

# Hamilton County



# New York

## **EMPLOYEE HANDBOOK**

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# Hamilton County 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 Hamilton County. 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 County in delivering services to the public effectively and efficiently.

Please keep in mind that this is only an overview of the County'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 Hamilton County rewarding both personally and professionally.

### 102 Definitions

**Hamilton County** – For purposes of this Employee Handbook, Hamilton County may be referred to as the "County".

**Board of Supervisors** – For purposes of this Employee Handbook, "Board of Supervisors" will mean the Hamilton County Board of Supervisors.

**Elected Official** – For the purposes of this Employee Handbook, "Elected Official" will mean and refer to any of the following elected officials of Hamilton County:

- Board of Supervisors
- District Attorney
- County Clerk
- County Treasurer
- County Coroner
- County Sheriff

**Personnel Officer** – For purposes of this Employee Handbook, "Personnel Officer" will mean the Personnel Officer of Hamilton County. When referenced in this Employee Handbook, Personnel Officer shall also mean an individual acting with the Personnel Officer'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 Hamilton County. 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 Board of Supervisors, where an individual otherwise designated as Department Head must report to the Board of Supervisors.

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

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

## 103 The Purpose of this Employee Handbook

**Statement of Purpose** – The purpose of this Employee Handbook is to communicate the County’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, County Law, 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 Hamilton County.

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

**Plan Documents** – Some of the subjects described in this Handbook are covered in greater detail in benefit plan documents or applicable laws governing the benefit, such as New York State Retirement Law for retirement benefits. This handbook only briefly summarizes those benefits. The terms of written insurance policies, benefit plans, and applicable laws and regulations control in all cases.

**Previous Personnel Policies** – Unless otherwise specified, this Employee Handbook supersedes and replaces any previous personnel policies issued by the County concerning all policies contained herein.

**Superseding Agreements** – In the event an expressed and explicit provision set forth in a separate written agreement between the County and an employee should conflict with any employee benefit, personnel policy, personnel procedure, or other provision set forth in this Employee Handbook, the expressed and

explicit provision of that agreement will control. Otherwise, unless expressly excluded herein, this Employee Handbook will be applicable to all employees.

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

## 104 Changes or Modifications

**Rights of the Board of Supervisors** – The Board of Supervisors 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 Board of Supervisors, changes in County 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 County Law or ordinance should conflict with any provision contained in this Employee Handbook, then such statute, law or ordinance will prevail.

## 200 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 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.

### 201 Full-Time Employees

For purposes of this Employee Handbook, the term “full-time employee” will mean an employee of Hamilton County for a twelve month per year period and who is regularly scheduled to work a minimum of thirty, thirty-five or forty hours per week.

### 202 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 hours per week.

### 203 Temporary Employees

For purposes of this Employee Handbook, the term “temporary employee” will mean an employee who is employed on an interim 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.

## 204 Seasonal Employees

For purposes of this Employee Handbook, the term “seasonal employee” will mean an employee who is employed to work for a given season.

## 205 FLSA Non-Covered Employees

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

## 206 FLSA Exempt Employees

For purposes of this Employee Handbook, “FLSA exempt employee” will mean a covered employee who qualifies for an exemption from the minimum wage and overtime provisions of the Fair Labor Standards Act.

## 207 FLSA Non-Exempt Employees

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

## 300 THE CIVIL SERVICE SYSTEM

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

### 301 The Unclassified and Classified Services

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

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

## 302 Civil Service Appointments

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

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

## 303 Examinations and Promotions

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

**Promotions** – The County 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.

## 304 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 Office of Personnel and Civil Service Administration for details concerning these credits.

## 400 EMPLOYMENT MATTERS

### 401 Oath of Office

**Requirement** – Each Public Officer as defined in the Public Officers Law must take the Oath of Office in accordance with County Law Section 402 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 County Clerk's Office within thirty calendar days of the Public Officer's commencement of the term of office, or upon an employee's appointment.

### 402 Procedure for Filling Vacancies

**Statement of Compliance** – Hamilton County 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, County Law, Civil Service Law, Title VII, Human Rights Law, the Age Discrimination in Employment Act, and the Americans with Disabilities Act, and is an Equal Opportunity employer.

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

**Employment Applications** – The County 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 County'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 County are well qualified and have a strong potential to be productive and successful, it is the policy of the County 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 County to conduct appropriate background checks.

**Residency Preference** – Qualified applicants who are Hamilton County residents will be given priority consideration over qualified non-residents.

## 403 Probationary Period

The *Rules for the Classified Civil Service of Hamilton County* provide 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 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 *Rules for the Classified Civil Service of Hamilton County*, every permanent appointment from an open competitive list and every original appointment to a position in the non-competitive, exempt or labor class shall be for a probationary term of not less than eight nor more than twenty-six weeks. The length of the probationary period may be extended in accordance with the *Rules for the Classified Civil Service of Hamilton County*.

**Length of Probationary Period (Training Positions)** – The probationary term for training positions, in which an appointee is required to serve a specified training term, shall be not less than twelve nor more than fifty-two weeks.

**Length of Probationary Period (Deputy Sheriff and Correction Officer)** – The probationary term for Deputy Sheriff and Correction Officer positions shall be not less than twelve nor more than fifty-two weeks.

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

**Failure to Successfully Complete Probationary Period** – In the event the employee's performance or conduct is not satisfactory, the County may dismiss the employee from employment at any time after the completion of the minimum probationary period and before completion of the maximum probationary period. If the performance or conduct of an employee serving a probationary period who has been promoted or transferred 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.

## 404 New Employee Orientation

**Procedure** – The purpose of this orientation is to welcome new employees and to familiarize them with the County 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 the 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.

## 405 Performance Appraisal

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

**Frequency** – A new employee will be formally evaluated after three months of employment and again at prior to the end of the probationary period and at least once each year thereafter on an anniversary date basis 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.

**Outcomes** – Supervisors and employees are encouraged to use the evaluation process as an opportunity to discuss career and personal goals, skill development, individual strengths and areas for improvement, and to establish a plan for meeting performance goals. Should deficiencies be noted in an employee's performance, the employee will receive written recommendations for improvement. An employee's written comments, if any, will be included with the performance evaluation report. A copy of the evaluation will be provided to the employee and placed in the employee's personnel file.

## 406 Employee Recognition

**Statement of Purpose** - To formally recognize employees' continued contributions to efficient operation of County government, to increase employee morale and to recognize years of service through to retirement.

**Program Implementation** - There will be a service award committee to coordinate the recognition each year. The committee will consist of the following: (1) Personnel Officer, (2) Clerk of the Board, (3) Budget Officer, and (4) Department Head Committee (revolving volunteers).

**Service Awards** - Each year on the anniversary date of the eligible full-time employee, Department Head, which includes an Elected Department Head, the following will be awarded:

5 years continuous service – Certificate and County pin

10 years continuous service – Certificate, County pin & Ruby service award (value up to \$60)

15 & 20 years continuous service – Certificate, County pin & Diamond service award (value up to \$120)

25 years continuous service – Certificate, County pin & Pewter service award (value up to \$200)

30, 35, & 40 years continuous service – Certificate, County pin & Copper service award (value up to \$250)

This process will be initiated by the Personnel Officer with aid from the department head of eligible employees. Personnel will create the certificate and have the pins available. The award will be presented at a department meeting with department head and Personnel Officer present.

**Retirement Recognition** - Retirees will be recognized with a Board Proclamation Resolution, Bronze Service Award (value up to \$338) and recognition at the monthly meeting prior to retirement date, when possible. This process will be initiated by the Personnel Officer in conjunction with the department head of the employee retiring. Retiree may also be eligible to receive a service award on their anniversary date, if applicable, if anniversary is prior to retirement date.

## 407 Corrective Action and Discipline

**Policy Statement** – It is the policy of Hamilton County that certain rules and regulations regarding employee behavior are necessary for the benefit and safety of all employees, the efficient operation of the County, and the delivery of services to residents of the County. Any conduct that interferes with operations or that discredits the County will not be tolerated. Each employee must conduct oneself in a positive manner so as to promote the best interests of the County. 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 Hamilton County'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 County 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 County 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 County reserves the right to suspend an employee while an investigation is conducted.

**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).

**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 County's right to impose discipline in other appropriate cases.

- Willful violation of County'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 County, supplier, visitor, or any other person, whether on or off County premises.
- Engaging in any action that is in violation of the County's Workplace Violence Prevention Policy.
- Possession of any weapon or dangerous instrument (including knives with over a three-inch blade, firearms, and explosives) on County property or in County vehicles, except for those employees who are required as a condition of employment to bear a weapon.
- Possession, use, distribution/sale, or being under the influence of alcohol, or controlled substances during hours of work or while on County property or in County vehicles.
- Willful or deliberate abuse, destruction, defacement, or misuse of County property or the property of another employee, Elected Official, resident of the County, supplier, visitor, or any other person.
- Theft or unauthorized possession, use, or removal of County property or the property of another employee, Elected Official, resident of the County, 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 County.
- 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 County, 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 County policy or applicable laws.
- 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 County, supplier, visitor, or any other person.

- Offensive or unprofessional behavior that is contrary to the County's best interest, or any conduct that does not warrant public trust.
- Unauthorized expenditure of County funds.
- Gambling while on duty.
- Willful work slowdown, work stoppage, or interfering with or restricting the performance of another employee or in any other way interfering with County operations.
- Careless or negligent use or operation of equipment, including vehicles and machinery.
- Unauthorized absences or repeated failure to give proper notice.
- 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.
- Personal activity during paid work time without the express permission of the Department Head.
- 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 County's right to impose discipline in other appropriate cases.

## 408 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 County.

**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** who have been employed for at least five years of continuous uninterrupted service in the non-competitive or labor class, other than a position designated in the *Rules for the Classified Civil Service of Hamilton County* as confidential or requiring the performance of functions influencing policy. Even though the employee has completed the required probationary period and has received permanent appointment or employment in the non-competitive or labor class, the employee is not covered under Section 75 until the employee has completed five years of continuous service in the non-competitive or labor class;
- An employee holding a position by permanent appointment or employment in the Exempt, Competitive, Non-Competitive, or Labor Class who is a qualified veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, except when such an employee holds the position of private secretary, cashier, or deputy of any official

or department. Specifically, the employee must have been honorably discharged or released under honorable circumstances from the armed forces of the United States having served therein as such member in time of war as defined in Section 85 of the New York State Civil Service Law, or the employee must be an exempt volunteer firefighter as defined in the General Municipal Law.

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

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

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

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

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

- 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 County employment.

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

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



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

## 409 Code of Ethics

**Policy Statement** – The County has established a Code of Ethics which is applicable to all County officers and employees. Any officer or employee who would like to review the contents or requirements of this Code should contact the Personnel Office.

**Distribution** – Every County officer or employee shall be furnished a copy of the Code of Ethics upon commencement of office or employment; however, failure of any County officer or employee to receive a copy of the provisions of the Code shall have no effect on the duty of compliance with that Code or on the enforcement of its provisions.

## 4010 Personnel Records

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

**Immigration (I-9) Forms** – All immigration (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 Personnel Office and will be maintained and controlled by the Personnel Officer. 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 Personnel Office and will be maintained and controlled by the Personnel Officer. For security purposes, these files will be locked at all times.

**Change in Status** – An employee must immediately notify the Personnel Officer of a change of name, address, telephone number, marital status, number and age of dependents, beneficiary designations, and individuals to notify in case of an 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 Personnel Officer and will 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 Personnel Officer.

## 4011 Separation from Employment

**Notice of Resignation (Employee)** – 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 Personnel Office.

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

**Notice of Resignation (County Clerk)** – The County 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 Personnel Officer. The exit interview provides an opportunity to discuss a number of items including employee benefits, COBRA eligibility, changing of computer passwords, and return of County 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 and compensatory time, if applicable, unless the employee requests to split the payment into their last two (2) checks. The request needs to be in advance by the employee and approved by the Treasurer's office.

## 500 OPERATIONAL POLICIES

### 501 Departmental Hours

**Normal Hours of Operation** – The hours constituting a legal day's work for all classes of employees and the hours that the offices of Hamilton County shall be kept open for the transaction of business are set by the Board of Supervisors. The Board of Supervisors has set seven (7) hours as the number of hours constituting a legal day's work for all full-time employees of Hamilton County, except Sheriff's personnel,

Building Department personnel and Highway employees (excluding office staff), whose number of hours constituting a legal work day's work is hereby set at eight (8) hours. Any variation needs approval from the Board of Supervisors by Resolution.

The constitution of the start of the work day is when you report to your assigned office or when you arrive at your first appointment (i.e. patient of nursing, probation client, etc.)

The Board of Supervisors has set the hours of 8:30 a.m. to 4:30 p.m. as the hours that all offices of Hamilton County, including but not limited to the offices of the County Clerk, County Treasurer, Clerk of the Board of Supervisors and Civil Office of the Sheriff shall remain open for the transaction of business.

