



SCHUYLER COUNTY

Policies and Procedures Manual

Employment Manual Version Control

Version	Date	Author	Change Description
1.0	06/12/06	Human Resources	First Edition

Note The content of a manual does not constitute nor should it be construed as a promise of employment or as a contract between Schuyler County and any of its employees.

Schuyler County, at its option, may change, delete, suspend, or discontinue parts or the policy in its entirety, at any time without prior notice.

Effective 06/12/06

Schuyler County Policies & Procedures

Version 1

Last printed 7/16/2006 2:39:00 PM

TABLE OF CONTENTS

1	INTRODUCTION	5
1.1	Mission Statement	5
1.2	Changes in Policy	5
2	EMPLOYEE DEFINITION AND STATUS	5
2.1	Employment Classification.....	5
2.2	Probationary Period for New Employees (Resolution No. 168-02)	6
2.3	Schuyler County Internship Program	6
3	EMPLOYMENT POLICIES	6
3.1	Equal Employment Opportunity (Resolution No. 485-04).....	6
3.2	Affirmative Action/Diversity	7
3.3	Americans with Disabilities Act (ADA)	9
3.4	Employee Background Check.....	10
3.5	Drug and Alcohol Testing Policy	10
3.6	New Employee Orientation	11
3.7	Orientation and Exit for Independent Contractors, Volunteers or Interns.....	11
3.8	Personnel Files	11
3.9	Change of Personal Data.....	12
3.10	Safety and Health	13
3.11	Building Security/Searches	15
3.12	Building Temperature (Resolution No. 437-05)	15
3.13	Keys	16
3.14	Building Inspection	17
3.15	Photo ID Policy (Resolution Nos. 169-00, 337-02 and 130-03).....	17
3.16	Personal Property	18
3.17	Nepotism (Resolution Nos. 320-86, 250-96 and 294-98)	18
3.18	Protected Activity	19

3.19	Weather-related and Emergency-related Closings (Resolution No. 61-02)	19
4	STANDARDS OF CONDUCT	19
4.1	Code of Ethics (Resolution No. 253-85 and 144-03).....	19
4.2	Attendance and Punctuality	19
4.3	Work Schedule.....	20
4.4	County Telephones.....	20
4.5	County Cell Phones (Resolution No. 309-03).....	20
4.6	County Furniture	22
4.7	Records Retention (Resolution No. 264-98).....	22
4.8	Parking (Resolution No. 316-05).....	22
4.9	Harassment Policy	23
4.10	Violence in the Workplace/Weapons	24
4.11	Information Security and Computing Policy (Resolution No. 200-05)	25
4.12	Information Security Breach Notification Policy	25
4.13	Health Insurance Portability and Accountability Act (HIPAA) (Resolution Nos. 42-04 and 257-04).....	25
4.14	Smoking Policy (Resolution Nos. 597-89 and 514-94).....	25
4.15	Drug-Free Workplace Policy	26
4.16	Complaint Procedure/Retaliation	27
4.17	Separation from Employment and Exit Interviews (Resolution Nos. 97-96 and 288-95).....	27
4.18	References.....	28
5	COMPENSATION AND BENEFITS	28
5.1	Time Card Policy (Resolution Nos. 149-95, 334-96, 57-95 and 178-00).....	28
5.2	Fair Labor Standards Act – Salary Basis Policy	29
	Salary Basis Requirement	29
	Circumstances in Which the Employer May Make Deductions from Pay	30
	County Policy	30
	What To Do If An Improper Deduction Occurs	30
5.3	Reallocation Downward (Resolution No. 333-96).....	30

6	GROUP HEALTH AND RELATED BENEFITS.....	30
6.1	Health Insurance.....	31
6.2	Disability Insurance.....	31
6.3	Worker’s Compensation Insurance.....	31
6.4	Retiree Health Insurance (Resolution Nos. 126-96 and 268-03).....	32
6.5	Insurance - Late Payments (Resolution Nos. 63.96 and 151-98).....	32
6.6	COBRA Notification	33
7	TIME-OFF BENEFITS.....	33
7.1	Medical Leave of Absence.....	33
7.2	Jury Duty/Subpoenas.....	33
7.3	Voluntary Fire and Ambulance Duty (Resolution Nos. 109-91 and 24-69, respectively).....	34
7.4	Military Reserves or National Guard Leaves of Absence (USERRA).....	34
7.5	Family and Medical Leave Act.....	35
7.6	Sick Leave – Unused Leave Credits (Resolution No. 380-78)	39
7.7	Retirement Credit for Elected or Appointed Officials	39
8	EXPENSES	39
8.1	Travel Requests/Central Garage (Resolution No. 344-03)/Expense Reimbursement	39
8.2	Purchasing/Fixed Assets (Resolution Nos. 196-99 and 120-02, respectively).....	41
8.3	Expense Reimbursement for Volunteers	41
8.4	Notary Public Fees (Resolution Nos. 127-82 and 338-93).....	41
8.5	Uniforms.....	41
9	ACKNOWLEDGMENT.....	42

1 INTRODUCTION

This document has been developed by the Human Resources Department in order to familiarize employees with Schuyler County and provide information about working conditions, key policies, procedures, and benefits affecting your employment with Schuyler County.

1.1 Mission Statement

The mission of Schuyler County is to provide quality services, direction, leadership and specific initiatives to ensure the effective and efficient development and administration of county services, policies, and laws to all citizens in the most cost effective manner.

1.2 Changes in Policy

This manual supersedes all previous Policy and Procedure manuals and memos.

County employment policies represent the personnel guidelines of the county. The County retains the absolute right to modify or alter these policies based upon professional and business concerns considered in the best interest of all involved, including management and employees, unless otherwise dictated by a bargaining agreement.

These policies are only guidelines. They do not represent an employment contract and employees should not treat them as such. They are designed to enhance County operations. No member of management has the authority to bind the County to any of the terms or provisions of these policies.

2 EMPLOYEE DEFINITION AND STATUS

An “employee” of Schuyler County is a person who regularly works for Schuyler County on a wage or salary basis.

2.1 Employment Classification

Employees of Schuyler County are classified as either “exempt” or “non-exempt.” This is necessary because, by law, employees in certain types of jobs are entitled to overtime pay for hours worked in excess of forty (40) hours per workweek. In addition to the above overtime classifications, every employee is assigned an employment status classification: full-time, less than full-time, part-time, temporary (full-time or part-time), etc.; and a civil service classification: permanent, provisional, non-competitive, unclassified, etc.

2.2 Probationary Period for New Employees (Resolution No. 168-02)

The County recognizes two separate probationary conditions of employment. The first is the Schuyler County six (6) month probationary period for new employees. This period is established to benefit both the employee and the County. It is a period of adjustment and adaptation, both personally and in terms of learning the job requirements and work rules. If at any time during this period, the employee is unable to adapt successfully to the requirements of the position, the department, or the County as a whole, employment can be terminated immediately. The employee's supervisor may offer advice and counseling when a problem becomes apparent, but is not required to do so. Employees may be given advance notice, but that also is not required.

The second type is the Civil Service probationary period for classified employees upon permanent appointment. Employees serve not less than eight (8) weeks and not more than fifty-two (52) weeks on probation. Anytime after the eight (8) weeks but prior to the 52nd week of employment, the employee may be retained (taken off probation) for satisfactorily completing the probation period or may be terminated with out a reason given.

In the case of a probationary employee, immediate removal may be made by the appointing authority upon written notification to the employee of his/her unsatisfactory performance, and that the employee shall receive one week's salary in lieu of being required to report for work.

2.3 Schuyler County Internship Program

A Department Administrator desirous of obtaining an intern shall submit a "Schuyler County Work-Study/Internship Program Request Form" to the County Administrator. Approvals shall be forwarded to the Human Resources Department for coordination of the necessary approvals/reviews by the County Administrator and County Attorney and execution of the necessary documentation by the intern. The County is under no obligation to offer full-time employment to the student prior to or after graduation. Likewise, the student is under no obligation to the County after completion of the prescribed work period(s) for an Internship.

Upon completion of the above, Department Administrators should submit an orientation form specific to interns and volunteers (if applicable) to the Human Resources Department (see 3.7 below).

3 EMPLOYMENT POLICIES

3.1 Equal Employment Opportunity (Resolution No. 485-04)

Schuyler County provides treatment for all employees and applicants for employment without unlawful discrimination as to race, creed, color, religion, gender, sex, sexual orientation, gender identity and or expression thereof, national origin, citizenship status, age, disability, marital status, religion and military status in accordance with applicable federal, state and local laws governing nondiscrimination in employment in every location in which Schuyler County has facilities. In addition, Schuyler County complies with applicable state and local laws governing non-discrimination in employment in every location in which Schuyler County has facilities. This policy applies to all terms and conditions of employment, including, but not limited to, recruitment, hiring, placement, promotion, upgrading, termination, demotion, downgrading, layoff, recall, transfer, leaves of absence, compensation, apprenticeship, training, and all other terms and conditions of employment.

Schuyler County will endeavor to provide all employees with a work environment free from discriminatory intimidation, including verbal or physical conduct by any employee or non-employee, which unreasonably disrupts or interferes with another employees work performance.

Schuyler County expressly prohibits any form of unlawful employee harassment based on race, creed, color, religion, gender, sex, sexual orientation, gender identity and or expression thereof, national origin, citizenship status, age, disability, marital status, and military status. Improper interference with the ability of Schuyler County employees to perform their expected job duties is absolutely not tolerated.

3.2 Affirmative Action/Diversity

I DEFINITION

- A. Affirmative Action is the positive and active approach to ensure the employment of minorities and other groups traditionally hindered in the pursuit of employment in Schuyler County.
- B. An Affirmative Action Plan is the establishment and implementation of a specific set of objectives and procedures designed to improve the attainment of the goal of equal opportunities for all, regardless of age, race, creed, color, national origin, gender, religion, sexual orientation, disability, military status, marital status, genetic predisposition or carrier status or political affiliation or belief.

II GENERAL OBJECTIVES

- A. Schuyler County government shall strive to increase the opportunities of employment for the economically disadvantaged, unemployed and under employed. The scope of equal employment opportunities shall also include the non-discrimination of physically and mentally disabled individuals.
- B. Schuyler County government and its affiliated departments or agencies shall ensure equal opportunity for all qualified individuals. This policy shall apply equally to all job classifications, titles, types of appointment and elected positions within the jurisdiction of Schuyler County Civil Service, whether full-time or part-time.
- C. Schuyler County government's goal is to eliminate all artificial barriers to employment and training opportunities including the selection, training and placement of employees. Also, Schuyler County's Affirmative Action and Equal Opportunity (AA/EO) policy is designed to assure equal employment opportunities in the hiring, career development, and promotion of County staff.
- D. To ensure the effective administration of Schuyler County government's AA/EO policy, the County Legislature shall name an Affirmative Action Officer (AAO) with the responsibility of ensuring AA/EO program development and implementation of AA/EO activities.
- E. The Personnel Officer, along with the Schuyler County's Affirmative Action Officer, will be responsible for the continuing review of all Affirmative Action Programs in Schuyler County departments.
- F. The Schuyler County Affirmative Action/Equal Opportunity Plan will be reviewed and updated whenever necessary to incorporate mandated changes in state and federal laws. The Affirmative Action Officer, in conjunction with the Personnel Officer, shall prepare a draft of the revised Plan to be presented to the County Administrator with reasonable time allowed for review and comment. The final revised Plan shall be adopted with due consideration given to any modifications suggested by the County Administrator and the County Legislature.

