



**TOWN OF NEW PALTZ**  
**PERSONNEL**  
**and**  
**DISCRIMINATORY HARASSMENT POLICIES**  
**(ALL NON-UNION EMPLOYEES)**

Revised and Adopted by Action of the Town Board

January 27, 2005

January 3, 2013

December 7, 2017

January 10, 2018

June 12, 2018

September 5, 2019

May 5, 2022

January 5, 2023

February 1, 2024

## ***PREFACE***

This manual was developed in an effort to clarify the personnel issues and policies common to all town employees. It serves as a supplement and does not supersede Civil Service Law, Rules or Regulations or policies of the Town not mentioned herein. The purpose of this manual is to make existing policy more explicit and cover areas where questions are likely to arise. The Town reserves the right to modify or change the provisions of this manual from time to time, at its sole discretion. As policy changes, new pages will be issued to keep the manual updated.

This manual is NOT intended to create a contract of employment, nor is it intended to alter in any way the rights afforded to employees by the Civil Service Law, or any other applicable state or local laws.

*Added by Town Board,  
January 2004*

*On May 5, 2022, the Town Board authorized a revision of this policy that replaced the terms "he/she" with "they" and "his/hers" with "their" and replaced references to the "Town Board" with "Town Board".*

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## SECTION I: HIRING AND WORK PROCEDURES

- (A) **AFFIRMATIVE ACTION STATEMENT & EQUAL OPPORTUNITY POLICY:** Every employee shall be selected under fair employment procedures which provide equal employment opportunities to all people, regardless of race, physical disability, color, religion, gender, sexual orientation, or national origin.

*Revised by Town Board January 2004*

**EQUAL OPPORTUNITY POLICY:** The Supervisor shall be responsible for analyzing the distribution of minorities in the town labor force and setting goals for better utilization of all segments of the population. They shall be assisted by the Town Board, recommend a program to assure equal opportunity for employment, promotion, and career development to all staff on an ongoing basis. Records shall be kept from which equal opportunity, for employment, promotion and career development have been offered and used by employees. The Supervisor shall designate a staff member to do this record keeping.

Goals:

Plans will be developed with each individual in relation to their education, experience, and job assignment. This will include on-the-job development and an opportunity to attend educational events. When a vacancy occurs, all agencies assisting minority groups will be notified.

*Added by Town Board January 2005*

- (B) **JOB DESCRIPTION(S) AND SALARY RANGE:** There shall be a description for each job, covering work to be done, supervision and qualifications required. These job responsibilities shall be reviewed annually. Salary range shall be established for each job.
- (C) **HIRING PROCEDURES:** Department Heads shall notify the Supervisor of personnel needs. The Supervisor shall notify the Town Board, which shall assess requests and advertise for the position(s) deemed necessary, and in accordance with the year's budget. For those applicable positions, all Civil Service hiring procedures will be followed.

Applicants are to submit official forms, which are available from the Payroll/Personnel office.

Applicants for clerk/secretarial positions may be required to take a test to show evidence of typing, clerical and spelling skills.

The Supervisor or the Department Head will make a preliminary screening (including initial interviews, if desirable) and forward to the Town Board their recommendations for primary interviews. The Town Board, in consultation with the Department Head, will recommend the individual for actual hiring and terms of employment.

Ordinarily the employee shall start at the lowest step in the classification, but consideration will be given for special education and experience. This hiring procedure applies to all positions, except the Assistant to the Supervisor (or the Supervisor's confidential secretary)

the Deputy Town Clerks and Justice Court Clerks, and the Comptroller, which are exempt positions.

**(D) PROBATIONARY PERIOD/WORK REVIEW/TERMINATION OF**

**EMPLOYMENT:** Ordinarily the initial six (6) months of employment shall be considered a probationary period. Separation may be initiated at any time during this period by either the employee or by the employer. At the end of the probationary period, the employee's work record will be reviewed by the Department Head and by the Town Board and a recommendation regarding permanent employment will be made to the Town Board for its action.

After the probationary period, the ending of employment ordinarily shall require two (2) weeks' notice by either the Town Supervisor or the employee, in addition to conforming with all Civil Service rules and regulations, which may apply.

**(E) WORK HOURS:** A full workweek denotes twenty (20) hours or more. One half (1/2) of one (1) hour is allowed (unpaid) for lunch and is not included in computing the full workweek. Employees are entitled to two (2) fifteen (15) minute "coffee" breaks per day, one (1) in the morning and one (1) in the afternoon.

Overtime pay shall be paid at one (1) and one-half (1/2) times the regular hourly rate, starting after an employee has completed forty (40) hours of work in a single week. A forty (40) hour work week includes: regular work hours, vacation time, compensatory time, holiday time, sick time, and personal time.