**Correction Officers** – The Sheriff's Office has set twelve (12) hours as the number of hours constituting a legal day's work for Correction Officers in order to have 24/7 coverage of the County Jail. Correction Officers will work seven (7), twelve (12) hour days in a two (2) week period, for a total of eighty-four (84) hours every pay period. Correction Officers will receive overtime pay at the rate of 1 ½ times for any hours over eighty (80) per pay period.

**Night Shifts: Correction Officers** – The Sheriff's Office at times needs Correction Officers to work night shifts. A night shift differential may be given to Correction Officers as per approval of the Board of Supervisors by Resolution.

**Deputy Sheriffs** – The Sheriff's Office has set ten (10) hours as the number of hours constituting a legal day's work for Deputy Sheriffs. Deputy Sheriffs will work four (4), ten (10) hour days per week, for a total of forty (40) hours per week. Any hours worked over forty (40) in one week would be eligible for overtime pay at the rate of 1 ½ times.

**County Highway** – In the Summer to Fall Seasons, the Department of Public Works is allowed to change from five (5) eight (8) hour shifts to four (4) ten (10) hour shifts per week in order to complete paving and bridge projects as needed. Any hours worked over forty (40) in one week would be eligible for overtime pay at the rate of 1 ½ times.

**Night Shifts** – The Department of Public Works at times may need their employees to work night shifts. A night shift differential may be given to the employee as per approval of the Board of Supervisors by Resolution.

**Flex Time** – A Department Head may choose to "stagger" the work hours of their employees subject to the approval by the Chairman of the Board of Supervisors of a written plan. (An employee may begin and/or end a given workday at a time requested by the employee and approved by the Department Head. Such "flex-time" must normally be during the time the department is open and available to the public. The employee's use of "flex-time" will be governed by the mutual needs and consent of the Department Head and the employee. The Board of Supervisors reserves the right to approve all "flex-time" schedules.)

**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 and Compensatory Time** – 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.

## 502 Meal 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 at least thirty (30) minutes. Departmental rules may extend the meal break to no more than sixty (60) minutes, subject to approval of the Board of Supervisors.

**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 at least thirty (30) minutes. An employee is not allowed to work through the meal break to make up lost work time or to leave work early. In addition, the meal break may not be taken at the end of an employee’s workday in order to leave work before the normal quitting time.

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

## 503 Emergency Situations

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

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

- **During Work** – A full-time or part-time employee who is directed to leave work due to an emergency closing will be paid for the remainder of the employee’s normal workday at the employee’s regular rate of pay. Such time will not be included as time worked for the purpose

for the purpose of computing overtime. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

- **Prior to Report to Work** – If a determination is made to close operations prior to the start of a workday, the Chairman of the Board of Supervisors will initiate notification to all affected employees. A Full-time or part-time employee who is directed not to report to work due to an emergency closing will be paid for the employee's normal workday at the employee's regular rate of pay for that day. Such time will not be included as time worked for the purpose of computing overtime.
- If a full-time or part-time employee is directed to report to work during the emergency closing, they will be provided with "Emergency Closing Credit Hours (ECCH)" for the hours they worked that day, but in no circumstance more than their standard work day (7 hours, 8 hours, etc.) If an employee worked more than their standard work day, they will be compensated for those hours through their department's payroll. When "ECCH" are earned and used, such time will not be included as time worked for the purpose of computing overtime. The "ECCH" must be used by the end of the year in which it is earned or within 30 days, if earned in December. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

**Inclement Weather** – Employees are expected to report to work and remain at work during inclement weather conditions unless otherwise notified by the County. Employees should use their own discretion in determining whether they can commute safely to work due to inclement weather. When the Chairman of the Board of Supervisors 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, compensatory time or personal leave, if available, or take time off without pay.

## 504 Time Records

**Policy Statement** – All employees are required to complete an individual time record showing the daily hours worked and authorized paid leave taken.

**Procedures** – An employee required to complete a time record must comply with the following procedures:

- All time worked, including the beginning and ending time and lunch breaks, must be recorded.
- All paid and unpaid leaves of absence must be recorded.
- Employees must complete and sign their own time record (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).
- 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.

Bi-weekly payroll for all employees must be submitted to the Treasurer during payroll weeks no later than Monday at 4:30 p.m. Bi-weekly time records for all employees must be submitted to the Personnel Office no later than Monday at 4:30 p.m. after the end of the time record.

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

**Unauthorized “Flex-Time”** – Unless prior approval has been obtained from the Department Head, arriving early or leaving late for the employee’s own convenience is not to be included in working time.

**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.

## 505 Bonding

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

## 506 Expense Reimbursement

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

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

**Meals** – Upon proper authorization of the Board of Supervisors, an employee will be reimbursed for individual meals in conjunction with out-of-County travel including tax and tip as follows:

- With itemized receipts the County will reimburse up to:
  - \*Breakfast \$15.00
  - \*Lunch \$20.00
  - \*Dinner \$35.00
- Without itemized receipts the County will reimburse up to the per diem amounts (including tax and tip):
  - \*Breakfast \$4.00
  - \*Lunch \$6.00
  - \*Dinner \$15.00

- The guidelines for meal reimbursement will also include the following timing requirements which apply to day trips and the day of departure and the day of return for overnight travel:

\*Breakfast is only reimbursable if the employee is required to leave home or work before 6:00 a.m. on the day for which reimbursement is sought.

\*Lunch is only reimbursable if the employee is required to leave home or work before 11:00 a.m. and not able to return until after 2:00 p.m. on the day for which reimbursement is sought.

\*Dinner is only reimbursable if the employee is required to leave home or work prior to 4:00 p.m. and not able to return until after 7:00 p.m. on the day for which reimbursement is sought.

- All of the above guidelines refer to a necessity for the County, and necessary and reasonable expense.
- Individual in-county meals are not reimbursable.
- The County is not responsible for any meal expenses which are in excess of the guidelines or that do not comply with the guidelines.
- The County will not reimburse beverages with alcohol.
- If meals are included in any conference fee, then the aforementioned caps do not apply, however if the employee elects to eat food other than that which is provided the County will not reimburse that expense.
- Any Travel which requires an employee to travel to New York City and the immediate area will be exempted from the meal caps, but only as a reimbursement with receipts.
- The Chairman of the Board of Supervisors shall seek in writing justification in any instance where a department proposes to have more than one employee attend the same conference or training. The justification must explain specifically why the information cannot be brought back by one individual attending.

**Mileage** – An employee who is directed by the appropriate Department Head or supervisor to use the employee’s own vehicle to conduct County business will be reimbursed at the standard mileage rate as established by the Internal Revenue Service (IRS).

**Required Membership Fees** – Upon proper authorization of the Board of Supervisors, 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.

## 507 Vehicle Usage

**Policy Statement** – All vehicles and related equipment of Hamilton County are owned and maintained for the purpose of conducting official business of the County. 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.

No County officer or employee will be permitted to operate any County owned, leased, controlled or operated vehicle (hereinafter “County Vehicle”) until the County has determined that the employee

meets the criteria established for such operation by this policy and any other applicable requirements, rules and regulations.

**Driver Selection and Screening** – The County will maintain a list of authorized drivers and only those employees whose names appear on the County’s list of authorized drivers and who have a supervisor’s permission may operate a County vehicle. A record check will be conducted prior to any employee having access to any County-owned vehicle. In addition, any employee listed as an authorized driver must meet the following qualifications:

- The employee must agree to periodic checks of his/her driver’s license and execute any authorization necessary to secure such license checks.
- The employee must be at least 21 years of age. However, with the consent of the Department Head and committee of jurisdiction, a person between the ages of 18 and 21 may be authorized to drive a County vehicle for a period of time not to exceed four months, subject to the following limitations: the vehicle shall be under 10,000 pounds in gross vehicle weight, the vehicle may only be operated between the hours of sunrise and sunset and the vehicle may only be operated to carry out a specific task as directed by the employee’s supervisor.
- The employee must possess a valid New York State driver’s license. If they possess a valid driver’s license issued by another state, the employee will have thirty (30) days from their hire date, to obtain a New York State driver’s license. The driver’s license possessed must be of the class or category necessary under law or regulation to operate the County vehicle the employee is assigned to drive.
- The license possessed by the employee shall have no restrictions that would prevent the employee from legally or safely operating the vehicle assigned to them.
- The employee shall not have had any convictions of traffic-related misdemeanors, felonies, more than two “at fault” or “chargeable” accidents, or more than three ordinary traffic violations within the last three calendar years.
- The employee will be eligible to drive a County vehicle only after the review of his license by the Personnel Officer and County’s insurance agent if he/she has been convicted within the last three calendar years of any of the offenses listed in the previous paragraph.
- If an employee does not have a valid driver’s license or the employee’s license is or will be suspended or revoked by the State, or if the employee is out of compliance with any of the other requirements of this policy, the Personnel Officer will notify the employee’s Department Head. The Department Head will notify the employee both orally and in writing that the employee’s privilege to drive a County vehicle is immediately suspended. The Department Head shall provide a copy of the written notification of suspension to the Personnel Officer.
- The Personnel Officer must confirm and notify the Department Head that the suspended or revoked license of an employee has been reinstated prior to that employee being allowed to operate any County vehicle.

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

- All County vehicles must be operated in a safe manner and in accordance with all appropriate motor vehicle laws and regulations and County rules and regulations.
- All drivers and passengers in County vehicles must wear seat belts as required by New York State Law.



- No person other than a County employee shall operate or ride in a County Vehicle unless that individual is participating in official County business, or is the recipient of Services provided by the County.
- County vehicles shall be used only for official County business and no County employee shall use a County owned vehicle for transportation to and from the residence of such employee or for any other purpose not related to County business.
- All County employees who require the use of a County owned vehicle for County business purposes shall pick up such vehicle at the beginning of the work day, or any other time the employee must use a County owned vehicle on County business, at the County Office Buildings in Lake Pleasant or Indian Lake, New York, or at the employee's duty location if other than at the County Office Building or at the location where the vehicle is stored. At the end of the work day or after the employee completes the business for which use of the vehicle was necessary, the employee shall return the vehicle, as directed.
- Only County employees that are required to park the County car at their residence as a stop enroute to their next visitation/meeting (appointment, etc.) will be allowed to park a County car at their residence. This may include, but is not necessarily limited to Department Heads, County Nurses, Sheriff's Officers and Probation Staff. The above-named County officials shall comply with all other terms and conditions of this policy.
- All moving violations and parking tickets and fines are the responsibility of the driver of the County vehicle. The driver must notify his/her Department Head upon receiving of any tickets.
- Under no circumstances shall County vehicles be driven when the operator has been drinking alcoholic beverages or when the driver is under the influence of any drug or medication that has the potential to impair his or her ability to drive.
- Operators of County vehicles will be responsible for the general upkeep of vehicles, including exterior washing, interior cleaning, and the timely scheduling of service and repairs.
- A County vehicle is considered a County worksite, and in accordance with the County's "no smoking" policy, no smoking is allowed in County vehicles.
- Each employee using a County vehicle shall complete a vehicle log as directed by the County.
- Before operating a County vehicle, each employee shall perform a visual vehicle safety inspection.

**Use of Personal Vehicles** – Any employee using his/her personal vehicle for County business is subject to the following requirements and conditions:

- The employee must possess a valid New York State driver's license.
- The vehicle to be driven on County business must have a current valid New York State inspection sticker.
- The vehicle to be driven and the employee must be covered by liability insurance as required by New York State Law.
- A mileage log must be kept in a form satisfactory to the County and submitted with all requests for reimbursement for mileage.
- Employees who use their personal vehicles on County business will be compensated at the current IRS rate.

**Accident Reporting** – All accidents, damage to property or personal injuries involving a County vehicle must be reported immediately to the appropriate Law Enforcement Agency, employee's Department Head, Clerk of the Board of Supervisors and Personnel Officer. In addition to verbal notification, a written

accident report must be completed and filed with the Fleet Coordinator, Department Head, Clerk of the Board of Supervisors and Personnel Officer.

## 508 Driver's License/Insurance Requirements

**Requirement** – An employee who is required to drive either a County-owned vehicle or the employee's own personal vehicle to conduct business on behalf of the County, 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 County. If a personal vehicle is used to conduct business on behalf of the County, 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 County. In accordance with the Federal Commercial Motor Vehicle Safety Act of 1986, a commercial driver must notify the County within thirty days of a conviction of any traffic violation (except parking), no matter where or what type of vehicle the employee was driving.

