2019

TOWN OF NISKAYUNA

EMPLOYEE HANDBOOK

# Employee Handbook

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100 INTRODUCTION

101 Welcome Message

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

This Employee Handbook is designed to familiarize you with your employment and to help ensure government compliance, foster positive employee relationships, and contribute to the overall success of the Town in delivering services to the public effectively and efficiently. Specific questions concerning employment matters should be addressed to the Department Head or Comptroller’s Office.

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

102 A Message regarding Our Unions

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

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

We hope that your career with the Town of Niskayuna will be an enjoyable experience.
103  Our Heritage

The name Niskayuna is said to be derived from the Connestigione Indians who occupied the locality at the coming of the Dutch in about 1642, twenty years before Arendt van Curler founded Schenectady. The name, meaning “extensive corn flats,” evolved from the original “Canastagione.” What we now know as Niskayuna was once part of a much larger area. When the first settlers arrived here in the 1600s, these Indians occupied land on both sides of the Mohawk River including the current hamlets of Alplaus and Rexford and an area reaching as far east as Latham Corners in the Town of Watervliet (now Colonie) and the Stockade area of the City of Schenectady.

When the County of Schenectady was carved from Albany County on March 6, 1809, much of Niskayuna’s original area was ceded to other towns. Niskayuna, with just 681 residents, became one of the five towns and one city that comprised the new County of Schenectady. Adjustments to its western boundary made in the early 20th century decreased the Town’s area to its current 15.1 square miles.

In 1664, Harmon Vedder built the first home erected in Niskayuna. In 1687, the Van Antwerp Farm emerged at what is now 1727 Van Antwerp Road. In 1746, one of a line of blockhouses, ranging from Fort Massachusetts to Fort Hunter was built in Niskayuna by Governor George Clinton. In 1835, the Craig Hotel was built on Aqueduct Road.

In 1799, the Albany-Schenectady Turnpike (now Route 5) was built through Niskayuna and tolls were still being collected in 1886. The route of the Turnpike was laid out by surveyor Lawrence Vrooman, who became Niskayuna’s first Town Supervisor in 1809.

When built in 1805, a bridge across the Mohawk River at Rexford was known as Alexander’s Bridge, and two mills built by the same person were called Alexander’s Mills, the earliest name for the center of what grew to become a hamlet. As of 1822, the Erie Canal crossed the river into Niskayuna at Alexander’s Mills on an aqueduct 748 feet long and 25 feet above the stream. From that time onward, the hamlet became known as Aqueduct. There were two locks on the Canal between Schenectady and the hamlet of Rexford in the Saratoga County town of Clifton Park.

In 1843, the Troy and Schenectady Railroad was built along the Mohawk River with a station in the Aqueduct hamlet and another, still standing, in the Niskayuna hamlet. Halfway between these was the Rosendale hamlet opposite Niska Isle. In 1975 the Town acquired the Railroad’s abandoned right-of-way and converted it into a hike and bike trail.

In 1886 the Edison Machine works was founded in nearby Schenectady when Thomas Edison bought the abandoned buildings of the McQueen Locomotive Works from the descendants of Niskayuna resident Charles Stanford and moved his factory from New York City to Schenectady. The electrical industry was born in Schenectady and led to a dramatic increase in population in the City and in the Town of Niskayuna.

The Reformed Church of Niskayuna, organized about 1750, moved a short distance to its current location on Troy Road near the Colonie border in 1852. It is one of two Niskayuna sites listed on the State and National Register of Historic Places. The other is the George Westinghouse Jones home on the corner of Troy Road and St. David’s Lane, now the
In 1762, John Duncan (1722–1791) acquired an estate of about 800 acres of Niskayuna land in an area now known as Stanford Heights, named after the 1859 owners of part of that acreage. The Stanfords were the parents of Governor Leland Stanford of California and State Senator Charles Stanford of Schenectady. Duncan’s first home on the property was called The Hermitage, but it burned down in 1790. In about 1817 a second home, 100 yards to the north, was built by Hermanus Schuyler who later became Town Supervisor. Called Locust Grove by the senior Stanfords, the Stanford Mansion now sits on only 12.4 acres, all that is left of Duncan’s original 800. The property became the Ingersoll Memorial Home for the aged from 1922 until 2008 when the institution moved to a new and larger home on Consaul Road.

Prominent in the town 150 or more years ago were families whose names are still used to designate streets and places in Schenectady County: Bradt, Burger, Clute, Consaul, Craig, Cregier, Glen, Green, Groot, Lansing, Maxon, Mesick, Pearse, Reist, Scheckelman, Schoolcraft, Schopmeier / Shopmyer, Spoor, Stanford, Van Antwerp, Van Vranken, Vedder / Veeder, Viele, Vrooman / Vroman, Wemple, Winne, and Zenner.

Public transportation linked Niskayuna to areas to the north and east. By 1920, trolleys from Schenectady made their way up Union Street, once called Niskayuna Street, out the Troy Road to the east past many “stops” to Troy. Trolleys also ran along Van Vranken Avenue and up the newly created Grand Boulevard to Van Antwerp Road. They also ran along Aqueduct Road crossing the Mohawk River into Rexford and then north to Saratoga Springs.

The crossroads of Niskayuna, very close to the geographic center of the town, is the intersection of two streets that are each named for a clergyman whose first name was Eliphalet: Nott Street and Balltown Road. Nott Street was named for Rev. Eliphalet Nott (1773-1866), a clergyman, inventor, and president of Union College for 62 years. In 1785, a few miles north of Niskayuna, Rev. Eliphalet Ball (c. 1727-1797), a third cousin of George Washington, founded Ball’s Town, known as Ballston in Saratoga County. The road south from there, Ball’s Town Road, soon became “Balltown Road.” It comes into Niskayuna at the Rexford Bridge, crosses Nott Street and then Union Street, and continues past the Stanford Mansion to State Street.

After many years of meeting in an upstairs room of a fire station, the town government moved to a new building of its own on Balltown Road in 1950. With two further expansions it served the town for 44 years until a much larger Town Hall was completed on an extension of Nott Street in 1995.

Niskayuna is home to several institutions that have long and distinguished histories of their own: television station CBS6 (formerly WRGB), the Grand Boulevard Fire Company, the Mohawk Golf Club, Bellevue Woman’s Care Hospital, the Schenectady Curling Club, General Electric’s Global Research Laboratory, the research laboratory of Schenectady International, and the Knolls Atomic Power laboratory.
In 1962, Niskayuna became a town of the First Class, a formal state designation, and then in 1975, attained a status of still higher autonomy, that of Suburban Town. Niskayuna now offers all of the services of a city, and with its population of 21,781 according to the 2010 census, the town is more populous than 33 of New York State’s cities and is still growing.

104 Definitions

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

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

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

- Town Supervisor
- Town Board Members
- Town Justice
- Town Clerk
- Receiver of Taxes

**Town Supervisor** – For purposes of this Employee Handbook, “Town Supervisor” will mean the Town Supervisor of the Town of Niskayuna. When referenced in this Employee Handbook, Town Supervisor shall also mean an individual acting with the Town Supervisor’s properly designated authority.

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

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

**Employee** – For the purposes of this Employee Handbook, “employee” will mean a person employed by the Town, including, but not limited to, an appointed official, an appointed member of a board or commission, Department Head, managerial employee, confidential employee, supervisory employee, provisional employee, probationary employee, temporary employee, seasonal employee, trainee, or student worker, 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 Service of Schenectady County*. 
Police Administration – For the purposes of this Employee Handbook, “police administration” shall mean any sworn officer of the Niskayuna Police Department holding, or above, the rank of Lieutenant.

Hire Date – The first day an employee begins actually working for the Town.
105  The Purpose of this Employee Handbook

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

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

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

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

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

Police Department – For the purposes of some of the policies stated in this Employee Handbook, the Town of Niskayuna Police Department has the authority to promulgate its own policies and procedures. If a policy stated in this Employee Handbook differs from Chapter 37 of the Code of the Town of Niskayuna or General Orders as established and amended by the Chief of Police, the latter shall supersede.

Questions – Any questions regarding any topic covered in this Employee Handbook should be directed to the appropriate Department Head and or the Comptroller’s Office.
106 Changes or Modifications

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

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

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

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

201 Full-Time Employees

For purposes of this Employee Handbook, the term “full-time employee” will mean an employee who is regularly scheduled to work a minimum of thirty-five 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 ongoing basis to work less than thirty-five 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 Exempt Employees

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

206 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.
The following is intended as a guide. The Civil Service Law and the Rules for the Classified Service of Schenectady 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 Service of Schenectady County will include all Town employees who are subject to the Rules for the Classified Service of Schenectady County. The Classified Service is divided into four jurisdictional classes:

- **Exempt** – those positions, other than unskilled labor positions, for which competitive or non-competitive examinations or other qualification requirements are not practicable (Civil Service Law, Section 41);
- **Competitive** – those positions for which it is practicable to determine merit and fitness by competitive examination;
- **Non-Competitive** – those positions not in the exempt class or the labor class for which it is not practicable to determine merit and fitness by competitive examination, but rather by a review of training and experience; and,
- **Labor** – unskilled labor positions, except those positions 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 Town intends to maintain, the Town will fill the vacancy by selection from the eligible list certified by the Schenectady County Civil Service Commission of persons who have taken the appropriate Civil Service examination. The Schenectady County Civil Service Commission will test and rank each candidate according to the individual’s performance on the examination. In accordance with Civil Service Law Section 61, the Town will select a candidate from one of the top three eligible scores on the list willing to fill the position.

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

### 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 Schenectady County Civil Service Commission 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 Town Law Section 25 and Public Officers Law Section 10, which must be administered prior to commencing the duties of the office. Each official who is re-elected or re-appointed to a subsequent term must take the Oath of Office for each term.

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

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

402 Procedure for Filling Vacancies

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

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

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

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

Pre-Employment Physicals – When appropriate in accordance with the requirements of a particular position, the Town may require that an applicant undergo a medical examination after receiving a conditional offer of employment, to determine fitness for duty. In doing so,
the Town will comply with the provisions of the Americans with Disabilities Act (see Section 902 of this handbook.)

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

403 Nepotism

Policy Statement – Town employees or officials may not authorize or use the authority or influence of their positions to secure employment for or to benefit a person closely related by blood or marriage, or another significant business relationship.

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

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

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

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

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

**Failure to Successfully Complete Probationary Period** – In the event the employee’s performance or conduct is not satisfactory, the Town 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.
405 New Employee Orientation

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

406 Corrective Action and Discipline

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

Procedures – Employees covered by Civil Service Law Section 75 shall be disciplined in accordance with the procedures contained therein. Section 75 affords a covered employee the opportunity for a hearing when charges of incompetence or misconduct have been made against the employee by the Town. Refer to Policy Appendix A for further details. An employee who is a member of a collective bargaining unit should refer to the collective bargaining agreement on the subject of the disciplinary procedures.

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

Counseling – Counseling employees, as opposed to initiating formal disciplinary action, may be the appropriate first step in addressing performance deficiencies or misconduct. The purpose of counseling is to inform the employee of such deficiencies or misconduct, discourage its recurrence, and inform the employee of the consequences if the behavior is repeated. When performance deficiencies are the issue, the performance standards of the job should be reviewed, along with specific examples of how the employee is not meeting those standards. Where appropriate, goals for improvement may be established, along with a time frame for achieving them. The counseling will be documented in writing and the employee will be required to acknowledge receipt by signing the memorandum. Any employee who fails to follow a supervisor’s directive to sign the counseling memorandum to acknowledge receipt will be subject to disciplinary action.
Discipline – The purpose of disciplinary action is to impose penalties for performance deficiencies or misconduct. In normal circumstances, the Town endorses a policy of progressive discipline which includes, but may not be limited to, documented verbal reprimand, letters of reprimand, suspension without pay, or termination of employment, depending on the circumstances. The Town retains the right to discipline employees without engaging in progressive discipline or prior counseling if the situation so warrants and retains the right to discipline employees in any manner it sees fit.

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

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

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

- Willful violation of Town’s rules, policies, and procedures.
- Harassing (including sexual harassment), intimidating, coercing, threatening, assaulting, or creating a hostile environment against another employee, Elected Official, resident of the Town, supplier, visitor, or any other person, whether on or off Town premises. Refer to Policy Appendix E (Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace) for further details.
- Engaging in any action that is in violation of the Town’s Workplace Violence Prevention Policy. Refer to Policy Appendix F (Workplace Violence Prevention Program) for further details.
- Possession of any weapon or dangerous instrument (including knives with over a three inch blade, firearms, and explosives) on Town property or in Town 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 Town property or in Town vehicles.
• Willful or deliberate abuse, destruction, defacement, or misuse of Town property or the property of another employee, Elected Official, resident of the Town, supplier, visitor, or any other person.

• Theft or unauthorized possession, use, or removal of Town property or the property of another person.

• Falsification or alteration of any records or reports including but not limited to employment applications, time records, work records, medical reports, absence reports, work-related injury reports, and claims for benefits provided by the Town.

• Preparation or manipulation of another employee’s time record.

• Acts of sabotage, including the work of another employee.

• Making false statements about another employee, Elected Official, resident of the Town, supplier, visitor, or any other person. This includes false accusations against another individual as to allegations of discrimination, sexual harassment or other harassment which is in violation of Town policy or applicable law.

• Insubordination or willful refusal to comply with the lawful order or instruction of a supervisor or Department Head.

• Improper performance of job duties or repeated failure to perform assigned duties and responsibilities.

• Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment, in such a way that jeopardizes the safety of any other person.

• Offensive or unprofessional behavior that is contrary to the Town’s best interest, or any conduct that does not warrant public trust.

• Committing any violation of the law either on or off duty or on or off the work site that implicates the employee’s fitness or ability to perform assigned job duties.

• Unauthorized expenditure of Town funds.

• Illegal gambling while on duty.

• Willful work slow down, work stoppage, or interfering with or restricting the performance of another employee or in any other way interfering with Town operations.

• Careless or negligent use or operation of equipment, including vehicles and machinery.

• Unauthorized absences or 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, unless authorized by a Department Head or supervisor.
• Personal activity during paid work time without the express permission of the Department Head.

• Use of personal listening devices (e.g. iPods/MP3 players with headphones/earbuds) during paid work time without the expressed permission of the Department Head. (Note: use of such devices is permitted during meal breaks and authorized rest breaks.

• Disruptive, loud, or boisterous behavior or horseplay in the workplace.

• Abusive language in the workplace.

• Posting, removing, or defacing of notices, signs, or other written material without prior approval of a supervisor.

This list is not intended to be comprehensive and does not limit the Town's right to impose discipline in other appropriate cases.
407 Code of Ethics

The Code of Ethics is set forth in Chapter 17 of the Code of the Town of Niskayuna. A restatement of the Code which was adopted on April 23, 2013 is included as Policy Appendix B.
408 Personnel Records

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

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

Location of Files – All original personnel records for current employees will be kept in the Comptroller’s office and will be maintained and controlled by the Comptroller.

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

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

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

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

Notice of Resignation (Employees) – An employee who intends to resign from employment must submit a written resignation to the employee’s Department Head at least two weeks before the date of resignation is to be effective.

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

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

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

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

Final Paycheck – Employees receive their final paycheck on the next regularly scheduled payday subsequent to the pay period they last worked. The final paycheck includes payment for eligible accrued leave, less any money owed to the Town.
500 OPERATIONAL POLICIES

501 Departmental Hours

Normal Hours of Operation – The normal hours of operation of the Administrative Offices at Town Hall are 9:00 a.m. to 5:00 p.m. An employee’s Department Head will establish the employee’s work schedule, which may differ from the normal hours of operation depending upon the particular needs and requirements of the department. The Town Supervisor reserves the right to approve all employee work schedules, except where otherwise prohibited by applicable State or Town Law.

Police Department Scheduling – The Chief of Police will schedule the work week hours of any administrative officer at the Chief’s discretion. This may include any time outside of the normal work day and work week, to include evenings, weekends or holidays, as necessary to perform the functions of any administrative officer. In any instance where an administrative officer is scheduled to work on a holiday or a portion of a holiday, that administrative officer will be entitled to scheduled time off, equal to that time worked, at the discretion of the Chief of Police.

Alternate Work Schedule – An employee may begin and/or end a given workday at a time requested by the employee and approved by the Department Head or Town Supervisor. Such “alternate work” schedule must normally be during the time the department is open and available to the public. The Town Supervisor reserves the right to approve all “alternate work” schedules. Employees that work in departments, and whose primary work office is located in a Town designated maintenance facility (e.g. Highway Garage or Water & Sewer Maintenance Facility), with different regular work hours, shall work those regular work hours. Members of the Police Administration shall be considered to work an eight (8) hour workday including a one (1) hour meal period.

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

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

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

Union Employees – The work schedules of employees covered by a collective bargaining agreement shall be governed by the applicable collective bargaining agreement.
502 Meal Breaks and Breaks for Nursing Mothers

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.

Breaks for Nursing Mothers – 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 break to express milk for their nursing child. The Town will provide this break at least once every three hours if requested by the employee. This provision applies to nursing mothers for up to three years following childbirth. The Town will make a reasonable effort to provide a room or location other than the restroom or toilet stall, within walking distance to the employee’s work space, or other location in close proximity to work so that nursing mothers can express in private. An employee wishing to avail herself of this break is required to give the Town advance notice, preferably prior to the employee’s return to work following the birth of her child, to allow the Town an opportunity to establish a location and to schedule leave time for multiple employees, if needed.

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

Closing Procedures – In the event that extraordinary weather conditions or other emergencies develop prior to the beginning of the workday, the Town Supervisor may authorize the closing of non-essential operations, or, if extraordinary weather conditions or other emergencies develop during a workday, the Town Supervisor may direct that certain employees who perform non-essential services leave work. Pre-approved leave time will not be restored in the event of a closing.