Compensatory time may be given in lieu of overtime, if noted by the employee on their time sheet. Compensatory time shall be given at one (1) and one-half (1/2) hours off for each hour of overtime worked. The maximum amount of compensatory time per calendar year that may be accumulated is one hundred twenty (120) hours for full-time employees, unless authorized by the Town Board. An employee may not carry more than 120 hours of compensatory time into the following year.

On Saturdays and Sundays, for other than emergency call-ins, the rate of pay will be one and one-half (1 1/2) times the regular hourly rate.

If an employee is regularly scheduled to work on Saturdays and Sundays, their regular rate of pay will prevail.

The following positions are considered Salaried/Management and are not entitled to overtime and/or compensatory time:

Building Inspector II  
Youth Director  
Assessor  
Pool Director

*Revised by Town Board January 2005*

At separation from the Town, unused compensatory time will be exchanged for a cash sum based on the employee's final hourly wage.

Time Sheets: Employees must keep accurate times of "comings" and "goings". Any false

information on the time sheets can be grounds for immediate dismissal.

**(F) CATEGORIES OF EMPLOYEES:**

**Regular Full Time** Staff members hired to work a regular schedule of 40 hours or more per week and are eligible for all agency benefit programs subject to the conditions and limitations of each program.

**Regular Part Time** Staff members hired to work a regular schedule of less than 40 hours per week. Part time staff members working less than 20 hours per week are not eligible for staff member benefits.

Accrued benefits such as vacation, personal, sick time for part-time employees is based a pro-rated formula based on the number of regularly scheduled hours worked per week.

**Seasonal/Temporary** Staff members are hired to work on a specific project and/or to work for a specific period. These individuals may or may not work 40 hours per week. Temporary staff members are not eligible for benefits.

*Revised by Town Board January 2023*

**(G) USE OF TOWN RESOURCES FOR PERSONAL GAIN:** According to Town Code Section 15-4, no municipal officer, or employee shall use their municipal position or official powers and duties to secure a financial or material benefit for themselves, a relative, or any private organization in which they are deemed to have an interest. The following items describe this in further detail:

**A. Use of Town Time, Facilities, Resources:** No Town officer or employee shall use or authorize the use of Town time, facilities, supplies, inventory, materials, tools, machinery, equipment or other resources for private gain or advantage to themselves or any other private person or group; provided, however, that this prohibition shall not apply when the Town Board has authorized the use of such resources of the Town, and the Town is paid at such rates as are normally and customarily charged by private sources for comparable services.

**B. Use of Information:** Employees may not disclose any information obtained in their employment that is made confidential under state or federal law except as authorized by law. Furthermore, employees may not use or disclose information obtained in their employment for financial gain for themselves or any other person or entity.

**C. Use of Position:** No Town officer or employee shall make or attempt to make private purchases in the name of the Town, nor otherwise use or attempt to use status as a Town employee to secure unwarranted privileges or exemptions.

Violations of these rules will result in disciplinary actions pursuant to New York State Civil Service Law as well as any relevant collective bargaining agreements.

*Added by Town Board September 2019*

## **SECTION II: BENEFITS**

### **(A) HEALTH INSURANCE**

For Personnel hired prior to January 1, 2002, the Town will pay the full premiums on employee health insurance, individual and/or family policy (union & non-union), effective thirty (30) days after the beginning of employment. (Contact the Finance Dept. for forms and information).

Employees, (non-union, Building & Grounds, and Highway), including elected officials, hired on or after January 1, 2002, will be required to pay 10% of their health premiums (individual and/or family). The Town will not pay premiums if an employee is out on disability or on an unpaid leave of absence. During such time the employee will have to pay the full premiums (union & non-union). At official retirement (**not resignation**) from the Town, they must continue to pay 10% of the premium if they choose to remain on the health program.

Regular part-time employees including Town Board members have the option of joining one of the health insurance programs that the Town offers but must pay the total monthly premium and any administrative costs themselves, every month, in advance. See Finance Dept. for information.

*Revised by Town Board January 2013*

Starting in 2018 full time employees who choose not to participate in the health insurance program through the Town may take, each year, a \$2,000.00 buy-out.

*Revised by Town Board December 2017*

For employees hired after January 1, 2003, the Town of New Paltz will continue to pay the health insurance premium in effect at the time of retirement, any increase in premium is the responsibility of the retiree. (Note: This is also listed under retirement.)

- (B) DENTAL INSURANCE:** The Town will pay fifty (50) percent of the premiums on an approved employee dental insurance program. The Town will not pay premiums if an employee is out on disability or on an unpaid leave of absence. Premiums will have to be paid by the employee (union and non-union.)

Regular part-time employees have the option of joining the dental plan offered by the Town but must pay the total monthly premium and any administration costs themselves, every month in advance. Any employee who joins the dental plan will be subject to the terms and conditions of such plan in effect.

For employees hired after January 1, 2003, the Town of New Paltz will continue to pay one-half (1/2) of the dental insurance premium in effect at the time of retirement. Any increase in premium is the responsibility of the retiree. (Note: This is also listed under retirement.)