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

**Suspension or Termination of Employee Driving Privileges** – The Board of Supervisors or Department Head are authorized to suspend or terminate an employee's driving privileges under the following circumstances that may also lead to disciplinary action:

- Conviction of driving while intoxicated or driving while one's ability is impaired when operating a County vehicle shall be basis for immediate suspension or termination of the privilege of driving a County vehicle and will result in disciplinary proceedings.
- Loss of a driver's license by an employee or officer required to operate a vehicle as part of their normal duties shall be the basis for immediate suspension or termination of the privilege of driving a County Vehicle, may lead to the removal of that employee or officer from his or her position if the employee is unable to perform his job as a result of such loss of driver's license.
- The first conviction for a moving traffic violation, other than DWI or DWAI, while operating a County vehicle will result in a written warning from the Department Head; a second conviction will result in the loss of the use of the vehicle and/or other disciplinary action. This procedure may be modified based on the seriousness of the infraction and may result in immediate suspension or termination of the privilege of driving a County vehicle and disciplinary proceedings.
- The first incident of unauthorized use of a County vehicle or use of a County vehicle for other than County business purposes will result in a verbal warning with a notation in the employee's

personnel file; the second incident of such use will result in a written warning; a third incident will result in the loss of the use of the County vehicle and other disciplinary action. This procedure may be modified based on the nature and extent of the unauthorized use and the reason for such unauthorized use and may result in the immediate suspension or termination of the privilege of driving a County vehicle and disciplinary proceedings.

## 509 Supplies, Tools and Equipment, and Fuel Usage

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

**Tools and Equipment** – The employee must repair or replace any County-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 County-owned tool or piece of equipment, including, but not limited to, fax machines, copiers and computer equipment for personal use. An employee may not use County facilities, County-owned tools or equipment to work on vehicles or trailers not owned by the County.

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

## 5010 Telephone/Cell Phone Usage

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

- An employee must answer promptly and speak in a clear, friendly and courteous tone.
- An employee must give the name of the department or office and one's own name. If the call is not for the employee who answers, the employee must transfer the caller to the correct party or take a message recording all pertinent information.
- If the call must be placed on hold, the employee who answered the call must return to the line frequently to confirm that the call is being transferred.
- During office hours, each employee is responsible for there being at least one employee in the department or office to answer telephones. If the department or office has a limited staff, arrangements must be made with another department or office for telephone coverage or an answering device must be in operation.
- An employee may make personal telephone calls; however, such calls should be limited in duration and frequency and must not interfere with the performance of the employee's job duties.
- An employee may not make or receive personal calls on a County provided telephone or cell phone that will result in additional charges to the County, except in an emergency and/or with prior approval from the Department Head. The employee must reimburse the County for the cost of the call.
- The use of County issued cell phones is monitored to ensure no excessive or inappropriate use occurs.
- The use of a cell phone while driving on County business must be in compliance with all applicable laws.

Personal Cell Phone Usage – Employees are permitted to carry personal cell phones during working hours but must adhere to the guidelines shown below.

- Cell phone may not be used for personal purposes during work hours unless the employee is on an authorized break or has permission from a supervisor.
- Personal calls during work hours are prohibited unless it is an emergency.
- All emergency calls should be reported to the employee's supervisor.
- No text messages may be sent or received during working hours.
- No 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 County.

## 5011 Computer Systems and Internet/E-mail Service

**Policy Statement** – The purpose of this policy is to provide the following requirements for the use of County-owned computer systems and Internet/E-mail service. The term “computer systems” in this policy shall also include the County’s voice mail system.

### **Computer Systems**

**Property** – All computer systems, hardware, software, and files are the property of Hamilton County. This includes the messages created, transmitted, and stored on such systems and equipment.

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

**County’s Right to Monitor Computer Systems and Equipment** – There is no guarantee of privacy when using County-owned computer systems and equipment. The County reserves the right to enter, search, and monitor employee communications equipment and files, with or without advance notice, at any time in the normal course of business. Department Heads have the authority to inspect the contents of any computer equipment, data/files, or electronic mail (“E-mail”) of their subordinates in the normal course of their supervisory responsibilities. In addition, the data/files of Department Heads and supervisors may be inspected by the Board of Supervisors 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 County has the authority to monitor and record each website, chat room, and newsgroup visited on the Internet, and every e-mail message and file transfer into and out of the County’s network. The County may also monitor each employee’s internet activity and usage patterns to ensure that the County’s resources are being utilized for appropriate business purposes. Any employee who is required to have a password must submit that password to the employee’s Department Head.

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

- Any illegal activity;
- Threats or harassment;

- Slander or defamation;
- Transferring, viewing, or storage of obscene or suggestive messages or graphic images;
- 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 County 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 County;
- Installation or use of County-owned hardware or software for any use that is not County related business;
- Installation or use of any unauthorized or unlicensed hardware or software.
- Installation of any software containing viruses.

### **Internet/Electronic Mail Requirements**

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

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

- E-mail must be used in a professional manner.
- Messages must not be threatening, insulting, obscene, abusive, or derogatory.
- Messages must not include content that constitutes sexual harassment.
- Chain letters are illegal and must not be transmitted through E-mail.
- Employees are responsible for saving any E-mail that they want to keep permanently.
- Messages must not involve personal sales or solicitation or be associated with any for-profit outside business activity.
- Messages must not involve personal not-for-profit solicitations.
- Messages must not potentially embarrass Hamilton County.
- Passwords should not be given to anyone other than the employee's Department Head or supervisor.
- Internet must not be used for the propagation of computer viruses.
- Internet must not be used for personal recreational activities (e.g. online games).
- Participation in non-business Internet chat groups 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/E-mail usage may be subject to filtering and may be monitored.
- Employees should be aware that deletion of any E-mail messages 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.

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 County 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.

## 5012 Personal Appearance

**Policy Statement** – It is the policy of the County 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 County. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Employees should not wear suggestive attire, athletic clothing, shorts, tank tops, novelty buttons, and similar items of casual attire since this clothing does not present a businesslike appearance.

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

## 5013 Disclosure of Information

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

## 5014 Visitors

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

## 5015 Purchasing

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

## 5016 Maintenance of Work Area

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

## 5017 Personal Property

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

**Personal Liability** – An employee is expected to exercise reasonable care to safeguard personal items brought to work. The County will not repair, replace, or reimburse an employee for the damage or loss of the employee's personal property. An employee bringing personal property to the workplace does so at one's own risk.

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

## 5018 County Property

**Employee Responsibility** – An employee will be responsible for any items issued by the County 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
- Laptops, including peripheral equipment
- Cell phones
- Books or other Reference Materials, including this Employee Handbook

**Return of Property** – All County property must be returned to the County before the employee's last day of work.

## 5019 Unauthorized Work

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



## 5020 Outside Employment

**Policy Statement** – It is the policy of the County 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 County.

**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 County’s scheduling demands, regardless of any existing outside work requirements.
- If the County determines that an employee’s outside work interferes with the performance or the ability to meet the requirements of the County 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 County.
- No County equipment, supplies, or other material may be used by an employee on other than County 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 County for materials produced or services rendered while performing the employee’s County job.
- A County 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 County while performing such work.
- A County employee must fill out the County Outside Employment Disclosure form upon being hired, when their outside employment changes, and verified annually. The record will be stored in the employee’s personnel folder and will be reviewed for any potential ethical violations or conflicts by the Personnel Officer and/or the Board of Ethics.

**Employee Responsibility** – A County 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.

## 600 ABSENCE POLICIES

### 601 Attendance

**Tardiness** – An employee must be ready and able to work at the time the employee is scheduled to begin work. In the event an employee is unable to report to work at the scheduled time, the employee must notify the employee’s Department Head or their designee at least sixty (60) minutes before 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 or their designee.

**Daily Notification** – In the event an employee is unable to report to work, the employee must notify the employee's Department Head or their designee 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 schedule time off, such as the use of vacation leave and personal leave, must be approved by the Department Head or their designee in advance. All requests for time off are subject to approval by the employee's Department Head or their designee 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 or their designee at least sixty (60) minutes before the employee's scheduled starting time or as soon thereafter as possible. The employee must speak directly with the Department Head or their designee, 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 or their designee does not automatically mean the absence is authorized. Any time off from work that is without approval of an employee's Department Head or their designee 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 seek permission from the employee's Department Head or their designee prior to leaving.

**Leaving the Premises** – An employee must obtain prior approval from the employee's Department Head or their designee to leave an assigned worksite during working hours due to a non-work related reason. An employee who leaves an unassigned worksite during the workday due to business reasons must notify the employee's Department Head or their designee 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.

## 602 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 County 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 County. 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 County shall pay a temporary or seasonal employee up to \$40 of the employee's wages for the first three (3) days the employee serves jury duty if on those days the employee is scheduled to work for the County. After the first three (3) 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 or their designee.

**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 County will continue to provide health insurance benefits for an eligible employee during the jury leave. Vacation leave, sick leave and holiday benefits will continue to accrue during jury duty leave.

## 603 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. Hamilton County 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 County will grant such leave with pay for up to twenty-two (22) workdays or thirty (30) calendar days in a calendar year, whichever is greater. Such military leave beyond the twenty-two (22) workdays or thirty (30) 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. An employee on military leave who enters no-pay status, may be permitted to remain on the County's insurance plans and will be required to make the County whole in regards to medical deductions upon being released from duty. The employee can provide a personal check or may choose to make the County whole through payroll in a way that is agreeable with the Personnel Department and the Treasurer's Office.

**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 in 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 County will grant an unpaid leave of absence of up to ten (10) days to an employee (who works an average of twenty (20) 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.

## 604 Leave for Cancer Screening

**Policy Statement** – Hamilton County complies with New York State Civil Service Law which entitles all County employees to paid leave to undertake any cancer screening. This leave will not be charged against any available sick, vacation, personal, compensatory or other leave accruals.

**Allowance** – An employee will be allowed four (4) hours paid leave per year for the purpose of undergoing a screening procedure for any 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. An employee must submit a signed Cancer Screening Leave Request Form to his or her Department Head a minimum of two (2) days prior to the appointment. The form is available in the Hamilton County Personnel Office. 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 and the Personnel Office from the health care provider verifying that the absence from the workplace was for cancer screening. A verification form to bring to your appointment can be obtained from the Personnel Office. If an employee uses any other available leave for a cancer screening procedure, the provisions of the applicable leave policy (e.g. sick, personal, vacation, compensatory) will apply; there is no requirement in such a case to provide specific documentation regarding cancer screening.

## 605 Leave for Blood Donations

**Policy Statement** – Hamilton County complies with New York State Labor Law Section §202-j which entitles County employees who work an average of twenty (20) hours or more per week to a leave of absence for the purpose of making a blood donation. The leave allowed under this policy is unpaid; however, this does not preclude an employee's option to use available paid leave for this same purpose.

**Allowance** – An eligible employee will be allowed a leave of absence of up to three (3) 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.

**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 (2) days in advance. The Department Head will have total discretion in the approval of this leave, but will not unreasonably deny such request.

## 606 Time Off to Vote

**Policy Statement** – The County encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If an employee who is a registered voter does not have sufficient time outside of his or her scheduled working hours, within which to vote on any day at which he/she may vote, at any election, he/she may, without loss of pay for up to two hours, take off so much working time as will, when added to his/her voting time outside his/her working hours, enable him/her to vote.

If an employee has four consecutive hours either between the opening of the polls and the beginning of his/her working shift, or between the end of his/her working shift and the closing of the polls, he/she shall be deemed to have sufficient time outside his/her working hours within which to vote. If he/she has less than four consecutive hours he/she may take off so much working time as will, when added to his/her voting time outside his/her working hours enable him/her to vote, but not more than two hours of which shall be without loss of pay, provided that he/she shall be allowed time off for voting only at the beginning or end of his/her working shift, as the employer may designate, unless otherwise mutually agreed.

**Procedures** – If the employee requires working time off to vote the employee shall notify his/her employer not more than ten nor less than two working days before the day of the election that he/she requires time off to vote in accordance with the provisions of election law.

## 607 Volunteer Firefighters/Emergency Responders

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

**Restrictions** – An employee may not schedule a duty shift as an emergency responder during the employee's scheduled work hours for the County.

**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 County (i.e., vacation, holiday, sick, personal, etc.) and the employee responds to a call, the employee will not receive additional compensation from the County and the employee's appropriate leave time will still be charged.

## 608 Family and Medical Leave Policy

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

**Summary** – FMLA entitles an eligible employee to a maximum of twelve (12) workweeks (defined by the employee’s normal workweek) of job-protected, unpaid leave in any twelve (12) month period for certain family and medical reasons. The twelve-month (12) period is calculated as the twelve (12) month period measured forward from the date of the employee’s first FMLA leave usage. The FMLA also provides an eligible employee with up to twenty-six (26) weeks of *Service Member Family Leave* to care for a covered service member (limited to a single twelve-month (12) period). At the conclusion of a leave of absence under the FMLA, the employee will be restored to the position the employee held when the leave began or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment, provided the employee returns to work immediately following such leave.