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

- During Work – A full-time employee who is directed by the Town Supervisor to leave work due to an emergency closing will be paid for the remainder of the employee’s normal workday at the employee’s regular rate of pay. Such time will not be included as time worked for the purpose of computing overtime. A part-time, seasonal or temporary employee who is directed to leave work due to an emergency closing will not be paid for the remainder of the employee’s normal workday. Such employee may choose to make up the time at a later date if agreed to by the Department Head. An employee who has previously scheduled a paid leave day must still charge the absence for the day to the appropriate paid leave.

- Prior to Reporting to Work – If a determination is made to close operations prior to the start of a workday, the Town Supervisor will initiate notification to all affected employees. A full-time employee who is directed not to report to work due to an emergency closing will be paid for the employee’s normal workday at the employee’s regular rate of pay. A part-time, seasonal or temporary employee who is directed not to report to work will not be paid for the workday. Such employee may choose to make up the time at a later date if agreed to by the Department Head. 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 Town. Employees should use their own discretion in determining whether they can commute safely to work due to inclement weather. When the Town Supervisor has not officially shut down operations, an employee who does not report to work or requests to arrive at work late or leave work early due to inclement weather must obtain authorization from his or her Department Head prior to doing so. The employee must use paid vacation or personal leave or compensatory time, if available, or take the time off without pay. If an FLSA exempt employee has no paid leave benefits available, the employee will only be docked if a full workday is taken. Employees, who work primarily with the Town’s Highway and Water & Sewer maintenance employees, sent home due to inclement weather shall have the option to use accrued personal, sick or vacation leave time at the discretion of the respective Department Head.
504  Time Records

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

Procedures for Town Hall Employees – All employees, except elected officials and appointed members of a board or commission, are required to complete a time record and must comply with the following procedures:

- Time records should be completed by the close of each workday;
- All paid and unpaid leaves of absence must be recorded;
- Employees must complete their own time record;
- 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, and
- Department Heads will approve a bi-weekly time record for their respective employees and submit it to the Comptroller’s Office no later than 10:00 a.m. on the Monday of a pay week (or Tuesday in the event of a holiday.)

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

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

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 Town 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 Town Board or the Town Supervisor, an employee or Elected Official will be reimbursed for expenses associated with carrying out Town 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 Comptroller’s Office 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, Town Supervisor and/or Town Board will be required for all expenditures. The Town Board reserves the right to reject reimbursement requests that are deemed unreasonable or inappropriate.

**Meals** - Meal per diems for Town of Niskayuna employee attending full day training school must be pre-approved by the Town Supervisor and or the Town Board at the rate established by the Town Board.

**Mileage** – An employee who is required to use their own vehicle to conduct Town business will be reimbursed for mileage accumulated. The mileage rate and employee eligibility for reimbursement will be established by the Town Board.

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

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

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

- Town vehicles and related equipment must remain under the general administrative jurisdiction and direction of the Department Head to which it is assigned.

- Town vehicles must be assigned to specific Town officials and employees for specific purposes and tasks. Said vehicles may not be used for any unauthorized purpose nor to conduct personal, private, or non-Town related business. Employees assigned a Town vehicle are not eligible for mileage compensation for local travel except for brief periods when their assigned vehicle is out of commission.

- Town Vehicles may not be taken outside Town limits except on Town related business. A Town vehicle assigned to an employee who lives out of Town is not to be taken home unless the employee has been formally designated as being “on call.”

- As a general rule, Town vehicles may not be taken home or driven for personal use. Positions that are designated by the Town Board as “on call” positions are permitted to take vehicles home in order to expedite response time due to the nature of their work often requiring work outside the “normal workday.” “On call” positions are the Highway Superintendent, the Deputy Superintendent of Highways, the Superintendent of Water and Sewer, the Deputy Superintendent of Water and Sewer, and Members of the Police Administration. The Chief of Police, the Superintendent of Highways, and the Superintendent of Water and Sewer may designate employees within their respective departments as “on call” for the purposes of taking a Town vehicle home to expedite emergency response times.

- Town vehicles must always be operated in a safe and responsible manner and in compliance with all applicable motor vehicle and traffic laws in effect. Employees are responsible for any driving infractions or fines that result from their operation of Town vehicles, and must report them to their Department Head. The Town is responsible and will pay for any fines which would typically be levied against the owner of the vehicle.

- Any accident involving a Town vehicle, regardless of severity, must be reported immediately to the appropriate Department Head and the Town Supervisor. The Department Head must file an accident report with the Town Supervisor’s Office within twenty-four hours.

- The use of a cell phone when driving on Town business must be compliant with all applicable laws and/or regulations.

- Town vehicles may not be used to transport persons who are not officials or employees of the Town of Niskayuna, nor material not related to the conduct of official Town business, without direct authorization by the appropriate Department Head or the Town Board.
- Town vehicles must always be maintained in a safe and secure condition when not in use, including being locked and/or under direct observation.

- No advertisements, signs, bumper stickers or other markings may be displayed on Town vehicles at any time, except those of a limited community service nature which have been authorized by the Town Board.
Driver's License / Insurance Requirements

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

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

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

Supplies, Tools and Equipment, and Fuel Usage

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

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

Fuel – An employee may not use gasoline, fuel oil, motor oil, natural gas or propane purchased by the Town for personal use.
510 Personal Cell Phone and Electronic Device Usage

Personal Cell Phone / Electronic Device Usage – Employees are permitted to carry personal cell phones during working hours but must adhere to the guidelines shown below. These guidelines also apply to Town-owned cell phones or other electronic devices that are issued for the specific use of an employee’s job duties. Where the term cell phone or electronic device is used in these guidelines, it shall be considered to include all types of portable electronic devices (e.g. iPads, IPODs, MP3 players, Kindles, netbooks, etc.)

- With the exception of an emergency situation, cell phones or other electronic devices may not be used for personal purposes during work hours unless the employee is on an authorized break or has permission from a supervisor.

- Use of a cell phone for personal calls, text messaging or e-mails during work hours is permissible only on a very limited basis for family matters or emergencies and must not interfere with the performance of the employee’s job duties.

- No non-work related web browsing, movies or videos on a cell phone or other electronic devices are allowed during working hours.

- Personal cell phones that are broken, damaged or lost during working hours will not be replaced or paid for by the Town.

- Due to risks and safety hazards the use of IPODs, MP3 players, or any other device designed to receive radio transmission or play recorded music, other than Town equipment, is prohibited in, on, or around any motorized or powered equipment owned by the Town of Niskayuna, while on duty.

- This policy shall also pertain to individuals flagging traffic or monitoring the safety of other employees.

- Employees who are issued Town-owned cell phones shall be required to leave their personal cell phone in a location neither on their persons nor in their Town-owned vehicles during regular working hours.
511 Business Use of Personal Cell Phones

Policy Statement - The purpose of this policy is to establish guidelines for providing a stipend to cover the business use of a personal cell phone to employees who have documented an official business need for a communications device and continue to meet this need under the terms of this policy. Cellular telephones are a valuable resource for town staff and in the performance of certain duties by providing immediate accessibility. Employees who, by the nature of their work, routinely use mobile communication devices in the performance of their job but who do not qualify for a town issued cell phone, may be eligible to receive a stipend to cover the business use of their personal cell phone. The Supervisor is responsible for determining employee eligibility.

Guidelines – The following guidelines have been established for an employee eligible to receive a personal cell phone stipend.

- All stipends are charged to the employee’s departmental budget. The stipend will reimburse the employee $25.00 per month for the business use of their personal cell phone. The amount can be changed or withdrawn by the Town of Niskayuna without notice at any time.

- The Town of Niskayuna is not responsible for any additional costs associated with the cell phone, for example, shipping, taxes, insurance, accessories, overages, damages, replacement due to loss, etc. Discounts may be available for Town of Niskayuna staff personal accounts.

- Employees receiving a cell phone stipend are responsible for obtaining a phone and monthly plan that, at a minimum, meet the level of service required by the department and include texting and e-mail capabilities.

- Because the employee owns the cell phone, it may be used for personal and business use, but must be available for the performance of departmental responsibilities. The employee may obtain a more expensive plan if needed for personal use, but will only receive the amount agreed upon for business use. Payment of bills for the cellular plan and device are the responsibility of the employee.

- Eligible employees who maintain an active cell phone contract will receive a stipend at the end of the each quarter.
Use of Communication Systems and Equipment

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

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

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

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

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

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

- Any illegal activity;
- Threats or harassment;
- Slander or defamation;
• Transferring, viewing, 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 Town business;
• Using or aiding in the unauthorized use of another person's password;
• Harming or destroying data/files (other than editing or deleting information in the normal course of one's job duties);
• Use of non-business software;
• Gambling;
• Use of entertainment software, such as games and puzzles;
• Installation or use of any hardware or software, not authorized by the Town;
• Installation or use of Town-owned hardware or software for any use that is not Town related business;
• Installation or use of any unauthorized or unlicensed hardware or software; and
• Installation of any software containing viruses.

Internet / Electronic Messaging Requirements

Eligibility – Internet / electronic messaging service may be provided to employees who can demonstrate a work-related reason to have access. Electronic messages (e-messages) include but are not limited to e-mails, text messages, blogs, instant messages and posting to social networking or other sites. All Town employees who have access to the Town’s internet and/or e-mail system are required to complete the Town’s security awareness training program administered by the System Administrator and subject to ongoing testing requirement.

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

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

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

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

Use of Town Telephones/Cell Phones – Town-owned 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, a Department Head or designee 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 or use electronic devices only during breaks to check on family matters or in the event of an emergency; 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 communications on a Town provided telephone or cell phone that will result in additional charges to the Town, except in an emergency and/or with prior approval from the Department Head. The employee must reimburse the Town for the cost of the call.

• The use of Town owned telephones and cell phones is monitored to ensure no excessive or inappropriate use occurs.

• The use of a cell phone while driving on Town business must be in compliance with all applicable laws.

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

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

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

**Standards** – An employee must maintain a personal appearance in a manner that reflects a good image to the public. Acceptable personal appearance is an ongoing requirement of employment with the Town. Employees should wear clothing that is appropriate for the particular work environment. Department Heads will determine and enforce what is appropriate in each department.

**Safety Clothing and Equipment** – An employee may be required to wear safety clothing and equipment as directed by the Department Head and/or as provided in a collective bargaining agreement. If such is the case, the employee must comply with all safety requirements. The Town will provide employees with these items, which shall remain the property of the Town, and as such must be returned to the Town upon separation of employment.

**Uniforms / Standardized Clothing** – An employee may be required to wear uniform or standardized clothing as directed by the Department Head and/or as provided in a collective bargaining agreement. If such is the case, the employee must comply with all requirements. Attire should conform to the dress code for the duties being performed. In the event the Town provides these items, they shall remain the property of the Town, and as such must be returned to the Town upon separation of employment. All necessary uniforms and equipment for members of the Police Administration shall be paid for by the Town of Niskayuna including the cost of cleaning, laundering, repairing, and maintenance.

**Clothing Stipend** - The Town shall provide employees, as designated by the Town Supervisor, with an annual $400.00 clothing stipend on January 1 to be used within the calendar year solely for the purchase of clothing (inscribed with the Town’s insignia) and safety shoes.

514 **Solicitations/Distributions**

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

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

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

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

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

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

516 Visitors

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

517 Purchasing Policy

Policy Statement – The Town has established an official purchasing policy that must be followed without exception. No employee shall make purchases for the Town, or use the Town’s name to make purchases, unless so authorized by the Town Board and in adherence to the procedures set forth in those policies. Refer to Policies Appendix C for further details.
518 Maintenance of Work Area

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

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

- Place coats, boots, umbrellas and other items of clothing in designated areas so that work areas are not unnecessarily cluttered;
- Consume food or beverages in designated areas so that work areas are kept free of food and related litter;
- Report any existing or potential workplace hazards and safety violations to the Department Head;
- Abide by the smoking policy as specified in this Employee Handbook;
- Clean and store all tools and equipment and properly store any items, papers or confidential information in a manner prescribed by the Department Head.

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

- Make sure that aisles, floors and walls are free from debris and other unnecessary items;
- Monitor the facilities and equipment and issue maintenance requests where appropriate;
- Arrange for the removal of any items from the workplace that are not needed for the flow of business or the enhancement of employee comfort;
- Abide by and enforce the Town’s smoking policy;
- Ensure the proper disposal of all trash and waste.
519  **Personal Property**

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

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

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

520  **Town Property**

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

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

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

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

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

- An employee will be judged by the same performance standards and will be subject to the Town’s scheduling demands, regardless of any existing outside work requirements.

- If the Town determines that an employee’s outside work interferes with the performance or the ability to meet the requirements of the Town as they are modified from time to time, the employee may be required to terminate the outside employment if the employee wishes to remain employed by the Town.

- No Town equipment, supplies, or other material may be used by an employee for purposes other than Town work.

- Outside employment that constitutes a conflict of interest is prohibited. An employee may not receive any income or material gain from any entity outside of the Town for materials produced or services rendered while performing the employee’s Town job.

- An employee may not solicit a resident or any other business contact to offer services, materials or products based upon a relationship established while working for the Town.

- An employee may not work on outside employment during any period which the employee is regularly scheduled to work for and is paid by the Town.

- A Town employee who engages in outside work must notify the person for whom the work is being performed that such work is being done on the employee’s own time and that the employee is not representing the Town while performing such work.

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

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

601 Attendance

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

Tardiness – An employee must be ready and able to work at the time the employee is scheduled to begin work. In the event an employee is unable to report to work at the scheduled time, the employee must notify the employee’s Department Head at least thirty 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.

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

Scheduled Absences – Requests for scheduled time off, such as the use of vacation leave and personal leave, must be approved by the Department Head in advance. All requests for time off are subject to approval by the employee’s Department Head on a case-by-case basis. Refer to Section 802, Vacation Leave, and Section 804, Personal Leave, for further details.

Unscheduled Absences – An employee who is unable to report to work must personally contact the employee's Department Head at least fifteen 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. Leaving a message on an answering device is permitted if the Department Head authorizes the use of an answering device for this purpose or design. Notification requirements may be waived by the Town Supervisor in cases of emergency.

Unexcused Absences – Any time off from work that is without approval of an employee’s Department Head is considered an unexcused absence. An unexcused absence is without pay and may result in disciplinary action, up to and including termination.

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

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

Documentation of Absences – An employee may be required, at the request of the Department Head or Supervisor, to provide appropriate documentation in justification of any absence.
Unauthorized Work – An employee may not perform work for any entity other than the Town during the employee’s authorized work hours, or claim that Town work was done when such is not the case. Employees must devote their full scheduled shift to Town business, as assigned.

602 Jury Duty Leave

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

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

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

Accrual of Benefits – The Town will continue to provide health insurance benefits for an eligible employee during the jury leave. Vacation leave, sick leave and holiday benefits will continue to accrue during jury duty leave.
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. The Town of Niskayuna recognizes the importance of the Military Reserve and National Guard, and will permit any employee the use of military leave to perform ordered military duty or required training. The Town will grant such leave with pay for up to twenty-two workdays or thirty calendar days in a calendar year, whichever is greater. Such military leave beyond the twenty-two workdays or thirty calendar days in a calendar year will be unpaid, however accumulated vacation leave, personal leave, or compensatory time may, at the employee’s option, be used at any time during the leave. In accordance with applicable New York State law, the employee may keep all pay received for military service.

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

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

604 Leave for Cancer Screening

Policy – The Town of Niskayuna complies with New York State Civil Service Law which entitles all Town employees to paid leave to undertake screening for breast cancer (under §159-b) and prostate cancer (under §159-c). This leave will not be charged against any available sick, vacation, personal, compensatory or other leave accruals. This does not preclude an employee’s option to use other available paid leave for this same purpose.

Allowance – An employee will be allowed up to four hours of paid leave per year for the purpose of undergoing a screening procedure for breast cancer, and up to four hours of paid leave per year for the purpose of undergoing a screening procedure for prostate cancer (male employees only). Such annual paid leave will be provided as necessary and is subject to review of a completed cancer screening leave verification form. If the employee does not exercise his/her rights to the leave, those hours are not carried forward to the next year. The allowed leave time may include the travel time to and from the appointment and any subsequent follow up consultation visits. In addition, the allowed leave may be staggered throughout the year until the maximum allowance has been reached.
Scheduling – An employee must receive prior approval from the employee’s Department Head to take leave for this purpose. The request for leave should be submitted to the Department Head in writing a minimum of five days in advance.

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

605 Leave for Blood Donations

Policy – The Town of Niskayuna complies with New York State Labor Law Section §202-j which entitles Town employees who work an average of twenty hours or more per week to a leave of absence for the purpose of making a blood donation. This leave of absence will be paid for up to two hours and will not be charged against any available sick, vacation, personal, compensatory or other leave accruals if an employee submits a form provided by the Comptroller’s Office within fifteen (15) days of the blood donation.

Allowance – An eligible employee will be allowed a leave of absence of up to three hours per year under this policy.

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

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

Definition of both Employee and Their Spouse’s Immediate Family – For purpose of bereavement leave, “immediate family member” will mean the following:

- Spouse
- Parent
- Grandparent
- Step Relationship parallel to those listed
- The employee’s same-sex committed partner* or the child, parent or other relative (categorized above) of the committed partner

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

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

Funeral Leave – In addition to the bereavement leave for an employee and their spouse’s immediate family, a Department Head may grant an employee up to one (1) full day from the employee’s regularly scheduled work for the death of an aunt or uncle. Such leave time will not be subtracted from the employee’s leave credits.

Funeral Leave (Town of Niskayuna Co-Worker) – A Department Head may grant an employee up to 1/2 day from the employee’s regularly scheduled work to attend the funeral of a Town of Niskayuna co-worker, active or retired, subject to limitations necessary to maintain departmental operations. Such leave will not be subtracted from the employee’s leave credits.

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

Statement of Compliance – The Town of Niskayuna complies with the provisions of the Family and Medical Leave Act (FMLA) and Civil Service Law when administering leaves under this policy. Refer to Policies Appendix D for further details.