*Previous section (C): Domestic Partnership Benefits*

*Added by Town Board January 2005*

*Deleted by Town Board January 2013*

**(C) PAID HOLIDAYS AND PERSONAL DAYS:**

1. New Year's Day
2. Martin Luther King Day (3<sup>rd</sup> Mon./Jan)
3. Presidents Day (3<sup>rd</sup> Mon./Feb.)
4. Memorial Day (4<sup>th</sup> Mon./May)
5. Juneteenth (3<sup>rd</sup> Mon./Jun)
6. Independence Day
7. Labor Day
8. Yom Kippur
9. Lenape (2<sup>nd</sup> Mon./Oct)
10. Veterans Day
11. Thanksgiving Day
12. Day After Thanksgiving Day
13. Christmas Day

If Christmas Day and New Year's Day fall on a Thursday, employees shall have the subsequent Friday off instead of the half-day before. If Christmas Day and New Year's Day fall on a Tuesday, employees shall have the preceding Monday off. Some changes may be made by the Town Board at their Organizational meeting the first of January but must total at least thirteen (13) days for the year.



If a holiday falls on a Saturday, employees will have the preceding Friday off. (This applies only to Christmas Day, the Fourth of July and Veterans Day.) If a holiday falls on a Sunday, employees will have the subsequent Monday off (this applies only to Christmas Day, New Year's Day, the Fourth of July and Veterans Day).

Employees are entitled to four (4) personal days per year to take care of personal business. These days are not cumulative and cannot be carried into the next year. They cannot be used adjacent to vacation time, paid holidays or at the end of the year.

*Amended by Town Board June 2018*

*Paid time off for medical appointments*

*Deleted by Town Board June 2018*

In the event that the number of holidays falls below 14 (fourteen) in any calendar year, then employees shall be given a "floating holiday" for each listed holiday less than 14 (fourteen.) All floating holidays must be taken as full, 8-hour days, and must be taken in the same calendar year in which they were celebrated. Floating holidays shall be scheduled on two weeks' notice, subject to approval of the Department Head or immediate supervisor.

Floating holidays at termination: At termination, an employee may not exchange unused floating holidays into a cash sum. In the event the floating holiday was taken as substitute for a holiday that would have occurred later in the year and for which the exiting employee has already taken the holiday time, their final check will be reduced by the floating holiday time paid previously.

*Revised by Town Board January 2005*

- (D) VACATION TIME:** One (1) year through the completion of five (5) years of employment will entitle the employee to ten (10) vacation days annually, to be earned at the rate of 5/6 day for every month worked.

Vacation time will not accumulate during extended disability leave or unpaid leave of absence (union & non-union).

Over five (5) years through the completion of ten (10) years of employment will entitle the employee to fifteen (15) vacation days annually, to be earned at the rate of 15/12 days for every month worked.

Over ten (10) years of employment will entitle the employee to twenty (20) vacation days annually, to be earned at the rate of 20/12 days for every month worked.

Vacation time allocation is determined by an employee's anniversary date with the Town. For example: if an employee completes five (5) years of employment with the Town in June, their total vacation time for that calendar year would be based on six (6) months at 5/6 days

per month or 40 hours, and six (6) months at 15/12 days per month or 60 hours, for a total of twelve and one-half (12 1/2) days or one hundred (100) hours. This is based on a forty (40) hour workweek.

An employee may accumulate up to twenty (20) earned vacation days for use in one year, but they may not carry more than what they earn into the coming year.

An employee may receive vacation pay (but not their regular pay, if not on a regularly scheduled payroll week) prior to leaving on vacation, but the request must come through their immediate supervisor and must be made in writing to the payroll department three (3) weeks in advance.

Resignation: At resignation, an employee may exchange approved accrued/earned vacation time into a cash sum, based on the employee's rate of pay in effect at that time.

- (E) **SICK LEAVE TIME:** Sick leave is time off with pay (up to an employee's earned sick leave balance) for periods of illness or incapacity, resulting from non-occupational illness or injury, medical dental or optical examinations or treatment. Employees may use up to three (3) sick days per year for family members who are ill. Department Heads or the Town Supervisor may request an affidavit signed by the attending physician.

Employees will accumulate one and one-quarter (1.25) sick days per month, earning fifteen (15) days per year worked. The maximum number of sick days an employee may accumulate is one hundred (100) days.

Sick days will not accumulate during extended disability leave or unpaid leave of absence (union & non-union).

A portion of accumulated sick leave may be exchanged for a cash sum upon retirement with the New York State retirement system from the Town. See Paragraph I (Retirement) for further details.

If an employee is injured on the job and cannot come to work, they will have to use accumulated sick days for salary during the first week before workman's comp begins.

Employees may donate excess sick days, as desired, to fellow employees whose sick days have expired. Once donated the days cannot be returned. If an employee is terminated or resigning, no transfer of unused sick leave hours is permissible.