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

- The employee must have worked for the County for at least twelve (12) months before the leave request (these need not be consecutive);
- The employee must have worked for the County for at least 1,250 hours during the previous twelve (12) months prior to the date the leave commences; and
- The employee must work at or report to a worksite which has fifty (50) or more employees or is within seventy-five (75) miles of worksites that taken together have a total of fifty (50) or more employees.

**Types of FMLA Leave** – Eligible employees will be afforded up to twelve (12) weeks of unpaid leave under FMLA under the following circumstances:

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

**Service Member Family Leave** – Eligible employees will be afforded up to twenty-six (26) weeks of leave to care for the employee’s spouse, son, daughter, parent, or nearest blood relative who is a recovering service member. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active-duty that may render the person unable to perform the duties of the member’s office, grade, rank or rating. This leave shall only be available during a single twelve-month (12) period. During this single twelve-month (12) period, the employee shall be entitled to a combined total of twenty-six (26) workweeks of caregiver leave described in this section and the **Types of FMLA Leave** section described above. Nothing in this paragraph shall be construed to limit the availability of FMLA leave provided under the **Types of FMLA Leave** section above.

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

- **Serious Health Condition** will mean an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility including any period of incapacity (as contained in the Federal Regulations), or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider, including, but not limited to:
  - A period of incapacity of more than three (3) 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 (3) consecutive calendar days in the absence of medical intervention or treatment.
- **Health Care Provider** will mean and refer to a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or any other person defined in the FMLA regulations capable of providing health care services.
- **Family Member** will mean and refer to:
  - \* **Spouse** – husband or wife as defined or recognized under State law for purpose of marriage;
  - \* **Parent** – biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a son or daughter as defined in directly below. This term does not include an employee's parents "in Law";
  - \* **Child** – biological, adopted or foster child, a step-child, a legal ward, or a child of a person standing in *loco parentis*, who is either under age eighteen (18), or age eighteen (18) or older and "incapable of self-care (as defined in the Federal Regulations) because of a mental or physical disability". Persons who are "*in loco parentis*" include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

**Notification Requirements** – If the need for leave is foreseeable, the employee must give notice, in writing, to the Department Head at least thirty (30) calendar days prior to the commencement date of the unpaid leave. The employee and Department Head must complete the Family and Medical Leave Act

Request Form and forward the completed form to the Personnel Officer for review. The failure of an employee to give thirty (30) days' notice of foreseeable leave with no reasonable excuse for the delay may result in the delay of the employee taking the FMLA leave until thirty (30) days from the date of notice. When the need for leave is unforeseeable, verbal notice to the employer will be sufficient.

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

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

**Medical Certification** – The employee 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, fifteen (15) calendar days from the date the certification was requested. Failure to submit medical certification may jeopardize the employee's eligibility for an unpaid leave of absence and/or the ability to return to work. Medical certification forms are available from the Personnel Officer. 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.

*Hamilton County reserves the right to request a second opinion by another health care provider. The County will pay for the second opinion. In the event a conflict occurs between the first and second opinion, the County may, again at its own expense, obtain a third opinion from a health care provider approved jointly by the County 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 (12) months from the date of the birth or placement.

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

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

**Use of Accrued Paid Leave Credits** – For the purpose of this policy, the following will apply:

- **Use of Accrued Paid Leave Credits** – An employee taking leave for the **birth, adoption or foster placement of a child, to care for a spouse, child or parent with a serious health condition or service member family leave** must first use all available vacation leave credits during the authorized FMLA leave. Use of these leave credits does not extend the maximum allowable period specified by FMLA regulations.



- For leaves taken due to the **employee's own serious health condition**, the employee must first use all sick and vacation leave credits (including disability sick leave reserve bank), which will be included in the maximum twelve-workweek (12) period.
- In the event that the paid leave credits are greater than the maximum twelve-workweek (12) period, an employee may use paid leave credits to **extend** the leave of absence beyond the twelve-workweek (12) period, **up to a maximum of one (1) year**. If, after the completion of the one-year (1) leave of absence, the employee is medically unable to return to work (as determined by a health care provider) and the employee has leave credits remaining, the Board of Supervisors may authorize an extension of the employee's leave of absence until such benefits are exhausted. However, job reinstatement beyond the one-year (1) leave of absence is not automatic and will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *Rules for the Classified Civil Service of Hamilton County*.

**Continuation of Benefits** – For the purpose of this policy, the following will apply:

- **Accrual of Paid Leave Credits** – An employee will continue to accrue vacation and sick leave and receive holiday pay during the portion of the leave that is paid. Paid leave is defined as leave during which the employee continues to use accumulated paid vacation and sick leave. After all such paid leave is exhausted; the remaining leave of absence is unpaid. An employee will not earn paid vacation or sick leave or receive holiday pay for any holidays that may occur during an unpaid leave of absence.
- **Medical Insurance** – During the period of authorized FMLA leave of absence, an employee's eligibility status for medical insurance coverage will not change. (In the event the employee has accumulated paid leave credits that extend beyond the twelve (12) workweek period, the employee should refer to Section 815 – Workers Compensation regarding additional medical insurance coverage provisions.) All employee contributions (if any) must be paid on a timely basis in order to maintain the continuous coverage of benefits. Contributions will be at the same level as if the employee was working. Coverage will cease if payments are not made within a thirty-calendar (30) 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 811) will apply. In addition, the County 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 family member, which would otherwise entitle the employee to leave under the FMLA, with proper medical certification; or
  - \* Circumstances beyond the employee's control, such as: parent chooses to stay home with a newborn child who has a serious health condition; employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's work-site; the employee is laid off while on leave.

**Workers' Compensation** – Leaves taken under the Workers' Compensation Law may invoke the FMLA if the employee meets the eligibility criteria outlined in the eligibility section and the County designates such leave as FMLA leave and properly notifies the employee of such designation. In accordance with the

FMLA, if an employee has elected to receive workers' compensation benefits, the County cannot require the employee to substitute paid leave credits during this period of leave. If the workers' compensation leave has been properly designated as FMLA leave by the County, it can be counted against the employee's FMLA leave.

In addition to leave provided under the Family and Medical Leave Act, employees may be eligible for a leave of absence pursuant to Civil Service Law Section 71. Section 71 provides that **covered** employees shall be entitled to a leave of absence for at least one (1) cumulative year (unless found to be permanently disabled) when disabled due to an occupational injury or disease as defined in the Workers' Compensation Law. This leave runs concurrently with the designated Family and Medical Leave. Employees should consult with their Department Head for further details regarding this provision.

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

- **Job Restoration** – At the conclusion of the leave of absence, (except for leaves beyond a one-year (1) period) the employee, provided that the employee returns to work immediately following such leave, will be restored to the position the employee held when the leave began, or an equivalent position with equivalent benefits, pay and working conditions. For authorized leave of absences beyond the one-year (1) period, job restoration will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *Rules for the Classified Civil Service of Hamilton County*.
- **Medical Statement** – Before resuming employment, an employee must submit a statement from the employee's health care provider indicating that the employee is able to return to work either with or without restrictions. The County reserves the right to have the employee examined by a physician selected and paid for by the County 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 (5) business days prior to the date the employee is able to return. The Department Head shall in turn notify the Board of Supervisors.

## 609 Unpaid Leave of Absence

**Policy Statement** – Subject to the approval of the Board of Supervisors, 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 Board of Supervisors at least thirty (30) days prior to the planned commencement of the requested leave. Shorter notification may be permitted in cases of emergency. The Board of Supervisors has sole discretion in approving such leave.

**Conditions of Leave** – The Board of Supervisors will specify by Resolution, the duration of an unpaid leave of absence and may impose such other terms, conditions and restrictions on the employee as deemed

appropriate. The employee must exhaust all available vacation, personal, and compensatory time before the unpaid leave period begins. The maximum duration of an unpaid leave of absence may not exceed one (1) year.

**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. Accruals for leave benefits shall be suspended during the period of unpaid leave.

**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.

## 6010 Bereavement Leave Time

**Policy Statement** – Employee Bereavement Leave time is granted to employee's for making funeral arrangements, attending the funeral and burial, paying respects to the family at a wake or visitation, dealing with the deceased's possessions and will, and any ancillary matters that employee's must address when a loved one dies.

**Allowance** – An employee may use up to three (3) accumulated sick leave days for time off.

### **Additional Bereavement Leave Time**

**Allowance** – Additional time off may also be granted depending on circumstances such as travel distance and the employee's responsibility for funeral arrangements or for taking care of the estate of the deceased. This may be granted with the written approval of the employee's Department Head.

## 700 COMPENSATION

### 701 Wage and Salary

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

**Increases** – The County has adopted the following Grade and Step System for the purposes of determining increases in employee salary:

- After completion of one (1) year in service, an employee will be considered for a five percent (5%) increase in salary based on a satisfactory performance evaluation.
- After completion of two (2) years in service to ten (10) years, a four percent (4%) increase in salary will be considered every two (2) years.
- After completion of twelve (12) years in service to twenty (20) years, a three percent (3%) increase in salary will be considered every two years.

- After the completion of twenty-five (25) years and after completion of thirty (30) years a four percent (4%) increase will be considered.
- After the completion of thirty-five (35) years, an employee will be considered for a three percent (3%) increase in salary

All increases are based on a satisfactory performance evaluation, which will be administered prior to the employee's anniversary date each year, except in the case of a new employee who will be evaluated after three (3) months of employment and again prior to the end of the probationary period, according to the Performance Appraisal Process outlined in Section 404 of this employee handbook.

**Promotions** – Any current County employee promoted to a new job title shall be entitled to the grade fixed for the new job title and the promoted employee shall remain at the same schedule step the employee was in prior to his or her promotion. A promotion is defined as a position in a direct line or collateral line from the previous title and with an increase in salary.

**Time in Service** – An individual transferring into employment with Hamilton County, shall be given one-half (½) credit for the time in service of the same or a related title that has applicable job experience, toward the County's anniversary date for purposes of the Grade and Step System. A County employee who leaves the County's employment and subsequently returns to County employment within one (1) year shall be given full credit for the previous County employment of the same or a related title that has applicable job experience. A County employee who leaves the County's employment for a period in excess of one (1) year shall receive no credit for the previous County employment.

## 702 Overtime/Compensatory Time

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

**FLSA Non-Exempt Employees** – As established by applicable departmental rules, an employee will be paid one and one-half (1 ½) times the employee's regular hourly rate of pay for all authorized time worked over forty (40) hours in a given workweek, or the employee will receive compensatory time in lieu of paid overtime. An employee who receives compensatory time will be credited with the equivalent of one and one-half (1 ½) hours for all authorized time worked over forty (40) hours in a given workweek. An employee who normally works a thirty-five (35) hour workweek will be paid for additional hours worked up to forty (40) hours at the employee's regular rate of pay, or will receive compensatory time on an hour-for-hour basis for that time.

**Compensatory Time Limits and Usage** – An employee may accumulate up to forty (40) hours in compensatory time credits. In extraordinary circumstances, the Chairman of the Board of Supervisors may permit an employee, upon written request, to accrue an additional forty (40) hours for a total of eighty (80) hours of compensatory time. The Chairman may only approve the employee's request for the additional compensatory time for a specific project or time period and fixing the total number of additional hours of compensatory time to be accrued. All such requests shall be accompanied by a

proposal as to how and when the employee will use the additional compensatory time to return to the maximum of forty (40) hours.

It is recommended that all such hours be used within ninety (90) days of their accrual. If an employee who has accrued more than forty (40) hours of compensatory time has not used such hours within the recommended ninety (90) day period, such employee shall not be permitted to accrue additional compensatory time. It is recommended that all compensatory time be used in minimums of half day increments and within ninety (90) days of the hours being accrued.

An employee attending an overnight conference/training, shall receive credit for the hours of their standard work day and therefore shall not be entitled to any compensatory time for attending such conference/training, unless travel time to and from the conference/training requires the employee to travel above and beyond their normal scheduled workday.

An employee attending a **day** conference/training may accrue compensatory time, if such conference/training requires the employee to travel above and beyond their normal scheduled workday.

**Separation of Employment** - An employee who retires, resigns or is laid off will receive cash payment for unused compensatory credits to which the employee is properly entitled at the employee's then current rate of pay. Payment will be in the employee's last scheduled check, unless an alternate payment method is scheduled in advance and approved by the Treasurer's office.

**Termination of Employment** – An employee whose employment with the County is terminated will receive cash payment for unused compensatory credits to which the employee is properly entitled at the employee's then current rate of pay. Payment will be in the employee's last scheduled check.

## 703 On Call

**On Call Compensation** – In the event a Nursing, Social Service or Community Services employee is to work as the "on-call" employee, the employee shall be compensated an amount determined and approved by the Board of Supervisors, in addition to their regular rate of pay per hour as the "on-call" employee differential credit.