608 **Unpaid Leave of Absence**

Policy Statement – Subject to the approval of the Town Board, unpaid leaves of absence other than under the Family and Medical Leave Policy may be available to an employee for personal reasons including, but not limited to, family responsibilities and education.

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

Conditions of Leave – The Town Supervisor will specify the duration of an unpaid leave of absence and may impose such other terms, conditions and restrictions on the employee as deemed appropriate. The maximum duration of an unpaid leave of absence may not exceed two calendar weeks.

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

Disability benefits and accruals for leave benefits shall be suspended.

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

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

701 Wage and Salary

Rate of Pay – An employee’s rate of pay will be in accordance with the salary schedule established by the Town Board.

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

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 Exempt Employees – In accordance with the FLSA, exempt employees will not be paid for overtime nor receive “compensatory time” for any hours worked in excess of the employee’s normal workday or workweek. However, salaried full-time employees who are authorized to work extra hours beyond the normal workday and workweek shall be granted “equivalent time off” that may be utilized within the current or subsequent bi-weekly payroll periods. Balance of “equivalent time off” remaining after the subsequent payroll period in which it was earned will be reduced by 50% and recorded as “equivalent half-time off.” An employee may accumulate up to two weeks in “equivalent half-time off” credit. Use of “equivalent half-time off” must be pre-approved by the Town Supervisor. In no case will “equivalent half-time off” ever be converted to a cash value to be paid to the employee.

FLSA Non-Exempt Employees – In accordance with the Fair Labor Standards Act, an FLSA non-exempt employee will accrue compensatory time at one and one-half hours for all authorized time worked over forty hours in a given workweek. An employee who normally works a thirty-five hour workweek will accrue compensatory time at one hour for the authorized time worked up to forty hours. All full-time hourly employees have the option of monetary compensation in lieu of accruing compensatory time. For the purposes of determining “time worked” under this section, use of personal, sick or vacation leave time shall be counted as time worked.

Accumulation of Compensatory Time - An employee may accumulate up to two hundred and forty hours in compensatory time credits. In the event an employee accrues more than two hundred and forty hours in compensatory time credits, the employee must either use the excess compensatory leave credits within the pay-period in which it is earned or take paid overtime. An employee is encouraged to use all compensatory leave credits within a reasonable time period.

Calculation of Premium Compensatory Time (one and one-half hours earned for one hour worked) – Only time actually worked will be included in computation of compensatory hours. Paid leave (e.g. personal leave, vacation leave, sick leave, compensatory time,
holidays, etc.) will not be included as time worked for the purpose of computing compensatory time.

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

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

### 703 Call-In Pay

**Compensation** – The call-in minimum for Work Crew Leaders in the Highway Department shall be the greater of either one hour, or the time actually worked. Compensation shall be monetary for the Dog Control Officer and Work Crew Leaders due to call-ins.

“Time actually worked” will be considered to start at the time the employee begins work.

**Union Employees** – An employee who is a member of a collective bargaining unit is not covered by the Call-in Pay provisions set forth above and should refer to the applicable collective bargaining agreement.
704 **Pay Period and Check Distribution**

**Payroll Period** – Employees are typically paid on a bi-weekly basis.

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

**Distribution** – The Comptroller’s Office is responsible to deliver paychecks to the Department Heads for further distribution to employees.

**Direct Deposit** – The Town provides a direct deposit option for employees. If elected, the paycheck will be deposited directly into the employee’s account at the designated financial institution. The employee must submit a signed, written authorization for direct deposit to the Comptroller’s Office. The Town of Niskayuna will not be held liable for any charges incurred resulting from the issuance of checks in lieu of direct deposit.

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

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

706 **Deferred Compensation Plan**

**Summary** – The Town of Niskayuna 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. A description of the plan may be obtained from the Comptroller’s Office.
800 EMPLOYEE BENEFITS

801 Holidays

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

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<td>1.</td>
<td>New Year’s Day</td>
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<td>Martin Luther King Day</td>
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<td>Presidents’ Day</td>
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<td>Memorial Day</td>
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<td>Independence Day</td>
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<td>Labor Day</td>
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<td>Columbus Day</td>
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<td>Veterans’ Day</td>
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<td>Day after Thanksgiving</td>
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<td>11.</td>
<td>Christmas “Eve” **</td>
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<td>12.</td>
<td>Christmas Day **</td>
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** Celebrated on the prior Thursday when Christmas Eve is a Friday, on the prior Friday when Christmas Eve is a Saturday, and on the Tuesday following Christmas when Christmas falls on Monday.

Employees that work in departments, and whose primary work office is located in a Town designated maintenance facility (e.g. Highway Garage or Water & Sewer Maintenance Facility), that follow an alternate holiday schedule, shall follow the holiday schedule of that department. Employees in the title of Work Crew Leaders shall be compensated at double time for work performed on Christmas Day and New Year’s Day.

Members of the Police Administration shall follow the above-listed holiday schedule. However, in certain cases and at the discretion of the Chief of Police, Police Administration may be scheduled to work on those days. In those circumstances, equivalent time off may be in earned.

On “Leap Years,” defined as a calendar year containing one additional day added to keep the calendar year synchronized with the astronomical or seasonal year, the Town Board may designate a day to serve as an additional holiday for all employees, including members of collective bargaining units and members of the Police Administration, other than police officers. Employees must comply with the provisions of this Handbook or any applicable collective bargaining agreement to receive benefits for that day.

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

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

Holiday Pay Requirement – Unless otherwise authorized by the Town Supervisor, an FLSA non-exempt employee must work (or be on pre-approved leave) the employee’s scheduled workday before and the employee’s scheduled workday after a designated holiday in order to receive holiday pay.
Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Holidays provisions set forth above and should refer to the applicable collective bargaining agreement.
**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** – Full-time employees, based on their last full time hired date, shall be entitled to vacation leave according to the following schedules (part-time Town employment is not credited to service for said computations). Vacation leave is based on the number of hours an employee is normally scheduled to work each week. An employee may take vacation leave only after it has been credited.

**Employees Hired Prior to July 1** – A full-time employee hired prior to July 1 will receive five days of vacation leave credited on the six-month anniversary date. The following January 1, the employee will be credited with ten days of vacation leave. After that date, the employee will be credited with vacation leave each January 1 as follows:

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<tr>
<th>Years of Service</th>
<th>Vacation Leave</th>
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<td>One or two years after earning ten days</td>
<td>Ten days</td>
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<td>Three years after earning ten days</td>
<td>Fifteen days</td>
</tr>
<tr>
<td>Five years after earning fifteen days</td>
<td>Twenty days</td>
</tr>
<tr>
<td>Five years after earning twenty days</td>
<td>Twenty-five days *</td>
</tr>
</tbody>
</table>

*An employee hired after July 21,2015 is capped at twenty days.

**Employees Hired After July 1** - A full-time employee hired after July 1 will receive five days of vacation leave credited on the six-month anniversary date. After one year of employment, the employee will receive an additional five days of vacation leave credited on the employee’s one-year anniversary date. The following January 1, the employee will be credited with ten days of vacation leave. After that date, the employee will follow the schedule below.

<table>
<thead>
<tr>
<th>On January 1 After Completion Of:</th>
<th>Vacation Leave</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fourth anniversary</td>
<td>Fifteen days</td>
</tr>
<tr>
<td>Ninth anniversary</td>
<td>Twenty days</td>
</tr>
<tr>
<td>Fourteenth Anniversary</td>
<td>Twenty-five days *</td>
</tr>
</tbody>
</table>

*An employee hired after July 21,2015 is capped at twenty days.

**Police Administration** – Members of the Police Administration, once appointed to a position in the Police Administration, shall be entitled to a pro-rated amount of vacation leave, but in no case shall more than twenty-five (25) days of vacation leave be accrued in the calendar year of appointment. As of the January 1 following such appointment, and each January 1 thereafter, members of the Police Administration shall be entitled to twenty-five (25) days of vacation leave.

**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 a “half day” which is defined as the first or last three and a half hours of the day for employees regularly scheduled to work thirty-five hour workweek, or the first or last four
hours of the day for an employee who is regularly scheduled to work forty hour per week. The Department Head will have total discretion in the approval of vacation leave.

**Carry-over** – An employee may carry-over a maximum of thirty-five days of vacation leave credits from the prior calendar year. However, no more than thirty-five days of total vacation leave credits may be carried beyond June 30th of each year or the vacation leave credits in excess of thirty-five days will be forfeited.

**Vacation Buy-Back** – A full-time employee may receive cash payment for up to five days of unused vacation leave credit to which the employee is properly entitled at the employee’s then current rate of pay. To be eligible for the vacation buy-back, the employee must have a minimum of twenty-five days of vacation leave credit as of April 30th. The employee must submit the request on the proper form to the Comptroller by May 15th. Only one buy-back will be allowed in a given year. Payment will be made in December based upon their salary at time of request.

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

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

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

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

Allowance – A full-time employee will be credited with one day of paid sick leave each month. The employee will be credited on the first day of the month after the sick leave has been earned provided the employee has worked, or was on paid leave, for at least twelve full days or more of regularly scheduled work days the previous month. The employee will not be credited while on an unpaid leave of absence. Sick leave is based on the average number of hours an employee is normally scheduled to work each week. Members of the Police Administration shall be entitled to unlimited sick leave.

Notification of Sick Leave – In the event an employee must take sick leave, the employee must notify the Department Head at least fifteen minutes before the employee’s scheduled reporting time. The notification must be made personally to the Department Head, unless the Department Head authorizes the use of an answering device or e-mail 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 hour. An employee may take sick leave only after it has been credited.

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

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

Medical Verification – The Town may require medical verification of an employee’s absence if the Town perceives the employee is abusing sick leave, or has used an excess amount of sick leave, or when an employee is absent for more than three consecutive workdays due to an illness or injury. If an employee is on an authorized leave of absence, the provisions of the attached Family and Medical Leave Policy shall apply. An employee who is ill or disabled for more than seven consecutive calendar days shall, be required to secure and submit a physician’s release certifying fitness to return to work. This release must be submitted to the Comptroller’s Office before the employee will be permitted to return to work.
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 up to termination of employment.

Separation of Employment – An employee whose employment with the Town is terminated due to a resignation in good standing or lay-off will receive cash payment for fifty percent of unused sick leave up to a maximum of ten days. Upon retirement an employee shall be paid, based on his or her rate of pay at that time, for fifty percent (50%) of accumulated unused sick leave, up to a maximum of one hundred and eighty (180) days. An employee must have at least 25 days of accumulated sick leave to receive this benefit at the time of retirement. In cases of the death of an employee, the Town will pay the employee’s designated beneficiary for any unused sick leave, equal to fifty percent of the unused sick leave, up to a maximum of one hundred and twenty days. An employee whose employment with the Town is terminated due to disciplinary discharge will not receive cash payment for unused sick leave. Members of the Police Administration are not entitled to this benefit.

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Sick Leave provisions set forth immediately above, except for Proper Use of Sick Leave, Medical Verification, and Abuse of Sick Leave, and should refer to the applicable collective bargaining agreement.
**804  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 hired prior to July 21, 2015 will be credited with five days of paid personal leave on an annual basis. An employee hired after July 21, 2015 will be credited with three days of paid personal leave on an annual basis.

The employee will be credited on January 1 of each year. Personal leave is based on the average number of hours an employee is normally scheduled to work each week. An employee may take personal leave only after it has been credited.

**New Employee** – A new employee will be credited with a prorated amount of personal leave upon hire, based upon the amount of time remaining in the calendar year.

**Proper Use of Personal Leave** – In an effort to be respectful of personal privacy, the Town does not typically require an employee to provide a reason for their request for personal leave. However, in the event a request for personal leave presents a serious conflict with the needs of the Department, the Department Head can request the employee schedule an alternate time for personal leave, or if that is not possible, the employee may be required to provide an explanation for the request. Personal leave shall not be used in lieu of sick leave.

**Scheduling** – An employee’s request for a day or less of personal leave shall be made as far in advance as possible and is subject to the approval of the Department Head. A request for personal leave of two or more consecutive workdays, or more than one personal day within a pay period, should be rare and must be approved in advance by the Town Supervisor.

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

**Separation of Employment** – An employee whose employment with the Town is terminated for any reason, including retirement, will have their personal leave credits added to their sick leave credits and will receive cash payment based upon sick leave eligibility.

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

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

Plan Administrator – The Town Comptroller serves as the Administrator of the Town’s benefits plans. The Administrator is responsible for all communications and disclosures concerning Town benefits and is available to answer questions concerning the written description of benefit plans.

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

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

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

Enrollment Information – The Comptroller’s Office will provide the employee with the enrollment forms and assist with the administrative and operational aspects of the various insurance plans. Enrollment in a benefit plan is not automatic. Employees must complete the appropriate enrollment forms, during open enrollment or within thirty (30) days of a qualifying event, and applicable payroll deduction authorizations in order to receive benefits.

Changes in Status – Employees whose status changes from full-time to part-time are notified of the changes to their Town benefits. This notification contains all legally mandated information regarding applicable benefits, including COBRA health insurance continuation. An employee or eligible retiree, as defined in Section 808, must immediately notify the Comptroller’s Office in the event that the employee or eligible retiree 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 a change of address. Failure to so notify the Comptroller’s Office may result in the employee or eligible retiree being subject to discipline in accordance with Section 406, including, but not limited to, any costs incurred by the Town.
**Beneficiary** – Under some of the Town’s benefit plans, each employee must designate a beneficiary for the employee’s death benefits. This designation must be made in writing and on the appropriate form which can be obtained by contacting the Comptroller's Office.


Medical Insurance

Eligibility – The Town currently provides medical insurance coverage to each full-time employee, Elected Official, and as required by law along with their eligible family members. The Town has elected to offer its employees on a Town-wide basis a high deductible health insurance plan through CDPHP and to eliminate the previously offered HMO plans through CDPHP and MVP. As of January 1, 2017 there will be no new enrollments in the NYSHIP plan. A part-time, temporary, or seasonal employee is not eligible for medical insurance coverage. This coverage is limited to one policy per family when spouses and or dependents are eligible for coverage due to present or prior employment with the Town. This limitation on coverage also extends to the compensation for declining coverage.

When Coverage Begins – Coverage will begin on the first of the month following the employee’s or elected official’s first day of employment, provided all eligibility requirements of the insurance plan are met.

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

Premium Payment (Full-Time Employees and Elected Officials) – The Town will pay the full 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 January 1, 1989 or Elected Official whose first term of office commenced prior to January 1, 1989. The Town will pay 90% of the premium for individual, two-person or family medical insurance coverage for those employees hired prior to January 1, 1995 or Elected Official whose first term of office commenced prior January 1, 1995. Those hired or whose first term of office commenced on or after January 1, 1995 and who elect individual coverage pay 10% of the cost of coverage, and those who elect two-person or family coverage pay 10% of the cost of individual coverage plus 20% of the difference between the costs of two-person or family and individual coverage. Employees or Elected Officials will pay 20% of the full premium for individual, two-person or family medical insurance coverage for those employees hired on or after December 8, 2004 or Elected Officials whose first term of office commenced on or after December 8, 2004.

Notwithstanding the foregoing, an active non-union employee who elects to remain in the NYSHIP plan instead of the Town-wide CDPHP HDEPO plan will be responsible for the difference in premium costs between the CDPHP HDEPO plan and the NYSHIP plan.

Pre-Tax Insurance Premiums – An employee may elect to make a pre-tax contribution towards the health insurance premiums. If elected, deductions are taken from the employee’s paycheck before federal, state, and social security taxes are calculated. This reduces the employee’s taxable income and increases net take-home pay.

Changes in Premium Contributions – The amount of the insurance premium an employee or Elected Official is required to contribute is subject to change by resolution of the Town Board. The Town Board will provide a two-month written notice of such change.
Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Medical Insurance provisions set forth immediately above and should refer to the applicable collective bargaining agreement.
Medical Insurance Buy-out

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

Amount of Buy-out – An employee, retiree, or Elected Official who is eligible for the medical insurance buy-out will receive an annual payment of forty (40%) percent of the applicable CDPHP HDEPO, or MVP Gold Anywhere insurance premium payable quarterly for the previous three (3) month period based upon the qualifying family size, either one person, two-person, or family. However, the opt out payment to any employee/retiree who, on December 31, 2016, was opting out of the Town’s health insurance plan shall be 40% of the applicable insurance premium, but said payment shall be no less than $3,000 for individual, $6,000 for two-person, and $7,000 for family. If any such employee/retiree opts back into the Town’s health insurance program and thereafter decides to opt back out, said employee/retiree shall be entitled to 40% of the applicable CDPHP HDEPO or MVP Gold Anywhere plan without the aforementioned minimum dollar payment.

Method and Form of Payment – Payment of the buy-out will be made at the end of the quarter for which the premium was due. This payment is in addition to the compensation and/or salary to which the employee is otherwise entitled, and will be treated as part of the employee’s gross income and will be subject to the appropriate withholding for income and payroll tax purposes. Payments made to an employee under the provisions of this buy-out option are excluded from NYS Retirement System earnings calculations.

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

Changes – This policy may be changed or eliminated at any time by resolution of the Town Board.

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

Coverage – The Town currently provides medical insurance coverage to an eligible full-time employee or Elected Official who retires from the Town. Coverage of a dependent at the time of divorce or legal separation is in accordance with plan documents and COBRA requirements.

Eligibility – To be eligible for coverage, the retiree must meet each of these requirements: 1) employee hired or an Elected Official whose first term of office commenced prior to June 29, 2005 must have 10 years of Town service in a benefit eligible position; 2) employee hired or an Elected Official whose first term of office commenced as of June 29, 2005 must have 15 years of Town service in a benefit eligible position; 3) employee or Elected Official must be at least 55 years of age to begin receiving this benefit. An employee or Elected Official who has met the requirement for years of Town service and who is at least 50 years of age, but leaves the Town prior to attaining the age of 55, may secure this benefit when they attain the age of 55 by either maintaining their benefit coverage at their expense, or by documenting that they have maintained substantially equivalent coverage, until they reach the age of 55.