*Revised by Town Board January 5, 2023*

- (F) **BEREAVEMENT DAYS:** Employees shall receive five (5) bereavement days for immediate family members. The immediate family is defined as: spouse or domestic partner, child, parent, brother, sister, grandparent and parent of spouse. One (1) day shall be granted for non-parental in-laws (brother, sister, grandparent of spouse.)

**(G) LONGEVITY PAYMENTS:** After completing three (3) years of employment, full-time employees will receive \$120.00 for each year of service completed on their anniversary date. Example: Employee start date of 2-12-2001 will be eligible for a longevity check on 2-12-2004 in the amount of \$360.00 (October 1<sup>st</sup> will be the cut-off date for determining a year of employment, for example, employees will have to start work before October 1<sup>st</sup> to have that year credited.) The maximum amount of longevity per employee will be \$3,000.00.<sup>1</sup>

• *Revised by Town Board September 5, 2019*

<sup>1</sup> In preparing the 2002 budget, longevity for non-union full-time employees was incorporated into their hourly wage (based on 52 weeks at 40 hours per week totaling 2,080 hours). Five employees were affected by this computation. In preparation of the 2003 budget, longevity was calculated to be paid in a separate check. The amount of longevity paid was calculated by subtracting the amount added to the hourly wage in 2002 from the total years of full-time employment leaving the amount of the longevity to be paid in 2003. Longevity in 2004 would increase by \$100. Due to the judges' decision to have all court clerks' salary the same, the two clerks affected by the change in 2002 would be receiving their longevity in full in 2004.

*Revised by Town Board January 2005*

**(H) RETIREMENT:**

New York State Law mandates that all full-time employees must enroll with the New York State retirement system. A 3% deduction will be made from their pay. Contact the Finance office for the enrollment forms. An employee may, at any time, stop by the Finance office and pick up pamphlets and/or booklets regarding information regarding the retirement system. Also, the retirement system has hours in Poughkeepsie once a month for anyone close to retirement to get more information.

At retirement into the New York State retirement system (**not resignation**), after at least eight (8) full years of continuous service with the Town, (including medical leaves of absence), an employee may exchange into a cash sum one-half (1/2) of their approved accumulated sick days at their present rate of pay.

The Town will continue to pay the health insurance premiums for employees (same plan -- single or family-- as when they were working) who have worked full time for the Town for at least the fifteen (15) years immediately prior to retirement with the New York State retirement system (**not resignation**) The Town will continue to pay the health insurance premiums for three (3) months after an enrollee's death at no cost to the family. For employees hired after January 1, 2003 the Town of New Paltz will continue to pay the health insurance premium in effect at the time or retirement, any increase in premium is the responsibility of the retiree.

The Town will continue to pay 50% of the approved dental insurance premiums for employees (same plan--single or family--as when they were working) who have worked full time for the

Town for at least fifteen (15) years immediately prior to retirement with the New York State retirement system (**not resignation**). The Town will continue to pay 50% of the approved dental insurance premiums for three (3) months *after* an enrollee's death provided that the family pays its share in advance. For employees hired after January 1, 2003, the Town of New Paltz will continue to pay one-half (1/2) of the dental insurance premium in effect at the time of retirement. Any increase in premium is the responsibility of the retiree.

*Revised by Town Board February 2004*

*Revised by Town Board January 2013*

- (J) MISCELLANEOUS:** Employees may participate in payroll direct deposit by contacting the Payroll Dept. for the forms & information.

Employees may participate in supplemental insurance programs and/or the N.Y.S. Deferred Comp Plan by contacting the Payroll Dept. for the forms and information.

### **SECTION III: EMPLOYEE WORK RESPONSIBILITIES**

In requesting vacation time, compensatory time, personal time, sick time or bereavement days, the employee should contact their Department Head as early as possible. The Department Head is in turn responsible for notifying the Town Supervisor if the time is extended.

Employees should expect annual reviews of their work performance by the appropriate Department Head.

Employees are to conform to the work hours set by the Supervisor and Town Board to ensure that all Town offices are open and available to the public. The following hours are based upon location:

Offices at Town Hall: 52 Clearwater Rd: 8:00 am to 4:30 pm

Highway Department: 50 Clearwater Rd: 7:00 am to 3:30 pm: Check back for Summer Season Hrs.

Recycle/Reuse Center: 3 Clearwater Rd: 8:45 am to 5:15 pm: (last load at 4:45 pm)

Community Center: Veteran's Drive: TBD

Youth Center: 220 Main Street: 2:00 pm to 7:00 pm: with additional hours held at the CAFÉ program at NPHS

Justice Court: 53 North Putt Corners Rd: 8:30 am to 5:00 pm: Court is held Tuesday & Wednesday nights. Friday closure at 12:00 pm

*Revised by the Town Board February 1 2024*

#### **SECTION IV: DRUG FREE WORKPLACE REQUIREMENTS:**

The following Drug-Free Awareness Program has been developed in accordance with the requirements of the Drug-Free Workplace Act of 1988 and is a condition of employment.