- G. In accordance with the law, Schuyler County government has developed and adopted policies and procedures to assure against discrimination and to assure compliance with federal, state and local equal opportunity requirements. The County's AA/EO policy includes, but is not restricted to, the objectives of the following legislation:
- ◆ Civil Rights Act of 1964, as amended
 - ◆ Equal Pay Act of 1963, as amended
 - ◆ Equal Employment Opportunities Act of 1972
 - ◆ Education Act of 1972, Title IX, as amended
 - ◆ Rehabilitation Act of 1973, Section 504
 - ◆ Age Discrimination Act of 1975, as amended
 - ◆ Americans with Disabilities Act of 1990
 - ◆ Presidential Executive Orders 11246, 11478 and 11375
 - ◆ Vietnam Veterans Readjustment Act
 - ◆ New York State Human Rights Law
 - ◆ Workforce Investment Act of 1998, Section 188 and with all applicable requirements imposed by and pursuant to regulations implementing those laws, including but not limited to 29 CFR Part 37.
- H. Targeted groups for affirmative action include, but are not limited to, those in the categories of:
- (1) Minorities (Blacks, Hispanics, Asians, Native Americans)
 - (2) Women
 - (3) Disabled
 - (4) Vietnam Veterans
 - (5) Older Individuals (age 55 and over)

III NOTIFICATION

Schuyler County government will take affirmative steps to inform job applicants, program participants and employees that they do not discriminate in admission, access, treatment or employment in Schuyler County government. Methods to be used for such notification include:

- prominent posting of notices which state that Schuyler County operates programs subject to AA/EO laws;
- notification of applicants of Schuyler County's AA/EO policy and methods for filing complaints;
- dissemination of information regarding the AA/EO policy to sub-contractors;
- publication of Schuyler County's AA/EO policy for the general public on Schuyler County's Web Site.

IV POLICY IMPLEMENTATION

The implementation of the Affirmative Action and Equal Opportunity Policy and the following objectives are a continuous process.

- Objective 1: The Human Resources Department shall issue memorandums of endorsement and support from the County Administrator and County Legislature to all employees, Department Administrators, vendors and general public.
- Objective 2: To establish the Human Resources Department as the administrative agency responsible for Equal Employment Opportunities. Provide advisory and supportive services and technical assistance to the various County agencies and departments.
- Objective 3: To encourage identification and utilization of the Civil Service Department as confidential resources for career counseling and advice.
- Objective 4: The Human Resources Department shall prepare annual reports of new hires, discharges, etc. as requested by the County Administrator and County Legislature.

A. RECRUITMENT

- Objective 1: The Civil Service Department shall be responsible for all recruitment and shall maintain active contacts with community, civic and educational organizations as potential recruitment resources.

- Objective 2: The Civil Service Department shall utilize its Web Page as a source of recruitment and continue to explore alternate formats for recruiting.

B. SELECTION – ASSIGNMENT

- Objective 1: The Civil Service Department shall re-design County application format whenever necessary to eliminate non-essential, potentially discriminatory information, increase useful information and effect changes necessary to comply with equal opportunity policy.

C. TRANSFER – PROMOTION

- Objective 1: All County Departments shall encourage the concept of lateral, departmental and inter-departmental mobility to afford a broader scope of promotional opportunities.

D. STAFF DEVELOPMENT

- Objective 1: All County Departments shall utilize the orientation program provided by the Human Resources Department.

- Objective 2: All County Departments shall encourage participation in county-provided professional development opportunities.

E. COMPLIANCE

- Objective 1: The County Attorney and all Department Administrators are to ensure that all contracts with Schuyler County government contain a clause requiring Affirmative Action/Equal Opportunity compliance by vendors and contractors.

- Objective 2: All Departments are to include discussions of Equal Employment Opportunity objectives as part of the customary departmental staff meetings, with responsibility of implementation resting within each department.

F. POLICY DISSEMINATION

- Objective 1: The Human Resources Department shall, in an effort to ensure greater employee awareness, review and update the Affirmative Action and Equal Opportunity Plan every five (5) years and post copies. All new employees will receive a copy of the plan and be made aware of their AA/EO rights.

- Objective 2: The Civil Service Department and Human Resources Department shall coordinate the dissemination of the Affirmative Action and Equal Opportunity Plan to all members of the Schuyler County Legislature, department administrators and civil divisions within the jurisdiction of Schuyler County Civil Service.

- Objective 3: The Civil Service Department shall provide adopted copies of the Affirmative Action and Equal Opportunity Plan to New York State Department of Civil Service and make available to the general public for inspection at the Schuyler County Civil Service Department.

3.3 Americans with Disabilities Act (ADA)

It is the policy of Schuyler County to abide by both the letter and spirit of the law in all aspects of the Americans with Disabilities Act (ADA). The Act prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities.

Schuyler County prohibits all discrimination against “qualified individuals with disabilities.” This includes applicants for employment and current employees. An individual is considered to have a “disability” if he/she has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an

impairment. We also forbid discrimination against persons because they have a known association or relationship with an individual with a disability.

If an employee feels that he/she has been subjected to discrimination based on a disability by this County, a vendor, a customer, etc., the employee may file a complaint with the County's Human Resources Department.

Schuyler County is dedicated to protecting the rights provided to individuals with disabilities by the ADA. Accordingly, no one in a position of responsibility will retaliate against anyone who asserts the rights provided by the ADA or any state human rights laws. All disability bias claims will be judged on a case-by-case basis.

Any requests for disability accommodation should be referred to the County's Human Resources Department.

3.4 Employee Background Check

The County may conduct a background check to determine or verify background information, including criminal history. The purpose of the background check is to ensure that individuals who join the County are well-qualified, have a strong potential to successfully fulfill the requirements of the job, and have honestly presented their background and qualifications as outlined on their application.

In accordance with Chapter 575 of the Mental Hygiene Law, electronic finger imaging background checks will be conducted for prospective/current employees who provide mental health services and will have regular and substantial unsupervised or unrestricted contact with clients.

Having a criminal history or criminal conviction does not necessarily preclude employment. The nature of the offense and its relevance to the particular job are considered on a case-by-case basis or in accordance with Mental Hygiene Law. Considerations include the nature of the position involved and the implications for general safety and security.

Reference checks are an essential part of the background checking process. The County asks all references a series of questions about work experience, character, personal habits, educational background, and personality as they pertain to successful fulfillment of job requirements. Reference checks are to be conducted by the appointing authority, or by the Human Resources Department upon request.

To assure confidentiality of all applicant information obtained during a background check, Human Resources coordinates the background checking process with the respective Department Administrator and the County Sheriff.

Any applicant who intentionally provides misleading, erroneous, or deceptive information of material fact on the application form or in an interview could be immediately eliminated from further consideration for employment, and/or terminated if currently employed by the County.

3.5 Drug and Alcohol Testing Policy

Because of the particular importance of assuring that safety sensitive employees are free of the effects of drug and alcohol use, federal law requires that employers of persons who hold Commercial Driver's Licenses (CDL's) institute a policy requiring drug and alcohol testing of safety sensitive employees as well as education and training of employees and supervisors. It is

the purpose of the County's Drug and Alcohol Testing Policy to comply with the requirement of regulations of the Federal Highway Administration to assure safe and health operations. The County's Human Resources Department will be responsible for administration of the Drug and Alcohol Testing Policy and testing. The complete policy is available for review in the Human Resources Department.

In addition, it is the goal of the County and CSEA Highway Unit to have a drug-free work environment. Effective January 1, 2006 the applicable Bargaining Agreement expands the above-required policy to include all full-time, part-time, temporary & seasonal employees to be covered by the provisions of those regulations and County policy. To assure compliance with the FHWA-CDL Regulations, the County shall maintain separate lists for random testing between CDL employees and non-CDL employees. All consequences maintained in the regulations shall remain in effect for permanent fulltime or part-time non-CDL employees.

3.6 New Employee Orientation

Every new employee is required to be given new employee orientation by the County's Human Resources Department. Newly hired employees shall begin work on the first work day of a pay period per Resolution No. 217-98. Requests for exceptions to the start date (orientation date) must be directed to the Human Resources Department.

3.7 Orientation and Exit for Independent Contractors, Volunteers or Interns

There are instances wherein independent contractors, volunteers or interns retained by the County will need certain orientation items. It will be the responsibility of the Department Administrator to determine the necessary items and request the same from the Human Resources Department. The Human Resources Department will issue and collect the requested items upon the direction of the Department Administrator.

3.8 Personnel Files

The County keeps certain records relating to an employee's employment in a personnel file in the Human Resources Department. The documents contained within that file are the property of the County and must be maintained for government and County record-keeping purposes.

There are three types of personnel files maintained for employees. There is the Personnel File which contains the following types of items:

- original offer letters;
- records related to demotion;
- letters of recognition;
- exit interviews;
- termination records;
- disciplinary documents;
- confidentiality agreements or other departmental specific agreements;
- training records;

There is a Medical File which contains the following types of items:

- medical and/or financial records;
- equal employment opportunity documents identifying an individual's race and sex;
- immigration forms;

There is a Performance Appraisal File maintained strictly for management/confidential employees which contains the following types of items:

- performance evaluations;
- letters of recognition;
- training records;

All files connected with an employee are considered strictly confidential, and access will be limited only to those who have a job-related need to know the information and who have been authorized to see the file.

Any employee who wishes to review his/her personnel file should contact the County's Human Resources Department in writing to arrange for a mutually convenient time to review appropriate material.

Any employee who does not agree with the information in his/her personnel file has the right to challenge or appeal the information. The employee should submit a formal request in writing to the Human Resources Department. If the request is granted, the changes will be made by the Human Resources Department with the employee present. If the request is denied, employees may submit any statement of disagreement, said statement to be placed in their personnel file.

Items in the personnel file may be copied at the expense of the employee.

The County will audit employees' personnel files annually and remove or correct irrelevant, outdated, misleading, or inaccurate information.

The County will retain all employee personnel files in accordance with NYS CO-2 Records Retention Schedule.