Plan – The Town will make available the same medical insurance benefits offered to then current employees. The Town Board 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 Town 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.

Premium Payment – The Town will pay the premium for individual, two-person or family medical insurance coverage, as the case may be, for each eligible retiree according to the co-payment arrangements in place at the time of retirement provided all eligibility requirements are met. An employee hired or an Elected Official whose first term of office commenced on or after December 8, 2004 shall only be eligible to continue individual coverage upon retirement consistent with the co-payment set forth for employees hired or Elected Officials whose first term of office commenced on or after December 8, 2004. An employee hired or an Elected Official whose first term of office commenced on or after December 8, 2004 who elects “two-person “ or family coverage upon retirement shall be totally responsible for the difference in the full premium between individual and the “two-person” or family coverage.

Changes in Premium Contributions – The amount of the insurance premium a retiree is required to contribute is subject to change by resolution of the Town Board. The Town Board will provide a two-month written notice of such change.

Medicare Part B Reimbursement – The Town will reimburse an eligible retiree and the retiree’s spouse for the cost of the Medicare Part B premium. Such reimbursement will continue for the retiree’s spouse upon the death of the retiree as long as they elected to continue insurance coverage as a surviving spouse. Reimbursement will also cease for a spouse upon legal separation or divorce. The Town Board may, at its discretion and in
accordance with plan documents, modify or eliminate this reimbursement for any retiree or retiree’s spouse.

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

Eligibility – The Town currently offers a dental and a 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 will begin on the first day of the month following the employee’s and elected official’s first day of employment.

Employee Premium Contribution – The Town will pay the full premium for an individual or family dental and vision plan for full-time employees hired prior to July 21, 2015 and Elected Officials whose first term of office commenced prior to July 21, 2015. Dental insurance has a cap of $2,500.00 per employee and each covered dependent, per year, with no cap on Orthodontic expenses. Employees hired on or after July 21, 2015 and Elected Officials whose first term of office commenced prior to July 21, 2015 will pay 20% of the premium.

Those who decline dental, and/or vision coverage shall be compensated at the end of each quarter for forty percent of the premium paid by the Town for individual or family coverage, for that quarter.

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

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Dental and Vision Plan provisions set forth immediately above and should refer to the applicable collective bargaining agreement.
810 Continuation of Health Insurance Benefits (COBRA/NYS Continuation Coverage)

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

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

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

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

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

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

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

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

### 811 Section 125 Plan

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

**Eligibility** – All full-time employees, permanent part-time employees, or Elected Officials.

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

**Flexible Spending Accounts** – Employees who opt to participate in this plan must elect each December preceding the beginning of the plan year 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 medical and/or dependent care flexible spending account (FSA). Money set aside in an employee’s medical savings account may be used to cover certain health, dental, and vision care expenses that are not reimbursable through the employee’s insurance plan(s). Money set aside in an employee’s dependent care savings account may be used to cover eligible day care and nursery school expenses for covered dependents. To receive reimbursement from an employee's FSA account, a claim for reimbursement and proof that the expense was incurred must be submitted to Benetech. Further details regarding this plan may be obtained from the Comptroller’s Office.
812 **Short-Term Disability Benefits**

**Eligibility** – A full-time employee is currently provided with short-term disability coverage in accordance with this policy. An Elected Official or a part-time, temporary, or seasonal employee is not eligible for paid short-term disability coverage. This benefit is to supplement loss of time from work due to a qualified non-job related illness or injury.

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

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

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

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

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

**Reporting of Illness or Injury** – The employee must submit a completed disability application (DB450) to the Comptroller’s Office within thirty (30) days of the start of the disability. Should an employee not be able to return to work on the scheduled return date, the employee shall submit a new completed disability application (DB450) to the Comptroller’s Office within fifteen (15) days after that scheduled return to work date. The Disability application may be obtained from the employee’s Department Head, the Comptroller’s Office, or the Town of Niskayuna web site (www.niskayuna.org) by going to Town Departments/Comptroller/Employee Resources.

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

**Medical Insurance Coverage** – The Town will continue medical insurance coverage for the employee in accordance with the provisions of the Family and Medical Leave Policy in this Employee Handbook.
813 **Workers' Compensation Benefits**

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

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

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

**Reporting of Injury** – The employee must report any accidental injury arising out of and in the course of employment to the Department Head immediately after the occurrence of the injury. The Department Head will immediately notify the Comptroller’s Office who will complete and submit the required forms. The employee must also complete an “Employee Claim Packet” and submit it to the Comptroller’s Office.

**Use of Sick Leave Credits** – An employee may draw from the employee’s sick leave credits while on Workers’ Compensation.

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

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

814 **Unemployment Benefits**

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

815 **Social Security**

**Summary** – Social Security benefits are available for retirement, survivor’s benefits, and medical costs under qualifying conditions, as determined by the Federal Social Security Administration Office. Employee contributions to Social Security (FICA) are matched by the Town as required by law.
816 The New York State Employees’ Retirement System

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

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

- The employee works less than thirty hours per week, or less than the standard number of hours for full-time employment as established by the employer for this position; or

- The annual compensation for the position is less than the State’s minimum wage multiplied by 2,000 hours; or

- Duration of employment is for less than one year or employment is on a less than a 12 month per year basis; or

- The position is either provisional or temporary under Civil Service Law.

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

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

817 Police and Fire Retirement System

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

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

Part-time, Temporary, or Seasonal Employees – A part-time, temporary, or seasonal employee is not eligible to participate in this program.

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

<table>
<thead>
<tr>
<th>Empathia</th>
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<tr>
<td>(800) 634-6433</td>
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<tr>
<td>Further information is also available at the Lifematters website: wwwmylifematters.com</td>
</tr>
</tbody>
</table>
819 Accidental Death Insurance

Eligibility – The Chief of Police and Deputy Chief of Police are provided with an accidental death benefit in accordance with Section 208(b) of the General Municipal Law of the State of New York.
900 COMPLIANCE POLICIES

901 Equal Employment Opportunity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Employee Assistance – It is the policy of the Town to work with an employee suffering from substance abuse so that the employee will receive assistance necessary to overcome dependency. An employee seeking such assistance is encouraged to contact the employee's Department Head to discuss the situation before problems begin to surface in the workplace. Any disclosures made by an employee will be treated as strictly confidential to the greatest extent practicable. The employee's decision to seek assistance will not be used as the basis for disciplinary action nor used against the employee in any disciplinary proceeding.
**Employee Responsibilities** – As a condition of the Town receiving Federal grant monies, each employee must abide by this policy and notify the employee’s Department Head of any criminal drug statute conviction for a violation occurring in the workplace within five calendar days of the conviction.

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

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

**Dangers of Drug Abuse in the Workplace**

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

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

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

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

4. Damaged Relationships
- emotional outbursts, over-reaction to criticism, mood swings, complaints from co-workers, associates and the public often leading to damaged relations
**904 Drug and Alcohol Testing Policy**

**Statement of Compliance** – The Town Board has adopted a Drug 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 Town’s Drug and Alcohol Testing Policy applies to all Town employees who regularly utilize a Town vehicle in the course of their duties with the Town, and all covered drivers as defined by the federal regulations, which includes all employees who drive commercial motor vehicles (as defined in Sec. 382.107 of the OTETA) requiring a commercial driver’s license to operate.

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

**905 Smoking**

**Policy Statement** – In accordance with the NYS Clean Indoor Air Act, it is the policy of the Town to prohibit smoking in the workplace, which includes all Town buildings and all Town vehicles. Any smoking must take place a minimum of 100 feet away from a Town building’s entrance.

**Disciplinary Action** - Violations of this policy may result in disciplinary action, up to and including termination of employment.

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

**Policy Statement** – It is the policy of the Town of Niskayuna to promote a productive work environment and to prohibit conduct by any employee that disrupts or interferes with another’s work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with this goal, the Town of Niskayuna is committed to educate employees in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to provide an effective means of eliminating such discrimination and harassment from the workplace. Any conduct that discriminates against, denigrates or shows hostility or aversion towards a person on the basis of gender, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, genetic predisposition, sexual orientation, gender identity, domestic violence victim status, or any other protected status is strictly prohibited. In short, the Town will not tolerate any form of discrimination or harassment, including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such harassment in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and
harassment, including sexual harassment, without any risk of repercussion to an employee who, in good faith, files such complaint. Refer to Policies Appendix E for further details.

907 Violence in the Workplace

Policy Statement – The Town of Niskayuna is committed to providing its employees with a work environment that is safe, secure, and free from violence. The Town also considers the safety of its residents, vendors, contractors, and the general public (collectively referred to as “visitors”) to be of paramount importance and strives to provide them the same type of protections while on Town property. Refer to Policies Appendix F (Workplace Violence Prevention Program) for further details.
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 Town to reduce the number of workplace injuries and illnesses to an absolute minimum. Accidents can be prevented through use of reasonable precautions and the practice of safe working habits.

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

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

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

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

- Eliminate the immediate cause of the accident;
- Provide aid to the injured person and summon for assistance;
- Call the Department Head immediately;
- If the accident appears serious, call 911; and
- Take steps to prevent additional accidents.
**Accident Reporting Procedures** – In the event an accident occurs in the workplace or in the course of employment, the following procedures will apply:

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

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

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

**1002 Hazard Communication Program**

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

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

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

- **Container Labels** – All chemicals on a work-site must be stored in the original or approved containers with the proper label attached. The Department Head must ensure that each container is labeled with the identity of the hazardous chemical contained and any appropriate hazard warnings. The Town will rely on manufacturer applied labels whenever possible. A container that is not labeled or on which the manufacturer’s label has been removed, must be properly labeled. A container not properly labeled must be given to the Department Head for labeling or proper disposal.

- **Dispensing Chemicals** – An employee may dispense chemicals from original containers only in small quantities intended for immediate use. Any chemical leftover must be returned to the original container or to the Department Head for proper handling. No unmarked containers of any size are to be left in the work area unattended.
Safety Data Sheets (SDS) – An employee working with a Hazardous Chemical shall obtain a copy of the Safety Data Sheet (SDS) and a standard chemical reference from the employee’s Department Head.

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

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

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

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

Hazards of Non-Routine Tasks – The Department Head must inform employees of any special tasks that may arise which would involve possible exposure to hazardous chemicals. Review of safe work procedures and use of required PPE must be conducted prior to the start of these tasks. Where necessary, areas will be posted to indicate the nature of the hazard involved.
1100 COMMUNICATION PROCEDURES

1101 Organizational Communications

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

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

1102 Adverse Communications

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

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 Town’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 citizens we serve. We require all employees to make every effort to represent the Town in a polite and professional manner.
**Public Appearances** - A Town employee may on occasion be asked to speak or appear in an official capacity as a representative of the Town before various groups or organizations (e.g. Chamber of Commerce, Rotary Club, schools, neighborhood groups, etc.). The employee must obtain prior approval from the Town Supervisor or his/her designee before agreeing to do so.

1105 Reporting of Improper Activities

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

**Retaliation** – Under Section 75-B of New York State Civil Service Law, New York State Public Sector Whistleblower Law, an employee, who in good faith, discloses to a governmental body information regarding a violation of law, a substantial and specific danger to the public health or safety, or an improper governmental action which the employee reasonably believes to be true, shall be protected from any adverse personnel action including, but not limited to: termination, disciplinary action, or changes in compensation. Any Town employee or officer who commits or condones any form of retaliation against anyone who in good faith reports alleged misconduct will be subject to discipline up to, and including, termination.
1200 DISPUTE RESOLUTION

1201 Dispute Resolution Procedure

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

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

- A belief that Town policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee;
- Treatment considered unfair by an employee, such as coercion, reprisal, harassment, or intimidation;
- Alleged discrimination because of race, color, sex, age, religion, sexual orientation, national origin, marital status, disability; or any other protected class; and
- Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, salary, or seniority.

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

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

Step Two – In the event the informal dispute is not resolved at Step One, or the employee reasonably believes that the employee cannot present the dispute to the employee’s Department Head, the employee may submit the matter to the Town Supervisor. The dispute must be submitted, in writing, within ten 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 ten working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge.

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

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

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

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

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

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

Union Employees – An employee who is a member of a collective bargaining unit should refer to the applicable collective bargaining agreement to determine if the employee’s dispute (grievance) may be subject to the grievance procedure contained in the employee’s collective bargaining agreement.
1300 POLICIES APPENDIX

A. NYS CIVIL SERVICE LAW SECTION 75
B. CODE OF ETHICS
C. PURCHASING POLICY
D. FAMILY AND MEDICAL LEAVE POLICY
E. NON-DISCRIMINATION AND HARASSMENT (INCLUDING SEXUAL HARASSMENT) IN THE WORKPLACE
F. WORKPLACE VIOLENCE PREVENTION PROGRAM
G. SUPERVISOR AND NON-SUPervisor GRADED SALARY SCHEDULE
Summary – New York State Civil Service Law Section 75 establishes disciplinary procedures for covered employees. Section 75 affords a covered employee the opportunity for a hearing when charges of incompetence or misconduct have been made against the employee by the Town.

Union Employees – An employee who is a member of a collective bargaining unit should refer to the collective bargaining agreement on the subject of the disciplinary procedure.

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

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

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

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

The Appointing Authority will designate a hearing officer in accordance with Civil Service Law Section 75. The designation must be in writing. The hearing officer will set the time and place for the hearing. The hearing officer will make a record of the hearing which will be submitted to the Appointing Authority, with the hearing officer’s recommendations, for review and decision.

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

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

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

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

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

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

**Filing Requirements** – In the event the employee is found to be guilty, a copy of the charges, the employee’s written answer, a transcript of the hearing, and the determination will be filed in the office of the department in which the employee is employed. A copy will also be filed with the Schenectady County Civil Service Commission.
Appendix B – Code of Ethics

The Code of Ethics is set forth in Chapter 17 of the Code of the Town of Niskayuna. The following is a restatement of the Code which was adopted on April 23, 2013.

§ 17-1 Intent and Purpose

Pursuant to the provisions of § 806 of the General Municipal Law and § 10 of the Municipal Home Rule Law, the Town of Niskayuna recognizes that there are standards of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of Town government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the Town of Niskayuna. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Niskayuna. The rules of ethical conduct of this chapter, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 17-2 Construal of provisions

The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflict of interest provisions or procedures prescribed by statute of the State of New York and also in addition to common law rules and judicial decisions relating to the conduct of Town officers to the extent that the same are more severe in their application than this chapter.

§ 17-3 Definitions

APPEAR and APPEAR BEFORE: Communicating in any form, including, without limitation, personally, through another person, by letter, facsimile, electronic mail, or by telephone.

CONFIDENTIAL INFORMATION: Any data acquired through the course of employment or public office which the Town has protected from disclosure by law or that is not protected from disclosure by law but poses or may pose a conflict of interest.

CONFLICT OF INTEREST: Any action or omission which is in conflict or gives or may reasonably give the appearance of conflict with the performance of official Town business or government.

CORPORATION: An artificial person or being, endowed by law with the capacity of perpetual succession, and shall include corporations organized as public, private, charitable, civil, domestic, foreign, close, open, municipal and not-for-profit institutions.

CUSTOMER OR CLIENT

A: Any person to whom a Town Officer or Employee has supplied goods or services during the previous twenty-four months having, in the aggregate, a value of greater than $1000; or
B: Any person to whom a Town Officer's or employee's outside employer or business has supplied goods or services during the previous twenty-four months having, in the aggregate, a value greater than $1000, but only if the officer or employee knows or has reason to know the outside employer or business supplied the goods or services

GIFT and FINANCIAL BENEFIT: Except as specifically set forth in § 17.4(D), includes any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, privilege, exemption or any promise thereof, or any other gratuity or promise thereof or anything of value. A financial transaction may be a financial benefit but shall not be a gift unless it is on terms not available to the general public. "Gift" and "financial benefit" do not include campaign contributions authorized by law.

MINISTERIAL ACT: An action performed in a prescribed manner without the exercise of judgment or discretion as to the propriety of the act.

OUTSIDE EMPLOYER OR BUSINESS:

A: Means

(1) Any activity, other than service to the Town, from which the Town officer or employee receives compensation for services rendered or goods sold or produced;

(2) Any entity, other than the Town, of which the Town officer or employee is a member, officer, director, or employee and from which he or she receives compensation for services rendered or goods sold or produced; or

(3) Any entity in which the Town officer or employee has an ownership interest, except a corporation of which the Town officer or employee owns less than five percent of the outstanding stock

B: For purposes of this definition, “compensation” shall not include reimbursement for necessary expenses, including travel expenses

PERSON: Includes both individuals and entities.

PROFESSIONAL LICENCE: A privilege granted by the State of New York to conduct an occupation or trade.

PUBLIC BENEFIT CORPORATION: A corporation organized to construct or operate a public improvement that is located partially or totally in New York State and the profits from this corporation benefit New York State or other states or the people of New York State.

RELATIVE: A spouse, child, stepchild, brother, sister, or parent of the Town officer or employee, or a person claimed as a dependent on the Town officer's or employee's latest individual state income tax return, or the spouse of any such person.

TOWN: The Town of Niskayuna, but shall not include the Town Court
TOWN AGENCY: Any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, unit or committee of the Town other than the Town Court.

TOWN OFFICER OR EMPLOYEE: Any officer or employee of the Town, whether elected or appointed, paid or unpaid, and includes, without limitation, all members of any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, unit or committee of the Town. Any attorney who is a partner in a law firm or a principal in a professional corporation whose legal opinion concerning the validity of the issuance of any debt instrument is generally provided in connection with the issuance of any bond or other instrument by the Town or any public benefit corporation whose members are appointed by the Supervisor or the Town Board shall be deemed a Town officer or employee. "Town officer or employee" shall not include:

A: a judge, justice, officer, or employee of the unified court system; and

B: No entity established pursuant to the General Municipal Law of the State of New York shall be deemed an advisory board for purposes of this subsection.

