

**TOWN OF NEW LEBANON  
RESOLUTION # 30, 2023  
PERSONNEL POLICIES  
DECEMBER 28, 2023**

At the year-end 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 28th day of December 2023, 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 & 12-28-2023]**

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**Purpose; applicability. [Amended 12-28-2023]**

This description of employee benefits is presented to all Town 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. 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. To the extent that any policy herein is in conflict with any applicable Collective Bargaining Agreement ("CBA"), the CBA will control as it is related to the bargaining unit.

**Equal employment opportunity policy. [Amended 12-28-2023]**

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, creed, religion, sex, age, national origin, citizenship or immigration status, disability, military status, sexual orientation, gender identity or expression, genetic predisposition or carrier status, marital status, status as a victim of domestic violence, 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 & Amended 12-28-2023]**

The standard workweek for the Town is 40 hours per week (not including unpaid 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 an 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-hour 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, nor should the two 15-minute breaks for 8 hours of work be combined into a single 30-minute break.
- 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. [Amended 12-28-2023]**

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 26 weeks; the Department may extend the probationary period to a maximum of 52 weeks upon written notice to the employee prior to the expiration of the 26 weeks. However, an employee returning to the Town in the same position within 1 year, who has already successfully completed the probationary period is not required to serve another probationary term. The probationary term for promotion shall be 26 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.

**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 & Amended 12-28-2023]**

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.

**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 & Amended 12-28-2023]**

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 prior approval of the employee's direct supervisor for the utilization of additional time.

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	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 upon notification and scheduling approval of the employee's direct supervisor.

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 & 12-28-2023]**

- (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 26 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 26 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.

**Buy-Out Option**

**Annual Rate**

Individual

\$2,500\*

<b>Buy-Out Option</b>	<b>Annual Rate</b>
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 the health insurance buyout as set 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. Some employees may be required to join the Retirement System. 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.
- E. 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.

**Firearms and Dangerous Weapons Policy. [Amended 12-28-2023]**

The possession of firearms or dangerous weapons (as defined below) while on Town property, or in a Town facility or vehicle, is strictly prohibited. Employees violating this policy may be terminated. The weapons portion of this policy does not apply to law enforcement personnel.



In order for any official or employee of The Town of New Lebanon to carry a firearm or dangerous weapon when on Town property, in Town vehicles, or while conducting Town business must have prior specific written approval of the Town of New Lebanon Board and such approval shall be granted at the discretion of the Town Board only after receiving proof that the individual has a proper New York State license or permit, if applicable, to carry the weapon in question.

**Definitions:**

- Dangerous Weapons: includes, but not limited to, any firearms, explosive devices or materials, and knives having a blade exceeding five (5) inches in length.
- Work Site: Includes all property owned or occupied by the Town of New Lebanon, as well as Town vehicles.
- Possession: Includes, but not limited to, the presence of a weapon on the employee, lunch box, tool kit, bag, purse, cabinets, office, etc. Weapons transported in vehicles must be legally stored in compliance with the laws of the State of New York.

**Family and Medical Leave Act. [Amended 12-28-2023]**

The Family and Medical Leave Act (FMLA) provides all town employees with up to 12 (twelve) work weeks of unpaid, job-protected leave per year, if they are eligible.

**LEAVE ENTITLEMENT**

An eligible employee shall be entitled to:

- 12 (twelve) workweeks of leave in a 12-month period for:
  - the birth of a child and to care for the newborn child within one year of birth;
  - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
  - to care for the employee’s spouse, child, or parent who has a serious health condition;
  - a serious health condition that makes the employee unable to perform the essential functions of his or her job;
  - any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty;” **or**
- 26 (twenty-six) workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member’s spouse, son, daughter, parent, or next of kin (military caregiver leave).

**ELIGIBILITY**

Employees are eligible for leave if they have worked for the Town at least 12 months and at least 1,250 hours over the past 12 months. Whether an employee has worked the minimum 1,250 hours of service is determined according to FLSA principles for determining compensable hours or work.

**UTILIZATION OF TIME**

Time taken off work due to pregnancy complications can be counted against the 12 weeks of Family and Medical Leave.

Employees that are on FMLA leave for the birth, placement or adoption of child, leave time must be taken within 12 months of the birth, placement or adoption of child and in increments of no less than one week at a time. Such requested time shall be on 30 days' written notice to their direct supervisor and the Town Supervisor.