3.9 Change of Personal Data

Employee personal records and roster cards, as required by Civil Service Law and considered essential for the efficient operation of the county, are maintained in the Civil Service Department. Employees are requested to report promptly any changes in status as listed below to their Supervisor or Department Administrator:

- Change of: Name
- Address
- Telephone Number

The Supervisor or Department Administrator is responsible for forwarding any of the above change information via a Report of Personnel Change (MSD 426-A / Pink Slip) to the Civil Service Department.

Other changes, as listed below, should be reported in writing and without delay directly to the Human Resources Department:

- Person to notify in case of emergency
- Marital status
- Dependents
- Insurance beneficiaries
- Income tax withholding information (Federal & State)

3.10 Safety and Health

Safety and health protection is a quality of work life issue which has a high priority in all of our business activities. The County's goal is to minimize human injury or illness and property loss or business interruption caused by accidents, fire, or other hazards. We believe this will be achieved to the degree that all County members accept and fulfill the safety and health responsibilities inherent in each job. Individually, we must recognize hazards, anticipate possible exposures and risks, and then act to eliminate or control them.

The County expects that its workers will give their best efforts to the prevention of accidents and diseases. The County will provide the necessary direction and aid to accomplish this goal and will also reward or discipline employees according to their actions on behalf of safety or health concerns.

Employee safety and health are important to this County. All employees must adhere to all Occupational Safety and Health Administration (OSHA), federal, and state regulations and comply with the following general rules.

- All accidents or injuries must be reported immediately to the Department Administrator or supervisor, who will in turn submit the necessary Supervisor Report of Incident and a Worker's Compensation C-2 form.
- Horseplay and practical jokes in work areas will not be tolerated.
- Smoking is prohibited in all areas throughout the premises in accordance with the Clean Indoor Act 2.
- Employees are to be careful with their hands when operating any machinery and must see to it that others do not harm themselves on their machines.
- Operating shortcuts will not be tolerated and will result in immediate discipline.

Employees are responsible to themselves and to the County for reporting unsafe conditions or practices to management. It is then management's responsibility to act as conditions warrant.

The first priority of every employee is the safety of the public, other employees, and him/herself. In case of a serious accident requiring the attention of a physician, call 911 for an ambulance and immediately notify the Human Resources Department.

No employee should ever perform a task or work with equipment that he/she considers to be unsafe.

DISASTER PREPAREDNESS

It is the policy of this County to maintain a written and effective disaster preparedness plan and communicate this plan to all employees. We want this plan to provide clear guidance that will ensure employee safety and the continuation of key business operations in the event of a significant and disruptive disaster occurrence.

The plan will focus on the most likely disaster events that could occur and is not intended to cover every possible situation. These most likely events include workplace violence, long-term electrical outage, long-term phone service disruption, flooding, computer sabotage or failure, inclement weather, fire, earthquakes, and civil disturbance.

In the event of any of these disturbances, the first priority of the disaster plan will be to ensure the safety and health of employees and any others within our facilities. The disaster preparedness plan will be reviewed and updated annually by appropriate County personnel.

FIRE PREVENTION

The County expects each employee to do everything possible to safeguard County facilities from damage by fire. Employees can help prevent such a disaster by keeping their work area clean and free of rubbish and by observing all rules regarding fire prevention. Our fire prevention policy is designed to ensure that all reasonable steps are taken to preserve life and property from exposure to fire hazards.

Fire drills are held at a minimum of three times a year to insure the prompt and safe exit of employees from all buildings in case of an actual fire. Prompt obedience to supervisors' and emergency personnel's instructions is required during these drills.

HAZARD COMMUNICATIONS

It is the policy of this County to provide a safe workplace for its employees based on guidelines established by Occupational Safety and Health Administration and other available recommendations. The County has developed this program to assure that each of its employees receives the information and training they need so they may work safely with hazardous chemicals found in the workplace.

The County complies with all federal and state "Right to Know" laws, which means employees will be made aware of any chemical hazards they may face at the workplace. Employees will also receive special training concerning the labeling, handling, and disposal of hazardous substances, and what steps should be taken in the event of a spill.

If employees have any questions about how hazardous waste should be handled or stored, they should see their supervisor immediately.

Employees have a right to access records concerning their exposure to chemicals in the workplace.

The coordination, implementation and enforcement of Safety and Health regulations such as Fire and Building Codes, NYS Department of Labor Public Employee Safety and Health Bureau (PESH), Insurance Inspections, etc., will be done by the Schuyler County Building Maintenance Supervisor with support provided by the County Code Enforcement Officer. Examples of Safety and Health concerns are:

1. Use and placement of power supply for electrical, telephone or computer equipment.
2. Hallways and aisles maintained with clear access for traffic flow.
3. Proper storage of flammable or chemical products.
4. Proper installation of equipment, furniture, and files.
5. Use of home appliances (coffee pots, microwave ovens, toaster ovens, refrigerator) will be forbidden unless installed in an approved area with proper electrical connection.

EMERGENCY BROADCAST SYSTEM

The Schuyler County Chief Executive, namely the Chairman of the Legislature, is authorized to request the Emergency Broadcast System in response to an actual or threatened local emergency by going through the proper channel which is the County Control Center, located in the Sheriff's Department:

- Designated Emergency Broadcast System:
- Routing Point: Schuyler County Control Center
Sheriff's Department
Tenth Street, County Jail Building
Watkins Glen, NY 14891

- Schuyler County's Chief Executive Officer:
Chairman of the Legislature
Phone: 535-8100 (O)
- Schuyler County's Emergency Management Coordinator
Phone: 535-8200 (O) 535-8201 (Fax)
- Schuyler County's Deputy Emergency Management Coordinator
Phone: 535-8200 (O) 535-8201 (Fax)

3.11 Building Security/Searches

It is our policy to protect the security of County property and records through the establishment of necessary controls and procedures.

Security problems and violations cannot be handled in a constructive manner unless County management knows about them. Our Security Policy, therefore, places a strong emphasis on reporting security-related incidents so that the proper action can be taken.

All visitors to the premises must enter through the main complex reception area, and walk through the metal detection equipment. This rule applies to all persons entering the County's Main Office Building Complex.

In the event of theft, suspicious activity, or dangerous incident, employees should contact security immediately by dialing 8110 or 911.

In the interest of the health and safety of employee and the public, Department Administrators have the authority to request that any employee open for inspection any package or other container brought onto, or taken from, County premises. The term "County premises" includes, but is not limited to, County offices, all work areas, desks, rest areas, parking lots, driveways, loading docks, and any vehicle owned or leased by the County.

Employees are expected to use designated entrances and exits.

All keys, access codes, County records, documents, and other property shall be collected at exit interviews.

All County employees are required to conspicuously display their employment Photo ID Card provided to them at all times during their respective working hours. This rule applies to all employees regardless of position or length of service. Photo ID Cards must not, under any circumstances, be loaned to others, altered, or mutilated. See Photo ID Policy under 3.15 below.

3.12 Building Temperature (Resolution No. 437-05)

In an effort to be cost conservative as well as recognizing the human element, when setting and controlling building temperatures, the following policy is set for all buildings heated and cooled with tax dollars.

Policy Back Ground

The American Society of Heating, Refrigerating, and Air-condition Engineers (ASHRAE) Standard 55-2004 titled, "Thermal Environmental Conditions for Human Occupancy", specifies the combinations of indoor space environment and personal factors that will produce thermal comfort conditions acceptable to 80% or more of the occupants within a space. The 1992 version of the standard recommended the following temperatures: 68 to 74°F degrees during the winter and

73-79 °F degrees in the summer. The standard also recommends that relative humidity be maintained between 30 and 60 percent. When these guidelines are written into OGS (Office of General Services) leases, building owners are required to ensure these thermal parameters are met. Office of General Services has voluntarily adopted the 1992 standard for state owned buildings.

In addition, NYS Building Code section PM602.4 requires that indoor work spaces shall be supplied with heat from September 15th to May 31st and maintain a minimum temperature of 65°F when spaces are occupied.

Policy

- A. Each building will be set to maintain 70°F in the heating season and 76°F in the cooling season.
 - 1. Some buildings have multiple heating/cooling zones which for their inherent mechanical differences may make some areas warmer or cooler than others, but all attempts will be made to be consistent.
 - 2. When a majority of a building or zone runs at the set temperature any area that is in that building or zone with a + or - of 2° of the set temperature will be deemed to be an acceptable temperature.
- B. No electric space heaters are allowed, except when the following criteria have been met.
 - 1. When a written complaint is filed about an area of a building being too cold or too hot, the Schuyler County Building Maintenance Supervisor will monitor the area for one week to track the temperatures. If the parameters set in the above section “A” cannot be met by further adjustment to the heating/ cooling system, the Building Maintenance Supervisor will provide an alternate heating/cooling source.
 - 2. When an electric heater is allowed, it is not allowed to be under a desk or any other confined area. The electric heater must be kept in a position so as to not create a tripping hazard or where papers or other combustibles may fall on it.
 - 3. Any unauthorized electric heater will be removed by the Building Maintenance Supervisor and upon request of the owner, will be returned to be taken home.
- C. When a building has a fully automated heating/cooling system, windows are not allowed to be opened. Opening windows can cause an imbalance of the system causing it to over heat or over cool the zone.
 - 1. If a window is observed or reported open the Building Maintenance Supervisor will notify in writing the occupant of the room to keep the window closed.
 - 2. If an occupant continues to open the window after notification the Building Maintenance Supervisor may turn that particular zone off to conserve energy and tax dollars.

3.13 Keys

The following rules have been set forth for Schuyler County office building keys:

Only Legislators, Department Administrators and Deputy Department Administrators are authorized to be issued a key to the County Office building. Employees other than Legislators and Department Administrators are authorized to be issued a key to their respective office only.

No Key is to be passed on to anyone else or duplicated.

Use:

Entering the building between 11:00 p.m. – 7:00 a.m. or on a weekend through the parking lot entrance:

As soon as entering, use the telephone at the Deputy's station and dial 8222 to notify the Sheriff's Department that you are in the building. Do the same as you leave.

Entering the building through the back by the Sheriff's Department:

Can be done at any time. Use the call box by the door.

If another employee is in the building with you, you must advise the Sheriff's Department.

All keys will be collected by the Human Resources Department at an Exit Interview when leaving employment.

3.14 Building Inspection

Inspection of county-owned buildings shall be conducted as follows:

1. Prior to inspection, compliance officer presents their credentials to the highest ranking manager.
2. Senior management (Chairman of Legislature, County Administrator, Department Administrator, Emergency Management Coordinator, Building Maintenance Supervisor) must be notified of compliance officer's presence. The Building Maintenance Supervisor or Deputy Building Maintenance Supervisor must accompany inspector whenever possible.
3. Compliance officer will conduct an opening conference with management to explain purpose and scope of inspection.
4. Inspection may involve:
 - a) Employee and management interviews
 - b) Physical inspection of work place
 - c) Review of safety and health records
5. Compliance officer must explain reason for the inspection, i.e.
 - a) Work complaint
 - b) Work place accident
 - c) Special program (hazards communication program)
 - d) Scheduled inspection
6. Violations noted during inspection should be corrected immediately.
7. All violations and findings should be documented by Schuyler County (a second person may be necessary to accompany inspector and management for documentation purposes).
8. Use of cameras and camcorders may be used with guidance for documentation of violations and contesting of violations.
9. Before inspector leaves, a closing meeting with management to discuss inspectors' results and proposed citations.