§ 17.4 Code of Ethics

A. General prohibition. A Town officer or employee shall not use his or her official position or office, or take or fail to take any action, in a manner which he or she knows, or has reason to know, may result in a personal financial benefit for any of the following persons:

(1) The Town officer or employee;
(2) His or her outside employer or business;
(3) A member of his or her household;
(4) A customer or client;
(5) A relative; or
(6) Any firm, corporation, association, partnership or other organization in which the Town officer or employee, or a relative, serves as an officer or director, whether compensated or not compensated.

B. Specific Town officers and employees.

(1) Responsibilities.

(a) Professionally licensed. All Town officers and employees with professional licenses are prohibited from knowingly exercising any discretion in any matter of Town interest which shall involve any person, firm or corporation which is a client of his/her or a client of his/her firm or has been a client within the immediate past one year and shall not knowingly have any interest in or accept compensation, direct or indirect, from any person, firm or corporation which has an interest in matters coming before any Town agency or before any public benefit corporation whose members are appointed by the Supervisor or the Town Board.

(b) Authorized to conduct inspections and issue permits. All Town officers and employees with the authority to conduct inspections or issue permit approvals shall not engage in a business or have a financial interest in any firm engaged in a business within the Town
where said business conducts, as a regular and significant part of its business, matters requiring such inspections or such permits.

(c) Public safety. No public safety officer shall have any interest in or be employed in the Town by any company, corporation, partnership, association or individual for the purpose of providing private investigations, accident reconstruction, fire prevention, or fire inspection or any other activity related to such public safety officer’s employment with the Town. This shall not be construed as prohibiting membership or service in volunteer fire or emergency medical organizations. Additionally, public safety officers may be employed in the Town for the purpose of providing security or traffic services.

(2) The foregoing Town officers and employees are listed due to the unique nature of their offices and positions which, in turn, raise ethical conflicts unique to those offices and positions. This list is not to be deemed all-inclusive. Every Town officer and employee shall endeavor to pursue a course of conduct consistent with the spirit of this chapter as well as the actual provisions and strive to act so as not to raise suspicion among the public that he/she is likely to be engaged in activities that are in violation of his/her trust.

C. Recusal. A Town officer or employee shall promptly recuse himself or herself from acting on a matter before the Town when acting on the matter, or failing to act on the matter, may financially benefit any of the persons or organizations listed in Subsection A of this section.

D. Gifts. A Town officer or employee shall not solicit anything of value from any person who has received or sought a financial benefit from the Town, nor accept anything of value from any person who the Town officer or employee knows or has reason to know has received or sought a financial benefit from the Town within the previous twenty-four months. The purpose of this provision is to avoid circumstances where it could reasonably be inferred that the gift was intended to influence such Town officer or employee, or could reasonably be expected to influence such Town officer or employee in the performance of his or her official duties, or was intended as a reward for any official action taken by such Town officer or employee. This restriction shall not be construed as applying to the following situations in which gifts or benefits are:

(1) received by the officer or employee from his or her parent, spouse, child, or sibling;
(2) accepted on behalf of the Town and transferred to the Town;
(3) Received as refreshments or meals at a widely attended gathering;
(4) Received for the solemnization of a marriage by an officer or employee of the Town of Niskayuna listed in § 11 of the Domestic Relations Law at a place other than his or her normal place of business or at a time other than his or her normal hours of business and which have a value of $75 or less;
(5) Received as nonmonetary awards from charitable organizations; or
(6) Received as Town services or benefits, or the use of Town facilities, generally available on the same terms and conditions to residents or a class of residents in the Town.
(7) Having an aggregate value of $75 or less during any twelve-month period;

E. Use of Town property. No Town officer or employee shall use or permit the use of Town property (including land, vehicles, equipment, materials and any other property) for personal convenience or profit, except when such use is available to Town citizens generally or is provided as a matter of written Town policy.
F. Confidential information. Town officers and employees and former Town officers and employees shall not disclose any confidential information or use it to further anyone’s personal interests.

G. Revolving door. A Town officer or employee shall not appear or practice before the particular Town agency in which the Town officer or employee served or by which he or she was employed, except on his or her own behalf, or receive compensation for working on any matter before the particular Town agency in which the Town officer or employee served or by which he or she was employed, for a period of one year after the termination of his or her Town service or employment; however, the bar shall be permanent for any Town officer or employee as to particular matters on which the Town officer or employee personally worked while in Town service that are still pending after the termination of his or her Town service or employment.

H. Avoidance of conflicts. Town officers and employees shall not knowingly acquire, solicit, negotiate for, or accept any interest, employment, or other thing of value which would put them in violation of this Code of Ethics.

I. Inducement of others. A Town officer or employee shall not induce or aid another officer or employee of the Town in violating any of the provisions of this Code of Ethics.

J. Conflict with other codes of conduct.

(1) Recognizing the need for professional integrity and the fact that various professional associations have adopted standards of conduct for their members, the Town hereby requires that each Town officer or employee who is affected by a professional code of conduct be bound, in addition to the within chapter, by his/her respective Codes of Ethics. Any conflict between the provisions of this chapter and a given professional code of conduct of a Town officer or employee is to be resolved by the Ethics Board. However, the Ethics Board must at all times give the greatest latitude to said individual's professional code of conduct and, whenever possible, reconcile this to complement and respect the individual's professional code of conduct.

(2) Substantial consideration shall be given to the effect deviation from an individual's professional code of conduct will have on that individual's ability to practice his/her profession. If need be, the Ethics Board is authorized and required to obtain advisory options from the appropriate professional association to clarify any given situation.

K. Appearances:

(1) Except as provided in Subsection 3 of this section, a Town officer or employee or the outside employer or business of a Town officer or employee shall not appear before the particular agency in which the Town officer or employee serves or by which he or she is employed.

(2) Except as provided in Subsection 3 of this section, a Town officer or employee or the outside employer or business of a Town officer or employee shall not appear before any other Town agency if the Town officer or employee has the authority to appoint any officer, employee, or member of the agency or to review, approve, audit, or authorize any budget,
bill, payment, or claim of the agency, or if there exists any likelihood that such Town officer or employee may derive, directly or indirectly, a financial benefit as a result thereof.

(3) Nothing in this section shall be construed to prohibit the outside employer or business of a Town officer or employee from:

(a) Appearing on its own behalf, or on behalf of the Town, before a Town of Niskayuna agency;
(b) Seeking or obtaining a ministerial act; or
(c) Receiving a Town service or benefit, or using a Town facility, which is generally available to the public.

L. Disclosure of interest in legislation. To the extent that he or she knows thereof, a member of the Town Board and any officer or employee of the Town, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such legislation, including any involvement in current or past litigation.

M. Investments in conflict with official duties. A Town officer and/or employee shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with his or her official duties.

N. Right to engage in political activity; prohibition on coercion; prohibition on political solicitation in a Town workplace. Unless otherwise prohibited by law, Town officers and employees shall not be denied the right to support or refuse to support a political party or committee, or a candidate for public office, outside of the workplace. Officers or employees shall not coerce, or request or authorize another to coerce, any officer or employee to support or refuse to support a political party or committee or a candidate for public office. Officers or employees shall not make use of a Town workplace to request, or authorize another to use a Town workplace to request, that any officer or employee participate in an election campaign or a political event or contribute to a political party or committee. Officers or employees shall not display, distribute or otherwise utilize election campaign literature or materials at a Town workplace.

O. Interests in contracts with the Town.

(1) Prohibited interests. No Town officer or employee shall have an interest in a contract with the Town, or an interest in a bank or trust company, that is prohibited by § 801 of the General Municipal Law of the State of New York. Any contract willfully entered into by or with the Town in which there is an interest prohibited by that section shall be null, void, and wholly unenforceable, to the extent provided by § 804 of that law.

(2) Disclosable interests. Any Town officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the Town shall disclose in writing the nature and extent of that interest in accordance with § 803 of the General Municipal Law and promptly file such written disclosure with the Town Clerk. The Town Clerk shall cause a copy of that disclosure to be filed promptly with the Ethics Board.
(3) Violations. Any Town officer or employee who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by § 805 of the General Municipal Law.

§ 17.5 Transaction Disclosure:

A. Whenever a Town officer or employee is required to recuse himself or herself pursuant to § 17.4 of this chapter, he or she shall:

(1) Immediately refrain from participating further in the matter;
(2) Promptly inform his or her superior, if any; and
(3) Promptly file with the Town Clerk a signed statement disclosing the nature and extent of the prohibited action or, if a member of a board, shall state that information upon the public record of the board.

B. A Town officer or employee shall not be required to file a disclosure statement pursuant to this section if he or she, with respect to the same matter, has filed with the Town Clerk a disclosure statement complying with requirements of § 17.4(O) of this chapter.

§ 17.6 Exclusions:

A. The provisions of §§ 17.4 and 17.5 shall not prohibit, or require, recusal or transactional disclosure as a result of:

(1) An action specifically authorized by statute, rule, or regulation of the State of New York or of the United States; or
(2) A ministerial act.

§ 17.7 Maintenance of Disclosure Statements:

A. The Town Clerk shall transmit promptly to the Ethics Board each transactional and applicant disclosure statement filed pursuant to §§ 17.4(O), 17.5, 17.8, and 17.9 of this chapter.

B. The Ethics Board shall index and maintain on file for at least seven years all disclosure statements filed with the Ethics Board pursuant to §§ 17.4(O), 17.5, 17.8, and 17.9

§ 17.8 Applicant Disclosure:

A. Where a person requests the Town or a Town officer or employee to take or refrain from taking any action (other than a ministerial act) that may result in a financial benefit both to such person and to either any officer or employee of the Town, or to one of the other persons listed in § 17.4(A) of this chapter, such person shall disclose the names of any such persons, including Town officers or employees, that may financially benefit from such action or inaction by the Town or a Town officer or employee, to the extent known to such person at the time of the request.

B. If the request is made in writing, the disclosure shall accompany the request. If the request is oral and made at a meeting of a public body, the disclosure shall be set forth in
the public record of the body. If the request is oral and not made at a meeting of a public body, the disclosure shall be set forth in a writing filed with the Town Clerk.

C. A person shall not be required to file a disclosure statement pursuant to this section if he or she, with respect to the same matter, has filed a disclosure statement complying with requirements of § 17.9 of this chapter.

§ 17.9 Applicant Disclosure for Land Use Applications:

A. Disclosure. Every application, petition, or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license, or permit, pursuant to the provisions of any ordinance, local law, rule, or regulation constituting the zoning and planning regulations of the Town shall state the name, residence and nature and extent of the interest of any Town officer or employee in the person or entity making such application, petition or request, to the extent known to such applicant and as otherwise required by § 809 of the General Municipal Law of the State of New York.

B. Violations. Any person who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by § 809 of the General Municipal Law.

§ 17.10 Void Contracts:

Any contract or agreement entered into, by or with the Town which results in or from a violation of any provision of 17.4, 17.4(K), and 17.5 of this chapter shall be void unless ratified by the Town Board. Such ratification shall not affect the imposition of any criminal or civil penalties pursuant to this chapter or any other provision of law.

§ 17.11 Penalties for Offenses:

A. Disciplinary action. Any Town officer or employee who engages in any action that violates any provision of this chapter may be warned, reprimanded, suspended or removed from office or employment, or be subject to any other sanction authorized by law or collective bargaining agreement, by the person or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal, or other authorized sanction may be imposed in addition to any other penalty contained in this chapter or in any other provision of law.

B. Civil fine. Any Town officer or employee who violates any provision of this chapter may be subject to a civil fine of up to $500 for each violation. A civil fine may be imposed in addition to any other penalty contained in any other provision of law or in this chapter.

C. Damages. Any person, whether or not a Town officer or employee, who violates any provision of this chapter shall be liable in damages to the Town for any losses or increased costs incurred by the Town as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this chapter.

D. Misdemeanor. Any person, whether or not a Town officer or employee, who intentionally or knowingly violates any provision of this chapter shall be guilty of a Class A misdemeanor
and, upon conviction thereof, if a Town officer or employee, shall forfeit his or her Town office or employment.

§ 17.12 Injunctive Relief:

A. Any resident, officer, or employee of the Town may initiate an action or special proceeding, as appropriate, in the court of appropriate jurisdiction for injunctive relief to enjoin an officer or employee of the Town from violating this chapter or to compel an officer or employee of the Town to comply with the provisions of this chapter. In lieu of, or in addition to, injunctive relief, the action or special proceeding, as appropriate, may seek a declaratory judgment.

B. No action or special proceeding shall be prosecuted or maintained pursuant to Subsection A of this section, unless:

(1) The plaintiff or petitioner shall have filed with the Ethics Board a sworn complaint alleging the violation by the officer or employee;
(2) It shall appear by, and as an allegation in, the complaint or petition filed with the court that at least six months have elapsed since the filing of the complaint with the Ethics Board and that the Ethics Board has failed to file a determination in the matter; and
(3) The action or special proceeding shall be commenced within ten months after the alleged violation occurred.

§ 17.13 Board of Ethics:

A. Ethics Board established. The Board of Ethics for the Town of Niskayuna is hereby established. The Town Attorney, or Deputy Town Attorney in his or her stead, shall serve as counsel to the Board of Ethics.

B. Qualifications of members of Ethics Board.

(1) No Board member shall hold office concurrently in a political party or be employed or act as a lobbyist or hold elective office in any local, state or federal government. A Board member may make campaign contributions and may participate in any election campaign.
(2) Ethics Board members must be residents of the Town of Niskayuna throughout their tenure as Board members; provided, however, that a member appointed because he or she is an officer or employee of the Town shall not be subject to this requirement.

C. Appointment of Ethics Board members; term of office.

(1) The Board of Ethics shall consist of five members.
(2) Of the total membership of the Board, no more than two shall be registered in the same political party. Of the total membership of the Board, no more than one shall be Town officers or employees.
(3) Within 30 days after the effective date of this chapter, and no later than December 31 each year thereafter, the Town Board shall appoint members to the Board.
(4) An Ethics Board member shall serve until his or her successor has been appointed. Consecutive service on an Ethics Board shall not exceed two full terms; initial terms, as defined in 17.13(C)(5), may not be used in calculating the number of terms served.
(5) The term of office of Ethics Board members shall be three years and shall run from January 1 through December 31, except that of the members first appointed two members shall serve until December 31 of the year in which the Ethics Board is established, two shall serve until the second December 31, and one shall serve until the third December 31.

(6) The members of the Board shall not receive compensation but are authorized to incur any and all expenses necessary to effectuate the purposes of the Board within amounts which are to be appropriated by the Town Board annually.

D. Ethics Board vacancies. Vacancies on the Board of Ethics shall be filled by Town Board appointment for the unexpired term of the member.

E. Removal of Ethics Board members. An Ethics Board member may be removed from office by the Town Board for failure to meet the qualifications set forth in this chapter, substantial neglect of duties of office, or violation of this chapter, after written notice and opportunity for reply.

F. Ethics Board meetings. The Town Board shall select a Chairman, and at its first meeting each year, the Ethics Board shall elect a Vice-Chairman and Secretary from among its members. The Ethics Board shall meet quarterly. A quorum shall be three members and a majority of the full Board shall be required for the Board to take formal action. The Chair or any member may call a meeting of the Board.

G. Jurisdiction, powers and duties of Ethics Board.

(1) The Ethics Board may act only with respect to officers and employees of the Town of Niskayuna subject to the Board's jurisdiction.

(2) The termination of a Town officer's or employee's term of office or employment with the Town (on a voluntary or involuntary basis) shall not affect the jurisdiction of the Board with respect to the requirements imposed by this chapter on a former officer or employee. However, in no event shall the Board have jurisdiction over a former officer or employee where a hearing has not been commenced pursuant to the provisions of this chapter within one year of the termination of a Town officer's or employee's term of office or employment with the Town.

(3) The Board shall have the following powers and duties:

(a) To prescribe and promulgate rules and regulations by resolution of the Board, governing its own internal organization and procedures in a manner consistent with this, and to cause to be filed with the office of the Town Clerk and the office of the Town Attorney a copy of those rules and regulations and any amendments thereto;

(b) To review, index, maintain on file, and dispose of written complaints and to make notifications and conduct inquiries pursuant to this chapter;

(c) To conduct hearings, recommend disciplinary action to the appropriate appointing authority, pass resolutions of censure where appropriate, make referrals, and initiate appropriate actions and proceedings pursuant to this chapter;

(d) To render, index, and maintain on file advisory opinions pursuant to this chapter;

(e) To provide for training, assistance to, and education of officers and employees pursuant to this chapter, including the development and distribution of a plain-language ethics guide for use by Town employees and officers, including all forms developed by the Ethics Board;
(f) To report annually to the Supervisor and Town Board regarding the Board's operations of the previous year, and to make recommendations to the Supervisor and Town Board, as needed, for changes to this chapter.

(g) To request that the Supervisor appoint such staff as is necessary to carry out its duties under this chapter, and to delegate authority to such staff to act in the name of the Ethics Board between meetings of the Ethics Board, provided that the delegation is in writing and the specific powers to be delegated are enumerated, and further provided that the Ethics Board shall not delegate the power to conduct hearings, determine violations, recommend disciplinary action, refer any matter to a prosecutor, or render any advisory opinion;

H. Review of lists and disclosure statements.

(1) The Ethics Board shall review:

(a) The lists of officers and employees, prepared pursuant to this chapter, who must file annual disclosure statements to determine whether the lists are complete and accurate.
(b) All other disclosure statements.

(2) If the Ethics Board determines that a disclosure statement is deficient or reveals a possible or potential violation of this chapter, the Ethics Board shall notify the person in writing, state the deficiency or possible or potential violation, provide the person with a thirty-day period to cure the deficiency, and advise the person of the penalties for failure to comply with this chapter. Such notice shall be confidential to the extent permitted by the Public Officers Law. If the person fails to cure the deficiency within the specified time period, the Commission shall send a notice of delinquency:

(a) To the reporting person; and
(b) In the case of the Supervisor or a Town Board member, to the entire Town Board; and
(c) In the case of all other Town officers and employees, to the appointing authority for such person.