## 704 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 Board of Supervisors.

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

**Distribution** – The Treasurer will deliver paychecks to the Department Heads for further distribution to employees.

**Direct Deposit** – The County 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 Treasurer.

**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 on file with the Department Head and the Treasurer.

## 705 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 County’s payroll system will be made from an employee’s paycheck when authorized by the employee. Such deductions will be noted on the paycheck.

## 706 Deferred Compensation Plan

**Summary** – Hamilton County 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 Personnel Officer.

# 800 EMPLOYEE BENEFITS

## 801 Holidays

**Designated Holidays** – Hamilton County currently observes the following holidays:

1. New Year’s Day	8. Labor Day
2. Martin Luther King Day	9. Columbus Day
3. Presidents’ Day	10. Veterans’ Day
4. Good Friday	11. Thanksgiving Day
5. Memorial Day	12. Day after Thanksgiving
6. Juneteenth Day	13. Christmas Eve ½ day
7. Independence Day	14. Christmas Day

**Eligibility** – A new full-time employee, including seasonal full-time, is eligible for holiday pay at the employee’s regular rate of pay fifteen (15) working days after their hire date. Holiday pay will be based upon the employee’s scheduled hours on the day the holiday occurs. If a full-time employee is scheduled

off on the Holiday, they can be paid for the holiday or take the holiday on an optional day, with department head approval. A full-time employee on an unpaid leave of absence will be eligible to receive holiday pay after returning to work. A part-time or per-diem/call-out employee is not eligible for holiday pay.

**Holiday Observance** – In the event a designated holiday occurs on a Saturday or a Sunday, the New York State designated holiday or the Board of Supervisor’s designated holiday shall be observed.

**Assigned to Work on a Holiday** – An employee who is required to work on a designated holiday will receive the employee’s regular rate of pay.

## 802 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. An employee may take vacation leave only after it has been credited. The employee will be credited on the first of the month for the vacation leave earned during the previous month. Vacation leave is earned only for monthly pay periods during which an employee is in full pay status for at least fifteen (15) working days during such monthly pay period. Vacation credits may be transferred with the employee upon appointment, transfer or promotion to another department within the County.

**New Employees** – A newly hired full-time employee will receive vacation leave after six (6) months of continuous employment to be credited on the six-month anniversary date. Thereafter, the employee will receive vacation leave based on the following schedule:

After Completion Of:	Vacation Leave Earned 30 hour work week	Vacation Leave Earned 35 hour work week	Vacation Leave Earned 40 hour work week
1 <sup>st</sup> year	6 hrs. per month = 72 hrs.	7 hrs. per month = 84 hrs.	8 hrs. per month = 96 hrs.
2 <sup>nd</sup> year (1 <sup>st</sup> anniversary)	6.5 hrs. per month = 78 hrs.	7.75 hrs. per month = 93 hrs.	8.75 hrs. per month = 105 hrs.
3 <sup>rd</sup> year (2 <sup>nd</sup> anniversary)	7 hrs. per month = 84 hrs.	8.25 hrs. per month = 99 hrs.	9.5 hrs. per month = 114 hrs.
4 <sup>th</sup> year (3 <sup>rd</sup> anniversary)	7.5 hrs. per month = 90 hrs.	8.75 hrs. per month = 105 hrs.	10 hrs. per month = 120 hrs.
5 <sup>th</sup> year (4 <sup>th</sup> anniversary)	8 hrs. per month = 96 hrs.	9.5 hrs. per month = 114 hrs.	10.75 hrs. per month = 129 hrs.
6 <sup>th</sup> year (5 <sup>th</sup> anniversary)	8.5 hrs. per month = 102 hrs.	10 hrs. per month = 120 hrs.	11.5 hrs. per month = 138 hrs.
7 <sup>th</sup> year (6 <sup>th</sup> anniversary)	9 hrs. per month = 108 hrs.	10.5 hrs. per month = 126 hrs.	12 hrs. per month = 144 hrs.
8 <sup>th</sup> year (7 <sup>th</sup> anniversary)	10 hrs. per month = 120 hrs.	11.75 hrs. per month = 141 hrs.	13.5 hrs. per month = 162 hrs.

**Continuous Service** – Continuous Service shall mean uninterrupted service, in full pay status, as an employee. An authorized leave of absence without pay, or a resignation followed by reinstatement within one (1) 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 (15) working days during such monthly pay period.

**Time in Service** – An individual transferring employment from one of Hamilton County’s municipalities into the employment of the County, shall be given one-half (½) credit for the time in service with that municipality toward the County’s anniversary date for purposes of the computation of vacation leave credits. A County employee who leaves the County’s employment and subsequently returns to County employment within one (1) year shall be given full credit for the previous County employment. A County employee who leaves the County’s employment for a period in excess of one (1) year shall receive no credit for the previous County employment.

**Scheduling** – An employee must receive prior approval from the employee’s Department Head to take vacation leave. Vacation leave credits may not be used in increments of less than one-quarter (¼) hour. The Department Head will have total discretion in the approval of vacation leave.

**Accumulation** – A full-time employee may accumulate vacation leave credits to a maximum of forty-five (45) days. In the event an employee changes from full-time to part-time status, any vacation credits accumulated up to the maximum of forty-five (45) days must be used within one (1) year from the date the employee’s status changes to part-time. If accumulated vacation is not used within this time, vacation will not be compensated in time or cash equivalent.

**Holiday or Illness 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. If an employee becomes ill while on vacation, the employee shall be allowed to use sick leave for the illness and have the vacation time adjusted, provided the employee notifies the Department Head of the change and upon returning to work provides a doctor’s certification indicating such illness.

### **Separation of Employment**

An employee who resigns or is laid off will receive payment for a maximum of unused vacation leave hours for which the employee is properly entitled, at the employee’s then current rate of pay. The following is the maximum allowable payment for eligible employees:

Maximum Payment	30 hour work week	35 hour work week	40 hour work week
	180 hours	210 hours	240 hours

An employee who retires will receive payment for a maximum of unused vacation leave hours for which the employee is properly entitled, at the employee’s then current rate of pay. The following is the maximum allowable payment for a retiree:

Maximum Payment	30 hour work week	35 hour work week	40 hour work week
	270 hours	315 hours	360 hours

To be eligible to receive this payment, an employee who is to resign or retire must give written notice at least two (2) weeks in advance of the last day of employment. Payment will be in the employee’s last scheduled check, unless the employee requests to split the payment into their last two (2) checks. The request needs to be in advance by the employee and approved by the Treasurer’s office.



In cases of death of an employee, the County will pay an employee's designated beneficiary for any unused vacation leave, up to a maximum of forty-five (45) days.

In the event an employee leaves employment due to disciplinary action, the employee will not receive a settlement of unused vacation leave.

## 803 Vacation Donation

**Policy Statement** – The vacation leave donation program provides a means to assist employees who, because of long term personal illness or an illness on the part of an immediate family member living in their household, have exhausted their leave benefits and would otherwise be subject to a severe loss of income during a continuing absence from work. The program is not intended to provide supplemental income which would result in compensation levels exceeding normal wages for employees who have other sources of substitute income such as that provided by disability insurance programs.

**Eligibility to Donate** – In order to donate vacation leave credits, the following eligibility criteria must be met:

- An employee must have a minimum vacation credit balance of at least five (5) days after making the donation. The five-day (5) minimum is based on the donor employee's individual work schedule. (A full-time employee who works an eight (8) hour day must have forty (40) hours of vacation remaining; an employee who works a seven (7) hour day must have thirty-five (35) hours of vacation remaining.)
- There is no maximum number of times a donor may make donations to an eligible recipient.
- Donations must be made in full day units of six (6), seven (7), or eight (8) hours.
- Identity of donors may not be disclosed.
- Employees may not donate vacation leave credit which would otherwise have been forfeited. (Refer to Section 802 Vacation – Accumulation)
- An employee who has submitted their resignation or retirement or who has received notice of termination of employment can only donate vacation leave credits for which he/she can receive a lump sum payment upon separation.

**Eligibility to Receive Donations** – In order to receive donated vacation leave credits, an employee must meet the following eligibility criteria:

- Full-time employee.
- Absent due to a non-occupational personal illness or an illness on the part of an immediate family member living in their household, or disability for which medical documentation satisfactory to management is submitted as required.
- Exhausted all leave credits. (Leave credits are deemed to be exhausted if the employee has a balance of less than the number of hours in the employee's normal workday.)
- Leave of absence expected for at least two (2) bi-weekly payroll periods following exhaustion of leave credits. (Eligible employees may begin use of donated credits immediately following exhaustion of leave credits so long as the disability/illness is expected to last for at least two (2) bi-weekly payroll periods following exhaustion of such leave credits.)

- Employee provides Personnel Office with Doctor's note stating the period of absence and employee's department head approves the request for solicitation. If the employee leave is extended by further notes, each additional solicitation request **MUST BE APPROVED BY THE DEPARTMENT HEAD.**
- An employee's eligibility to participate in this program must be reviewed by the Personnel Office at least every thirty (30) days and more frequently if necessary.

\* **Employee's identity will be disclosed to donors. Reason for request will not be disclosed to donors.**

**Allowance** – The maximum amount of donation vacation leave credits that an employee may receive is one hundred and twenty (120) days, provided donated vacation leave credits do not extend employment beyond the point it would otherwise end in accordance with any applicable law, rule or regulation. There is no maximum number of donors from whom an eligible employee may accept donations.

**Use of Donated Vacation Credit** – Donated vacation leave credits may be used only after the recipient has exhausted all other leave credits. Donated vacation leave credits must be used in full day units of six (6), seven (7) or eight (8) hours based on the employee's regularly scheduled work day.

The County may waive the two (2) bi-weekly payroll period continuous absence requirement in certain cases that require an employee's intermittent absence in connection with a catastrophic illness. This exception may only be made after the exhaustion of all other leave credits of an eligible employee. Vacation Leave credits which have been donated must be used each pay period prior to placing the employee on a leave without pay for the balance of that pay period.

Donated vacation leave credits are used in the order in which they were received. (It is not the intent of the program to use all of the days donated by one employee.) If the recipient employee is separated from County service or returns to work and no additional absences are anticipated, the Personnel Office should, at that point, return unused days to any donor(s) whose donation was not fully utilized. Notification of returned leave credits should be in writing.

**Status of Recipient** – Employees are deemed to be in "leave without pay" status for attendance and leave purposes while charging donated leave credits.

The employee using donated vacation leave credits will not earn leave accruals or observe holidays nor do they receive personal leave or vacation bonus days if their anniversary date falls while they are using donated leave credits. In such cases, the personal leave anniversary date changes to the date of return to work and personal leave is granted on the adjusted anniversary date. The employee's anniversary date is adjusted if the period of continuous absence using donated leave/leave without pay exceeds six (6) continuous months. If such period is less than six (6) months, the employee retains the same anniversary date and is credited with vacation days upon return to work.

Employees using donated vacation leave credits continue to receive retirement service credit for days in pay status.

While using donated vacation leave credits, an employee will continue to have health insurance premiums, retirement contributions and other payroll deductions withheld from their paycheck provided the paycheck is of an amount sufficient to cover these deductions.

If an employee does not have enough donated vacation leave credits to cover the full payroll period, the employee is placed in leave without pay status for the balance of the payroll period. If the employee's department head approves another solicitation for donation, the employee may be credited with additional donated vacation leave credits during the payroll period, if they become available.

Participation in this program as a recipient of donated vacation leave credits does not serve to extend employment beyond the point it would otherwise have ended by operation of law, rule or regulation. For example, the fact that an employee has received donated vacation leave credits, which would carry the employee beyond one (1) continuous year of absence, does not preclude the County from terminating the employee under Civil Service Law §73 once the employee has been absent for one (1) continuous year.

**Solicitations** – Solicitation of employees for vacation leave credit donations is prohibited. The Personnel Officer shall circulate a letter to all departments describing the need. Employees who wish to donate vacation leave credit may apply with the Personnel Officer.

**Notification** – The County will not automatically assume that an employee wishes to receive vacation leave donations. Employees must notify the Personnel Officer if they wish to participate in the Vacation Donation Program as a recipient or a donor employee. The Personnel Office is responsible for reviewing eligibility of recipient and donor employees.

## 804 Sick Leave

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

**Allowance** – A full-time employee will receive paid sick leave in accordance with the sick leave schedule below. The employee will be credited on the first of the month for the sick leave earned during the previous month. Sick leave is based on the average number of hours an employee is normally scheduled to work each week. Sick leave is earned only for monthly paid periods during which an employee is in full pay status for at least fifteen (15) working days during such monthly pay period.