Any department supervisor receiving citations or inspection results shall immediately forward these to the Building Maintenance Supervisor. Any reported violations must be corrected on or before the required deadline.

3.15 Photo ID Policy (Resolution Nos. 169-00, 337-02 and 130-03)

Schuyler County requires all employees to have a Photo ID Card. All County employees are required to conspicuously display their identification card provided to them at all times during their respective working hours. It will be the responsibility of the Department Administrator to enforce this policy.

New employees will be issued a County Photo ID Card at the conclusion of their orientation appointment. The Photo ID will be processed by the Deputy Sheriff on duty at the Front Desk (Entrance), and the Schuyler County Deputy Sheriffs Association will directly bill the respective Department, on a quarterly basis, for Photo ID Cards processed. Temporary employees will be provided with a Temporary ID.

In instances where employees request replacement cards for such reasons as name change, deletion of social security numbers from old cards, departmental change, etc. the replacement cards will be paid for by the County Department in which the employee is working at the time of the request. Requests for replacement cards must be processed through the Human Resources Department.

The fee for ID cards that need to be replaced due to negligence of the employee (loss of card, mutilation of card, etc.) will be the responsibility of the employee; payment due at photo ID appointment. Requests for replacement cards must be processed through the Human Resources Department. Photo ID Fee: \$5.00

3.16 Personal Property

Schuyler County assumes no risk for any loss or damage to personal property and recommends that all employees have personal insurance policies covering the loss of personal property left at the office.

3.17 Nepotism (Resolution Nos. 320-86, 250-96 and 294-98)

Schuyler County department administrators and/or departmental supervisors shall not hire members of their immediate family to work in their respective departments and under their department supervision. However such potential employees shall not be precluded from hire in other departments of the County.

Immediate family shall be: spouse, children, parents, grandparents, sisters, brothers, aunts and uncles, mother or father-in-law, brother or sister-in-law, and daughter or son-in-law; any "step" relationship as above; and any first generation relationship to any of the above-noted categories of relationship.

Such family related employment circumstances presently in existence within the County of Schuyler (8/10/1998) shall not be affected by this policy but shall end with those affected employees leaving their County employment; this policy shall not preclude those employees from advancement from within the department in which they have been hired. It is not the intent of the Schuyler County Legislature to penalize any employee hired in such circumstances as existed prior to the enactment of this policy.

This policy will be enforced in accordance with all State and Federal laws including the restrictions placed upon limiting the discretion of elected officials under the Municipal Home Rule Law.

3.18 Protected Activity

The County recognizes employees' rights to join or not to join any social, political, labor, or religious organization.

With that in mind, the County will not:

- interfere with employee rights to self-organization and bargaining collectively through freely chosen representatives;
- dominate labor organizations or contribute financially to them;
- discriminate against employees on account of union affiliation;
- retaliate against employees for filing unfair labor practice charges or giving testimony;
- refuse to bargain collectively, when applicable.

3.19 Weather-related and Emergency-related Closings (Resolution No. 61-02)

The Chairman of the Legislature is hereby authorized and empowered to close all County Offices, except those offices required to be kept open by law or by the necessity of having such office open on a twenty-four hour basis, because of inclement weather or any emergency. Any such closings shall be announced on the County's Emergency Broadcast System, WFLR 95.9 FM.

A directed early departure does not require a charge to accruals. However, employees who leave work before a closing announcement is made or who took the day off, are required to charge accruals as usual.

Any employee who is absent from work because of weather conditions, when County Offices have not been closed by the Chairman of the Legislature, will be allowed to use personal leave or a vacation day to cover such absence.

4 STANDARDS OF CONDUCT

4.1 Code of Ethics (Resolution No. 253-85 and 144-03)

All employees are provided with a copy of and are urged to become familiar with the Schuyler County's Code of Ethics. All employees are expected to follow these rules and standards faithfully in doing their own jobs and conducting the County's business.

4.2 Attendance and Punctuality

Every employee is expected to report for work regularly and on time. Good attendance is a most important job requirement and an essential duty of every position. Failure to meet this requirement and/or failure to report an absence properly can be grounds for disciplinary action, including dismissal. Excessive absence and lateness, even when reported, may also be grounds for discipline or dismissal.

See appropriate bargaining agreement booklet for information on and process for authorized absences.

4.3 Work Schedule

See appropriate bargaining agreement booklet.

4.4 County Telephones

All Departments are to coordinate all telephone equipment purchases and telephone line changes through the Buildings and Grounds Department. (Resolution Nos. 570-91 and 369-93)
Because of the large volume of County business being transacted by telephone, the use of County telephones for personal matters is discouraged. However, the County recognizes that today when most adult members of the household work, there may occasionally be times when personal calls must be made or received during business hours.

Such calls must be held to a minimum, however, and must not interfere with the employee's work. Employees are encouraged to make such calls during their breaks or lunch time.

The County's voice mail system is for business use only. The County maintains the right to monitor all messages to ensure compliance with this policy.

Employees are expected to listen to and respond to their messages within an acceptable time frame. The County does not want the voice mail system to place a barrier between employees and the public.

4.5 County Cell Phones (Resolution No. 309-03)

INTRODUCTION

Schuyler County has a number of Departments that have employees who are regularly in the field and out of telephone contact. For a variety of reasons, including those of both a programmatic and safety nature, these employees should be able to be in direct contact with both their main offices and emergency personnel.

POLICY

Benefits can be gained, by the County, in both adopting and implementing a policy addressing cellular phones and their controlled and limited usage within specific Schuyler County Departments.

SCOPE

This procedure establishes the cellular phone acquisition and usage policy for Schuyler County.

ASSESSMENT OF NEEDS

County Departments need to be approached to more accurately ascertain the usefulness and need for this technology in their operations. If the use of a cellular phone(s) appears to be warranted, the Department Administrator will be required to submit a written justification of need in a prescribed format. This justification will be submitted for each cellular phone requested. This written documentation will be submitted to their committee, and requires a committee motion for approval.

In making this determination of need, it is suggested that the following factors be used as measures of this need. These factors would include: frequency of travel in isolated areas of Schuyler County, nature of work performed, need to have immediate contact with a main office, safety issues, productivity issues, funding available and general usefulness to departmental operations.

Once approved by the Department's Committee a cellular telephone can be ordered as set forth below and placed into use with the department. Each time a new cellular phone is requested this process is to be followed.

SELECTION OF A VENDOR

The Purchasing Specialist shall review cell phone costs and providers from time to time and make recommendations to the Legislature based on best service for our area and best cost and features provided. If change is recommended by the Purchasing Specialist it shall be taken to the committee for approval.

All County purchases of cellular telephones and related service and operating plans shall be made by the Purchasing Specialist. Purchases will be made by the Purchasing Specialist pursuant to a purchase requisition signed by the Department Administrator. The appropriate Committee approval shall be attached to the purchase requisition. The Purchasing Specialist shall maintain necessary records showing the number and type of cellular phones purchased, to whom the phones were assigned and the unassigned phones in inventory, if any.

ASSIGNMENT OF CELLULAR PHONES

Phones are to be assigned based on their approved usage. Each phone should be assigned a separate number. When and wherever possible, cellular phones within a department should be assigned to an individual employee. An individual employee assigned a phone will be required to sign a Cellular Phone Letter of Agreement. The assignment of cellular phones will not be deemed a term or condition of employment.

TRAINING

Employees need to be trained in the use of cellular phones. Department Administrators will have the responsibility of insuring that employees are adequately trained in the proper use of this equipment and the policies governing their use.

USE IN VEHICLE

County employees while operating a vehicle shall not use a cell phone, except those in law enforcement.

MONITORING OF PHONE USAGE

The use of County-owned cellular phones will be for official county business only and only when the use of other communications equipment, such as standard telephones, call boxes, two-way radios, etc., is not feasible in the effective execution of official county duties. Schuyler County should absorb the actual costs of cellular phone usage by approved units and employees. County issued cellular phones are not to be used for personal or any other business, unrelated to the user's official county duties.

Individuals supervising employees who are assigned cellular phones have the most knowledge of the anticipated business usage of these phones. Because of this working knowledge, the monitoring of cellular phone usage should be done at the lowest supervisory level appropriate. These supervisors should be provided monthly with a duplicate copy of the telephone bill. This bill should be shared with the actual employee using the cellular phone.

To aid in the monitoring of cellular telephone usage, each affected department will be required to establish a revenue/appropriation(s) sub-account(s) in their respective County budget(s) where all cellular telephone usage costs are to be recorded.

During the annual budget review process, the Purchasing Specialist will provide the County Legislature with summary information on usage of cellular phones in the county.

CONFIDENTIALITY

Cell phones are not a secure way of communicating as there are monitoring devices on the market that can pick up their signal. Each Department shall instruct their employees as to the type of information that cannot be discussed over a cell phone.

ENFORCEMENT

If it is found that a county issued cellular phone has been used for personal or any other business, unrelated to the execution of official county duties, the said user will be subject to the following actions:

1. Directed to reimburse the county for the total cost of personal and other cellular phone use, unrelated to official county business; and
2. Subject to disciplinary action at the discretion of the Appointing Authority.

4.6 County Furniture

All furniture moves such as desks, file cabinets, etc. are to be approved by the Building Maintenance Supervisor or the Deputy Building Maintenance Supervisor, and will be moved by the Buildings and Grounds department personnel. Buildings and Grounds staff have the equipment to move heavy furniture without damaging walls, floors or the furniture. The rearrangement of furniture must be reviewed to make sure it meets occupational safety and health standards.

A few days notice prior to the move is requested for scheduling. However, if there is an immediate need to have furniture moved, Buildings and Grounds will try to accommodate.

4.7 Records Retention (Resolution No. 264-98)

Public Officers Law requires that each municipality maintain a list, by subject matter, of all records in the possession of the municipality. Therefore, the Schuyler County Legislature recognizes the Records Retention and Disposition Schedule CO-2, as prepared by the NYS Education Department, as the official Subject Matter List of the County of Schuyler and all departments and agencies thereof.

4.8 Parking (Resolution No. 316-05)

Parking is available at the Schuyler County main office complex for County employees as set forth herein. No County employee will be permitted to occupy a parking space designated Visitor with either their personal vehicle or a County owned vehicle. This parking restriction applies to parking areas that are associated with an employee's assigned place of work, during such time that the employee is working. If the parking lot behind the Courthouse and office building is full or unavailable, the following areas at certain times will be available:

Watkins Glen State Park is available for parking during working hours when the Red Temporary Parking Permit is displayed in your car window (except from late June through Labor Day Holiday).