Drug use in the workplace is dangerous and not acceptable since it can result in poor judgment, inadequate work performance, absenteeism, accidents and jeopardizes safety and security. As a recipient of HUD funds, the Town of New Paltz is required to implement an awareness program, which follows:

- (1)** All employees are notified that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in any Town of New Paltz workplace. In the event of a violation by an employee, the Town of New Paltz will offer rehabilitation and/or counseling to the violator through available county programs, if available, and at no direct cost to the employee.
- (2)** All employees, including those involved with the performance of the program will be given a copy of the Drug-Free Awareness Program contents.
- (3)** All employees are to abide by the terms of statement one (1) and must notify the Supervisor of any criminal drug statute conviction for a violation no later than five (5) days after such conviction.
- (4)** The Town of New Paltz will notify HUD within ten (10) days after receiving notice of any employee convicted of a violation as described in statement three (3).
- (5)** Any employee convicted of a criminal drug statute violation occurring in the workplace, must enter an approved drug rehabilitation program within two (2) weeks of the conviction and satisfactorily complete the same in order to maintain employment with the Town of New Paltz. In addition to any other remedies available through the Town of New Paltz an employee may be suspended for the period of rehabilitation.

The Town of New Paltz will post statement **(1)** in its workplace, so that employees are made aware of the consequences of a violation.

#### **SECTION V: MISCELLANEOUS POLICIES**

- (A) JURY DUTY:** When an employee is called for jury duty or must act as a witness for the Town, time off with pay will be granted for time needed outside of the individuals regularly scheduled hours. Employees are expected to report for work if the jury duty does not require their full-time service.

*Revised by Town Board January 5, 2023*

- (B) **LEAVE WITHOUT PAY:** Regular full-time employees may request leave without pay, for special circumstances, with the approval of their Department Head and the Town Supervisor. Purpose of such leave would include extended physical and/or mental illness, extended vacation or military service.
- (C) **MATERNITY LEAVE:** Maternity leave will be granted without pay, but with reinstatement in the job, if desired, within six (6) months after termination of pregnancy. Employees may work through their pregnancy with written consent from their doctor.
- (D) **MILITARY TRAINING:** Full time employees will be granted thirty (30) days with pay for annual military training

*Revised by Town Board January 2004*

- (E) **EMPLOYEE EXPENSES:** The Town will ordinarily pay all necessary expenses incurred by Town employees who attend conferences, seminars, etc., related to their employment. The employees should request permission from the Town Board one (1) month prior to the event. Requests for pre-payment of expenses can be made or vouchers submitted for repayment with receipts attached.
- (F) **TUITION ASSISTANCE:** To encourage professionalism, the Town will cover the cost of college tuition for full-time employees (at least 30 hours per week), up to \$3,000 in a calendar year for employees who take courses related to their work. Employees should request permission from the Town Board prior to the beginning of the courses (s). There are four (4) stipulations:
  - (1) An employee must provide an invoice to the Town Board detailing the course of study and the cost for that semester's classes.
  - (2) An employee must attain at least a "C" in the classes taken or they will need to pay back the town for the money received.
  - (3) An employee must remain an employee with the Town of New Paltz for a year following the completion of the course(s) or else pay back the town for the money received.
  - (4) If the employee resigns, is terminated, or needs to leave due to a disability (or other extreme measures) prior to the mandatory one-year commitment to the town, the amount due will be taken from the employee's last paycheck and any other eligible payout. If a balance still exists, the employee will be billed by the town for the recovery of the funds.

*Revised by the Town Board July 6, 2023*

- (G) **FIRE CALLS:** Town employees who are members of the New Paltz Volunteer Fire Department should respond to fires as follows:

The Fire Chief, or in their absence, the Assistant Chief, should initially respond to all calls, if no other fire officer, who does not work for the Town, is available.

All other firefighters may respond to structure fires or second alarms, except when the Town Department itself is involved in an emergency operation, such as snow plowing. Even in a situation where the Town Department is involved in emergency operations, the Superintendent/Supervisor should arrange for the release of firefighters as requested by the Fire Chief, or in their absence, the Assistant Fire Chief. These employees will be paid for a normal workday. They will be expected to return to their duties for the Town as soon as the Fire Chief releases them.

*Revised by the Town Board January 5, 2023*

If firefighters have responded to a fire prior to the start of the workday and, in the opinion of the Fire Chief or designate, their presence is needed at the fire scene after the start of the workday, they should remain under the direction of the Fire Chief who will release them as soon as the situation warrants it. The Fire Chief will stay in contact with the Town Supervisor and notify them of the status of each situation. These employees will be paid commencing at **their normal starting time**.

*Revised by the Town Board January 5, 2023*

#### **(H) EMERGENCY CLOSINGS:**

During snow days, the routine functions of Town activities should continue. Therefore, the Town Supervisor, or in their absence, the Deputy Town Supervisor, will notify all Department Heads via text/email, to report town closings or delays. This decision will be made after consultation with the Highway Superintendent and/or the Police Chief.