Employees that are eligible for leave may be entitled to utilize leave intermittently and all questions regarding same, as well as obtaining any necessary paperwork should be directed to the Town Supervisor's office. Employees are expected to provide a minimum of 30 days' written notice of anticipated leave except in emergent circumstances.

### **CALCULATION OF TIME**

The Town of New Lebanon utilizes a 12 (twelve) month period forward from the date of an employee's first FMLA leave in order to calculate the utilization of the 12 (twelve) weeks leave.

### **USE OF ACCRUALS & BENEFITS**

The Town of New Lebanon requires all eligible employees to exhaust all available accruals while on FMLA. Employees must identify the leave they intend to use prior to the conclusion of the payroll period.

If an employee shall be on a continuous FMLA leave and has insufficient accruals for the entire leave, employee may be allowed to spread the leave time throughout the various pay periods to assist the employee in their weekly deduction (i.e., union dues, health insurance, etc.). Notwithstanding the aforementioned, if an employee is on a continuous leave for their own health condition and/or otherwise qualifies for short-term or long-term disability through the Town's disability benefits, employees will only be required to utilize those accruals necessary to receive a complete paycheck between leave time and disability benefits.

When all leave accruals and/or disability benefits (if applicable) are exhausted, the employee will be placed on unpaid leave. Employees absent from work on FMLA shall continue be entitled to health insurance benefits under the same terms and conditions offered while employed. Employees shall remain responsible for their proportionate share of their health insurance, to the extent applicable.

**Employees on FMLA do not accrue any leave accrual benefits.**

**Key Policy. [Amended 12-28-2023]**

### **Signing of Form Required**

- Each Town official and employee will sign a form acknowledging the receipt of any and all Town keys assigned to him or her.
- This form will indicate the key issued, the date issued and serial number, if any.

### **Failure to Return Keys**

Any Town official or employee who fails to return Town keys within 15 days of his or her last day of service will be billed the expense of replacement key(s) and re-keying of lock(s). If a lock must be re-keyed for any reason, all keys will be turned in to the Town Clerk within 48 hours of the locks being re-

keyed. The Town Clerk will then sign out the new keys to all town officials and employees who are eligible to have keys to the new lock.

### **Town Clerk's Responsibilities**

The Town Clerk is hereby designated as the "keeper of the keys." As keeper of the keys, the Town Clerk's role is limited to providing for the efficient management and recordkeeping relating to the Town's keys, including securing all keys, issuing keys to appropriate persons, and maintaining records relating to the keys. Nothing herein shall be deemed to authorize the Town Clerk to use any keys to access buildings, rooms, or areas to which the Town Clerk does not otherwise have authority to access. In this capacity, he or she will:

- Sign out and collect keys.
- Maintain a written and/or electronic log of key assignments.
- Communicate to the Supervisor any reports of lost or stolen keys.
- Have and maintain a key to every town building and to every lock that exists on any town property or in any town building. All department heads are responsible to ensure that the Town Clerk has a copy of every key for all town buildings as well as every lock that exists for their department.

### **Policy for Purchasing & Vouchering Items. [Amended 12-28-2023]**

#### **PURCHASING**

All department heads who submit a budget request to the Town Board whose requests are approved by the Town Board via adoption of the budget are authorized to make purchases on behalf of their department, in full accordance with the Town's Procurement Policy. Any item that was listed on a department's itemized budget request and approved in the budget does not need Town Board authorization prior to purchase. If an item is not listed on a department's itemized budget request but costs less than \$500, it does not need prior authorization. If an item is not listed on a department's itemized budget request and costs between \$500 and \$2,500, it needs prior authorization from the Town Supervisor. If an item is not listed on a department's itemized budget request and costs over \$2,500, it needs prior authorization from the Town Board. Nothing in this paragraph applies to the highway department. All equipment purchases equipment for the highway department MUST be approved by the Town Board in accordance with Highway Law, section 142(1)(a).

Before any purchase is made, the department head is responsible for knowing the balance in the budget line they wish to charge the purchase to. Except in emergency situations, the budget line must have an adequate balance for the purchase BEFORE the purchase is made. If more money is needed in a budget line before making a purchase, please submit a budget amendment request (see appendix A) to the Town Supervisor for approval at the next Town Board meeting. The order cannot be placed until after the budget amendment request is approved by the Town Board. The Town purchases from some vendors such as Staples and W.B. Mason where the Town Clerk's office acts as the purchasing agent for all items, regardless of what department the purchases are for. If a department needs to purchase an item from one of these vendors, they may request the purchase via a purchase order (see

appendix B) through the Town Clerk's office. All the same rules apply as if the department head were making the purchase directly from a vendor.