The parking lot behind the Watkins Glen Middle School will be available during summer recess.

If parking on Franklin Street, remember the time limit is two hours. Tickets will be issued by the Village of Watkins Glen.

Parking permits are available at the Human Resources Department. The Watkins Glen State Park has expressed that no one will be allowed entrance to the park without their Red Temporary Parking Permit displayed.

There will be ***no overnight parking in the parking lot during the winter months.*** Parking in the lot overnight hinders snow removal. If there is no alternative, and **ONLY** as a last resort, if an employee will need to leave their car in the parking lot, a set of keys must be left with the deputy

at the front desk and clearly marked with the type of car, license plate number, and owner of the vehicle. Any cars that we do not have keys for will be towed at the owner's expense.

4.9 Harassment Policy

The County prohibits all forms of illegal harassment of employees by managers, fellow employees, employees of outside vendors, or visitors.

The County will not tolerate harassment of its employees. Any form of harassment related to an employee's race, color, sex, sexual orientation, religion, national origin, age, physical or mental disability, or marital or veteran status is a violation of this policy and will be treated as a disciplinary matter.

For these purposes, the term "harassment" includes, but is not necessarily limited to, slurs, jokes, or other verbal, graphic, or physical conduct relating to an individual's race, color, sex, religion, national origin, sexual orientation, age, physical or mental disability, or marital or veteran status.

Harassment also includes unwelcome sexual advances, sexual demands, requests for sexual favors, and other verbal, graphic, or physical conduct of a sexual nature. Harassment does not refer to occasional comments of a socially unacceptable nature. Harassment is a form of inappropriate conduct that undermines the employment relationship. Violation of this policy by an employee shall subject him/her to disciplinary action, up to and including discharge.

The County also prohibits retaliation against any employee who rejects, protests, or complains about harassment. A complaint procedure is available to employees to report all types of harassment.

If employees feel that they are being harassed by a supervisor, co-worker, vendor, or visitor because of their race, color, sex, sexual orientation, religion, national origin, age, physical or mental disability, or marital or veteran status, they should first let the harassing person know of their objections, if possible. If the employee finds it difficult to do so, or his/her first objections do not produce results, he/she should report the problem to his/her supervisor or, if appropriate, the Human Resources Department.

If the employee experiences or witnesses harassment in the workplace, he/she should report it immediately to his/her supervisor, or Human Resources Department. All allegations of harassment will be quickly investigated. To the extent possible, the employee's confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, the employee will be informed of the outcome of that investigation.

The Human Resources Director will investigate every complaint of harassment, without bias or premature judgment. Such an investigation should include interviews with the complaining employee, the subject of the complaint, co-workers, and former employees who may have knowledge of the situation.

The investigation will include a thorough review of files and other tangible evidence. The investigator will make every reasonable attempt to rationally and objectively resolve any questions of credibility between the complaining and the accused employees.

Information obtained during the course of an investigation of harassment will be maintained in confidence. It will be released only to individuals who have a need to know it, e.g., individuals who will enable the County to investigate the charges thoroughly.

Individuals who make false statements during the course of a harassment investigation may be subject to discipline, which may include discharge. All employees are expected to cooperate fully with such investigations. Failure to cooperate fully may lead to discipline, which may include discharge. Where investigations confirm the allegations, appropriate corrective action will be taken.

The County will provide all its employees, supervisors, and managers with comprehensive sexual harassment training, which explains prohibited conduct, outlines the County's complaint procedures, and details disciplinary and corrective actions.

4.10 Violence in the Workplace/Weapons

The safety and security of the County's employees, customers, vendors, contractors, and the general public are of vital importance. Therefore, acts of violence made by an employee against another person's life, health, well-being, family, or property will not be tolerated. Employees who are guilty of acts or threats of violence will be subject to discipline, up to and including immediate termination.

The County prohibits the following:

- any act or threat of violence made by an employee against another;
- any act or threat of violence, including, but not limited to, intimidation, harassment, or coercion;
- any act or threat of violence which endangers the safety of employees, customers, vendors, contractors, or the general public;
- any act or threat of violence made directly or indirectly by words, gestures, or symbols;

The unauthorized* possession, sale, or use of weapons is prohibited on County property. This includes, but is not limited to, parking lots, buildings, County-owned vehicles, and vehicles being used for County business. Possession of weapons is also prohibited when employees are off County property but performing County business. Positions, such as law enforcement, are excluded from this policy when the weapon is a requirement of the job.

Weapons are defined as firearms, knives, explosive materials, or any other object that could be used to harass, intimidate, or injure another individual.

The County has a "zero tolerance for violence" policy. If employees display any violence in the workplace or threaten violence in the workplace, they are subject to immediate termination. No talk of violence or joking about violence will be tolerated. The County defines "violence" to include physically harming another, shoving, pushing, intimidation, coercion, brandishing weapons, and threats or talk of violence.

It is a requirement that employees report to the Human Resources Department, in accordance with this policy, any behavior that compromises the County's ability to maintain a safe work environment. All reports will be investigated immediately and kept confidential except where there is a legitimate need to know.

* - not otherwise authorized by law.

4.11 Information Security and Computing Policy (Resolution No. 200-05)

Every employee of Schuyler County will be provided with Schuyler County Information Security and Computing Policies and be required to sign a User Acknowledgement which will be kept in their personnel file in the Human Resources Department.

4.12 Information Security Breach Notification Policy

In accordance with §208 of the State Technology Law, the County of Schuyler has adopted a "Breach Notification Policy" as follows:

1. The purpose of this policy is to provide notification to persons affected that an unauthorized disclosure (breach) of personal/private/confidential information has been compromised or is reasonably believed to have been compromised.
2. This policy covers instances in which county employee's (or contractors) discover that personal information maintained by the county has been acquired by some unauthorized person or entity. Examples of personal information are: social security numbers, various personal ID numbers, account numbers, security codes, passwords, etc.
3. In the event that any officer, agent or employee, or third party contractor of Schuyler County knows, or has reason to believe, that any protected personal information has been disclosed to or obtained by unauthorized parties, such officer, agent or employee shall notify the appropriate department administrator or County Administrator. Upon notification, the department administrator or County Administrator will consult with the County Administrator, law enforcement or other appropriate agency to determine a course of action.

4.13 Health Insurance Portability and Accountability Act (HIPAA) (Resolution Nos. 42-04 and 257-04)

The County is responsible for the oversight of individually identifiable information obtained in the provision of health care services to County residents. Individually identifiable information is as described in 45 CFR Parts 160, 164, 142 and 162 – HIPAA of 1996. The County policy is to comply strictly with the letter and spirit of all laws and ethical standards applicable to the business of the County. County policy is to discipline employees found to have violated County policy covering security of protected health information according to established civil service law and union contractual obligations. The County has designated an Administrative Oversight Committee and Administrative Policy to assist with compliance and training issues. Detailed information is available in the Human Resources Department.

4.14 Smoking Policy (Resolution Nos. 597-89 and 514-94)

Schuyler County is desirous of establishing regulations within the County Buildings in compliance with the Clean Indoor Air Act 2.

The use of any form of tobacco shall be absolutely prohibited in all County-owned buildings, to include County-owned vehicles, any means of mass transportation operated by the County, and any other areas where the use of tobacco is prohibited by fire codes or State regulations.

Labor and management have agreed to voluntarily restrict smoking at least 50 feet from the main entrance of all county-owned buildings.

4.15 Drug-Free Workplace Policy

Because Schuyler County (the "County") is a federal grant recipient within the meaning of the Drug-Free Workplace Act of 1988 (the "Act"), it is required to take certain steps toward maintaining, and to certify to granting federal agencies that it maintains, a drug-free workplace. In addition the County recognizes drug and alcohol dependency as an illness and a major health problem for all employees. Accordingly the County adopts the following policy.

POLICY

The County prohibits its employees from engaging in, the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances or intoxicants in the workplace. Any employee engaged in such prohibited conduct, or convicted of a crime involving a workplace drug violation, shall be subject to discipline, up to and including discharge. The County will weigh all relevant facts and circumstances and will consider relevant legal constraints in reaching a decision as to discipline. Without regard to, and independent of, its decision to impose discipline, the County retains the right to require that a covered employee who engages in prohibited conduct participate in, and successfully complete, a drug abuse assistance or rehabilitation program. As a condition of continued employment under a federal grant, covered employees must report to their immediate Supervisor within five (5) days any criminal conviction for a workplace drug violation. In addition, any employee required to drive a licensed motor vehicle or operate motorized equipment as part of his/her employment, must report any alcohol or drug related convictions which restrict his/her driving privileges, in any way whatsoever, whether such conviction occurred on or off County premises or while conducting County or personal business. The term "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of State, Federal or Local criminal drug or alcohol statutes.

Nothing contained in this policy statement concerning covered employees shall be construed to limit, or in any way restrict, the County's treatment of drug/alcohol-related incidents involving any of its employees.

The County will establish a drug/alcohol-free awareness program to inform employees about the dangers of drug and alcohol abuse in the workplace and to review the County's commitment to maintenance of a drug/alcohol-free workplace, within the meaning of the Act, as well as the penalties that may be imposed on employees for drug and alcohol abuse violations. In addition, the drug/alcohol-free awareness program will apprise employees of the availability of drug and alcohol rehabilitation counseling through the Schuyler County Mental Health Clinic and other community agencies as may be appropriate and will review with employees relevant services available through the County's Employee Assistance Program (EAP).

Employees shall be provided with a copy of this policy statement and shall be required to acknowledge in writing to the County receipt of this policy, in addition, covered employees shall be required to acknowledge in writing attendance at the drug/alcohol-free awareness program specified in paragraph 3, above.

It is the intent of the County that possession or use of any illegal drugs will be reported to law enforcement officials and that penalties for violations of this policy be imposed as follows:

1. Unauthorized* possession or use of intoxicants or drugs (except with a doctor's prescription) on County property.
 - a. First Offense: Recommendation for counseling services. with written progress report within three months and written reprimand; or two weeks suspension without pay.
 - b. Second Offense: Two weeks suspension without pay, continued counseling with written progress report within three months; or discharge.
 - c. Third Offense: Discharge.
2. Working under the influence of intoxicants or drugs (except with a doctor's prescription).
 - a. First Offense: Two weeks suspension without pay and recommendation for counseling services with written progress report with three months; or discharge.
 - b. Second Offense: Discharge.
3. Selling of drugs and/or intoxicants on County property.
 - a. First Offense: Discharge.

*Counseling services must be through a duly recognized Alcoholism or Substance Abuse Service Agency.

The County offers an Employee Assistance Program (EAP) that is totally confidential and available to all employees and their immediate families. The EAP provides professional services to employees whose job performance is, or may be, adversely affected by alcoholism, emotional difficulties, drug dependence, family discord or other personal problems.