The decision of any employee to report to work on these days should be their decision, based on their own personal situation. Employees may choose not to report for work and use vacation, compensatory, sick, or personal time for that day. On days when the Town's two-hour delay is in effect, an employee who reports for work shall be paid for a regular eight hours. However, if an employee decides not to come in, eight hours will be deducted from their accrued vacation, compensatory, or personal time.

An office employee who reports to work will be expected to remain on the job, unless the Supervisor, or in their absence, the Deputy Town Supervisor, decides to close early.

An employee may decide that because of their personal situation they may wish to leave early and use the appropriate compensatory, vacation, personal or sick time.

If conditions are so severe that the Town Supervisor or in their absence, the Deputy Town Supervisor, in consultation with the Highway Superintendent and/or the Chief of Police, determines that the Town offices will be closed, they will notify all employees affected prior to 7:00 AM, through a chain list. Employees should also listen to the radio for announcements of emergency closings.

All other emergency closings will be decided by the Town Supervisor, or in their absence, the Deputy Town Supervisor, and employees will be notified by telephone (in the morning) and in person (if at work). Again, employees should listen to the radio for emergency closings.

All employees, both full and part time regular employees (not seasonal and/or temps) will be paid their normal workday, if they arrive at work at the specified special time and leave when their regular workday ends or they are dismissed.

Closing of the Youth Program will be at the discretion of the Director.

NOTE: under certain circumstances, due to emergency closings snow day closings, etc., paychecks may not be ready and therefore not distributed on the usual day (example: if closed one (1) day, checks distributed on Fridays; if closed two (2) days, checks may not be ready until the following Monday.)

*Revised by the Town Board February 1, 2024*

**(I) GRIEVANCES:** The Town Supervisor may be contacted for grievances with the understanding that complete confidentiality will be respected. Recommendations will be made for a solution. If this informal meeting does not resolve the concern of the employee, the employee will send a written statement of the grievance to the Town Board. The Town Board's decision will be binding.

#### **SECTION VI: DISCRIMINATORY HARASSMENT POLICY:**

- I. PURPOSE:** It is the policy of the Town of New Paltz to provide and maintain a work environment which is free from unlawful discrimination based on gender (with or without sexual conduct), race, color, religion, sexual orientation, national origin, age, disability and any other class protected by law (collectively referred to as "discriminatory harassment" or "harassment"). Harassment based on these characteristics is a form of unlawful discrimination and is prohibited in each work environment and each and every situation, which directly impacts the work environment.
- II. POLICY:** The Town of New Paltz considers discriminatory harassment to be a form of employee misconduct and considers this type of misconduct to be a serious offense, which will not be tolerated. Allegations of harassment will be investigated thoroughly, and if substantiated, will be met with appropriate corrective and/or disciplinary action commensurate with the seriousness of the offense(s), and in accordance with the parameters of applicable collective bargaining agreements and/or state law.



### III. DEFINITIONS:

A. **DISCRIMINATORY HARASSMENT** is defined as: unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment (e.g., promotion, training, assignments, etc.)
2. Submission to or rejection of such conduct by an individual is used as a basis for employment.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work Performance or creating an intimidating, hostile, or offensive working environment.

Examples of specific behaviors that may be considered sexual harassment include, but are not limited to:

- Spoken or written words related to an employee's gender
- Any sexual or physical advance that is unwelcome
- Sexually oriented comments
- Showing or displaying pornographic or sexually explicit objects or pictures in the workplace
- Offensive touching, patting, or pinching
- Requests for sexual acts or favors
- Abusing the dignity of an employee through insulting or degrading sexual remarks or conduct
- Threats, demands or suggestions that an employee's work status is contingent upon their toleration of or acquiescence to sexual advances
- Subtle pressure for sexual activities
- Leering at a person

Sexual harassment is gender-neutral and may involve members of the same or different gender.

B. **OTHER UNLAWFUL HARASSMENT:** Harassment on the basis of any other protected characteristic is also prohibited. Under this Policy, prohibited harassment is verbal or physical conduct that is offensive to or shows hostility or aversion toward an individual because of their race, color, religion, sexual orientation, national origin, age, disability or marital status, and that: (I) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (II) has the purpose or effect of unreasonably interfering with an individual's work performance; or (III) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and displays or circulation in the workplace (including through e-mail) of written or graphic material that denigrates or shows hostility or aversion toward an individual or group, based on an individual's protected class.