Where the Town of New Lebanon is procuring a commodity or service, whether by competitive bid or other type of procurement, that is the subject of a GreenNY procurement specification that has received final approval of the NYS GreenNY Council pursuant to Executive Order No. 22 (2022), the department head or Town Clerk's office shall follow the GreenNY procurement specification to the maximum extent practicable and where cost is reasonably competitive as defined in General Municipal Law § 104-a. GreenNY approved procurement specifications can be found online at: <https://ogs.ny.gov/greenny/approved-greenny-specifications>.

### **Vouchering**

Vouchers should be submitted and signed by the vendor whenever possible. The person who ordered the item is responsible for asking the vendor to submit a voucher signed as "claimant" at the bottom as well as an invoice. To be considered for approval of payment by the Town Board, all bills must include town voucher (see appendix C) and an itemized invoice describing the product or service provided, the date it was provided and the cost. If an invoice is not available, the voucher must describe the product or service provided, the date it was provided and the cost. Tax may not be included on the invoice or the voucher. If the vendor cannot provide a voucher, the person who ordered the item may prepare the voucher based on the invoice and sign as "preparer" at the bottom as well as departmental approval if appropriate.

All vouchers, once prepared, are to be submitted to the Town Supervisor's office. To be included in the Town Board meeting for the month, vouchers must be received by the Town Supervisor's office by the first Tuesday of the month. The Town Supervisor will return any incomplete or incorrectly prepared vouchers to the person who submitted it with an explanation of what needs to be corrected on the incomplete voucher form (see appendix D). If a corrected version of the voucher is not received by the first Tuesday of the month, the voucher will not be considered by the Town Board at that month's meeting.

### **Training**

Annual training will be provided to all department heads and anyone who places orders for the town to ensure that all are properly trained in the policies laid out above. The training will include a full review of this policy as well as the Town's Procurement Policy.

### **Penalties**

If a purchase is made not in accordance with this policy, the person placing the order could be held personally financially liable for the payment of the invoice.

### **Review**

This policy will be reviewed by the Town Board on an annual basis and updated as needed.

## **Approved Travel Policy. [Amended 12-28-2023]**

### **General Policy**

- A. No travel expenses of any kind shall be reimbursed without prior approval of the Town Board. The department head shall submit the request to the Town Board and shall include in the request whether the training is

required or recommended. The Board gives blanket prior approval for mileage expenses incurred in the performance of duties by the following positions; Court Clerk, Deputy Court Clerk, CEO/ZEO/Deputy CEO, Assessor, Town Clerk, Deputy Town Clerk, Tax Collector and Town Supervisor.

- B. No travel which includes overnight stays shall be committed to without prior approval of the appropriate department head. Timely submission shall be made to the Town Clerk for such approval to be transmitted to the Town Board member responsible for liaison with that department; in the event of an emergency requirement, the Board member may approve by telephone or e-mail.
- C. A copy of the itemized hotel/motel bill must be submitted along with either a paid receipt or a credit card charge form.
- D. Employees will not be reimbursed for travel time to and from seminars or in-service training. Employees paid on an hourly basis will be paid for the hours that they attend seminars or in-service training (not to exceed eight hours per day). Salaried employees that attend seminars or in-service training on weekends may take compensation time equivalent to the hours in seminars or in-service training (not to exceed eight hours per day) with the approval of their supervisor.

### **Education or In-Service Training Events**

For travel to job-related educational events (such as seminars or in-service training), the Board may approve a travel advance only in those cases where the sponsoring organization provides the written evidence of certification or completion which can be presented to the Board upon the employee's return. (In cases where such evidence is delayed, the Board will rely upon the employee's written assurance that the documentation is forthcoming.) Employees are expected to attend all seminars, classes or meetings included in the event agenda appropriate to their duties and responsibilities and to submit an annotated copy of the event agenda with those attendances noted thereon.

### **Other Overnight Travel**

In any other travel requiring overnight stays, and approved by the Board, the employee will lay out the necessary expenditures and submit an expense report, in a form to be determined by the Town Clerk, to the Clerk upon completion of the trip, for reimbursement. The employee will attach a brief statement summarizing:

- A. Reason for the travel.
- B. Meetings attended and list of participants with organizational affiliations.
- C. Accomplishments of the trip.
- D. Any follow-up activities engendered by the trip.

