, codes, and regulations related to zoning; and serve as a resource and provide information on Town regulations to property owners, residents, businesses, the general public, and other Town departments.

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 assigned tasks, and analyze the facts or circumstances surrounding individual problems.

Supervision Received: Work is performed under the direct supervision of the Zoning Enforcement Officer. This position is subject to review and evaluation according to the Town's personnel policy.

Supervision Given: None.

DISTINGUISHING CHARACTERISTICS

Under direction of the Zoning Officer, makes inspections of new construction for compliance with local zoning ordinances; does related work as required. This is work involving responsibility for assisting in the administration of local zoning ordinances through inspection of new construction and building use. Work is performed under the general supervision of the Zoning Officer with considerable leeway for the exercise of independent judgment.

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: Examines applications for zoning permits and recommends the issuing of permits which comply with the zoning ordinances; Performs field inspections to ascertain whether new construction is in accordance with local zoning ordinances; Inspects septic tanks and laterals during construction to assure proper installation; Inspects multiple residences to assure compliance local laws and local licensing ordinances; Assists in explaining and interpreting the requirements of the Town zoning law to contractors and the general public; Prepares necessary records and reports.

OTHER DUTIES
Performs other duties as apparent or as delegated.

DESIRED MINIMUM QUALIFICATION

Knowledge of:
Considerable knowledge of planning and zoning; Good knowledge of the local zoning ordinance; some knowledge of methods and procedures of installation of septic tanks and laterals.

Ability to:
Ability to read plans and specifications; ability to establish and maintain cooperative relationships with the public; contractors and public officials; courtesy; firmness; tact; good judgment; good powers of observation; good physical condition.

Training and Experience:
Minimum Qualifications include—

(a) Graduation from senior high school or possession of a New York State high school equivalency diploma **AND** one year of satisfactory experience as a contractor or mechanic in one of the building trades; **OR**

(b) Any equivalent combination of training and experience.

Licenses; Certificates; Special Requirements:
None.

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

Indoor and outdoor environments; work alone; travel from site to site; incumbents may be exposed to noise, dust, inclement weather conditions, and potentially hostile environments. Primary functions require sufficient physical ability and mobility to work in an office and field environment; to stand, stoop, reach, bend, kneel, squat, climb ladders, and walk on uneven terrain, loose soil, and sloped surfaces; to lift and/or carry light weights; to operate office equipment requiring repetitive hand movement and fine coordination including use of a computer keyboard; ability to operate a vehicle to travel to various locations; and to verbally communicate to exchange information.

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 under intensive deadlines and with constant interruptions; and interact with Town staff, elected officials, other public and private organizations, the media and the public.

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ACKNOWLEDGMENT

I acknowledge that I have read the job description and requirements for the Assistant Zoning Enforcement 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.*