- C. INDIVIDUALS AND CONDUCT COVERED:** This Policy applies to all applicants and employees of the Town of New Paltz, and prohibits harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to the Town (e.g., an outside vendor, consultant or citizen).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

**IV PROCEDURE:**

**A. REPORTING HARASSMENT:**

1. If an individual is subjected to a situation which they believe constitutes discriminatory harassment in violation of this Policy, the Town recommends that the employees confront the harasser directly and advise the harasser that their behavior is not welcome and will not be tolerated: note that neither this Policy nor State/Federal law requires that an individual tell an alleged harasser to stop their actions.
2. If an alleged incident of harassment cannot be resolved directly between the parties involved, a written or verbal complaint should be filed by the affected employee with the employee's immediate Supervisor, Department Head, or a member of the Town's Town Board.
3. All harassment complaints will be investigated as promptly as possible and resolved within a reasonable time after the receipt of the complaint. The Town Board will coordinate an investigation of the complaint.
4. Thereafter, the results of the investigation will be communicated back to the complainant.
5. Retaliation against any individual making a harassment complaint or assisting in the investigation of such a complaint is strictly forbidden. Retaliation, like discrimination and harassment, is against the law and is a serious violation of this Policy. Employees who retaliate against other employees who complain about harassment and/or participate in investigation of harassment will be subject to disciplinary action.

**B. MISCELLANEOUS:**

1. In the event a complaint of discriminatory harassment is determined to be valid, the Town will take disciplinary action in accordance with the provisions of applicable Collective Bargaining Agreements and/or State Law.
2. If disciplinary charges are filed against an employee on the grounds that the Town has determined the employee is guilty of unlawful harassment, the accused employee may exercise their rights through the disciplinary procedure provided for in their Labor Contract and/or State Law.
3. Reporting of a false complaint is a serious act. In the event it is found that the individual bringing the complaint has made false accusations, the Town will act in accordance with the provisions of the applicable Collective Bargaining Agreement and/or State Law.
4. All information gathered during an investigation of a harassment complaint will be

handled in a confidential manner, to the extent possible. Retaliation against any individual making a harassment complaint or assisting in the investigation of such a complaint is forbidden.

5. Retaliation is a serious violation of this policy, which may result in disciplinary action.
6. This Policy does not preclude the filing of discriminatory harassment complaints with either the New York State Division of Human Rights or the Federal Equal Employment Opportunity Commission, or the pursuing of any other remedies as permitted by law.

**C. RESPONSIBILITIES OF MANAGERS /SUPERVISORS:**

1. All Managerial and Supervisory Personnel of the Town of New Paltz shall be responsible for enforcing this Policy and shall have particular responsibility for ensuring that the work environment under their supervision is free from discriminatory harassment and its effects. Failure of a manager or Supervisor to comply with this responsibility may result in disciplinary action.
2. All Managerial and Supervisory Personnel who receive discriminatory harassment complaints will be responsible for immediately forwarding such complaints to the Town Supervisor/Town Board.
3. The Town of New Paltz will conduct periodic training for Managerial and Supervisory Personnel on the issues surrounding discriminatory harassment, its effects and its appearance, and the role and responsibility of managerial/supervisory personnel in preventing incidents of harassment complaints.
4. The Town of New Paltz shall distribute this Policy to all Town employees and all others covered by its parameters. Copies of this Policy will be distributed to new employees as they are hired.
5. Copies of this Policy will be distributed to all personnel.

**SECTION VII: FAMILY AND MEDICAL LEAVE OF ABSENCE POLICY**

**Section 1. PURPOSE**

To outline the conditions and procedures under which an employee is entitled to time off for a limited period, as required by the federally enacted Family and Medical Leave Act ("FMLA").

**Section 2. DEFINITIONS**

- A "family and/or medical leave of absence" shall be defined as an approved absence available to eligible employees for up to twelve weeks of leave per year under particular circumstances. Leave may be taken:
  - Upon the birth of the employee's child;
  - Upon placement of a child with the employee for adoption or foster care;
  - When the employee is needed to care for a child, spouse or domestic partner, or parent who has a serious health condition; or
  - When the employee is unable to perform the essential functions of their position because of a serious health condition.

**NOTE:** An employee's entitlement to leave for the birth, adoption or placement for foster care expires at the end of the twelve (12)-month period beginning on the date of birth or placement unless the employer permits a longer time.

- A serious health condition" will be defined as any illness, injury, impairment or physical or mental condition that involves (but may not be limited to) the following:

1. any period of incapacity or treatment in connection with, or following, inpatient care in a hospital, hospice or residential medical care facility; or
2. any period of incapacity that requires absence from regular daily activities of more than three days and that involves continuing treatment by (or under supervision of) a health care provider.

- "Leave" time may be paid or unpaid, see discussion below.

**Section 3. RESPONSIBILITY:** Each Department Head is responsible for ensuring that this policy is communicated to the employees. Questions regarding the intent and interpretation of this policy shall be directed to the Office of the Town Attorney or Supervisor.

**Section 4. SCOPE:** The provisions of this policy shall apply to all covered family and medical leaves of absence for any part of the twelve (12) weeks of leave to which the employee may be entitled.