I. Inquiries.

(1) Upon receipt of a written complaint by any person alleging a violation of this chapter or upon determining on its own initiative that a violation of this chapter may exist, the Ethics Board shall have the power and duty to conduct any inquiry necessary to carry out the provisions of this chapter. The Ethics Board may administer oaths or affirmations. In conducting any inquiry pursuant to this section and after first having sought and been denied cooperation and voluntary compliance with the course of its inquiry, the Ethics Board may subpoena witnesses, compel their attendance, and require the production of any books or records which it may deem relevant and material.

(2) Nothing in this section shall be construed to permit the Ethics Board to conduct an inquiry of itself or of any of its members or staff. In the event the Ethics Board receives a complaint alleging that the Ethics Board or any of its members or staff has violated any provision of this chapter, or any other law, the Board shall promptly transmit a copy of the complaint to the Supervisor and the Town Board.

(3) The Ethics Board shall state in writing the disposition of every written complaint it receives and of every inquiry it conducts and shall set forth the reasons for the disposition. All such statements and all written complaints shall be indexed and maintained on file by the Ethics Board.
(4) Any person filing a written complaint with the Ethics Board shall be notified in writing of the disposition of the complaint.

J. Hearings; disciplinary action.

(1) Disciplinary action. In its discretion, after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Ethics Board may recommend appropriate disciplinary action pursuant to the provisions of this chapter. In the case of a hearing held by the Board, the due process procedural mechanisms shall be substantially similar to those set forth in Article 3 of the State Administrative Procedure Act. The recommendation of the Ethics Board shall be made to the appointing authority or person or body authorized by law to impose such sanctions. The Ethics Board shall conduct and complete the hearing with reasonable promptness, unless, in its discretion, the Ethics Board refers the matter to the authority or person or body authorized by law to impose disciplinary action or unless the Ethics Board refers the matter to the appropriate prosecutor. If such a referral is made, or if a matter is the subject of another governmental inquiry investigation or judicial proceeding, the Ethics Board may adjourn the matter pending a final determination of such matter by the other authority, person, body, or prosecutor.

(2) Prosecutions. The Ethics Board may refer to the appropriate prosecutor possible criminal violations. Nothing contained in this chapter shall be construed to restrict the authority of any prosecutor to prosecute any criminal violation.

(3) Construction as to Ethics Board. Nothing in this section shall be construed to permit an Ethics Board to take any action with respect to any alleged violation of this chapter, or of any other law, by an Ethics Board member or members. Any inquiries regarding Ethics Board members shall be conducted by the Town Board under procedures consistent with the procedures set forth in this chapter.

K. Advisory opinions.

(1) Upon the written request of any Town officer or employee, the Ethics Board shall render a written advisory opinion with respect to the interpretation or application of this chapter or of Article 18 of the General Municipal Law of the State of New York. Any other person may similarly request an advisory opinion, but only with respect to whether his or her own action might violate a provision of this chapter or Article 18, or such request may be made through a Town officer or employee.

(2) In rendering advisory opinions, the Ethics Board may request the advice and counsel of the attorney employed by the Ethics Board or, if none, the Town Attorney.

(3) An advisory opinion rendered by the Ethics Board, until and unless amended or revoked, shall be binding on the Ethics Board in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person and may be introduced and shall be a defense in any criminal or civil action. Such requests shall be confidential, but the Ethics Board may publish such opinions, provided that the name of the requesting person and other identifying details shall not be included in the publication.

(4) Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Ethics Board.
(5) Any person aggrieved by an advisory opinion of the Ethics Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

(6) Any person who has submitted to the Ethics Board a written request for an advisory opinion may bring a special proceeding pursuant to Article 78 of the Civil Practice Law and Rules for an order compelling the Ethics Board to issue the advisory opinion. In addition to, or in lieu of, such injunctive relief, the person may seek a judgment in accordance with § 3001 of the Civil Practice Law and Rules determining the question posed in the request for the advisory opinion. No action or special proceeding shall be prosecuted or maintained pursuant to this subsection unless:

(a) It shall appear by, and as an allegation in, the petition or complaint that at least six months have elapsed since the filing of the request and that the Ethics Board has failed to file any determination in the matter; and

(b) The action or special proceeding shall be commenced within ten months after the submission of the request for the advisory opinion.

L. Public inspection of records; public access to meetings.

(1) Notwithstanding the provisions of Article 6 of the Public Officers Law of the State of New York, the only records of the Ethics Board which shall be available for public inspection are:

(a) Notices of reasonable cause set under this chapter;

(b) Redacted advisory opinion prepared as provided in 17.13(M) of this chapter; and

(c) Assessments of civil penalties, sanction, discipline or other action taken or imposed as provided in §§ 17.11 and 17.13(J) of this chapter.

(2) Notwithstanding the provisions of Article 7 of the Public Officers Law or by other applicable state or federal law or regulation, no meeting or proceeding of the Ethics Board, including any such proceeding contemplated under § 17.13(H-J) of this chapter, shall be open to the public, except upon the request of the Town officer or employee under investigation, or as expressly provided otherwise by the Town Board.

M. Judicial Review. Any person aggrieved by a decision of the Ethics Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

§ 17.14 Miscellaneous:

A. No existing right or remedy shall be lost, impaired, or affected by reason of this chapter.

B. Nothing in this chapter shall be deemed to bar or prevent a present or former Town officer or employee from timely filing any claim, account, demand, or suit against the Town on behalf of himself or herself or any member of his or her family arising out of personal injury or property damage or any lawful benefit authorized or permitted by law.

C. If any provision of this chapter is held by a court of competent jurisdiction to be invalid, that decision shall not affect the validity and effectiveness of the remaining provisions of this chapter.
§ 17.15 Distribution and Posting of copies of provisions:

A. Within 30 days after the effective date of this section, and thereafter as appropriate, the Ethics Board shall transmit to the Supervisor and Town Clerk, in a form suitable for posting, copies of those provisions of this chapter which the Town Board deems necessary for posting in the Town. Within 10 days after receipt of those copies, the Town Clerk shall cause the copies to be posted conspicuously in a place designated for the posting of public notices.

B. Within 30 days after the effective date of this section, and thereafter as appropriate, the Ethics Board shall transmit to the Supervisor, or other Town officer or employee as designated by the Supervisor, in a form suitable for distribution, copies of those provisions of this chapter which the Town Board deems necessary for distribution to the Town officers and employees. Within 10 days after receipt of those copies, the Supervisor, or his or her designee, shall cause the copies to be distributed to every Town officer and employee, and made readily available to the public. Every Town officer or employee elected or appointed thereafter shall be furnished a copy of those provisions within 10 days after entering upon the duties of his or her position.

C. Failure of the Town to comply with the provisions of this section or failure of any Town officer or employee to receive a copy of the provisions of this chapter shall have no effect on the duty of compliance with this chapter or on the enforcement of its provisions.
Town of Niskayuna

PURCHASING POLICY

Adopted – December 19, 2017
Effective – January 1, 2018

Purchasing Objectives:
The Town of Niskayuna Purchasing Policy was developed pursuant to the General Municipal Law of the State of New York, Article 5A, section 104-b which states that goods and services, other than those that require bidding, must be procured in a manner so as to assure the prudent and economical use of public moneys in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

Purchasing Requirements:
- All purchases are subject to the rules and standards of ethical conduct for public officers and employees as stated in the Town of Niskayuna Code of Ethics approved on April 23, 2013.
- Proper documentation must be given if the required number of quotes cannot be obtained.
- In all circumstances, whenever other than the lowest quote is chosen, there must be written documentation with the reason for rejection of the lowest bid.
- Although Section 104-b exempts purchases from state contracts from the requirement of written or oral quotations or proposals, departments should compare state contract prices to competition to ensure that the Town obtains the best value.
- Department Heads shall compare negotiated prices for goods and/or services with any available County-wide, New York State, or other “piggyback” contract let by the United States or any agency thereof or any state or any other political subdivision or district therein.

Individuals Responsible for Purchasing (required by General Municipal Law §104-b(2)(f))

<table>
<thead>
<tr>
<th>Department Heads</th>
<th>Town Board Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amy Houlihan, Assessor</td>
<td>Richard Pollock, Supt. of W&amp;S</td>
</tr>
<tr>
<td>Michele Martinelli, Town Clerk</td>
<td>Peter Scagnelli, Town Justice</td>
</tr>
<tr>
<td>Laura Robertson, Planner</td>
<td>Paul Sebesta, Comptroller</td>
</tr>
<tr>
<td>Daniel McManus, Chief of Police</td>
<td>Raymond Smith, Highway Supt.</td>
</tr>
<tr>
<td>Diane Percy, Receiver of Taxes</td>
<td>Stephen Swinton, Town Justice</td>
</tr>
<tr>
<td>Lori Peretti, Coord. Of Comm. Programs</td>
<td>Matthew Yetto, Deputy Supt. of W&amp;S</td>
</tr>
<tr>
<td>William Lawrence, Systems Administrator</td>
<td></td>
</tr>
</tbody>
</table>

Exceptions to Policy:
Due to the complexity of insurance policies, alternative proposals to policies in force will be solicited at the request of the Town Board.

Emergency:
When an emergency exists wherein the delay caused by soliciting quotes would endanger the health, welfare, or property of the municipality or its residents, then the procurement of goods or services will be at the discretion of the Supervisor upon recommendation of the appropriate department head. Documentation as to the nature of the emergency shall be sent to the Town Board within five (5) working days of such procurement.
### Procedures for the Purchase of Commodities, Equipment, or Goods

<table>
<thead>
<tr>
<th>Dollar Limit</th>
<th>Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1 - $1,000</td>
<td><strong>Procurement Card Purchases</strong> – At the discretion of the Department Head, or their designee, with a monthly limit of $1,500 ($3,000 per purchase dollar limit with a monthly limit of $5,000 at the sole discretion of the Town Supervisor, Chief of Police, Superintendent of Highways, and Superintendent of Water and Sewer).</td>
</tr>
<tr>
<td>$1 - $1,000</td>
<td><strong>Non-Procurement Card Purchases</strong> - At the discretion of the Department Head ($3,000 upper limit for the Town Supervisor, Chief of Police, Superintendent of Highways, and Superintendent of Water and Sewer).</td>
</tr>
<tr>
<td>$1,001 - $6,500</td>
<td>At the recommendation of the Department Head with the approval of the Finance Committee.</td>
</tr>
<tr>
<td>$6,501 - $19,999</td>
<td>Documented written quotes $\textsuperscript{3}$ from at least 2 separate vendors (if available), or posted on the Town’s procurement website, with approval by Department Head, appropriate Committee and Town Board.</td>
</tr>
<tr>
<td>$20,000 and up</td>
<td>Sealed bids shall be post on the Town’s procurement website and conducted in conformance with NYS General Municipal Law, Section 103 with approval by Department Head, appropriate Committee and Town Board.</td>
</tr>
</tbody>
</table>

#### Special Procedures for the purchase of any computer software or computer equipment, including peripheral equipment:

<table>
<thead>
<tr>
<th>Dollar Limit</th>
<th>Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1 - $1,000</td>
<td>Requires Department Head and Systems Administrator approval.</td>
</tr>
<tr>
<td>$1,001 - $6,500</td>
<td>Requires Department Head, Systems Administrator and Finance Committee approval.</td>
</tr>
<tr>
<td>$6,501 - $19,999</td>
<td>Documented written quotes $\textsuperscript{3}$ from at least 2 separate vendors (if available), or posted on the Town’s procurement website, with approval of the Department Head, Systems Administrator, Finance Committee, and Town Board.</td>
</tr>
<tr>
<td>$20,000 and up</td>
<td>Sealed bids in conformance with NYS General Municipal Law, Section 103 with approval by Department Head, Systems Administrator, Finance Committee, and Town Board.</td>
</tr>
</tbody>
</table>
# Procedures for Public Work Projects/Contracts

<table>
<thead>
<tr>
<th>Dollar Limit</th>
<th>Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1 - $9,000</td>
<td>At the discretion of the Department Head with approval of the Town Board. ($5,000 upper limit at the sole discretion of the Superintendent of Highways, and the Superintendent of Water and Sewer; $7,000 upper limit with Town Supervisor approval.)</td>
</tr>
<tr>
<td>$9,001 - $34,999</td>
<td>Formal written quotes(^3) from at least 2 separate vendors (if available), or posted on the Town’s procurement website, with approval by Department Head, appropriate Committee and Town Board.</td>
</tr>
<tr>
<td>$35,000 and up</td>
<td>Sealed bids shall be posted on the Town’s procurement website in conformance with NYS General Municipal Law, Section 103 with approval by Department Head, appropriate Committee and Town Board.</td>
</tr>
</tbody>
</table>

## Special Procedures for Maintenance Contracts

<table>
<thead>
<tr>
<th>Dollar Limit</th>
<th>Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1 - $3,000</td>
<td>All maintenance contracts, such as for copiers, computer hardware, computer software, microfilm reader/printers, etc. are at the recommendation of the Department Head with the approval of the Chief Fiscal Officer.</td>
</tr>
<tr>
<td>$3,001-$6,500</td>
<td>At the recommendation of the Department Head with the approval of the Finance Committee.</td>
</tr>
<tr>
<td>$6,501 and up</td>
<td>Follow standard Procedures for Public Work Projects/Contracts.</td>
</tr>
</tbody>
</table>

## Special Procedures for Repairs to Equipment

<table>
<thead>
<tr>
<th>Dollar Limit</th>
<th>Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1 - $3,000</td>
<td>Repairs to Equipment – At sole discretion of Department Head.</td>
</tr>
<tr>
<td>$3,001-$6,500</td>
<td>At the recommendation of the Department Head with the approval of the Finance Committee.</td>
</tr>
<tr>
<td>$6,501 and up</td>
<td>Follow standard Procedures for Public Work Projects/Contracts.</td>
</tr>
</tbody>
</table>

## Special Procedures for Contract Change Orders\(^7\)

<table>
<thead>
<tr>
<th>Dollar Limit</th>
<th>Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1 - $4,000</td>
<td>At the discretion of the Department Head, with written notice to the Town Board.</td>
</tr>
<tr>
<td>$4,001-$13,000</td>
<td>At the recommendation of the Department Head with written notice to the Town Board and approval of the Chief Fiscal Officer.</td>
</tr>
<tr>
<td>$13,001-$19,999</td>
<td>At the recommendation of the Department Head with written notice to the Town Board and approval of the Chairman of the appropriate Committee and the Chief Fiscal Officer.</td>
</tr>
</tbody>
</table>
$20,000 and up  At the recommendation of the Department Head with approval of the appropriate Committee and the Town Board.

**Procedures for Professional Services and Consultants**

<table>
<thead>
<tr>
<th>Dollar Limit</th>
<th>Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1 - $3,000</td>
<td>Annual charge per project will be at the recommendation of the Department Head, with the approval of the Chief Fiscal Officer.</td>
</tr>
<tr>
<td>$3,001 - $6,500</td>
<td>Annual charge per project will be at the recommendation of the Department Head, with the approval of the appropriate Committee and the Chief Fiscal Officer, with written notice to the Town Board.</td>
</tr>
<tr>
<td>$6,501 - $13,000</td>
<td>Annual charge per project will be at the recommendation of the Department Head, with the approval of the appropriate Committee and Town Board.</td>
</tr>
<tr>
<td>$13,001 - $19,999</td>
<td>Prices will be obtained by formal written quotes from at least 2 sources, or posted on the Town’s procurement website, and the award will be made at the discretion of the Department Head, and with the approval of the appropriate Committee and Town Board.</td>
</tr>
<tr>
<td>$20,000 and up</td>
<td>Prices will be requested by RFP from at least 3 sources and the RFP shall be posted on the Town’s procurement website, with the award of the contract made by the Department Head, with the approval of the appropriate Committee and the Town Board.</td>
</tr>
</tbody>
</table>

**Special Procedures for Training and Conferences**

<table>
<thead>
<tr>
<th>Dollar Limit</th>
<th>Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1 - $1,000</td>
<td>At the discretion of the Department Head, with approval of the Town Supervisor.</td>
</tr>
<tr>
<td>$1,001 - $2,500</td>
<td>At the recommendation of the Department Head with the approval of the Finance Committee.</td>
</tr>
<tr>
<td>$2,501 and up</td>
<td>At the recommendation of the Department Head with approval of the appropriate Committee and the Town Board.</td>
</tr>
</tbody>
</table>
Notes:

1. The term “purchase” applies to the procurement of commodities, while the term “contract for public work” encompasses contracts for services, labor or construction. When a contract involves acquisition of both goods and services, such as a commodity which requires installation, the contract should be viewed as a purchase for purposes of the competitive bidding monetary threshold if the services are minor, incidental or customarily provided by the vendor as a component of the purchase. Conversely, if the services are extensive, substantial or involve specialized skills so that the acquisition of the commodity is incidental to the work, the contract should be treated as a contract for public work for purposes of the monetary threshold.

2. Similar procurements to be made in the same fiscal year must be grouped for purposes of determining whether a particular item must be bid. Therefore, the procedure followed must be based on the anticipated annual aggregate cost of the item or service.

3. Faxed copies are acceptable.

4. Generally, professional services involve specialized expertise, use of professional judgment, and/or a high degree of creativity. Examples of Professional Services and Consultants include, but are not limited to, architects, engineers, accountants, lawyers, underwriters, fiscal consultants, and contracts for computer software maintenance.

5. There are several factors, not one of them being controlling, that determine whether items may be “similar” in nature. The construction (type of material made of) and utility (interrelationship in a process or in the use of the products) are important factors. Also, a considerable weight is placed on whether or not a single vendor distributes the products.

6. A trade-in allowance is treated as an expenditure for purposes of the dollar threshold. Thus, the estimated gross cost of an item, without deduction for a trade-in allowance, determines whether the dollar threshold will be exceeded.