Accrued Sick Leave	Sick Leave Earned 30 hour work week	Sick Leave Earned 35 hour work week	Sick Leave Earned 40 hour work week
Annual Accrual	72 hours – 12 days	84 hours – 12 days	96 hours – 12 days

**Time in Service** – An individual transferring employment from one of Hamilton County's municipalities into the employment of the County, shall be given one-half (½) credit for the time in service with that municipality toward the County's anniversary date for purposes of the computation of sick leave credits. A County employee who leaves the County's employment and subsequently returns to County employment within one (1) year shall be given full credit for previous County employment. A County

employee who leaves the County's employment for a period in excess of one year shall receive no credit for the previous County employment.

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

**Notification of Sick Leave** – In the event an employee must take sick leave, the employee must notify the Department Head at least one (1) hour before the employee's scheduled reporting time or within such time limit established by the Department Head. The notification must be made personally to the Department Head, unless the Department Head authorizes the use of an answering device for this purpose. Unless an extended sick leave absence has been authorized, the employee must notify the employee's Department Head each day of the absence. These procedures must be followed to receive paid sick leave.

**Proper Use of Sick Leave** – Sick leave is provided to protect an employee against financial hardship during an illness, injury, or medical procedure. An employee may use sick leave credits for a personal illness, injury, or medical procedure that inhibits the employee's work. Sick leave credits may not be used in increments of less than one-quarter ( $\frac{1}{4}$ ) hour. An employee may take sick leave only after it has been credited. An employee may also use sick leave credits annually for family illness or injury if the employee must provide direct care to an immediate family member. Such leave will be subtracted from the employee's accumulated sick leave credits. For purpose of family sick leave, "immediate family member" will mean the employee's parent, spouse or child, including step-child and foster child. The "immediate family member" must reside as a permanent resident in the employee's household.

**Accumulation** – An employee may accumulate sick leave credits to a maximum of ninety-five (95) days.

**Medical Verification** – The County may require medical verification of an employee's absence if the County perceives the employee is abusing sick leave, or has used an excess amount of sick leave, or when an employee is absent for more than three (3) 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 Act 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 County is terminated for any reason, including retirement, will not receive cash payment for unused sick leave.

**Retirement Credit** – The Board of Supervisors has elected to provide Section 41(j) of the NYS Retirement and Social Security Law and allows credit for accumulated sick leave at the time of retirement. To be eligible, an employee must retire directly from covered employment or within one (1) year of leaving covered employment. The additional service credit is determined by dividing the total unused, unpaid sick leave days by 260. For example: 65 unpaid sick leave days  $\div$  260 = .25 or 3 months additional service credit.

**Disability Sick Leave Reserve Bank (DSL RB)** – An eligible employee is unable to work for an extended period of time due to the employee's own serious health condition, the County may provide extended

paid sick leave after all sick leave has been exhausted. The intent of this policy is to provide additional protection for an employee facing a potentially catastrophic event.

**Eligibility** – After one (1) year of full time service, a permanent employee may elect on their anniversary date to set aside either one (1) or two (2) days of their annual sick leave time in a DSLRB.

**Allowance** – An employee who elects to deposit one (1) or two (2) days in the DSLRB would then be credited with nine (9) additional days for each day deposited and would only be allowed to use the total of ten (10) or twenty (20) days in accordance with the rules that apply to a documented disability or illness. The days deposited in the DSLRB will be held in reserve for a period of one (1) year (based upon an employee's anniversary date) unless used for a documented disability or illness, or the employee terminates employment prior to the end of the year. The days deposited must be renewed on a yearly basis as said days will not be allowed to accumulate if unused.

Once the day/days have been deposited in the DSLRB, employees will not be able to retrieve said days for doctor visits or usual sick days. If employees use up all available sick leave credits for doctor visits or usual sick days it will be necessary to use other available leave credits to cover any absences from work.

**Accrual During Leaves of Absence** – Employees will be allowed to accumulate any remaining annual sick leave days not used during the benefit year up to the maximum of ninety (90) days.

**Proper Use of DSLRB** – The DSLRB is intended for disabilities or illnesses which are not covered by Worker's Compensation. The disability or illness must be more than seven (7) days in duration and must be documented in writing by a physician. All available sick leave time must be exhausted before employees may use the days in the DSLRB. If an employee returns to work after their disability or illness has been more than seven (7) days in duration, but requires medical treatment associated with that disability or illness, they may use their DSLRB in no less than ½ day increments. (Example: physical Therapy, follow-up appointments, etc.). However, in certain cases of intermittent absence in connection with catastrophic illness, the County may waive the seven (7) days in duration clause (This might be appropriate, for example, in the case of an employee undergoing a series of chemotherapy treatments or radiation necessitating frequent short-term absences from work. These would also be documented per treatment with a physician's note.)

**Notification** – Employees will be notified at least one (1) month before their anniversary date in order to complete the required paperwork connected with participation in the DSLRB. All paperwork must be signed, dated and returned to the Personnel Officer within ten (10) days after employees have received the forms.

**Separation of Employment** – Unused days in the DSLRB shall not be compensated in time or liquidated in cash at the time of separation, retirement or death of an employee.

## 805 Personal Leave

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

**Allowance** – A full-time employee will be credited with five (5) days of paid personal leave on an annual basis. Personal leave is based on the average number of hours an employee is normally scheduled to work each week. An employee may take personal leave only after it has been credited.

**Allowance** – Commencing on January 1, 1998 any full-time 35-hour employee that benefited from summer hours in past years shall receive on their anniversary date, twenty (20) hours of personal time, in addition to their five (5) days of paid personal leave, on an annual basis. An employee may take personal leave only after it has been credited.

**New Employee** – A new employee will be credited with five (5) days of paid personal leave after the completion of one (1) year of continuous service. Thereafter, the employee will be credited with five (5) days of paid personal leave on each subsequent anniversary date.

**Time in Service** – An individual transferring employment from one of Hamilton County's municipalities into the employment of the County, shall be given one-half ( $\frac{1}{2}$ ) credit for the time in service with that municipality toward the County's anniversary date for purposes of the computation of personal leave credits. A County employee who leaves the County's employment and subsequently returns to County employment within one (1) year shall be given full credit for the previous County employment. A County employee who leaves the County's employment for a period in excess of one (1) year shall receive no credit for the previous County employment.

**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. Unless otherwise authorized by the Department Head, personal leave may not be used on the scheduled workday immediately prior to or following a holiday or vacation; or in lieu of sick leave. Personal leave credits may not be used in increments of less than one-quarter ( $\frac{1}{4}$ ) hour.

**Scheduling** – An employee must receive prior approval from the employee's Department Head to take personal leave and may not be used in excess of two (2) days unless specifically authorized in writing. The Department Head will have total discretion in the approval of personal leave.

**Accumulation** – A maximum of ten (10) hours may be carried beyond the employee's anniversary date. Under no circumstances can the employee carry over or be compensated for any additional hours over the ten (10) hours.

**Separation of Employment** – An employee whose employment with the County is terminated for any reason, including retirement, will not receive cash payment for unused personal leave.

## 806 Disclosure of Insurance Benefits

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

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

**Changes in Benefits** – Any benefit offered by the County to employees or Elected Officials are subject to change or discontinuance by resolution of the Board of Supervisors.

**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 Administrator 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 County benefits. This notification contains all legally mandated information regarding applicable benefits, including COBRA health insurance continuation. An employee must immediately notify the Administrator 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 or changes in address.

**Beneficiary** – Under some of the County’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 Administrator.

## 807 Medical Insurance

**Eligibility** – The County currently offers medical insurance coverage to each full-time employee and Elected Official (with the exception of the coroner) and their eligible family members. A part-time, temporary, or seasonal employee is not eligible for medical insurance coverage.

**When Coverage Begins** – Coverage for full-time employees will begin the first day of the month following completion of sixty (60) days of employment. Coverage for appointed officials begins on the first day of

the month following their appointment and coverage for elected officials begins the date their term of office begins, provided all eligibility requirements of the insurance plan are met. Open enrollment period occurs in the month of January.

**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. Coverage will continue for eligible retirees in accordance with County policy and plan documents.

**Premium Payment (Full-time Employees)** – The County will pay 90% of the premium for individual, two-person or family medical insurance coverage, as the case may be, for each eligible full-time employee who was hired prior to 11/1/02. The County will pay 80% of the premium for individual, two-person or family medical insurance coverage, as the case may be, for each eligible full-time employee hired on or after 11/1/02. An employee may elect to sell their vacation or personal leave back to the County at a dollar per hour, determined by the Board of Supervisors, towards their health insurance premium.

**Premium Payment (Elected Officials)** – The County will pay 90% of the premium for individual, two-person or family medical insurance coverage, as the case may be, for each eligible Elected Official whose first term of office commenced prior to 11/1/02. The County will pay 80% of the premium for individual, two-person or family medical insurance coverage, as the case may be, for those Elected Officials who's first term of office commenced on or after 11/1/02.

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

**Additional Employer Contribution** – A full-time employee and elected official who receives individual, two-person or family medical insurance coverage will receive an additional employer contribution, increased annually, to a rate equal to the annual health insurance policy premium percentage (rounded to the nearest dollar) increase, which is deducted from the employee's medical insurance premium contribution. If an employee is eligible after July 1<sup>st</sup>, the contribution will be half of the annual amount.

The employee may elect to have all or a portion of the additional employer contribution placed in a Flexible Spending Account. In that case, the amount placed in that account must be matched dollar-by-dollar by the employee (at the time of eligibility) and the balance of the additional employer contribution (if any) will be applied directly to the employee's medical insurance premium contribution as shown above.

**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 Board of Supervisors. The Board of Supervisors will provide notification of changes when available.

## 808 Medical Insurance for Retirees



**Coverage** – The County currently provides medical insurance coverage to an eligible full-time employee or elected official who retires from the County. Coverage is also currently available for eligible dependents (including spouse) if they were covered under the County’s medical insurance plan at the employee’s date of retirement. In the event the retiree predeceases the dependents, the dependents may continue medical insurance coverage provided they pay the full cost of the premium. Coverage of a dependent at the time of divorce or legal separation is in accordance with plan documents and COBRA requirements.

#### **Hired prior to January 1, 2010**

**Eligibility** – To be eligible for coverage, a Hamilton County employee, including elected and appointed officials, must meet each of these requirements: a) have at least ten (10) years of continuous service with the County; b) entitled to receive a retirement benefit from the New York State Retirement System; c) employment was not terminated for cause; d) did not voluntarily terminate his or her employment with Hamilton County prior to obtaining 55 years of age as fixed by the New York State Retirement System. Termination of employment caused by failing to be re-elected or re-appointed shall not be considered as a voluntary termination from county employment nor one for cause. Failing to be re-elected shall also include the official who chooses not to run for the elected position. Such elected or appointed official shall be entitled to the foregoing benefits upon obtaining the earliest age of retirement (now 55 years of age) as allowed by the New York State Retirement System, whether or not actually receiving such retirement benefits.

**Premium Payment** (Hired Prior to January 1, 2010) – The County will pay 100% of the premium for individual, two-person or family medical insurance coverage, as the case may be, for each retiree.

**Eligibility – Special Sheriff’s Retirement Plan (Sheriff, Under Sheriff, Deputy Sheriffs)** – To be eligible for coverage, each of the following requirements must be met: a) entitled to retire under the New York State Special Sheriff Retirement Plan; b) have at least twenty (20) years of continuous service with the County; c) retire directly into New York State Retirement System; d) employment was not terminated for cause; If a), b), c), and d) criteria are met but the retiree has not reached age 55, they would be eligible under the following criteria:

- 1.) At forty-one (41) years of age, the retire is eligible for individual coverage at the same contribution percentage (%) the employee was paying prior to retirement. For a two-person or family coverage, the difference in premium from a single plan, is entirely the responsibility of retiree.
- 2.) At fifty (50) years of age, the retire is eligible for two-person or family coverage at the same contribution percentage (%) the employee was paying prior to retirement.
- 3.) At fifty-five (55) years of age, the retiree’s eligibility follows the standard eligibility for the Non-Special Sheriff’s Retirement Plan available to other Retirees who began County employment prior to January 1, 2010.

#### **Hired effective January 1, 2010 or Later**

**Eligibility** – To be eligible for coverage, a Hamilton County employee, including elected and appointed officials, must meet each of these requirements: a) have at least twenty (20) years of continuous service with the County; b) retire directly from the County into the New York State Retirement System; c) employment was not terminated for cause; d) did not voluntarily terminate his or her employment with Hamilton County prior to obtaining 62 years of age as fixed by the New York State Retirement System.

Termination of employment caused by failing to be re-elected or re-appointed shall not be considered as a voluntary termination from County employment nor one for cause. Failing to be re-elected shall also include the official who chooses not to run for the elected position. Such elected or appointed official shall be entitled to the foregoing benefits upon obtaining the earliest age of retirement (now 62 years of age) as allowed by the New York State Retirement System

**Premium Payment** (Hired effective January 1, 2010 or Later) – The Retiree will continue to pay the % of the premium they were contributing as an employee for individual, two-person or family medical insurance coverage, as the case may be.