## **Reimbursement Limitations**

No reimbursement shall be made for:

- A. The purchase or consumption of alcoholic beverages.
- B. Personal purchases (including, but not limited to, medicines, personal care items, gifts, movies or entertainment, exercise or other recreational activities, etc.).
- C. Expenses incurred by a person other than the employee.
- D. Upgrades in seating or other accommodations.
- E. Meals in excess of \$55 per day, using the guideline of \$15 each for breakfast and lunch and \$25 for dinner. Employees are expected to participate in meals which are included in program fees without further reimbursement.
- F. Automobile rentals, except if approved in advance. Employees should use their own vehicles in most cases. When necessary, airport or hotel shuttles, Uber and Lyft should be utilized in preference to t a x i s .

## **Violations**

- A. Employees who violate these rules are required to reimburse the Town for any advances received, or expenses reimbursed (or portions thereof found to be inappropriate) upon written notice from the Town Clerk of such violation.
- B. Employees found to have knowingly, or fraudulently, supplied inaccurate travel documentation to the Town for which they received reimbursement may be subject to discipline, including, but not limited to, fines, loss of pay, and/or dismissal. The Town may, at its discretion, refer such employees to the judicial system.

## **Town of New Lebanon Computer, Internet, & Email Usage Policy [Amended 12-28-23]**

The computer and email systems are owned by Town of New Lebanon and are provided and intended for business use. All messages and other information communicated through these systems are the property of Town of New Lebanon. With this in mind, incidental and occasional personal use is allowed; however, this privilege should not be abused and must not affect a user's performance of employment related activities. Non-business internet activity will be restricted to break times and/or meal periods only.

Visiting web sites or opening an email that may contain inappropriate material is grounds for disciplinary action. Any spam email that is received must be immediately deleted. The downloading of information should be kept to a minimum. It is extremely important that

you are aware of the dangers of opening attachments that may contain a virus. A virus could contaminate Town of New Lebanon's entire computer system. Internet and email usage may be monitored. Misuse of these systems may result in disciplinary actions, up to and including termination.

Examples of misuse of the systems include, but are not limited to:

- offensive or harassing statements based on race, color, religion, creed, sex, disability, age, marital status, sexual orientation, gender identity, genetic information, genetic predisposition, sexual and reproductive health decisions, national origin, criminal history, citizenship status or because he/she is a veteran, disabled or otherwise;
- statements that could be construed as defamatory;
- profane or obscene material;
- violations of copyright or trade secrets;
- sending chain letters;
- soliciting money for religious or political causes; or
- participation in chat rooms or bulletin boards.

Employees encountering or receiving this kind of material should immediately report the incident to the management.

Employees should always conduct themselves in a professional manner. Email messages are sometimes misdirected and often forwarded and may be seen by persons other than the intended recipient. Users should create messages with the same care, judgment and responsibility they would use for letters and memoranda written on Town of New Lebanon letterhead. Email passwords must be made available to the Town at all times. Please notify management if you need to change your password.

Employees cannot use employer-owned equipment, including computers, phones, town-licensed software or other electronic equipment on work time to conduct personal blogging, social networking activities and/or political activities. Use of personal devices while on work time is not allowed and may be addressed as a performance issue.

Consistent with applicable federal and state law, Town of New Lebanon reserves the right to monitor usage of the computer and email systems for any reason. With this in mind, the privacy of email, and similar data should not be presumed. Employees shall not use unauthorized codes or passwords to gain access to others' files. The unauthorized access of another employee's email or files may result in disciplinary action. Town of New Lebanon reserves the right to terminate any user's access to the mail system and to take other appropriate disciplinary action in the event of misuse or abuse of the mail system.

Questions regarding this policy should be addressed to the management.

## **Town of New Lebanon Drug Free Workplace Policy [Amended 12-28-2023]**

The use of illegal drugs, marijuana, alcohol and prescription drug misuse by employees are inconsistent with Town of New Lebanon's long-standing commitment to a safe and productive work environment. Illegal drugs are controlled substances which are not being used or possessed under the supervision of a licensed health care professional.

Whenever employees are working, operating town vehicles or equipment, present on Town of New Lebanon premises, or present in any other location performing services for the Town, they are prohibited from:

- using, buying, selling, manufacturing, distributing, dispensing, consuming or transferring illegal drugs or marijuana;
- being under the influence of illegal drugs, marijuana or alcohol;
- misuse of prescription drugs; and
- consuming marijuana and/or alcohol.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs, marijuana or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors or other licensed medical practitioners about the effect of prescribed medications on their ability to work safely, and promptly disclose any restrictions to their managers.

