

**TOWN OF NEW LEBANON  
RESOLUTION XX, 2018  
PERSONNEL POLICIES  
NOVEMBER 13, 2018**

At the regular monthly meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall, 14755 NYS Route 22, New Lebanon, New York, duly called and held on the 13<sup>th</sup> day of November 2018, the following Resolution was proposed and seconded:

Resolution by \_\_\_\_\_

Seconded by \_\_\_\_\_

**PERSONNEL POLICIES**

**[HISTORY: Adopted 12-13-2004; amended 2-14-2011 & 9-13-2016.]**

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**Purpose; applicability.**

This description of employee benefits is presented to all Town and highway employees of the Town of New Lebanon (the "Town") for informational purposes only. This description is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the Town's general policies and procedures governing employee benefits. The Town reserves the right to modify, revoke, suspend, or discontinue any of the procedures, practices, policies, and benefits described herein. Moreover, the language used in this description of employee benefits does not confer any contractual right, either expressed or implied, to remain in the Town's employ or guarantee any fixed terms and conditions of employment. Employment with the Town is on a voluntary at-will basis and is not for a specific time, and either the employee or the Town may at any time terminate the employment relationship with or without cause. Finally, some of the benefits described herein are covered in more detail in Town policies and procedures or written insurance policies and/or plan documents. This description of employee benefits is only designed as a brief guide and summary of policies and benefits.

**Equal employment opportunity policy.**

The Town is committed to equal employment opportunities for all. Employment and promotion are based upon personal capabilities and qualifications without regard to race, color, religion, sex, age, national origin, disability, sexual orientation, genetic predisposition or carrier status, marital status or any other protected characteristic as established by law. This equal opportunity policy applies to all terms and conditions of employment.

**Americans With Disabilities policy statement.**

The Town is committed to complying with all applicable provisions of the Americans with Disabilities Act ("ADA"). It is the Town's policy not to discriminate against any qualified employee or applicant with regard to any terms and conditions of employment because of such individual's disability or perceived disability so long as the individual can perform the essential functions of the job. The Town will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the Town aware of his or her disability, provided the accommodation does not constitute an undue hardship to the Town.

**Civil service; part-time employment.**

Pursuant to the Columbia County Civil Service Commission's Rules, positions within the Town are classified as exempt, noncompetitive, competitive, labor, or unclassified. For purposes of applying civil service rules only, part-time employment is considered employment where an individual works

less than 20 hours per week.

**Work schedule.**

The standard workweek for the Town is 40 hours per week (not including lunch breaks). Employees will be informed of their work schedule at the time of hire. Every effort will be made to maintain this schedule. However, it is sometimes necessary to adjust schedules to cover vacation periods, weather conditions and/or unscheduled absences.

**Description of employment. [Amended 11-13-2018]**

The Town will classify employees as full-time, part-time eligible (20-34 hrs/wk), part-time ineligible (less than 20 hrs/wk), or temporary employees.

- A. Full-time: Employees who are not assigned temporary employment and who are regularly scheduled to work a minimum of 35 hours per week or more on an indefinite, continuing basis. Employees who hold multiple positions within the Town and work a total of more than 35 hours per week among the multiple positions will be considered full-time employees. Full-time employees are eligible for all benefits described herein, unless provided otherwise.
- B. Part-time **eligible**: Employees who are not assigned temporary employment and who are regularly scheduled to work **at least 20 hours per week** and less than 35 hours per week on an indefinite, continuing basis. A part-time employee is eligible for limited benefits as described herein, or to the extent required by provision of state and federal laws.
- C. Part-time **ineligible**: Employees who are not assigned temporary employment and who are regularly scheduled to work less than 20 hours per week on an indefinite, continuing basis. A part-time employee is not eligible for benefits described herein, unless stated otherwise, or to the extent required by provision of state and federal laws.
- D. Temporary: Employees who are hired for a specific period of time or for the completion of a specific project. The job assignment, work schedule and duration of the position will be determined on an individual basis. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees are not eligible for benefits described herein, unless stated otherwise, or to the extent required by provision of state and federal laws. Examples of a temporary employee include, but are not limited to, a camp counselor hire for the summer or a snowplow operator hired for the winter season.