* - not otherwise authorized by law.

4.16 Complaint Procedure/Retaliation

Employees who have a job-related issue, question, or complaint should first discuss it with their immediate supervisor. If the issue cannot be resolved at this level, then the issue should be referred to the Department Administrator. Employees are encouraged to contact the Human Resources Department for issues, questions or complaints that cannot be resolved at the department level.

The County will not tolerate unlawful retaliation against any employee who files a complaint, supports a co-worker in a complaint, or speaks as a witness in the investigation of a complaint. It is also prohibited to discharge or in any manner discriminate against an employee who gives information about an alleged employer violation, causes a proceeding to be instituted against an employer, or testifies in a proceeding concerning an employer violation.

Employees who experience retaliation in the workplace are encouraged to report it immediately to Human Resources. All allegations of retaliation will be investigated. When the investigation is completed, anyone found guilty of retaliatory conduct will be subject to discipline, up to and including discharge.

4.17 Separation from Employment and Exit Interviews (Resolution Nos. 97-96 and 288-95)

Employees leaving Schuyler County positions are to submit a letter of resignation/retirement to their Department Administrator, stating the last day of employment. Employees are expected to give at least two weeks advance notice. When possible, earlier notice will be helpful and appreciated.

Upon receiving notice, the Department Administrator is to complete an MSD426A form, attach the original letter of resignation/retirement to it and submit it to the Civil Service Department.

The Human Resources Department will conduct exit interviews with all employees leaving County employment to discuss the employee's reasons for leaving and any other impressions that the employee may have about Schuyler County. Records of exit interviews will be maintained as he/she deems necessary. All coverage rights will be explained at exit interview. Also at that interview, the employee is to return the County Photo ID badge, parking permit, keys, cell phones, pagers, etc. issued to the employee by the County.

The effective date of termination on the personnel change form (MSD426A) is to be the employee's last actual day of continuous employment. The termination date is not to be moved back to allow for accrued leave. The only benefits paid after separation from County employment are compensation for unused, accumulated vacation time and compensatory time, where applicable. The number of hours to be paid upon separation is to be stated under "Remarks" on the MSD426A. However, the date of termination is not to be extended to reflect the amount of time for which the employee is to be compensated.

In the case of a probationary employee, immediate removal may be made by the appointing authority upon written notification to the employee of his/her unsatisfactory performance, and that the employee shall receive one week's salary in lieu of being required to report for work.

4.18 References

It is the policy of Schuyler County not to provide written or verbal recommendations or opinions upon the work performance of former employees. Any such requests for references will be promptly responded to in accordance with this policy.

5 COMPENSATION AND BENEFITS

See appropriate bargaining agreement booklet for information on wages, longevity, overtime, promotion, etc.

All Schuyler County Employees not covered by a bargaining agreement, except those in the Sheriff's and Highway Departments, shall receive the employee benefits provided in the Administrative Unit bargaining agreement in all matters not otherwise resolved. Schuyler County Employees not covered by a bargaining agreement within the Sheriff and Highway Departments shall receive the employee benefits provided under the respective departmental bargaining agreements in all matters not otherwise resolved.

5.1 Time Card Policy (Resolution Nos. 149-95, 334-96, 57-95 and 178-00)

All employees are responsible for submitting time cards to their supervisors on a bi-weekly basis. Time cards are to be submitted to the Office of the County Treasurer no later than 1:00 P.M. every other Monday. When the Monday that time cards are due is a holiday, they will be due by 1:00 P.M. on Tuesday. The Department Administrator or designee is responsible for making sure time cards are delivered in a timely manner and properly completed including the correct payroll dates.

Employees who complete their own time cards should complete their cards and sign them on their last scheduled workday of the pay period prior to submission to their Department Administrator or designee. Time cards which are completed by an authorized individual other than the employee should be carefully checked for errors by the employee before signing. Special care should be given to the classification of any leave or benefit time by both the employee and the Department Administrator or their designee. Time cards will stand as submitted. There will be NO changes to benefit or leave time after the payroll has been processed with the exception of reimbursements for disability or worker's compensation time previously listed as sick time.

TIME CARDS NOT SUBMITTED ON TIME WILL NOT BE PAID UNTIL THE FOLLOWING PAY PERIOD

Departments should have one person other than the Department Administrator authorized to approve time cards. A letter should be provided to the Treasurer's Office designating the authorized person.

Time cards presented to the Treasurer's Office without the correct payroll dates will not be processed.

Authorization to have a paycheck issued prior to payday shall be made by Department Administrators or their designee, only.

Payroll and time card records for all departments shall be stored in the Records Management Office.

5.2 Fair Labor Standards Act – Salary Basis Policy

The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States be paid at least the federal minimum wage for all hours worked, and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

However, Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional and outside sales employees. Section 13(a)(1) and Section 13(a)(17) also exempt certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455 per week. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the Department of Labor's regulations.

Salary Basis Requirement

To qualify for exemption, employees generally must be paid at not less than \$455 per week on a salary basis. These salary requirements do not apply to outside sales employees, teachers, and employees practicing law or medicine. Exempt computer employees may be paid at least \$455 on a salary basis or on an hourly basis at a rate not less than \$27.63 an hour. Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work. If the employer makes deductions from an employee's predetermined salary, i.e., because

of the operating requirements of the business, that employee is not paid on a “salary basis.” If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

Circumstances in Which the Employer May Make Deductions from Pay

Deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions (see Company Policy on penalties for workplace conduct rule infractions). Also, an employer is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made.

County Policy

It is our policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that the company does not allow deductions that violate the FLSA.

What To Do If An Improper Deduction Occurs

If you believe that an improper deduction has been made to your salary, you should immediately report this information to your direct supervisor, or to the payroll division of the Treasurer’s Office. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

Additional Information

Additional information concerning the topics herein may be obtained from the Human Resources Department, the United States Department of Labor, or any other authoritative source chosen by the employee.

5.3 Reallocation Downward (Resolution No. 333-96)

It may, at times, become necessary to reallocate employees to different positions than they currently hold. In an effort to equitably calculate the salary of an employee reallocated to a lower grade, the Human Resources Department will take the difference between the employee’s current salary and the base salary for the current grade, and add that amount to the base salary of the grade of the position to which the employee is being transferred.

6 GROUP HEALTH AND RELATED BENEFITS

See appropriate bargaining agreement booklet for information on employee contribution towards health insurance and prescription drug plan configuration.

All Schuyler County Employees not covered by a bargaining agreement, except those in the Sheriff's and Highway Departments, shall receive the employee benefits provided in the Administrative Unit bargaining agreement in all matters not otherwise resolved. Schuyler County Employees not covered by a bargaining agreement within the Sheriff and Highway Departments shall receive the employee benefits provided under the respective departmental bargaining agreements in all matters not otherwise resolved.

6.1 Health Insurance

The County maintains a comprehensive insurance program which provides medical, dental and vision benefits for the protection of all eligible employees. Complete details of these insurance benefits are provided in the Human Resources Department. All full-time and less-than-full-time employees are eligible for this program. If hired on or before the 18th of the month – an eligible employee shall become a participant of the Plan on the 1st of the month following date of hire. If hired after the 18th of the month – an eligible employee shall become a participant in the Plan on the second 1st of the month following date of hire. No medical examination is required of any employee except Sheriff Department Deputies per Civil Service Law.

6.2 Disability Insurance

The County provides disability insurance coverage to its employees. Disability benefits are payable for any non-work related injury or illness (including disability due to pregnancy) beginning on the 8th consecutive day of disability. Benefits are payable for up to 26 weeks. A “day of disability” is one on which the employee was prevented from performing work because of disability and for which he/she has not received regular wages or remuneration.

To claim benefits, the employee should file with the County's Human Resources Department within 30 days from the first day of disability. Any sick leave that the employee has accumulated prior to the disability leave must be used before he/she can be paid disability benefits. This shall include the sick leave bank, if applicable.

6.3 Worker's Compensation Insurance

Workers' Compensation insurance provides benefits for job-related injuries. All employees are covered including all elected and/or appointed officers, and the entire cost of this insurance is paid by the County. Coverage begins with the first day of employment. Our Workers' Compensation insurance costs are based on the number of injuries the County suffers. The lower our injury rate, the lower our costs, which means that more money can be put back in the County for the benefit of it and our employees.

One way to keep our Workers' Compensation costs under control is to work safely and follow all rules and regulations. The County will enforce all safety rules, and employees who violate them will be disciplined, up to and including termination.

Employees should report injuries immediately so that they can receive fast and effective treatment.

Regardless of the nature or severity, all injuries incurred while on the job must be reported to the Supervisor immediately. The Supervisor will complete a report of accident and a C-2 form to be filed with the Human Resources office within ten (10) days of injury in order to trigger the

employee's right to Workers' Compensation benefits. Forms for reporting injuries may be obtained in the Human Resources office. Any face or head injury must be reported on Workers' Compensation Board forms; the county is required to file with New York State.

Should any employee sustain a work-related injury, our Workers' Compensation insurance will provide medical coverage and income replacement for the period of the employee's disability, as required by law. An employee injured while on the job and sent home, will be paid for the remainder of the work day.

When an employee is on Workers' compensation, health benefits and insurance are not affected; the employee does not have to pay health insurance premiums.

There is a five working days waiting period during which no payments will be made. However, if the employee is off fourteen (14) working days or more, he/she will be paid from the first day of work loss. Employee may choose to use accrued sick time to cover the five working days.

6.4 Retiree Health Insurance (Resolution Nos. 126-96 and 268-03)

The County maintains a comprehensive insurance program which provides medical, dental and vision benefits for all eligible retirees. To be eligible for retiree health insurance benefits, the employee must qualify for public employee pension under New York State and Local Employees' Retirement System. Elected officials, who may or may not exercise their option to participate in the retirement system shall be required to have ten years service in Schuyler County and to have attained age 55 to qualify for retiree health insurance benefits.

Upon retirement, an employee who elects not to participate in the County's insurance program for retirees shall not be eligible to participate at a later date.

Employees who have retired or resigned prior to attaining the age of 65 years and are not yet eligible for Medicare benefits and then become eligible for Medicare benefits due to Disability or attaining the age of 65 years are responsible to notify the Human Resources Department that they are Medicare eligible. A copy of the Medicare card must be given to the Human Resources Department and is sent to the health insurance carrier. Upon notification, Medicare Credit (determined annually) will be granted to each eligible insured.

If the insured does not notify the Human Resources Department in a timely manner, the Medicare Credit will only be granted based on the health insurance carrier's rules for reimbursement.

In the case where an employee retires from the County, and then becomes an active employee eligible for county benefits, the employee must first continue to apply his retiree sick leave credits (See 7.6 below) against the active employee insurance plan. When the employee then ceases his employment, he shall revert back to the appropriate retiree health insurance group as offered upon retirement at the then current retiree premium rates/benefits.