7. A change order shall be defined as an unforeseen modification that is within the scope of and on the site of the project that has been bid; it is not an addition and/or change to the scope of the project that has been bid. Change orders for projects may be approved as listed above if the change order falls within the 10% contingency or budget of the project. Otherwise all change orders must be approved by action of the Town Board.
Appendix D – Family and Medical Leave Policy

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

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

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

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

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

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

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

Qualifying Exigency Leave – Eligible employees who have a covered family member serving in either the National Guard or the Reserves are provided with up to 12 work weeks of FMLA job-protected leave for “any qualifying exigency” that arises while the covered family member is on active duty or called to active duty status in support of a contingency operation. The regulations identify eight categories for which an eligible employee may use FMLA leave under this qualifying exigency provision:

• Short-notice deployment: a covered military member is notified of an impending call or order to active duty 7 or less days before deployment;

• Military events and related activities: (a) to attend any official ceremony, program, or event sponsored by the military that is related to active duty; or (b) to attend family support or assistance programs or informational briefings sponsored by the military;

• Childcare and school activities: (a) to arrange for childcare when active duty necessitates a change in childcare arrangements; (b) to provide childcare on an urgent basis when the urgency arises from active duty status; (c) to enroll in a new school or daycare because of active duty; or (d) to attend meetings at a school or daycare for a child of a covered service member due to circumstances arising from active duty;

• Financial and legal arrangements: (a) to make or update financial arrangements to address a covered military member’s absence while on active duty; or (b) to act as a covered military member’s representative before a federal, state, or local agency to obtain or arrange military service benefits while a covered service member is on active duty;
• **Counseling:** to attend counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of a covered service member if the need for counseling arises from active duty or the call to active duty;

• **Rest and recuperation:** to spend up to 5 days of leave with a covered military member who is on short-term, temporary, rest and recuperation leave;

• **Post-deployment activities:** (a) to attend arrival ceremonies, reintegration briefings and events, and other official ceremonies sponsored by the military for a period of 90 days after the termination of active duty status; or (b) to address issues that arise from the death of a covered military member while on active duty status; or

• **Additional activities:** a catch-all designed to address any other event that may arise out of active duty or a call to active duty status, provided that such leave is agreed upon by the employer and employee.

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

• **Serious Health Condition** will mean an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility including any period of incapacity (as contained in the Federal Regulations), or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider, including, but not limited to:

  * A period of incapacity of more than three consecutive calendar days and any subsequent treatment or period of incapacity that also involves continuing treatment by a health care provider;

  * A period of incapacity due to pregnancy or prenatal care;

  * A period of incapacity or treatment for such incapacity due to a chronic serious health condition. A “chronic serious health condition” requires periodic visits to a health care provider for treatment. The term “periodic visit” constitutes 2 or more appointments with a health care provider over the course of one year;

  * A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or

  * A period of absence to receive multiple treatments, including any period of recovery, by a health care provider, or by a provider of health care services under orders of or on referral by a health care provider, for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

• **Health Care Provider** will mean and refer to a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or
any other person defined in the FMLA regulations capable of providing health care services.

- **Family Member** will mean and refer to:
  
  * **Spouse** – 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 stepchild, a legal ward, or a child of a person standing in *loco parentis*, who is either under age eighteen, or age eighteen or older and “incapable of self-care (as defined in the Federal Regulations) because of a mental or physical disability”. Persons who are “in *loco parentis*” include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

**Notification Requirements** – If the need for leave is foreseeable, the employee must give notice, in writing, to the Department Head at least thirty calendar days prior to the commencement date of the unpaid leave. The employee must complete the **Family And Medical Leave Act Request Form** and forward the completed form to the Comptroller for review. The failure of an employee to give thirty days’ notice of foreseeable leave with no reasonable excuse for the delay may result in the delay of the employee taking the FMLA leave until thirty 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, no later than fifteen calendar days from the date the certification was requested. Failure to submit medical certification may jeopardize the employee’s eligibility for an unpaid leave of absence and/or the ability to return to work. Medical certification forms are available from the Comptroller. The medical certification must include:

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

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

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

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

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

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

• Use of Accrued Paid Leave Credits – An employee taking leave for the birth, adoption or foster placement of a child, to care for a spouse, child or parent with a serious health condition or military caregiver leave has the option of using accumulated paid vacation leave or compensatory time prior to the onset of FMLA leave. If the employee chooses this option, FMLA leave will begin after the employee’s vacation leave and or compensatory time credits are exhausted, thus extending the employee’s leave of absence beyond the maximum twelve weeks required by the Family and Medical Leave Act. If the employee does not wish to use paid vacation leave or compensatory time, the FMLA leave will begin upon the employee’s qualifying event, providing that all eligibility requirements are met.

• For leaves taken due to the employee’s own serious health condition, the employee has the option of using all or a portion of accumulated paid leave credits (vacation, compensatory and or sick leave) prior to the onset of FMLA leave. If the employee chooses this option, FMLA leave will begin after the employee’s requested amount of paid leave credits are exhausted, thus extending the employee’s leave of absence beyond the maximum twelve weeks required by the Family and Medical Leave Act. If the employee does not wish to use paid leave, or does not have any paid leave accumulated, the FMLA leave will begin upon the employee’s qualifying event, providing that all eligibility requirements are met.

• 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, sick leave or compensatory time. After all such paid leave is exhausted, the remaining leave of absence is unpaid. An employee will not earn paid vacation or sick leave or receive holiday pay for any holidays that may occur during an unpaid leave of absence.
• **Medical Insurance** – During the period of authorized FMLA designated leave, an employee’s eligibility status for medical insurance coverage will not change. (In the event the employee has accumulated paid leave credits that extend beyond the twelve workweek period, the employee should refer to Sections 814 – Short Term Disability and 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 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 Town may recover the premium that it paid for maintaining the coverage during any period of the unpaid leave except for the following circumstances:

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

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

**Workers’ Compensation and Short-Term Disability Benefits** – Leaves taken under the Workers’ Compensation Law or the Town’s Short-Term Disability Policy may invoke the FMLA if the employee meets the eligibility criteria outlined in the eligibility section and the Town designates such leave as FMLA leave and properly notifies the employee of such designation. In accordance with the FMLA, if an employee has elected to receive workers’ compensation benefits or short-term disability benefits, the Town cannot require the employee to substitute paid leave credits during this period of leave. If the workers’ compensation leave or short-term disability leave has been properly designated as FMLA leave by the Town, it can be counted against the employee’s FMLA leave.

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

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

• **Job Restoration** – At the conclusion of the leave of absence, (except for leaves beyond a one-year period) the employee, provided that the employee returns to work immediately following such leave, will be restored to the position the employee held when the leave began, or an equivalent position with equivalent benefits, pay and working conditions. For authorized leave of absences beyond the one-year period, job restoration will be dependent upon job availability, in accordance with Civil Service Law.
Sections 71, 72 and 73, as applicable, and the *Rules for the Classified Service of Schenectady 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 Town reserves the right to have the employee examined by a physician selected and paid for by the Town to determine the employee’s fitness to return to work either with or without restrictions. Failure to return to work when required may be considered a voluntary termination.

- **Early Return** – An employee who intends to return to work earlier than anticipated must notify the Department Head at least five business days prior to the date the employee is able to return. The Department Head shall in turn notify the Town Supervisor.
Appendix E – Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace

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

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

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

Prohibited Activity – No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any person. Employees shall not make offensive or derogatory comments based on race, color, sex, religion, national origin, or any other protected status either directly or indirectly to another person. Employees shall not produce offensive or inappropriate written materials or electronic communications (e.g. letters, e-mail or text messages, or graffiti.) These are examples of harassment that are a prohibited form of discrimination under State and Federal employment law and also considered misconduct subject to disciplinary action by the Town; it is not intended to be a comprehensive list and does not limit the Town’s ability to take disciplinary action in other appropriate instances.
**Definition of Sexual Harassment** – This policy places special attention on the prohibition of sexual harassment in the workplace. Sexual advances that are not welcome, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made, either explicitly or implicitly, a term of condition of an individual’s employment; OR

- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, such as promotion, transfer, or termination, affecting such individual; OR

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

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

**Forms of Sexual Harassment** – Specific forms of behavior that the Town of Niskayuna considers sexual harassment and which are prohibited include, but are not limited to, the following:

- Quid pro quo threats or promises by a supervisor (loss of job or promise of job, promotion, or other employment benefit).

- Verbal harassment of a sexual nature related to an employee’s gender, including sexual innuendoes, slurs, sexual slurs, suggestive, derogatory, insulting or lewd comments or sounds, whistling, jokes of a sexual nature, sexual propositions and/or threats.

- Sexually oriented comments about an employee’s body that are unwelcome and/or unreasonably interfere with an employee’s work performance or create an intimidating, hostile, or offensive working environment.

- Any sexual advance that is unwelcome or any demand for sexual favors.

- Sexually suggestive written, recorded or electronically transmitted material, showing or displaying pornographic or sexually explicit objects or pictures, graphic commentaries, leering or obscene gestures in the workplace such that it unreasonably interferes with an employee’s work performance or creates an intimidating, hostile, or offensive working environment.

- Physical contact of any kind which is not welcome, including touching, grabbing, hugging, fondling, jostling, petting, pinching, coerced sexual intercourse or sexual relations, assault or intentional brushing up against a person’s body.
Reporting of Discrimination and Harassment (including Sexual Harassment) – Employees are encouraged to report incidents of harassment (including sexual harassment) to their Department Head and/or Town Supervisor as soon as possible after their occurrence. If the employee’s Department Head is believed to be involved in the incident, or if the employee is not comfortable in addressing the matter with the Department Head, the report should be made directly to the Town Supervisor. If the Town Supervisor is the source of the alleged harassment, the employee should report the problem to a Town Board member. Employees who believe they have been discriminated against or harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their immediate supervisor, their Department Head, the Town Supervisor, or any member of the Town Board. Employees who work during off-hours are encouraged to contact their supervisor, their Department Head, the Town Supervisor, or any member of the Town Board at home if these individuals do not work during the employee’s shift.

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

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

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

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

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

Disciplinary Action – Any employee or official, who is found to have committed an act of workplace discrimination or harassment, including sexual harassment, will be subject to disciplinary action, up to and including termination of employment, as provided by Town
operating procedures, including Civil Service Law Section 75 or the disciplinary procedures contained in a collective bargaining agreement. Any Elected Official who violates this policy will be subject to remedial action as provided for and/or allowed under NYS Public Officers Law, as well as any other applicable statutes. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, to the extent that the Town is empowered to take such action.

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

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SECTION 1 – INTRODUCTION

POLICY STATEMENT

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

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

The Town will not tolerate ANY acts of violence in the workplace, including but not limited to, physical assault (e.g., hitting, pushing), threatening, intimidating, or aggressive behavior, or verbal abuse or harassment. Employees are prohibited from possessing firearms or weapons (e.g., guns, knives (except for pocket knives used in the normal course of the employee’s job), explosives, and other items with the potential to inflict harm) in the workplace, even if the employee is licensed to carry the weapon. The only exceptions are law enforcement and security personnel. An employee who has knowledge that a coworker or visitor possesses a weapon on Town property must report this to a Department Head or supervisor immediately.

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

Any incident of workplace violence or imminent danger must be promptly reported to the Department Head or the Comptroller as outlined in Section 2 (Employee Responsibility) of this program manual.

Violations of this policy will result in appropriate remedial, disciplinary, and/or legal action, according to the circumstances.
An employee will not be subject to criticism, reprisal, retaliation, demotion, discrimination, disciplinary action, or other adverse employment action for making a good faith report of acts pursuant to this program.

This Workplace Violence Prevention Program policy statement will be posted where notices to employees are normally displayed. In addition, a copy of the program manual will be made available to employees, the authorized employee representative(s), and the Commissioner of the New York State Department of Labor at each of the Town’s work sites during normal working hours.
OVERVIEW OF THE NEW YORK STATE WORKPLACE VIOLENCE PREVENTION ACT

Based on an increasing awareness of, and in response to, the violence that was occurring in public sector workplaces, the New York State Workplace Violence Prevention Act was passed in 2006. The Act amended NYS Labor Law by adding Section 27-b. Section 27-b requires all state and local government employers to take steps to ensure their employees are provided adequate protection from potential incidents of violence in the workplace.

Among other stipulations, Section 27-b requires the Town of Niskayuna to:

1. Conduct a risk assessment of its work sites to identify and address any existing risk factors that may increase the possibility of workplace violence;

2. Provide training for all employees (upon initial assignment and annually thereafter) which informs them of the risk factors that may be present at their work sites, the measures they can take to protect themselves from such risks, and the steps the employer has implemented to protect employees, such as appropriate work practices, emergency procedures, and use of security alarms and other devices; and

3. Develop and implement a written workplace violence prevention program that lists the risk factors and the methods the employer is using to prevent violence and minimize or eliminate identified hazards. (Required if an employer has 20 or more full-time employees).

WHAT IS WORKPLACE VIOLENCE?

For the purpose of this program, the term “violence” means physically harming another, fighting, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, or threatening or talking of engaging in those activities. Workplace violence can be any act of physical violence, threats of physical violence, harassment, intimidation, or other threatening, disruptive behavior that occurs in the workplace.

Workplace violence incidents are generally categorized into three levels:

Level I - Disruptive behavior such as verbal abuse
Level II - Aggressive or threatening behavior
Level III - Physical assault

A number of different actions in the work environment can trigger or cause workplace violence. It may even be the result of non-work-related situations, such as domestic violence or “road rage.” Workplace violence can be inflicted by an employee, a supervisor, department head, resident, member of the public, contractor, vendor, family member, or even a stranger.
WHAT IS A WORKPLACE VIOLENCE INCIDENT?

For the purpose of this program, a workplace violence incident is defined as one or more of the following:

a) An attempt or threat, whether verbal or physical, to inflict injury upon another person;

b) Any intentional display of force which would give a person reason to fear or expect bodily harm;

c) Intentional and wrongful physical contact with a person without his or her consent that entails some injury or offensive touching;

d) Harassment of a nature that would give a person reason to fear escalation or make it difficult to pursue a normal life when the harassment arises out of or in the course of employment; or

e) Stalking a person with the intent of causing fear of material harm to physical safety and health, and when such stalking has arisen through or in the course of employment.

f) A workplace violence incident may be committed without one person actually touching, striking, or doing bodily harm to another person.

While sexual harassment (as defined in Executive Order #19 and the New York State Human Rights Law) is prohibited by the Town of Niskayuna, it is specifically excluded from the definition of a workplace violence incident. An employee should refer to the Town of Niskayuna’s sexual harassment policy for more information about this topic.

Workplace Violence Imminent Danger

The Department of Labor defines an imminent danger as any conditions or practices in any place of employment which are such that a danger exists that could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated.
SAVINGS CLAUSE

The Town of Niskayuna has made every effort to ensure that this Workplace Violence Prevention Program complies with NYS Department of Labor regulations. In the event any of the provisions, portions or applications of this program are found to be invalid or inconsistent with any superseding legal requirements by any tribunal of competent jurisdiction, then the provisions, portions or applications specified in such decision shall be of no force and effect, but the remainder of this program shall continue to be in full force and effect.
SECTION 2 - EMPLOYEE AND SUPERVISOR ROLES AND RESPONSIBILITIES

EMPLOYEE RESPONSIBILITIES

Employee and authorized employee representative involvement in the Town of Niskayuna's Workplace Violence Prevention Program is essential to the program's success. Employees are expected to read, understand, and comply with the Town's program and to attend ongoing education and training on workplace violence. Any questions should be directed to the employee’s Department Head, supervisor or the Comptroller.

Employees must promptly report any violations of the Town's Workplace Violence Prevention Program or any workplace violence imminent danger in accordance with the reporting procedures outlined in Section 5 (Incident Recordkeeping, Reporting, and Investigation) of this program manual.

Protective and Restraining Orders

An employee who applies for or obtains a protective or restraining order which lists specific workplace locations as being protected areas must provide the employee’s Department Head and the Hazard Reduction Team a copy of the petition and declaration used to seek the order. A copy of any temporary or permanent protective or restraining order that was granted must also be provided. The Town will follow confidentiality procedures that recognize and respect the privacy of the reporting employee.

SUPERVISOR RESPONSIBILITIES

Department Heads and supervisors are responsible for communicating the Workplace Violence Prevention Program to employees and answering any of their questions. Department Heads and supervisors are expected to enforce the program in a fair and consistent manner and ensure all aspects of the program under their area of responsibility are properly met.

If an employee notifies his/her Department Head of an actual or potential workplace violence incident or submits a completed Workplace Violence Incident Report (Form-1), the Department Head is responsible for following the reporting procedures as outlined in Section 5 (Incident Recordkeeping, Reporting, and Investigation) of this program manual.
HAZARD REDUCTION TEAM

The Town Supervisor will establish a Hazard Reduction Team to administer the Workplace Violence Prevention Program. The responsibilities of each individual team member shall be determined by the Town Supervisor. The listing of the Town's Hazard Reduction Team members is available in the Office of the Comptroller.

The team’s responsibilities will include, but will not be limited to:

- Conducting a comprehensive risk evaluation of the entire workplace to identify any factors or situations that may place employees at risk of violence;

- Conducting employee surveys and interviews to obtain feedback on the risk factors employees believe are present in the workplace, to determine if there have been previous workplace violence incidents, etc.;

- Developing and implementing risk reduction strategies and plans for responding to acts of violence;

- Coordinating employee training and education programs relating to workplace violence;

- Investigating workplace violence incidents and implementing any necessary measures to reduce or eliminate the likelihood of similar incidents occurring;

- Reviewing the Workplace Violence Prevention Program at least annually, to include analyzing Workplace Violence Incident Reports to identify trends in the types of incidents that occurred during the year and to determine the effectiveness of the mitigating actions taken; and

- Updating the Workplace Violence Prevention Program as needed.
SECTION 3 - RESPONSE PROCEDURES

DURING AN INCIDENT

If a threatening situation arises:

- Try to remain calm;
- Remove yourself from the threat as soon as possible;
- Immediately call, or alert others to call, for on-site assistance from the appropriate resource (e.g., supervisor, police, ambulance). Refer to the Town’s emergency evacuation plan for the appropriate emergency contact number; and
- Notify coworkers as soon as practical to enable them to also reach safety if danger is imminent and applicable to them.