**Probationary period.**

Generally, pursuant to the Columbia County Civil Service Commission's Rules, every permanent appointment from an open competitive list and every original appointment to a position in the noncompetitive, exempt, or labor class shall be for a probationary term of 12 weeks. However, a returning employee who has already successfully completed the probationary period is not required to serve another probationary term. The probationary term for promotion shall be 12 weeks. During the probationary period, the employee will have the opportunity to evaluate his or her new position and the employee's supervisor will evaluate the employee's performance and suitability for the position. Successful completion of the probationary period is not intended to create a contract of permanent employment.

**Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

### **ANNIVERSARY YEAR**

The one-year period beginning on the date an employee commences employment.

### **CALENDAR YEAR**

The period beginning January 1 of any year through December 31 of the same year.

### **Overtime**

**[Amended 9-13-2016]**

The Fair Labor Standards Act (FLSA) provide that nonexempt employees under FLSA who work more than forty hours in a workweek receive overtime pay of one and a half times an employee's regular rate. Only hours actually worked count in the overtime calculation, unless an employee is required to work on a holiday. In that event, the employee will get credit for those hours. Therefore, holidays not worked, vacation days and sick days are not counted even though the employee may have received holiday, vacation, or sick day pay. The Town reserves the right to require employees to work overtime and will make every effort to provide employees with adequate notice. Any overtime hours worked, however, must first be approved by the employee's supervisor.

### **Ethics and conflicts of interest.**

The Town expects its employees to conduct business according to the highest ethical standards of conduct. Employees are expected to devote their best efforts to the interests of the Town and avoid appearances of impropriety. The Town recognizes the right of employees to engage in activities outside of their employment which are of a private nature and unrelated to Town business; however, the employee must first disclose possible conflicts so that the Town may assess and prevent potential conflicts of interest. Conflicts of interest occur when employees engage in a business or transaction or professional activity, or incur an obligation of any nature, which is in substantial conflict with the proper discharge of their duties in the public interest. For more information, the *Town's Code of Ethics* sets forth standards of conduct for Town employees and provides for penalties for employees who knowingly and intentionally violate such standards of conduct. If an employee has any question whether an action or proposed course of conduct would create a conflict of interest, he or she should immediately contact the Board of Ethics for an advisory opinion.

### **Employee conduct; discipline and discharge.**

Employees are expected to report to work as scheduled and to perform their job responsibilities to the best of their abilities and in a professional manner at all times. Civil Service Law § 75 governs the procedures the Town will follow in disciplinary actions involving employees covered by § 75. Civil Service Law § 75 provides that a covered employee may not be removed or otherwise subjected to disciplinary penalty except for incompetency or misconduct shown after a hearing on stated charges. Such employee is entitled to representation and to summon witnesses to testify on her or his behalf at the hearing. If the employee is found guilty of any charges, the Town may take disciplinary action ranging from a formal letter of reprimand to a fine, a temporary suspension, demotion, or dismissal from service. The disciplinary action taken against an employee shall be based on the nature of the disciplinary violation and/or the employee's employment record with the Town.

### **Leave policies.**

- A. ***Bereavement leave:*** In the event of a death occurring in the immediate family of any full-time employee, an unpaid leave of absence shall be granted to attend the funeral, for up to two scheduled workdays. For the purposes of this bereavement leave policy, "immediate family"

shall mean mother, father, spouse, sister, brother, child, mother-in-law, or father-in-law.