**Section 5. ELIGIBILITY:** To be eligible for leave under this policy, an employee must have been employed for at least twelve (12) months and must have worked at least 1250 hours during the twelve (12)- month period immediately preceding the commencement of the leave.

**Section 6. LEAVE OF ABSENCE: PAID OR UNPAID**

**A.** For the adoption, or birth or care of child, parent or of a spouse, an eligible employee must use accrued vacation, personal leave time and sick time. For those employees who are members of a bargaining unit, leave will be unpaid unless the employee agrees to the use of paid leave accruals, if any.

**B.** For an eligible employee's own serious health condition, the employee must use all accrued leave time, including accrued sick leave. For those employees who are members of a bargaining unit, leave will be unpaid unless the employee agrees to the use of paid leave accruals, if any.

**C.** In the event the eligible employee has no accrued leave to their credit, the leave provided under this policy will be unpaid.

**Section 7. EXTENSION OF LEAVE:** In the event an employee requires leave in excess of the twelve (12) - week maximum described herein, the Department Head, at the Department Head's

discretion, may provide additional leave pursuant to the provisions of Section 6, above. The employee will be responsible for their medical coverage during any extended leave without pay.

**Section 8. PERMISSION AND DOCUMENTATION**

A. The Employer will require medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse or domestic partner, or parent. For the employee's own medical leave, the certification must include a statement that the employee is unable to perform the essential functions of their position. For leave to care for a seriously ill child, spouse or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. The employer may require a second medical opinion and obtain periodic recertification (at its own expense) only when the employer has reason to doubt the initial medical certification. If the first and second opinions differ, the Employer, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the employer and the employee.

B. If medically necessary for a serious health condition of the employee or their spouse or domestic partner, child or parent, leave may be taken on an intermittent basis. Intermittent leaves are not permitted for birth or adoption, unless otherwise agreed upon by the parties.

C. Spouses or domestic partners who are both employed by the Employer, are entitled to a total of twelve (12) weeks of leave (rather than twelve (12) weeks each) for the birth or adoption of a child or for the care of a sick parent.

**Section 9. NOTIFICATIONS AND REPORTING REQUIREMENTS**

A. When the need for leave is foreseeable, such as the birth or adoption of a child, or planned medical treatment, the employee must provide reasonable prior notice, and make efforts to schedule leave so as not to disrupt operations of the employer. In cases of illness, the employee will be required to report periodically on their leave status and intention to return to work.

B. The term "reasonable prior notice" shall mean "not less than thirty (30) days' notice or as soon as practicable."

**Section 10. COVERAGE**

A. Family leaves may be granted for up to twelve (12) weeks during any twelve (12) month period. The Employer may deny reinstatement to an employee who fails to produce a "fitness-for-duty" certification to return to work. This requirement applies only where the reason for the leave of absence was the employee's own serious health condition.

B. Employees on authorized family leaves will be covered for those medical, dental, and other health insurance benefits (with the exclusion of any employee contributions, which must begin prior to family leave) under which they were covered prior to their leave.

- C. In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence and the employee so notifies the employer, the employer may recover from the employee the cost of the premium paid to maintain the employee's health insurance coverage, except when the family and medical leave is paid.

**Section 11. PROCEDURES:**

A. Family and Medical Leave of Absence Notice: A Family and Medical Leave of Absence notice should be completed in detail, signed by the employee, submitted to the Department Head and forwarded by the Department Head to the Town Attorney or Town Supervisor. If possible, the notice should be submitted thirty (30) days in advance of the effective date of the leave.

B. All requests for family and medical leaves of absence due to illness will include the following information:

Sufficient medical certification stating:

1. The date on which the serious health condition commenced;
2. The probable duration of the condition;
3. The appropriate medical facts within the knowledge of the health care provider regarding the condition.

- C. In addition, for purposes of leave to care for a child, spouse, or parent, the medical certification should give an estimate of the amount of time that the employee is needed to provide such care.
- D. For purposes of leave for an employee's own illness, the medical certification must state that the employee is unable to perform the essential functions of their position.
- E. In the case of certification for intermittent leave for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment must be stated.
- F. FMLA leave must be designated by the Employer where the Employer has knowledge or sufficient reason to believe that the employee is eligible for such leave.

**Section 12: RETURN TO DUTY:** An employee returning from leave as covered by this policy is entitled to the same position held when leave began. The employee will be required to submit a medical certification that the employee is fit to return to duty.

**Section 13. EFFECT OF LABOR AGREEMENT:** It is the intent of the employer to provide the standards as articulated in the federal FMLA and as detailed herein.

**Section 14. CHANGE IN POLICY:** The Employer reserves the right to modify this policy as necessitated by law.

*Amended by Town Board January 2005*

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Signature	Date Received
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Attached policies which apply to all town employees:

- Town of New Paltz Acceptable Use of Town Computer Equipment
- Town of New Paltz Automobile Use Form
- Town of New Paltz Credit Card Policy
- Town of New Paltz Ethics Policy