POST INCIDENT

If a workplace violence incident occurs or an employee submits a Workplace Violence Incident Report, the Town will conduct a thorough investigation of the situation. The Town of Niskayuna will respect the privacy and confidentiality rights of employees during investigations to the greatest extent possible, although the Town cannot guarantee complete confidentiality.

Based on the specific situation and the results of the Town’s investigation, appropriate measures will be taken, if needed, to eliminate or reduce the likelihood of similar workplace violence incidents occurring in the future. If the workplace violence incident was related to a threat, all employees who might be affected if the threat-maker were to carry out such threat will be given proper notification. Throughout the investigation, the Town will maintain open lines of communication with employees, visitors, and the public to answer questions and alleviate anxiety.

The Town of Niskayuna will provide information to potential or actual victims about the options available to them, such as obtaining a restraining order against the threat maker, obtaining follow-up medical care, if applicable, and/or the availability of any counseling services through an Employee Assistance Program (EAP).
DEALING WITH CONFLICT

There is no sure way to tell whether someone will become violent. However, there are often warning signs before violence occurs. These warning signs do not mean that the individual will actually become violent, but in combination, they should be a cause for concern. Warning signs of potentially violent individuals include:

- Written, oral, or implied threats or intimidation
- Fascination with weaponry or acts of violence
- Theft or sabotage of projects or equipment
- Alcohol or drug abuse in the workplace
- Expressions of hopelessness or heightened anxiety
- Intention to hurt self or others
- Lack of concern for the safety of other
- Externalization of blame
- Irrational beliefs and ideas
- Romantic obsession
- Displays of excessive or unwarranted anger
- Feelings of victimization
- Inability to take criticism
- New or increased sources of stress at home or work
- Productivity and/or attendance problems
DEALING WITH POTENTIALLY VIOLENT INDIVIDUALS

Do’s

- Do project calmness. Move and speak slowly, quietly, and confidently.
- Do listen attentively and encourage the person to talk
- Do let the speaker know that you are interested in what he or she is saying
- Do maintain a relaxed yet attentive posture
- Do acknowledge the person’s feelings and indicate that you can see he or she is upset
- Do ask for small, specific favors such as asking the person to move to a quieter area
- Do establish ground rules. State the consequences of violent or threatening behavior.
- Do employ delaying tactics that give the person time to calm down. For example, offer a glass of water.
- Do be reassuring and point out choices
- Do help the person break down big problems into smaller, more manageable problems
- Do accept criticism. When a complaint might be true, use statements such as, “You’re probably right” or “It was my fault.” If the criticism seems unwarranted, ask clarifying questions.
- Do arrange yourself so that your exit is not blocked
- Do make sure there are three to six feet between you and the other person

Don’ts

- Don’t make sudden movements that may seem threatening
- Don’t speak rapidly, raise your volume, or use an accusatory tone
- Don’t reject all demands
- Don’t make physical contact, jab your finger at the other person, or use long periods of eye contact
- Don’t pose in challenging stances, such as directly opposite someone, hands on hips, or with arms crossed
- Don’t challenge, threaten, or dare the individual. Never belittle the other person.
- Don’t criticize or act impatient
- Don’t attempt to bargain with a threatening individual
- Don’t try to make the situation seem less serious than it is
- Don’t make false statements or promises you cannot keep
- Don’t try to impart a lot of technical or complicated information when emotions are high
- Don’t take sides or agree with distortions
- Don’t invade the individual’s personal space
SECTION 4 - TRAINING AND EDUCATION

All employees will receive training and education on the risks of workplace violence. Training will be provided at the time of hire and at least annually thereafter. Additional training may be required prior to starting a new job assignment, if new laws relating to workplace violence are enacted or there are changes in any current laws, or if the Town makes significant changes in its Workplace Violence Prevention Program.

At a minimum, the Town’s employee training and education will address the following:

- Overview of the New York State Workplace Violence Prevention Act and NYS Labor Law Section 27-b
- Overview of the Town’s Workplace Violence Prevention Program
- Workplace location of the Town’s Workplace Violence Prevention Program manual and procedures for obtaining a copy
- Definition of workplace violence and the three levels of workplace violence
- Methods of recognizing and responding to the three levels of violence
- Standard response action plan for violent situations
- Procedures for reporting a workplace violence incident or imminent danger
- How and when incidents will be investigated by the Town
- The risk factors identified in the Hazard Reduction Team’s risk evaluation and determination
- Measures employees can take to protect themselves from identified risks
- Procedures, policies, safety devices, and/or work environment accommodations that have been implemented to protect employees based on the results of the risk evaluation

Specialized training and education is to be provided to Department Heads and supervisors as well as to those employees who are at higher risk of workplace violence based on their job duties and/or work site location.
SECTION 5 - INCIDENT RECORDKEEPING, REPORTING, AND INVESTIGATION

INCIDENT RECORDKEEPING

The Town of Niskayuna will maintain accurate records regarding all workplace violence incidents. The Town will adhere to all of the requirements of 12 NYCRR Part 801, known as the Public Employer Recordkeeping Rule, which is implemented pursuant to Section 27-a of the Labor Law, for the recording of employee injuries or illnesses due to workplace violence incidents. All workplace violence incident forms will be kept according to the applicable retention and disposition schedules.

Any situation that meets the definition of a workplace violence incident as defined in Section 1 (Introduction) or any workplace violence injury that results in death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness will be documented on a Workplace Violence Incident Report. Any recordable injury will also be documented on the SH 900 Log.

If a workplace violence incident meets the definition of a privacy concern case as specified below, before sharing a copy of the Workplace Violence Incident Report Form with any party other than the Department of Labor, the Town will remove the name of the employee who was the victim of the workplace violence incident and shall instead enter “PRIVACY CONCERN CASE” in the space normally used for the employee’s name. The Town will treat incidents involving the following injuries or illnesses as privacy concern cases:

1. An injury or illness to an intimate body part or the reproductive system;

2. An injury or illness resulting from a sexual assault;

3. Mental illness;

4. HIV infection;

5. Needle stick injuries and cuts from sharp objects that are or may be contaminated with another person’s blood or other potentially infectious material;

6. Other injuries or illnesses, if the employee independently and voluntarily requests that his or her name not be entered on the Report.
INCIDENT REPORTING

The Town will follow all federal, state and local laws and procedures in the reporting of workplace violence incidents.

Internal Reporting Procedures

Any employee or authorized employee representative who believes that a workplace violence imminent danger exists or that there has otherwise been a violation of the Town’s Workplace Violence Prevention Program should report such to the employee’s Department Head. If the Department Head is unavailable or is a party to the violation, the report should be made to the Comptroller.

An employee is responsible for reporting all incidents of Level I violence in writing within 48 hours of the occurrence using the Workplace Violence Incident Report. All Level II and Level III incidents must be reported immediately using this form.

The Department Head or the supervisor, in turn, is responsible for forwarding copies of the Workplace Violence Incident Report to the Comptroller, Town Supervisor or any other member of the Hazard Reduction Team. All Level II and Level III incidents must be forwarded immediately and all Level I incidents must be forwarded within 48 hours.

If, after providing the Town a reasonable opportunity to resolve the situation set forth in the Workplace Violence Incident Report, the employee believes that a violation of the Town’s program still exists or that there continues to be a workplace violence imminent danger, the employee may contact the Commissioner of Labor at the NYS Department of Labor to request an inspection. Such request must be in writing, be signed by the employee or the employee’s authorized representative, and include specific information as to the alleged violation or imminent danger. The Commissioner of Labor will provide a copy of the employee’s notice to the Town of Niskayuna no later than the time of inspection. The employee may request that his or her name, the names of individual employees, and/or the authorized employee representative’s name be withheld from the Town.

An employee is not required to provide written notice to the Department Head or the supervisor if a workplace violence imminent danger exists to the safety of a specific employee or to the general health of a specific person and the employee reasonably believes in good faith that reporting this information to the Department Head or the supervisor would not result in corrective action.

An employee will not be subject to criticism, reprisal, retaliation, demotion, discrimination, disciplinary action, or other adverse employment action for making a good faith report of acts pursuant to this program.
Law Enforcement Reporting Procedures

The Department Head is responsible for reporting any workplace violence incident that may be of a criminal or domestic violence nature to the Town of Niskayuna Police Department.

If a pattern of workplace violence incidents involving criminal conduct or serious injury develops, the Town will work with the Police Department and the District Attorney to develop a protocol to ensure that any future violent crimes occurring in the workplace are promptly investigated and appropriately prosecuted.

If an employee chooses to file a criminal complaint, the Town will provide the employee with the protocol and contact information for the District Attorney and/or Police Department. The Town will not infringe upon the right of an employee to pursue or file a criminal complaint.
**DOSH Reporting Requirements**

The Town is required to report any workplace violence related fatalities and multiple hospitalizations to the DOSH District Office within eight hours of the incident. (Refer to NYCRR Part 801 for complete information pertaining to employee recordkeeping and PESH reporting requirements). The nearest Division of Safety and Health (DOSH) District Office is located at:

**Albany District Office**  
State Office Campus, Building 12, Room 158, Albany, NY 12240  
Tel. 518-457-5508 FAX 518-485-1150

DOSH will use the same criteria to review complaints as that utilized by the Public Employee Safety and Health (PESH) Program. Whenever there is a workplace violence incident resulting in an employee fatality or multiple employee hospitalizations, DOSH will conduct an on-site inspection. Other valid complaints that do not involve a fatality or multiple hospitalizations may result in an on-site inspection to determine if the Town is in compliance with the Workplace Violence Prevention Act.

**INCIDENT INVESTIGATION**

**Risk Evaluation after a Workplace Violence Incident**

The Town will perform a risk evaluation and determination immediately after the occurrence of a workplace violence incident. The investigation may take various forms, depending upon the type of incident.

Upon completion of its review, the Town will address the cause(s) of the incident and take the necessary steps to eliminate or reduce the likelihood of such an incident occurring again. The Town may also make recommendations for revising the Workplace Violence Prevention Program. Any revisions to the program will be put in writing and made available to employees. Employee training will be provided if significant changes to the program are made. The Town will also consider global prevention enhancements at all work sites which may be necessary to properly protect employees.

**Annual Review of Workplace Violence Incident Reports**

The Town is responsible for reviewing and updating the Town's Workplace Violence Prevention Program at least annually. Part of this review will include summarizing the Workplace Violence Incident Reports and SH 900 Logs from the previous 12 months so they can be analyzed for any trends in the types of workplace violence incidents occurring and to review the effectiveness of the mitigating actions the Town has taken.
# Appendix G – Supervisor and Non-Supervisor Graded Salary Schedule

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<td>WATER AND SEWER MAINTENANCE SUPERVISOR</td>
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<td>COORDINATOR OF COMMUNITY PROGRAMS</td>
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<td>COMPTROLLER, HIGHWAY SUPERINTENDENT, SUPERINTENDENT OF WATER AND SEWER, CHIEF OF POLICE</td>
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## TOWN OF NISKAYUNA

### SUPERVISORY SALARY SCHEDULE

#### GRADED POSITION SCHEDULE

**JANUARY 1, 2019**

#### 2.25% C.O.L.A.  

#### HIRING 1ST 2ND 3RD 4TH 5TH 6TH 7TH 8TH JOB 10-14TH 15TH

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## Appendix G – Supervisor and Non-Supervisor Graded Salary Schedule

### TOWN OF NISKAYUNA

#### NON-SUPERVISORY SALARY SCHEDULE

#### GRADED POSITION SCHEDULE - 10 STEP

**JANUARY 1, 2019**

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### GR POSITION

- **10** EXECUTIVE SECRETARY II, DEPUTY TOWN CLERK,
- **11** CLERK TO THE TOWN JUSTICE
- **16** DEPUTY TOWN ATTORNEY
- **23** SYSTEM ADMINISTRATOR
1400 FORMS APPENDIX

A. EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM
B. MEDICAL INSURANCE WAIVER
C. NYS RETIREMENT SYSTEM WAIVER
D. TRAINING AND CONFERENCE APPROVAL FORM
E. DIRECT DEPOSIT AUTHORIZATION
TOWN OF NISKAYUNA

EMPLOYEE HANDBOOK ACKNOWLEDGMENT

I hereby acknowledge that it is my responsibility to read and understand the entire contents of the Town of Niskayuna Employee Handbook which outline the rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits of the Town of Niskayuna. Also, I have been advised that the Employee Handbook is available on the Town website at Niskayuna.org under the “Employees Only” tab at the bottom of the home page and that I may obtain a login ID and password from my Department Head. It is available upon request from either my Department Head or the Comptroller’s Office, and that I will contact my Department Head or the Town Supervisor if I have any questions.

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

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

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

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

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

Employee Signature  Department Head Signature

Date of Signature  Date of Signature
Employee or Elected Official Name: ______________________________ SS#: __________________

As a full-time employee, authorized part-time employee, or elected official, I meet the eligibility requirements to enroll in the Town’s medical insurance plan. I have been given the opportunity to review the plan and ask any questions. I have medical insurance coverage elsewhere and therefore wish to waive my right to enroll in the Town’s medical insurance plan. I have attached proof of such coverage as indicated below (check appropriate box). I understand that waiving my rights to enroll in the Town’s medical insurance plan releases the Town from any liability that may occur as a result of said waiver.

_____ Copy of the medical insurance subscriber identification card

_____ Letter from my medical insurance company substantiating my coverage

Town of Niskayuna Buy-out Provision

Eligibility – The Town of Niskayuna provides a buy-out for those eligible employees and elected officials who waive their right to enroll in the medical insurance plan. The Town will provide only one medical insurance policy for an eligible employee or elected official whose spouse also works for the Town and therefore said individual is not eligible for the buy-out provision.

Amount of Buy-out – An employee or Elected Official who is eligible for the medical insurance buy-out will receive an amount equal to forty percent (40%) of the individual, two-person, or family premium which would otherwise be paid by the Town. Such amount shall be pro-rated in those cases where an active employee or elected official has not waived coverage for the entire year or in those cases where an employee or elected official has been reinstated into the Town’s medical insurance coverage. An employee or elected official who separates from employment for any reason will receive a pro-rated amount of the buy-out for the period in which the separation occurs.

Method and Form of Payment – Payment of the buy-out will be made at the end of each quarter of the calendar year. This payment is in addition to the compensation and/or salary to which the employee is otherwise entitled, and will be treated as part of the employee’s gross income and will be subject to the appropriate withholding for income and payroll tax purposes. The buy-out amount is excluded from retirement system earnings’ calculation.

Reinstatement – If an employee or elected official chooses to re-enroll in the Town’s medical insurance plan, a written notice must be provided to the Comptroller’s Office during the open enrollment period in order for coverage to be effective the following January 1. In the event the employee or elected official loses coverage under the alternate insurance plan, coverage under the Town’s plan may be resumed in accordance with the provisions specified in the plan documents, provided that all eligibility requirements are met.

I have read and agree to the above:

Employee or Elected Official Signature: ______________________________________

Date: ________________________________

_____________________________ Town Use Only:

Town Representative Name and Job Title: ________________________________

Town Representative Signature: ________________________________ Date: ________________________________
TOWN OF NISKAYUNA

NYS RETIREMENT SYSTEM WAIVER

I have been provided with an application to join the New York State Retirement System. I understand that as a part-time or seasonal employee enrollment is optional. I also understand that I may enroll at a later date by completing the necessary documents at the Comptroller’s Office at Town Hall.

By signing below I am voluntarily waiving my right to join the NY State Retirement System.

__________________________________________
Employee Printed Name

__________________________________________
Employee Signature Date

__________________________________________
Parent or Guardian Printed Name

__________________________________________
Parent or Guardian Signature Date

Revised 8/12/2014
TOWN OF NISKAYUNA
TRAINING AND CONFERENCE APPROVAL FORM

Name of Attendee(s): ____________________________________________

Sponsor/Title of Training/Conference: ____________________________________________

Date(s) of Training/Conference: ____________________________________________

Location of Training/Conference: ____________________________________________

Reason for Attendance: ____________________________________________

________________________________________________________________________

________________________________________________________________________

Estimate Costs:
Registration __________
Transportation __________
Mileage __________
Lodging __________
Meals __________
Parking __________
Misc. (Describe) __________

Total Estimated Cost __________

______________________________  ______________
Employee’s Signature  Date

______________________________  ______________
Town Supervisor’s Signature  Date
TOWN OF NISKAYUNA  
DIRECT DEPOSIT AUTHORIZATION

1. BANK: ______________________________________________________
   ROUTING # _______________________
   ACCT #    _______________________
   CHECKING _____ SAVINGS _____
   AMOUNT OF DEPOSIT $ ___________

2. BANK: ______________________________________________________
   ROUTING # _______________________
   ACCT #    _______________________
   CHECKING _____ SAVINGS _____
   AMOUNT OF DEPOSIT $ ___________

3. BANK: ______________________________________________________
   ROUTING # _______________________
   ACCT #    _______________________
   CHECKING _____ SAVINGS _____
   AMOUNT OF DEPOSIT $ ___________

4. BANK: ______________________________________________________
   ROUTING # _______________________
   ACCT #    _______________________
   CHECKING _____ SAVINGS _____
   AMOUNT OF DEPOSIT $ ___________

It will take at least two payroll periods to have your check deposited. The first period is referred to as a “pre-notification period” which is necessary to verify your bank routing code and account number.

The receipt of a deposit advice and stub as opposed to a check and stub will indicate that your pay check has been deposited. It clearly states “DIRECT DEPOSIT NON-NEGOTIABLE” across the bottom portion. If the Town is unable to complete direct deposit for a payroll you will receive an actual check as opposed to a deposit advice, which will have to be cashed or deposited by you.

The Town will not be held liable for any charges incurred due to the failure to complete direct deposit.

__________________________________________
EMPLOYEE NAME

__________________________________________
EMPLOYEE SIGNATURE         Date