B. **Holidays:**

- (1) The Town recognizes 12 holidays for which most of the Town's business operations will be closed:

New Years Day	Martin Luther King Day	Presidents Day
Memorial Day	Independence Day	Labor Day
Columbus Day	Veterans Day	Election Day
Thanksgiving	Day after Thanksgiving	Christmas

- (2) Full-time employees are entitled to the above 12 paid holidays, plus one paid floating holiday, which is to be approved by the employee's supervisor. In the event that a recognized holiday falls on a Saturday, it will be observed on the preceding Friday, and a recognized holiday that falls on a Sunday will be observed on the following Monday. **Part-time eligible employees do not receive paid holiday. Part-time eligible employees may use sick/personal or vacation time for pay for holidays that fall on a normal work day; they will be paid for their normal work hours for that day.**

- C. **Military leave:** Employees are entitled to a leave of absence to perform ordered military duty as set forth in New York Military Law. Town employees are entitled to receive their regular pay for a period of such service not exceeding a total of 30 days or 22 working days, whichever is greater, in any calendar year and in any continuous period of absence. Employees who are members of the organized militia or of the U.S. reserves are entitled to a leave of absence for initial full-time training duty or initial active duty for training with the U.S. armed forces. To be reinstated, employees must apply within the first 90 days after discharge. Time spent performing military duty will not be considered an interruption of continuous service.

D. Sick and personal time: [**Amended 9-13-2016, amended 11-13-2018**]

- (1) **Full-time employees:** After completing the probationary period, full-time employees will receive **8 hours** ~~one workday~~ of sick and personal leave for every one month of full-time employment. Thereafter, at the start of each calendar year, full-time employees will be \* (start of calendar year or monthly??) credited with **96 hours** ~~12 workdays~~ of sick and personal leave. Unused sick and personal time will accrue to a maximum limit of **288 hours** ~~36 workdays~~ and will be carried over from one calendar year to the next.
- (2) **Part-time eligible employees:** After completing the probationary period or upon becoming eligible for part-time benefits, part-time eligible employees will receive 4 hours of sick and personal leave for every one month of full-time employment. Thereafter, at the start of each calendar year, part-time eligible employees will be \* (start of calendar year or monthly??) credited with 48 hours of sick and personal leave. Unused sick and personal time will accrue to a maximum limit of 144 hours and will be carried over from one calendar year to the next.

- (3) Upon termination of employment, employees will not receive any compensation for unused sick and personal time.

E. Vacation leave: [**Amended 9-13-2016; amended 11-13-2018.**]

- (1) Upon successful completion of the probationary period, full-time employees will become eligible for paid vacation. Full-time employees will receive five workdays of paid vacation after one year of service. After two years of service, full-time employees will be eligible for 10 workdays of paid vacation. Thereafter, full-time employees will receive one additional workday per year of service up to a maximum of 20 paid vacation days per year. Up to five paid vacation days may be rolled over into the next calendar year upon request from the employee and approval by the Town Board, but those vacation days must be utilized by June 30 of that year.
- (2) Upon successful completion of the probationary period or upon becoming eligible for part-time benefits, part-time eligible employees will become eligible for paid vacation. Part-time eligible employees will receive 2.5 workdays of paid vacation after one full year of service or upon obtaining part-time eligible status if they have already fulfilled one full year of service. After two years of service or during their second year as a part-time eligible employee (whichever applied), they will be eligible for 5 workdays of paid vacation. Thereafter, full-time employees will receive .5 additional workday per year of service up to a maximum of 10 paid vacation days per year. Vacation time for part-time eligible employees may not be rolled over into the next calendar year.
- (3) Upon leaving Town service, an employee will be compensated for unused vacation time. Employees leaving employment with the Town before June 30 will be eligible for 50% of their earned but unused vacation time. If the departure occurs after July 1 through the end of the year, the employee will be entitled to 100% of the vacation time; however, any employee terminated for cause will be automatically disqualified from receiving any payment for accrued vacation time.