**Eligibility – Special Sheriff's Retirement Plan (Sheriff, Under Sheriff, Deputy Sheriffs)** – To be eligible for coverage, each of the following requirements must be met: a) entitled to retire under the New York State Special Sheriff's Retirement Plan; b) have at least twenty (20) years of continuous service with the County; c) retire directly into New York State Retirement System; d) employment was not terminated for cause; If a), b), c), and d) criteria are met but the retiree has not reached age 55, they would be eligible under the following criteria:

- 1.) At forty-one (41) to fifty-four (54) years of age, the retiree is eligible for individual coverage at the same contribution percentage (%) the employee was paying prior to retirement. For a two-person or family coverage, the difference in premium from a single plan, is entirely the responsibility of retiree.
- 2.) At fifty-five (55) years of age, the retiree's eligibility follows the standard eligibility for the Non-Special Sheriff's Retirement Plan above.

**Special Sheriff's Retirement Plan for Transfer Hires** – To meet the requirements for eligibility, a Sheriff, Under Sheriff or Deputy Sheriff that transfers employment to Hamilton County, must have at least ten (10) years of continuous service with Hamilton County. If the retiree only has half of the twenty (20) requirement or ten (10) years of Hamilton County service, the retiree would be eligible for one half of the full benefit. If the retiree's Hamilton County Service is more than ten (10) years, but less than the full twenty (20) years required, the retiree health insurance benefit would be prorated as follows: 10 years – 50% of full benefit, 11 years – 55% of full benefit, 12 years – 60% of full benefit, etc; up to the standard benefit at twenty (20) as normally offered.

**Eligibility – Correction Officers** – To be eligible for coverage, each of the following requirements must be met: a) have at least twenty (20) years of continuous service with the County; b) retire directly from the County into the New York State Retirement System; c) employment was not terminated for cause; d) did not voluntarily terminate his or her employment with Hamilton County prior to obtaining 55 years of age as fixed by the New York State Retirement System. Correction Officer retiring at fifty-five (55) years of age should know that they will be subject to a penalty with New York State Retirement.

**For all retirees, a retiree that meets the required criteria, who elects not to participate in the medical insurance plan made available to them by the County at the time of retirement, may elect to participate later by written request. Participation is required to be during an open enrollment period or due to an eligible qualifying event. These eligibility requirements are subject to change by resolution of the Board of Supervisors.**

**Plan** – The County will make available coverage that is equal or comparable to, the existing current plans offered to employees at that time. The Board of Supervisors may, at its discretion, change the plans at any time, including, but not limited to, type of coverage, retiree contributions, and type of carrier.

Coverage under a medical insurance plan made available through the County will continue until the retiree or eligible spouse, as the case may be, meets the eligibility criteria for Medicare coverage, at which time primary coverage will be provided by Medicare. At that time, the retiree and eligible spouse may be required to change medical insurance plans in order to maintain supplemental coverage.

**Changes in Premium Contributions** – The amount of the insurance premium a retiree or retiree’s spouse is required to contribute is subject to change by resolution of the Board of Supervisors. The Board of Supervisors will provide a written notice of such changes.

**Medicare Part B Reimbursement** – The County will reimburse an eligible retiree and the retiree’s spouse for the cost of the Medicare Part B premium. Such reimbursement will cease for both the retiree and retiree’s spouse upon the death of the retiree. Reimbursement will also cease for a spouse upon legal separation or divorce. The Board of Supervisors may, at its discretion and in accordance with plan documents, modify or eliminate this reimbursement for any retiree or retiree’s spouse.

## 809 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 the 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 (36) 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 and for the time period specified below. 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.
- 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 (65).

**Change in Beneficiary Status** – An employee or elected official must notify the County within sixty (60) 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 County 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 Personnel Officer will provide the employee or elected official with the enrollment forms and assist with the administrative and operational aspects of COBRA. Enrollment is not automatic. The employee or elected official must complete the necessary enrollment forms and return all COBRA forms to the Personnel Officer within the time indicated. If the required forms or premium payments are not received at the time specified, medical insurance coverage will cease.

## 8010 Optional Insurance (AFLAC)

**Summary** – The County 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.

## 8011 Dental Plan

**Eligibility** – The County currently offers a self-pay dental plan to each full-time employee and elected official. A part-time, temporary or seasonal employee is not eligible for this plan.

**When Coverage Begins** – Coverage for full-time employees will begin the first day of the month following completion of sixty (60) days of employment. Coverage for appointed officials begins on the first day of the month following their appointment and coverage for elected officials begins the date their term of office begins, provided all eligibility requirements of the insurance plan are met. Open enrollment period occurs in the month of January.

**Employee Premium Contribution** – The employee will pay the full premium for the selected dental plan.

**Changes in Premium Contributions** – The amount of the insurance premium an employee or elected official is required to pay is subject to annual renewal rates.

## 8012 Vision Plan

**Eligibility** – The County currently offers a self-pay vision plan to each full-time employee and elected official. A part-time, temporary or seasonal employee is not eligible for this plan.

**When Coverage Begins** – Coverage for full-time employees will begin the first day of the month following completion of sixty (60) days of employment. Coverage for appointed officials begins on the first day of the month following their appointment and coverage for elected officials begins the date their term of office begins, provided all eligibility requirements of the insurance plan are met. Open enrollment period occurs in the month of January.

**Employee Premium Contribution** – The employee will pay the full premium for the selected vision plan.

**Changes in Premium Contributions** – The amount of the insurance premium an employee or elected official is required to pay is subject to annual renewal rates.

## 8013 Flexible Spending Account

**Summary** – Hamilton County offers eligible employees the opportunity to participate in a County-sponsored Flexible Spending Account (FSA) plan. The benefit of participating in the FSA is that an employee's contributions to the plan are deducted from the employee's paycheck before federal, state, and social security taxes are calculated. This reduces the employee's taxable income and increases net take-home pay. Further details regarding this plan may be obtained from the Personnel Officer. The options offered under this plan are shown below.

**Eligibility** – A full-time employee or elected official is eligible to participate in this plan. Participation by full-time employees will begin the first day of the month following completion of sixty (60) days of employment. Participation by appointed officials begins on the first day of the month following their appointment and participation by elected officials begins the date their term of office begins, provided all eligibility requirements of the insurance plan are met. Open enrollment period occurs in the month of January. A part-time, temporary or seasonal employee may not participate in this plan.

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

**Health Care FSA** – An employee may elect to have a pre-determined amount deducted from the employee's paycheck on a pre-tax basis each payroll period to be placed in a Health Care FSA, up to the Annual Affordable Care Act (ACA) maximum limit determined on an annual basis. Money set aside in an employee's Health Care FSA may be used to cover certain health, dental, and vision care expenses that are not reimbursable through the employee's insurance plan(s).

**Additional Employer Contribution** – An employee may elect to have all or a portion of the additional employer contribution (see Section 807) placed in a Health Care FSA. In that case, the amount to be placed in that account must be matched dollar for dollar by the employee (at the time of deposit) and the balance of the additional employer contribution will be applied directly to the employee's medical insurance premium contribution.

**Dependent Care FSA** – An employee may elect to have a pre-determined amount deducted from the employee's paycheck on a pre-tax basis each payroll period to be placed in a Dependent Care FSA. Money set aside in this account may be used to cover eligible day care and nursery school expenses for covered dependents.

**Medical Insurance Waiver** – The County will offer a Health Care FSA, with the Annual Affordable Care Act (ACA) maximum limit (determined on an annual basis) to employee's waiving medical insurance or a cash buyout with same ACA maximum limitation. The cash buyout will be paid in 2 installments (month of June and month of December). If an employee is eligible after July 1<sup>st</sup>, the employer contribution will be half the amount of the ACA maximum limit. To be eligible for this option, the employee must provide documentation of comparable medical health insurance coverage in a manner and form to be determined by the County and sign an appropriate waiver of health insurance coverage and waiver of liability to the County.

## 8014 Workers' Compensation Benefits

**Coverage** – The County 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.

**207-c Benefits** – Law enforcement officers may be covered for certain workers' compensation benefits pursuant to Section 207-c of the General Municipal Law.

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

**Premium Payment** – The County 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 Personnel Officer who will complete and submit the required forms.

**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 County will continue medical insurance coverage for the employee in accordance with the provisions of the Family and Medical Leave Act Policy in this Employee Handbook.

## 8015 Unemployment Benefits

**Coverage** – The County will make available unemployment benefits to each employee ruled eligible for benefits under New York State Labor Law.

## 8016 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 County.

## 8017 The New York State Employee's Retirement System

**Summary** – The County will make available the New York State 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 (5) or ten (10) 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 (30) hours per week, or less than the standard number of hours for full-time employment as established by the employer for this position; or
- The annual compensation for the position is less than the State's minimum wage multiplied by 2,000 hours; or
- Duration of employment for less than one (1) year or employment on less than a twelve (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 in the Retirement System and will acknowledge receipt of such notice by signing a copy thereof and returning it to the Personnel Officer. 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 Personnel Officer.

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

## 900 COMPLIANCE POLICIES

### 901 Equal Employment Opportunity

**Policy Statement** – Hamilton County is an Equal Opportunity Employer. The County 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 predisposition or carrier status, sexual orientation, or any other protected class or status. Likewise, the County prohibits employees, elected officials, vendors, suppliers, visitors, customers, and any other non-employees from discriminating against County 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 Personnel Officer or any member of the Board of Supervisors. 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.

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

## 902 The Americans with Disabilities Act

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

The County will determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodation(s), and the accommodation's impact on County 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. Hamilton County 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 Personnel Officer or any member of the Board of Supervisors. 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 County 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



County administrative action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

## 903 Sexual Harassment in the Workplace

Hamilton County 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 Hamilton County's commitment to a discrimination-free work environment.

Sexual harassment is against the law and 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 Hamilton County. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

### **Policy:**

1. Hamilton County's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Hamilton County. In the remainder of this document, the term "employees" refers to this collective group.
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. Hamilton County will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of Hamilton County 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 working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Personnel Officer. 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 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 Hamilton County 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.
5. Hamilton County 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. 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. Hamilton County 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 Personnel Officer.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be 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 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 acts 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 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.** Hamilton County 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 Personnel Officer. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Personnel Officer.

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 other reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Personnel Officer.

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 or managers will also be subject to discipline for engaging in any retaliation.

### **Complaint and Investigation of Sexual Harassment**

**All** complaints or information about 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. Hamilton County 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 Personnel Officer, 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 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 their 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 Hamilton County but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Hamilton County, 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 government 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 one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Hamilton County does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that 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](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://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.

If an employee alleging discrimination at work 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](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto: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. Employees who work in Hamilton County may file complaints of sexual harassment with the New York State Division of Human Rights. Contact their main office at Empire State Plaza, Agency Building 1, 2<sup>nd</sup> Floor, Albany, New York 12220 or call (518) 474-2705 or (518) 474-2707 or visit [infoAlbany@dhr.ny.gov](mailto:infoAlbany@dhr.ny.gov).

## **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.

## **904 Violence in the Workplace**

### **I. Policy Statement**

The County of Hamilton has a long-standing commitment to promoting a safe and secure work environment for all its employees. All County employees and elected County Officials are expected to maintain a work environment free from violence, threats of harassment, intimidation or coercion including sexual harassment. While these behaviors are not prevalent in Hamilton County's workplaces, no organization is immune. The purpose of this policy 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.

### **II. Scope**

All County employees, elected County Officials, vendors, contractors, consultants, and others, who do business with the County, whether in a County facility or where official County business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with the County, such as former employees and visitors. When employees have complaints about other employees, they should contact their immediate supervisor. If the complaint involves their immediate supervisor, they should contact their department head and/or the Designated Employee Contact Person.

### **III. Zero tolerance**

Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated. Complaints involving workplace violence or harassment will not be ignored and will be given the serious attention they deserve. Individuals who violate this policy may be removed from County property and employees may be subject to disciplinary action up to and including termination, consistent with County policies, rules, and/or referral to law enforcement authorities for criminal prosecution.

### **IV. Definitions**

**Workplace violence** is any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's legal rights of movement or expression, or disrupts the workplace, or the County's ability to provide services to the public. Examples of workplace violence include, but are not limited to:

- Disruptive behavior intended to disturb, interfere with or prevent normal work activities (such as yelling, using profanity, verbally abusing others, or waving arms and fists).
- Intentional physical contact for the purpose of causing harm (such as slapping, stabbing, punching, striking, shoving, or other physical attack).
- Menacing or threatening behavior (such as throwing objects, pounding on a desk or door, damaging property, stalking, or otherwise acting aggressively; or making oral or written statements specifically intended to frighten, coerce, or threaten) where a reasonable person

would interrupt such behavior as constituting evidence of intent to cause harm to individuals or property.

- Stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.
- Possessing a weapon on County premises or in a County vehicle as further defined (See VI. below).

**Designated Employee Contact Person** is an employee authorized by the employees to represent the employees pursuant to Article 14 of the Civil Service Law.

#### **V. Workplace Risk Evaluation**

The County, with the participation of the Safety Officer and the Designated Employee Contact Person, has conducted evaluations of all departments and, subject to re-evaluation within 12 months hereafter, the County determines that the following are some of the factors or situations in County workplaces that might place employees at risk of occupational assaults and homicides:

- a. Employees working late night or early morning hours;
- b. Employees exchanging money with the public;
- c. Employees working alone or in small numbers;
- d. Areas of previous security problems;
- e. Working in public settings;
- f. Working in isolated work areas;
- g. Working with clients or persons with a known history of violent behavior or behavior disorders.

#### **VI. Workplace security measures**

In an effort to fulfill this commitment to a safe work environment for employees, customers, and visitors, a few simple rules have been created. These are:

- No weapons are permitted on County occupied/owned buildings or vehicles, (See VI. below).
- Access to the County's property before/after normal work hours will be subject to such security procedures as will be developed by County management for each County building or worksite. Such security procedures may include requiring sign in/sign out sheets for all persons entering or leaving the building after normal work hours. Additionally, any employee working other than his or her normal hours must inform a supervisor prior to doing so.
- Internal office entrance doors will be locked before/after normal work hours.
- Installation of surveillance equipment and/or alarm systems will be installed where deemed necessary and appropriate based upon an evaluation of County-owned buildings and premises.
- All individuals who apply for or obtain a protective or restraining order which lists the County locations as protected areas must provide a copy of the petition used to obtain the order, as well as a copy of the protective or restraining order which was granted, to their immediate supervisor or the designated representative(s) listed below.



- Workplace Violence Response Procedures specific to work areas detailing appropriate action and contact information will be posted and circulated.
- County management, the Safety Officer and the Designated Employee Contact Person will conduct periodic reviews of the security measures involving use of County premises.

## **VII. All weapons banned**

The County of Hamilton specifically prohibits any employee from bearing or having in his or her possession, either openly or concealed, any firearm, gun explosive device or substance, lethal or debilitating chemical or gas, or any dangerous or deadly weapon or instrument of any description, including, but not limited to a handgun, pistol, target pistol, revolver, rifle, shotgun, dangerous knife, dagger, dirk, razor; stiletto, imitation pistol or other items defined by the Penal Law of the State of New York, while entering into or while being present in any building and/or vehicles owned, leased or operated by or for the County of Hamilton.

This ban includes keeping or transporting a weapon in a vehicle in a parking area, whether public or private. Employees are also prohibited from carrying a weapon while performing services off the County's business premises.

This policy shall not apply to any authorized peace officer or police officer, as defined in the New York State Criminal Procedure Law, or any authorized official of the County, State or Federal Government. This exemption being limited, however; to such times when the official duties of such an authorized officer or official cause him or her to be present in any building owned, leased or occupied by the County of Hamilton.

Employees who violate this policy shall be subject to disciplinary action, up to and including termination.

## **VIII. Education & Training**

The County is responsible for the dissemination and enforcement of this policy as described herein, as well as for providing opportunities for training in the prevention and awareness of workplace violence. A copy of this Workplace Violence Program and/or an incident report form will be made available to all County employees by contacting the Designated Employee Contact Person. As part of its commitment to preventing workplace violence, the County has established training programs for all employees. All employees will be required to attend this training at least once each year. All new employees will receive training as part of their new employee orientation training.

## **IX. Inspections**

Desks, telephones, computers, fax machines, and mail systems, including e-mail are the property of the County and are intended for business use only. Employees are reminded that they have no expectation of / or right to privacy in connection with any of these systems. Management reserves the right to enter or inspect your work area including, but not limited to, desks, computers, hard drives, e-mails, computer storage disks and storage media of whatever form or format, with or without notice. Any private conversations overheard or private messages retrieved that constitute threats against other individuals can and will be grounds for disciplinary action.

## **X. Reporting of incidents**

### **1. General Reporting Responsibilities**

Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any County employee or elected official. Workplace violence should promptly be reported using the Workplace Violence Incident Report form to be made available to each department head. Additionally, County employees and elected officials are encouraged to report behavior that they reasonably believe poses a potential for workplace violence as defined in Section IV. It is important that all employees and elected officials take this responsibility seriously to effectively maintain a safe working environment

## 2. Imminent or Actual Violence

Any person experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call 911 immediately!

## 3. Commitment of a Crime

All individuals who believe a crime has been committed against them have the right, and are encouraged, to report the incident to the appropriate law enforcement agency

## 4. Sexual Harassment

Employees who have complaints of sexual harassment by anyone at work, including any supervisors, co-employees, or visitors, are urged to report such conduct so that the County may investigate and resolve the problem. Employees may bring such matters to the direct attention of their supervisor, or directly to the Designated Employee Contact Person. (See, Anti-Harassment Policy for further information.)

## 5. False Reports

Employees and elected officials who make false and malicious complaints of workplace violence or sexual harassment, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action and/or referral to law enforcement authorities as appropriate.

## **XI. Complaint and Investigation of Workplace Violence**

**All** complaints or information about workplace violence 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 workplace violence 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 workplace violence. Hamilton County 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 Personnel Officer, 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 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 their right to file a complaint or charge externally as outlined in the next section.

## **XII. Incident management**

In the event of a major workplace incident that affects, or has the potential to affect, the mental health of our workforce, we will provide initial counseling and support services to you and your immediate family members. As the crisis passes and support systems are put into place for individuals affected by the incident, the County will make every effort to return to normal business operations. A reasonable effort will be made to notify employees, customers, clients, and others who need to know of the status of business operations will be made to communicate through the news media and other available resources.

## **XIII. Reports to the Department of Labor**

Any employee who believes that a serious violation of a workplace violence protection program exists or that an imminent danger exists shall bring such matter to the attention of the employee’s department head and/or the Designated Employee Contact Person in the form of a written notice and shall afford the County a reasonable opportunity to correct such activity, policy or practice. If following a referral of such matter to the employee’s department head and/or the Designated Employee Contact Person’s attention and after a reasonable opportunity to correct such activity, policy or practice the matter has not been resolved and the employee still believes that a violation of a workplace violence prevention program remains, or that an imminent danger exists, such employee may request an inspection by the Department of Labor by giving notice to the Commissioner of Labor of such violation or danger in writing and in accordance with the Commissioner’s rules and regulations regarding such requests.

## **XIII. No Retaliation**

The County of Hamilton strictly prohibits retaliation in any form against any employee who has (1) reported an alleged serious violation to a supervisor; (2) requested an inspection by the Department of Labor officials; or (3) accompanied the Department of Labor officials during the inspection. In addition, it is the responsibility of the County of Hamilton to take appropriate disciplinary action against any employee or official whose actions are retaliatory in nature.

## 905 Drug-Free Workplace/Drug Free Awareness Program

**Policy Statement** – It is the policy of Hamilton County 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** – Hamilton County’s Drug-Free Workplace Policy pertains to all individuals who are employed by Hamilton County.

**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 County 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 County 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 County vehicle, a vehicle leased for County business, or a privately owned vehicle being used for County 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 County 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 wellbeing of other individuals in the workplace.

**Non-Discrimination Policy** – Hamilton County 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 County 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 County 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 (5) calendar days of the conviction.

**County Responsibilities** – The County will notify the granting federal agency within ten (10) days after receiving notice from an employee of such a conviction or otherwise receiving actual notice of such conviction. In addition, within thirty (30) calendar days of receiving notice of a conviction, the County 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 Section 702 and 703 of the Drug-Free Workplace Act.

**Drug-Free Awareness Program** – It is the policy of Hamilton County to maintain a drug-free workplace. In accordance with that policy, the County 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 (5) times the average sick and accident benefits
  - Higher job turnover, replacement and training costs
  - Greater workers’ compensation and health insurance payments
  - three (3) to five (5) times more on-the-job accidents
  - unemployment claims
3. Absenteeism and Tardiness
  - double the normal rate

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

4. Damaged Relationships

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

## 906 Controlled Substance and Alcohol Testing

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

**Covered Employees** – The County’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.

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

## 1000 SAFETY

### 1001 Workplace Safety

**Policy Statement** – Prevention of injury and illness in the workplace requires the cooperation of all employees in all safety and health matters. It is the policy of the County 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 County’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 Personnel Officer. The Personnel Officer or Safety Officer 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 Personnel Officer. The Personnel Officer will maintain appropriate documentation of the incident.
- The Personnel Officer or Safety Officer 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.

## 1002 Hazard Communication Program

**Statement of Compliance** – Hamilton County 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 County 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 County 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 County will rely on manufacturer applied labels whenever possible. A

container that is not labeled or on which the manufacturer's label has been removed, must be properly labeled. A container not properly labeled must be given to the Department Head for labeling or proper disposal.

- **Dispensing Chemicals** – An employee may dispense chemicals from original containers only in small quantities intended for immediate use. Any chemical leftover must be returned to the original container or to the Department Head for proper handling. No unmarked containers of any size are to be left in the work area unattended.

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

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

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

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

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

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

## 1100 COMMUNICATION PROCEDURES

### 1101 Organizational Communications

**Summary** – The Board of Supervisors 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, 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. All material to be posted on bulletin boards, including memos and announcements, must have the prior approval of the appropriate Department Head.

#### 1102 Adverse Communications

**Policy Statement** – An employee who receives any communication of a negative nature directed to the County, 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.

#### 1103 Suggestions

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

#### 1104 Public Relations

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

#### 1105 Media Relations

**Policy Statement** – All requests for information from the media (e.g., television, radio, and newspaper) must be referred to the Chairman of the Board of Supervisors or to the Deputy Chairman of the Board of Supervisors. All press releases, publications, articles, and any other documents for release to the media must be approved in advance by the Chairman of the Board of Supervisors or by the Deputy Chairman of the Board of Supervisors.

#### 1106 Reporting of Improper Activities

**Policy Statement** – An employee who witnesses or becomes aware of an inappropriate action, improper financial circumstance, inappropriate use of County funds or property, safety issue, or other matter that appears to be inappropriate, the employee should **immediately** make the Department Head, the Chairman of the Board of Supervisors, or any member of the Board of Supervisors aware of the issue.

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

### 1200 DISPUTE RESOLUTION

## 1201 Dispute Resolution Procedure

**Policy Statement** – The Board of Supervisors 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 Board of Supervisors which will enhance the overall operation of the County. The County 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 County is without authority of act. A few examples of matters that may be considered appropriate disputes under this policy include:

- A belief that County policies, practices, rules and 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 immediate supervisor. The dispute must be submitted, in writing, within seven (7) 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 (7) working days after receiving the dispute, the employee’s immediate supervisor 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 immediate supervisor, the employee may submit the matter to the employee’s Department Head. The dispute must be submitted, in writing, within seven (7) 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 (7) working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge. The Department Head will forward a copy of the dispute to the Personnel Officer.

Within seven (7) working days after receiving the dispute, the Department Head will meet with the employee to discuss and attempt to resolve the matter. Within seven (7) working days from the meeting, the Department Head will issue a written response which will be given to the Personnel Officer and the employee.

**Step Three** – In the event the employee is not satisfied with the response at Step Two, the employee may submit the matter to the Personnel Officer. The dispute must be submitted, in writing, within seven (7) working days from receiving the Step Two response, or when the response should have been received.

Within seven (7) working days after receiving the dispute, the Personnel Officer will investigate the matter and issue a written response which will be given to the employee.

**Step Four** – In the event the employee is not satisfied with the response at Step Three, the employee may submit the matter to the Board of Supervisors by filing a Request for Hearing with the Clerk of the Board of Supervisors. The Request for a Hearing must be submitted, in writing, within seven (7) working days from receiving the Step Three 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 Board of Supervisors will set the time and place for the hearing. All decisions rendered by the Board of Supervisors 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 County 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 County to proceed with any disciplinary action that is not in retaliation for the use of this procedure.

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

# 1300 EMPLOYEE ACKNOWLEDGEMENT FORM

Detach and place in employee's personnel file.

## HAMILTON COUNTY

### EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

I hereby acknowledge that I have received a copy of Hamilton County Employee Handbook outlining the rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits of Hamilton County. I further acknowledge that I have read, or will read the contents of the Employee Handbook and will contact my Department Head or the Personnel Officer if I have any questions.

I understand that the Employee Handbook is not meant to create a contract of employment, nor should it be construed as creating a contract of employment and that the Board of Supervisors of Hamilton County 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 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 Hamilton County, and may be charged from time to time, by Hamilton County.

\_\_\_\_\_  
Employee name (please print)

\_\_\_\_\_  
Department Head Name (please print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Date of Signature