6.5 Insurance - Late Payments (Resolution Nos. 63.96 and 151-98)

County policy allows cancellation and termination of eligibility to any employee, retiree, eligible spouse of a retiree, or former employee in the County's health insurance program, if they become 30 days delinquent in payment of their required premium.

Any employee, retiree, eligible spouse of a retiree, or former employee eligible for coverage per COBRA law who is required to pay the full premium for health insurance, or a portion thereof, must make insurance premium payments when due. A notice will be send to each person who becomes delinquent in payment, 10 days after the due date, reminding them that payment is due immediately or their coverage will be canceled and eligibility for coverage terminated. Thereafter, if health insurance payments are 30 days delinquent, the health insurance coverage shall be canceled and eligibility for coverage terminated.

6.6 COBRA Notification

According to the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, in the event of your termination of employment with Schuyler County or loss of eligibility to remain covered under Schuyler County's group health insurance program, employees and their eligible dependents may have the right to continued coverage under Schuyler County's group health insurance program for a limited period of time at their own expense. Consult the Human Resources Department for information.

7 TIME-OFF BENEFITS

See appropriate bargaining agreement booklet for information on county paid holidays, vacation time, sick time, bereavement leave and leaves of absence.

All Schuyler County Employees not covered by a bargaining agreement, except those in the Sheriff's and Highway Departments, shall receive the employee benefits provided in the Administrative Unit bargaining agreement in all matters not otherwise resolved. Schuyler County Employees not covered by a bargaining agreement within the Sheriff and Highway Departments shall receive the employee benefits provided under the respective departmental bargaining agreements in all matters not otherwise resolved.

7.1 Medical Leave of Absence

All employees returning to work from any absence compensable by Workers' Compensation or Disability shall first report to the Human Resources Office. The original written doctor's statement indicating approval to return to the duties which the employee's position requires must be provided before being permitted to return to work. Any request to return with restricted duties or reduced schedules must have prior approval by the Department Administrator and the Human Resources Department before such adjustment will be allowed.

Department Administrators shall report any absences from work in excess of five (5) consecutive work days to the Human Resources Department.

7.2 Jury Duty/Subpoenas

The County does not discriminate against, penalize, threaten, or coerce employees who are on jury duty. Employees must give advance notice of the need for time off for jury duty. A copy of the summons should accompany the request.

The County pays employees for Jury Duty for each day served at their regular rate of pay. Upon receipt of a Jury Duty paycheck (paid by the courts) which also includes travel pay, the employee must reimburse the County their Jury duty pay portion only (**not** the travel pay portion). If the employee opts to use a Vacation/Comp/Personal day in lieu of receiving pay from the County at their regular rate, then they **do not** have to reimburse the County their Jury Duty Pay or Travel Pay.

If employees are excused from duty early or are not required to be present in court, they are expected to be on the job. If their absence would result in a hardship to the County, we may petition the court to excuse them from jury duty.

Employees subpoenaed into court shall be granted a leave of absence with pay with no charge against leave credits, except when a party to the action, in accordance with Civil Service Law Section 28-1.9.

7.3 Voluntary Fire and Ambulance Duty (Resolution Nos. 109-91 and 24-69, respectively)

Any officer or employee of the County of Schuyler, who is a member of a volunteer fire department in one of the towns or villages of Schuyler County, or is a volunteer member of the Schuyler County Ambulance Corps., is granted a leave of absence with pay for such period as he/she may be called from his/her job to render such service on an emergency basis. It is understood that employees will respond to only emergency situations when needed.

7.4 Military Reserves or National Guard Leaves of Absence (USERRA)

As an Equal Opportunity Employer, Schuyler County is committed to providing the basic employment and reemployment services and support as set forth in the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

The County shall reemploy service members returning from a period of service in the uniformed services if the individual meets the following criteria:

- The employee gave as much advance verbal or written notice to the employer as possible, unless such notice was precluded by military necessity.
- The individual had five years or less of service in the uniformed services.
- Return to employment or application to return following service occurred as set forth in USERRA 38 U.S.C 4301-4334.
- The individual was not separated from service with a disqualifying discharge or under other than honorable conditions.

Service members and service applicants shall not be subject to discrimination and retaliation.

Service members are able, but not required, to use accrued vacation while performing military duty.

An employee who leaves employment for uniformed service has the right to elect to continue health insurance, family or individual, for up to 24 months. Such election shall be made within 60 days from date of leave. For military service of less than 31 days, health care coverage is provided as if the service member had remained employed. Thereafter, the service member has

the option to continue coverage at the full cost thereof. If they do not elect continuation coverage, the county shall reinstate the employee in the plan upon their reemployment, without waiting periods or exclusions.

All pension plans are protected by USERRA. A service member must have been employed by the county within six months prior to entering the military. If military service exceeds 180 days, the service member must have applied for reemployment with the same employer within 90 days from the discharge date. While an employee is on uniformed services leave of absence, the County's contributions to the employee's retirement plan will cease. Upon reemployment as provided in this policy, the County will make all contributions (the County's and any required but not made by the employee) that have accumulated in the interim. Employees will be given three (3) times the period of their leave, but not longer than five (5) years to make up contributions to the plan that they missed while on leave.

The returning service member shall be eligible for reemployment with length of service credited from date of hire for the purpose of determining benefits eligibility.

7.5 Family and Medical Leave Act

It is the policy of Schuyler County to allow its employees to apply for and be considered for leave time in accordance with the Family and Medical Leave Act of 1993. All requests for leaves of absence should be submitted in writing to management and the Human Resources Department.

FAMILY AND MEDICAL LEAVE POLICY

This is a summary of the County's current policy for implementing the Family and Medical Leave Act of 1993 ("FMLA"). Words and phrases used in this policy have the meanings established for them under the Law.

The FMLA permits the County to make implementation decisions in light of its own Policies and Procedures, Bargaining Units, and overall approach to employee benefits. Accordingly, this policy may be changed from time to time, without prior notice as the County may determine in its sole discretion, to the extent permitted by Law. Nothing contained in this policy may be construed as a contract, including but not limited to a contract of employment.

Eligibility for Leave. An employee is eligible to request available FMLA leave if

- a). He/She has been employed by the County for at least 12 months, and has worked at least 1250 hours during the 12- month period immediately preceding the leave, and
- b.) The County employs at least 50 employees within 75 miles of the employee's worksite.

Qualifying Circumstances for Leave. An eligible employee is entitled to take FMLA leave for one or more of the following:

New Child: Because of the birth of a son or daughter of the employee and in order to care for such son or daughter, or because of the placement of a son or daughter with the employee for adoption or foster care; or

Serious Health Condition of Family Member: In order to care for the employee's spouse, or a son, daughter or parent (but not parent "in-law") of the employee, if such family member has a "serious health condition"; or

Serious Health Condition of Employee: Because of a "serious health condition" that makes the employee unable to perform the functions of his or her position.

NOTE: "Serious health condition" has a special definition under the Law.

Amount of Leave Available. Eligible employees are limited to a total of 12 workweeks of FMLA leave during any 12 month period. This is a "rolling" 12 month period which is measured backwards from the dates of any requested leave. For example, an employee who has taken 8 weeks of leave during the past 12 months is now limited to 4 more weeks of leave.

Leave for a new child cannot be taken later than 12 months after the birth or placement of the child. Leave because of a serious health condition can only be taken during such time as there is a serious health condition. If a husband and wife are both eligible employees, they are limited to a combined total of 12 workweeks of leave during a 12 month period if the leave is taken for a new child or to care for a parent with a serious health condition.

FMLA Leave is Unpaid. FMLA leave, meaning leave available to employees under this policy, is always unpaid leave. However, if paid leave is available to the employee under the same circumstances pursuant to a different law or County policy and procedures and Bargaining Units, that paid leave must be taken concurrently with the FMLA leave. (See "Available Leaves Must Be Taken Concurrently", below) As a result, employees may receive pay during some or all of their FMLA leave depending upon whether and to what extent paid leave is otherwise available to them.

Benefits While on FMLA Leave.

- (a). **Health Benefits:** The County will maintain an employee's health benefits during FMLA leave on the same terms and conditions as if the employee had not taken leave.

If the employee normally pays some or all of the benefit costs, he or she must continue making those payments during the leave. This may be done by payroll deduction, to the extent the employee is taking paid leave concurrently with the FMLA leave. In all other cases, the employee must make advance payment arrangements with the County and must fully comply with those arrangements throughout the leave or risk termination of the health benefits.

If FMLA leave expires and the employee does not return to work (normally for at least 30 calendar days), and does not have a valid excuse as defined by law, the County may recover any benefit payments it has made on the employee's behalf during the leave.

- (b). **Pension or Retirement Vesting:** FMLA leave will be treated as continuous service (i.e. no break in service) solely for purposes of vesting and eligibility to participate in any applicable pension or other retirement program.

No Other Benefits. Employees do not receive or accrue any other employment benefits while on unpaid FMLA leave, and accrue no seniority, unless this is specifically provided by a different County policy or Bargaining Unit. However, to the extent that an employee is taking paid leave concurrently with FMLA leave, any benefits or accruals which may be associated with that paid leave will be in effect for the duration of that paid leave.

Return To Work. It is a basic assumption of both the FMLA and this policy that employees request leave with the expectation of returning to work at the conclusion of the leave. An employee is not entitled to FMLA leave if it is their

intention not to return to work, and all employees who request leave are deemed to be making an express representation to the County that this is not their intent. The County may periodically require employees who are on FMLA leave to report on their current status and plans for returning to work.

Upon returning from FMLA leave, employees will either be restored to their prior position, with the same pay and benefits, or, in the County's discretion, to an equivalent position which has equivalent benefits, pay, and other terms and conditions of employment. Exceptions may be made in the case of salaried employees who are among the highest paid 10 percent of all County employees within 75 miles of that worksite. Job restoration may be denied to these employees to prevent substantial and grievous economic injury to the County's operations. If this decision is made, the County will notify the employee as soon as possible.

Advance Notice By Employees. When the need for leave is foreseeable, employees must give the County at least 30 days' advance notice before taking the leave or the leave may be delayed. Shorter notice is allowed only to the extent necessary under the circumstances. Notice should be given to the Human Resources Director (or Designee), and it must include sufficient factual information for the County to decide whether there are qualifying circumstances. As soon as possible after receiving the notice, the County will provide information about the leave and the employee's obligations concerning the leave.

If leave is requested because of the serious health condition of a family member or the employee, and the leave is based on planned, foreseeable medical treatment, the employee must make a reasonable effort to schedule the treatment to avoid unreasonable disruption of Department operations, subject to the approval of the health care provider.

