

**TOWN OF NEW LEBANON  
RESOLUTION #22, 2022  
PERSONNEL POLICIES  
JUNE 14, 2022**

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 14th day of June 2022, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling  
Seconded by Councilmember Trainor

**PERSONNEL POLICIES**

**[HISTORY: Adopted 12-13-2004; amended 2-14-2011, 9-13-2016, 11-13-2018, 1-1-2021, 2-9-2021, 10-12-2021, 5-10-2022 & 6-14-2022]**

---

**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. [Amended 6-14-2022]**

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.

**Lunches & Break times**

- By law Town employees working more than 6 hours are required to take a minimum of a unpaid 30-minute and may take up to a one hour unpaid lunch. Employees working less than 6 hours a day are not required to take lunch.
- **EXCEPTIONS:** If there is only one person in an office and said office is open to the public, you may be required to be available during your lunch break, if so, you will be paid for the 30-minute lunch. In such instances, the Town will work with the employee to provide a minimum break of at least 20 minutes uninterrupted.
- Lunch break **MUST** be taken between the hours of 11am-2pm by law. Employees should work with their direct supervisor to establish a regular lunch schedule that addresses the operational needs of the department. Lunch breaks may not be taken at the start or the end of an employee shift.
- The Town also provides Employees with a 15-minute paid break for each 4 hours worked. This 15-minute break can be broken up into three 5 minutes breaks (i.e. personal phone calls, smoke breaks, etc.). Personal business should **NOT** exceed the 15-minute break throughout the 4 hour period.
- As the 15 minute break is paid, employees are expected to remain on town property during their breaks. If you are leaving Town property for non-work-related business, you must clock out and will **NOT** be paid for that break.

**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 ineligible 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 Pay for Nonexempt Employees and Non-Standard Hours Pay for Highway Employees  
[Amended 9-13-2016, 2-9-2021 & 5-10-2022]**

Overtime: 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.

Non-Standard Hours Pay for Highway Employees: With respect to Highway Department employees only, any hours worked at the direction of the Highway Superintendent between the hours of 5pm and 5am on any Monday through Friday, as well as any hours worked at the direction of the Highway Superintendent on a Saturday or a Sunday (collectively, "non-standard hours") will be paid at a rate of one and half times the employee's regular rate, regardless of whether or not the employee has worked over forty hours in that workweek. Highway Department employees that work non-standard hours shall not be entitled to compound the overtime rate and non-standard hours' rate. Compensation for non-standard hours that also constitute overtime hours shall not exceed, and shall be limited to, one and a half times the employee's regular rate. All non-standard hours worked must be at the direction of and first be approved by the Highway Superintendent. Highway Department employees who are

called in to work “non-standard hours” shall receive no less than four (4) hours of pay.

**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 [Amended 5-10-2022].**

**A. *Bereavement leave:***

- 1) Employees shall be entitled to the following paid time off in the event of a death in the Employee's family:
  - (a) 5 days for the death of a spouse or child;
  - (b) 4 days for the death of a sibling or parent;
  - (c) 3 days for the death of a grandparent, grandchild, father-in-law, mother-in-law, stepparent, stepchild, spouse's grandparent or any other relative residing in the employee's household;
  - (d) 1 day for the death of an aunt, uncle, brother-in-law, sister-in-law, spouse's aunt or uncle, son-in-law, daughter-in-law, niece, nephew, or former spouse with children under the age of 19.
- 2) All Employees shall be entitled to a maximum of 10 days leave for bereavement purposes (if the Employee has unused sick or vacation time, it can be used to extend the aforementioned days of paid leave set forth in sub-paragraph 1).
- 3) Bereavement leave is to be taken immediately following the death. However, there may be circumstances when the employee's direct supervisor will recognize the need for flexibility, for example, if a memorial service is scheduled at a time in the future, complications due to travel

and other extraordinary events.

4) The Town understands the deep impact that death can have on an individual or a family. Therefore, vacation, personal, sick and leave without pay are also options that may be used to extend bereavement leave, with the approval of the employee's direct supervisor.

5) The Employer may request the Employee to submit proof of death for the purpose of payment under this provision.