In accordance with all applicable federal and state laws, it is a condition of employment that any employee who is convicted of a criminal drug offense notify the town within 5 days of the conviction.

Employees who violate any aspect of this substance abuse policy will be subject to appropriate disciplinary action up to and including termination of employment. Depending on the circumstances, an employee's continued employment, reinstatement, or return to work, may be conditioned on the employee's successful participation in and/or completion of any and all evaluations, counseling, treatments, and rehabilitation programs, and other appropriate conditions as determined by Town of New Lebanon.

## **Town of New Lebanon Cell Phone Policy [Amended 12-28-2023]**

It is the policy of The Town of New Lebanon that personal phones, and portable entertainment devices are not to be utilized for personal business during work hours, with the exception of breaks, lunch, or with the express authorization of your immediate supervisor. The use of social media platforms including but not limited to Snapchat, Instagram, TikTok and Facebook are strictly prohibited during work hours with the exception as above.



In the event an employee receives a personal phone call of an **emergency nature** during work hours, the employee must ensure that they are in compliance with all New York State Motor Vehicle laws, as well as ensuring the safety of themselves and their co-workers.

Employees are expected to complete assigned work; thus, excessive personal phone use may result in disciplinary action.

This policy does not preclude the carrying of personal cellular phones or utilizing personal cellular phones to communicate with Town personnel; however, it does ban their use during the workday as set forth above.

All full-time highway employees, the highway superintendent, the town supervisor, the CEO/ZEO, the Deputy CEO/ZEO and the Animal Control Officer are all eligible for a town issued cell phone or to utilize their personal phone for work purposes and receive a reimbursement of \$25 per month paid via monthly voucher or via one annual voucher for \$300 in December (or upon leaving service for the town at a rate of \$25 per month for each month of service). If an eligible employee has a town issued cell phone it may only be used for town work related business, it may not be used to discuss politics or any other non-work-related matters and it must be used in a way that is consistent with all town policies.

### **Town of New Lebanon Social Media Use Policy (only section C) [Amended 12-28-2023]**

#### **Personal Use of Social Media – Precautions and Prohibitions:**

1. All Town personnel shall abide by the following when using social media for their own personal use:
  - a. Town personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this Town for which loyalty and confidentiality are important, impede the performance of duties, impair harmony among co-workers, or negatively affect the public perception of the Town.
  - b. Town personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without the expressed authorization of the Town Supervisor or his/her designee. Municipal policies such as work place violence and harassment apply to all postings in addition to any HIPPA regulations, collective bargaining and confidentiality requirements.
  - c. Use speech involving themselves or other Town personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
  - d. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings.
  - e. Town personnel shall not post, transmit, or otherwise disseminate any information to their personal social media accounts while on duty regardless if from a Town computer or other personally owned device without the expressed authorization of the Town Supervisor or his/her designee.

- f. Personnel will not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of the Town without expressed authorization of the Town Supervisor or his/her designee.
- g. Town personnel that violate this policy may be subject to discipline up to and including termination.
- h. Reporting Violations – Any employee becoming aware of or having knowledge of a social media posting or of any website or web page in violation of the provision of this policy has an obligation to notify his or her supervisor immediately for follow-up action.

**Employee Parking Policy [Amended 12-28-2023]**

Town employees are to park in the parking spots in the side parking lot by the basketball courts between the hours of 9:00am and 5:00pm, Monday through Friday when they are at town hall working for official town business, unless they need ADA compliance.

**Smoking Policy [Amended 12-28-2023]**

There is no smoking within 50 feet of the town hall. There is a designated employee smoking area near the employee parking area at the picnic table near the mailboxes. All cigarette butts must be disposed of in the provided receptacle at the designated employee smoking area.

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

- Code of Ethics
- Procurement Policy
- Fund Balance Policy
- Bank Reconciliation Policy
- Electronic Records Policy
- Petty Cash Policy
- Social Media Use Policy
- Public Employer Health Emergency Plan
- CDL & Drug and Alcohol Testing Plan & Policy
- Investment Policy
- Performance Management Policy (Old Compensation Policy)
- Data Breach Notification Policy
- Policy & Complaint Procedure Regarding Discrimination & Harassment
- 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 **December 28, 2023**.

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	Aye
Councilmember Deborah Gordon	Absent
Supervisor Tistrya Houghtling	Aye
Councilmember John Trainor	Aye
Councilmember Susan Tipograph	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: December 28, 2023

Marcie Robertson  
Town Clerk  
Town of New Lebanon