**Employee benefits.**

A. Health insurance: [**Amended 2-14-2011; amended 11-13-2018**]

- (1) Full-time employees who have worked full-time and completed the probationary period of 12 weeks are eligible to elect coverage for themselves and dependents in the Town's group medical plan. Full-time employees hired prior to January 1, 2011, are eligible for 100% paid health insurance by the Town; full-time employees hired after January 1, 2011, are eligible for health insurance with 80% paid by the Town and 20% paid by the employee.

Effective January 1, 2019, only full-time employees currently enrolled in the CDPHP plan with the Town paying the premium or a portion thereof will be eligible to continue with this plan. An alternative plan will be available as an option for these current full-time employees and all other eligible employees.

- (2) Part-time eligible employees who have worked at least 20 hours per week for the probationary period of 12 weeks or who successfully completed the probationary period prior to becoming eligible are eligible to elect coverage for themselves in the Town's group medical plan with 40% of the employee only premium paid by the Town and 60% paid by

the employee on a bi-weekly basis as a payroll deduction. Part-time eligible employees may elect coverage for spouses, children or family but part-time eligible employees will pay 100% of the insurances premium(s) over the 40% of employee only premium on a bi-weekly basis as a payroll deduction.

- (3) Paid part-time **ineligible** employees who have completed the probationary period of 12 weeks are eligible to elect coverage for themselves and dependents in the Town's group medical plan. Part-time **ineligible** employees will pay 100% of the insurances premium(s) on a **bi-weekly basis as a payroll deduction**. ~~monthly basis, and said payment will be made in the month preceding the premium due date (for example, the premium payment for March will be made to the Town in the month of February).~~
- (4) Buy-back option: Full-time employees eligible for health insurance can choose a buy-back option in lieu of health insurance at the following annual rates; with proof of insurance; and upon execution of the signed employee agreement noting their desire to participate in the health insurance buy-out and the details of the buy-back option, including that the buy-back will be included as part of each regular paycheck during the calendar year and that opting in or out of the buy-out will be available on a monthly basis with the amount of buy-back prorated: [**Amended 11-14-2017**]

<b>Buy-Back Option</b>	<b>Annual Rate</b>
Individual	\$2,500*
Employee plus child(ren)	\$4,100*
Employee plus spouse	\$4,800*
Family	\$7,000*

NOTES:

\*The buy-back will be reduced by 20% for employees required to pay 20% of the insurance premium. **The buy-back option is not available for part-time eligible employees.**

- B. Health insurance benefits continuation (COBRA): The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Town's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Under COBRA, the employee or beneficiary pays the full cost of coverage of the Town's group rates plus an administration fee.
- C. New York State retirement: All employees may join the New York State Retirement System and will be offered information about joining when they are hired. The standardized workday, for

retirement purposes only, is a six-hour workday.

- D. Workers' compensation benefits. The Town complies with the provisions of the New York State Workers' Compensation Law and provides benefits to any employee who is injured while working. Any employee who sustains an on-the-job related injury or illness must immediately report the injury or illness to his or her supervisor. Workers' compensation benefits cover replacement income and medical expenses.

**Additional Resolutions and Laws related to Personnel Policies**

Approved Travel Policy  
Code of Ethics  
Compensation Plan  
Data Breach Notification Policy  
Defense & Indemnification  
Key Policy  
Sexual Harassment Policy  
Workplace Violence Prevention Policy

**NOW, THEREFORE, BE IT RESOLVED** by the New Lebanon Town Board that the above amended personnel policies is adopted by the Town and shall take effect on **January 1, 2019**.

Upon the question of the foregoing Resolution, the following Town Board Members voted "Aye" or "Nay" for said Resolution:

Roll Call Vote:

Councilmember Norman Rasmussen	_____
Councilmember Kevin Smith Sr.	_____
Supervisor Colleen Teal	_____
Councilmember Jesse Newton	_____
Councilmember Mark Baumli	_____

The Resolution, having been approved by a majority vote of the Town Board, was declared duly adopted by the Supervisor of the Town of New Lebanon.

Dated: November 13, 2018

Tistrya Houghtling  
Town Clerk  
Town of New Lebanon