**B. *Holidays:***

(1) The Town recognizes 13 holidays for which most of the Town's business operations will be closed:

New Year's Day	Martin Luther King Day	Presidents Day
Memorial Day	Juneteenth	Independence Day
Labor Day	Columbus Day/ Indigenous Peoples' Day	Veterans Day
Election Day	Thanksgiving	Day After Thanksgiving
		Christmas

(2) 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 holidays. Part-time eligible employees may use sick/personal or vacation time for pay for holidays that fall on a normal work day or they may make up the hours on another day within the pay period.

**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, 11-13-2018 & 10-12-2021]**

(1) Full-time employees: After completing the probationary period, full-time employees will receive 8 hours 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 credited with 96 hours of sick and personal leave. Unused sick and personal time will accrue to a maximum limit of 288 hours 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 part-time eligible employment. Thereafter, at the start of each calendar year, part-time eligible employees will be 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.
- (4) Employees may determine to surrender available sick and personal leave hours in favor of another employee for their utilization. For an employee to be eligible to utilize donated sick leave from the sick bank, they must have exhausted all of their available accruals to date and the need for continued leave must be for a medical emergency for themselves or for an immediate family member defined as parent, child, spouse or domestic partner. Nothing contained in this policy requires any employee to donate to the sick bank. Donations shall be voluntary to be determined on a global basis or in response to a specific request of a co-worker. Donated sick and personal time shall be paid out at the lower rate.

E. Vacation leave: **[Amended 9-13-2016, 11-13-2018, 1-1-2021 & 5-10-2022]**

- (1) Upon successful completion of the probationary period, full-time employees will become eligible for paid vacation. Full-time employees will receive 40 hours of paid vacation after one year of service. After two years of service, full-time employees will be eligible for 80 hours of paid vacation. Thereafter, full-time employees will receive 8 additional hours per year of service up to a maximum of 160 paid vacation hours per year. Up to 40 paid vacation hours may be rolled over into the next anniversary year upon request from the employee and approval by the Town Board, but those vacation hours must be utilized within 6 months of the employee's anniversary date.
- (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 20 hours 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 as a part-time eligible employee, they will be eligible for 40 hours of paid vacation. Thereafter, part-time eligible employees will receive 4 additional hours per year of service up to a maximum of 80 paid vacation hours per year. Vacation time for part-time eligible employees may not be rolled over into the next anniversary year.
- (3) Upon leaving Town service, an employee will be compensated for unused vacation time. Employees leaving employment with the Town up to 6 months after their anniversary date will be eligible for 50% of their earned but unused vacation time. If the departure occurs between 6 months and 12 months of their anniversary date, the employee will be entitled to 100% of their earned but unused 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, 11-14-2017, 11-13-2018 & 5-10-2022]**

- (1) Full-time employees who have worked 90 days are eligible to elect coverage for themselves and their 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 on or 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.
- (4) Buy-out option: Full-time employees eligible for health insurance can choose a buy-out option in lieu of medical health insurance at the rates set forth below. In order to qualify for such buyout, the employee must provide proof of insurance and execution of the buy-out participation agreement. The buyout is paid in equal monthly installments included in part of the employee's regular paycheck and subject to all applicable taxes. The buyout will be reduced by 20% for employees required to pay 20% of the insurance premiums. The buyout option is not available for part-time eligible employees.

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

NOTES:

\*Dental benefits are still available for full-time eligible employees at the cost set forth in section 1 even for employees that exercised their right for health insurance buyout as set

**Buy-Out Option**

**Annual Rate**

forth in section 4.

- 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.

Employees covered hereunder who are injured while on duty in the course of their employment and thus entitled to Workers' Compensation payment shall be compensated in the following manner: Any payment received as Workers' Compensation benefits for absence for which the Employee also received full sick leave will be returned to the Town as long as the Employee receives full salary. The Employee shall be entitled to retain any Workers' Compensation benefits for any period for which sick leave pay is not paid or payable.

**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 June 14th, 2022.

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

Roll Call Vote:

Councilmember Britt Buckenroth	Aye
Councilmember Deborah Gordon	Aye



Supervisor Tistrya Houghtling	Aye
Councilmember John Trainor	Aye
Councilmember Marianna Anthonisen	Aye

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: June 14, 2022

Marcie Robertson  
Town Clerk  
Town of New Lebanon