Intermittent or Reduced Work Schedule Leave. In most cases, employees will take FMLA leave in a single, continuous block of time. Leave for a new child may be taken on an intermittent or reduced work schedule basis only if this is agreed to by the County, in its sole discretion. Employees are entitled to take intermittent or reduced work schedule leave without County consent **only** if the leave is because of the serious health condition of a family member of the employee, and the intermittent or reduced leave schedule is medically necessary. For example, if an employee with cancer needs to receive chemotherapy for three hours every Wednesday afternoon, but is able to work the rest of the week, an intermittent (recurring) schedule of three hours of FMLA leave each week may be appropriate.

If an employee has taken FMLA leave on an intermittent or reduced work schedule basis because of planned, foreseeable medical treatment, or, with the County's consent, for child rearing purposes during the first 12 months after the birth or placement of a child, the employee may be temporarily assigned to a different position which better accommodates the leave schedule and is equivalent to the employee's normal position under the circumstances.

Medical certifications. Employees who request leave because of a serious health condition may be required to submit a supporting certification by the relevant health care provider. Among other things, the certification must establish that the employee or family member does in fact have a "serious health condition" and that this condition requires the employee's absence from work. If leave is being requested on an intermittent or reduced schedule, the certification must also establish the medical necessity for that schedule. The County may require subsequent recertification throughout the period of FMLA leave.

Certification forms will be supplied by the Human Resources Director (or Designee). The employee must make diligent efforts to submit the completed certification as soon as possible, no later than 15 calendar days after receiving the form unless strictly necessary under the circumstances. If the County disagrees with the certification submitted by the employee, it may obtain a second opinion. If the employee disagrees with the second opinion, the County and employee will mutually select a third health care provider to render an independent opinion at the County's expense, which opinion shall be binding.

Available Leaves Must Be Taken Concurrently. This section states the County's current rules for coordinating the unpaid FMLA leaves available under this policy with paid leaves that may be available to employees under any other County policies, practices or Bargaining Units. All other County policies and procedures and bargaining units with regard to paid leaves, whether fully or partially paid, are hereby amended to the extent necessary to make them consistent with these rules.

- a). To the extent that an employee is entitled to take unpaid FMLA leave pursuant to this policy, and under the same circumstances is also entitled to take one or more kinds of paid leave pursuant to other County policies, practices or bargaining units, FMLA leave and paid leave must be taken concurrently.
- b). Unpaid FMLA leaves and paid leaves are available under the same circumstances as follows:
 - (1) If the employee is entitled to take FMLA leave for a new child or because of a serious health condition of a family member, and the employee is otherwise entitled to take some amount of paid vacation leave, personal leave or family leave, both the FMLA and paid leaves must be taken concurrently.
 - (2) If the employee is entitled to take FMLA leave because of a serious health condition of a family member or the employee, and the employee is otherwise entitled to take some amount of paid vacation leave, personal leave, medical leave, sick leave or disability leave because of the same health condition, both the FMLA and paid leaves must be taken concurrently.
- c). Taking leaves concurrently means that the leaves are used up simultaneously, with each leave continuing in full effect pursuant to the relevant County Policies and Procedures and Bargaining Units for so long as the employee continues to be away from work and entitled to take that particular leave.

If an employee is entitled to take more than one kind of paid leave under the same circumstances as unpaid FMLA leave (for example: If both paid vacation leave and paid personal leave are available to the employee under the circumstances of Rule B(1) above, the paid leaves must be used one at a time. The employee must use at least one available paid leave, for so long as at least one of them is still available, at all times when he or she is taking FMLA leave. Employees may decide the sequence in which paid leaves will be used unless this is determined by law or the relevant County policies, practices, or bargaining units. Employees entitled to more than one form of available paid leave should advise the County of these decisions when requesting leave by informing their Department Administrator so that an MSD 426 (Pink Slip) can be prepared and submitted to the Civil Service Department for processing.

These rules apply regardless of whether the employee requests FMLA leave or available paid leave. In either case, the leaves must be taken concurrently in accordance with these rules. For example, if an employee requests paid disability leave during pregnancy and the disability period lasts 8 weeks, the employee must also take 8 weeks of unpaid, concurrent FMLA leave because of a serious health condition. If the employee thereafter requests additional FMLA leave under this policy for care of her newborn child, her remaining FMLA leave entitlement is now 4 weeks. While taking the FMLA child rearing leave, the employee must also take any paid vacation or personal leave which may be otherwise available to her. If some paid vacation or personal leave is still left at the end of the 4 weeks, the employee may continue taking such leave until it is used up subject to the requirements of the County Policies and Procedures, Bargaining Units that govern such leave.

7.6 Sick Leave – Unused Leave Credits (Resolution No. 380-78)

The County has elected to provide the benefits of Section 41, sub-division-j of the Retirement and Social Security Law by granting allowance for unused sick leave for eligible employees. Unused sick leave may be added to credited service and used in the benefit calculation. Up to 165 days of unused, unpaid sick leave may be credited. The additional credit results in a small increase in the retirement benefit. The credit is calculated on a 30-day calendar month basis (165/30 days = 5.5 months - .46 years additional credit). The additional service cannot be used to meet eligibility requirements for retirement or for an improved benefit.

7.7 Retirement Credit for Elected or Appointed Officials

All elected or appointed officials who are claiming hours under Tiers 2, 3 and 4 are to keep a record of their hours worked on a monthly basis, based on a seven hour work day (35 hour week), and sign and submit same on a monthly basis on or before the 4th day of each month to the Schuyler County Treasurer. The Treasurer will convert the number of hours worked based on a 35-hour work week and submit appropriate adjustment forms for any individual's hours who have heretofore been incorrectly submitted.

8 EXPENSES

8.1 Travel Requests/Central Garage (Resolution No. 344-03)/Expense Reimbursement

All Schuyler County employees must submit a travel request form for permission for all travel on county business, including out of state travel, whether reimbursement is requested or not. A copy of the documentation describing the travel, as well as any costs involved, shall be attached to the request form. Travel requests forms are provided and approved by the County Administrator's Office.

Mileage

Schuyler County has established a Central Garage Division in the County Highway Department which provides county-owned vehicles to be used by employees for county business.

The first option for travel reimbursement must include a request to use any available Central Garage vehicle before any personal vehicle will be eligible for reimbursement. In the event a Central Garage vehicle is not available, an employee shall be reimbursed mileage for use of their own personal vehicle as set forth in the applicable bargaining agreement, upon presentation of a properly executed voucher including odometer readings. Mileage will not be reimbursed for in-county travel, unless client related such as client transportation, client visitation, inspection services, meal deliveries, etc.

No mileage reimbursement shall be paid to any employee for travel from his or her home to their normal place of business. Additionally, no mileage reimbursement shall be paid for any travel between various county offices other than provided by law, or specifically client related services such as client transportation, visitation, inspection services or meal deliveries.

Meals and Other Expenses

County employees may be reimbursed for expenses, such as meals, parking, tolls, registration, lodging, etc. upon presentation of properly documented vouchers with original receipts and approved travel requests.

Meal expenditures shall be reimbursed with the following limits:

Breakfast	\$8.00
Lunch	\$13.00
Dinner	\$20.00

The aforementioned amounts are the maximum amounts that will be paid for any one given meal except under one of the following circumstances:

1. You are required to purchase all three of your meals for a given day and have been authorized the maximum amount of \$41.00, you may divide the cost any way you wish so long as the total meal allowance for the day does not exceed \$41.00, however, you must have original receipts and approved travel request attached to your reimbursement voucher or reimbursement will be denied.
2. You are attending a conference, breakfast, lunch, dinner meeting or banquet outside the County for which you have no control over the cost of the meal or what can be ordered, but must purchase a ticket at the price offered and eat whatever is served. Under the aforementioned circumstances there will be no set limit for meal reimbursement, however, you must still attach to your reimbursement voucher either your original conference receipt or meal receipt and approved travel request or reimbursement will be denied.

Other expenses such as parking, tolls, registration, lodging, etc. shall be reimbursed upon presentation of a properly documented voucher with original receipts and approved travel requests.

County-Owned Vehicles

Certain County employees are provided a county owned vehicle to perform these services. Such vehicle being used by an employee shall not be used for personal business. All County vehicles are to have the County seal prominently displayed on the vehicle.

Additionally, anyone driving a County vehicle will abide by the following safe driving standards:

- Safe, defensive driving at all times.
- Maintenance of a valid driver's license.

- Always use a seat belt and advise passengers accordingly.
- Never drive under the influence of drugs or alcohol or use tobacco in the vehicle.
- Never drive while using a cellular phone in accordance with the County Cell Phone Policy in 4.5 above.
- Inspect vehicle prior to driving and report any mechanical problems or body damage immediately.
- Report any on-the-job accidents or moving violations regardless of when they occur to the supervisor immediately and cooperate fully with insurance claim investigation.
- Report any medical conditions and/or doctor prescribed medications that may impact ability to operate vehicle.

It is understood that the County's administration may check anyone's driving record, if using a county-owned vehicle, at any time they deem appropriate. Failure to comply with the above described standards may result in loss of use of a county-owned vehicle and disciplinary action up to and including termination.

8.2 Purchasing/Fixed Assets (Resolution Nos. 196-99 and 120-02, respectively)

Every county employee is to follow the guidelines for purchases and fixed assets as set forth in the County Purchasing Division's Policies and Procedures.

8.3 Expense Reimbursement for Volunteers

A Department Administrator may submit a travel request form for permission to reimburse a volunteer for certain county-related travel expenses to the County Administrator. Approved requests shall follow the mileage and meal reimbursement guidelines and requirements as established by the County Legislature.

8.4 Notary Public Fees (Resolution Nos. 127-82 and 338-93)

The County recognizes that there will be a change in personnel in the various offices from time to time and that it becomes necessary to have some staff certified as Notary Publics. Schuyler County will provide one (1) initial payment of the required fee, travel to and from the place of examination, the required filing fees and renewal fee with the County Clerk.

8.5 Uniforms

See appropriate bargaining agreement booklet for information on uniform allowance.

Any employee entitled to a clothing allowance may use the employer's vendors to purchase clothing and have the vendor bill the Employer through the Purchasing Department. If an employee chooses not to use the Employer's Purchasing Department, then all clothing purchases will be subject to taxes and the taxes shall not be reimbursed by the Employer.

9 ACKNOWLEDGMENT

I acknowledge that I have received a copy of the Schuyler County Employment Policies, and I do commit to read and follow these policies.

I am aware that if, at any time, I have questions regarding Schuyler County policies I should direct them to my supervisor or the Human Resources Department.

I know that Schuyler County policies and other related documents do not form a contract of employment and are not a guarantee by Schuyler County of the conditions and benefits that are described within them. Nevertheless, the provisions of such Schuyler County policies are incorporated into the acknowledgment, and I agree that I shall abide by its provisions.

I also am aware that Schuyler County, at any time, may on reasonable notice, change, add to, or delete from the provisions of the County policies.

Employee's Printed Name

Position

Employee's Signature

Date